



Committee:
ETHICS AND ELECTIONS

Senator Latvala, Chair
Senator Sobel, Vice Chair

Meeting Packet
Monday, March 17, 2014
4:30—6:00 p.m.
Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Latvala, Chair
Senator Sobel, Vice Chair

MEETING DATE: Monday, March 17, 2014
TIME: 4:30 —6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Latvala, Chair; Senator Sobel, Vice Chair; Senators Benacquisto, Braynon, Clemens, Diaz de la Portilla, Flores, Gardiner, Joyner, Lee, Legg, Soto, and Thrasher

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated. See attached documentation for Tabs 1-23.			
Florida Building Commission			
1	Compton, David L. (Lutz)	01/13/2017	
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling			
2	Cavitt, William F. (Panama City)	10/31/2017	
Florida Commission on Community Service			
3	Glickman, Susan (Belleair Beach)	09/14/2015	
	Rovira-Forino, Maritza (Tampa)	09/14/2014	
	Seevers, Sarah E. (Destin)	09/14/2014	
Board of Trustees of Daytona State College			
4	Davis, Robert C. (Port Orange)	05/31/2017	
	Giles, Bradley S. (Ormond Beach)	05/31/2017	
	Haas, Mary Ann (Flagler Beach)	05/31/2017	
Board of Trustees of Florida State College at Jacksonville			
5	Fullwood, Latasha (Jacksonville)	05/31/2017	
	Majdanics, Thomas J. (Jacksonville)	05/31/2017	
	Mayo, Jimmie L. (Fernandina Beach)	05/31/2015	
	White, Patricia F. ()	05/31/2017	
Board of Trustees of Florida Keys Community College			
6	Koenig, Timothy J. (Key West)	05/31/2017	
Board of Trustees of Hillsborough Community College			
7	Diehl, Arthur F. III (Tampa)	05/31/2017	
	Reid, Randall H. (Tampa)	05/31/2017	
Board of Trustees of Florida Gateway College			
8	Brannan, Robert C. III (Macclenny)	05/31/2015	
	Lander, Lindsey (Trenton)	05/31/2014	

COMMITTEE MEETING EXPANDED AGENDA
 Ethics and Elections
 Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Board of Trustees of State College of Florida, Manatee-Sarasota			
9	Bailey, Edward (Palmetto)	05/31/2017	
	Hager, Marlen J., Jr. (Bradenton)	05/31/2017	
Board of Trustees of North Florida Community College			
10	Benoit, Ann Sharon (Greenville)	05/31/2015	
	Gunter, Dawn Elizabeth (Perry)	05/31/2015	
	Washington, William D. (Pinetta)	05/31/2014	
	Wright, Lloyd Gary (Monticello)	05/31/2015	
Board of Trustees of St. Johns River State College			
11	Davis, Wendell D. (Fleming Island)	05/31/2017	
	Webb, Mary Ellen (St. Augustine)	05/31/2017	
Board of Trustees of Valencia College			
12	Boyce, Lucas Daniel (Orlando)	05/31/2015	
	Carlson, Bruce A. (Celebration)	05/31/2015	
	Lopez-Cid, Daisy (Kissimmee)	05/31/2016	
Construction Industry Licensing Board			
13	Lawson, Keith O. II (Quincy)	10/31/2016	
Secretary of Corrections			
14	Crews, Michael D. ()	Pleasure of Governor	
Commission on Ethics			
15	Ford, Ivan Martin ()	06/30/2015	
	Maurer, Susan Horovitz (Ft. Lauderdale)	06/30/2015	
	Robison, Linda M. (Pompano Beach)	06/30/2015	
	Weston, Stanley M. (Jacksonville)	06/30/2015	
Florida Housing Finance Corporation			
16	Dubuque, Ray E. (Panama City)	11/13/2016	
	Hawthorne, John D., Jr. (Lake Placid)	11/13/2016	
	Katz, Brian J. (Tampa)	11/13/2016	
	Tylka, Leonard "Len" A., Jr. (Jupiter)	11/13/2016	
Florida Commission on Human Relations			
17	Daniel, Clyde Derick (Tallahassee)	09/30/2017	
Board of Medicine			
18	Di Pietro, Nina (Oakland Park)	10/31/2016	
	Fernandez, Bernardo B. (Davie)	10/31/2016	

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Ginzburg, Enrique (Miami Beach)	10/31/2016	
	Rosenberg, Steven (Palm Beach)	10/31/2015	
	TerKonda, Sarvam P. (Jacksonville)	10/31/2016	
	Tootle, Joy A. (Gainesville)	10/31/2016	
Board of Nursing Home Administrators			
19	Gerrity, Henry III (Winter Springs)	10/31/2016	
	Hankerson, Christine (Wesley Chapel)	10/31/2014	
Board of Orthotists and Prosthetists			
20	Gooljar, Ruphlal R. (St. Augustine)	10/31/2014	
	Griner, Addam C. (New Port Richey)	10/31/2015	
Florida Real Estate Commission			
21	Chotas, Elias Nicholas (Edgewood)	10/31/2016	
	Fryer, Richard T. (Lake Mary)	10/31/2017	
Board of Professional Surveyors and Mappers			
22	Conkling, Frank James (Palm Beach Gardens)	10/31/2017	
	Talbott, Patrick (Lake Placid)	10/31/2017	
Board of Trustees, University of South Florida			
23	Hopes, Scott L. (Homestead)	01/06/2018	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
24	CS/SB 692 Regulated Industries / Stargel (Similar CS/H 713)	Engineers; Revising requirements for membership on the Board of Professional Engineers; authorizing the professional and technical engineering societies to provide a list of qualified nominees for consideration as board member appointments; revising requirements for an engineer license applicant who fails the fundamentals examination; authorizing such applicant who is delayed in taking the examination by military service to have additional attempts to take the examination, etc. RI 03/06/2014 Fav/CS EE 03/17/2014 GO	

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
25	SB 1474 Abruzzo	Public Officers and Employees; Providing that violations of certain local codes of ethics are subject to specified penalties; revising the term "contingency fee" to include local government action; revising the duties and powers of the Commission on Ethics; requiring that complaints alleging a violation of a local code of ethics within the commission's jurisdiction be filed within a specified timeframe, etc.	EE 03/17/2014 CA AP
26	SB 1514 Evers (Compare H 481, S 1356)	Public Records/E-mail Addresses of Voter Registration Applicants and Voters; Providing an exemption from public records requirements for the e-mail addresses of voter registration applicants and voters; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc.	EE 03/17/2014 GO RC
27	SB 1632 Stargel (Similar H 1237)	Special Districts; Redefining the term "agency" as it applies to the code of ethics for public officers and employees to include special districts; expanding provisions relating to a municipal officers suspension and removal from office to include members of the governing body of a special district; prohibiting special districts that are declared inactive from collecting taxes, fees, or assessments; repealing provisions relating to the Community Improvement Authority Act, etc.	EE 03/17/2014 CA AP
28	SB 1660 Ethics and Elections (Compare H 667, S 784, Link S 1662)	Elections; Requiring the Department of State to develop an online voter registration system; authorizing the supervisor of elections to choose the method of providing sample ballots to electors; providing that an absentee ballot request from a first-time online registrant is not valid unless certain conditions are met; designating locations where the supervisor may accept or receive an elector's voted absentee ballot, etc.	EE 03/17/2014 AP RC

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Monday, March 17, 2014, 4:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
29	SB 1662 Ethics and Elections (Link S 1660)	Public Records and Meetings/Florida Elections Commission; Creating an exemption from public records requirements for a sworn complaint and records relating to an investigation, investigative report, or other paper of the Florida Elections Commission with respect to violations of limitations on political activity by candidates for judicial office; creating an exemption from public meetings requirements for portions of proceedings of the Florida Elections Commission in which violations of limitations on political activity by candidates for judicial office are discussed or acted upon following a complaint or relating to an investigation; providing for future repeal and legislative review of the exemptions under the Open Government Sunset Review Act; providing statements of public necessity, etc.	EE 03/17/2014 AP RC

Other Related Meeting Documents

The Florida Senate
COMMITTEE MEETING PACKET TAB

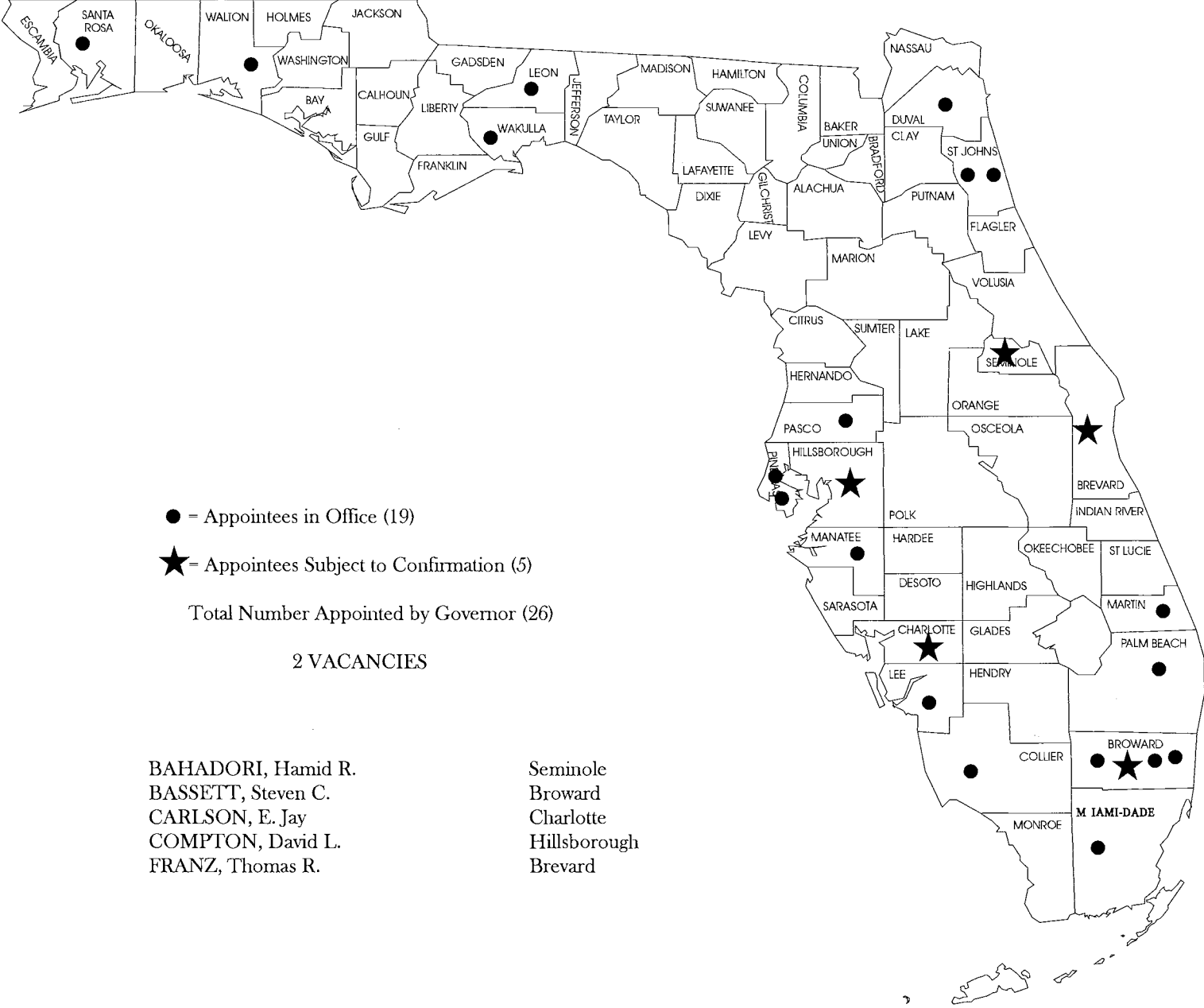
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Florida Building Commission



● = Appointees in Office (19)
 ★ = Appointees Subject to Confirmation (5)
 Total Number Appointed by Governor (26)
 2 VACANCIES

BAHADORI, Hamid R.
 BASSETT, Steven C.
 CARLSON, E. Jay
 COMPTON, David L.
 FRANZ, Thomas R.

Seminole
 Broward
 Charlotte
 Hillsborough
 Brevard

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Compton, David L.

Appointed: 08/28/2013

Term: 08/27/2013 – 01/13/2017

Prior Term:

City/County: Lutz/Hillsborough

Office: Florida Building Commission, Member

Authority: 553.74, 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 9/24/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record	X		See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Senior Engineer at Bracken Engineering; President, Urbaneering Construction Corporation

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 26 member commission shall be composed of the following:

- One architect registered to practice in this state and actively engaged in the profession;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One mechanical contractor certified to do business in this state and actively engaged in the profession;
- One electrical contractor certified to do business in this state and actively engaged in the profession;
- One member from fire protection engineering or technology who is actively engaged in the profession;
- One general 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, or air-conditioning contractor certified to do business in this state and actively engaged in the profession;
- One residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal or district codes enforcement officials, one of whom is also a fire official;
- One member who represents the Department of Financial Services;
- One member who is a county codes enforcement 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;
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession;
- One member who is a representative of a municipality or a charter county;
- 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 representative of public education;
- 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 green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, or a LEED-accredited professional;
- One member who is a representative of the natural gas distribution system;
- One member who shall be chair.

Additional Requirements: All appointments shall be for terms of four years. Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Registered Structural Engineer
Number 9 - Mr. Compton disclosed on his questionnaire that he pled guilty to D.U.I. on 8/18/1987, in Suffolk County, NY and paid a fine. The DHSMV reported this violation.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

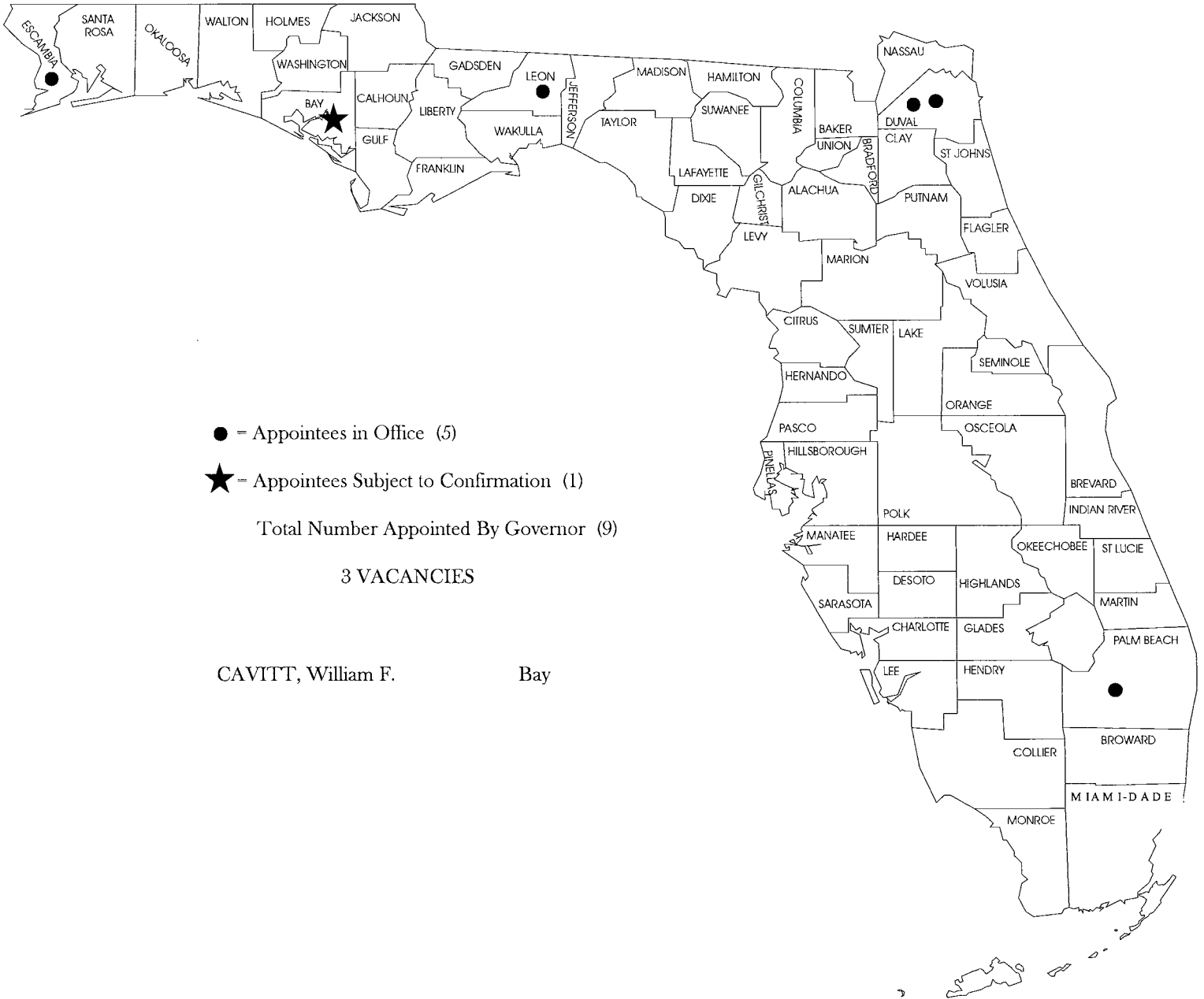
TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

2

A220C

Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling



- = Appointees in Office (5)
- ★ = Appointees Subject to Confirmation (1)

Total Number Appointed By Governor (9)

3 VACANCIES

CAVITT, William F. Bay

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Cavitt, William F.

Appointed: 12/23/2013

Term: 12/19/2013 – 10/31/2017

Prior Term: 08/05/2013 - 10/31/2013

City/County: Panama City/Bay

Office: Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, Member

Authority: 491.004(1), F.S. and 20.43(3)(g)29, 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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 8/26/13
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 11/18/13
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: Mental Health Counselor

Attendance: Attended 2 of 2 meetings (100%) from August 5, 2013 through January 29, 2014.

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:

- Two members who are licensed practicing clinical social workers;
- Two members who are licensed practicing marriage and family therapists;
- Two members who are licensed practicing mental health counselors; and
- Three members who are citizens of this state who are not and have never been licensed in a mental health-related profession and who are in no way connected with the practice of any such profession.

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 6 - Dr. Cavitt served in the U.S. Navy from 1956 to 1976.
Number 8 - Licensed Practicing Mental Health Counselor

The Florida Senate
COMMITTEE MEETING PACKET TAB

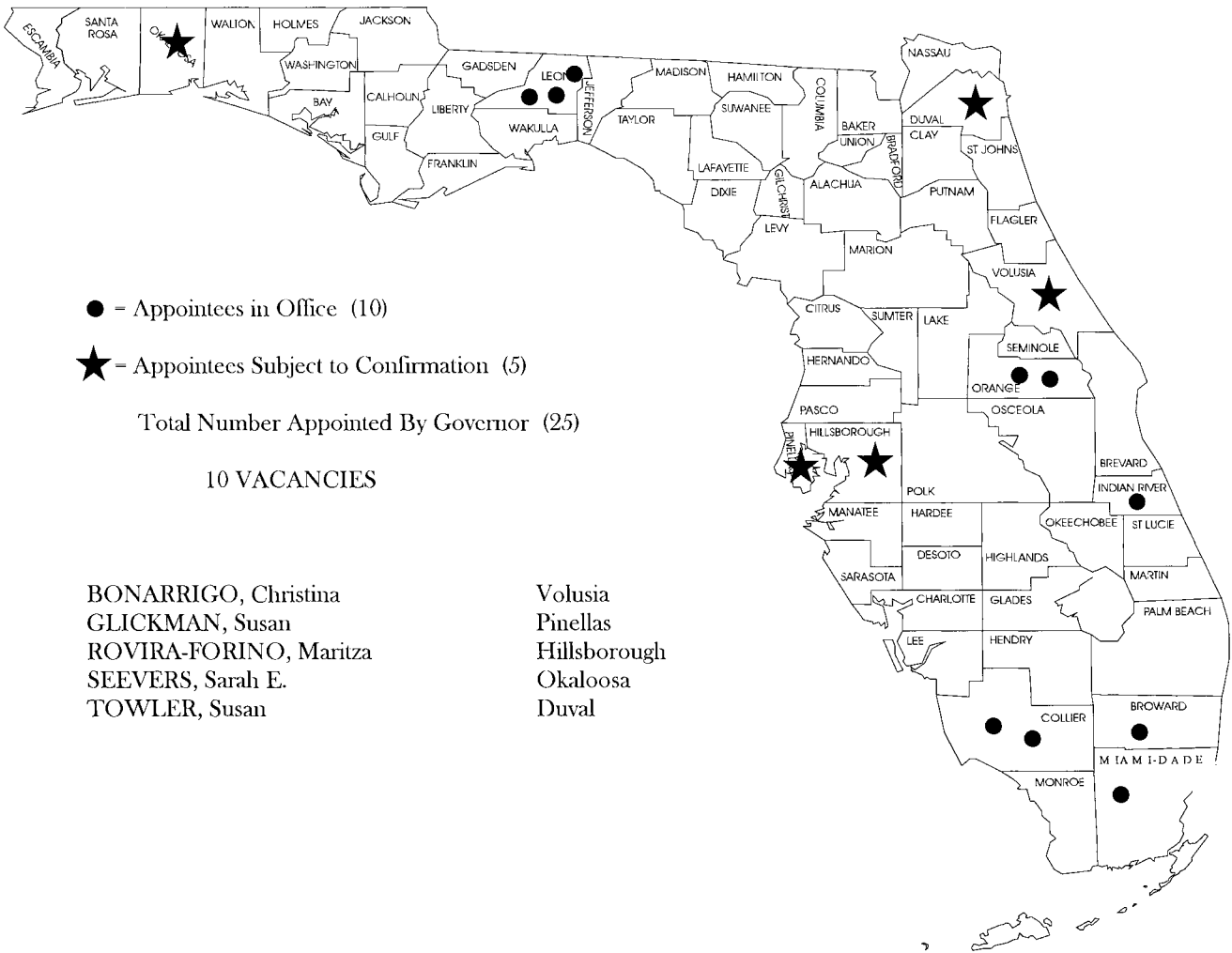
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Florida Commission on Community Service



- - Appointees in Office (10)
- ★ - Appointees Subject to Confirmation (5)

Total Number Appointed By Governor (25)

10 VACANCIES

BONARRIGO, Christina
 GLICKMAN, Susan
 ROVIRA-FORINO, Maritza
 SEEVERS, Sarah E.
 TOWLER, Susan

Volusia
 Pinellas
 Hillsborough
 Okaloosa
 Duval

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Glickman, Susan

Appointed: 07/02/2013

Term: 07/02/2013 – 09/14/2015

Prior Term:

City/County: Belleair Beach/Pinellas

Office: Florida Commission on Community Service, Member

Authority: 14.29, 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 2/12/14
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 11/18/13
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		See Below

Occupation: Director, Southern Alliance for Clean Energy

Compensation: Members are not entitled to compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

Requirements: The commission consists of no fewer than 15 and no more than 25 voting members, to be appointed on a bipartisan basis by the Governor and confirmed by the Senate. Voting members may represent one, or any combination of the following, so long as each of the respective categories are represented:

- The Commissioner of Education or a designee from that office;
- A representative of a community-based agency or organization;
- A representative of a local labor organization;
- A representative of local government;
- A representative of business;
- An individual between the ages of 16 and 25, inclusive, who is a participant in, or a supervisor of, a service program for school-aged youth or a campus-based or national service program;
- An individual who is a representative of a national service program;
- An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth; and
- An individual with experience in promoting service and volunteerism among older adults.
- Other voting members may include educators; experts in the delivery of human educational, environmental, or public safety services; representatives of Indian tribes; out-of-school or at-risk youth; and representatives of programs that are administered by or receive assistance under the Domestic Volunteer Service Act of 1973, as amended.

Not more than 50 percent plus one of the voting members of the commission may be aligned with the same political party.

In addition, the number of voting members of the commission who are officers or employees of the state may not exceed 25 percent.

Additional Requirements: Terms are for three years. Required to file Form 1 with the Commission on Ethics.

- Notes:** Number 18 - Ms. Glickman served on the Florida Commission on the Status of Women from 1991 to 1993.
Number 19 - Ms. Glickman worked for the Florida House of Representatives in 1987. In addition, she was the Assistant to the Director of the Dade County Delegation in 1987.
Number 20 - Executive and Legislative Lobbyist

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Rovira-Forino, Maritza

Appointed: 05/16/2013

Term: 05/16/2013 – 09/14/2014

Prior Term: 06/06/2012 - 09/14/2014

City/County: Tampa/Hillsborough

Office: Florida Commission on Community Service, Member

Authority: 14.29, 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 7/3/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: MBE Manager, Foresight Construction Group

Attendance: Attended 4 of 5 meetings (80%) from June 6, 2012 through August 14, 2013.

Compensation: Members are not entitled to compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

Requirements: The commission consists of no fewer than 15 and no more than 25 voting members, to be appointed on a bipartisan basis by the Governor and confirmed by the Senate. Voting members may represent one, or any combination of the following, so long as each of the respective categories are represented:

- The Commissioner of Education or a designee from that office;
 - A representative of a community-based agency or organization;
 - A representative of a local labor organization;
 - A representative of local government;
 - A representative of business;
 - An individual between the ages of 16 and 25, inclusive, who is a participant in, or a supervisor of, a service program for school-aged youth or a campus-based or national service program;
 - An individual who is a representative of a national service program;
 - An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth; and
 - An individual with experience in promoting service and volunteerism among older adults.
- Other voting members may include educators; experts in the delivery of human educational, environmental, or public safety services; representatives of Indian tribes; out-of-school or at-risk youth; and representatives of programs that are administered by or receive assistance under the Domestic Volunteer Service Act of 1973, as amended.

Not more than 50 percent plus one of the voting members of the commission may be aligned with the same political party.

In addition, the number of voting members of the commission who are officers or employees of the state may not exceed 25 percent.

Additional Requirements: Terms are for three years. Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - Mrs. Rovira-Forino served on the Governing Board of the Southwest Florida Water Management District from 2006 to 2010 and on the Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District from 2002 to 2005.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Seevers, Sarah E.

Appointed: 05/16/2013

Term: 05/16/2013 – 09/14/2014

Prior Term: 11/08/2012 - 09/14/2014

City/County: Destin/Okaloosa

Office: Florida Commission on Community Service, Member

Authority: 14.29, 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 6/24/13
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 9/30/13
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: Owner/Editor of Life's a Beach Publication (media)

Attendance: Attended 4 of 4 meetings (100%) from November 8, 2012 through October 24, 2013.

Compensation: Members are not entitled to compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

Requirements: The commission consists of no fewer than 15 and no more than 25 voting members, to be appointed on a bipartisan basis by the Governor and confirmed by the Senate. Voting members may represent one, or any combination of the following, so long as each of the respective categories are represented:

- The Commissioner of Education or a designee from that office;
- A representative of a community-based agency or organization;
- A representative of a local labor organization;
- A representative of local government;
- A representative of business;
- An individual between the ages of 16 and 25, inclusive, who is a participant in, or a supervisor of, a service program for school-aged youth or a campus-based or national service program;
- An individual who is a representative of a national service program;
- An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth; and
- An individual with experience in promoting service and volunteerism among older adults.
- Other voting members may include educators; experts in the delivery of human educational, environmental, or public safety services; representatives of Indian tribes; out-of-school or at-risk youth; and representatives of programs that are administered by or receive assistance under the Domestic Volunteer Service Act of 1973, as amended.

Not more than 50 percent plus one of the voting members of the commission may be aligned with the same political party.

In addition, the number of voting members of the commission who are officers or employees of the state may not exceed 25 percent.

Additional Requirements: Terms are for three years. Required to file Form 1 with the Commission on Ethics.

- Notes:**
- Number 8 - Representative of local government.
 - Number 17 - Mrs. Seevers is currently the Mayor of Destin, 2010-Present.
 - Number 18 - Mrs. Seevers served on the City Council of Destin from 2002 to 2010.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Davis, Robert C.

Appointed: 08/13/2013

Term: 08/13/2013 – 05/31/2017

Prior Term: 04/23/2012 - 05/31/2013

City/County: Port Orange/Volusia

Office: Board of Trustees of Daytona State College, Member

Authority: 1001.61(1)(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 5/21/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 11/18/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: CEO/President of Hotel & Lodging Association

Attendance: Attended 14 of 15 meetings (93%) from April 23, 2012 through November 19, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Volusia County Resident
Number 10 - See Report 2013-080
Number 18 - Mr. Davis served on the Daytona Beach Shores Civil Service Board for 15 years, and while serving was elected Chairman.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Giles, Bradley S.

Appointed: 07/31/2013

Term: 07/29/2013 – 05/31/2017

Prior Term:

City/County: Ormond Beach/Volusia

Office: Board of Trustees of Daytona State College, Member

Authority: 1001.61(1)(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 3/10/14
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 1/15/14
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: President, Giles Electric Company (Electrical Contractor)

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Volusia County Resident
Number 15 - Mr. Giles disclosed that his company is an electrical contract service provider to state and local Government agencies.
Number 18 - Mr. Giles served on the Electrical Contractors Licensing Board from 2010 to 2011. Mr. Giles served on the Work force Development Board, Region 11, for Volusia County from 2009 to 2012. In addition, he served on the Volusia County Value Adjustment Board from 2009 to 2010, and the City of Port Orange Construction Regulation Board from 1998 to 2002.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Haas, Mary Ann

Appointed: 07/31/2013

Term: 07/29/2013 – 05/31/2017

Prior Term: 07/15/2009 - 05/31/2013

City/County: Flagler Beach/Flagler

Office: Board of Trustees of Daytona State College, Member

Authority: 1001.61(1)(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 10/21/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/15/14
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: Retired

Attendance: Attended 45 of 46 meetings (98%) from July 15, 2009 through December 6, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Flagler County Resident
Number 10 - See Report 2013-080
Number 19 - Mrs. Haas was an educator with the Flagler County Public Schools from 1998-2007.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Fullwood, Latasha

Appointed: 08/23/2013

Term: 09/11/2013 – 05/31/2017

Prior Term:

City/County: Jacksonville/Duval

Office: Board of Trustees of Florida State College at Jacksonville, Member

Authority: 1001.61(1)(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 1/24/14
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 11/18/13
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: Counsel/Attorney for CSX Transportation, Inc.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Duval County Resident
Number 15 - Ms. Fullwood disclosed that her employer CSX Transportation, Inc. has contractual relationships with the State/Local Governments.
Number 18 - Ms. Fullwood served on the Jacksonville Civil Service Board from 9/2/2002 to 4/6/2006.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Majdanics, Thomas J.

Appointed: 05/31/2013

Term: 06/01/2013 – 05/31/2017

Prior Term:

City/County: Jacksonville/Duval

Office: Board of Trustees of Florida State College at Jacksonville, Member

Authority: 1001.61(1)(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 7/15/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Executive Director of KIPP Jacksonville Schools (Charter School)

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Duval County Resident
Number 18 - Mr. Majdanics served on the Jacksonville Children's Commission from 2008-2012. He served on the Jacksonville Journey Committee from 11/2007-4/2008.
Number 19 - Mr. Majdanics served as the Superintendent Intern for Duval County Public Schools in 2003. Mr. Majdanics served as the Mayor Intern for the City of Jacksonville in 2004.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Mayo, Jimmie L.

Appointed: 05/31/2013

Term: 05/31/2013 – 05/31/2015

Prior Term:

City/County: Fernandina Beach/Nassau

Office: Board of Trustees of Florida State College at Jacksonville, Member

Authority: 1001.61(1)(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 7/10/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Retired

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Nassau County Resident
Number 18 - Mr. Mayo served on this board previously named, Florida Community College at Jacksonville, 1997 - 1999.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: White, Patricia F.

Appointed: 05/31/2013

Term: 06/01/2013 – 05/31/2017

Prior Term:

City/County: Yulee/Nassau

Office: Board of Trustees of Florida State College at Jacksonville, Member

Authority: 1001.61(1)(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 1/21/14
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 9/30/13
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: ER Physician

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Nassau County Resident

The Florida Senate
COMMITTEE MEETING PACKET TAB

6

A310K

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Koenig, Timothy J.

Appointed: 08/29/2013

Term: 08/28/2013 – 05/31/2017

Prior Term:

City/County: Key West/Monroe

Office: Board of Trustees of Florida Keys Community College, Member

Authority: 1001.61(1)(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 10/16/13
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 11/18/13
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: Managing Partner at Koenig Highsmith & Van Loon, 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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve. 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 - Monroe County Resident
Number 17 - Mr. Koenig serves on the Third District Court of Appeals Judicial Nominating Committee, 2008-Present.
Number 18 - Mr. Koenig served as the Chair of the Monroe County Planning Commission from 1986 to 1990; and he served on the Monroe County Workforce Housing Task Force in 2003. Mr. Koenig served as the Chair of the City of Key West Planning Board from 1990 to 1994.
Number 19 - Mr. Koenig is currently a Magistrate with the 16th Judicial Circuit, 2009-Present.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

7

A320D

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Diehl, Arthur F., III

Appointed: 12/05/2013

Term: 12/05/2013 – 05/31/2017

Prior Term:

City/County: Tampa/Hillsborough

Office: Board of Trustees of Hillsborough Community College, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 6/22/13
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 2/4/14
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	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Consultant, Diehl and Associates

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 6 - Brigadier General Diehl served in the U.S.A.F. from 1975 to 2005.
Number 8 - Hillsborough County Resident
Number 17 - Brigadier General Diehl is currently serving on the Florida Defense Support Task Force since 2009 (formerly known as the Florida Council on Military Bases).

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Reid, Randall H.

Appointed: 08/29/2013

Term: 08/28/2013 – 05/31/2017

Prior Term: 08/18/2009 - 05/31/2013

City/County: Tampa/Hillsborough

Office: Board of Trustees of Hillsborough Community College, Member

Authority: 1001.61(1)(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 7/8/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Senior Director at the The Beck Group (Construction)

Attendance: Attended 60 of 63 meetings (95%) from August 18, 2009 through November 15, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Hillsborough County Resident
Number 10 - See Report 2013-157

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brannan, Robert C., III
 Term: 09/25/2013 – 05/31/2015

Appointed: 09/25/2013
 Prior Term: 08/30/2007 - 05/31/2011

City/County: Macclenny/Baker

Office: Board of Trustees of Florida Gateway College, Member

Authority: 1001.61(1)(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 6/7/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Baker County Sheriff's Office

Attendance: Attended 48 of 64 meetings (75%) from August 30, 2007 through October 29, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Baker County Resident
Number 10 - See Report 2013-134
Number 18 - Mr. Brannan has served on the Florida Gateway College, Board of Trustees, (formerly Lake City Community College), since 6/2002.
Number 19 - Mr. Brannan is a Deputy Sheriff with Baker County, since 1988.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lander, Lindsey

Appointed: 09/25/2013

Term: 09/25/2013 – 05/31/2014

Prior Term:

City/County: Trenton/Gilchrist

Office: Board of Trustees of Florida Gateway College, Member

Authority: 1001.61(1)(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 10/28/13
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 1/15/14
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: Attorney

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Gilchrist County Resident
Number 15 - Ms. Lander disclosed that she provides legal services for the Gilchrist County Sheriff's Office, the Suwannee River Water Management District and the Gilchrist County Board of County Commissioners.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Bailey, Edward

Appointed: 06/20/2013

Term: 06/20/2013 – 05/31/2017

Prior Term: 04/23/2012 - 05/31/2013

City/County: Palmetto/Manatee

Office: Board of Trustees of State College of Florida, Manatee-Sarasota, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 8/1/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Finance Manager at Sarasota Ford

Attendance: Attended 15 of 19 meetings (79%) from April 23, 2012 through November 12, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 6 - Mr. Bailey served in the U.S. Marine Corps from 1995 to 1999.
Number 8 - Manatee County Resident
Number 10 - See Report 2014-080

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hager, Marlen J., Jr.

Appointed: 06/20/2013

Term: 06/20/2013 – 05/31/2017

Prior Term: 02/26/2013 - 05/31/2013

City/County: Bradenton/Manatee

Office: Board of Trustees of State College of Florida, Manatee-Sarasota, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 4/1/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 9/30/13
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: Owner/ Goodwood and Stone Builders, LLC (General Contractor)

Attendance: Attended 9 of 9 meetings (100%) from February 26, 2013 through August 19, 2013.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.

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 6 - Mr. Hager served in the U.S. Air Force from 1963 to 1967.

Number 8 - Manatee County Resident

Number 10 - See Report 2013-144

Number 18 - Mr. Hager served on the Manatee County Police Control Advisory Board in the 1980s.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Benoit, Ann Sharon

Appointed: 07/01/2013

Term: 07/01/2013 – 05/31/2015

Prior Term:

City/County: Greenville/Madison

Office: Board of Trustees of North Florida Community College, Member

Authority: 1001.61(1)(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 8/20/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Retired

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Madison County Resident
Number 19 - Mrs. Benoit worked for the Department of Commerce from 1985 to 1997 and the Metro Orlando Economic Development Commission from 1999 to 2008.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gunter, Dawn Elizabeth
 Term: 07/01/2013 – 05/31/2015

Appointed: 07/01/2013
 Prior Term:

City/County: Perry/Taylor

Office: Board of Trustees of North Florida Community College, Member

Authority: 1001.61(1)(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 6/6/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Operations & Management Consultant II with Department of Health; and Adjunct Professor at Saint Leo University; and Owner of What's In The Bag. Owner of What's In The Bag? Inc.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Taylor County Resident
Number 19 - Mrs. Gunter is an Operations & Management Consultant II for the Department of Health, 2006 - Present. Mrs. Gunter worked for the Department of Management Services from 2005-2006.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Washington, William D.

Appointed: 07/01/2013

Term: 07/01/2013 – 05/31/2014

Prior Term:

City/County: Pinetta/Madison

Office: Board of Trustees of North Florida Community College, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 10/30/13
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 9/30/13
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		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: Surveyor/Owner of Briggs, Washington & Thompson Land Surveying, Inc.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve. 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 6 - Mr. Washington served in the U.S. Army from 1995 to 1999. Mr. Washington also served in the Florida Army National Guard from 1999 to 2004.
Number 8 - Madison County Resident
Number 15 - Mr. Washington disclosed on his questionnaire he is the co-owner of Briggs, Washington & Thompson Land Surveying, Inc., which is a contract provider of surveying services for Madison County Board of Commissioners and the City of Madison.
Number 17 - Mr. Washington is currently the Chairman of the Madison County Development Council, 2011-Present.
Number 18 - Mr. Washington served on the Madison County Planning & Zoning board from 2007 to 2011.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Wright, Lloyd Gary

Appointed: 07/01/2013

Term: 07/01/2013 – 05/31/2015

Prior Term:

City/County: Monticello/Jefferson

Office: Board of Trustees of North Florida Community College, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 7/22/13
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 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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 of Farmeers & Merchants Bank

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 6 - Mr. Wright served, active duty, in the U.S. Army from 7/1962-2/1963 and served in the Reserves until, 7/1965.
Number 8 - Jefferson County Resident

The Florida Senate
COMMITTEE MEETING PACKET TAB

11

A380D

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Davis, Wendell D.

Appointed: 06/19/2013

Term: 06/19/2013 – 05/31/2017

Prior Term:

City/County: Fleming Island/Clay

Office: Board of Trustees of St. Johns River State College, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 7/23/13
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 9/30/13; See Below
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	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: VP of Watson Realty Corp President of Watcon Maintenance Services, Inc.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 6 - Mr. Davis served in the US Army from 1964 to 1966 and the Reserves from 1966 to 1987
Number 8 - Clay County Resident
Number 11 - The Commission on Ethics reported Complaint No. 09-078 was filed against Mr. Davis alleging he had violated s. 112.313(6), F.S., for misuse of public position while serving as a member and Chair of the Clay County Board of Commissioners. The Commission on Ethics dismissed the complaint because of legal insufficiency on, 9/11/2009.
Number 17 - Mr. Davis is a Commissioner on the Clay County Board of County Commissioners, 2008-Present.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Webb, Mary Ellen

Appointed: 06/20/2013

Term: 06/19/2013 – 05/31/2017

Prior Term: 04/23/2012 - 05/31/2015

City/County: St. Augustine/St. Johns

Office: Board of Trustees of St. Johns River State College, Member

Authority: 1001.61(1)(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 6/28/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/15/14
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: VP at TD Bank

Attendance: Attended 15 of 19 meetings (79%) from April 23, 2012 through November 8, 2013.

Attendance Notes: Pulled from meeting minutes posted on SJRSC website -db.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - St. Johns County Resident
Number 10 - See Report 2013-097
Number 18 - Ms. Webb was originally appointed to the St. Johns River State College Board of Trustees 10/2011, and served as a resident of Putnam County until 3/2013. She relocated to St. Johns County and was appointed 3/12/2013 to fill the remaining term of a vacant appointment and subsequently reappointed to this current term. In addition, Ms. Webb previously served on the Putnam Community Medical Center, Board of Trustees.

COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

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A410B

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Boyce, Lucas Daniel

Appointed: 08/15/2013

Term: 08/15/2013 – 05/31/2015

Prior Term:

City/County: Orlando/Orange

Office: Board of Trustees of Valencia College, Member

Authority: 1001.61(1)(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 7/18/13
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 1/15/14
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Director of Business Development and Govt. Affairs for the Orlando Magic

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 - Orange County Resident

Number 15 - Mr. Boyce disclosed on his questionnaire that his employer, the Orlando Magic, has a contractual relationship with the City of Orlando (building rental, purchase of land for development).

Number 17 - Mr. Boyce is serving a four-year term on the Orange County Library Board of Trustees, 2012-Present. He also is the Chairman of the Department of Juvenile Justice State Advisory Group, 2012-Present.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Carlson, Bruce A.

Appointed: 08/15/2013

Term: 08/15/2013 – 05/31/2015

Prior Term:

City/County: Celebration/Osceola

Office: Board of Trustees of Valencia College, Member

Authority: 1001.61(1)(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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 10/15/13
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 11/15/14; See Below
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: Realtor, Imagination Realty, Inc.

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
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 6 - Mr. Carlson served in the U.S. Marine Corps Reserves from 1969 to 1975.
Number 8 - Osceola County Resident
Number 11 - Mr. Carlson disclosed on his Questionnaire that he was fined for not properly filling out his financial disclosure in 2008. The Commission on Ethics reported Mr. Carlson was fined \$300 for this violation.
Number 18 - Mr. Carlson served on the Celebration Community Development District from 2008 to 2012.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lopez-Cid, Daisy

Appointed: 08/15/2013

Term: 08/15/2013 – 05/31/2016

Prior Term:

City/County: Kissimmee/Osceola

Office: Board of Trustees of Valencia College, Member

Authority: 1001.61(1)(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 1/7/14
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 1/15/14
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: Broker/Owner of RE/MAX Premier Properties

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 District Board 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 four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve. 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 - Osceola County Resident

The Florida Senate
COMMITTEE MEETING PACKET TAB

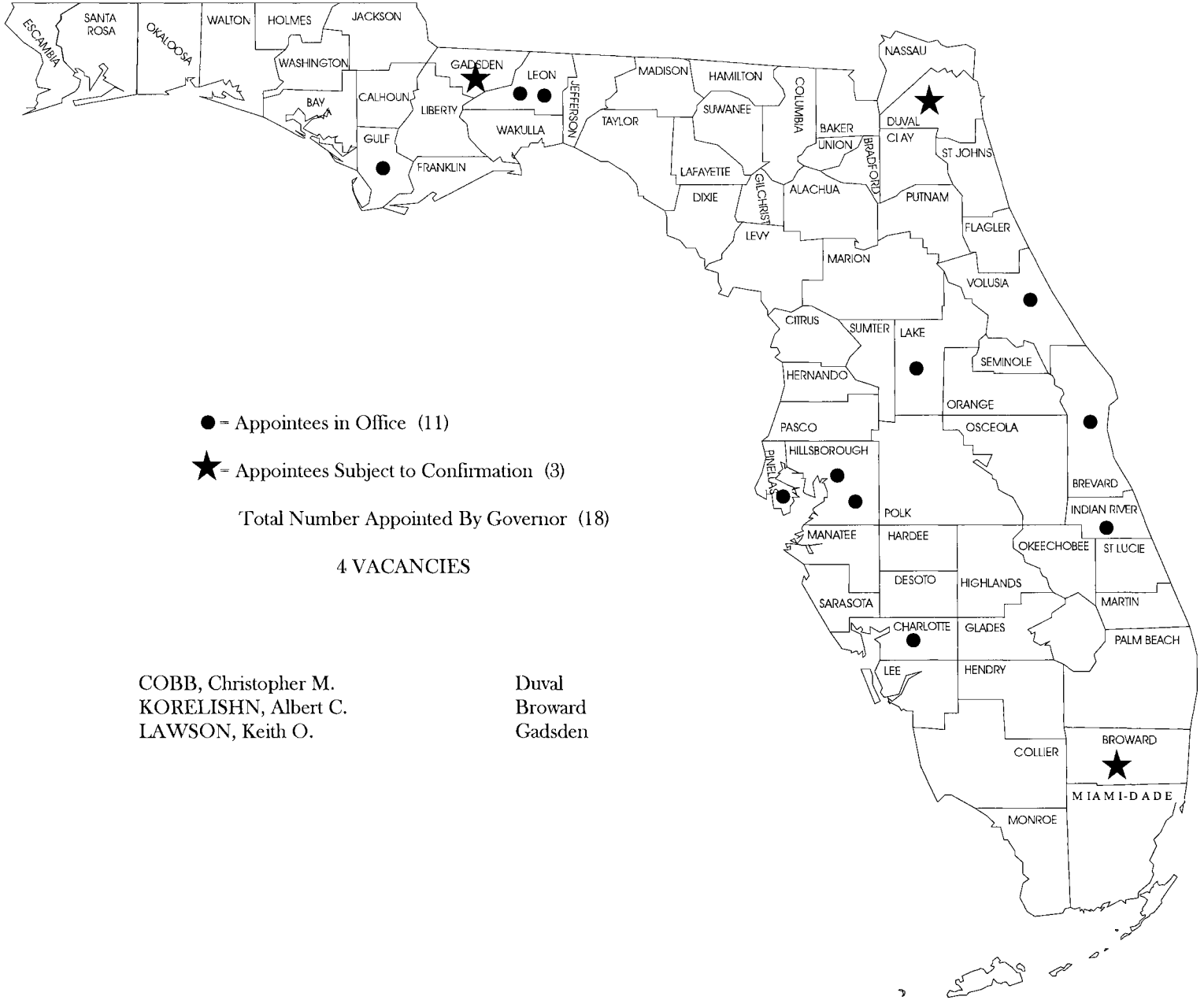
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Construction Industry Licensing Board



● = Appointees in Office (11)

★ = Appointees Subject to Confirmation (3)

Total Number Appointed By Governor (18)

4 VACANCIES

COBB, Christopher M.
KORELISHN, Albert C.
LAWSON, Keith O.

Duval
Broward
Gadsden

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lawson, Keith O., II

Appointed: 08/20/2013

Term: 08/20/2013 – 10/31/2016

Prior Term:

City/County: Quincy/Gadsden

Office: Construction Industry Licensing Board, Member

Authority: 489.107, F.S. & 20.165(4)(a)5, 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 2/4/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 9/30/13
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: Owner of Keith Lawson Company, 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 board consists of eighteen members who are citizens and residents of the state as follows:

- Four members who are primarily general contractors;
- Three members who are primarily building contractors or residential contractors; however, there shall be at least one building contractor and one residential contractor;
- One member who is primarily a roofing contractor;
- One member who is primarily a sheet metal contractor;
- One member who is primarily an air conditioning contractor;
- One member who is primarily a mechanical contractor;
- One member who is primarily a pool contractor;
- One member who is primarily a plumbing contractor;
- One member who is primarily an underground utility and excavation contractor;
- Two members who are consumer members who are not, and who have never been, members or practitioners of a profession regulated by the board and have not been members of any closely related profession; and
- Two members who are building officials of a county or municipality.

Each of the contractor members must be certified by the board in the category to which they have been appointed, must be actively engaged in their respective trade, and have been so engaged for at least five consecutive years preceding the appointment.

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 - Mechanical Contractor

Number 9 - Mr. Lawson disclosed he was charged with underage alcohol possession on 8/25/1991, in Leon County, FL and the case was dismissed. He also reported he was charged with the possession of a firearm in a state park in 11/1997 in Jackson County, FL and this charge was dismissed. The FDLE report did not include any violations.

Number 15 - As a mechanical contractor, Mr. Lawson has been a subcontractor to government agencies.

Number 19 - Mr. Lawson worked for the Escambia County School District from 1991 to 1992.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Michael D. Crews
Secretary of Corrections

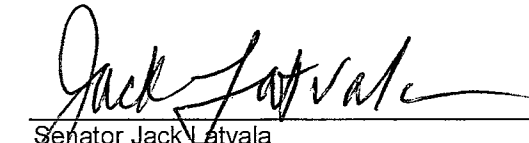
NOTICE OF HEARING

TO: Secretary Michael D. Crews

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, March 17, 2014, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:30 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 12th day of March, 2014

Committee on Ethics and Elections



Senator Jack Latvala
As Chair and by authority of the committee

cc: Members, Committee on Ethics and Elections
Office of the Sergeant at Arms

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

COMMITTEE: Appropriations Subcommittee on Criminal and Civil Justice
MEETING DATE: Wednesday, March 12, 2014
TIME: 9:00 —11:00 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Don Gaetz, President

FROM: Appropriations Subcommittee on Criminal and Civil Justice

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

Office: Secretary of Corrections

Appointee: Crews, Michael D.

Term: 5/16/2013-Pleasure of Governor

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

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

COMMITTEE: Committee on Criminal Justice
MEETING DATE: Wednesday, January 08, 2014
TIME: 9:00 —11:00 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Don Gaetz, President
FROM: Committee on Criminal Justice

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

Office: Secretary of Corrections
Appointee: Crews, Michael D.
Term: 5/16/2013-Pleasure of Governor

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: Crews, Michael D.
 Term: 05/16/2013 – Pleasure of Governor

Appointed: 05/17/2013
 Prior Term:

City/County: Tallahassee/Leon

Office: Secretary of Corrections, Secretary

Authority: 20.315(3), F.S. & 20.05, F.S.

Reference(s): Committee on Criminal Justice-Recommend Confirm-01/08/2014
 Committee on Ethics and Elections
 Committee on Appropriations Subcommittee on Criminal and Civil Justice-Recommend Confirm-03/12/2014

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 7/1/13
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 9/30/13
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		See Below

Occupation: Secretary, Department of Corrections

Compensation: \$140,999.82 per year as of October 15, 2013.

Requirements: The Secretary is appointed by the Governor, subject to confirmation by the Senate.

Additional Requirements: The Secretary shall serve at the pleasure of the Governor. Required to file Form 1 with the Commission on Ethics.

Notes: Number 10 - See Report 2014-066
Number 19 – Prior to his appointment as Secretary of the Department of Corrections, Secretary Crews worked for DOC as Deputy Secretary from 11/11 - 12/12 and as a Corrections and Correctional Probation Officer from 7/84 - 10/87. In addition, Secretary Crews was employed by the FDLE as the Professionalism Program Director from 10/87-11/11.
Number 20 - Legislative Lobbyist
Education Verified

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ford, Ivan Martin

Appointed: 08/20/2013

Term: 08/20/2013 – 06/30/2015

Prior Term: 04/23/2012 -06/30/2013

City/County: Vero Beach/Indian River

Office: Commission on Ethics, Member

Authority: 112.321(1), F.S. & s. 8(f), Art. II

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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 6/12/13
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/18/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Retired

Attendance: Attended 12 of 13 meetings (92%) from April 23, 2012 through November 13, 2013.

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The commission consists of nine persons, with the following requirements:

- Five members who are appointed by the Governor and confirmed by the Senate, no more than three of whom are from the same political party and one of whom is a former city or county official who may be a former member of a local planning or zoning board which has only advisory duties;
- Two members from different political parties appointed by the President of the Senate; and
- Two members from different political parties appointed by the Speaker of the House of Representatives.

Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance. These prohibitions do not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term.

Additional Requirements: Terms are for two years. Members may not serve more than two full terms in succession. Any member may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. Required to file Form 1 with the Commission on Ethics.

Notes: Number 6 - Mr. Ford served in the U.S. Air Force from 1954 to 1958.
Number 18 - Mr. Ford served on the Florida Board of Bar Examiners, 1997-2000.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Maurer, Susan Horovitz
 Term: 08/20/2013 – 06/30/2015
 City/County: Ft. Lauderdale/Broward
 Office: Commission on Ethics, Member
 Authority: 112.321(1), F.S. & s. 8(f), Art. II
 Reference(s): Committee on Ethics and Elections

Appointed: 08/20/2013
 Prior Term: 04/23/2012 - 06/30/2013

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 6/28/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/18/13
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		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Managing Partner - Panza, Maurer & Maynard, P.A.

Attendance: Attended 12 of 13 meetings (92%) from April 23, 2012 through November 13, 2013.

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The commission consists of nine persons, with the following requirements:

- Five members who are appointed by the Governor and confirmed by the Senate, no more than three of whom are from the same political party and one of whom is a former city or county official who may be a former member of a local planning or zoning board which has only advisory duties;
- Two members from different political parties appointed by the President of the Senate; and
- Two members from different political parties appointed by the Speaker of the House of Representatives.

Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance. These prohibitions do not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term.

Additional Requirements: Terms are for two years. Members may not serve more than two full terms in succession. Any member may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. Required to file Form 1 with the Commission on Ethics.

- Notes:**
- Number 8 - Registered Democrat
 - Number 15 - Mrs. Maurer disclosed in her questionnaire that she is a board member of the American Lung Association, which requests government funded grants. In addition, she is employed by a law firm that has provided legal representation to local and regional government agencies on contractual basis.
 - Number 18 - Mrs. Maurer served on the Community Hospital Education Council from 1994-2000.
 - Number 19 - Mrs. Maurer was an Intern for the Miami City Attorney's Office, mid 1970s. She was the General Counsel for the Florida Workers' Compensation Insurance Guaranty Association, approximately 1995.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Robison, Linda M.

Appointed: 08/20/2013

Term: 08/20/2013 – 06/30/2015

Prior Term: 04/23/2012 - 06/30/2013

City/County: Pompano Beach/Broward

Office: Commission on Ethics, Member

Authority: 112.321(1), F.S. & s. 8(f), Art. II

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 6/19/13
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Attorney at Shutts & Bowen LLP

Attendance: Attended 11 of 13 meetings (85%) from April 23, 2012 through November 13, 2013.

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The commission consists of nine persons, with the following requirements:

- Five members who are appointed by the Governor and confirmed by the Senate, no more than three of whom are from the same political party and one of whom is a former city or county official who may be a former member of a local planning or zoning board which has only advisory duties;
- Two members from different political parties appointed by the President of the Senate; and
- Two members from different political parties appointed by the Speaker of the House of Representatives.

Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance. These prohibitions do not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term.

Additional Requirements: Terms are for two years. Members may not serve more than two full terms in succession. Any member may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. Required to file Form 1 with the Commission on Ethics.

Notes:

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Weston, Stanley M.

Appointed: 08/20/2013

Term: 08/20/2013 – 06/30/2015

Prior Term: 04/23/2012 - 06/30/2013

City/County: Jacksonville/Duval

Office: Commission on Ethics, Member

Authority: 112.321(1), F.S. & s. 8(f), Art. II

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 6/28/13
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/18/13
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: Attorney, Law Firm of Moseley, Prichard, Parrish, Knight, and Jones

Attendance: Attended 13 of 13 meetings (100%) from April 23, 2012 through November 13, 2013.

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The commission consists of nine persons, with the following requirements:

- Five members who are appointed by the Governor and confirmed by the Senate, no more than three of whom are from the same political party and one of whom is a former city or county official who may be a former member of a local planning or zoning board which has only advisory duties;
- Two members from different political parties appointed by the President of the Senate; and
- Two members from different political parties appointed by the Speaker of the House of Representatives.

Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance. These prohibitions do not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term.

Additional Requirements: Terms are for two years. Members may not serve more than two full terms in succession. Any member may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. Required to file Form 1 with the Commission on Ethics.

Notes: Number 15 - Mr. Weston disclosed a contractual relationship where his firm (Moseley, Prichard, Parrish, Knight & Jones) has represented the Governor's Office and the Department of Management Services.

Number 19 - Mr. Weston worked as the Assistant General Counsel to the City of Jacksonville from 1985 to 1993.

COMMITTEE MEETING PACKET TAB

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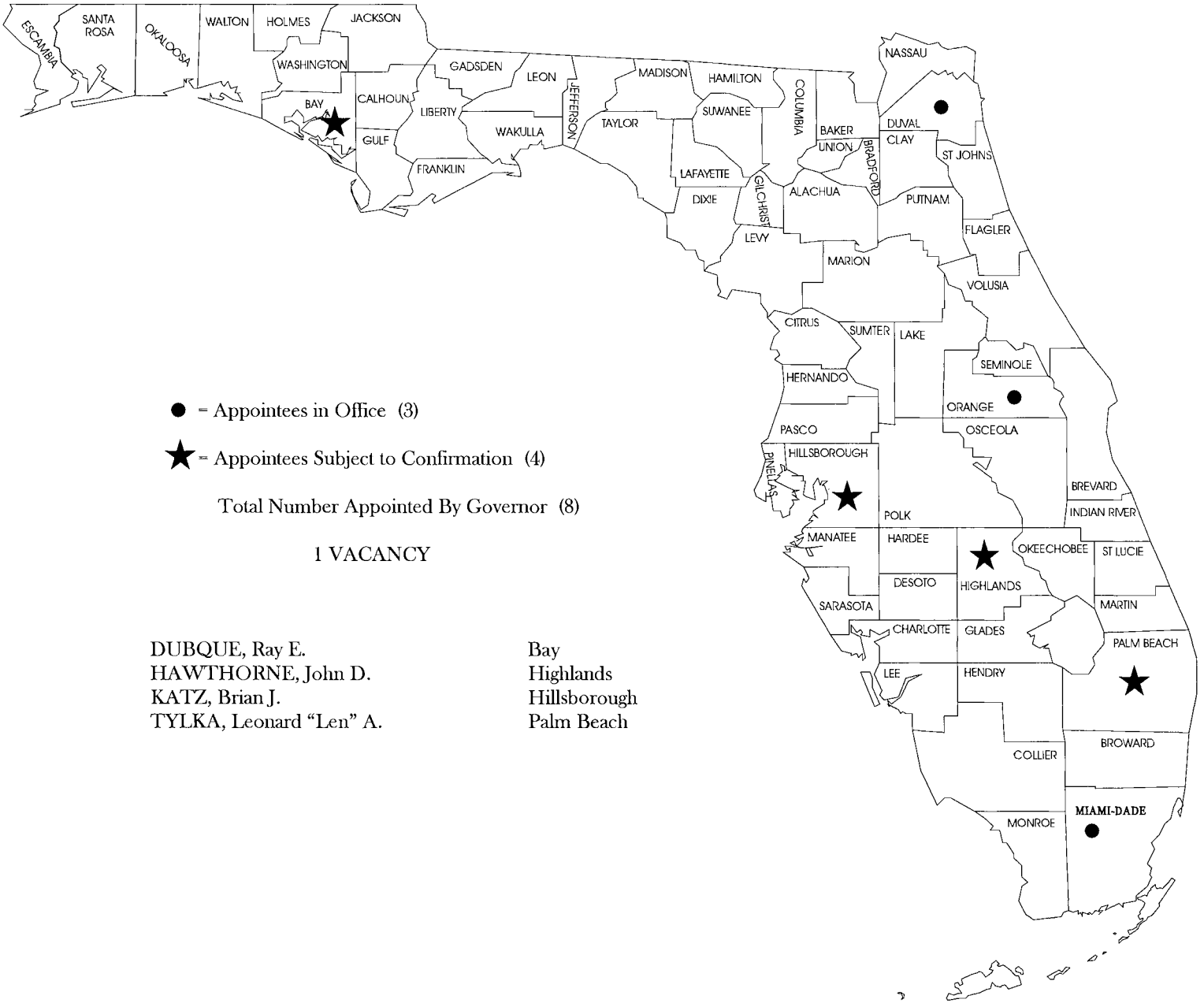
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Florida Housing Finance Corporation



● = Appointees in Office (3)
 ★ = Appointees Subject to Confirmation (4)
 Total Number Appointed By Governor (8)
 1 VACANCY

DUBQUE, Ray E.
 HAWTHORNE, John D.
 KATZ, Brian J.
 TYLKA, Leonard "Len" A.

Bay
 Highlands
 Hillsborough
 Palm Beach

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Dubuque, Ray E.

Appointed: 08/05/2013

Term: 08/02/2013 – 11/13/2016

Prior Term:

City/County: Panama City/Bay

Office: Florida Housing Finance Corporation, Member

Authority: 420.504, 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 6 filed as of 9/11/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record	X		See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 9/30/13
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Retired

Compensation: Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

Additional Requirements: Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Notes: Number 8 - Lay Citizen

Number 9 - Mr. Dubuque disclosed on his questionnaire that he was convicted in 1968, in Panama City, for Disturbing the Peace and sentenced to clean high school classrooms. Later that same year in Panama City, he was fined for being a minor in possession of alcoholic beverage. FDLE did not report this information.

Number 17 - Mr. Dubuque serves on the Panama City Planning Board, an advisory board, 1998-Present.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hawthorne, John D., Jr.

Appointed: 05/21/2013

Term: 05/21/2013 – 11/13/2016

Prior Term:

City/County: Lake Placid/Highlands

Office: Florida Housing Finance Corporation, Member

Authority: 420.504, 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)	X		See Below
7. Financial Disclosure Filed	X		Form 6 filed as of 6/28/13
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 9/30/13
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: COO/Executive Director of Highlands County Habitat for Humanity

Compensation: Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

Additional Requirements: Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Notes: Number 6 - Mr. Hawthorne served in the U.S. Army from 1971 to 1976 and the U.S. Army Reserve from 1976 to 1999.

Number 8 – Mr. Hawthorne is a citizen with experience in low income housing development.

Number 19 - Mr. Hawthorne worked as a Deputy Director for the City of Sarasota Planning & Redevelopment Department from 2003 to 2008.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Katz, Brian J. Appointed: 05/21/2013
 Term: 05/21/2013 – 11/13/2016 Prior Term:
 City/County: Tampa/Hillsborough
 Office: Florida Housing Finance Corporation, Member
 Authority: 420.504, 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 6 filed as of 6/14/13
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 9/30/13
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: Managing Member of Katz Capital Management LLC

Compensation: Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

Additional Requirements: Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Notes: Number 8 - Citizen engaged in Banking or Mortgage Industry

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Tylka, Leonard "Len" A., Jr.

Appointed: 08/05/2013

Term: 08/02/2013 – 11/13/2016

Prior Term: 03/19/2009 - 11/13/2012

City/County: Jupiter/Palm Beach

Office: Florida Housing Finance Corporation, Member

Authority: 420.504, 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 6 filed as of 8/26/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 9/30/13
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: General Contractor, LTL Builders

Attendance: Attended 27 of 31 meetings (87%) from March 19, 2009 through October 3, 2013.

Compensation: Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

Additional Requirements: Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Notes: Number 8 - Residential Home Builder

Number 10 - See Report 2013-047

Number 17 - Mr. Tylka currently serves on the Palm Beach County Educational Facilities Authority, a special district, 2000-Present.

Number 18 - Mr. Tylka served on the Governor's Building Code Study Commission in the 1990's. In addition, Mr. Tylka served on the Jupiter Code Enforcement Board from 1992-1997.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

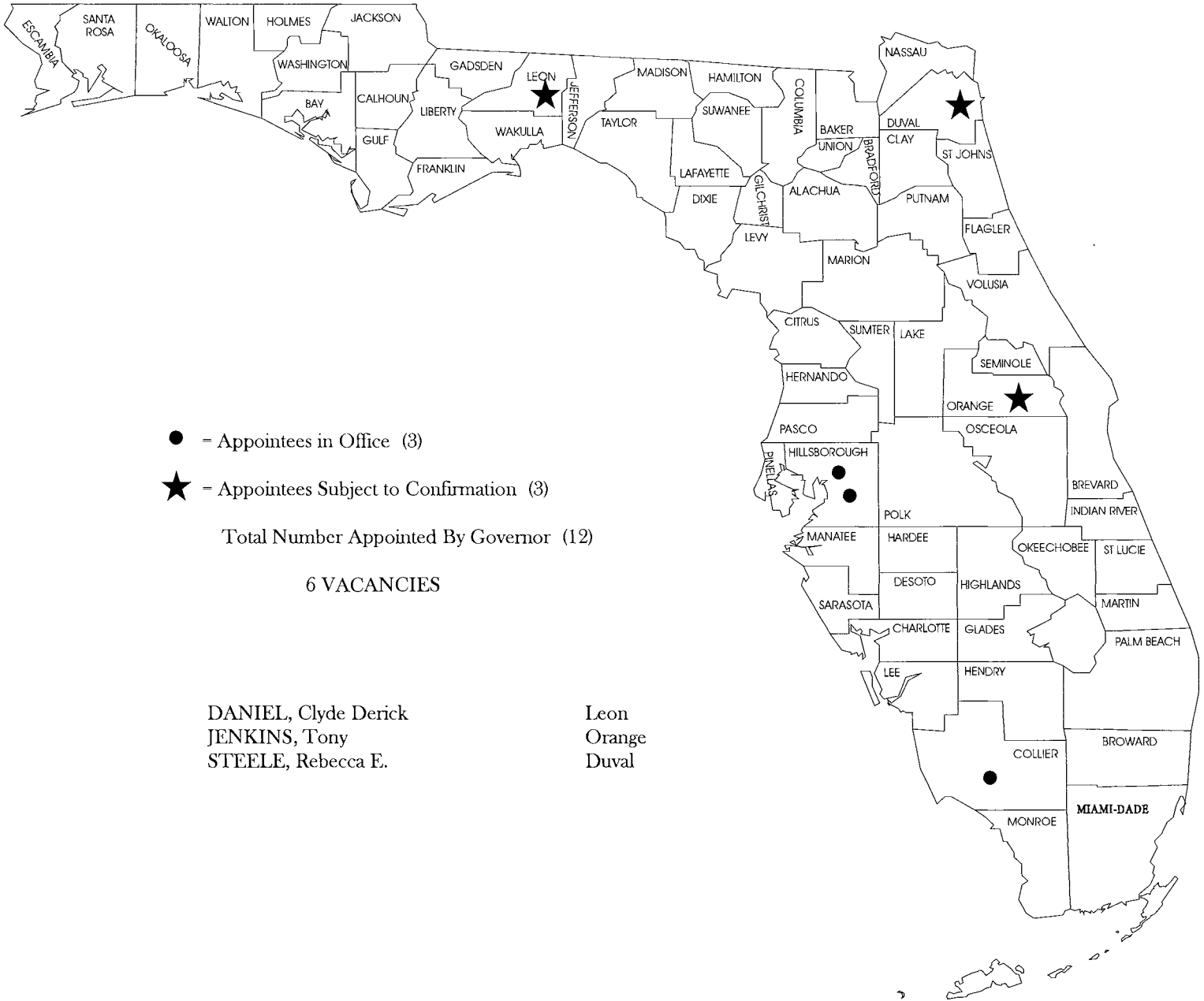
TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

17

A1160D

Florida Commission on Human Relations



- - Appointees in Office (3)
- ★ - Appointees Subject to Confirmation (3)

Total Number Appointed By Governor (12)

6 VACANCIES

DANIEL, Clyde Derick
 JENKINS, Tony
 STEELE, Rebecca E.

Leon
 Orange
 Duval

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Daniel, Clyde Derick

Appointed: 10/30/2013

Term: 10/29/2013 – 09/30/2017

Prior Term:

City/County: Tallahassee/Leon

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 11/18/13
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 1/15/14
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: 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 Requirements: Terms are for four years. Required to file Form 1 with the Commission on Ethics.

Notes: Number 19 - Mr. Daniel was the Executive Director for the Florida Commission on Human Relations from 2000 to 2011.

The Florida Senate
COMMITTEE MEETING PACKET TAB

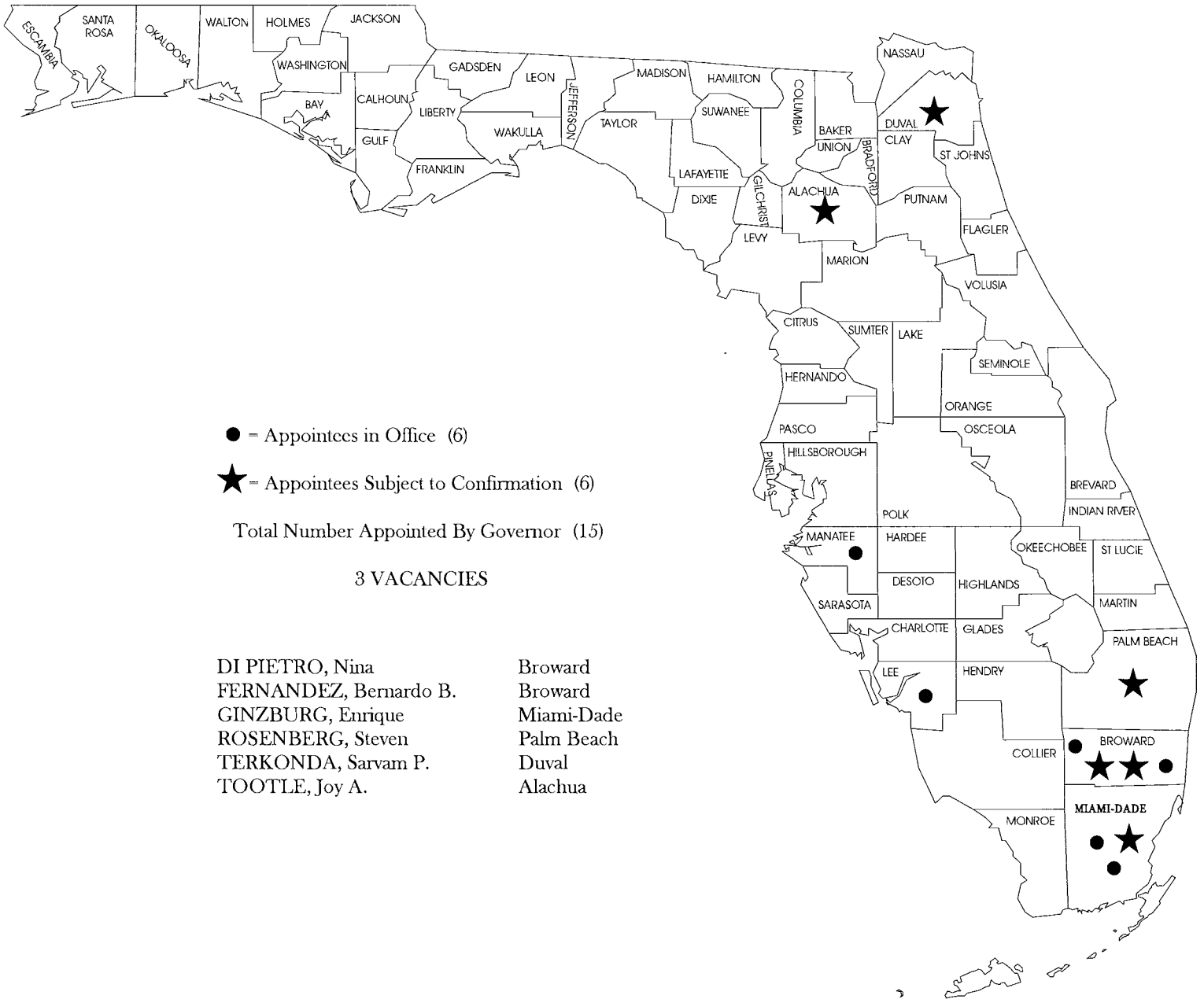
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Medicine



- - Appointees in Office (6)
 - ★ - Appointees Subject to Confirmation (6)
- Total Number Appointed By Governor (15)

3 VACANCIES

- | | |
|------------------------|------------|
| DI PIETRO, Nina | Broward |
| FERNANDEZ, Bernardo B. | Broward |
| GINZBURG, Enrique | Miami-Dade |
| ROSENBERG, Steven | Palm Beach |
| TERKONDA, Sarvam P. | Duval |
| TOOTLE, Joy A. | Alachua |

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Di Pietro, Nina
 Term: 09/23/2013 – 10/31/2016
 City/County: Oakland Park/Broward
 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: 09/23/2013
 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 10/17/13
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 11/18/13
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: Partner at Di Pietro Law

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 licensed under s. 395.10974, F.S.; and

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. Di Pietro worked as the Assistant Public Defender for Broward County Public Defender's Office from 2/06-3/08.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Fernandez, Bernardo B.

Appointed: 06/11/2013

Term: 06/11/2013 – 10/31/2016

Prior Term:

City/County: Davie/Broward

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

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 7/15/13
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 9/30/13
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: Staff Physician/Head of Vascular Medicine at the Cleveland Clinic

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 licensed under s. 395.10974, F.S.; and

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 - Physician

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ginzburg, Enrique

Appointed: 06/11/2013

Term: 06/11/2013 – 10/31/2016

Prior Term:

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

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 11/12/13
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 9/30/13
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: Professor at University of Miami

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 licensed under s. 395.10974, F.S.; 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 - Physician, on faculty of medical school

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Rosenberg, Steven

Appointed: 06/28/2013

Term: 06/28/2013 – 10/31/2015

Prior Term:

City/County: Palm Beach/Palm Beach

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

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 8/6/13
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 9/30/13
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: Physician/President, Palm Beach Dermatology, 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 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 licensed under s. 395.10974, F.S.; 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 - Physician
Number 18 - Dr. Rosenberg previously served on the CHPA District 9 Physician Input Panel. In addition, Dr. Rosenberg previously served on the Board of Medicine from 4/2007-10/2010.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: TerKonda, Sarvam P.

Appointed: 06/11/2013

Term: 06/11/2013 – 10/31/2016

Prior Term:

City/County: Jacksonville/Duval

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

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 7/22/13
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 9/30/13
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: Physician at the Mayo Clinic

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 licensed under s. 395.10974, F.S.; and

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 - Physician

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Tootle, Joy A.

Appointed: 09/23/2013

Term: 09/23/2013 – 10/31/2016

Prior Term:

City/County: Gainesville/Alachua

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

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 10/7/13
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 11/18/13
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: Adjunct Professor at Kaplan University

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 licensed under s. 395.10974, F.S.; and

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. Tootle worked as an Executive Director for the Department of Health from 2011 to 2012. Ms. Tootle was the Assistant Attorney General for the Office of Attorney General from 2006 to 2008. Ms. Tootle was the Assistant General Counsel for the Department of Health from 1999 to 2005.

The Florida Senate
COMMITTEE MEETING PACKET TAB

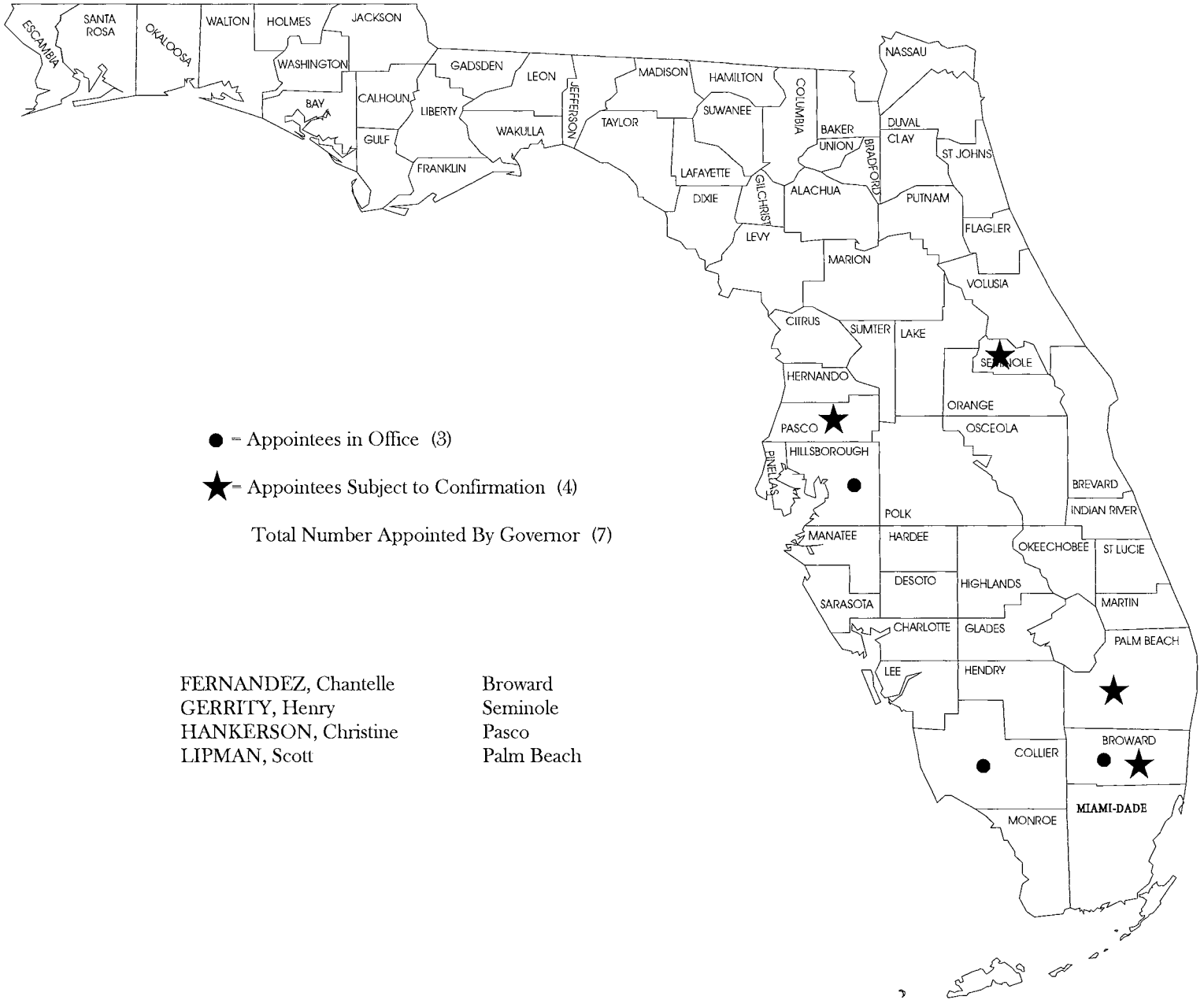
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Nursing Home Administrators



FERNANDEZ, Chantelle
 GERRITY, Henry
 HANKERSON, Christine
 LIPMAN, Scott

Broward
 Seminole
 Pasco
 Palm Beach

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gerrity, Henry, III

Appointed: 11/01/2013

Term: 11/01/2013 – 10/31/2016

Prior Term:

City/County: Winter Springs/Seminole

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

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 2/28/13
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 1/15/14
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: Nursing Home Administrator for Tuskwilla Nursing and Rehabilitation Center

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 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 - Nursing Home Administrator

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hankerson, Christine

Appointed: 11/01/2013

Term: 11/01/2013 – 10/31/2014

Prior Term:

City/County: Wesley Chapel/Pasco

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

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 3/3/14
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 1/15/14
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: R.N., OPIS Management Resources

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 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 - Health Care Practitioner

COMMITTEE MEETING PACKET TAB

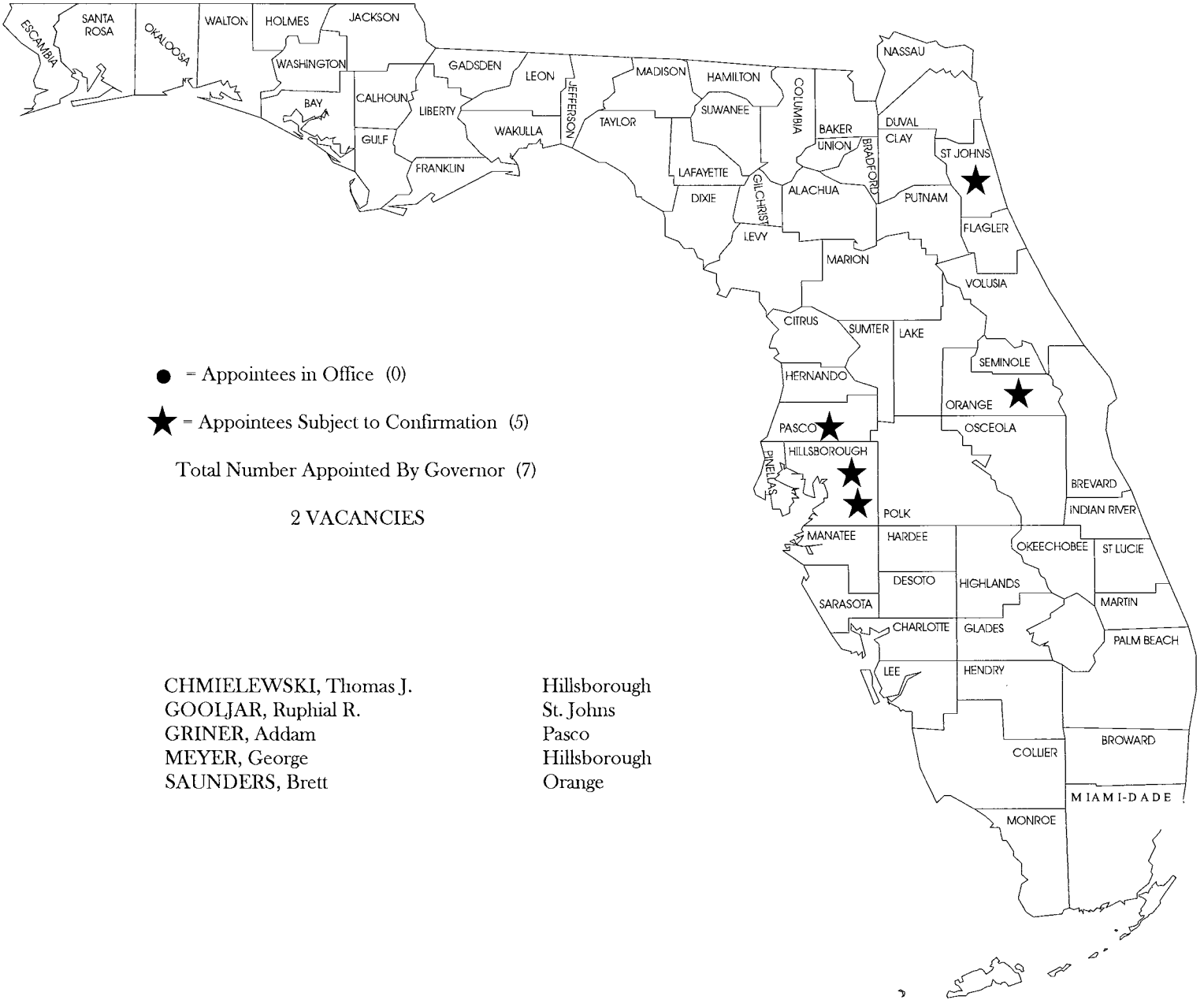
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Orthotists and Prosthetists



- = Appointees in Office (0)
- ★ = Appointees Subject to Confirmation (5)

Total Number Appointed By Governor (7)

2 VACANCIES

CHMIELEWSKI, Thomas J.
 GOOLJAR, Ruphial R.
 GRINER, Addam
 MEYER, George
 SAUNDERS, Brett

Hillsborough
 St. Johns
 Pasco
 Hillsborough
 Orange

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gooljar, Ruphlal R.

Appointed: 11/21/2013

Term: 11/21/2013 – 10/31/2014

Prior Term:

City/County: St. Augustine/St. Johns

Office: Board of Orthotists and Prosthetists, Member

Authority: 468.801, F.S. & 20.43(3)(g)19, 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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 12/17/13
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 2/4/14
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: Prosthetist/Orthotist at the Nemours Children's Clinic

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 residents of the state appointed as follows:
- Two members must be licensed practicing prosthetists, with a minimum of 3 years' clinical or practical experience, at least one of whom has attained a minimum of a bachelor's degree;
 - One member must be a licensed practicing orthotist with a minimum of 3 years' clinical or practical experience who has attained a minimum of a bachelor's degree;
 - Two members must be prosthetic or orthotic users, the parents, guardians, or spouses of prosthetic or orthotic users, or any combination of such users and nonusers who are not deriving economic benefit from the fitting or dispensing of orthotic or prosthetic devices and who have never been orthotists or prosthetists or members of a closely related profession;
 - One member must be a physician licensed under Chapter 458, Chapter 459, Chapter 460, or Chapter 461, F.S., who has extensive knowledge of orthotics or prosthetics; and
 - One member must be a licensed practicing orthotist, orthotic fitter, or pedorthist with a minimum of 3 years' clinical or practical experience.

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 6 - Mr. Gooljar served in the U.S. Army from 1971-1973.
Number 8 - Prosthetist

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Griner, Addam C.

Appointed: 11/21/2013

Term: 11/21/2013 – 10/31/2015

Prior Term:

City/County: New Port Richey/Pasco

Office: Board of Orthotists and Prosthetists, Member

Authority: 468.801, F.S. & 20.43(3)(g)19, 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 2/28/14
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 2/4/14
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: Prosthetist/Orthotist at the Hanger Clinic

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 residents of the state appointed as follows:
- Two members must be licensed practicing prosthetists, with a minimum of 3 years' clinical or practical experience, at least one of whom has attained a minimum of a bachelor's degree;
 - One member must be a licensed practicing orthotist with a minimum of 3 years' clinical or practical experience who has attained a minimum of a bachelor's degree;
 - Two members must be prosthetic or orthotic users, the parents, guardians, or spouses of prosthetic or orthotic users, or any combination of such users and nonusers who are not deriving economic benefit from the fitting or dispensing of orthotic or prosthetic devices and who have never been orthotists or prosthetists or members of a closely related profession;
 - One member must be a physician licensed under Chapter 458, Chapter 459, Chapter 460, or Chapter 461, F.S., who has extensive knowledge of orthotics or prosthetics; and
 - One member must be a licensed practicing orthotist, orthotic fitter, or pedorthist with a minimum of 3 years' clinical or practical experience.

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 - Prosthetist
Number 15 - Mr. Griner disclosed that his employer, Hanger Clinic, has a contractual relationship with the State as a service provider.

The Florida Senate
COMMITTEE MEETING PACKET TAB

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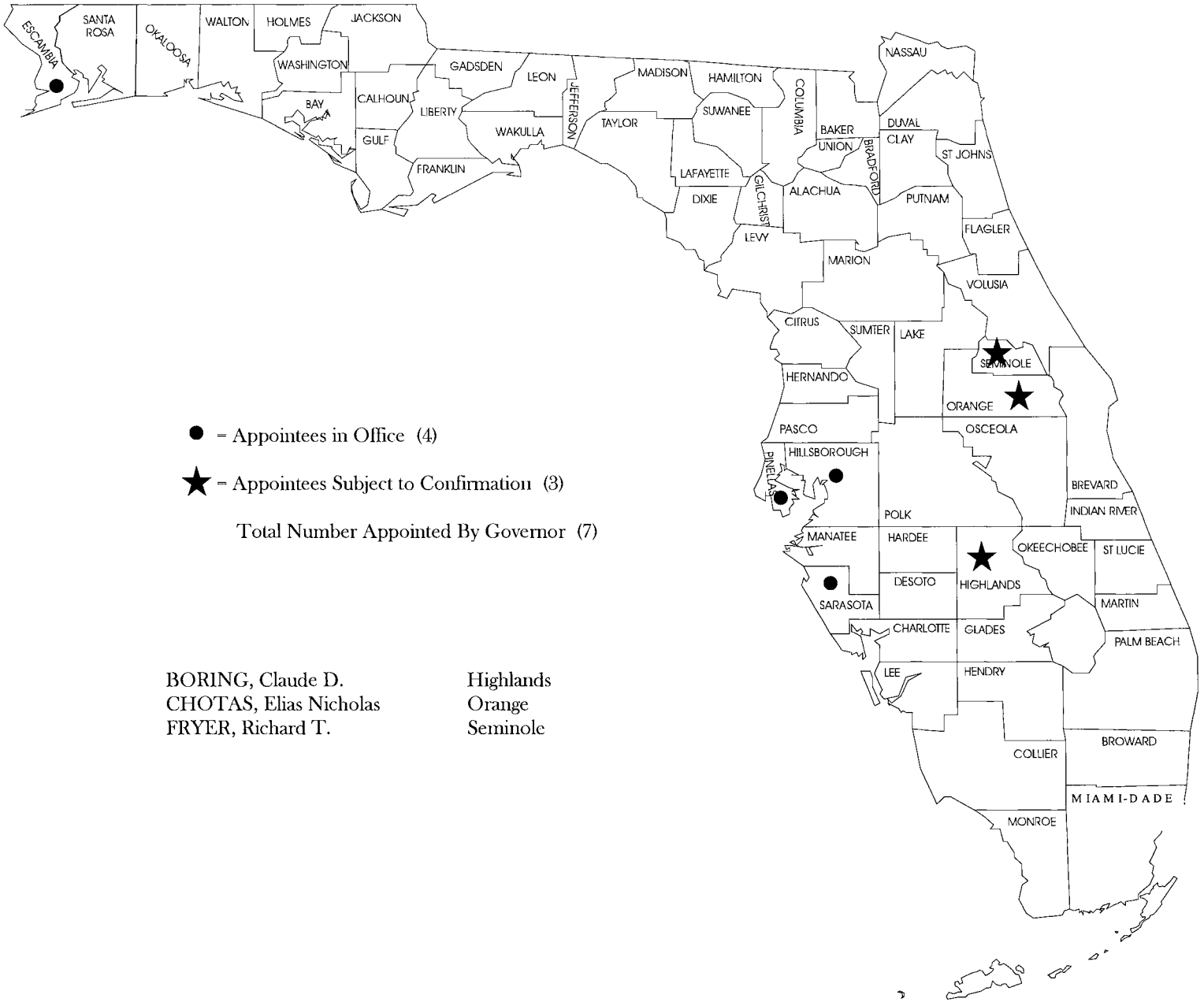
Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Florida Real Estate Commission



- - Appointees in Office (4)
- ★ - Appointees Subject to Confirmation (3)

Total Number Appointed By Governor (7)

BORING, Claude D.	Highlands
CHOTAS, Elias Nicholas	Orange
FRYER, Richard T.	Seminole

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Chotas, Elias Nicholas

Appointed: 12/13/2013

Term: 12/13/2013 – 10/31/2016

Prior Term:

City/County: Edgewood/Orange

Office: Florida Real Estate Commission, Member

Authority: 475.02, F.S. & 20.165(4)(b)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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 5/30/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record	X		See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/4/14
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		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: Attorney & Vice-President/Dean, Mead, Egerton et al

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 commission consists of:

- Four members who are licensed brokers who have held an active license for the five years preceding appointment;
- One member who is a licensed broker or a licensed sales associate who has held an active license for the two years preceding appointment; and
- Two members who are persons who are not and have never been brokers or salespersons.

At least one member of the commission must be 60 years of age or older. Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

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 6 - Mr. Chotas indicated in his questionnaire he served in the U.S. Navy as an inactive reservist.
Number 8 - Lay Member
Number 9 - Mr. Chotas disclosed on his questionnaire that in 1972, in Alachua County, he was charged with trespassing and fined \$102. FDLE reported this violation.
Number 15 - As an attorney, Mr. Chotas has appeared before various state and local agencies on behalf of clients.
Number 17 - Mr. Chotas has been a member of the Economic Development Commission of Mid-Florida since 1982.
Number 18 - Mr. Chotas served on the East Central Florida Regional Planning Council, Region 6 from 1992 to 1993 and 1997 to 1999. Mr. Chotas recently served on the City of Edgewood City Council and resigned when he was appointed to this Board.
Number 19 - Mr. Chotas was an environmental specialist in Urban Planning with the Department of Transportation from 1972-1974.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Fryer, Richard T.

Appointed: 12/13/2013

Term: 12/13/2013 – 10/31/2017

Prior Term:

City/County: Lake Mary/Seminole

Office: Florida Real Estate Commission, Member

Authority: 475.02, F.S. & 20.165(4)(b)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 2/28/14
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 2/4/14
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: Owner of Institute of Florida Real Estate Careers, Inc.; Owner of Southern Style Real Estate, 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 commission consists of:

- Four members who are licensed brokers who have held an active license for the five years preceding appointment;
- One member who is a licensed broker or a licensed sales associate who has held an active license for the two years preceding appointment; and
- Two members who are persons who are not and have never been brokers or salespersons.

At least one member of the commission must be 60 years of age or older. Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

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 - Real Estate Broker
Number 15 - Mr. Fryer owns a company that is an Education Course Vendor to the State.
Number 18 - Mr. Fryer served on the Florida Real Estate Commission in 2009.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

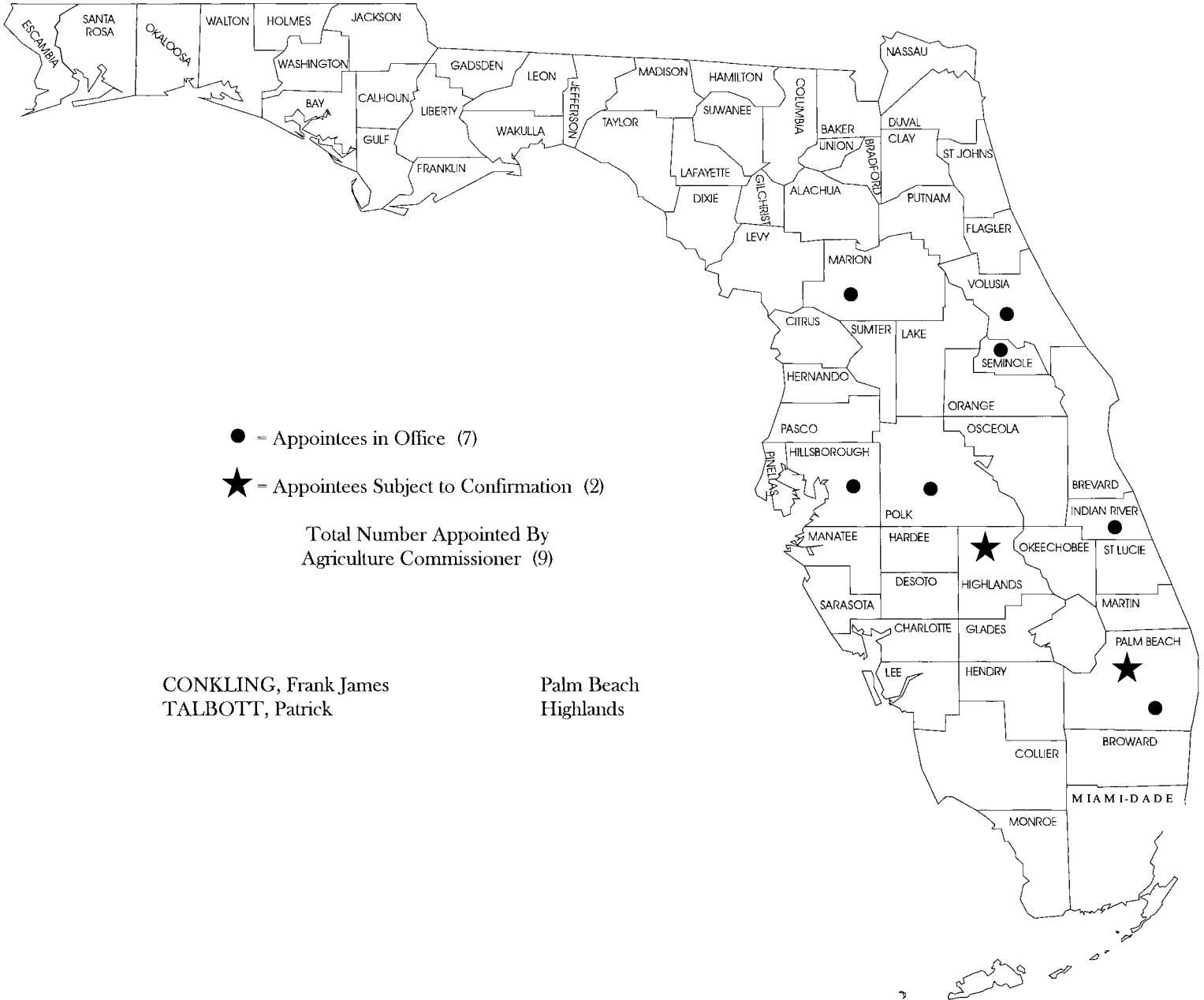
TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

22

A2080C

Board of Professional Surveyors and Mappers



- = Appointees in Office (7)
- ★ = Appointees Subject to Confirmation (2)

Total Number Appointed By
Agriculture Commissioner (9)

CONKLING, Frank James
TALBOTT, Patrick

Palm Beach
Highlands

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Conkling, Frank James

Appointed: 10/29/2013

Term: 11/01/2013 – 10/31/2017

Prior Term: 05/01/2012 - 10/31/2013

City/County: Palm Beach Gardens/Palm Beach

Office: Board of Professional Surveyors and Mappers, Member

Authority: 472.007, F.S. & 20.165(4)(a)14, 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 6/20/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 2/4/14
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: Owner of Panda Consulting

Attendance: Attended 8 of 8 meetings (100%) from May 1, 2012 through January 8, 2014.

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 appointed by the Commissioner of Agriculture consists of:
- Six members who are registered surveyors and mappers primarily engaged in the practice of surveying and mapping;
 - One member who is a registered surveyor and mapper with the designation of photogrammetrist; and
 - Two lay members who are not and never have been surveyors and mappers or members of any closely related profession or occupation.

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 - Registered Land Surveyor

Number 15 - Mr. Conkling disclosed that his company Panda Consulting is a consulting firm, which specializes in Geographic Information Systems and is a contractual service provider to government agencies.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Talbott, Patrick

Appointed: 10/29/2013

Term: 11/01/2013 – 10/31/2017

Prior Term: 07/23/2012 - 10/31/2013

City/County: Lake Placid/Highlands

Office: Board of Professional Surveyors and Mappers, Member

Authority: 472.007, F.S. & 20.165(4)(a)14, 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)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 6/14/13
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 2/4/14
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
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: Retired

Attendance: Attended 6 of 6 meetings (100%) from July 23, 2012 through January 8, 2014.

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 appointed by the Commissioner of Agriculture consists of:
- Six members who are registered surveyors and mappers primarily engaged in the practice of surveying and mapping;
 - One member who is a registered surveyor and mapper with the designation of photogrammetrist; and
 - Two lay members who are not and never have been surveyors and mappers or members of any closely related profession or occupation.

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 6 - Mr. Talbott served in the U.S. Army from 1960 to 1966.

Number 8 - Lay Member

Number 19 - Mr. Talbott served as a Deputy Sheriff in Collier County from 1973 to 1976.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Monday, March 17, 2014

TIME: 4:30—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

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

COMMITTEE: Committee on Education
MEETING DATE: Tuesday, January 14, 2014
TIME: 10:00 a.m.—12:00 noon
PLACE: Pat Thomas Committee Room, 412 Knott Building

TO: The Honorable Don Gaetz, President

FROM: Committee on Education

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

Office: Board of Trustees, University of South Florida

Appointee: Hopes, Scott L.

Term: 6/28/2013-1/6/2018

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: Hopes, Scott L.

Appointed: 06/28/2013

Term: 06/28/2013 – 01/06/2018

Prior Term:

City/County: Homestead/Miami-Dade

Office: Board of Trustees, University of South Florida, Member

Authority: 1001.71(1), F.S.

Reference(s): Committee on Education-Recommend Confirm-01/14/2014
 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 9/9/13
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 9/30/13
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	See Below
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: CEO of Healthcare Management Decisions, Inc.

Compensation: Members of the board of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061, F.S.

Requirements: Each university in the State University System shall have a 13-member board of trustees.

- Six citizen members shall be appointed by the Governor subject to Senate confirmation.
- Five citizen members shall be appointed by the Board of Governors subject to Senate confirmation.

In addition, the chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation.

Additional Requirements: Members of the board of trustees shall be appointed for staggered 5-year terms.

Required to file Form 1 with the Commission on Ethics.

No citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

Notes: Number 8 - Governor's Appointment

Number 16 - Mr. Hopes disclosed on his questionnaire that he is co-founder and CEO of Healthcare Management Decisions, Inc., a company that provided 'healthcare consulting services' to the University Medical Service Association, Inc., which is held by the University of South Florida.

Number 19 - Mr. Hopes was employed by the Agency for Health Care Administration as a Bureau Chief from 1999 to 2001. Mr. Hopes was a teacher with the Hillsborough County Public Schools from 1984 to 1986. Mr. Hopes was employed with the Hillsborough County Hospital Authority from 1986 to 1988.

Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Michael D. Crews
Secretary of Corrections

NOTICE OF HEARING

TO: Secretary Michael D. Crews

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, March 17, 2014, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:30 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 12th day of March, 2014

Committee on Ethics and Elections



Senator Jack Latvala
As Chair and by authority of the committee

cc: Members, Committee on Ethics and Elections
Office of the Sergeant at Arms

THE FLORIDA SENATE
APPEARANCE RECORD

Tab #14

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

3-17-14
Meeting Date

Topic Confirmation

Bill Number _____
(if applicable)

Name Michael D. Crews

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 501 S. Calhoun St.
Street

Phone 717-3030

Tallahassee
City State Zip

E-mail CREWS, Michael@mail.dc.state.fl.us

Speaking: For Against Information

Representing Dept. of Corrections

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 (10/20/11)

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: CS/SB 692

INTRODUCER: Regulated Industries Committee and Senator Stargel

SUBJECT: Engineers

DATE: March 12, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Niles</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Roberts</u>	<u>Roberts</u>	<u>EE</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>GO</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 692 amends s. 471.007, F.S., revising the qualifications and procedures for the appointment and reappointment of members to the Board of Professional Engineers and providing staggered terms.

The bill amends s. 471.013, F.S., revising the requirements for an applicant who fails more than three times who wishes to retake an examination in order to practice in the state as an engineer, and allowing additional attempts for an applicant delayed in taking the examination due to his or her service in the U.S. Armed Forces.

The bill amends s. 471.017, F.S., revising the requirements for license renewal for engineers by increasing professional development hours needed during a two-year renewal period from eight to eighteen.

The bill amends s. 471.015(5)(a), F.S., by removing options for an applicant to be deemed as having passed an examination substantially equivalent to the fundamentals examination, which along with the principles and practice examination, is required to become a licensed engineer.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Section 471.007(1), F.S., creates the Board of Professional Engineers (board) in the Department of Business and Professional Regulation (department). Members of the board are appointed by the Governor for terms of four years each.¹ The board consists of eleven members, nine licensed engineers and two laypersons who have never been engineers or members of a loosely related profession.² Of the nine licensed engineers, the following six are required:³

- One structural engineer;
- One electrical or electronic engineer;
- One mechanical engineer;
- One industrial engineer;
- One engineering educator; and
- One from any engineering discipline other than civil engineering.

According to Florida Engineering Society (FES), it has been difficult to find individuals to fill these specified roles, and board membership is an extremely technical position with a “steep learning curve.”⁴ Currently, the new board members are appointed and begin terms at the same time every four years.

Section 471.013, F.S., sets out the examination prerequisites for a person to take an examination for the purpose of determining whether he or she is qualified to practice in this state as an engineer. The examination, provided by the National Council of Engineers and Surveyors (NCEES), is a two-part exam covering fundamentals (Part I) and principles and practice (Part II).⁵ Applicants for licensure by examination must apply to take the examinations and be graduates of a board approved engineering program defined in the rules.⁶ The acceptance of the fundamentals exam does not automatically mean acceptance to take the principles and practice examination.⁷

Section 471.013(1)(e), F.S., allows every qualified candidate to take either examination up to three times. Eligibility to take an examination after failing three times is conditioned on an applicant completing twelve additional college-level credit hours with grades of at least “C” or equivalent.⁸ For Part I, these additional courses are undergraduate courses in higher mathematics, basic sciences or engineering as described in the rules.⁹ For Part II, these additional courses shall be upper level courses in engineering as defined in the rules.¹⁰

¹ Section 471.007(2), F.S.

² Section 471.007(1), F.S.

³ *Id.*

⁴ Conversation with Frank Rudd, Florida Engineering Society (FES)(Feb. 6, 2014). (Allowing varying term times allows experienced members to consistently occupy the board and introduce new members to their duties.)

⁵ Rule 61G15-21.001(1), F.A.C.

⁶ *See* rule 61G15-21.001(2), F.A.C.

⁷ *Id.*; *see also* s. 471.013, F.S.

⁸ Section 471.013(1)(e), F.S.; *see also* rule 61G15-21.007, F.A.C.

⁹ Rule 61G15-21.007, F.A.C.; *see also* 61G15-20.007(1)(a), (b) and (c), F.A.C. for described courses.

¹⁰ *Id.*; *see also* 61G15-20.007(1)(c), F.A.C. for described courses.

Section 471.015(5)(a), F.S., allows applicants who seek licensure by endorsement to be deemed to have passed an examination substantially equivalent to the fundamentals examination when one of three qualifications are met. The fundamentals examination, or an examination substantially equivalent, is one of two examinations required to become a licensed engineer. The fundamentals examination covers material from academic curriculum, knowledge primarily gained through college level courses.¹¹ An applicant will be deemed as passing this examination when such an applicant has:

- Held a valid license in another state for fifteen years and has had twenty years of continuous professional level experience;
- Received a doctorate degree in engineering from an institution with an undergraduate engineering program accredited by the Accreditation Board for Engineering Technology; or
- Received a doctorate degree in engineering and after receiving that degree has taught engineering full time for at least three years at the baccalaureate level or higher.

According to the Florida Board of Professional Engineers, these exemptions stem from the fact that doctorate degree holders and such professors are required to have additional coursework beyond acquiring a bachelors' degree, and professors especially are exposed to the basic math and science that engineering is based upon, and that is covered in the fundamentals examination, while they are teaching.¹²

Section 471.017, F.S., lays out the biennial renewal requirements for a licensed engineer. Section 471.017(3), F.S., requires a demonstration of continuing professional competency for renewal. Four professional development hours are required each year of the license renewal period for a total of eight hours.¹³ Four hours shall relate to chapter 471, F.S., and the remaining four hours shall relate to the licensee's practice area.¹⁴ Section 471.017(3), F.S., authorizes the board to adopt rules consistent with the guidelines of the National Council of Examiners for Engineering and Surveying (Council) for the purpose of avoiding proprietary continuing professional competency requirements¹⁵ and shall allow non-classroom hours to be credited.

The council's model rules section 240.30, Continuing Professional Competency guidelines are set forth for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements and for those that wish to encourage voluntary usage, and to demonstrate a level of competency of professionals.¹⁶

¹¹ Conversation with Florida Board of Professional Engineers (FBPE) representative (March 4, 2014).

¹² *Id.*

¹³ Section 471.017(3), F.S.

¹⁴ *Id.*

¹⁵ National Council of Examiners for Engineering and Surveying, *Continuing Professional Competency Guidelines*, (Aug. 2013) available at <http://ncees.org/about-ncees/publications/> follow hyperlink "continuing professional competency guideline" (Last visited Feb. 6, 2014).

¹⁶ *Id.*

III. Effect of Proposed Changes:

Board of Professional Engineers Membership and Appointment

CS/SB 692 amends s. 471.007(1), F.S., to remove the requirement that members in specified fields make up the board. The bill adds the requirement that board members who are licensed engineers be appointed based on their qualifications to provide expertise to the board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.

Members are appointed by the Governor. Professional and technical engineering societies may submit a list of qualified nominees to be considered by the Governor for appointment.

Members of the board are appointed for a four-year term. The bill creates staggered terms for board members upon the expiration of members' terms on July 1, 2014. The terms of these immediate successors, as determined by the Governor, shall be as follows: three members will be appointed for two years, four members will be appointed for three years, and four members will be appointed for four years.

The bill permits each member to hold office until the expiration of his or her appointment or until a successor has been appointed.

Conditions to Retake an Examination

The bill amends s. 471.013, F.S., adding an option for the board, which may now require completion of a relevant examination review course, or the previously mandated additional college-level courses, as a condition of future eligibility to take an examination for an applicant who has failed that examination three times.

The bill allows an applicant who is delayed in taking the examination due to reserve or active duty service in the U.S. Armed Forces or National Guard to have two additional attempts, five altogether, to take the examination before the board will require additional college-level courses or an examination review course.

Licensure by Endorsement

The bill amends s. 471.015, F.S., deleting the provisions allowing an applicant for licensure by endorsement to be deemed as having passed an examination substantially equivalent to the fundamentals examination who: holds a doctorate degree in engineering from an accredited institution; or holds a doctorate degree in engineering who has also been teaching at least three years since receiving that degree at the baccalaureate level or higher. The bill continues the current law that allows an applicant to be deemed as having passed an examination substantially equivalent to the fundamentals examination if that applicant has held a valid license in another state for fifteen years and has twenty years of continuous professional-level engineering experience.

Professional Development Hours

The bill amends s. 471.017, F.S., by increasing the required number of professional development hours to nine hours for each year of the license renewal period, for a total of eighteen hours for each two-year renewal period. The bill also provides that one hour must relate to ch. 471, F.S., and the rules adopted under that chapter, one hour must relate to professional ethics, four hours must relate to the licensee's area of practice, and the remaining may relate to any topic pertinent to the practice of engineering.

The bill provides that continuing education hours may be earned by presenting or attending seminars, in-house or non-classroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice. Up to four hours may be earned by serving as an officer or actively participating on a committee of a board-recognized professional or technical engineering society. The hours required relating to ch. 471, F.S., the rules adopted pursuant to that chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. It allows courses already required under s. 471.095, F.S., to apply to these requirements, except the hour relating to ch. 471, F.S., and rules adopted under that chapter.

The bill also amends s. 471.017(3)(b), F.S., to require the board to adopt rules that are substantially consistent with the most recent published Continuing Professional Competency Guidelines of the NCEES.¹⁷

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁷ NCEES, *Continuing Professional Competency Guidelines*, (Aug. 2013) available at <http://ncees.org/about-ncees/publications/> follow hyperlink "continuing professional competency guideline" (Last visited Feb. 6, 2014).

B. Private Sector Impact:

The bill increases the hours of professional development, which may increase the cost for renewal applicants and increase revenue for continuing education providers.

C. Government Sector Impact:

The bill will create additional workload related to the review of disclosure materials and possible compliance actions; however, the additional workload should be able to be handled by existing staff.¹⁸

VI. Technical Deficiencies:

The bill provides that the four hours of continuing education related to this chapter, the rule pursuant to this chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. The bill requires only two hours for these subjects.

VII. Related Issues:

According to the Florida Board of Professional Engineers, although service on the board as an officer or on a committee for a qualified society may be rationally related to keeping up professional competence, the bill lacks criteria for the type of service necessary. The board noted that a committee set up to organize social events may be used by members for professional competence hours.¹⁹

The bill allows examination applicants delayed in taking the examination due to reserve or active duty service in the U.S. Armed Forces or National Guard two additional examination attempts, but offers no definite parameters around what the “delay” may encompass.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 471.007, 471.013, and 471.017.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Regulated Industries on March 06, 2014:

- The CS removes plumbing engineers and fire protection engineering from the qualifications required to provide expertise and experience by the Florida Board of Professional Engineers members.
- The CS permits the professional and technical engineering societies to provide a list of qualified member candidates, which the governor may consider for his appointments.

¹⁸2014 Legislative Bill Analysis for SB 692, Florida Board of Professional Engineers (Feb. 18, 2014).

¹⁹ *Id.*

- The CS does not include a section allowing a provisional member, and it provides that a board member holds office until expiration of their appointment or until a successor has been appointed.
- The CS does not include a provision for successive terms of board members.
- The CS removes options for licensure by endorsement applicants to be deemed as having passed an examination substantially equivalent to the fundamentals examination, one of the requirements for licensure.
- The CS clarifies that service in the U.S. Armed Forces needed to allow the accommodation of two additional examination attempts must be reserve or active duty service in the U.S. Armed Forces or National Guard.
- The CS requires eighteen instead of twenty continuing education hours per two-year license renewal period, with one hour required relating to this chapter and the rules adopted under this chapter, one related to professional ethics, four relating to the licensee's area of practice, and the remaining relating to any topic pertinent to the practice of engineering.
- The CS allows webinars, non-classroom courses, and serving or actively participating on a committee of a board-recognized professional or technical engineering society to qualify as continuing education hours and it does not limit the list of offerings to 12 hours.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator Stargel

580-02209-14

2014692c1

A bill to be entitled

An act relating to engineers; amending s. 471.007, F.S.; revising requirements for membership on the Board of Professional Engineers; authorizing the professional and technical engineering societies to provide a list of qualified nominees for consideration as board member appointments; providing for staggered terms; amending s. 471.013, F.S.; revising requirements for an engineer license applicant who fails the fundamentals examination; authorizing such applicant who is delayed in taking the examination by military service to have additional attempts to take the examination; amending s. 471.015, F.S.; revising requirements for obtaining a licensure by endorsement; amending s. 471.017, F.S.; revising requirements for professional development hours and license renewal for engineers; providing effective dates.

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

Section 1. Section 471.007, Florida Statutes, is amended to read:

471.007 Board of Professional Engineers.—

(1) There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. The members of the board who are licensed engineers must be

Page 1 of 5

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

580-02209-14

2014692c1

appointed based on their qualifications to provide expertise and experience to the board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education ~~Of the members who are licensed engineers, three shall be civil engineers, one shall be a structural engineer, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an industrial engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering.~~

(2) Following the expiration of the initial staggered terms under subsection (3), members of the board ~~Members~~ shall be appointed by the Governor for terms of 4 years each. Professional and technical engineering societies may submit a list of qualified nominees to be considered by the Governor for appointment.

(3) When the terms of members serving as of July 1, 2014, expire, the terms of their immediate successors shall be staggered so that three members are appointed for 2 years, four members are appointed for 3 years, and four members are appointed for 4 years, as determined by the Governor. Each member holds office until the expiration of his or her appointed term or until a successor has been appointed.

Section 2. Paragraph (e) of subsection (1) of section 471.013, Florida Statutes, is amended to read:

471.013 Examinations; prerequisites.—

(1)

(e) Every applicant who is qualified to take the fundamentals examination or the principles and practice

Page 2 of 5

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

580-02209-14

2014692c1

59 examination shall be allowed to take either examination three
60 times, notwithstanding the number of times either examination
61 has been previously failed. If an applicant fails either
62 examination three times, the board shall require the applicant
63 to complete additional college-level education courses or a
64 board-approved relevant examination review course as a condition
65 of future eligibility to take that examination. If the applicant
66 is delayed in taking the examination due to reserve or active
67 duty service in the United States Armed Forces or National
68 Guard, the applicant is allowed an additional two attempts to
69 take the examination before the board may require additional
70 college-level education or review courses.

71 Section 3. Paragraph (a) of subsection (5) of section
72 471.015, Florida Statutes, is amended to read:

73 471.015 Licensure.—

74 (5) (a) The board shall deem that an applicant who seeks
75 licensure by endorsement has passed an examination substantially
76 equivalent to the fundamentals examination when such applicant
77 has+

78 1. Has held a valid professional engineer's license in
79 another state for 15 years and has had 20 years of continuous
80 professional-level engineering experience;

81 2. Has received a doctorate degree in engineering from an
82 institution that has an undergraduate engineering degree program
83 which is accredited by the Accreditation Board for Engineering
84 Technology; or

85 3. Has received a doctorate degree in engineering and has
86 taught engineering full-time for at least 3 years, at the
87 baccalaureate level or higher, after receiving that degree.

580-02209-14

2014692c1

88 Section 4. Effective March 1, 2015, subsection (3) of
89 section 471.017, Florida Statutes, is amended to read:

90 471.017 Renewal of license.—

91 (3) (a) The board shall require a demonstration of
92 continuing professional competency of engineers as a condition
93 of license renewal or relicensure. Every licensee must complete
94 9 continuing education ~~4 professional development~~ hours, for
95 each year of the license renewal period, totaling 18 continuing
96 education hours for the license renewal period. For each renewal
97 period for such continuing education; ~~—4~~

98 1. One hour must ~~hours shall~~ relate to this chapter and the
99 rules adopted under this chapter;

100 2. One hour must relate to professional ethics; and the
101 ~~remaining 4~~

102 3. Four hours must ~~shall~~ relate to the licensee's area of
103 practice; and

104 4. The remaining hours may relate to any topic pertinent to
105 the practice of engineering.

106
107 Continuing education hours may be earned by presenting or
108 attending seminars, in-house or nonclassroom courses, workshops,
109 or professional or technical presentations made at meetings,
110 webinars, conventions, or conferences, including those presented
111 by vendors with specific knowledge related to the licensee's
112 area of practice. Up to 4 hours may be earned by serving as an
113 officer or actively participating on a committee of a board-
114 recognized professional or technical engineering society. The 4
115 hours of continuing education hours relating to this chapter,
116 the rules adopted pursuant to this chapter, and ethics may be

580-02209-14

2014692c1

117 earned by serving as a member of the Legislature or as an
118 elected state or local official. The hours required pursuant to
119 s. 471.0195 may apply to any requirements of this section except
120 for those required under subparagraph 1.

121 (b) The board shall adopt rules that are substantially
122 consistent with the most recent published version of the
123 Continuing Professional Competency Guidelines of the National
124 Council of Examiners for Engineering and Surveying ~~for~~
125 ~~multijurisdictional licensees for the purpose of avoiding~~
126 ~~proprietary continuing professional competency requirements and~~
127 shall allow nonclassroom hours to be credited. The board may, by
128 rule, exempt from continuing professional competency
129 requirements retired professional engineers who no longer sign
130 and seal engineering documents and licensees in unique
131 circumstances that severely limit opportunities to obtain the
132 required continuing education ~~professional development~~ hours.

133 Section 5. Except as otherwise provided in this act, this
134 act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR KELLI STARGEL
15th District

COMMITTEES:
Regulated Industries, *Chair*
Appropriations Subcommittee on General
Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Community Affairs
Education

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

March 12, 2014

The Honorable Jack Latvala
Senate Ethics and Elections Committee, Chair
420 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Latvala:

I am respectfully requesting that SB 692, related to *Engineers*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
Senator, District 15

Cc: Dawn Roberts/ Staff Director
Diane Vause/ AA

REPLY TO:

- 902 S. Florida Avenue, Suite 102, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

Tab # 24

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

3-17-14

Meeting Date

Topic ENGINEERS

Bill Number SB692
(if applicable)

Name STEVE DYAL

Amendment Barcode _____
(if applicable)

Job Title _____

Address 101 E. COLLEGE
Street

Phone 850-510-6286

TALLAHASSEE FL. 32301
City State Zip

E-mail SDyal@DyalConsulting.com

Speaking: For Against Information

Representing CHIZM HILL ENGINEERS

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/14
Meeting Date

Topic _____

Bill Number 692
(if applicable)

Name Frank Rudd

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 125 S Gadsden St

Phone 850

Tallahassee FL 32308
City State Zip

E-mail frudd@fleng.org

Speaking: For Against Information

Representing Florida Engineering Society

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.

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: CS/SB 1474

INTRODUCER: Ethics and Elections Committee and Senator Abruzzo

SUBJECT: Public Officers and Employees

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1474 allows electors of a political subdivision to impose on its own officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics. The bill also requires local ethics commissions or agencies to have the similar complaint-related procedures as are used by the Commission on Ethics.

The bill has an effective date of July 1, 2014.

II. Present Situation:

Pursuant to s. 112.326, F.S., the governing body of any political subdivision, by ordinance, or agency, by rule, is permitted to impose additional or more stringent standards of conduct and disclosure requirements than are contained in the Code of Ethics. The governing body of a political subdivision or agency may not adopt standards of conduct and disclosure requirements that conflict with the Code of Ethics.

III. Effect of Proposed Changes:

CS/SB 1474 allows electors of a political subdivision to impose on its own officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics. The bill also requires local ethics commissions or agencies to have the similar complaint-related procedures as are used by the Commission on Ethics.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.326 of the Florida Statutes.

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 Elections on March 17, 2014:**

The committee substitute differs from the original bill in that it:

- Does not require the Florida Commission on Ethics to investigate alleged violations of a local ethics code;

- Does not require the Florida Commission on Ethics to render advisory opinions on the applicability of local ethics codes;
- Removes the conforming provisions relating to imposition of penalties, the applicable statute of limitations, providing materials to assist in complying with the local ethics codes;
- No longer requires that the Florida Commission on Ethics serve as the official custodian of records for complaints and related documents that alleges violations of local ethics codes; and
- Does not extend the prohibition on contingency fees in s. 112.3217, F.S., to local government action.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 112.326, Florida Statutes, is amended to
read:

112.326 Additional requirements by political subdivisions
and agencies not prohibited. ~~Nothing in~~ This part does not
prohibit the electors or act shall prohibit the governing body
of a ~~any~~ political subdivision, by ordinance, or agency, by



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11 rule, from imposing upon its own officers and employees
12 additional or more stringent standards of conduct and disclosure
13 requirements than those specified in this part, ~~if provided that~~
14 those standards of conduct and disclosure requirements do not
15 otherwise conflict with ~~the provisions of~~ this part. Procedures
16 of a local ethics agency or commission governing complaints and
17 investigations shall conform with procedures established under
18 s. 112.324.

19 Section 2. This act shall take effect July 1, 2014.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause
24 and insert:

25 A bill to be entitled
26 An act relating to public officers and employees;
27 amending s. 112.326, F.S.; permitting electors to
28 impose upon their own officers and employees
29 additional or more stringent standards of conduct and
30 disclosure requirements; requiring a local ethics
31 agency or commission to establish certain procedures;
32 providing an effective date.

By Senator Abruzzo

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1 A bill to be entitled
 2 An act relating to public officers and employees;
 3 amending s. 112.317, F.S.; providing that violations
 4 of certain local codes of ethics are subject to
 5 specified penalties; amending s. 112.3217, F.S.;
 6 revising the term "contingency fee" to include local
 7 government action; requiring that certain forfeited
 8 benefits be forfeited to the affected local
 9 government; amending s. 112.322, F.S.; revising the
 10 duties and powers of the Commission on Ethics;
 11 requiring the commission to receive and investigate
 12 complaints alleging certain violations of a local code
 13 of ethics; requiring that all complaints alleging a
 14 violation of a local code of ethics be filed with the
 15 commission; requiring that the commission be the
 16 official custodian of records of such complaints;
 17 conforming provisions to changes made by the act;
 18 amending s. 112.3231, F.S.; requiring that complaints
 19 alleging a violation of a local code of ethics within
 20 the commission's jurisdiction be filed within a
 21 specified timeframe; amending s. 112.324, F.S.;
 22 conforming a provision to changes made by the act;
 23 amending s. 112.326, F.S.; requiring a local ethics
 24 agency or commission to establish certain procedures;
 25 requiring the commission to respond to certain
 26 complaints or requests for advisory opinions;
 27 providing an effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

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

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30
 31 Section 1. Subsection (1) of section 112.317, Florida
 32 Statutes, is amended to read:
 33 112.317 Penalties.—
 34 (1) Any violation of this part, including, but not limited
 35 to, failure to file disclosures required by this part or
 36 violation of any standard of conduct imposed by this part, ~~or~~
 37 any violation of s. 8, Art. II of the State Constitution, or any
 38 violation of a local code of ethics which is adopted pursuant to
 39 s. 112.326 and which is not in conflict with this part, in
 40 addition to any criminal penalty or other civil penalty
 41 involved, under applicable constitutional and statutory
 42 procedures, constitutes grounds for, and may be punished by, one
 43 or more of the following:
 44 (a) In the case of a public officer:
 45 1. Impeachment.
 46 2. Removal from office.
 47 3. Suspension from office.
 48 4. Public censure and reprimand.
 49 5. Forfeiture of no more than one-third of his or her
 50 salary per month for no more than 12 months.
 51 6. A civil penalty not to exceed \$10,000.
 52 7. Restitution of any pecuniary benefits received because
 53 of the violation committed. The commission may recommend that
 54 the restitution penalty be paid to the agency of which the
 55 public officer was a member or to the General Revenue Fund.
 56 (b) In the case of an employee or a person designated as a
 57 public officer by this part who otherwise would be deemed to be
 58 an employee:

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

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- 59 1. Dismissal from employment.
 60 2. Suspension from employment for not more than 90 days
 61 without pay.
 62 3. Demotion.
 63 4. Reduction in his or her salary level.
 64 5. Forfeiture of no more than one-third salary per month
 65 for no more than 12 months.
 66 6. A civil penalty not to exceed \$10,000.
 67 7. Restitution of any pecuniary benefits received because
 68 of the violation committed. The commission may recommend that
 69 the restitution penalty be paid to the agency by which the
 70 public employee was employed, or of which the officer was deemed
 71 to be an employee, or to the General Revenue Fund.
 72 8. Public censure and reprimand.
 73 (c) In the case of a candidate who violates this part or s.
 74 8(a) and (i), Art. II of the State Constitution:
 75 1. Disqualification from being on the ballot.
 76 2. Public censure.
 77 3. Reprimand.
 78 4. A civil penalty not to exceed \$10,000.
 79 (d) In the case of a former public officer or employee who
 80 has violated a provision applicable to former officers or
 81 employees or whose violation occurred before the officer's or
 82 employee's leaving public office or employment:
 83 1. Public censure and reprimand.
 84 2. A civil penalty not to exceed \$10,000.
 85 3. Restitution of any pecuniary benefits received because
 86 of the violation committed. The commission may recommend that
 87 the restitution penalty be paid to the agency of the public

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- 88 officer or employee or to the General Revenue Fund.
 89 (e) In the case of a person who is subject to the standards
 90 of this part, other than a lobbyist or lobbying firm under s.
 91 112.3215 for a violation of s. 112.3215, but who is not a public
 92 officer or employee:
 93 1. Public censure and reprimand.
 94 2. A civil penalty not to exceed \$10,000.
 95 3. Restitution of any pecuniary benefits received because
 96 of the violation committed. The commission may recommend that
 97 the restitution penalty be paid to the agency of the person or
 98 to the General Revenue Fund.
 99 Section 2. Subsections (1), (3), and (4) of section
 100 112.3217, Florida Statutes, are amended to read:
 101 112.3217 Contingency fees; prohibitions; penalties.—
 102 (1) "Contingency fee" means a fee, bonus, commission, or
 103 nonmonetary benefit as compensation which is dependent or in any
 104 way contingent on the enactment, defeat, modification, or other
 105 outcome of any specific executive branch or local government
 106 action.
 107 (3) A ~~Any~~ person who violates this section commits a
 108 misdemeanor of the first degree, punishable as provided in s.
 109 775.082 or s. 775.083. If such person is a lobbyist, the
 110 lobbyist shall forfeit any fee, bonus, commission, or profit
 111 received in violation of this section and is subject to the
 112 penalties set forth in s. 112.3215. If ~~When~~ the fee, bonus,
 113 commission, or profit is nonmonetary, the fair market value of
 114 the benefit shall be used in determining the amount to be
 115 forfeited. All forfeited benefits shall be deposited into the
 116 Executive Branch Lobby Registration Trust Fund. However, any

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117 benefit forfeited as a result of a violation of this section
 118 with respect to a local government action shall be forfeited to
 119 the affected local government.

120 (4) ~~Nothing in~~ This section may not be construed to
 121 prohibit any salesperson engaging in legitimate state or local
 122 business on behalf of a company from receiving compensation or
 123 commission as part of a bona fide contractual arrangement with
 124 that company.

125 Section 3. Subsection (1), paragraph (a) of subsection (2),
 126 paragraph (a) of subsection (3), and subsections (5) and (7) of
 127 section 112.322, Florida Statutes, are amended to read:

128 112.322 Duties and powers of commission.—

129 (1) (a) It is the duty of the Commission on Ethics to
 130 receive and investigate sworn complaints of a violation of the
 131 code of ethics as established in this part, of a violation of a
 132 standard of conduct in a local code of ethics adopted pursuant
 133 to s. 112.326 which is equivalent to a standard of conduct in
 134 this part, and of any other breach of the public trust, as
 135 provided in s. 8(f), Art. II of the State Constitution,
 136 including investigation of all facts and parties materially
 137 related to the complaint at issue.

138 (b) All complaints alleging a violation of a local code of
 139 ethics adopted pursuant to s. 112.326 shall be filed with the
 140 commission. The commission shall be the official custodian of
 141 records for complaints, and any documents related to such
 142 complaints, alleging a violation of a local code of ethics
 143 adopted pursuant to s. 112.326.

144 (2) (a) Any public officer or employee may request a hearing
 145 before the Commission on Ethics to present oral or written

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146 testimony in response to allegations that he or she ~~such person~~
 147 violated the code of ethics established in this part or a
 148 standard of conduct in a local code of ethics adopted pursuant
 149 to s. 112.326 which is equivalent to a standard of conduct in
 150 this part, or allegations of any other breach of the public
 151 trust, as provided in s. 8, Art. II of the State Constitution,
 152 ~~if provided~~ a majority of the commission members present and
 153 voting consider that the allegations are of such gravity as to
 154 affect the general welfare of the state and the ability of the
 155 subject public officer or employee to effectively ~~to~~ discharge
 156 the duties of the office. If the allegations made against the
 157 subject public officer or employee are made under oath, the
 158 public officer or employee ~~then he or she~~ shall also be required
 159 to testify under oath.

160 (3) (a) Any ~~Every~~ public officer, candidate for public
 161 office, or public employee, when in doubt about the
 162 applicability and interpretation of this part, a standard of
 163 conduct in a local code of ethics adopted pursuant to s. 112.326
 164 which is equivalent to a standard of conduct in this part, or s.
 165 8, Art. II of the State Constitution to himself or herself in a
 166 particular context, may submit in writing the facts of the
 167 situation to the Commission on Ethics with a request for an
 168 advisory opinion to establish the standard of public duty. Any
 169 public officer or employee who has the power to hire or
 170 terminate employees may likewise seek an advisory opinion from
 171 the commission as to the application of the provisions of this
 172 part, a standard of conduct in a local code of ethics adopted
 173 pursuant to s. 112.326 which is equivalent to a standard of
 174 conduct in this part, or s. 8, Art. II of the State Constitution

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175 to any such employee or applicant for employment. An advisory
 176 opinion shall be rendered by the commission, and each such
 177 opinion shall be numbered, dated, and published without naming
 178 the person making the request, unless such person consents to
 179 the use of his or her name.

180 (5) The commission may recommend that the Governor initiate
 181 judicial proceedings in the name of the state against any
 182 executive or administrative state, county, or municipal officer
 183 to enforce compliance with any provision of this part, a local
 184 code of ethics, or of s. 8, Art. II of the State Constitution or
 185 to restrain violations of this part, a local code of ethics, or
 186 of s. 8, Art. II of the State Constitution, pursuant to s. 1(b),
 187 Art. IV of the State Constitution; and the Governor may without
 188 further action initiate such judicial proceedings.

189 (7) The commission may prepare materials designed to assist
 190 persons in complying with the provisions of this part, with a
 191 standard of conduct in a local code of ethics adopted pursuant
 192 to s. 112.326 which is equivalent to a standard of conduct in
 193 this part, and with s. 8, Art. II of the State Constitution.

194 Section 4. Subsection (1) of section 112.3231, Florida
 195 Statutes, is amended to read:

196 112.3231 Time limitations.—

197 (1) On or after October 1, 1993, all sworn complaints
 198 alleging a violation of this part, a local code of ethics, or of
 199 any other breach of the public trust within the jurisdiction of
 200 the Commission on Ethics under s. 8, Art. II of the State
 201 Constitution, shall be filed with the commission within 5 years
 202 of the alleged violation or other breach of the public trust.

203 Section 5. Subsection (1) of section 112.324, Florida

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204 Statutes, is amended to read:

205 112.324 Procedures on complaints of violations and
 206 referrals; public records and meeting exemptions.—

207 (1) The commission shall investigate an alleged violation
 208 of this part, a standard of conduct in a local code of ethics
 209 adopted pursuant to s. 112.326 which is equivalent to a standard
 210 of conduct in this part, or other alleged breach of the public
 211 trust within the jurisdiction of the commission as provided in
 212 s. 8(f), Art. II of the State Constitution:

213 (a) Upon a written complaint executed on a form prescribed
 214 by the commission and signed under oath or affirmation by any
 215 person; or

216 (b) Upon receipt of a written referral of a possible
 217 violation of this part or other possible breach of the public
 218 trust from the Governor, the Department of Law Enforcement, a
 219 state attorney, or a United States Attorney which at least six
 220 members of the commission determine is sufficient to indicate a
 221 violation of this part or any other breach of the public trust.

222
 223 Within 5 days after receipt of a complaint by the commission or
 224 a determination by at least six members of the commission that
 225 the referral received is deemed sufficient, a copy shall be
 226 transmitted to the alleged violator.

227 Section 6. Section 112.326, Florida Statutes, is amended to
 228 read:

229 112.326 Additional requirements by political subdivisions
 230 and agencies not prohibited. ~~Nothing in This part does not~~
 231 prohibit the electors or act shall prohibit the governing body
 232 of a any political subdivision, by ordinance, or agency, by

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233 rule, from imposing upon its own officers and employees
234 additional or more stringent standards of conduct and disclosure
235 requirements than those specified in this part, ~~if provided that~~
236 those standards of conduct and disclosure requirements do not
237 otherwise conflict with ~~the provisions of~~ this part. Procedures
238 of a local ethics agency or commission governing complaints and
239 investigations shall conform with procedures established under
240 s. 112.324. If a political subdivision or agency has imposed a
241 standard of conduct equivalent to a standard contained in this
242 part or s. 8, Art. II of the State Constitution, a complaint
243 regarding allegations of a breach of such standard, or a request
244 for an advisory opinion with respect to such standard, must be
245 made to the commission, which shall respond to the complaint or
246 the request for an advisory opinion in the same manner as
247 provided in ss. 112.317, 112.322, and 112.324.

248 Section 7. This act shall take effect July 1, 2014.

Tab # 25 ✓

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14

Meeting Date

Topic LOCAL ETHICS COMMISSIONS

Bill Number SB 1474
(if applicable)

Name STEVEN CULLEN

Amendment Barcode _____
(if applicable)

Job Title EXEC. DIRECTOR - P.B. COUNTY COMM. ON ETHICS

Address 300 N. DIXIE HIGHWAY #400

Phone 561-355-1922

Street

WEST PALM BEACH FL 33409

City

State

Zip

E-mail SCULLSW@PALMBEACHCOUNTYETHICS.COM

Speaking: For Against Information

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 (10/20/11)

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 1514

INTRODUCER: Senator Evers

SUBJECT: Public Records/E-mail Addresses of Voter Registration Applicants and Voters

DATE: March 12, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1514 provides that the e-mail address of a voter registration applicant or a voter, which is obtained for voter registration purposes, is confidential and exempt from public record requirements; Governor Scott vetoed the same bill last year. That bill was linked to a paper reduction act that became law on October 1, 2013, which amended the uniform statewide voter registration application to include a field for a voter registration applicant's e-mail address. As a result, the state voter registration form now solicits e-mail addresses, but the law does not protect them from disclosure.

This public records issue is part of the Florida Association of Supervisors of Elections' 2014 legislative package.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Because this bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

II. Present Situation:

Public Records Laws

The State Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of

the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.²

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁰ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹¹ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.¹²

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

⁷ FLA. CONST., art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹¹ Section 119.15(3), F.S.

¹² Section 119.15(6)(b), F.S.

Voter Registration

Current law requires the Department of State to prescribe by rule a uniform statewide voter registration application.¹³ The application must elicit certain information from the voter applicant, such as the applicant's name, date of birth, and address of legal residence.¹⁴

Public Record Exemption for Voter Registration Information

Current law also provides a public record exemption for certain information held by an agency¹⁵ for purposes of voter registration.¹⁶ Specifically, the following information is confidential and exempt¹⁷ from public record requirements:

- All declinations to register to vote made pursuant to ss. 97.057 and 97.058, F.S.
- Information relating to the place where a person registered to vote or where a person updated a voter registration.
- The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

In addition, the signature of a voter registration applicant or a voter is exempt from copying requirements.¹⁸

The public record exemption applies to information held by an agency before, on, or after the effective date of the exemption.¹⁹

Governor's Veto (2013)

Governor Scott vetoed this bill last year (CS/HB 249 [2013]), despite it having passed the Legislature with only one "no" vote in each chamber. The veto message provides in pertinent part:

This bill seeks to create a public records exemption for email addresses obtained as part of the voter registration process. The mailing addresses of Florida's registered voters

¹³ Section 97.052(1), F.S.

¹⁴ Section 97.052(2), F.S.

¹⁵ The exemption applies to information held by an agency as defined in s. 119.011, F.S. Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

¹⁶ Section 97.0585, F.S.

¹⁷ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. (*See Attorney General Opinion 85-62*, August 1, 1985).

¹⁸ Section 97.0585(2), F.S.

¹⁹ Section 97.0585(4), F.S.

have traditionally been part of the public record as a means of delivering important information on election-related issues, and to facilitate communication from elected officials to their constituents. In the modern age of electronic communications, email is increasingly the most convenient and efficient means to receive information that was previously sent through the mail. In order to ensure that voters continue to have efficient access to election-related materials and information, it is essential to keep these channels of communication open to the public.²⁰

The public records exemption that the Governor vetoed was linked to a 2013 paper reduction act that modified the uniform statewide voter registration application to include, as of October 1, 2013, a field for a voter registration applicant's email address (and an indication of whether the applicant wishes to receive sample ballots by e-mail).²¹ Consequently, the statewide voter registration form now solicits e-mail addresses that are allowed to be made public.

This public records issue is part of the Florida Association of Supervisors of Elections' 2014 legislative package.

III. Effect of Proposed Changes:

This bill expands the current public record exemption for voter registration information. It provides that the e-mail address of a voter registration applicant or voter, which is obtained for voter registration purposes, is confidential and exempt from public record requirements.

Current law provides for retroactive application of the public record exemption for voter registration information.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2018, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁰ Governor Scott's Veto Letter, CS/HB 249 (14 June 2013), available at: <http://www.flgov.com/wp-content/uploads/2013/06/Veto-Letter-HB-249.pdf>, last accessed on 12 March 2014.

²¹ Ch. 2013-192, s. 1, LAWS OF FLA. (CS/CS/HB 247)

D. Other Constitutional Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands the current public record exemption for voter information; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill expands the current public record exemption for voter information; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the email address of a voter or voter registration applicant. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill likely could create a minimal fiscal impact on agencies, because staff responsible for complying with public record requests could require training related to expansion of the public record exemption. In addition, those agencies could incur costs associated with redacting confidential and exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the agency.

VI. Technical Deficiencies:

A bill drafting error on line 53, identifying that the new exemption is scheduled to expire without further legislative action in “2018,” should be corrected to read “2019” — to conform to the 5-year sunset provision of the Open Government Sunset Review Act.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 97.0585 of the Florida Statutes.

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.

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

By Senator Evers

2-01423-14

20141514__

A bill to be entitled

An act relating to public records; amending s.

97.0585, F.S.; providing an exemption from public

records requirements for the e-mail addresses of voter

registration applicants and voters; providing for

future review and repeal of the exemption under the

Open Government Sunset Review Act; providing a

statement of public necessity; providing an effective

date.

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

Section 1. Section 97.0585, Florida Statutes, is amended to read:

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

(1) The following information held by an agency as defined in s. 119.011 and obtained for the purpose of voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:

(a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058.

(b) Information relating to the place where a person registered to vote or where a person updated a voter registration.

(c) The social security number, ~~driver~~ driver's license number, and Florida identification number of a voter registration applicant or voter.

Page 1 of 3

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

2-01423-14

20141514__

(d) The e-mail address of a voter registration applicant or voter.

(2) The signature of a voter registration applicant or a voter is exempt from the copying requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution in the same manner that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under s. 741.465 are exempt from disclosure, provided that the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with the procedures in ss. 741.401-741.409.

(4) This section applies to information held by an agency before, on, or after the effective date of this exemption.

(5) (a) Subsection (3) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(b) Paragraph (d) of subsection (1) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the e-mail address of a voter registration applicant or voter that is held by an agency and obtained for the purpose of voter registration be made confidential and

Page 2 of 3

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

2-01423-14

20141514__

59 exempt from s. 119.07(1) and s. 24(a), Article I of the State
60 Constitution. An e-mail address is personal information that
61 could be misused and could result in voter fraud if released. A
62 voter may request an absentee ballot using an e-mail address.
63 Public access to that e-mail address could make others aware of
64 those voters intending to vote using an absentee ballot and
65 could result in confiscation and misuse of a mailed absentee
66 ballot by a person other than the registered voter before the
67 registered voter receives the requested absentee ballot. In
68 addition, collection of the e-mail address of a voter
69 registration applicant or a registered voter would allow the
70 supervisors of elections to send sample ballots electronically,
71 thereby saving counties money. If a voter registration applicant
72 or a registered voter knows that his or her e-mail address is
73 subject to public disclosure, he or she may be less willing to
74 provide the address to the supervisor of elections. Accordingly,
75 the effective and efficient administration of a government
76 program would be significantly impaired.

77 Section 3. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG EVERS

2nd District

March 6, 2014

Honorable Senator Latvala
Senate Ethics and Elections Committee
408 SB
404 S. Monroe St.
Tallahassee, FL 32399

RE: SB 1514

Dear Chairman Latvala:

Please allow this letter to serve as my respectful request to include SB 1514 regarding Public Records/Voter Registration on the agenda for your next Ethics and Elections Committee meeting.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Greg Evers".

Greg Evers
State Senator, District 2

REPLY TO:

- 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

Tab #26

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14

Meeting Date

Topic EMAIL ADDRESS / PUBLIC RECORDS

Bill Number 1514
(if applicable)

Name RON LABASKY

Amendment Barcode _____
(if applicable)

Job Title _____

Address 225 S. ADAMS ST.

Phone 222-7719

Street

TALL

FL

32302

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FLA. STATE ASSOC. OF SUPERVISORS OF ELECTIONS

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 (10/20/11)

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: CS/SB 1632

INTRODUCER: Ethics and Elections Committee and Senator Stargel

SUBJECT: Special Districts

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1632 is an omnibus special district bill that reorganizes, renumbers and makes numerous technical and conforming changes to the provisions in Chapter 189 of the Florida Statutes. Additionally, the bill:

- Amends the definition of agency in the Code of Ethics to specifically include special districts;
- Expands the authority of the Governor to suspend special district officers and provides procedures related to suspended officers;
- Redefines the term special district in s. 189.403, F.S.;
- Removes provisions concerning a special district's application to amend its charter;
- Amends the circumstances under which the Department of Economic Opportunity may declare a special district inactive;
- Requires the Department of Economic Opportunity to notify the chair of the county legislative delegation and the Legislative Auditing Committee;
- Prohibits inactive districts from collecting taxes, fees, and assessments;
- Changes the required education for new special district members;
- Revises the provisions concerning the failure to file certain reports;
- Requires administrative fees to be placed into the Operating Trust Fund;
- Requires public hearings concerning certain noncompliance; and
- Requires special districts to maintain a website and give the website address to the Department of Economic Opportunity for publication on its website.

The committee substitute has an effective date of July 1, 2014.

II. Present Situation:

SPECIAL DISTRICTS

Chapter 189, F.S.

Special districts are local units of special purpose government, within limited geographical areas, which are utilized to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. According to the Official List of Special Districts maintained by the Department of Economic Opportunity (DEO), there are a total of 1,634 special districts (18 are inactive). There are 1,008 independent special districts and 644 dependent special districts.

Special districts have been around in Florida since 1845 when the Legislature authorized five commissioners to drain the “Alachua Savannah” also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been useful to local governments in providing a broad range of government services. Special districts serve a limited purpose, function as an administrative unit separate and apart from the county or city in which they may be located, and are often referred to as a local unit of special purpose. Special districts may be created by general law (an act of the Legislature), by special act (a law enacted by the Legislature at the request of a local government and affecting only that local government), by local ordinance, or by rule of the Governor and Cabinet. There are two types of special districts – dependent and independent.

Dependent Special District

A dependent district meets at least one of the following criteria:

- The special district governing body members are the same as the governing body members of the county or city that created the district,
- The special district governing board members are appointed by the governing body of the county or city that created the district,
- During the terms of membership, the governing board members of the special district are subject to removal at will by the governing body of the county or city that created the district,
- The special district budget must be approved by an affirmative vote of the governing body of the county or city that created the district, or
- The special district budget can be vetoed by the governing body of the county or city that created the district.

The ordinance creating a dependent special district must provide the following:

- A statement referencing the district’s dependent status, including a statement that explains why the special district is the best way to provide the service being provided,
- The purpose, powers, functions, authority, and duties of the district,
- District boundaries,

- The membership, organization, compensation, and administrative duties of the special district governing board,
- Applicable financial disclosure, noticing, and reporting requirements,
- The method by which the special district will be financed, and
- A declaration that the creation of the special district is consistent with the approved local government comprehensive plan.

Independent Special Districts

An independent special district does not have any of the characteristics of a dependent district, may encompass more than one county unless the district lies wholly within the boundaries of one city, and generally is created by an act of the Legislature. However, counties and cities may create community development districts of less than 1,000 acres,¹ public hospital districts,² county children's services districts,³ and county health and mental health care districts.⁴ Two or more counties may create regional jail districts,⁵ and any combination of counties or cities, or both, may create regional water supply authorities.⁶ Regional transportation authorities may be created by any combination of contiguous counties, cities, or other political subdivisions.⁷ Finally, the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, have the authority to create community development districts.⁸

With the exception of a community development district, the charter creating an independent special district must contain the following information:

- The purpose of the special district;
- The powers, functions and duties of the special district relating to ad valorem taxes, bonds and other revenue-raising abilities, budget preparation and approval, liens and lien foreclosures, and the use of tax deeds and certificates for non-ad valorem assessments and contractual agreements;
- Method for establishing the district and amending the district charter;
- The membership, organization, compensation, and administrative duties of the governing board and its members;
- Applicable financial disclosure, noticing, and reporting requirements;
- Procedures and requirements for bond issues, if the special district will issue bonds;
- Election procedures and requirements;
- Method for financing the district;
- Authorized millage rate, and methods for collecting non-ad valorem assessments, fees, or service charges;
- Planning requirements; and
- District boundaries.

¹ Chapter 190.005(2), F.S.

² Chapter 155.04 and 155.05, F.S.

³ Section 125.901, F.S.

⁴Section 154.331, F.S.

⁵ Section 950.001, F.S.

⁶ Section 373.1962, F.S.

⁷ Section 163.567, F.S.

⁸ Section 190.005(1), F.S.

All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 which was enacted by the Legislature to reform and consolidate laws relating to special districts. The Act provides for the definitions, creation, operation, financial report, taxation and non-ad valorem assessments, elections and dissolution of most special districts.

The Special District Information Program (SDIP) within the Department of Economic Opportunity serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function which can include community development districts (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts (11), fire control and rescue districts (65), mosquito control districts (18), and soil and water conservation districts (62). Each special district must file with the SDIP the ordinance or document creating the district, amendments to the creation document, a written statement referencing the basis for the district's dependent or independent status. The SDIP enforces compliance with financial reporting requirements and collects the Annual Special District Fee of \$175 to pay the costs of administering the SDIP. Information relating to special districts and their functions can be found in the SDIP online publication "Florida Special District Handbook Online" which can be found at <http://www.floridaspecialdistricts.org/handbook/>.

For purposes of this analysis, specific current law affected by the committee substitute will be discussed in the Effects of Proposed Changes Section below.

III. Effect of Proposed Changes:

Numerous sections of the committee substitute do not need to be specifically addressed because they make only technical, conforming, or renumbering changes to the statutes. Those sections of the committee substitute are:

7, 12, 15, 16, 17, 26, 27, 30-33, 35-41, 43, 45-47, 50, and 57-90.

Additionally, Section 51 of the committee substitute repeals the following: ss. 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444, Florida Statutes.

Those sections compose the "Community Improvement Authority Act," the purpose of which is to prescribe a uniform procedure for establishing independent authorities for the purpose of planning, financing, constructing, renovating, developing, operating, and maintaining facilities and other attractions, including professional sports facilities and other related amenities and infrastructure within highly populated counties of the state and within counties contiguous therewith.⁹

⁹ Section 189.431(2), F.S.

The following addresses the remaining sections of the committee substitute wherein substantive changes are made:

GENERAL STATUTORY STRUCTURE (Sections 1 and 2)

The committee substitute takes current Chapter 189 of the Florida Statutes, renames it as “Special Districts,” and divides it into the following named parts:

- Part I - “General Provisions”
- Part II - “Dependent Special Districts”
- Part III - “Independent Special Districts”
- Part IV - “Elections”
- Part V - “Finance”
- Part VI - “Oversight and Accountability”
- Part VII - “Merger and Dissolution”
- Part VIII - “Comprehensive Planning”

Legislative Auditing Committee (Section 3)

Current Situation

The Joint Legislative Auditing Committee (Committee) has the authority to enforce provisions against local governmental entities when they fail to submit financial reports required by law. All counties, municipalities, and special districts are required to complete an annual financial report (AFR) for each fiscal year. Counties, municipalities and independent special districts are required to submit the AFR to the Department of Financial Services (DFS). Any dependent special district that is a component unit (as defined by generally accepted accounting principles (Governmental Accounting Standards Board Statement No. 14, The Financial Reporting Entity)) of the county or the municipality to which it is dependent is required to provide that entity the financial information necessary to comply with the AFR reporting requirements. It is then the county's or the municipality's responsibility to include the financial information of the dependent special district in its AFR. A dependent special district that is not determined to be a component unit of the county or the municipality to which it is dependent is required to file the AFR with the DFS.

In addition, all counties, and municipalities and special districts that meet a certain threshold for revenues or expenditures/expenses are also required to have an annual financial audit (audit) of their accounts and records conducted by an independent certified public accountant (CPA). Audits are required to be submitted to both the DFS and the Auditor General. Each year, these offices provide the Committee with a list of all entities that have failed to comply with these financial reporting requirements. The Committee may choose to take action pursuant to s. 11.40(2), F.S., against noncompliant entities. For counties and municipalities, the Committee may direct the DFS and the Department of Revenue (DOR) to withhold any funds due to the entity that are not pledged for bond debt service satisfaction until they have complied with the law. For special districts, the Committee may direct the Department of Economic Opportunity (DEO) to begin legal proceedings against the special district to compel compliance or declare the special district inactive pursuant to the provisions of s. 189.4044, F.S., if applicable.

Effects of Proposed Changes

Section 3 amends s. 11.40, F.S., to provide additional notification responsibilities for the Joint Legislative Auditing Committee when a special district fails to comply with the financial reporting requirements. If a district was created by special act, the Committee must notify the chair of the county legislative delegation and DEO. If the district was created by local ordinance, the Committee must notify the local general-purpose government and DEO. Upon receipt, DEO must proceed pursuant to s. 189.062, F.S., (special procedures for inactive districts) or 189.067 F.S., (failure of district to disclose financial reports).

Code of Ethics for Public Officers and Public Employees (Section 4)***Current Situation***

The term “agency” means: any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.¹⁰

This definition of “agency” would encompass a special district.

Effects of Proposed Changes

The committee substitute specifically adds to that definition “any special district as defined in s.189.012, F.S.”

Governor’s Suspension Power (Sections 5 and 6)***Current Situation***

Pursuant to Article IV, s. 7, of the State Constitution, the Governor may suspend any state officer not subject to impeachment, any officer of the militia not in active service of the United States, or any county officer for misfeasance, malfeasance, neglect of duty, public drunkenness, incompetence, permanent inability to perform public duties, or commission of a felony. If the Governor suspends one of these officers, the decision to remove or reinstate the officer is made by the Senate.¹¹

Pursuant to Article IV, s. 7(c), of the State Constitution, the Governor may suspend any elected municipal officer indicted for a crime. Additionally, the Legislature provided the Governor the authority to suspend any elected or appointed municipal official for misfeasance, malfeasance, neglect of duty, public drunkenness, incompetence, permanent inability to perform public duties, arrested for a felony or for a misdemeanor related to the duties of office or is indicted or informed against for the commission of a federal felony or misdemeanor or state felony or misdemeanor.¹² This jurisdiction is concurrent in the Governor and in the statutory or charter

¹⁰ Section 112.312(2), F.S.

¹¹ Article IV, s. 7(b), Fla. Const.

¹² Section 112.51, F.S.

authority.¹³ In the event that a municipal officer is convicted, the Governor is required to remove him or her from office.¹⁴

Currently, the law contemplates the following types of special districts: an independent special district that is created by special act, an independent special district created by county/municipal charter or ordinance, an independent special district created by agreement between counties, an independent special district created by agreement between a county and a municipality, a county/municipal dependent district created by charter, or a county/municipal dependent special district created by ordinance. Some members of special districts would be considered to be county officers. Some members of special districts would be considered to be municipal officers. Some members of special districts would not be either county or municipal officers. If a Governor were to suspend a member of a special district board that exercises powers and duties that are county-related, the Senate would likely have jurisdiction over the executive order of suspension pursuant to Art. IV, s. 7, Fla. Const. If the Governor were to suspend a member of a special district that exercises powers and duties that are municipal in nature, then the Senate would not have jurisdiction. The Governor could take any action consistent with ss. 112.50-112.52, Florida Statutes. It is unclear what would happen in the event that a special district board member whose board is created by interlocal agreement between multiple counties or municipal-county agreement were one to be suspended.

Effects of Proposed Changes

CS/SB 1632 provides that the Governor may suspend board members of special districts exercising state or county jurisdiction subject to removal or reinstatement by the Senate as provided in Art. IV, s. 7(a), of the State Constitution. Alternatively, the committee substitute provides that the Governor may suspend and remove board members of special districts exercising powers other than state or county powers as provided in s. 112.51, F.S.

Statement of Legislative Intent (Sections 8, 9 and 10)

Current Situation

Section 189.402, F.S., contains the statements of legislative intent concerning creation and purpose of special districts. In its current form, it contains statements of legislative intent relating to both dependent and independent special districts.

Effects of Proposed Changes

The general statement of legislative intent applicable to both types of districts in ss. 189.402(1), 189.402(6), and 189.402(7), F.S., are transferred to s. 189.011, F.S., which is located in "Part I-General Provisions." The Legislative findings that special districts serve a necessary and useful public purpose and the intent that the public trust be secured by registering and certain financial reports in s. 189.402(6), F.S., are relocated to new s. 189.011(2), F.S.

¹³ Section 112.50, F.S.

¹⁴ Section 112.51(5), F.S.

Additionally, the current statements of legislative intent concerning improvement of communication and uniformity in s. 189.402(2), F.S., are moved and renumbered to s. 189.06, F.S., located in “Part VI-Oversight and Accountability.”

The statements of legislative intent concerning independent special districts in s. 189.402(3), (4), (5), and (8) are moved to s. 189.03, F.S., in “Part III-Independent Special Districts.” Those sections contain substantive revisions to the statements of legislative intent contained therein.

Special District Definition (Section 11)

Current Situation

Under s. 189.403, F.S., “special district” means a local unit of special purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. For the purpose of s. 196.199(1), F.S., special districts shall be treated as municipalities. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

Effects of Proposed Changes

Section 11 transfers, renumbers, and amends s. 189.403, F.S., to redefine the term “special district” as:

a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is-created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

Creation, Dissolution, and Reporting Requirements of Special Districts (Sections 12 and 13)

Current Situation

Section 189.4031, F.S., requires all special districts to follow creation, dissolution, and reporting requirements set forth in Chapter 189 of the Florida Statutes. It also requires certain information concerning powers and duties of the district, methods for establishing and amending the charter, certain information concerning ad valorem taxing and fees, planning requirements, and geographical boundaries to be contained in the charter of an independent special district. Because the only charter available for a community development district is that provided in ss. 190.006-190.041, F.S., an exception is created for community development districts.

Effects of Proposed Changes

The committee substitute moves the provision that all special districts must follow creation, dissolution and reporting requirements to s. 189.013, F.S., which is located in “Part I-General Provisions.” The remaining provisions are moved to s. 189.0311, F.S., which is located in “Part III-Independent Special Districts.”

The Official List of Special Districts (Section 14)***Current Situation***

Section 189.4035, F.S., requires the Department of Economic Opportunity to compile and maintain an official list of special districts which must be posted on the Department’s website. That provision also states that if a special district was created by a local general-purpose government or a state agency, any proposed charter amendments must be approved as a matter of right. If the special district was created by the Legislature, the district must seek legislative amendment to its charter during the next session or it will become a dependent special district.

Effects of Proposed Changes

In addition to moving s. 189.4035, F.S., to s. 189.061, F.S., located in “Part VI-Oversight and Accountability,” the committee substitute makes the following changes:

- Requires the Department of Economic Opportunity to post a link to the special district’s website. That website is required to contain certain information pursuant to newly created s. 189.069, F.S.;
- Deletes the requirement that charter amendment requests made by a local general-purpose government or state agency be approved as a matter of right; and
- Deletes the requirements that special districts created by the Legislature seek an amendment at the next session and that failure to do so will result in conversion to a dependent special district.

Merger and Dissolution of Special Districts (Sections 18-24)***Current Situation***

Section 189.4042, F.S., governs the merger and dissolution of special districts. That section provides definitions, procedures for merger or dissolution of a dependent special district, dissolution of an independent special district, legislative dissolution of special districts created by special acts of the Legislature, dissolution of inactive independent special districts, legislative or voluntary merger of independent special districts, the merger by referendum process, and involuntary merger of independent special districts.

Effects of Proposed Changes

The following provisions of s. 189.4042, F.S. are relocated to “Part VII-Merger and Dissolution:”

- Definitions in s. 189.4042(1), F.S., are moved to s. 189.07, F.S.;
- Merger or Dissolution of Dependent Special Districts provisions in s. 189.4042(2), F.S., are moved to s. 189.071, F.S.;

- Dissolution of Independent Special Districts provisions in s. 189.4042(3), F.S., are moved to s. 189.072, F.S.;
- Legislative Merger of independent special districts provisions are moved from s. 189.4042(4), F.S., to s. 189.073, F.S.;
- The provisions for voluntary merger of independent special districts in s. 189.4042(5), F.S., are moved to s. 189.074, F.S.;
- The provisions relating to involuntary merger of independent special districts in s. 189.4042(6), F.S., are moved to s. 189.075, F.S.; and
- The exemption for community development districts is moved from s. 189.4042(7), F.S., to s. 189.0761, F.S.

Special Procedures for Inactive Districts (Section 25)

Current Situation

Section 189.4044, F.S., requires the DEO to declare a special district inactive and provides the circumstances under which it must do so. That section provides for repayment of an inactive district's debt and that the remainder of any assets or property escheat to the county or municipality wherein the district is located. If the Department declares a district inactive, that statute specifies who the Department must notify.

Effects of Proposed Changes

The committee substitute moves s. 189.4044, F.S., to s. 189.062, F.S., located in "Part VI-Oversight and Accountability." Currently, the law authorizes the Department to declare a district inactive when "following an inquiry from the Department, the registered agent of the district or the chair of the governing body of the appropriate unit of local general-purpose government notifies the Department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years." The committee substitute removes the condition precedent that the Department must ask whether there has been a board or a quorum for the past two years. The committee substitute also allows a special district that declares itself inactive by unanimously adopted resolution to be dissolved without a referendum. The committee substitute also contains a "catch-all" that allows the Department to declare a district inactive if it "independently determines that the district is no longer active." In the case of a special district created by a special act being declared inactive, the Department would no longer be required to notify the Speaker of the House of Representatives and the President of the Senate. Instead, the Department would be required to notify the chair of the county legislative delegation and the Legislative Auditing Committee.

The committee substitute provides that a special district that is declared inactive by the Department may not collect taxes, fees, or assessments unless the declaration is withdrawn or invalidated by an administrative law judge, or appropriate circuit court. The committee substitute gives the Department the authority to enforce the prohibition against collecting taxes, fees, and assessments by filing a lawsuit in the Second Judicial Circuit Court in and for Leon County, Florida.

Governing Body Elections (Sections 28 and 29)

Current Situation

Section 189.405, F.S., provides that elections of board members of dependent special districts shall be conducted by the supervisor of elections of the county where the district is located. That section also provides that elections of board members of independent special districts located entirely within one county may be conducted by the supervisor of elections of that county. Alternatively, if such district conducts its own elections it must report the results to the supervisor of elections. The statute also provides an election process for multicounty special district. It also allows the Department to provide or conducting education for newly elected or appointed board members concerning the Code of Ethics, public records and open meetings laws, public finance, and parliamentary procedure. Education may be provided by means of videotapes, live seminars, workshops, conferences, teleconferences, computer-based training, multimedia presentations, or other available instructional methods. Finally, the law does not apply to community development districts or water management districts.

Effects of Proposed Changes

The committee substitute moves these provisions, with the exception of the education of newly elected or appointed officials, to newly created s. 189.04, F.S., located in “Part IV-Elections.” The education programs provisions are moved to newly created s. 189.063, F.S., located in “Part VI-Oversight and Accountability.” However, the committee substitute deletes the references to the specific means of providing training.

Special District Information Program (Section 34)

Current Situation

The Special District Information Program is created in s. 189.412, F.S., to:

- Maintain a database of special district non-compliance reports;
- Maintain a master list of special districts for the Department of Economic Opportunity website;
- Publish and update the “Florida Special District Handbook;”
- When feasible, secure and maintain access to special district information collected by all state agencies;
- Facilitation coordination and communication among state agencies regarding special districts;
- Conduct studies relevant to special districts;
- Providing assistance in compliance with the requirements of law, including assistance with an annual conference presented by the Florida Association of Special Districts; and
- Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and initiating enforcement actions when directed to by the Joint Legislative Auditing Committee.

Effects of Proposed Changes

The committee substitute renames the Special District information Program as the “Special District Accountability Program” and moves the program to s. 189.064, F.S., in “Part VI-Oversight and Accountability.” It also requires electronic publication of special district noncompliance status reports. The committee substitute removes the responsibility to secure or maintain access to special district information collected by all state agencies. It removes the requirement that it conduct studies relevant to special districts. Finally, the committee substitute deletes the provision for assistance to the Florida Association of Special Districts.

Failure to File Reports or Information (Section 42 and 44)

Current Situation

Section 189.419, F.S., requires the person authorized to receive and read the reports or information or the local general-purpose government to notify the district’s registered agent. The district can request, and be granted, a 30 day extension of time in which to file the required report or information. If the governing body of the local general-purpose government or governments determines that the failure was unjustified, it may notify the Department. The Department must then provide the district 60 days to get in compliance and follow subsequent remedial procedures in s. 189.421, F.S., if warranted.

If a dependent special district fails to file required reports or information, the local governing authority on which the district is dependent may take whatever steps it deems necessary to enforce the district’s accountability, including withholding funds, removing governing board members at will, vetoing the special district’s budget, conducting the oversight review process set forth in s. 189.428, F.S., or amending, merging, or dissolving the special district in accordance with the provisions contained in the ordinance that created the dependent special district.

If a special district fails to file a notice of bond issuance with the appropriate state agency, the agency is required to notify the Department of Economic Opportunity. The Department shall notify the district of the requirements and encourage the special district to take steps to assure that noncompliance will not recur.

If a special district fails to file actuarial reports or statements of actuarial impact, the agency shall notify the Department and the Department may begin the remedial measures in s. 189.421(1), F.S.

Finally, if a special district fails to file annual financial reports or annual financial audits, the appropriate state agency or office, the state agency or office shall, and the Legislative Auditing Committee may, notify the department and the department shall proceed pursuant to s. 189.421, F.S.

Section 189.421, F.S., provides that if the Department has been notified of a failure to file a required report or information, it must provide a letter to the district notifying the district that it has 60 days to comply and offering assistance to the district in complying. If unable to make the 60 day deadline, the district must notify the department why it cannot comply and the steps it is

taking to prevent a recurrence. The district must also notify the Department when it will file the report. The Department must forward the letter to the appropriate entity. The law provides a mechanism for filing a suit seeking a writ of certiorari.

Effects of Proposed Changes

The committee substitute moves s. 189.419, F.S., to s. 189.066, F.S., located in “Part VI-Oversight and Accountability.” It also provides that if a special district created by special act of the Legislature fails to file annual financial reports or annual financial audits, the Legislative Auditing Committee must notify the chair of the county legislative delegation in writing. If a special district created by ordinance fails to file annual financial reports or annual financial audits, the Joint Legislative Auditing Committee must notify in writing the Department and chair or equivalent of the local general-purpose government that created the district.

The committee substitute moves s. 189.421, F.S., to s. 189.067, F.S., located in “Part VI-Oversight and Accountability.” The committee substitute also removes the Department’s authority to seek a writ of certiorari.

Grants and Donations Trust Fund (Section 48)

Current Situation

Section 189.427, F.S., requires the Department of Economic Opportunity to establish a schedule of fees to pay one-half of the costs incurred by the Department in administering the special districts act. The fee may not exceed \$175 per district each year. The fees must be deposited in the Grants and Donations Trust Fund, which is administered by the Department. That section also authorizes a fine of \$25, not to exceed \$50, as penalties for failure to remit required fees.

Effects of Proposed Changes

The committee substitute moves s. 189.427, F.S., to s. 189.018, F.S., located in “Part I-General Provisions.” The committee substitute also renames the trust fund as the “Operating Trust Fund.”

Oversight Review Process (Sections 49, 52, 53)

Current Situation

Section 189.428, F.S., contains several statements of legislative intent. It specifies the order in which special districts may be subject to oversight review and criteria for evaluating the district’s performance. Special districts being reviewed may provide written questions, concerns, preliminary reports, draft reports, or final reports relating to the district. The final report shall form the basis of a charter modification or dissolution. That section provides the process for legislative dissolution. Deepwater ports, airport authorities, are exempt under certain circumstances. Finally, health systems and health facilities districts are exempt.

Effects of Proposed Changes

The committee substitute moves s. 189.428, F.S., to s. 189.068, F.S., located in “Part VI-Oversight and Accountability.” The committee substitute removes some legislative intent language. It also provides that all independent special districts created by special act may

be reviewed by any legislative delegation of a county in which the geographical jurisdiction of the special district exists. The committee substitute removes the authority for counties or municipalities to review a single county independent special district within its boundaries. The committee substitute repeals provisions concerning review of a multicounty independent special district by any general purpose local governments within its boundaries. The committee substitute repeals the provision authorizing a special district to prepare a preliminary review of the district for reference or inclusion in the full oversight review report. The committee substitute removes the provisions concerning a district's ability to provide the Legislature and the general purpose local government with written responses to questions, concerns, preliminary reports, draft reports, or final reports relating to the district. The committee substitute removes provisions concerning the role of the final report in modification of the district charter or dissolution or merger of the district; the factors that may be considered in evaluating the proposed merger or dissolution; and the exemptions for certain ports.

The committee substitute also creates s. 189.034, F.S., located in "Part III-Independent Special Districts." The newly created section provides that, if an independent special district created by special act fails to file certain reports or information, the Legislative Auditing Committee is required to provide written notice to the chair of the county or counties legislative delegation. The chair(s) would be required to convene a public hearing on the issue of noncompliance within 6 months after receipt of the notice of noncompliance. The chair(s) is authorized to request:

- The district's annual financial report for the previous fiscal year;
- The district's audit report for the previous fiscal year;
- An annual report containing:
 - the district's mission;
 - funding sources;
 - major activities, programs, and initiatives it undertook in the most recently completed fiscal year and the benchmarks or criteria used by the governing body to determine success or failure;
 - challenges or obstacles faced by the district in fulfilling its mission and responsibilities;
 - ways in which the district believes it could better fulfill its mission and related responsibilities and a description of the actions it intends to take during the ensuing fiscal year;
 - proposed changes to its special act and the justifications for such changes;
 - any reasons for the district's noncompliance;
 - whether the district is currently in compliance; and
 - efforts to promote transparency, including maintenance of the district's website in accordance with new s. 189.069, F.S.

The committee substitute also creates a new provision concerning oversight of special districts created by local ordinance in s. 189.035, F.S., located in "Part III-Independent Special Districts." This new provision requires the Legislative Auditing Committee or its designee to provide written notice of failure to file annual financial reports or annual financial audits to the chair or equivalent of the local general-purpose government. The chair is required to convene a public hearing on the non-compliance within 6 months after receipt of such notice. The chair or equivalent is authorized to request:

- The district's annual financial report for the previous fiscal year;
- The district's audit report for the previous fiscal year;

- An annual report containing:
 - the district’s mission;
 - funding sources;
 - major activities, programs, and initiatives it undertook in the most recently completed fiscal year and the benchmarks or criteria used by the governing body to determine success or failure;
 - challenges or obstacles faced by the district in fulfilling its mission and responsibilities;
 - ways in which the district believes it could better fulfill its mission and related responsibilities and a description of the actions it intends to take during the ensuing fiscal year;
 - proposed changes to its special act and the justifications for such changes;
 - any reasons for the district’s noncompliance;
 - whether the district is currently in compliance; and
 - efforts to promote transparency, including maintenance of the district’s website in accordance with new s. 189.069, F.S.

Property Tax Exemption (Section 54)

Current Situation

The definition of special district in s. 189.403(1), F.S., in pertinent part, provides, “For the purpose of s. 196.199(1), special districts shall be treated as municipalities.” Section 196.99(1), F.S., provides that municipalities are exempt from ad valorem taxes in the same manner that municipalities are exempt from taxes.

Effects of Proposed Changes

The committee substitute creates new s. 189.055, F.S., located in “Part V-Finance.” The new statute incorporates the language quoted above to maintain property tax exempt status.

Required Reporting of Information by Special Districts (Section 55)

Current Situation

None.

Effects of Proposed Changes

The committee substitute creates new s. 189.069, F.S., in “Part VI-Oversight and Accountability.” Beginning July 1, 2015, the committee substitute requires all special districts to annually update and maintain their official websites and submit their official website address to the Department of Economic Opportunity. The following information must be posted on the district’s website:

- The full legal name of the special district;
- The public purpose of the special district;
- The name, address, email address, and, if applicable the term and appointing authority for each member of the governing body of the special district;
- The fiscal year of the special district;

- The full text of the special district’s charter, the date the special district was established, the entity that established the special district, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established;
- The mailing address, e-mail address, telephone number, and Internet website uniform resource locator of the special district;
- A description of the boundaries or service area of, and the services provided by, the special district;
- A listing of all taxes, fees, or charges imposed and collected by the special district, including the rates or amounts charged for the fiscal year and the statutory authority for the levy of the tax, fee, or charge;
- The primary contact information for the special district for the purpose of communication from the Department of Economic Opportunity;
- The code of ethics that applies to the special district, and whether the special district has adopted additional ethics provisions;
- A listing of all federal, state, and local entities that have oversight authority over the special district or to which the special district submits reports, data, or information;
- The most recent adopted budget of the special district;
- After the end of each fiscal year, a comparison of the budget to actual revenues and expenditures for each fiscal year;
- Any completed audit reports for the most recent completed fiscal year, and audit reports required by law or authorized by the governing body of the special district; and,
- Any other financial and administrative information required by the department.

Suspension of Special District Governing Body Members

Current Situation

Pursuant to Article IV, s. 7, of the State Constitution, the Governor may suspend any state officer not subject to impeachment, any officer of the militia not in active service of the United States, or any county officer for misfeasance, malfeasance, neglect of duty, public drunkenness, incompetence, permanent inability to perform public duties, or commission of a felony. If the Governor suspends one of these officers, the decision to remove or reinstate the officer is made by the Senate.¹⁵

Pursuant to Article IV, s. 7(c), of the State Constitution, the Governor may suspend any elected municipal officer indicted for crime. Additionally, the Legislature provided the Governor the authority to suspend any elected or appointed municipal official for misfeasance, malfeasance, neglect of duty, public drunkenness, incompetence, permanent inability to perform public duties, arrested for a felony or for a misdemeanor related to the duties of office or is indicted or informed against for the commission of a federal felony or misdemeanor or state felony or misdemeanor.¹⁶ This jurisdiction is concurrent in the Governor and in the statutory or charter

¹⁵ Article IV, s. 7(b), Fla. Const.

¹⁶ Section 112.51, F.S.

authority.¹⁷ In the event that a municipal officer is convicted, the Governor is required to remove him or her from office.¹⁸

Currently, the law contemplates the following types of special districts: an independent special district that is created by special act, an independent special district created by county/municipal charter or ordinance, an independent special district created by agreement between counties, an independent special district created by agreement between a county and a municipality, a county/municipal dependent district created by charter, or a county/municipal dependent special district created by ordinance. Some members of special districts would be considered to be county officers. Some members of special districts would be considered to be municipal officers. Some members of special districts would not be either county or municipal officers. If a Governor were to suspend a member of a special district board that exercises powers and duties that are county-related, the Senate would likely have jurisdiction over the executive order of suspension pursuant to Art. IV, s. 7, Fla. Const. If the Governor were to suspend a member of a special district that exercises powers and duties that are municipal in nature, then the Senate would not have jurisdiction. The Governor could take any action consistent with ss. 112.50-112.52, Florida Statutes. It is unclear what would happen in the event that a special district board member whose board is created by interlocal agreement between multiple counties or municipal-county agreement were to be suspended.

Effects of Proposed Changes

The committee substitute creates new s. 189.061, F.S., located in “Part VI-Oversight and Accountability.” This new section provides that if a special district violates the requirements of the chapter, the Department shall report such violations, and provide all appropriate proof of the violations to the Governor. The committee substitute provides that the Governor and appointing authority must ensure that the governing body of the district maintains enough members to constitute a quorum.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ Section 112.50, F.S.

¹⁸ Section 112.51(5), F.S.

D. Other Constitutional Issues:

For purposes of the gubernatorial suspension power, the committee substitute treats all special district board members as municipal officers. However, special districts vary from performing municipal, county, regional, or, potentially, statewide function. As such, special district board members could be considered to be considered county, regional, or statewide officers depending on the jurisdiction of their district. Pursuant to Article IV, s. 7, of the State Constitution, state and county officers are entitled to a hearing by the Senate to determine whether to remove or reinstate the officer.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This committee substitute substantially amends the following sections of the Florida Statutes: 11.40, 112.312, 112.50, 112.51, 189.401, 189.01, 189.402, 189.011, 189.06, 189.03, 189.403, 189.012, 189.4031, 189.013, 189.0311, 189.4035, 189.061, 189.404, 189.031, 189.40401, 189.033, 189.4041, 189.02, 189.4042, 189.07, 189.071, 189.072, 189.073, 189.074, 189.075, 189.0761, 189.4044, 189.062, 189.4045, 189.076, 189.4047, 189.021, 189.405, 189.04, 189.063, 189.4051, 189.041, 189.4065, 189.05, 189.408, 189.042, 189.4085, 189.051, 189.412, 189.064, 189.413, 189.065, 189.415, 189.08, 189.4155, 189.081, 189.4156, 189.082, 189.416, 189.014, 189.417, 189.015, 189.418, 189.016, 189.419, 189.066, 189.420, 189.052, 189.421, 189.067, 189.4221, 189.053, 189.423, 189.054, 189.425, 189.017, 189.427, 189.018, 189.428, 189.068, 189.429, 189.019, 11.45, 100.011, 101.657, 112.061, 112.63, 112.665, 121.021, 121.051, 125.901, 153.94, 163.08, 165.031, 165.0615, 171.202, 175.032, 190.011, 190.046, 190.049, 191.003, 191.005, 191.013, 191.014, 191.015, 200.001, 218.31, 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711, 403.0891, 582.32, and 1013.355.

This committee substitute creates the following sections of the Florida Statutes: 112.5111, 189.034, 189.035, 189.055, 189.069, and 189.0691.

This committee substitute repeals the following sections of the Florida Statutes: 189.430, 189.431, 189.432, 189.433, 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440, 189.441, 189.442, 189.443, and 189.444.

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 Elections on March 17, 2014:

The committee substitute differs from the original bill in that it:

- Provides that the Governor may suspend board members of special districts exercising state or county jurisdiction subject to removal or reinstatement by the Senate;
- Provides that the Governor may suspend and remove board members of special districts exercising powers other than state or county powers; and
- Provides that the Governor may suspend special district officers for violations of the Special District Act in Chapter 189, F.S., but the Governor and appointing authority must ensure that the governing body of the district maintains enough members to constitute a quorum.

- B. **Amendments:**

None.



629616

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 179 - 255

and insert:

Section 5. Section 112.511, Florida Statutes, is created to read:

112.511 Members of special district governing bodies; suspension; removal from office.-

(1) A member of the governing body of a special district, as defined in s. 189.012, who exercises the powers and duties of



629616

11 a state or a county officer, is subject to the Governor's power
12 under s. 7(a), Art. IV of the State Constitution to suspend such
13 officers.

14 (2) A member of the governing body of a special district,
15 as defined in s. 189.012, who exercises powers and duties other
16 than that of a state or county officer, is subject to the
17 suspension and removal procedures under s. 112.51.

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 9 - 15

22 and insert:

23 special districts; creating s. 112.511, F.S.;

24 specifying applicability of procedures regarding

25 suspension and removal of a member of the governing

26 body of a special district; transferring,



299302

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 2494
and insert:
of the special district as authorized in s. 112.511; however,
the Governor and appointing authority shall ensure that the
governing body maintains a sufficient number of members to
constitute a quorum.

By Senator Stargel

15-01241-14

20141632__

1 A bill to be entitled
 2 An act relating to special districts; designating
 3 parts I-VIII of ch. 189, F.S., relating to special
 4 districts, and renaming the chapter; amending s.
 5 11.40, F.S.; revising duties of the Legislative
 6 Auditing Committee; amending s. 112.312, F.S.;
 7 redefining the term "agency" as it applies to the code
 8 of ethics for public officers and employees to include
 9 special districts; amending s. 112.50, F.S.; expanding
 10 the Governor's power to suspend public officers to
 11 include members of the governing body of a special
 12 district; amending s. 112.51, F.S.; expanding
 13 provisions relating to a municipal officers suspension
 14 and removal from office to include members of the
 15 governing body of a special district; transferring,
 16 renumbering, and amending s. 189.401, F.S.; revising a
 17 short title; transferring, renumbering, and amending
 18 s. 189.402, F.S.; revising a statement of legislative
 19 purpose and intent; making technical changes;
 20 conforming provisions to changes made by the act;
 21 transferring, renumbering, and amending s. 189.403,
 22 F.S.; redefining the term "special district";
 23 transferring, renumbering, and amending ss. 189.4031,
 24 189.4035, 189.404, 189.40401, 189.4041, and 189.4042,
 25 F.S.; deleting provisions relating to the application
 26 of a special district to amend its charter; conforming
 27 provisions and cross-references; transferring,
 28 renumbering, and amending s. 189.4044, F.S.; revising
 29 the circumstances under which the Department of

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30 Economic Opportunity may declare a special district
 31 inactive; requiring the department to provide notice
 32 of a declaration of inactive status to the chair of
 33 the county legislative delegation and the Legislative
 34 Auditing Committee rather than the Legislature;
 35 prohibiting special districts that are declared
 36 inactive from collecting taxes, fees, or assessments;
 37 providing exceptions; providing for enforcement of the
 38 prohibition; transferring and renumbering ss. 189.4045
 39 and 189.4047, F.S.; transferring, renumbering, and
 40 amending s. 189.405, F.S.; revising requirements
 41 related to education programs for new members of
 42 special district governing bodies; amending s.
 43 189.4051, F.S.; revising definitions; conforming
 44 provisions; transferring and renumbering ss. 189.4065,
 45 189.408, and 189.4085, F.S.; transferring,
 46 renumbering, and amending ss. 189.412 and 189.413,
 47 F.S.; renaming the Special District Information
 48 Program the Special District Accountability Program;
 49 revising duties of the Special District Accountability
 50 Program; transferring and renumbering ss. 189.415,
 51 189.4155, and 189.4156, F.S.; transferring,
 52 renumbering, and amending ss. 189.416, 189.417, and
 53 189.418, F.S.; conforming provisions and cross-
 54 references; transferring, renumbering, and amending s.
 55 189.419, F.S.; revising provisions related to the
 56 failure of a special district to file certain reports
 57 or information; conforming cross-references;
 58 transferring and renumbering s. 189.420, F.S.;

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59 transferring, renumbering, and amending s. 189.421,
 60 F.S.; deleting provisions related to available
 61 remedies for the failure of a special district to
 62 disclose required financial reports; transferring and
 63 renumbering ss. 189.4221, 189.423, and 189.425, F.S.;
 64 transferring, renumbering, and amending s. 189.427,
 65 F.S.; providing for the deposit of administration fees
 66 into the Operating Trust Fund rather than the Grants
 67 and Donations Trust Fund; transferring, renumbering,
 68 and amending s. 189.428, F.S.; revising the oversight
 69 review process for special districts; transferring and
 70 renumbering s. 189.429, F.S.; repealing ss. 189.430,
 71 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
 72 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
 73 189.443, and 189.444, F.S., relating to the Community
 74 Improvement Authority Act; creating ss. 189.034 and
 75 189.035, F.S.; requiring the Legislative Auditing
 76 Committee to provide notice of the failure of special
 77 districts to file certain required reports to the
 78 chair of the county legislative delegation or the
 79 chair or equivalent of the local general-purpose
 80 government, as applicable; requiring the chair of the
 81 county legislative delegation or the chair or
 82 equivalent of the local general-purpose government, as
 83 applicable, to convene a public hearing on the issue
 84 of noncompliance; authorizing the county legislative
 85 delegation or the local general-purpose government, as
 86 applicable, to request certain information from a
 87 special district before the public hearing; creating

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88 s. 189.055, F.S.; requiring special districts to be
 89 treated as municipalities for certain purposes;
 90 creating s. 189.069, F.S.; requiring special districts
 91 to annually update and maintain certain information on
 92 the district's website; requiring special districts to
 93 submit the web address of their respective websites to
 94 the department; requiring that the department's online
 95 list of special districts include a link to the
 96 website of certain special districts; creating s.
 97 189.0691, F.S.; providing for the suspension of
 98 special district governing body members by the
 99 Governor under certain conditions; amending s. 11.45,
 100 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,
 101 121.051, 125.901, 153.94, 163.08, 165.031, 165.0615,
 102 171.202, 175.032, 190.011, 190.046, 190.049, 191.003,
 103 191.005, 191.013, 191.014, 191.015, 200.001, 218.31,
 104 218.32, 218.37, 255.20, 298.225, 343.922, 348.0004,
 105 373.711, 403.0891, 582.32, and 1013.355, F.S.;
 106 conforming cross-references and provisions to changes
 107 made by the act; providing effective dates.

108
 109 Be It Enacted by the Legislature of the State of Florida:

110
 111 Section 1. Chapter 189, Florida Statutes, as amended by
 112 this act, is divided into the following parts:

113 (1) Part I, consisting of sections 189.01, 189.011,
 114 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
 115 and 189.019, Florida Statutes, as created by this act, and
 116 entitled "General Provisions."

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117 (2) Part II, consisting of sections 189.02 and 189.021,
 118 Florida Statutes, as created by this act, and entitled
 119 "Dependent Special Districts."
 120 (3) Part III, consisting of sections 189.03, 189.031,
 121 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
 122 created by this act, and entitled "Independent Special
 123 Districts."
 124 (4) Part IV, consisting of sections 189.04, 189.041, and
 125 189.042, Florida Statutes, as created by this act, and entitled
 126 "Elections."
 127 (5) Part V, consisting of sections 189.05, 189.051,
 128 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
 129 created by this act, and entitled "Finance."
 130 (6) Part VI, consisting of sections 189.06, 189.061,
 131 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,
 132 189.069, and 189.0691, Florida Statutes, as created by this act,
 133 and entitled "Oversight and Accountability."
 134 (7) Part VII, consisting of sections 189.07, 189.071,
 135 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
 136 Florida Statutes, as created by this act, and entitled "Merger
 137 and Dissolution."
 138 (8) Part VIII, consisting of sections 189.08, 189.081, and
 139 189.082, Florida Statutes, as created by this act, and entitled
 140 "Comprehensive Planning."
 141 Section 2. Chapter 189, Florida Statutes, is renamed
 142 "Special Districts."
 143 Section 3. Paragraph (b) of subsection (2) of section
 144 11.40, Florida Statutes, is amended to read:
 145 11.40 Legislative Auditing Committee.—

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146 (2) Following notification by the Auditor General, the
 147 Department of Financial Services, or the Division of Bond
 148 Finance of the State Board of Administration of the failure of a
 149 local governmental entity, district school board, charter
 150 school, or charter technical career center to comply with the
 151 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
 152 s. 218.38, the Legislative Auditing Committee may schedule a
 153 hearing to determine if the entity should be subject to further
 154 state action. If the committee determines that the entity should
 155 be subject to further state action, the committee shall:
 156 (b) In the case of a special district created by:
 157 1. A special act, notify the chair of the county
 158 legislative delegation and the Department of Economic
 159 Opportunity that the special district has failed to comply with
 160 the law. Upon receipt of notification, the department of
 161 Economic Opportunity shall proceed pursuant to s. 189.062 or s.
 162 189.067 ~~189.4044~~ or s. ~~189.421~~.
 163 2. A local ordinance, notify the chair or equivalent of the
 164 local general-purpose government and the Department of Economic
 165 Opportunity that the special district has failed to comply with
 166 the law. Upon receipt of notification, the department shall
 167 proceed pursuant to s. 189.062 or s. 189.067.
 168 Section 4. Subsection (2) of section 112.312, Florida
 169 Statutes, is amended to read:
 170 112.312 Definitions.—As used in this part and for purposes
 171 of the provisions of s. 8, Art. II of the State Constitution,
 172 unless the context otherwise requires:
 173 (2) "Agency" means any state, regional, county, local, or
 174 municipal government entity of this state, whether executive,

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 175 judicial, or legislative; any department, division, bureau,
 176 commission, authority, or political subdivision of this state
 177 therein; ~~or~~ any public school, community college, or state
 178 university; or any special district as defined in s. 189.012.

179 Section 5. Section 112.50, Florida Statutes, is amended to
 180 read:

181 112.50 Governor to retain power to suspend public
 182 officers.— Whenever any state, county, ~~or~~ municipal officer, or
 183 member of the governing body of a special district, as defined
 184 in s. 189.012, is made subject to suspension or removal by the
 185 terms of a any statute, special act, or municipal charter, the
 186 power of the Governor to suspend officers is shall not be
 187 affected by such statutory, special act, or charter provisions,
 188 and the power to suspend shall reside concurrently in the
 189 Governor and in the statutory, special act, or charter
 190 authority.

191 Section 6. Section 112.51, Florida Statutes, is amended to
 192 read:

193 112.51 Municipal officers and members of special district
 194 governing bodies; suspension; removal from office.—

195 (1) By executive order stating the grounds for the
 196 suspension and filed with the Secretary of State, the Governor
 197 may suspend from office any elected or appointed municipal
 198 official, or member of the governing body of a special district,
 199 as defined in s. 189.012, for malfeasance, misfeasance, neglect
 200 of duty, habitual drunkenness, incompetence, or permanent
 201 inability to perform official duties.

202 (2) Whenever any elected or appointed municipal official,
 203 or member of the governing body of a special district, as

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 204 defined in s. 189.012, is arrested for a felony or for a
 205 misdemeanor related to the duties of office or is indicted or
 206 informed against for the commission of a federal felony or
 207 misdemeanor or state felony or misdemeanor, the Governor has the
 208 power to suspend such ~~municipal~~ official from office.

209 (3) The suspension of such official by the Governor creates
 210 a temporary vacancy in such office during the suspension. Any
 211 temporary vacancy in office created by suspension of an official
 212 under the provisions of this section shall be filled by a
 213 temporary appointment to such office for the period of the
 214 suspension. Such temporary appointment shall be made in the same
 215 manner and by the same authority by which a permanent vacancy in
 216 such office is filled as provided by law. If no provision for
 217 filling a permanent vacancy in such office is provided by law,
 218 the temporary appointment shall be made by the Governor.

219 (4) A ~~no~~ municipal official, or member of the governing
 220 body of a special district, as defined in s. 189.012, who has
 221 been suspended from office under this section may not perform
 222 any official act, duty, or function during his or her
 223 suspension; receive any pay or allowance during his or her
 224 suspension; or be entitled to any of the emoluments or
 225 privileges of his or her office during suspension.

226 (5) If the municipal official, or member of the governing
 227 body of a special district, as defined in s. 189.012, is
 228 convicted of any of the charges contained in the indictment or
 229 information by reason of which he or she was suspended under the
 230 provisions of this section, the Governor shall remove such
 231 ~~municipal~~ official from office. If a person was selected to fill
 232 the temporary vacancy pursuant to subsection (3), that person

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233 shall serve the remaining balance, if any, of the removed
 234 official's term of office. Otherwise, any vacancy created by the
 235 removal shall be filled as provided by law. For the purposes of
 236 this section, any person who pleads guilty or nolo contendere or
 237 who is found guilty shall be deemed to have been convicted,
 238 notwithstanding a suspension of sentence or a withholding of
 239 adjudication.

240 (6) If the municipal official, or member of the governing
 241 body of a special district, as defined in s. 189.012, is
 242 acquitted or found not guilty or is otherwise cleared of the
 243 charges which were the basis of the arrest, indictment, or
 244 information by reason of which he or she was suspended under the
 245 provisions of this section, then the Governor shall forthwith
 246 revoke the suspension and restore the such municipal official to
 247 office; and the official shall be entitled to and be paid full
 248 back pay and such other emoluments or allowances to which he or
 249 she would have been entitled for the full period of time of the
 250 suspension. If, during the suspension, the term of office of the
 251 ~~municipal~~ official expires and a successor is either appointed
 252 or elected, such back pay, emoluments, or allowances shall only
 253 be paid for the duration of the term of office during which the
 254 ~~municipal~~ official was suspended under the provisions of this
 255 section, and he or she shall not be reinstated.

256 Section 7. Section 189.401, Florida Statutes, is
 257 transferred, renumbered as section 189.01, Florida Statutes, and
 258 amended to read:

259 189.01 ~~189.401~~ Short title.—This chapter may be cited as
 260 the "Uniform Special District Accountability Act ~~of 1989.~~"

261 Section 8. Subsections (1), (6), and (7) of section

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262 189.402, Florida Statutes, are transferred and renumbered as
 263 subsections (1), (2), and (3), respectively, of section 189.011,
 264 Florida Statutes, and present subsection (6) of that section is
 265 amended, to read:

266 189.011 ~~189.402~~ Statement of legislative purpose and
 267 intent.—

268 ~~(2)(6)~~ The Legislature finds that special districts serve a
 269 necessary and useful function by providing services to residents
 270 and property in the state. The Legislature finds further that
 271 special districts operate to serve a public purpose and that
 272 this is best secured by certain minimum standards of
 273 accountability designed to inform the public and appropriate
 274 general-purpose local governments of the status and activities
 275 of special districts. It is the intent of the Legislature that
 276 this public trust be secured by requiring each independent
 277 special district in the state to register and report its
 278 financial and other activities. The Legislature further finds
 279 that failure of an independent special district to comply with
 280 the minimum disclosure requirements set forth in this chapter
 281 may result in action against officers of such district body
 282 ~~board~~.

283 Section 9. Subsection (2) of section 189.402, Florida
 284 Statutes, is transferred, renumbered as section 189.06, Florida
 285 Statutes, and amended to read:

286 189.06 ~~189.402~~ Legislative intent; centralized location
 287 ~~Statement of legislative purpose and intent.—~~

288 ~~(2)~~ It is the intent of the Legislature through the
 289 adoption of this chapter to have one centralized location for
 290 all legislation governing special districts and to:

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291 (1)(a) Improve the enforcement of statutes currently in
 292 place that help ensure the accountability of special districts
 293 to state and local governments.

294 (2)(b) Improve communication and coordination between state
 295 agencies with respect to required special district reporting and
 296 state monitoring.

297 (3)(c) Improve communication and coordination between
 298 special districts and other local entities with respect to ad
 299 valorem taxation, non-ad valorem assessment collection, special
 300 district elections, and local government comprehensive planning.

301 (4)(d) Move toward greater uniformity in special district
 302 elections and non-ad valorem assessment collection procedures at
 303 the local level without hampering the efficiency and
 304 effectiveness of the current procedures.

305 (5)(e) Clarify special district definitions and creation
 306 methods in order to ensure consistent application of those
 307 definitions and creation methods across all levels of
 308 government.

309 (6)(f) Specify in general law the essential components of
 310 any new type of special district.

311 (7)(g) Specify in general law the essential components of a
 312 charter for a new special district.

313 (8)(h) Encourage the creation of municipal service taxing
 314 units and municipal service benefit units for providing
 315 municipal services in unincorporated areas of each county.

316 Section 10. Subsections (3), (4), (5), and (8) of section
 317 189.402, Florida Statutes, are transferred, renumbered as
 318 subsections (1), (2), (3), and (4), respectively, of section
 319 189.03, Florida Statutes, and amended to read:

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320 189.03 ~~189.402~~ Statement of legislative purpose and intent;
 321 independent special districts.-

322 (1)(3) The Legislature finds that:

323 (a) There is a need for uniform, focused, and fair
 324 procedures in state law to provide a reasonable alternative for
 325 the establishment, powers, operation, and duration of
 326 independent special districts ~~to manage and finance basic~~
 327 ~~capital infrastructure, facilities, and services; and that,~~
 328 ~~based upon a proper and fair determination of applicable facts,~~
 329 ~~an independent special district can constitute a timely,~~
 330 ~~efficient, effective, responsive, and economic way to deliver~~
 331 ~~these basic services, thereby providing a means of solving the~~
 332 ~~state's planning, management, and financing needs for delivery~~
 333 ~~of capital infrastructure, facilities, and services in order to~~
 334 ~~provide for projected growth without overburdening other~~
 335 ~~governments and their taxpayers.~~

336 (b) It is in the public interest that any independent
 337 special district created pursuant to state law not outlive its
 338 usefulness and that the operation of such a district and the
 339 exercise by the district of its powers be consistent with
 340 applicable due process, disclosure, accountability, ethics, and
 341 government-in-the-sunshine requirements which apply both to
 342 governmental entities and to their elected and appointed
 343 officials.

344 ~~(c) It is in the public interest that long-range planning,~~
 345 ~~management, and financing and long-term maintenance, upkeep, and~~
 346 ~~operation of basic services by independent special districts be~~
 347 ~~uniform.~~

348 (2)(4) It is the policy of this state:

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349 (a) That independent special districts may be used ~~are a~~
 350 ~~legitimate alternative method available for use by the private~~
 351 and public sectors, as authorized by state law, to manage, own,
 352 operate, construct, and finance basic capital infrastructure,
 353 facilities, and services.

354 (b) That the exercise by any independent special district
 355 of its powers, ~~as set forth by uniform general law~~ comply with
 356 all applicable ~~governmental comprehensive planning~~ laws, rules,
 357 and regulations.

358 ~~(3)(5)~~ It is the legislative intent ~~and purpose, based~~
 359 ~~upon, and consistent with, its findings of fact and declarations~~
 360 ~~of policy,~~ to authorize a uniform procedure by general law to
 361 create an independent special district, ~~as an alternative method~~
 362 ~~to manage and finance basic capital infrastructure, facilities,~~
 363 ~~and services. It is further the legislative intent and purpose~~
 364 to provide by general law for the uniform operation, exercise of
 365 power, and procedure for termination of any such independent
 366 special district.

367 ~~(4)(8)~~ The Legislature finds and declares that:

368 (a) Growth and development issues transcend the boundaries
 369 and responsibilities of individual units of government, and
 370 often no single unit of government can plan or implement
 371 policies to deal with these issues without affecting other units
 372 of government.

373 (b) The provision of capital infrastructure, facilities,
 374 and services for the preservation and enhancement of the quality
 375 of life of the people of this state may require the creation of
 376 multicounty and multijurisdictional districts.

377 Section 11. Section 189.403, Florida Statutes, is

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378 transferred, renumbered as section 189.012, Florida Statutes,
 379 reordered, and amended to read:

380 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
 381 term:

382 ~~(6)(1)~~ "Special district" means a ~~local~~ unit of local
 383 government created for a ~~of~~ special purpose, as opposed to a a
 384 general purpose ~~general purpose~~, which has jurisdiction to
 385 operate ~~government~~ within a limited geographic boundary and is
 386 created by general law, special act, local ordinance, or by rule
 387 of the Governor and Cabinet. ~~The special purpose or purposes of~~
 388 ~~special districts are implemented by specialized functions and~~
 389 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
 390 ~~special districts shall be treated as municipalities.~~ The term
 391 does not include a school district, a community college
 392 district, a special improvement district created pursuant to s.
 393 285.17, a municipal service taxing or benefit unit as specified
 394 in s. 125.01, or a board which provides electrical service and
 395 which is a political subdivision of a municipality or is part of
 396 a municipality.

397 (2) "Dependent special district" means a special district
 398 that meets at least one of the following criteria:

399 (a) The membership of its governing body is identical to
 400 that of the governing body of a single county or a single
 401 municipality.

402 (b) All members of its governing body are appointed by the
 403 governing body of a single county or a single municipality.

404 (c) During their unexpired terms, members of the special
 405 district's governing body are subject to removal at will by the
 406 governing body of a single county or a single municipality.

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407 (d) The district has a budget that requires approval
 408 through an affirmative vote or can be vetoed by the governing
 409 body of a single county or a single municipality.

410
 411 This subsection is for purposes of definition only. Nothing in
 412 this subsection confers additional authority upon local
 413 governments not otherwise authorized by the provisions of the
 414 special acts or general acts of local application creating each
 415 special district, as amended.

416 (3) "Independent special district" means a special district
 417 that is not a dependent special district as defined in
 418 subsection (2). A district that includes more than one county is
 419 an independent special district unless the district lies wholly
 420 within the boundaries of a single municipality.

421 (1)~~(4)~~ "Department" means the Department of Economic
 422 Opportunity.

423 (4)~~(5)~~ "Local governing authority" means the governing body
 424 of a unit of local general-purpose government. However, if the
 425 special district is a political subdivision of a municipality,
 426 "local governing authority" means the municipality.

427 (7)~~(6)~~ "Water management district" for purposes of this
 428 chapter means a special taxing district which is a regional
 429 water management district created and operated pursuant to
 430 chapter 373 or chapter 61-691, Laws of Florida, or a flood
 431 control district created and operated pursuant to chapter 25270,
 432 Laws of Florida, 1949, as modified by s. 373.149.

433 (5)~~(7)~~ "Public facilities" means major capital
 434 improvements, including, but not limited to, transportation
 435 facilities, sanitary sewer facilities, solid waste facilities,

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436 water management and control facilities, potable water
 437 facilities, alternative water systems, educational facilities,
 438 parks and recreational facilities, health systems and
 439 facilities, and, except for spoil disposal by those ports listed
 440 in s. 311.09(1), spoil disposal sites for maintenance dredging
 441 in waters of the state.

442 Section 12. Subsection (1) of section 189.4031, Florida
 443 Statutes, is transferred and renumbered as section 189.013,
 444 Florida Statutes, and the catchline of that section shall read:
 445 "Special districts; creation, dissolution, and reporting
 446 requirements."

447 Section 13. Subsection (2) of section 189.4031, Florida
 448 Statutes, is transferred, renumbered as section 189.0311,
 449 Florida Statutes, and amended to read:

450 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
 451 ~~districts; creation, dissolution, and reporting requirements;~~
 452 charter requirements.-

453 ~~(2)~~ Notwithstanding any general law, special act, or
 454 ordinance of a local government to the contrary, any independent
 455 special district charter enacted after September 30, 1989, ~~the~~
 456 ~~effective date of this section~~ shall contain the information
 457 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
 458 exclusive charter for a community development district is the
 459 statutory charter contained in ss. 190.006-190.041, community
 460 development districts established after July 1, 1980, pursuant
 461 to the provisions of chapter 190 shall be deemed in compliance
 462 with this requirement.

463 Section 14. Section 189.4035, Florida Statutes, is
 464 transferred and renumbered as section 189.061, Florida Statutes,

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465 and subsections (1), (5), and (6) of that section are amended,
466 to read:

467 189.061 ~~189.4035~~ Preparation of Official list of special
468 districts.-

469 (1) The department ~~of Economic Opportunity~~ shall maintain
470 ~~compile~~ the official list of special districts. The official
471 list of special districts shall include all special districts in
472 this state and shall indicate the independent or dependent
473 status of each district. All special districts on ~~in~~ the list
474 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
475 shall be the criteria for determination of the independent or
476 dependent status of each special district on the official list.
477 The status of community development districts shall be
478 independent on the official list of special districts.

479 (5) The official list of special districts shall be
480 available on the department's website and must include a link to
481 the website of each special district that provides web-based
482 access to the public of the information and documentation
483 required under s. 189.069.

484 (6) ~~Preparation of~~ The official list of special districts
485 or the determination of status does not constitute final agency
486 action pursuant to chapter 120. If the status of a special
487 district on the official list is inconsistent with the status
488 submitted by the district, the district may request the
489 department to issue a declaratory statement setting forth the
490 requirements necessary to resolve the inconsistency. If
491 necessary, upon issuance of a declaratory statement by the
492 department which is not appealed pursuant to chapter 120, the
493 governing body ~~board~~ of any special district receiving such a

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494 declaratory statement shall apply to the entity which originally
495 established the district for an amendment to its charter
496 correcting the specified defects in its original charter. This
497 amendment shall be for the sole purpose of resolving
498 inconsistencies between a district charter and the status of a
499 district as it appears on the official list. ~~Such application~~
500 ~~shall occur as follows:~~

501 ~~(a) In the event a special district was created by a local~~
502 ~~general purpose government or state agency and applies for an~~
503 ~~amendment to its charter to confirm its independence, said~~
504 ~~application shall be granted as a matter of right. If~~
505 ~~application by an independent district is not made within 6~~
506 ~~months of rendition of a declaratory statement, the district~~
507 ~~shall be deemed dependent and become a political subdivision of~~
508 ~~the governing body which originally established it by operation~~
509 ~~of law.~~

510 ~~(b) If the Legislature created a special district, the~~
511 ~~district shall request, by resolution, an amendment to its~~
512 ~~charter by the Legislature. Failure to apply to the Legislature~~
513 ~~for an amendment to its charter during the next regular~~
514 ~~legislative session following rendition of a declaratory~~
515 ~~statement or failure of the Legislature to pass a special act~~
516 ~~shall render the district dependent.~~

517 Section 15. Section 189.404, Florida Statutes, is
518 transferred and renumbered as section 189.031, Florida Statutes,
519 and subsection (2) and paragraphs (e), (f), and (g) of
520 subsection (3) of that section are amended, to read:

521 189.031 ~~189.404~~ Legislative intent for the creation of
522 independent special districts; special act prohibitions; model

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523 elements and other requirements; general-purpose local
 524 government/Governor and Cabinet creation authorizations.—

525 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art.
 526 III of the State Constitution, the Legislature hereby prohibits
 527 special laws or general laws of local application which:

528 (a) Create independent special districts that do not, at a
 529 minimum, conform to the minimum requirements in subsection (3);

530 (b) Exempt independent special district elections from the
 531 appropriate requirements in s. 189.04 ~~189.405~~;

532 (c) Exempt an independent special district from the
 533 requirements for bond referenda in s. 189.042 ~~189.408~~;

534 (d) Exempt an independent special district from the
 535 reporting, notice, or public meetings requirements of s.
 536 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085~~, s.
 537 ~~189.415~~, s. ~~189.417~~, or s. ~~189.418~~;

538 (e) Create an independent special district for which a
 539 statement has not been submitted to the Legislature that
 540 documents the following:

541 1. The purpose of the proposed district;

542 2. The authority of the proposed district;

543 3. An explanation of why the district is the best
 544 alternative; and

545 4. A resolution or official statement of the governing body
 546 or an appropriate administrator of the local jurisdiction within
 547 which the proposed district is located stating that the creation
 548 of the proposed district is consistent with the approved local
 549 government plans of the local governing body and that the local
 550 government has no objection to the creation of the proposed
 551 district.

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552 (3) MINIMUM REQUIREMENTS.—General laws or special acts that
 553 create or authorize the creation of independent special
 554 districts and are enacted after September 30, 1989, must address
 555 and require the following in their charters:

556 (e) The membership and organization of the governing body
 557 ~~board~~ of the district. If a district created after September 30,
 558 1989, uses a one-acre/one-vote election principle, it shall
 559 provide for a governing body ~~board~~ consisting of five members.
 560 Three members shall constitute a quorum.

561 (f) The maximum compensation of a governing body ~~board~~
 562 member.

563 (g) The administrative duties of the governing body ~~board~~
 564 of the district.

565 Section 16. Section 189.40401, Florida Statutes, is
 566 transferred and renumbered as section 189.033, Florida Statutes.

567 Section 17. Section 189.4041, Florida Statutes, is
 568 transferred and renumbered as section 189.02, Florida Statutes,
 569 and paragraph (e) of subsection (4) of that section is amended,
 570 to read:

571 189.02 ~~189.4041~~ Dependent special districts.—

572 (4) Dependent special districts created by a county or
 573 municipality shall be created by adoption of an ordinance that
 574 includes:

575 (e) The membership, organization, compensation, and
 576 administrative duties of the governing body ~~board~~.

577 Section 18. Subsection (1) of section 189.4042, Florida
 578 Statutes, is transferred, renumbered as section 189.07, Florida
 579 Statutes, and amended to read:

580 189.07 ~~189.4042~~ Definitions Merger and dissolution

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581 ~~procedures.~~

582 ~~(1) DEFINITIONS.~~ As used in this part section, the term:

583 ~~(1)(a)~~ "Component independent special district" means an

584 independent special district that proposes to be merged into a

585 merged independent district, or an independent special district

586 as it existed before its merger into the merged independent

587 district of which it is now a part.

588 ~~(2)(b)~~ "Elector-initiated merger plan" means the merger

589 plan of two or more independent special districts, a majority of

590 whose qualified electors have elected to merge, which outlines

591 the terms and agreements for the official merger of the

592 districts and is finalized and approved by the governing bodies

593 of the districts pursuant to this part section.

594 ~~(3)(c)~~ "Governing body" means the governing body of the

595 independent special district in which the general legislative,

596 governmental, or public powers of the district are vested and by

597 authority of which the official business of the district is

598 conducted.

599 ~~(4)(d)~~ "Initiative" means the filing of a petition

600 containing a proposal for a referendum to be placed on the

601 ballot for election.

602 ~~(5)(e)~~ "Joint merger plan" means the merger plan that is

603 adopted by resolution of the governing bodies of two or more

604 independent special districts that outlines the terms and

605 agreements for the official merger of the districts and that is

606 finalized and approved by the governing bodies pursuant to this

607 part section.

608 ~~(6)(f)~~ "Merged independent district" means a single

609 independent special district that results from a successful

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610 merger of two or more independent special districts pursuant to

611 this part section.

612 ~~(7)(g)~~ "Merger" means the combination of two or more

613 contiguous independent special districts resulting in a newly

614 created merged independent district that assumes jurisdiction

615 over all of the component independent special districts.

616 ~~(8)(h)~~ "Merger plan" means a written document that contains

617 the terms, agreements, and information regarding the merger of

618 two or more independent special districts.

619 ~~(9)(i)~~ "Proposed elector-initiated merger plan" means a

620 written document that contains the terms and information

621 regarding the merger of two or more independent special

622 districts and that accompanies the petition initiated by the

623 qualified electors of the districts but that is not yet

624 finalized and approved by the governing bodies of each component

625 independent special district pursuant to this part section.

626 ~~(10)(j)~~ "Proposed joint merger plan" means a written

627 document that contains the terms and information regarding the

628 merger of two or more independent special districts and that has

629 been prepared pursuant to a resolution of the governing bodies

630 of the districts but that is not yet finalized and approved by

631 the governing bodies of each component independent special

632 district pursuant to this part section.

633 ~~(11)(k)~~ "Qualified elector" means an individual at least 18

634 years of age who is a citizen of the United States, a permanent

635 resident of this state, and a resident of the district who

636 registers with the supervisor of elections of a county within

637 which the district lands are located when the registration books

638 are open.

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639 Section 19. Subsection (2) of section 189.4042, Florida
640 Statutes, is transferred, renumbered as section 189.071, Florida
641 Statutes, and amended to read:

642 189.071 ~~189.4042~~ Merger or and dissolution of a dependent
643 special district procedures.-

644 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL DISTRICT.-~~

645 (1)(a) The merger or dissolution of a dependent special
646 district may be effectuated by an ordinance of the general-
647 purpose local governmental entity wherein the geographical area
648 of the district or districts is located. However, a county may
649 not dissolve a special district that is dependent to a
650 municipality or vice versa, or a dependent district created by
651 special act.

652 (2)(b) The merger or dissolution of a dependent special
653 district created and operating pursuant to a special act may be
654 effectuated only by further act of the Legislature unless
655 otherwise provided by general law.

656 (3)(e) A dependent special district that meets any criteria
657 for being declared inactive, or that has already been declared
658 inactive, pursuant to s. 189.062 ~~189.4044~~ may be dissolved or
659 merged by special act without a referendum.

660 (4)(d) A copy of any ordinance and of any changes to a
661 charter affecting the status or boundaries of one or more
662 special districts shall be filed with the Special District
663 Accountability Information ~~Information~~ Program within 30 days after such
664 activity.

665 Section 20. Subsection (3) of section 189.4042, Florida
666 Statutes, is transferred, renumbered as section 189.072, Florida
667 Statutes, and amended to read:

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668 189.072 ~~189.4042~~ Dissolution of an independent special
669 district Merger and dissolution procedures.-

670 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.-~~

671 (1)(a) Voluntary dissolution.-If the governing body board
672 of an independent special district created and operating
673 pursuant to a special act elects, by a majority vote plus one,
674 to dissolve the district, the voluntary dissolution of an
675 independent special district created and operating pursuant to a
676 special act may be effectuated only by the Legislature unless
677 otherwise provided by general law.

678 (2)(b) Other dissolutions.-

679 (a)1- In order for the Legislature to dissolve an active
680 independent special district created and operating pursuant to a
681 special act, the special act dissolving the active independent
682 special district must be approved by a majority of the resident
683 electors of the district or, for districts in which a majority
684 of governing body board members are elected by landowners, a
685 majority of the landowners voting in the same manner by which
686 the independent special district's governing body is elected. If
687 a local general-purpose government passes an ordinance or
688 resolution in support of the dissolution, the local general-
689 purpose government must pay any expenses associated with the
690 referendum required under this paragraph ~~subparagraph~~.

691 (b)2- If an independent special district was created by a
692 county or municipality by referendum or any other procedure, the
693 county or municipality that created the district may dissolve
694 the district pursuant to a referendum or any other procedure by
695 which the independent special district was created. However, if
696 the independent special district has ad valorem taxation powers,

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697 the same procedure required to grant the independent special
 698 district ad valorem taxation powers is required to dissolve the
 699 district.

700 ~~(3)(e)~~ *Inactive independent special districts.*—An
 701 independent special district that meets any criteria for being
 702 declared inactive, or that has already been declared inactive,
 703 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 704 without a referendum. If an inactive independent special
 705 district was created by a county or municipality through a
 706 referendum, the county or municipality that created the district
 707 may dissolve the district after publishing notice as described
 708 in s. 189.062 ~~189.4044~~.

709 ~~(4)(d)~~ *Debts and assets.*—Financial allocations of the
 710 assets and indebtedness of a dissolved independent special
 711 district shall be pursuant to s. 189.076 ~~189.4045~~.

712 Section 21. Subsection (4) of section 189.4042, Florida
 713 Statutes, is transferred, renumbered as section 189.073, Florida
 714 Statutes, and amended to read:
 715 189.073 ~~189.4042~~ *Legislative merger of independent special*
 716 *districts Merger and dissolution procedures.*—
 717 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—
 718 The Legislature, by special act, may merge independent special
 719 districts created and operating pursuant to special act.

720 Section 22. Subsection (5) of section 189.4042, Florida
 721 Statutes, is transferred, renumbered as section 189.074, Florida
 722 Statutes, and amended to read:
 723 189.074 ~~189.4042~~ *Voluntary merger of independent special*
 724 *districts Merger and dissolution procedures.*—
 725 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—Two

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726 or more contiguous independent special districts created by
 727 special act which have similar functions and elected governing
 728 bodies may elect to merge into a single independent district
 729 through the act of merging the component independent special
 730 districts.

731 ~~(1)(a)~~ *Initiation.*—Merger proceedings may commence by:
 732 ~~(a)1-~~ A joint resolution of the governing bodies of each
 733 independent special district which endorses a proposed joint
 734 merger plan; or
 735 ~~(b)2-~~ A qualified elector initiative.

736 ~~(2)(b)~~ *Joint merger plan by resolution.*—The governing
 737 bodies of two or more contiguous independent special districts
 738 may, by joint resolution, endorse a proposed joint merger plan
 739 to commence proceedings to merge the districts pursuant to this
 740 section ~~subsection~~.

741 ~~(a)1-~~ The proposed joint merger plan must specify:
 742 1.a- The name of each component independent special
 743 district to be merged;
 744 2.b- The name of the proposed merged independent district;
 745 3.e- The rights, duties, and obligations of the proposed
 746 merged independent district;
 747 4.d- The territorial boundaries of the proposed merged
 748 independent district;
 749 5.e- The governmental organization of the proposed merged
 750 independent district insofar as it concerns elected and
 751 appointed officials and public employees, along with a
 752 transitional plan and schedule for elections and appointments of
 753 officials;
 754 6.f- A fiscal estimate of the potential cost or savings as

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755 a result of the merger;

756 ~~7.g.~~ Each component independent special district's assets,
757 including, but not limited to, real and personal property, and
758 the current value thereof;

759 ~~8.h.~~ Each component independent special district's
760 liabilities and indebtedness, bonded and otherwise, and the
761 current value thereof;

762 ~~9.i.~~ Terms for the assumption and disposition of existing
763 assets, liabilities, and indebtedness of each component
764 independent special district jointly, separately, or in defined
765 proportions;

766 ~~10.j.~~ Terms for the common administration and uniform
767 enforcement of existing laws within the proposed merged
768 independent district;

769 ~~11.k.~~ The times and places for public hearings on the
770 proposed joint merger plan;

771 ~~12.l.~~ The times and places for a referendum in each
772 component independent special district on the proposed joint
773 merger plan, along with the referendum language to be presented
774 for approval; and

775 ~~13.m.~~ The effective date of the proposed merger.

776 ~~(b)2.~~ The resolution endorsing the proposed joint merger
777 plan must be approved by a majority vote of the governing bodies
778 of each component independent special district and adopted at
779 least 60 business days before any general or special election on
780 the proposed joint merger plan.

781 ~~(c)3.~~ Within 5 business days after the governing bodies
782 approve the resolution endorsing the proposed joint merger plan,
783 the governing bodies must:

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784 ~~1.a.~~ Cause a copy of the proposed joint merger plan, along
785 with a descriptive summary of the plan, to be displayed and be
786 readily accessible to the public for inspection in at least
787 three public places within the territorial limits of each
788 component independent special district, unless a component
789 independent special district has fewer than three public places,
790 in which case the plan must be accessible for inspection in all
791 public places within the component independent special district;

792 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
793 along with a descriptive summary of the plan and a reference to
794 the public places within each component independent special
795 district where a copy of the merger plan may be examined, to be
796 displayed on a website maintained by each district or on a
797 website maintained by the county or municipality in which the
798 districts are located; and

799 ~~3.e.~~ Arrange for a descriptive summary of the proposed
800 joint merger plan, and a reference to the public places within
801 the district where a copy may be examined, to be published in a
802 newspaper of general circulation within the component
803 independent special districts at least once each week for 4
804 successive weeks.

805 ~~(d)4.~~ The governing body of each component independent
806 special district shall set a time and place for one or more
807 public hearings on the proposed joint merger plan. Each public
808 hearing shall be held on a weekday at least 7 business days
809 after the day the first advertisement is published on the
810 proposed joint merger plan. The hearing or hearings may be held
811 jointly or separately by the governing bodies of the component
812 independent special districts. Any interested person residing in

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813 the respective district shall be given a reasonable opportunity
 814 to be heard on any aspect of the proposed merger at the public
 815 hearing.

816 ~~1.a.~~ Notice of the public hearing addressing the resolution
 817 for the proposed joint merger plan must be published pursuant to
 818 the notice requirements in s. 189.015 ~~189.417~~ and must provide a
 819 descriptive summary of the proposed joint merger plan and a
 820 reference to the public places within the component independent
 821 special districts where a copy of the plan may be examined.

822 ~~2.b.~~ After the final public hearing, the governing bodies
 823 of each component independent special district may amend the
 824 proposed joint merger plan if the amended version complies with
 825 the notice and public hearing requirements provided in this
 826 section ~~subsection~~. Thereafter, the governing bodies may approve
 827 a final version of the joint merger plan or decline to proceed
 828 further with the merger. Approval by the governing bodies of the
 829 final version of the joint merger plan must occur within 60
 830 business days after the final hearing.

831 ~~(e)5.~~ After the final public hearing, the governing bodies
 832 shall notify the supervisors of elections of the applicable
 833 counties in which district lands are located of the adoption of
 834 the resolution by each governing body. The supervisors of
 835 elections shall schedule a separate referendum for each
 836 component independent special district. The referenda may be
 837 held in each district on the same day, or on different days, but
 838 no more than 20 days apart.

839 ~~1.a.~~ Notice of a referendum on the merger of independent
 840 special districts must be provided pursuant to the notice
 841 requirements in s. 100.342. At a minimum, the notice must

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842 include:

843 ~~a.(I)~~ A brief summary of the resolution and joint merger
 844 plan;

845 ~~b.(II)~~ A statement as to where a copy of the resolution and
 846 joint merger plan may be examined;

847 ~~c.(III)~~ The names of the component independent special
 848 districts to be merged and a description of their territory;

849 ~~d.(IV)~~ The times and places at which the referendum will be
 850 held; and

851 ~~e.(V)~~ Such other matters as may be necessary to call,
 852 provide for, and give notice of the referendum and to provide
 853 for the conduct thereof and the canvass of the returns.

854 ~~2.b.~~ The referenda must be held in accordance with the
 855 Florida Election Code and may be held pursuant to ss. 101.6101-
 856 101.6107. All costs associated with the referenda shall be borne
 857 by the respective component independent special district.

858 ~~3.e.~~ The ballot question in such referendum placed before
 859 the qualified electors of each component independent special
 860 district to be merged must be in substantially the following
 861 form:

862 "Shall ...(name of component independent special
 863 district)... and ...(name of component independent special
 864 district or districts)... be merged into ...(name of newly
 865 merged independent district)...?

866

867YES

868NO"

869

870 ~~4.d.~~ If the component independent special districts

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 871 proposing to merge have disparate millage rates, the ballot
 872 question in the referendum placed before the qualified electors
 873 of each component independent special district must be in
 874 substantially the following form:

875
 876 "Shall ...(name of component independent special
 877 district)... and ...(name of component independent special
 878 district or districts)... be merged into ...(name of newly
 879 merged independent district)... if the voter-approved maximum
 880 millage rate within each independent special district will not
 881 increase absent a subsequent referendum?

882
 883YES

884NO"

885
 886 5.e In any referendum held pursuant to this section
 887 ~~subsection~~, the ballots shall be counted, returns made and
 888 canvassed, and results certified in the same manner as other
 889 elections or referenda for the component independent special
 890 districts.

891 6.f The merger may not take effect unless a majority of
 892 the votes cast in each component independent special district
 893 are in favor of the merger. If one of the component districts
 894 does not obtain a majority vote, the referendum fails, and
 895 merger does not take effect.

896 7.g If the merger is approved by a majority of the votes
 897 cast in each component independent special district, the merged
 898 independent district is created. Upon approval, the merged
 899 independent district shall notify the Special District

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 900 Accountability Information Program pursuant to s. 189.016(2)
 901 ~~189.418(2)~~ and the local general-purpose governments in which
 902 any part of the component independent special districts is
 903 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

904 ~~8.h~~ If the referendum fails, the merger process under this
 905 ~~subsection paragraph~~ may not be initiated for the same purpose
 906 within 2 years after the date of the referendum.

907 ~~(f)6~~ Component independent special districts merged
 908 pursuant to a joint merger plan by resolution shall continue to
 909 be governed as before the merger until the effective date
 910 specified in the adopted joint merger plan.

911 ~~(3)(e)~~ Qualified elector-initiated merger plan.—The
 912 qualified electors of two or more contiguous independent special
 913 districts may commence a merger proceeding by each filing a
 914 petition with the governing body of their respective independent
 915 special district proposing to be merged. The petition must
 916 contain the signatures of at least 40 percent of the qualified
 917 electors of each component independent special district and must
 918 be submitted to the appropriate component independent special
 919 district governing body no later than 1 year after the start of
 920 the qualified elector-initiated merger process.

921 ~~(a)1~~ The petition must comply with, and be circulated in,
 922 the following form:

923
 924 PETITION FOR
 925 INDEPENDENT SPECIAL DISTRICT MERGER

926
 927 We, the undersigned electors and legal voters of ...(name
 928 of independent special district)..., qualified to vote at the

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 929 next general or special election, respectfully petition that
 930 there be submitted to the electors and legal voters of ...(name
 931 of independent special district or districts proposed to be
 932 merged)..., for their approval or rejection at a referendum held
 933 for that purpose, a proposal to merge ...(name of component
 934 independent special district)... and ...(name of component
 935 independent special district or districts)....
 936

In witness thereof, we have signed our names on the date
 937 indicated next to our signatures.
 938

Date	Name	Home Address
(print under signature)		

943
 944
 945

947 (b)2- The petition must be validated by a signed statement
 948 by a witness who is a duly qualified elector of one of the
 949 component independent special districts, a notary public, or
 950 another person authorized to take acknowledgments.

951 1.a- A statement that is signed by a witness who is a duly
 952 qualified elector of the respective district shall be accepted
 953 for all purposes as the equivalent of an affidavit. Such
 954 statement must be in substantially the following form:

955 "I, ...(name of witness)..., state that I am a duly
 956 qualified voter of ...(name of independent special district)....
 957 Each of the ...(insert number)... persons who have signed this

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 958 petition sheet has signed his or her name in my presence on the
 959 dates indicated above and identified himself or herself to be
 960 the same person who signed the sheet. I understand that this
 961 statement will be accepted for all purposes as the equivalent of
 962 an affidavit and, if it contains a materially false statement,
 963 shall subject me to the penalties of perjury."
 964

Date	Signature of Witness
------	----------------------

965 2.b- A statement that is signed by a notary public or
 966 another person authorized to take acknowledgments must be in
 967 substantially the following form:

968 "On the date indicated above before me personally came each
 969 of the ...(insert number)... electors and legal voters whose
 970 signatures appear on this petition sheet, who signed the
 971 petition in my presence and who, being by me duly sworn, each
 972 for himself or herself, identified himself or herself as the
 973 same person who signed the petition, and I declare that the
 974 foregoing information they provided was true."
 975

Date	Signature of Witness
------	----------------------

976 3.e- An alteration or correction of information appearing
 977 on a petition's signature line, other than an uninitialed
 978 signature and date, does not invalidate such signature. In
 979 matters of form, this ~~subsection paragraph~~ shall be liberally
 980 construed, not inconsistent with substantial compliance thereto
 981 and the prevention of fraud.

982 4.d- The appropriately signed petition must be filed with
 983 the governing body of each component independent special
 984 district. The petition must be submitted to the supervisors of
 985 elections of the counties in which the district lands are
 986 located. The supervisors shall, within 30 business days after

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987 receipt of the petitions, certify to the governing bodies the
 988 number of signatures of qualified electors contained on the
 989 petitions.

990 ~~(c)3-~~ Upon verification by the supervisors of elections of
 991 the counties within which component independent special district
 992 lands are located that 40 percent of the qualified electors have
 993 petitioned for merger and that all such petitions have been
 994 executed within 1 year after the date of the initiation of the
 995 qualified-elector merger process, the governing bodies of each
 996 component independent special district shall meet within 30
 997 business days to prepare and approve by resolution a proposed
 998 elector-initiated merger plan. The proposed plan must include:

999 1.a- The name of each component independent special
 1000 district to be merged;

1001 2.b- The name of the proposed merged independent district;

1002 3.e- The rights, duties, and obligations of the merged
 1003 independent district;

1004 4.d- The territorial boundaries of the proposed merged
 1005 independent district;

1006 5.e- The governmental organization of the proposed merged
 1007 independent district insofar as it concerns elected and
 1008 appointed officials and public employees, along with a
 1009 transitional plan and schedule for elections and appointments of
 1010 officials;

1011 6.f- A fiscal estimate of the potential cost or savings as
 1012 a result of the merger;

1013 7.g- Each component independent special district's assets,
 1014 including, but not limited to, real and personal property, and
 1015 the current value thereof;

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1016 ~~8.h-~~ Each component independent special district's
 1017 liabilities and indebtedness, bonded and otherwise, and the
 1018 current value thereof;

1019 9.i- Terms for the assumption and disposition of existing
 1020 assets, liabilities, and indebtedness of each component
 1021 independent special district, jointly, separately, or in defined
 1022 proportions;

1023 10.j- Terms for the common administration and uniform
 1024 enforcement of existing laws within the proposed merged
 1025 independent district;

1026 11.k- The times and places for public hearings on the
 1027 proposed joint merger plan; and

1028 12.l- The effective date of the proposed merger.

1029 ~~(d)4-~~ The resolution endorsing the proposed elector-
 1030 initiated merger plan must be approved by a majority vote of the
 1031 governing bodies of each component independent special district
 1032 and must be adopted at least 60 business days before any general
 1033 or special election on the proposed elector-initiated plan.

1034 ~~(e)5-~~ Within 5 business days after the governing bodies of
 1035 each component independent special district approve the proposed
 1036 elector-initiated merger plan, the governing bodies shall:

1037 1.a- Cause a copy of the proposed elector-initiated merger
 1038 plan, along with a descriptive summary of the plan, to be
 1039 displayed and be readily accessible to the public for inspection
 1040 in at least three public places within the territorial limits of
 1041 each component independent special district, unless a component
 1042 independent special district has fewer than three public places,
 1043 in which case the plan must be accessible for inspection in all
 1044 public places within the component independent special district;

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1045 ~~2.b.~~ If applicable, cause the proposed elector-initiated
 1046 merger plan, along with a descriptive summary of the plan and a
 1047 reference to the public places within each component independent
 1048 special district where a copy of the merger plan may be
 1049 examined, to be displayed on a website maintained by each
 1050 district or otherwise on a website maintained by the county or
 1051 municipality in which the districts are located; and

1052 ~~3.e.~~ Arrange for a descriptive summary of the proposed
 1053 elector-initiated merger plan, and a reference to the public
 1054 places within the district where a copy may be examined, to be
 1055 published in a newspaper of general circulation within the
 1056 component independent special districts at least once each week
 1057 for 4 successive weeks.

1058 ~~(f)6.~~ The governing body of each component independent
 1059 special district shall set a time and place for one or more
 1060 public hearings on the proposed elector-initiated merger plan.
 1061 Each public hearing shall be held on a weekday at least 7
 1062 business days after the day the first advertisement is published
 1063 on the proposed elector-initiated merger plan. The hearing or
 1064 hearings may be held jointly or separately by the governing
 1065 bodies of the component independent special districts. Any
 1066 interested person residing in the respective district shall be
 1067 given a reasonable opportunity to be heard on any aspect of the
 1068 proposed merger at the public hearing.

1069 ~~1.a.~~ Notice of the public hearing on the proposed elector-
 1070 initiated merger plan must be published pursuant to the notice
 1071 requirements in s. 189.015 ~~189.417~~ and must provide a
 1072 descriptive summary of the elector-initiated merger plan and a
 1073 reference to the public places within the component independent

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1074 special districts where a copy of the plan may be examined.

1075 ~~2.b.~~ After the final public hearing, the governing bodies
 1076 of each component independent special district may amend the
 1077 proposed elector-initiated merger plan if the amended version
 1078 complies with the notice and public hearing requirements
 1079 provided in this ~~section~~ subsection. The governing bodies must
 1080 approve a final version of the merger plan within 60 business
 1081 days after the final hearing.

1082 ~~(g)7.~~ After the final public hearing, the governing bodies
 1083 shall notify the supervisors of elections of the applicable
 1084 counties in which district lands are located of the adoption of
 1085 the resolution by each governing body. The supervisors of
 1086 elections shall schedule a date for the separate referenda for
 1087 each district. The referenda may be held in each district on the
 1088 same day, or on different days, but no more than 20 days apart.

1089 ~~1.a.~~ Notice of a referendum on the merger of the component
 1090 independent special districts must be provided pursuant to the
 1091 notice requirements in s. 100.342. At a minimum, the notice must
 1092 include:

1093 ~~a.(I)~~ A brief summary of the resolution and elector-
 1094 initiated merger plan;

1095 ~~b.(II)~~ A statement as to where a copy of the resolution and
 1096 petition for merger may be examined;

1097 ~~c.(III)~~ The names of the component independent special
 1098 districts to be merged and a description of their territory;

1099 ~~d.(IV)~~ The times and places at which the referendum will be
 1100 held; and

1101 ~~e.(V)~~ Such other matters as may be necessary to call,
 1102 provide for, and give notice of the referendum and to provide

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1103 for the conduct thereof and the canvass of the returns.

1104 ~~2.b.~~ The referenda must be held in accordance with the

1105 Florida Election Code and may be held pursuant to ss. 101.6101-

1106 101.6107. All costs associated with the referenda shall be borne

1107 by the respective component independent special district.

1108 ~~3.e.~~ The ballot question in such referendum placed before

1109 the qualified electors of each component independent special

1110 district to be merged must be in substantially the following

1111 form:

1112 "Shall ...(name of component independent special

1113 district)... and ...(name of component independent special

1114 district or districts)... be merged into ...(name of newly

1115 merged independent district)...?

1116YES

1117NO"

1118 ~~4.d.~~ If the component independent special districts

1119 proposing to merge have disparate millage rates, the ballot

1120 question in the referendum placed before the qualified electors

1121 of each component independent special district must be in

1122 substantially the following form:

1123 "Shall ...(name of component independent special

1124 district)... and ...(name of component independent special

1125 district or districts)... be merged into ...(name of newly

1126 merged independent district)... if the voter-approved maximum

1127 millage rate within each independent special district will not

1128 increase absent a subsequent referendum?

1129YES

1130NO"

1131 ~~5.e.~~ In any referendum held pursuant to this section

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1132 ~~subsection~~, the ballots shall be counted, returns made and

1133 canvassed, and results certified in the same manner as other

1134 elections or referenda for the component independent special

1135 districts.

1136 ~~6.f.~~ The merger may not take effect unless a majority of

1137 the votes cast in each component independent special district

1138 are in favor of the merger. If one of the component independent

1139 special districts does not obtain a majority vote, the

1140 referendum fails, and merger does not take effect.

1141 ~~7.g.~~ If the merger is approved by a majority of the votes

1142 cast in each component independent special district, the merged

1143 district shall notify the Special District Accountability

1144 Information Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the

1145 local general-purpose governments in which any part of the

1146 component independent special districts is situated pursuant to

1147 s. 189.016(7) ~~189.418(7)~~.

1148 ~~8.h.~~ If the referendum fails, the merger process under this

1149 subsection ~~paragraph~~ may not be initiated for the same purpose

1150 within 2 years after the date of the referendum.

1151 ~~(h)g.~~ Component independent special districts merged

1152 pursuant to an elector-initiated merger plan shall continue to

1153 be governed as before the merger until the effective date

1154 specified in the adopted elector-initiated merger plan.

1155 ~~(4)(d)~~ Effective date.—The effective date of the merger

1156 shall be as provided in the joint merger plan or elector-

1157 initiated merger plan, as appropriate, and is not contingent

1158 upon the future act of the Legislature.

1159 ~~(a)1.~~ However, as soon as practicable, the merged

1160 independent district shall, at its own expense, submit a unified

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1161 charter for the merged district to the Legislature for approval.
 1162 The unified charter must make the powers of the district
 1163 consistent within the merged independent district and repeal the
 1164 special acts of the districts which existed before the merger.
 1165 ~~(b)2-~~ Within 30 business days after the effective date of
 1166 the merger, the merged independent district's governing body, as
 1167 indicated in this section ~~subsection~~, shall hold an
 1168 organizational meeting to implement the provisions of the joint
 1169 merger plan or elector-initiated merger plan, as appropriate.
 1170 ~~(5)(e)~~ Restrictions during transition period.—Until the
 1171 Legislature formally approves the unified charter pursuant to a
 1172 special act, each component independent special district is
 1173 considered a subunit of the merged independent district subject
 1174 to the following restrictions:
 1175 ~~(a)1-~~ During the transition period, the merged independent
 1176 district is limited in its powers and financing capabilities
 1177 within each subunit to those powers that existed within the
 1178 boundaries of each subunit which were previously granted to the
 1179 component independent special district in its existing charter
 1180 before the merger. The merged independent district may not,
 1181 solely by reason of the merger, increase its powers or financing
 1182 capability.
 1183 ~~(b)2-~~ During the transition period, the merged independent
 1184 district shall exercise only the legislative authority to levy
 1185 and collect revenues within the boundaries of each subunit which
 1186 was previously granted to the component independent special
 1187 district by its existing charter before the merger, including
 1188 the authority to levy ad valorem taxes, non-ad valorem
 1189 assessments, impact fees, and charges.

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1190 ~~1.a-~~ The merged independent district may not, solely by
 1191 reason of the merger or the legislatively approved unified
 1192 charter, increase ad valorem taxes on property within the
 1193 original limits of a subunit beyond the maximum millage rate
 1194 approved by the electors of the component independent special
 1195 district unless the electors of such subunit approve an increase
 1196 at a subsequent referendum of the subunit's electors. Each
 1197 subunit may be considered a separate taxing unit.
 1198 ~~2.b-~~ The merged independent district may not, solely by
 1199 reason of the merger, charge non-ad valorem assessments, impact
 1200 fees, or other new fees within a subunit which were not
 1201 otherwise previously authorized to be charged.
 1202 ~~(c)3-~~ During the transition period, each component
 1203 independent special district of the merged independent district
 1204 must continue to file all information and reports required under
 1205 this chapter as subunits until the Legislature formally approves
 1206 the unified charter pursuant to a special act.
 1207 ~~(d)4-~~ The intent of this part ~~section~~ is to preserve and
 1208 transfer to the merged independent district all authority that
 1209 exists within each subunit and was previously granted by the
 1210 Legislature and, if applicable, by referendum.
 1211 ~~(6)(f)~~ Effect of merger, generally.—On and after the
 1212 effective date of the merger, the merged independent district
 1213 shall be treated and considered for all purposes as one entity
 1214 under the name and on the terms and conditions set forth in the
 1215 joint merger plan or elector-initiated merger plan, as
 1216 appropriate.
 1217 ~~(a)1-~~ All rights, privileges, and franchises of each
 1218 component independent special district and all assets, real and

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1219 personal property, books, records, papers, seals, and equipment,
1220 as well as other things in action, belonging to each component
1221 independent special district before the merger shall be deemed
1222 as transferred to and vested in the merged independent district
1223 without further act or deed.

1224 (b)2- All property, rights-of-way, and other interests are
1225 as effectually the property of the merged independent district
1226 as they were of the component independent special district
1227 before the merger. The title to real estate, by deed or
1228 otherwise, under the laws of this state vested in any component
1229 independent special district before the merger may not be deemed
1230 to revert or be in any way impaired by reason of the merger.

1231 (c)3- The merged independent district is in all respects
1232 subject to all obligations and liabilities imposed and possesses
1233 all the rights, powers, and privileges vested by law in other
1234 similar entities.

1235 (d)4- Upon the effective date of the merger, the joint
1236 merger plan or elector-initiated merger plan, as appropriate, is
1237 subordinate in all respects to the contract rights of all
1238 holders of any securities or obligations of the component
1239 independent special districts outstanding at the effective date
1240 of the merger.

1241 (e)5- The new registration of electors is not necessary as
1242 a result of the merger, but all elector registrations of the
1243 component independent special districts shall be transferred to
1244 the proper registration books of the merged independent
1245 district, and new registrations shall be made as provided by law
1246 as if no merger had taken place.

1247 (7)(g)- *Governing body of merged independent district.-*

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1248 (a)4- From the effective date of the merger until the next
1249 general election, the governing body of the merged independent
1250 district shall be comprised of the governing body members of
1251 each component independent special district, with such members
1252 serving until the governing body members elected at the next
1253 general election take office.

1254 (b)2- Beginning with the next general election following
1255 the effective date of merger, the governing body of the merged
1256 independent district shall be comprised of five members. The
1257 office of each governing body member shall be designated by
1258 seat, which shall be distinguished from other body member seats
1259 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
1260 members that are elected in this initial election following the
1261 merger shall serve unequal terms of 2 and 4 years in order to
1262 create staggered membership of the governing body, with:

1263 1.a- Member seats 1, 3, and 5 being designated for 4-year
1264 terms; and

1265 2.b- Member seats 2 and 4 being designated for 2-year
1266 terms.

1267 (c)3- In general elections thereafter, all governing body
1268 members shall serve 4-year terms.

1269 (8)(h)- *Effect on employees.-* Except as otherwise provided by
1270 law and except for those officials and employees protected by
1271 tenure of office, civil service provisions, or a collective
1272 bargaining agreement, upon the effective date of merger, all
1273 appointive offices and positions existing in all component
1274 independent special districts involved in the merger are subject
1275 to the terms of the joint merger plan or elector-initiated
1276 merger plan, as appropriate. Such plan may provide for instances

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1277 in which there are duplications of positions and for other
 1278 matters such as varying lengths of employee contracts, varying
 1279 pay levels or benefits, different civil service regulations in
 1280 the constituent entities, and differing ranks and position
 1281 classifications for similar positions. For those employees who
 1282 are members of a bargaining unit certified by the Public
 1283 Employees Relations Commission, the requirements of chapter 447
 1284 apply.

1285 (9)~~(i)~~ *Effect on debts, liabilities, and obligations.*—
 1286 (a)~~1~~ All valid and lawful debts and liabilities existing
 1287 against a merged independent district, or which may arise or
 1288 accrue against the merged independent district, which but for
 1289 merger would be valid and lawful debts or liabilities against
 1290 one or more of the component independent special districts, are
 1291 debts against or liabilities of the merged independent district
 1292 and accordingly shall be defrayed and answered to by the merged
 1293 independent district to the same extent, and no further than,
 1294 the component independent special districts would have been
 1295 bound if a merger had not taken place.

1296 (b)~~2~~ The rights of creditors and all liens upon the
 1297 property of any of the component independent special districts
 1298 shall be preserved unimpaired. The respective component
 1299 districts shall be deemed to continue in existence to preserve
 1300 such rights and liens, and all debts, liabilities, and duties of
 1301 any of the component districts attach to the merged independent
 1302 district.

1303 (c)~~3~~ All bonds, contracts, and obligations of the
 1304 component independent special districts which exist as legal
 1305 obligations are obligations of the merged independent district,

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1306 and all such obligations shall be issued or entered into by and
 1307 in the name of the merged independent district.

1308 (10)~~(j)~~ *Effect on actions and proceedings.*—In any action or
 1309 proceeding pending on the effective date of merger to which a
 1310 component independent special district is a party, the merged
 1311 independent district may be substituted in its place, and the
 1312 action or proceeding may be prosecuted to judgment as if merger
 1313 had not taken place. Suits may be brought and maintained against
 1314 a merged independent district in any state court in the same
 1315 manner as against any other independent special district.

1316 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
 1317 apply to all annexations by a city within the component
 1318 independent special districts' boundaries after merger occurs.
 1319 Any moneys owed to a component independent special district
 1320 pursuant to s. 171.093, or any interlocal service boundary
 1321 agreement as a result of annexation predating the merger, shall
 1322 be paid to the merged independent district after merger.

1323 (12)~~(l)~~ *Effect on millage calculations.*—The merged
 1324 independent special district is authorized to continue or
 1325 conclude procedures under chapter 200 on behalf of the component
 1326 independent special districts. The merged independent special
 1327 district shall make the calculations required by chapter 200 for
 1328 each component individual special district separately.

1329 (13)~~(m)~~ *Determination of rights.*—If any right, title,
 1330 interest, or claim arises out of a merger or by reason thereof
 1331 which is not determinable by reference to this subsection, the
 1332 joint merger plan or elector-initiated merger plan, as
 1333 appropriate, or otherwise under the laws of this state, the
 1334 governing body of the merged independent district may provide

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1335 therefor in a manner conforming to law.

1336 ~~(14)(a)~~ Exemption.—This section subsection does not apply

1337 to independent special districts whose governing bodies are

1338 elected by district landowners voting the acreage owned within

1339 the district.

1340 ~~(15)(a)~~ Preemption.—This section subsection preempts any

1341 special act to the contrary.

1342 Section 23. Subsection (6) of section 189.4042, Florida

1343 Statutes, is transferred, renumbered as section 189.075, Florida

1344 Statutes, and amended to read:

1345 189.075 189.4042 Involuntary merger of independent special

1346 districts Merger and dissolution procedures.—

1347 ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—~~

1348 (1)(a) *Independent special districts created by special*

1349 *act.—*In order for the Legislature to merge an active independent

1350 special district or districts created and operating pursuant to

1351 a special act, the special act merging the active independent

1352 special district or districts must be approved at separate

1353 referenda of the impacted local governments by a majority of the

1354 resident electors or, for districts in which a majority of

1355 governing body board members are elected by landowners, a

1356 majority of the landowners voting in the same manner by which

1357 each independent special district's governing body is elected.

1358 The special act merging the districts must include a plan of

1359 merger that addresses transition issues such as the effective

1360 date of the merger, governance, administration, powers,

1361 pensions, and assumption of all assets and liabilities. If a

1362 local general-purpose government passes an ordinance or

1363 resolution in support of the merger of an active independent

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1364 special district, the local general-purpose government must pay

1365 any expenses associated with the referendum required under this

1366 subsection paragraph.

1367 ~~(2)(b)~~ *Independent special districts created by a county or*

1368 *municipality.—*A county or municipality may merge an independent

1369 special district created by the county or municipality pursuant

1370 to a referendum or any other procedure by which the independent

1371 special district was created. However, if the independent

1372 special district has ad valorem taxation powers, the same

1373 procedure required to grant the independent special district ad

1374 valorem taxation powers is required to merge the district. The

1375 political subdivisions proposing the involuntary merger of an

1376 active independent special district must pay any expenses

1377 associated with the referendum required under this subsection

1378 paragraph.

1379 ~~(3)(e)~~ *Inactive independent special districts.—*An

1380 independent special district that meets any criteria for being

1381 declared inactive, or that has already been declared inactive,

1382 pursuant to s. 189.062 189.4044 may be merged by special act

1383 without a referendum.

1384 Section 24. Subsection (7) of section 189.4042, Florida

1385 Statutes, is transferred and renumbered as section 189.0761,

1386 Florida Statutes, and amended to read:

1387 189.0761 189.4042 Merger and dissolution procedures.—

1388 ~~(7)~~ Exemptions.—This part section does not apply to

1389 community development districts implemented pursuant to chapter

1390 190 or to water management districts created and operated

1391 pursuant to chapter 373.

1392 Section 25. Section 189.4044, Florida Statutes, is

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1393 transferred and renumbered as section 189.062, Florida Statutes,
1394 subsections (1) and (3) of that section are amended, and
1395 subsections (5) and (6) are added to that section, to read:

1396 189.062 ~~189.4044~~ Special procedures for inactive
1397 districts.-

1398 (1) The department shall declare inactive any special
1399 district in this state by documenting that:

1400 (a) The special district meets one of the following
1401 criteria:

1402 1. The registered agent of the district, the chair of the
1403 governing body of the district, or the governing body of the
1404 appropriate local general-purpose government notifies the
1405 department in writing that the district has taken no action for
1406 2 or more years;

1407 2. ~~Following an inquiry from the department,~~ The registered
1408 agent of the district, the chair of the governing body of the
1409 district, or the governing body of the appropriate local
1410 general-purpose government notifies the department in writing
1411 that the district has not had a governing body board or a
1412 sufficient number of governing body board members to constitute
1413 a quorum for 2 or more years;

1414 3. ~~or~~ The registered agent of the district, the chair of
1415 the governing body of the district, or the governing body of the
1416 appropriate local general-purpose government fails to respond to
1417 an the department's inquiry by the department within 21 days;

1418 ~~4.3-~~ The department determines, pursuant to s. 189.067
1419 ~~189.421~~, that the district has failed to file any of the reports
1420 listed in s. 189.066. ~~189.419~~;

1421 ~~5.4-~~ The district has not had a registered office and agent

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1422 on file with the department for 1 or more years;~~or~~

1423 ~~6.5-~~ The governing body of a special district provides
1424 documentation to the department that it has unanimously adopted
1425 a resolution declaring the special district inactive. The
1426 special district shall be responsible for payment of any
1427 expenses associated with its dissolution. A special district
1428 declared inactive pursuant to this subparagraph may be dissolved
1429 without a referendum; or

1430 7. The department independently determines that the
1431 district is no longer active.

1432 (b) The department, special district, or local general-
1433 purpose government published a notice of proposed declaration of
1434 inactive status in a newspaper of general circulation in the
1435 county or municipality in which the territory of the special
1436 district is located and sent a copy of such notice by certified
1437 mail to the registered agent or chair of the governing body
1438 ~~board~~, if any. Such notice must include the name of the special
1439 district, the law under which it was organized and operating, a
1440 general description of the territory included in the special
1441 district, and a statement that any objections must be filed
1442 pursuant to chapter 120 within 21 days after the publication
1443 date; and

1444 (c) Twenty-one days have elapsed from the publication date
1445 of the notice of proposed declaration of inactive status and no
1446 administrative appeals were filed.

1447 (3) In the case of a district created by special act of the
1448 Legislature, the department shall send a notice of declaration
1449 of inactive status to the chair of the county legislative
1450 delegation and the Legislative Auditing Committee ~~Speaker of the~~

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1451 ~~House of Representatives and the President of the Senate.~~ The
 1452 notice of declaration of inactive status shall reference each
 1453 known special act creating or amending the charter of any
 1454 special district declared to be inactive under this section. The
 1455 declaration of inactive status shall be sufficient notice as
 1456 required by s. 10, Art. III of the State Constitution to
 1457 authorize the Legislature to repeal any special laws so
 1458 reported. In the case of a district created by one or more local
 1459 general-purpose governments, the department shall send a notice
 1460 of declaration of inactive status to the chair of the governing
 1461 body of each local general-purpose government that created the
 1462 district. In the case of a district created by interlocal
 1463 agreement, the department shall send a notice of declaration of
 1464 inactive status to the chair of the governing body of each local
 1465 general-purpose government which entered into the interlocal
 1466 agreement.

1467 (5) A special district declared inactive under this section
 1468 may not collect taxes, fees, or assessments unless the
 1469 declaration is:

1470 (a) Withdrawn or revoked by the department; or

1471 (b) Invalidated in proceedings initiated by the special
 1472 district within 30 days after the date notice of the declaration
 1473 was provided to the special district governing body, either by
 1474 an administrative law judge in proceedings under chapter 120 or
 1475 by petition for writ of certiorari in the circuit court in the
 1476 judicial circuit having jurisdiction over the geographical
 1477 boundaries of the special district, or, if such boundaries
 1478 extend beyond the boundaries of a single county, in a circuit
 1479 court in and for any such county.

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1480 (6) If a special district that is declared inactive
 1481 pursuant to this section does not initiate a timely challenge to
 1482 such declaration, the department may enforce subsection (5) in
 1483 the circuit court in and for Leon County, through injunctive or
 1484 other relief.

1485 Section 26. Section 189.4045, Florida Statutes, is
 1486 transferred and renumbered as section 189.076, Florida Statutes.

1487 Section 27. Section 189.4047, Florida Statutes, is
 1488 transferred and renumbered as section 189.021, Florida Statutes.

1489 Section 28. Subsections (1), (2), (3), (4), (6), and (7) of
 1490 section 189.405, Florida Statutes, are transferred and
 1491 renumbered as subsections (1) through (6) of section 189.04,
 1492 Florida Statutes, respectively, and present subsection (1),
 1493 paragraph (c) of present subsection (2), and present subsections
 1494 (3), (4), and (7) of that section are amended, to read:

1495 189.04 189.405 Elections; general requirements and
 1496 procedures; ~~education programs.~~

1497 (1) If a dependent special district has an elected
 1498 governing body board, elections shall be conducted by the
 1499 supervisor of elections of the county wherein the district is
 1500 located in accordance with the Florida Election Code, chapters
 1501 97-106.

1502 (2)

1503 (c) A candidate for a position on a governing body board of
 1504 a single-county special district that has its elections
 1505 conducted by the supervisor of elections shall qualify for the
 1506 office with the county supervisor of elections in whose
 1507 jurisdiction the district is located. Elections for governing
 1508 body board members elected by registered electors shall be

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1509 nonpartisan, except when partisan elections are specified by a
1510 district's charter. Candidates shall qualify as directed by
1511 chapter 99. The qualifying fee shall be remitted to the general
1512 revenue fund of the qualifying officer to help defray the cost
1513 of the election.

1514 (3) (a) If a multicounty special district has a popularly
1515 elected governing body board, elections for the purpose of
1516 electing members to such governing body board shall conform to
1517 the Florida Election Code, chapters 97-106.

1518 (b) With the exception of those districts conducting
1519 elections on a one-acre/one-vote basis, qualifying for
1520 multicounty special district governing body board positions
1521 shall be coordinated by the Department of State. Elections for
1522 governing body board members elected by registered electors
1523 shall be nonpartisan, except when partisan elections are
1524 specified by a district's charter. Candidates shall qualify as
1525 directed by chapter 99. The qualifying fee shall be remitted to
1526 the Department of State.

1527 (4) With the exception of elections of special district
1528 governing body board members conducted on a one-acre/one-vote
1529 basis, in any election conducted in a special district the
1530 decision made by a majority of those voting shall prevail,
1531 except as otherwise specified by law.

1532 ~~(6)(7)~~ Nothing in this act requires that a special district
1533 governed by an appointed governing body board convert to an
1534 elected governing body board.

1535 Section 29. Subsection (5) of section 189.405, Florida
1536 Statutes, is transferred, renumbered as section 189.063, Florida
1537 Statutes, and amended to read:

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1538 189.063 ~~189.405~~ Education programs for new members of
1539 district governing bodies Elections; general requirements and
1540 ~~procedures; education programs.-~~

1541 ~~(1)(5)(a)~~ The department may provide, contract for, or
1542 assist in conducting education programs, as its budget permits,
1543 for all newly elected or appointed members of district governing
1544 bodies boards. The education programs shall include, but are not
1545 limited to, courses on the code of ethics for public officers
1546 and employees, public meetings and public records requirements,
1547 public finance, and parliamentary procedure. ~~Course content may~~
1548 ~~be offered by means of the following: videotapes, live seminars,~~
1549 ~~workshops, conferences, teleconferences, computer based~~
1550 ~~training, multimedia presentations, or other available~~
1551 ~~instructional methods.-~~

1552 ~~(2)(b)~~ An individual district governing body board, at its
1553 discretion, may bear the costs associated with educating its
1554 members. Governing body Board members of districts which have
1555 qualified for a zero annual fee for the most recent invoicing
1556 period pursuant to s. 189.018 are ~~189.427~~ shall not be required
1557 to pay a fee for any education program the department provides,
1558 contracts for, or assists in conducting.

1559 Section 30. Section 189.4051, Florida Statutes, is
1560 transferred, renumbered as section 189.041, Florida Statutes,
1561 and amended to read:

1562 189.041 ~~189.4051~~ Elections; special requirements and
1563 procedures for districts with governing bodies boards elected on
1564 a one-acre/one-vote basis.-

1565 (1) DEFINITIONS.-As used in this section:

1566 (a) "Qualified elector" means any person at least 18 years

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1567 of age who is a citizen of the United States, a permanent
 1568 resident of Florida, and a freeholder or freeholder's spouse and
 1569 resident of the district who registers with the supervisor of
 1570 elections of a county within which the district lands are
 1571 located when the registration books are open.

1572 (b) "Urban area" means a contiguous developed and inhabited
 1573 urban area within a district with a minimum average resident
 1574 population density of at least 1.5 persons per acre as defined
 1575 by the latest official census, special census, or population
 1576 estimate or a minimum density of one single-family home per 2.5
 1577 acres with access to improved roads or a minimum density of one
 1578 single-family home per 5 acres within a recorded plat
 1579 subdivision. Urban areas shall be designated by the governing
 1580 body board of the district with the assistance of all local
 1581 general-purpose governments having jurisdiction over the area
 1582 within the district.

1583 (c) "Governing body board member" means any duly elected
 1584 member of the governing body board of a special district elected
 1585 pursuant to this section, provided that a any board member
 1586 elected by popular vote shall be a qualified district elector
 1587 and a any board member elected on a one-acre/one-vote basis
 1588 shall meet the requirements of s. 298.11 for election to the
 1589 governing body board.

1590 (d) "Contiguous developed urban area" means any reasonably
 1591 compact urban area located entirely within a special district.
 1592 The separation of urban areas by a publicly owned park, right-
 1593 of-way, highway, road, railroad, canal, utility, body of water,
 1594 watercourse, or other minor geographical division of a similar
 1595 nature shall not prevent such areas from being defined as urban

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1596 areas.

1597 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
 1598 AREAS.-

1599 (a) *Referendum*.-

1600 1. A referendum shall be called by the governing body board
 1601 of a special district where the governing body board is elected
 1602 on a one-acre/one-vote basis on the question of whether certain
 1603 members of a district governing body board should be elected by
 1604 qualified electors, provided each of the following conditions
 1605 has been satisfied at least 60 days before ~~prior to~~ the general
 1606 or special election at which the referendum is to be held:

1607 a. The district shall have a total population, according to
 1608 the latest official state census, a special census, or a
 1609 population estimate, of at least 500 qualified electors.

1610 b. A petition signed by 10 percent of the qualified
 1611 electors of the district shall have been filed with the
 1612 governing body board of the district. The petition shall be
 1613 submitted to the supervisor of elections of the county or
 1614 counties in which the lands are located. The supervisor shall,
 1615 within 30 days after the receipt of the petitions, certify to
 1616 the governing body board the number of signatures of qualified
 1617 electors contained on the petition.

1618 2. Upon verification by the supervisor or supervisors of
 1619 elections of the county or counties within which district lands
 1620 are located that 10 percent of the qualified electors of the
 1621 district have petitioned the governing body board, a referendum
 1622 election shall be called by the governing body board at the next
 1623 regularly scheduled election of governing body board members
 1624 occurring at least 30 days after verification of the petition or

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1625 within 6 months of verification, whichever is earlier.

1626 3. If the qualified electors approve the election procedure
1627 described in this subsection, the governing body board of the
1628 district shall be increased to five members and elections shall
1629 be held pursuant to the criteria described in this subsection
1630 beginning with the next regularly scheduled election of
1631 governing body board members or at a special election called
1632 within 6 months following the referendum and final unappealed
1633 approval of district urban area maps as provided in paragraph
1634 (b), whichever is earlier.

1635 4. If the qualified electors of the district disapprove the
1636 election procedure described in this subsection, elections of
1637 the members of the governing body board shall continue as
1638 described by s. 298.12 or the enabling legislation for the
1639 district. No further referendum on the question shall be held
1640 for a minimum period of 2 years following the referendum.

1641 (b) *Designation of urban areas.*—

1642 1. Within 30 days after approval of the election process
1643 described in this subsection by qualified electors of the
1644 district, the governing body board shall direct the district
1645 staff to prepare and present maps of the district describing the
1646 extent and location of all urban areas within the district. Such
1647 determination shall be based upon the criteria contained within
1648 paragraph (1) (b).

1649 2. Within 60 days after approval of the election process
1650 described in this subsection by qualified electors of the
1651 district, the maps describing urban areas within the district
1652 shall be presented to the governing body board.

1653 3. Any district landowner or elector may contest the

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1654 accuracy of the urban area maps prepared by the district staff
1655 within 30 days after submission to the governing body board.
1656 Upon notice of objection to the maps, the governing body board
1657 shall request the county engineer to prepare and present maps of
1658 the district describing the extent and location of all urban
1659 areas within the district. Such determination shall be based
1660 upon the criteria contained within paragraph (1) (b). Within 30
1661 days after the governing body board request, the county engineer
1662 shall present the maps to the governing body board.

1663 4. Upon presentation of the maps by the county engineer,
1664 the governing body board shall compare the maps submitted by
1665 both the district staff and the county engineer and make a
1666 determination as to which set of maps to adopt. Within 60 days
1667 after presentation of all such maps, the governing body board
1668 may amend and shall adopt the official maps at a regularly
1669 scheduled meeting of the governing body board meeting.

1670 5. Any district landowner or qualified elector may contest
1671 the accuracy of the urban area maps adopted by the governing
1672 body board within 30 days after adoption by petition to the
1673 circuit court with jurisdiction over the district. Accuracy
1674 shall be determined pursuant to paragraph (1) (b). Any petitions
1675 so filed shall be heard expeditiously, and the maps shall either
1676 be approved or approved with necessary amendments to render the
1677 maps accurate and shall be certified to the governing body
1678 board.

1679 6. Upon adoption by the governing body board or
1680 certification by the court, the district urban area maps shall
1681 serve as the official maps for determination of the extent of
1682 urban area within the district and the number of governing body

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1683 ~~board~~ members to be elected by qualified electors and by the
 1684 one-acre/one-vote principle at the next regularly scheduled
 1685 election of governing body board members.

1686 7. Upon a determination of the percentage of urban area
 1687 within the district as compared with total area within the
 1688 district, the governing body board shall order elections in
 1689 accordance with the percentages pursuant to paragraph (3) (a).
 1690 The landowners' meeting date shall be designated by the
 1691 governing body board.

1692 8. The maps shall be updated and readopted every 5 years or
 1693 sooner in the discretion of the governing body board.

1694 (3) GOVERNING BODY BOARD.—

1695 (a) *Composition of board*.—

1696 1. Members of the governing body board of the district
 1697 shall be elected in accordance with the following determinations
 1698 of urban area:

1699 a. If urban areas constitute 25 percent or less of the
 1700 district, one governing body board member shall be elected by
 1701 the qualified electors and four governing body board members
 1702 shall be elected in accordance with the one-acre/one-vote
 1703 principle contained within s. 298.11 or the district-enabling
 1704 legislation.

1705 b. If urban areas constitute 26 percent to 50 percent of
 1706 the district, two governing body board members shall be elected
 1707 by the qualified electors and three governing body board members
 1708 shall be elected in accordance with the one-acre/one-vote
 1709 principle contained within s. 298.11 or the district-enabling
 1710 legislation.

1711 c. If urban areas constitute 51 percent to 70 percent of

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1712 the district, three governing body board members shall be
 1713 elected by the qualified electors and two governing body board
 1714 members shall be elected in accordance with the one-acre/one-
 1715 vote principle contained within s. 298.11 or the district-
 1716 enabling legislation.

1717 d. If urban areas constitute 71 percent to 90 percent of
 1718 the district, four governing body board members shall be elected
 1719 by the qualified electors and one governing body board member
 1720 shall be elected in accordance with the one-acre/one-vote
 1721 principle contained within s. 298.11 or the district-enabling
 1722 legislation.

1723 e. If urban areas constitute 91 percent or more of the
 1724 district, all governing body board members shall be elected by
 1725 the qualified electors.

1726 2. All governing body board members elected by qualified
 1727 electors shall be elected at large.

1728 (b) *Term of office*.—All governing body board members
 1729 elected by qualified electors shall have a term of 4 years
 1730 except for governing body board members elected at the first
 1731 election and the first landowners' meeting following the
 1732 referendum prescribed in paragraph (2) (a). Governing body board
 1733 members elected at the first election and the first landowners'
 1734 meeting following the referendum shall serve as follows:

1735 1. If one governing body board member is elected by the
 1736 qualified electors and four are elected on a one-acre/one-vote
 1737 basis, the governing body board member elected by the qualified
 1738 electors shall be elected for a period of 4 years. Governing
 1739 body board members elected on a one-acre/one-vote basis shall be
 1740 elected for periods of 1, 2, 3, and 4 years, respectively, as

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1741 prescribed by ss. 298.11 and 298.12.

1742 2. If two governing ~~body board~~ members are elected by the
 1743 qualified electors and three are elected on a one-acre/one-vote
 1744 basis, the governing ~~body board~~ members elected by the electors
 1745 shall be elected for a period of 4 years. Governing ~~body board~~
 1746 members elected on a one-acre/one-vote basis shall be elected
 1747 for periods of 1, 2, and 3 years, respectively, as prescribed by
 1748 ss. 298.11 and 298.12.

1749 3. If three governing ~~body board~~ members are elected by the
 1750 qualified electors and two are elected on a one-acre/one-vote
 1751 basis, two of the governing ~~body board~~ members elected by the
 1752 electors shall be elected for a term of 4 years and the other
 1753 governing ~~body board~~ member elected by the electors shall be
 1754 elected for a term of 2 years. Governing ~~body board~~ members
 1755 elected on a one-acre/one-vote basis shall be elected for terms
 1756 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
 1757 298.12.

1758 4. If four governing ~~body board~~ members are elected by the
 1759 qualified electors and one is elected on a one-acre/one-vote
 1760 basis, two of the governing ~~body board~~ members elected by the
 1761 electors shall be elected for a term of 2 years and the other
 1762 two for a term of 4 years. The governing ~~body board~~ member
 1763 elected on a one-acre/one-vote basis shall be elected for a term
 1764 of 1 year as prescribed by ss. 298.11 and 298.12.

1765 5. If five governing ~~body board~~ members are elected by the
 1766 qualified electors, three shall be elected for a term of 4 years
 1767 and two for a term of 2 years.

1768 6. If any vacancy occurs in a seat occupied by a governing
 1769 ~~body board~~ member elected by the qualified electors, the

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1770 remaining members of the governing ~~body board~~ shall, within 45
 1771 days after the vacancy occurs, appoint a person who would be
 1772 eligible to hold the office to the unexpired term.

1773 (c) *Landowners' meetings.*—

1774 1. An annual landowners' meeting shall be held pursuant to
 1775 s. 298.11 and at least one governing ~~body board~~ member shall be
 1776 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
 1777 so long as 10 percent or more of the district is not contained
 1778 in an urban area. In the event all district governing ~~body board~~
 1779 members are elected by qualified electors, there shall be no
 1780 further landowners' meetings.

1781 2. At any landowners' meeting called pursuant to this
 1782 section, 50 percent of the district acreage shall not be
 1783 required to constitute a quorum and each governing ~~body board~~
 1784 member shall be elected by a majority of the acreage represented
 1785 either by owner or proxy present and voting at said meeting.

1786 3. All landowners' meetings of districts operating pursuant
 1787 to this section shall be set by the ~~governing body board~~ within
 1788 the month preceding the month of the election of the governing
 1789 ~~body board~~ members by the electors.

1790 4. Vacancies on the ~~governing body board~~ shall be filled
 1791 pursuant to s. 298.12 except as otherwise provided in
 1792 subparagraph (b)6.

1793 (4) QUALIFICATIONS.—Elections for governing ~~body board~~
 1794 members elected by qualified electors shall be nonpartisan.
 1795 Qualifications shall be pursuant to the Florida Election Code
 1796 and shall occur during the qualifying period established by s.
 1797 99.061. Qualification requirements shall only apply to those
 1798 governing ~~body board~~ member candidates elected by qualified

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 1799 electors. Following the first election pursuant to this section,
 1800 elections to the governing ~~body board~~ by qualified electors
 1801 shall occur at the next regularly scheduled election closest in
 1802 time to the expiration date of the term of the elected governing
 1803 ~~body board~~ member. If the next regularly scheduled election is
 1804 beyond the normal expiration time for the term of an elected
 1805 governing ~~body board~~ member, the governing ~~body board~~ member
 1806 shall hold office until the election of a successor.

1807 (5) Those districts established as single-purpose water
 1808 control districts, and which continue to act as single-purpose
 1809 water control districts, pursuant to chapter 298, pursuant to a
 1810 special act, pursuant to a local government ordinance, or
 1811 pursuant to a judicial decree, shall be exempt from the
 1812 provisions of this section. All other independent special
 1813 districts with governing ~~bodies boards~~ elected on a one-
 1814 acre/one-vote basis shall be subject to the provisions of this
 1815 section.

1816 (6) The provisions of this section shall not apply to
 1817 community development districts established pursuant to chapter
 1818 190.

1819 Section 31. Section 189.4065, Florida Statutes, is
 1820 transferred and renumbered as section 189.05, Florida Statutes.

1821 Section 32. Section 189.408, Florida Statutes, is
 1822 transferred and renumbered as section 189.042, Florida Statutes.

1823 Section 33. Section 189.4085, Florida Statutes, is
 1824 transferred and renumbered as section 189.051, Florida Statutes.

1825 Section 34. Section 189.412, Florida Statutes, is
 1826 transferred and renumbered as section 189.064, Florida Statutes,
 1827 and amended to read:

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 1828 189.064 ~~189.412~~ Special District Accountability Information
 1829 Program; duties and responsibilities.—The Special District
 1830 Accountability Information Program of the department of ~~Economic~~
 1831 ~~Opportunity is created and~~ has the following special duties:

1832 (1) Electronically publishing ~~The collection and~~
 1833 ~~maintenance of~~ special district noncompliance status reports
 1834 from the department of ~~Management Services~~, the Department of
 1835 Financial Services, the Division of Bond Finance of the State
 1836 Board of Administration, the Auditor General, and the
 1837 Legislative Auditing Committee, for the reporting required in
 1838 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1839 reports must list those special districts that did not comply
 1840 with the statutory reporting requirements and be made available
 1841 to the public electronically.

1842 (2) Maintaining the official list of special districts ~~The~~
 1843 ~~maintenance of a master list of independent and dependent~~
 1844 ~~special districts which shall be available on the department's~~
 1845 ~~website.~~

1846 (3) ~~The~~ Publishing and updating of a "Florida Special
 1847 District Handbook" that contains, at a minimum:

1848 (a) A section that specifies definitions of special
 1849 districts and status distinctions in the statutes.

1850 (b) A section or sections that specify current statutory
 1851 provisions for special district creation, implementation,
 1852 modification, dissolution, and operating procedures.

1853 (c) A section that summarizes the reporting requirements
 1854 applicable to all types of special districts as provided in ss.
 1855 189.015 and 189.016 ~~189.417 and 189.418.~~

1856 ~~(4) When feasible, securing and maintaining access to~~

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1857 ~~special district information collected by all state agencies in~~
 1858 ~~existing or newly created state computer systems.~~

1859 ~~(4)(5) Coordinating and communicating~~ The facilitation of
 1860 ~~coordination and communication among state agencies regarding~~
 1861 ~~special districts district information.~~

1862 ~~(6) The conduct of studies relevant to special districts.~~

1863 ~~(5)(7) Providing technical advisory~~ The provision of
 1864 ~~assistance related to special districts regarding the and~~
 1865 ~~appropriate in the performance of requirements specified in this~~
 1866 ~~chapter, including assisting with an annual conference sponsored~~
 1867 ~~by the Florida Association of Special Districts or its~~
 1868 ~~successor.~~

1869 ~~(6)(8)~~ Providing assistance to local general-purpose
 1870 ~~governments and certain state agencies in collecting delinquent~~
 1871 ~~reports or information.~~

1872 (7) Helping special districts comply with reporting
 1873 requirements.

1874 (8) Declaring special districts inactive when appropriate,
 1875 ~~and, when directed by the Legislative Auditing Committee or~~
 1876 required by this chapter.

1877 (9) Initiating enforcement proceedings provisions as
 1878 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
 1879 ~~and 189.421.~~

1880 Section 35. Section 189.413, Florida Statutes, is
 1881 transferred and renumbered as section 189.065, Florida Statutes,
 1882 and amended to read:
 1883 189.065 ~~189.413~~ Special districts; oversight of state funds
 1884 use.—Any state agency administering funding programs for which
 1885 special districts are eligible shall be responsible for

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1886 oversight of the use of such funds by special districts. The
 1887 oversight responsibilities shall include, but not be limited to:

1888 (1) Reporting the existence of the program to the Special
 1889 District Accountability Information ~~Information~~ Program of the department.

1890 (2) Submitting annually a list of special districts
 1891 participating in a state funding program to the Special District
 1892 Accountability Information ~~Information~~ Program of the department. This list
 1893 must indicate the special districts, if any, that are not in
 1894 compliance with state funding program requirements.

1895 Section 36. Section 189.415, Florida Statutes, is
 1896 transferred and renumbered as section 189.08, Florida Statutes.

1897 Section 37. Section 189.4155, Florida Statutes, is
 1898 transferred and renumbered as section 189.081, Florida Statutes.

1899 Section 38. Section 189.4156, Florida Statutes, is
 1900 transferred and renumbered as section 189.082, Florida Statutes.

1901 Section 39. Section 189.416, Florida Statutes, is
 1902 transferred and renumbered as section 189.014, Florida Statutes,
 1903 and subsection (1) of that section is amended, to read:
 1904 189.014 ~~189.416~~ Designation of registered office and
 1905 agent.—

1906 (1) Within 30 days after the first meeting of its governing
 1907 body board, each special district in the state shall designate a
 1908 registered office and a registered agent and file such
 1909 information with the local governing authority or authorities
 1910 and with the department. The registered agent shall be an agent
 1911 of the district upon whom any process, notice, or demand
 1912 required or permitted by law to be served upon the district may
 1913 be served. A registered agent shall be an individual resident of
 1914 this state whose business address is identical with the

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1915 registered office of the district. The registered office may be,
 1916 but need not be, the same as the place of business of the
 1917 special district.

1918 Section 40. Section 189.417, Florida Statutes, is
 1919 transferred and renumbered as section 189.015, Florida Statutes,
 1920 and subsection (1) of that section is amended, to read:

1921 189.015 ~~189.417~~ Meetings; notice; required reports.—

1922 (1) The governing body of each special district shall file
 1923 quarterly, semiannually, or annually a schedule of its regular
 1924 meetings with the local governing authority or authorities. The
 1925 schedule shall include the date, time, and location of each
 1926 scheduled meeting. The schedule shall be published quarterly,
 1927 semiannually, or annually in a newspaper of general paid
 1928 circulation in the manner required in this subsection. The
 1929 governing body of an independent special district shall
 1930 advertise the day, time, place, and purpose of any meeting other
 1931 than a regular meeting or any recessed and reconvened meeting of
 1932 the governing body, at least 7 days before ~~prior to~~ such
 1933 meeting, in a newspaper of general paid circulation in the
 1934 county or counties in which the special district is located,
 1935 unless a bona fide emergency situation exists, in which case a
 1936 meeting to deal with the emergency may be held as necessary,
 1937 with reasonable notice, so long as it is subsequently ratified
 1938 by the governing body ~~board~~. No approval of the annual budget
 1939 shall be granted at an emergency meeting. The advertisement
 1940 shall be placed in that portion of the newspaper where legal
 1941 notices and classified advertisements appear. The advertisement
 1942 shall appear in a newspaper that is published at least 5 days a
 1943 week, unless the only newspaper in the county is published fewer

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1944 than 5 days a week. The newspaper selected must be one of
 1945 general interest and readership in the community and not one of
 1946 limited subject matter, pursuant to chapter 50. Any other
 1947 provision of law to the contrary notwithstanding, and except in
 1948 the case of emergency meetings, water management districts may
 1949 provide reasonable notice of public meetings held to evaluate
 1950 responses to solicitations issued by the water management
 1951 district, by publication in a newspaper of general paid
 1952 circulation in the county where the principal office of the
 1953 water management district is located, or in the county or
 1954 counties where the public work will be performed, no less than 7
 1955 days before such meeting.

1956 Section 41. Section 189.418, Florida Statutes, is
 1957 transferred and renumbered as section 189.016, Florida Statutes,
 1958 and subsections (2) and (10) of that section are amended, to
 1959 read:

1960 189.016 ~~189.418~~ Reports; budgets; audits.—

1961 (2) Any amendment, modification, or update of the document
 1962 by which the district was created, including changes in
 1963 boundaries, must be filed with the department within 30 days
 1964 after adoption. The department may initiate proceedings against
 1965 special districts as provided in s. 189.067 ~~189.421~~ for failure
 1966 to file the information required by this subsection. However,
 1967 for the purposes of this section and s. 175.101(1), the
 1968 boundaries of a district shall be deemed to include an area that
 1969 has been annexed until the completion of the 4-year period
 1970 specified in s. 171.093(4) or other mutually agreed upon
 1971 extension, or when a district is providing services pursuant to
 1972 an interlocal agreement entered into pursuant to s. 171.093(3).

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1973 (10) All reports or information required to be filed with a
 1974 local general-purpose government or governing authority under
 1975 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 1976 and subsection (8) must:

1977 (a) If the local general-purpose government or governing
 1978 authority is a county, be filed with the clerk of the board of
 1979 county commissioners.

1980 (b) If the district is a multicounty district, be filed
 1981 with the clerk of the county commission in each county.

1982 (c) If the local general-purpose government or governing
 1983 authority is a municipality, be filed at the place designated by
 1984 the municipal governing body.

1985 Section 42. Section 189.419, Florida Statutes, is
 1986 transferred, renumbered as section 189.066, Florida Statutes,
 1987 and amended to read:

1988 189.066 ~~189.419~~ Effect of failure to file certain reports
 1989 or information.—

1990 (1) If an independent special district fails to file the
 1991 reports or information required under s. 189.08, s. 189.014, s.
 1992 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
 1993 ~~189.418(9)~~ with the local general-purpose government or
 1994 governments in which it is located, the person authorized to
 1995 receive and read the reports or information or the local
 1996 general-purpose government shall notify the district's
 1997 registered agent. If requested by the district, the local
 1998 general-purpose government shall grant an extension of up to 30
 1999 days for filing the required reports or information. If the
 2000 governing body of the local general-purpose government or
 2001 governments determines that there has been an unjustified

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2002 failure to file these reports or information, it may notify the
 2003 department, and the department may proceed pursuant to s.
 2004 189.067(1) ~~189.421(1)~~.

2005 (2) If a dependent special district fails to file the
 2006 reports or information required under s. 189.014, s. 189.015, or
 2007 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
 2008 local governing authority to which it is dependent, the local
 2009 governing authority shall take whatever steps it deems necessary
 2010 to enforce the special district's accountability. Such steps may
 2011 include, as authorized, withholding funds, removing governing
 2012 body ~~board~~ members at will, vetoing the special district's
 2013 budget, conducting the oversight review process set forth in s.
 2014 189.068 ~~189.428~~, or amending, merging, or dissolving the special
 2015 district in accordance with the provisions contained in the
 2016 ordinance that created the dependent special district.

2017 (3) If a special district fails to file the reports or
 2018 information required under s. 218.38 with the appropriate state
 2019 agency, the agency shall notify the department, and the
 2020 department shall send a certified technical assistance letter to
 2021 the special district which summarizes the requirements and
 2022 compels ~~encourages~~ the special district to take steps to prevent
 2023 the noncompliance from reoccurring.

2024 (4) If a special district fails to file the reports or
 2025 information required under s. 112.63 with the appropriate state
 2026 agency, the agency shall notify the department and the
 2027 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2028 (5) If a special district fails to file the reports or
 2029 information required under s. 218.32 or s. 218.39 with the
 2030 appropriate state agency or office, the state agency or office

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2031 shall ~~notify, and~~ the Legislative Auditing Committee ~~may, notify~~
 2032 ~~the department and the department shall proceed pursuant to s.~~
 2033 ~~189.421.~~

2034 (6) If a special district created by special act of the
 2035 Legislature fails to file the reports or information required
 2036 under s. 218.32 or s. 218.39 with the appropriate state agency
 2037 or office, the Legislative Auditing Committee shall notify the
 2038 department and the chair of the county legislative delegation in
 2039 writing, pursuant to s. 189.034.

2040 (7) If a special district created by ordinance fails to
 2041 file the reports or information required under s. 218.32 or
 2042 218.39 with the appropriate state agency or office, the
 2043 Legislative Auditing Committee shall notify the department and
 2044 the chair or equivalent of the local general-purpose government
 2045 that created the district, in writing, pursuant to s. 189.035.

2046 Section 43. Section 189.420, Florida Statutes, is
 2047 transferred and renumbered as section 189.052, Florida Statutes.

2048 Section 44. Section 189.421, Florida Statutes, is
 2049 transferred, renumbered as section 189.067, Florida Statutes,
 2050 and amended to read:

2051 189.067 ~~189.421~~ Failure of district to disclose financial
 2052 reports.—

2053 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
 2054 (4), or (5), the department shall attempt to assist a special
 2055 district in complying with its financial reporting requirements
 2056 by sending a certified letter to the special district, and, if
 2057 the special district is dependent, sending a copy of that letter
 2058 to the chair of the local governing authority. The letter must
 2059 include a description of the required report, including

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2060 statutory submission deadlines, a contact telephone number for
 2061 technical assistance to help the special district comply, a 60-
 2062 day deadline for filing the required report with the appropriate
 2063 entity, the address where the report must be filed, and an
 2064 explanation of the penalties for noncompliance.

2065 (b) A special district that is unable to meet the 60-day
 2066 reporting deadline must provide written notice to the department
 2067 before the expiration of the deadline stating the reason the
 2068 special district is unable to comply with the deadline, the
 2069 steps the special district is taking to prevent the
 2070 noncompliance from reoccurring, and the estimated date that the
 2071 special district will file the report with the appropriate
 2072 agency. The district's written response does not constitute an
 2073 extension by the department; however, the department shall
 2074 forward the written response as follows ~~to~~:

2075 1. If the written response refers to the reports required
 2076 under s. 218.32 or s. 218.39, to the Legislative Auditing
 2077 Committee for its consideration in determining whether the
 2078 special district should be subject to further state action in
 2079 accordance with s. 11.40(2)(b).

2080 2. If the written response refers to the reports or
 2081 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
 2082 the local general-purpose government or governments for their
 2083 consideration in determining whether the oversight review
 2084 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2085 3. If the written response refers to the reports or
 2086 information required under s. 112.63, to the Department of
 2087 Management Services for its consideration in determining whether
 2088 the special district should be subject to further state action

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in accordance with s. 112.63(4)(d)2.

(2) Failure of a special district to comply with the actuarial and financial reporting requirements under s. 112.63, s. 218.32, or s. 218.39 after the procedures of subsection (1) are exhausted shall be deemed final action of the special district. The actuarial and financial reporting requirements are declared to be essential requirements of law. Remedy for noncompliance shall be as provided in s. 189.034 or s. 189.035 ~~by writ of certiorari as set forth in subsection (4).~~

~~(3) Pursuant to s. 11.40(2)(b), the Legislative Auditing Committee shall notify the department of those districts that fail to file the required reports. If the procedures described in subsection (1) have not yet been initiated, the department shall initiate such procedures upon receiving the notice from the Legislative Auditing Committee. Otherwise, within 60 days after receiving such notice, or within 60 days after the expiration of the 60-day deadline provided in subsection (1), whichever occurs later, the department, notwithstanding the provisions of chapter 120, shall file a petition for writ of certiorari with the circuit court. Venue for all actions pursuant to this subsection is in Leon County. The court shall award the prevailing party attorney's fees and costs unless affirmatively waived by all parties. A writ of certiorari shall be issued unless a respondent establishes that the notification of the Legislative Auditing Committee was issued as a result of material error. Proceedings under this subsection are otherwise governed by the Rules of Appellate Procedure.~~

~~(4) Pursuant to s. 112.63(4)(d)2., the Department of Management Services may notify the department of those special~~

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~~districts that have failed to file the required adjustments, additional information, or report or statement after the procedures of subsection (1) have been exhausted. Within 60 days after receiving such notice or within 60 days after the 60-day deadline provided in subsection (1), whichever occurs later, the department, notwithstanding chapter 120, shall file a petition for writ of certiorari with the circuit court. Venue for all actions pursuant to this subsection is in Leon County. The court shall award the prevailing party attorney's fees and costs unless affirmatively waived by all parties. A writ of certiorari shall be issued unless a respondent establishes that the notification of the Department of Management Services was issued as a result of material error. Proceedings under this subsection are otherwise governed by the Rules of Appellate Procedure.~~

Section 45. Section 189.4221, Florida Statutes, is transferred and renumbered as section 189.053, Florida Statutes.

Section 46. Section 189.423, Florida Statutes, is transferred and renumbered as section 189.054, Florida Statutes.

Section 47. Section 189.425, Florida Statutes, is transferred and renumbered as section 189.017, Florida Statutes.

Section 48. Section 189.427, Florida Statutes, is transferred and renumbered as section 189.018, Florida Statutes, and amended to read:

189.018 ~~189.427~~ Fee schedule; Operating Grants and Donations Trust Fund.—The department of ~~Economic Opportunity~~, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the

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2147 ~~Operating Grants and Donations Trust Fund, which shall be~~
 2148 ~~administered by the department of Economic Opportunity.~~ Any fee
 2149 rule must consider factors such as the dependent and independent
 2150 status of the district and district revenues for the most recent
 2151 fiscal year as reported to the Department of Financial Services.
 2152 The department may assess fines of not more than \$25, with an
 2153 aggregate total not to exceed \$50, as penalties against special
 2154 districts that fail to remit required fees to the department. It
 2155 is the intent of the Legislature that general revenue funds will
 2156 be made available to the department to pay one-half of the cost
 2157 of administering this act.

2158 Section 49. Section 189.428, Florida Statutes, is
 2159 transferred and renumbered as section 189.068, Florida Statutes,
 2160 and amended, to read:

2161 189.068 ~~189.428~~ Special districts; oversight review
 2162 process.—

2163 (1) The Legislature finds it to be in the public interest
 2164 to establish an oversight review process for special districts
 2165 wherein each special district in the state may be reviewed by
 2166 the local general-purpose government in which the district
 2167 exists. The Legislature further finds and determines that such
 2168 law fulfills an important state interest. It is the intent of
 2169 the Legislature that the oversight review process shall
 2170 contribute to informed decisionmaking. These decisions may
 2171 involve the continuing existence or dissolution of a district,
 2172 the appropriate future role and focus of a district,
 2173 improvements in the functioning or delivery of services by a
 2174 district, and the need for any transition, adjustment, or
 2175 special implementation periods or provisions. Any final

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2176 recommendations from the oversight review process that are
 2177 adopted and implemented by the appropriate level of government
 2178 shall not be implemented in a manner that would impair the
 2179 obligation of contracts.

2180 ~~(2) It is the intent of the Legislature that any oversight~~
 2181 ~~review process be conducted in conjunction with special district~~
 2182 ~~public facilities reporting and the local government evaluation~~
 2183 ~~and appraisal report process described in s. 189.415(2).~~

2184 (2)(3) ~~The order in which~~ Special districts are ~~may be~~
 2185 subject to oversight review shall be determined by the reviewer
 2186 and shall occur as follows:

2187 (a) All independent special districts created by special
 2188 act of the Legislature may be reviewed by any legislative
 2189 delegation of a county in which the geographical jurisdiction of
 2190 the special district exists.

2191 (b)(a) All dependent special districts may be reviewed by
 2192 the general-purpose local government to which they are
 2193 dependent.

2194 ~~(b)~~ All single-county independent special districts may be
 2195 reviewed by a county or municipality in which they are located
 2196 or the government that created the district. Any single-county
 2197 independent district that serves an area greater than the
 2198 boundaries of one general-purpose local government may only be
 2199 reviewed by the county on the county's own initiative or upon
 2200 receipt of a request from any municipality served by the special
 2201 district.

2202 ~~(c)~~ All multicounty independent special districts may be
 2203 reviewed by the government that created the district. Any
 2204 general-purpose local governments within the boundaries of a

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2205 ~~multicounty district may prepare a preliminary review of a~~
 2206 ~~multicounty special district for possible reference or inclusion~~
 2207 ~~in the full review report.~~

2208 ~~(d) Upon request by the reviewer, any special district~~
 2209 ~~within all or a portion of the same county as the special~~
 2210 ~~district being reviewed may prepare a preliminary review of the~~
 2211 ~~district for possible reference or inclusion in the full~~
 2212 ~~oversight review report.~~

2213 (3)(4) All special districts, governmental entities, and
 2214 state agencies shall cooperate with the Legislature and with any
 2215 general-purpose local government seeking information or
 2216 assistance with the oversight review process and with the
 2217 preparation of an oversight review report.

2218 (4)(5) Those conducting the oversight review process shall,
 2219 at a minimum, consider the listed criteria for evaluating the
 2220 special district, but may also consider any additional factors
 2221 relating to the district and its performance. If any of the
 2222 listed criteria does not apply to the special district being
 2223 reviewed, it need not be considered. The criteria to be
 2224 considered by the reviewer include:

2225 (a) The degree to which the service or services offered by
 2226 the special district are essential or contribute to the well-
 2227 being of the community.

2228 (b) The extent of continuing need for the service or
 2229 services currently provided by the special district.

2230 (c) The extent of municipal annexation or incorporation
 2231 activity occurring or likely to occur within the boundaries of
 2232 the special district and its impact on the delivery of services
 2233 by the special district.

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2234 (d) Whether there is a less costly alternative method of
 2235 delivering the service or services that would adequately provide
 2236 the district residents with the services provided by the
 2237 district.

2238 (e) Whether transfer of the responsibility for delivery of
 2239 the service or services to an entity other than the special
 2240 district being reviewed could be accomplished without
 2241 jeopardizing the district's existing contracts, bonds, or
 2242 outstanding indebtedness.

2243 (f) Whether the Auditor General has notified the
 2244 Legislative Auditing Committee that the special district's audit
 2245 report, reviewed pursuant to s. 11.45(7), indicates that the
 2246 district has met any of the conditions specified in s.
 2247 218.503(1) or that a deteriorating financial condition exists
 2248 that may cause a condition described in s. 218.503(1) to occur
 2249 if actions are not taken to address such condition.

2250 (g) Whether the district is inactive according to the
 2251 official list of special districts, and whether the district is
 2252 meeting and discharging its responsibilities as required by its
 2253 charter, as well as projected increases or decreases in district
 2254 activity.

2255 (h) Whether the special district has failed to comply with
 2256 any of the reporting requirements in this chapter, including
 2257 preparation of the public facilities report.

2258 (i) Whether the special district has designated a
 2259 registered office and agent as required by s. 189.014 ~~189.416~~,
 2260 and has complied with all open public records and meeting
 2261 requirements.

2262 ~~(6) Any special district may at any time provide the~~

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2263 ~~Legislature and the general purpose local government conducting~~
 2264 ~~the review or making decisions based upon the final oversight~~
 2265 ~~review report with written responses to any questions, concerns,~~
 2266 ~~preliminary reports, draft reports, or final reports relating to~~
 2267 ~~the district.~~

2268 ~~(7) The final report of a reviewing government shall be~~
 2269 ~~filed with the government that created the district and shall~~
 2270 ~~serve as the basis for any modification to the district charter~~
 2271 ~~or dissolution or merger of the district.~~

2272 ~~(8) If legislative dissolution or merger of a district is~~
 2273 ~~proposed in the final report, the reviewing government shall~~
 2274 ~~also propose a plan for the merger or dissolution, and the plan~~
 2275 ~~shall address the following factors in evaluating the proposed~~
 2276 ~~merger or dissolution:~~

2277 ~~(a) Whether, in light of independent fiscal analysis,~~
 2278 ~~level-of-service implications, and other public policy~~
 2279 ~~considerations, the proposed merger or dissolution is the best~~
 2280 ~~alternative for delivering services and facilities to the~~
 2281 ~~affected area.~~

2282 ~~(b) Whether the services and facilities to be provided~~
 2283 ~~pursuant to the merger or dissolution will be compatible with~~
 2284 ~~the capacity and uses of existing local services and facilities.~~

2285 ~~(c) Whether the merger or dissolution is consistent with~~
 2286 ~~applicable provisions of the state comprehensive plan, the~~
 2287 ~~strategic regional policy plan, and the local government~~
 2288 ~~comprehensive plans of the affected area.~~

2289 ~~(d) Whether the proposed merger adequately provides for the~~
 2290 ~~assumption of all indebtedness.~~

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2292 ~~The reviewing government shall consider the report in a public~~
 2293 ~~hearing held within the jurisdiction of the district. If adopted~~
 2294 ~~by the governing board of the reviewing government, the request~~
 2295 ~~for legislative merger or dissolution of the district may~~
 2296 ~~proceed. The adopted plan shall be filed as an attachment to the~~
 2297 ~~economic impact statement regarding the proposed special act or~~
 2298 ~~general act of local application dissolving a district.~~

2299 ~~(9) This section does not apply to a deepwater port listed~~
 2300 ~~in s. 311.09(1) which is in compliance with a port master plan~~
 2301 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~
 2302 ~~authority operating in compliance with an airport master plan~~
 2303 ~~approved by the Federal Aviation Administration, or to any~~
 2304 ~~special district organized to operate health systems and~~
 2305 ~~facilities licensed under chapter 395, chapter 400, or chapter~~
 2306 ~~429.~~

2307 Section 50. Section 189.429, Florida Statutes, is
 2308 transferred and renumbered as section 189.019, Florida Statutes,
 2309 and subsection (1) of that section is amended, to read:

2310 189.019 ~~189.429~~ Codification.—

2311 (1) Each district, by December 1, 2004, shall submit to the
 2312 Legislature a draft codified charter, at its expense, so that
 2313 its special acts may be codified into a single act for
 2314 reenactment by the Legislature, if there is more than one
 2315 special act for the district. The Legislature may adopt a
 2316 schedule for individual district codification. Any codified act
 2317 relating to a district, which act is submitted to the
 2318 Legislature for reenactment, shall provide for the repeal of all
 2319 prior special acts of the Legislature relating to the district.
 2320 The codified act shall be filed with the department pursuant to

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2321 s. ~~189.016(2)~~ ~~189.418(2)~~.

2322 Section 51. Sections 189.430, 189.431, 189.432, 189.433,

2323 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,

2324 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are

2325 repealed.

2326 Section 52. Section 189.034, Florida Statutes, is created

2327 to read:

2328 189.034 Oversight of special districts created by special

2329 act of the Legislature.—

2330 (1) If a special district created by special act of the

2331 Legislature fails to file reports required under ss. 218.32 and

2332 218.39 with the appropriate state agency, the Legislative

2333 Auditing Committee or its designee shall provide written notice

2334 of the district's noncompliance to the chair of the county

2335 legislative delegation in which the geographical boundaries of

2336 the jurisdiction of the special district are located or, if the

2337 jurisdiction of the special district extends beyond the

2338 boundaries of a single county, to the chairs of the county

2339 legislative delegation for each county in which the district has

2340 jurisdiction.

2341 (2) The chair of the county legislative delegation shall

2342 convene a public hearing on the issue of noncompliance within 6

2343 months after receipt of notice of noncompliance from the

2344 Legislative Auditing Committee.

2345 (3) Before the public hearing regarding the special

2346 district's noncompliance, the county legislative delegation may

2347 request the following information from the special district:

2348 (a) The district's annual financial report for the previous

2349 fiscal year.

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2350 (b) The district's audit report for the previous fiscal

2351 year.

2352 (c) An annual report for the previous fiscal year providing

2353 a detailed review of the performance of the special district,

2354 which must include the following information:

2355 1. The mission of the special district.

2356 2. The sources of funding for the special district.

2357 3. A description of the major activities, programs, and

2358 initiatives the special district undertook in the most recently

2359 completed fiscal year and the benchmarks or criteria under which

2360 the success or failure of the district was determined by its

2361 governing body.

2362 4. Any challenges or obstacles faced by the special

2363 district in fulfilling its mission and related responsibilities.

2364 5. Ways the special district believes it could better

2365 fulfill its mission and related responsibilities and a

2366 description of the actions that it intends to take during the

2367 ensuing fiscal year.

2368 6. Proposed changes to the special act that established the

2369 special district and justification for such changes.

2370 7. Any other information reasonably required to provide the

2371 legislative delegation with an accurate understanding of the

2372 purpose for which the special district exists and how it is

2373 fulfilling its responsibilities to accomplish that purpose.

2374 8. Any reasons for the district's noncompliance.

2375 9. Whether the district is currently in compliance.

2376 10. Plans to correct any recurring issues of noncompliance.

2377 11. Efforts to promote transparency, including maintenance

2378 of the district's website in accordance with s. 189.069.

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2379 Section 53. Section 189.035, Florida Statutes, is created
 2380 to read:

2381 189.035 Oversight of special districts created by local
 2382 ordinance.-

2383 (1) If a special district created by local ordinance fails
 2384 to file reports required under ss. 218.32 and 218.39 with the
 2385 appropriate state agency, the Legislative Auditing Committee or
 2386 its designee shall provide written notice of the district's
 2387 noncompliance to the chair or equivalent of the local general-
 2388 purpose government.

2389 (2) The chair or equivalent of the local general-purpose
 2390 government shall convene a public hearing on the issue of
 2391 noncompliance within 6 months after receipt of notice of
 2392 noncompliance from the Legislative Auditing Committee.

2393 (3) Before the public hearing regarding the special
 2394 district's noncompliance, the local general-purpose government
 2395 may request the following information from the special district:

2396 (a) The district's annual financial report for the previous
 2397 fiscal year.

2398 (b) The district's audit report for the previous fiscal
 2399 year.

2400 (c) An annual report for the previous fiscal year, which
 2401 must provide a detailed review of the performance of the special
 2402 district and include the following information:

2403 1. The mission of the special district.
 2404 2. The sources of funding for the special district.
 2405 3. A description of the major activities, programs, and
 2406 initiatives the special district undertook in the most recently
 2407 completed fiscal year and the benchmarks or criteria under which

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2408 the success or failure of the district was determined by its
 2409 governing body.

2410 4. Any challenges or obstacles faced by the special
 2411 district in fulfilling its mission and related responsibilities.

2412 5. Ways the special district believes it could better
 2413 fulfill its mission and related responsibilities and a
 2414 description of the actions that it intends to take during the
 2415 ensuing fiscal year.

2416 6. Proposed changes to the special act that established the
 2417 special district and justification for such changes.

2418 7. Any other information reasonably required to provide the
 2419 legislative delegations with an accurate understanding of the
 2420 purpose for which the special district exists and how it is
 2421 fulfilling its responsibilities to accomplish that purpose.

2422 8. Any reasons for the district's noncompliance.
 2423 9. Whether the district is currently in compliance.
 2424 10. Plans to correct any recurring issues of noncompliance.
 2425 11. Efforts to promote transparency, including maintenance
 2426 of the district's website in accordance with s. 189.069.

2427 Section 54. Section 189.055, Florida Statutes, is created
 2428 to read:

2429 189.055 Treatment of special districts.-For the purpose of
 2430 s. 196.199(1), special districts shall be treated as
 2431 municipalities.

2432 Section 55. Section 189.069, Florida Statutes, is created
 2433 to read:

2434 189.069 Special districts; required reporting of
 2435 information; web-based public access.-

2436 (1) Beginning on July 1, 2015, for each fiscal year, all

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2437 special districts shall annually update and maintain on their
 2438 respective official Internet websites the information required
 2439 by this section in accordance with s. 189.016. All special
 2440 districts shall submit their official Internet website addresses
 2441 to the department.

2442 (a) A special district shall post the following
 2443 information, at a minimum, on the district's official website:

2444 1. The full legal name of the special district.
 2445 2. The public purpose of the special district.
 2446 3. The name, address, e-mail address, and, if applicable,
 2447 the term and appointing authority for each member of the
 2448 governing body of the special district.

2449 4. The fiscal year of the special district.
 2450 5. The full text of the special district's charter, the
 2451 date the special district was established, the entity that
 2452 established the special district, and the statute or statutes
 2453 under which the special district operates, if different from the
 2454 statute or statutes under which the special district was
 2455 established.

2456 6. The mailing address, e-mail address, telephone number,
 2457 and Internet website uniform resource locator of the special
 2458 district.

2459 7. A description of the boundaries or service area of, and
 2460 the services provided by, the special district.

2461 8. A listing of all taxes, fees, or charges imposed and
 2462 collected by the special district, including the rates or
 2463 amounts charged for the fiscal year and the statutory authority
 2464 for the levy of the tax, fee, or charge.

2465 9. The primary contact information for the special district

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2466 for purposes of communication from the department.

2467 10. The code of ethics that applies to the special
 2468 district, and whether the special district has adopted
 2469 additional ethics provisions.

2470 11. A listing of all federal, state, and local entities
 2471 that have oversight authority over the special district or to
 2472 which the special district submits reports, data, or
 2473 information.

2474 12. The most recent adopted budget of the special district.
 2475 13. After the end of each fiscal year, a comparison of the
 2476 budget to actual revenues and expenditures for each fiscal year.

2477 14. Any completed audit reports for the most recent
 2478 completed fiscal year, and audit reports required by law or
 2479 authorized by the governing body of the special district.

2480 15. Any other financial and administrative information
 2481 required by the department.

2482 (b) The department's Internet website list of special
 2483 districts in the state required under s. 189.061 must include a
 2484 link to the website of each special district that provides web-
 2485 based access to the public to the information and documents
 2486 required under paragraph (a).

2487 Section 56. Section 189.0691, Florida Statutes, is created
 2488 to read:

2489 189.0691 Suspension of special district governing body
 2490 members.—If a special district violates the requirements of this
 2491 chapter, the department shall report such violations, and
 2492 provide all appropriate proof of the violations, to the
 2493 Governor, who may take action against the governing body members
 2494 of the special district as authorized in s. 112.51.

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2495 Section 57. Paragraph (e) of subsection (1) and paragraph
 2496 (c) of subsection (7) of section 11.45, Florida Statutes, are
 2497 amended to read:

2498 11.45 Definitions; duties; authorities; reports; rules.—
 2499 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:
 2500 (e) "Local governmental entity" means a county agency,
 2501 municipality, or special district as defined in s. 189.012
 2502 ~~189.403~~, but does not include any housing authority established
 2503 under chapter 421.

2504 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—
 2505 (c) The Auditor General shall provide annually a list of
 2506 those special districts which are not in compliance with s.
 2507 218.39 to the Special District Accountability Information
 2508 Program of the Department of Economic Opportunity.

2509 Section 58. Paragraph (c) of subsection (4) of section
 2510 100.011, Florida Statutes, is amended to read:

2511 100.011 Opening and closing of polls, all elections;
 2512 expenses.—
 2513 (4)
 2514 (c) The provisions of any special law to the contrary
 2515 notwithstanding, all independent and dependent special district
 2516 elections, with the exception of community development district
 2517 elections, shall be conducted in accordance with the
 2518 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2519 Section 59. Paragraph (f) of subsection (1) of section
 2520 101.657, Florida Statutes, is amended to read:

2521 101.657 Early voting.—
 2522 (1)
 2523 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,

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2524 special districts may provide early voting in any district
 2525 election not held in conjunction with county or state elections.
 2526 If a special district provides early voting, it may designate as
 2527 many sites as necessary and shall conduct its activities in
 2528 accordance with the provisions of paragraphs (a)-(c). The
 2529 supervisor is not required to conduct early voting if it is
 2530 provided pursuant to this subsection.

2531 Section 60. Paragraph (a) of subsection (14) of section
 2532 112.061, Florida Statutes, is amended to read:

2533 112.061 Per diem and travel expenses of public officers,
 2534 employees, and authorized persons.—
 2535 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2536 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2537 ORGANIZATIONS.—
 2538 (a) The following entities may establish rates that vary
 2539 from the per diem rate provided in paragraph (6)(a), the
 2540 subsistence rates provided in paragraph (6)(b), or the mileage
 2541 rate provided in paragraph (7)(d) if those rates are not less
 2542 than the statutorily established rates that are in effect for
 2543 the 2005-2006 fiscal year:

2544 1. The governing body of a county by the enactment of an
 2545 ordinance or resolution;
 2546 2. A county constitutional officer, pursuant to s. 1(d),
 2547 Art. VIII of the State Constitution, by the establishment of
 2548 written policy;
 2549 3. The governing body of a district school board by the
 2550 adoption of rules;
 2551 4. The governing body of a special district, as defined in
 2552 s. 189.012 ~~189.403(1)~~, except those special districts that are

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2553 subject to s. 166.021(9), by the enactment of a resolution; or
 2554 5. Any metropolitan planning organization created pursuant
 2555 to s. 339.175 or any other separate legal or administrative
 2556 entity created pursuant to s. 339.175 of which a metropolitan
 2557 planning organization is a member, by the enactment of a
 2558 resolution.

2559 Section 61. Paragraph (d) of subsection (4) of section
 2560 112.63, Florida Statutes, is amended to read:

2561 112.63 Actuarial reports and statements of actuarial
 2562 impact; review.—

2563 (4) Upon receipt, pursuant to subsection (2), of an
 2564 actuarial report, or, pursuant to subsection (3), of a statement
 2565 of actuarial impact, the Department of Management Services shall
 2566 acknowledge such receipt, but shall only review and comment on
 2567 each retirement system's or plan's actuarial valuations at least
 2568 on a triennial basis.

2569 (d) In the case of an affected special district, the
 2570 Department of Management Services shall also notify the
 2571 Department of Economic Opportunity. Upon receipt of
 2572 notification, the Department of Economic Opportunity shall
 2573 proceed pursuant to s. 189.067 ~~189.421~~.

2574 1. Failure of a special district to provide a required
 2575 report or statement, to make appropriate adjustments, or to
 2576 provide additional material information after the procedures
 2577 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
 2578 deemed final action by the special district.

2579 2. The Department of Management Services may notify the
 2580 Department of Economic Opportunity of those special districts
 2581 that failed to come into compliance. Upon receipt of

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2582 notification, the Department of Economic Opportunity shall
 2583 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2584 Section 62. Subsection (1) of section 112.665, Florida
 2585 Statutes, is amended to read:

2586 112.665 Duties of Department of Management Services.—

2587 (1) The Department of Management Services shall:

2588 (a) Gather, catalog, and maintain complete, computerized
 2589 data information on all public employee retirement systems or
 2590 plans in the state based upon a review of audits, reports, and
 2591 other data pertaining to the systems or plans;

2592 (b) Receive and comment upon all actuarial reviews of
 2593 retirement systems or plans maintained by units of local
 2594 government;

2595 (c) Cooperate with local retirement systems or plans on
 2596 matters of mutual concern and provide technical assistance to
 2597 units of local government in the assessment and revision of
 2598 retirement systems or plans;

2599 (d) Annually issue, by January 1, a report to the President
 2600 of the Senate and the Speaker of the House of Representatives,
 2601 which details division activities, findings, and recommendations
 2602 concerning all governmental retirement systems. The report may
 2603 include legislation proposed to carry out such recommendations;

2604 (e) Provide a fact sheet for each participating local
 2605 government defined benefit pension plan which summarizes the
 2606 plan's actuarial status. The fact sheet should provide a summary
 2607 of the plan's most current actuarial data, minimum funding
 2608 requirements as a percentage of pay, and a 5-year history of
 2609 funded ratios. The fact sheet must include a brief explanation
 2610 of each element in order to maximize the transparency of the

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2611 local government plans. The fact sheet must also contain the
 2612 information specified in s. 112.664(1). These documents shall be
 2613 posted on the department's website. Plan sponsors that have
 2614 websites must provide a link to the department's website;

2615 (f) Annually issue, by January 1, a report to the Special
 2616 District Accountability Information ~~Information~~ Program of the Department of
 2617 Economic Opportunity which includes the participation in and
 2618 compliance of special districts with the local government
 2619 retirement system provisions in s. 112.63 and the state-
 2620 administered retirement system provisions specified in part I of
 2621 chapter 121; and

2622 (g) Adopt reasonable rules to administer this part.

2623 Section 63. Subsection (9) of section 121.021, Florida
 2624 Statutes, is amended to read:

2625 121.021 Definitions.—The following words and phrases as
 2626 used in this chapter have the respective meanings set forth
 2627 unless a different meaning is plainly required by the context:

2628 (9) "Special district" means an independent special
 2629 district as defined in s. 189.012 ~~189.403(3)~~.

2630 Section 64. Paragraph (b) of subsection (2) of section
 2631 121.051, Florida Statutes, is amended to read:

2632 121.051 Participation in the system.—

2633 (2) OPTIONAL PARTICIPATION.—

2634 (b)1. The governing body of any municipality, metropolitan
 2635 planning organization, or special district in the state may
 2636 elect to participate in the Florida Retirement System upon
 2637 proper application to the administrator and may cover all of its
 2638 units as approved by the Secretary of Health and Human Services
 2639 and the administrator. The department shall adopt rules

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2640 establishing procedures for the submission of documents
 2641 necessary for such application. Before being approved for
 2642 participation in the system, the governing body of a
 2643 municipality, metropolitan planning organization, or special
 2644 district that has a local retirement system must submit to the
 2645 administrator a certified financial statement showing the
 2646 condition of the local retirement system within 3 months before
 2647 the proposed effective date of membership in the Florida
 2648 Retirement System. The statement must be certified by a
 2649 recognized accounting firm that is independent of the local
 2650 retirement system. All required documents necessary for
 2651 extending Florida Retirement System coverage must be received by
 2652 the department for consideration at least 15 days before the
 2653 proposed effective date of coverage. If the municipality,
 2654 metropolitan planning organization, or special district does not
 2655 comply with this requirement, the department may require that
 2656 the effective date of coverage be changed.

2657 2. A municipality, metropolitan planning organization, or
 2658 special district that has an existing retirement system covering
 2659 the employees in the units that are to be brought under the
 2660 Florida Retirement System may participate only after holding a
 2661 referendum in which all employees in the affected units have the
 2662 right to participate. Only those employees electing coverage
 2663 under the Florida Retirement System by affirmative vote in the
 2664 referendum are eligible for coverage under this chapter, and
 2665 those not participating or electing not to be covered by the
 2666 Florida Retirement System shall remain in their present systems
 2667 and are not eligible for coverage under this chapter. After the
 2668 referendum is held, all future employees are compulsory members

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2669 of the Florida Retirement System.

2670 3. At the time of joining the Florida Retirement System,

2671 the governing body of a municipality, metropolitan planning

2672 organization, or special district complying with subparagraph 1.

2673 may elect to provide, or not provide, benefits based on past

2674 service of officers and employees as described in s. 121.081(1).

2675 However, if such employer elects to provide past service

2676 benefits, such benefits must be provided for all officers and

2677 employees of its covered group.

2678 4. Once this election is made and approved it may not be

2679 revoked, except pursuant to subparagraphs 5. and 6., and all

2680 present officers and employees electing coverage and all future

2681 officers and employees are compulsory members of the Florida

2682 Retirement System.

2683 5. Subject to subparagraph 6., the governing body of a

2684 hospital licensed under chapter 395 which is governed by the

2685 governing body board of a special district as defined in s.

2686 189.012 ~~189.403~~ or by the board of trustees of a public health

2687 trust created under s. 154.07, hereinafter referred to as

2688 "hospital district," and which participates in the Florida

2689 Retirement System, may elect to cease participation in the

2690 system with regard to future employees in accordance with the

2691 following:

2692 a. No more than 30 days and at least 7 days before adopting

2693 a resolution to partially withdraw from the system and establish

2694 an alternative retirement plan for future employees, a public

2695 hearing must be held on the proposed withdrawal and proposed

2696 alternative plan.

2697 b. From 7 to 15 days before such hearing, notice of intent

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2698 to withdraw, specifying the time and place of the hearing, must

2699 be provided in writing to employees of the hospital district

2700 proposing partial withdrawal and must be published in a

2701 newspaper of general circulation in the area affected, as

2702 provided by ss. 50.011-50.031. Proof of publication must be

2703 submitted to the Department of Management Services.

2704 c. The governing body of a hospital district seeking to

2705 partially withdraw from the system must, before such hearing,

2706 have an actuarial report prepared and certified by an enrolled

2707 actuary, as defined in s. 112.625, illustrating the cost to the

2708 hospital district of providing, through the retirement plan that

2709 the hospital district is to adopt, benefits for new employees

2710 comparable to those provided under the system.

2711 d. Upon meeting all applicable requirements of this

2712 subparagraph, and subject to subparagraph 6., partial withdrawal

2713 from the system and adoption of the alternative retirement plan

2714 may be accomplished by resolution duly adopted by the hospital

2715 district board. The hospital district board must provide written

2716 notice of such withdrawal to the division by mailing a copy of

2717 the resolution to the division, postmarked by December 15, 1995.

2718 The withdrawal shall take effect January 1, 1996.

2719 6. Following the adoption of a resolution under sub-

2720 subparagraph 5.d., all employees of the withdrawing hospital

2721 district who were members of the system before January 1, 1996,

2722 shall remain as members of the system for as long as they are

2723 employees of the hospital district, and all rights, duties, and

2724 obligations between the hospital district, the system, and the

2725 employees remain in full force and effect. Any employee who is

2726 hired or appointed on or after January 1, 1996, may not

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2727 participate in the system, and the withdrawing hospital district
2728 has no obligation to the system with respect to such employees.

2729 Section 65. Subsections (1), (4), and (6) of section
2730 125.901, Florida Statutes, are amended to read:

2731 125.901 Children's services; independent special district;
2732 council; powers, duties, and functions; public records
2733 exemption.—

2734 (1) Each county may by ordinance create an independent
2735 special district, as defined in ss. 189.012 ~~189.403(3)~~ and
2736 200.001(8)(e), to provide funding for children's services
2737 throughout the county in accordance with this section. The
2738 boundaries of such district shall be coterminous with the
2739 boundaries of the county. The county governing body shall obtain
2740 approval, by a majority vote of those electors voting on the
2741 question, to annually levy ad valorem taxes which shall not
2742 exceed the maximum millage rate authorized by this section. Any
2743 district created pursuant to the provisions of this subsection
2744 shall be required to levy and fix millage subject to the
2745 provisions of s. 200.065. Once such millage is approved by the
2746 electorate, the district shall not be required to seek approval
2747 of the electorate in future years to levy the previously
2748 approved millage.

2749 (a) The governing ~~body board~~ of the district shall be a
2750 council on children's services, which may also be known as a
2751 juvenile welfare board or similar name as established in the
2752 ordinance by the county governing body. Such council shall
2753 consist of 10 members, including: the superintendent of schools;
2754 a local school board member; the district administrator from the
2755 appropriate district of the Department of Children and Family

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2756 Services, or his or her designee who is a member of the Senior
2757 Management Service or of the Selected Exempt Service; one member
2758 of the county governing body; and the judge assigned to juvenile
2759 cases who shall sit as a voting member of the board, except that
2760 said judge shall not vote or participate in the setting of ad
2761 valorem taxes under this section. If there is more than one
2762 judge assigned to juvenile cases in a county, the chief judge
2763 shall designate one of said juvenile judges to serve on the
2764 board. The remaining five members shall be appointed by the
2765 Governor, and shall, to the extent possible, represent the
2766 demographic diversity of the population of the county. After
2767 soliciting recommendations from the public, the county governing
2768 body shall submit to the Governor the names of at least three
2769 persons for each vacancy occurring among the five members
2770 appointed by the Governor, and the Governor shall appoint
2771 members to the council from the candidates nominated by the
2772 county governing body. The Governor shall make a selection
2773 within a 45-day period or request a new list of candidates. All
2774 members appointed by the Governor shall have been residents of
2775 the county for the previous 24-month period. Such members shall
2776 be appointed for 4-year terms, except that the length of the
2777 terms of the initial appointees shall be adjusted to stagger the
2778 terms. The Governor may remove a member for cause or upon the
2779 written petition of the county governing body. If any of the
2780 members of the council required to be appointed by the Governor
2781 under the provisions of this subsection shall resign, die, or be
2782 removed from office, the vacancy thereby created shall, as soon
2783 as practicable, be filled by appointment by the Governor, using
2784 the same method as the original appointment, and such

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2785 appointment to fill a vacancy shall be for the unexpired term of
 2786 the person who resigns, dies, or is removed from office.

2787 (b) However, any county as defined in s. 125.011(1) may
 2788 instead have a governing body board consisting of 33 members,
 2789 including: the superintendent of schools; two representatives of
 2790 public postsecondary education institutions located in the
 2791 county; the county manager or the equivalent county officer; the
 2792 district administrator from the appropriate district of the
 2793 Department of Children and Family Services, or the
 2794 administrator's designee who is a member of the Senior
 2795 Management Service or the Selected Exempt Service; the director
 2796 of the county health department or the director's designee; the
 2797 state attorney for the county or the state attorney's designee;
 2798 the chief judge assigned to juvenile cases, or another juvenile
 2799 judge who is the chief judge's designee and who shall sit as a
 2800 voting member of the board, except that the judge may not vote
 2801 or participate in setting ad valorem taxes under this section;
 2802 an individual who is selected by the board of the local United
 2803 Way or its equivalent; a member of a locally recognized faith-
 2804 based coalition, selected by that coalition; a member of the
 2805 local chamber of commerce, selected by that chamber or, if more
 2806 than one chamber exists within the county, a person selected by
 2807 a coalition of the local chambers; a member of the early
 2808 learning coalition, selected by that coalition; a representative
 2809 of a labor organization or union active in the county; a member
 2810 of a local alliance or coalition engaged in cross-system
 2811 planning for health and social service delivery in the county,
 2812 selected by that alliance or coalition; a member of the local
 2813 Parent-Teachers Association/Parent-Teacher-Student Association,

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2814 selected by that association; a youth representative selected by
 2815 the local school system's student government; a local school
 2816 board member appointed by the chair of the school board; the
 2817 mayor of the county or the mayor's designee; one member of the
 2818 county governing body, appointed by the chair of that body; a
 2819 member of the state Legislature who represents residents of the
 2820 county, selected by the chair of the local legislative
 2821 delegation; an elected official representing the residents of a
 2822 municipality in the county, selected by the county municipal
 2823 league; and 4 members-at-large, appointed to the council by the
 2824 majority of sitting council members. The remaining 7 members
 2825 shall be appointed by the Governor in accordance with procedures
 2826 set forth in paragraph (a), except that the Governor may remove
 2827 a member for cause or upon the written petition of the council.
 2828 Appointments by the Governor must, to the extent reasonably
 2829 possible, represent the geographic and demographic diversity of
 2830 the population of the county. Members who are appointed to the
 2831 council by reason of their position are not subject to the
 2832 length of terms and limits on consecutive terms as provided in
 2833 this section. The remaining appointed members of the governing
 2834 board shall be appointed to serve 2-year terms, except that
 2835 those members appointed by the Governor shall be appointed to
 2836 serve 4-year terms, and the youth representative and the
 2837 legislative delegate shall be appointed to serve 1-year terms. A
 2838 member may be reappointed; however, a member may not serve for
 2839 more than three consecutive terms. A member is eligible to be
 2840 appointed again after a 2-year hiatus from the council.

2841 (c) This subsection does not prohibit a county from
 2842 exercising such power as is provided by general or special law

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2843 to provide children’s services or to create a special district
2844 to provide such services.

2845 (4) (a) Any district created pursuant to this section may be
2846 dissolved by a special act of the Legislature, or the county
2847 governing body may by ordinance dissolve the district subject to
2848 the approval of the electorate.

2849 (b)1.a. Notwithstanding paragraph (a), the governing body
2850 of the county shall submit the question of retention or
2851 dissolution of a district with voter-approved taxing authority
2852 to the electorate in the general election according to the
2853 following schedule:

2854 (I) For a district in existence on July 1, 2010, and serving a
2855 county with a population of 400,000 or fewer persons as of that
2856 date.....2014.

2857 (II) For a district in existence on July 1, 2010, and serving a
2858 county with a population of more than 400,000 but fewer than 2
2859 million persons as of
2860 that date.....2016.

2861 (III) For a district in existence on July 1, 2010, and serving a
2862 county with a population of 2 million or more persons as of that
2863 date.....2020.

2864 b. A referendum by the electorate on or after July 1, 2010,
2865 creating a new district with taxing authority may specify that
2866 the district is not subject to reauthorization or may specify
2867 the number of years for which the initial authorization shall
2868 remain effective. If the referendum does not prescribe terms of
2869 reauthorization, the governing body of the county shall submit
2870 the question of retention or dissolution of the district to the
2871 electorate in the general election 12 years after the initial

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2872 authorization.

2873 2. The governing ~~body board~~ of the district may specify,
2874 and submit to the governing body of the county no later than 9
2875 months before the scheduled election, that the district is not
2876 subsequently subject to reauthorization or may specify the
2877 number of years for which a reauthorization under this paragraph
2878 shall remain effective. If the governing board of the district
2879 makes such specification and submission, the governing body of
2880 the county shall include that information in the question
2881 submitted to the electorate. If the governing board of the
2882 district does not specify and submit such information, the
2883 governing body of the county shall resubmit the question of
2884 reauthorization to the electorate every 12 years after the year
2885 prescribed in subparagraph 1. The governing board of the
2886 district may recommend to the governing body of the county
2887 language for the question submitted to the electorate.

2888 3. Nothing in this paragraph limits the authority to
2889 dissolve a district as provided under paragraph (a).

2890 4. Nothing in this paragraph precludes the governing board
2891 of a district from requesting that the governing body of the
2892 county submit the question of retention or dissolution of a
2893 district with voter-approved taxing authority to the electorate
2894 at a date earlier than the year prescribed in subparagraph 1. If
2895 the governing body of the county accepts the request and submits
2896 the question to the electorate, the governing body satisfies the
2897 requirement of that subparagraph.

2898
2899 If any district is dissolved pursuant to this subsection, each
2900 county must first obligate itself to assume the debts,

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 2901 liabilities, contracts, and outstanding obligations of the
 2902 district within the total millage available to the county
 2903 governing body for all county and municipal purposes as provided
 2904 for under s. 9, Art. VII of the State Constitution. Any district
 2905 may also be dissolved pursuant to s. part VII of chapter 189
 2906 ~~189.4042~~.

(6) Any district created pursuant to the provisions of this
 section shall comply with all other statutory requirements of
 general application which relate to the filing of any financial
 reports or compliance reports required under part III of chapter
 218, or any other report or documentation required by law,
 including the requirements of ss. 189.08, 189.015, and 189.016
~~189.415, 189.417, and 189.418~~.

Section 66. Subsection (1) of section 153.94, Florida
 Statutes, is amended to read:

153.94 Applicability of other laws.—Except as expressly
 provided in this act:

(1) With respect to any wastewater facility privatization
 contract entered into under this act, a public entity is subject
 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
 but is not subject to the requirements of chapter 287.

Section 67. Paragraph (a) of subsection (2) of section
 163.08, Florida Statutes, is amended to read:

163.08 Supplemental authority for improvements to real
 property.—

(2) As used in this section, the term:

(a) "Local government" means a county, a municipality, a
 dependent special district as defined in s. 189.012 ~~189.403~~, or
 a separate legal entity created pursuant to s. 163.01(7).

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 2930 Section 68. Subsection (7) of section 165.031, Florida
 2931 Statutes, is amended to read:

165.031 Definitions.—The following terms and phrases, when
 used in this chapter, shall have the meanings ascribed to them
 in this section, except where the context clearly indicates a
 different meaning:

(7) "Special district" means a local unit of special
 government, as defined in s. 189.012 ~~189.403(1)~~. This term
 includes dependent special districts, as defined in s. 189.012
~~189.403(2)~~, and independent special districts, as defined in s.
189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
 shall be considered provisions of this chapter.

Section 69. Paragraph (b) of subsection (1) and subsections
 (8) and (16) of section 165.0615, Florida Statutes, are amended
 to read:

165.0615 Municipal conversion of independent special
 districts upon elector-initiated and approved referendum.—

(1) The qualified electors of an independent special
 district may commence a municipal conversion proceeding by
 filing a petition with the governing body of the independent
 special district proposed to be converted if the district meets
 all of the following criteria:

(b) It is designated as an improvement district and created
 pursuant to chapter 298 or is designated as a stewardship
 district and created pursuant to s. 189.031 ~~189.404~~.

(8) Notice of the final public hearing on the proposed
 elector-initiated combined municipal incorporation plan must be
 published pursuant to the notice requirements in s. 189.015
~~189.417~~ and must provide a descriptive summary of the elector-

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2959 initiated municipal incorporation plan and a reference to the
 2960 public places within the independent special district where a
 2961 copy of the plan may be examined.

2962 (16) If the incorporation plan is approved by a majority of
 2963 the votes cast in the independent special district, the district
 2964 shall notify the special district accountability information
 2965 program pursuant to s. 189.016(2) ~~189.418(2)~~ and the local
 2966 general-purpose governments in which any part of the independent
 2967 special district is situated pursuant to s. 189.016(7)
 2968 ~~189.418(7)~~.

2969 Section 70. Subsection (3) of section 171.202, Florida
 2970 Statutes, is amended to read:

2971 171.202 Definitions.—As used in this part, the term:

2972 (3) "Independent special district" means an independent
 2973 special district, as defined in s. 189.012 ~~189.403~~, which
 2974 provides fire, emergency medical, water, wastewater, or
 2975 stormwater services.

2976 Section 71. Subsection (16) of section 175.032, Florida
 2977 Statutes, is amended to read:

2978 175.032 Definitions.—For any municipality, special fire
 2979 control district, chapter plan, local law municipality, local
 2980 law special fire control district, or local law plan under this
 2981 chapter, the following words and phrases have the following
 2982 meanings:

2983 (16) "Special fire control district" means a special
 2984 district, as defined in s. 189.012 ~~189.403(1)~~, established for
 2985 the purposes of extinguishing fires, protecting life, and
 2986 protecting property within the incorporated or unincorporated
 2987 portions of any county or combination of counties, or within any

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2988 combination of incorporated and unincorporated portions of any
 2989 county or combination of counties. The term does not include any
 2990 dependent or independent special district, as defined in s.
 2991 189.012 ~~189.403(2)~~ and ~~(3)~~, respectively, the employees of which
 2992 are members of the Florida Retirement System pursuant to s.
 2993 121.051(1) or (2).

2994 Section 72. Subsection (6) of section 190.011, Florida
 2995 Statutes, is amended to read:

2996 190.011 General powers.—The district shall have, and the
 2997 board may exercise, the following powers:

2998 (6) To maintain an office at such place or places as it may
 2999 designate within a county in which the district is located or
 3000 within the boundaries of a development of regional impact or a
 3001 Florida Quality Development, or a combination of a development
 3002 of regional impact and a Florida Quality Development, which
 3003 includes the district, which office must be reasonably
 3004 accessible to the landowners. Meetings pursuant to s. 189.015(3)
 3005 ~~189.417(3)~~ of a district within the boundaries of a development
 3006 of regional impact or Florida Quality Development, or a
 3007 combination of a development of regional impact and a Florida
 3008 Quality Development, may be held at such office.

3009 Section 73. Subsection (8) of section 190.046, Florida
 3010 Statutes, is amended to read:

3011 190.046 Termination, contraction, or expansion of
 3012 district.—

3013 (8) In the event the district has become inactive pursuant
 3014 to s. 189.062 ~~189.4044~~, the respective board of county
 3015 commissioners or city commission shall be informed and it shall
 3016 take appropriate action.

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3017 Section 74. Section 190.049, Florida Statutes, is amended
 3018 to read:

3019 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
 3020 Art. III of the State Constitution, there shall be no special
 3021 law or general law of local application creating an independent
 3022 special district which has the powers enumerated in two or more
 3023 of the paragraphs contained in s. 190.012, unless such district
 3024 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

3025 Section 75. Subsection (5) of section 191.003, Florida
 3026 Statutes, is amended to read:

3027 191.003 Definitions.—As used in this act:

3028 (5) "Independent special fire control district" means an
 3029 independent special district as defined in s. 189.012 ~~189.403~~,
 3030 created by special law or general law of local application,
 3031 providing fire suppression and related activities within the
 3032 jurisdictional boundaries of the district. The term does not
 3033 include a municipality, a county, a dependent special district
 3034 as defined in s. 189.012 ~~189.403~~, a district providing primarily
 3035 emergency medical services, a community development district
 3036 established under chapter 190, or any other multiple-power
 3037 district performing fire suppression and related services in
 3038 addition to other services.

3039 Section 76. Paragraph (a) of subsection (1) and subsection
 3040 (8) of section 191.005, Florida Statutes, are amended to read:

3041 191.005 District boards of commissioners; membership,
 3042 officers, meetings.—

3043 (1)(a) With the exception of districts whose governing
 3044 boards are appointed collectively by the Governor, the county
 3045 commission, and any cooperating city within the county, the

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3046 business affairs of each district shall be conducted and
 3047 administered by a five-member board. All three-member boards
 3048 existing on the effective date of this act shall be converted to
 3049 five-member boards, except those permitted to continue as a
 3050 three-member board by special act adopted in 1997 or thereafter.
 3051 The board shall be elected in nonpartisan elections by the
 3052 electors of the district. Except as provided in this act, such
 3053 elections shall be held at the time and in the manner prescribed
 3054 by law for holding general elections in accordance with s.
 3055 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be
 3056 elected for a term of 4 years and serve until the member's
 3057 successor assumes office. Candidates for the board of a district
 3058 shall qualify as directed by chapter 99.

3059 (8) All meetings of the board shall be open to the public
 3060 consistent with chapter 286, s. 189.015 ~~189.417~~, and other
 3061 applicable general laws.

3062 Section 77. Subsection (2) of section 191.013, Florida
 3063 Statutes, is amended to read:

3064 191.013 Intergovernmental coordination.—

3065 (2) Each independent special fire control district shall
 3066 adopt a 5-year plan to identify the facilities, equipment,
 3067 personnel, and revenue needed by the district during that 5-year
 3068 period. The plan shall be updated in accordance with s. 189.08
 3069 ~~189.415~~ and shall satisfy the requirement for a public
 3070 facilities report required by s. 189.08(2) ~~189.415(2)~~.

3071 Section 78. Subsection (1) of section 191.014, Florida
 3072 Statutes, is amended to read:

3073 191.014 District creation and expansion.—

3074 (1) New districts may be created only by the Legislature

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3075 under s. 189.031 ~~189.404~~.

3076 Section 79. Section 191.015, Florida Statutes, is amended

3077 to read:

3078 191.015 Codification.—Each fire control district existing

3079 on the effective date of this section, by December 1, 2004,

3080 shall submit to the Legislature a draft codified charter, at its

3081 expense, so that its special acts may be codified into a single

3082 act for reenactment by the Legislature, if there is more than

3083 one special act for the district. The Legislature may adopt a

3084 schedule for individual district codification. Any codified act

3085 relating to a district, which act is submitted to the

3086 Legislature for reenactment, shall provide for the repeal of all

3087 prior special acts of the Legislature relating to the district.

3088 The codified act shall be filed with the Department of Economic

3089 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3090 Section 80. Paragraphs (c), (d), and (e) of subsection (8)

3091 of section 200.001, Florida Statutes, are amended to read:

3092 200.001 Millages; definitions and general provisions.—

3093 (8)

3094 (c) "Special district" means a special district as defined

3095 in s. 189.012 ~~189.403(1)~~.

3096 (d) "Dependent special district" means a dependent special

3097 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special

3098 district millage, when added to the millage of the governing

3099 body to which it is dependent, shall not exceed the maximum

3100 millage applicable to such governing body.

3101 (e) "Independent special district" means an independent

3102 special district as defined in s. 189.012 ~~189.403(3)~~, with the

3103 exception of a downtown development authority established prior

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3104 to the effective date of the 1968 State Constitution as an

3105 independent body, either appointed or elected, regardless of

3106 whether or not the budget is approved by the local governing

3107 body, if the district levies a millage authorized as of the

3108 effective date of the 1968 State Constitution. Independent

3109 special district millage shall not be levied in excess of a

3110 millage amount authorized by general law and approved by vote of

3111 the electors pursuant to s. 9(b), Art. VII of the State

3112 Constitution, except for those independent special districts

3113 levying millage for water management purposes as provided in

3114 that section and municipal service taxing units as specified in

3115 s. 125.01(1)(q) and (r). However, independent special district

3116 millage authorized as of the date the 1968 State Constitution

3117 became effective need not be so approved, pursuant to s. 2, Art.

3118 XII of the State Constitution.

3119 Section 81. Subsections (1), (5), (6), and (7) of section

3120 218.31, Florida Statutes, are amended to read:

3121 218.31 Definitions.—As used in this part, except where the

3122 context clearly indicates a different meaning:

3123 (1) "Local governmental entity" means a county agency, a

3124 municipality, or a special district as defined in s. 189.012

3125 ~~189.403~~. For purposes of s. 218.32, the term also includes a

3126 housing authority created under chapter 421.

3127 (5) "Special district" means a special district as defined

3128 in s. 189.012 ~~189.403(1)~~.

3129 (6) "Dependent special district" means a dependent special

3130 district as defined in s. 189.012 ~~189.403(2)~~.

3131 (7) "Independent special district" means an independent

3132 special district as defined in s. 189.012 ~~189.403(3)~~.

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3133 Section 82. Paragraph (a) and (f) of subsection (1) and
3134 subsection (2) of section 218.32, Florida Statutes, are amended
3135 to read:

3136 218.32 Annual financial reports; local governmental
3137 entities.—

3138 (1) (a) Each local governmental entity that is determined to
3139 be a reporting entity, as defined by generally accepted
3140 accounting principles, and each independent special district as
3141 defined in s. 189.012 ~~189.403~~, shall submit to the department a
3142 copy of its annual financial report for the previous fiscal year
3143 in a format prescribed by the department. The annual financial
3144 report must include a list of each local governmental entity
3145 included in the report and each local governmental entity that
3146 failed to provide financial information as required by paragraph

3147 (b). The chair of the governing body and the chief financial
3148 officer of each local governmental entity shall sign the annual
3149 financial report submitted pursuant to this subsection attesting
3150 to the accuracy of the information included in the report. The
3151 county annual financial report must be a single document that
3152 covers each county agency.

3153 (f) If the department does not receive a completed annual
3154 financial report from a local governmental entity within the
3155 required period, it shall notify the Legislative Auditing
3156 Committee and the Special District Accountability Information
3157 Program of the Department of Economic Opportunity of the
3158 entity's failure to comply with the reporting requirements.

3159 (2) The department shall annually by December 1 file a
3160 verified report with the Governor, the Legislature, the Auditor
3161 General, and the Special District Accountability Information

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3162 Program of the Department of Economic Opportunity showing the
3163 revenues, both locally derived and derived from
3164 intergovernmental transfers, and the expenditures of each local
3165 governmental entity, regional planning council, local government
3166 finance commission, and municipal power corporation that is
3167 required to submit an annual financial report. The report must
3168 include, but is not limited to:

3169 (a) The total revenues and expenditures of each local
3170 governmental entity that is a component unit included in the
3171 annual financial report of the reporting entity.

3172 (b) The amount of outstanding long-term debt by each local
3173 governmental entity. For purposes of this paragraph, the term
3174 "long-term debt" means any agreement or series of agreements to
3175 pay money, which, at inception, contemplate terms of payment
3176 exceeding 1 year in duration.

3177 Section 83. Paragraph (g) of subsection (1) of section
3178 218.37, Florida Statutes, is amended to read:

3179 218.37 Powers and duties of Division of Bond Finance;
3180 advisory council.—

3181 (1) The Division of Bond Finance of the State Board of
3182 Administration, with respect to both general obligation bonds
3183 and revenue bonds, shall:

3184 (g) By January 1 each year, provide the Special District
3185 Accountability Information Program of the Department of Economic
3186 Opportunity with a list of special districts that are not in
3187 compliance with the requirements in s. 218.38.

3188 Section 84. Paragraph (j) of subsection (1) of section
3189 255.20, Florida Statutes, is amended to read:

3190 255.20 Local bids and contracts for public construction

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3191 works; specification of state-produced lumber.-
 3192 (1) A county, municipality, special district as defined in
 3193 chapter 189, or other political subdivision of the state seeking
 3194 to construct or improve a public building, structure, or other
 3195 public construction works must competitively award to an
 3196 appropriately licensed contractor each project that is estimated
 3197 in accordance with generally accepted cost-accounting principles
 3198 to cost more than \$300,000. For electrical work, the local
 3199 government must competitively award to an appropriately licensed
 3200 contractor each project that is estimated in accordance with
 3201 generally accepted cost-accounting principles to cost more than
 3202 \$75,000. As used in this section, the term "competitively award"
 3203 means to award contracts based on the submission of sealed bids,
 3204 proposals submitted in response to a request for proposal,
 3205 proposals submitted in response to a request for qualifications,
 3206 or proposals submitted for competitive negotiation. This
 3207 subsection expressly allows contracts for construction
 3208 management services, design/build contracts, continuation
 3209 contracts based on unit prices, and any other contract
 3210 arrangement with a private sector contractor permitted by any
 3211 applicable municipal or county ordinance, by district
 3212 resolution, or by state law. For purposes of this section, cost
 3213 includes the cost of all labor, except inmate labor, and the
 3214 cost of equipment and materials to be used in the construction
 3215 of the project. Subject to the provisions of subsection (3), the
 3216 county, municipality, special district, or other political
 3217 subdivision may establish, by municipal or county ordinance or
 3218 special district resolution, procedures for conducting the
 3219 bidding process.

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3220 (j) A county, municipality, special district as defined in
 3221 s. 189.012 ~~189.493~~, or any other political subdivision of the
 3222 state that owns or operates a public-use airport as defined in
 3223 s. 332.004 is exempt from this section when performing repairs
 3224 or maintenance on the airport's buildings, structures, or public
 3225 construction works using the local government's own services,
 3226 employees, and equipment.
 3227 Section 85. Subsection (4) of section 298.225, Florida
 3228 Statutes, is amended to read:
 3229 298.225 Water control plan; plan development and
 3230 amendment.-
 3231 (4) Information contained within a district's facilities
 3232 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
 3233 of the provisions of subsection (3) may be used as part of the
 3234 district water control plan.
 3235 Section 86. Subsection (7) of section 343.922, Florida
 3236 Statutes, is amended to read:
 3237 343.922 Powers and duties.-
 3238 (7) The authority shall comply with all statutory
 3239 requirements of general application which relate to the filing
 3240 of any report or documentation required by law, including the
 3241 requirements of ss. 189.015, 189.016, 189.051, and 189.08
 3242 ~~189.4085, 189.415, 189.417, and 189.418~~.
 3243 Section 87. Subsection (5) of section 348.0004, Florida
 3244 Statutes, is amended to read:
 3245 348.0004 Purposes and powers.-
 3246 (5) Any authority formed pursuant to this act shall comply
 3247 with all statutory requirements of general application which
 3248 relate to the filing of any report or documentation required by

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3249 law, including the requirements of ss. 189.015, 189.016,
 3250 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3251 Section 88. Section 373.711, Florida Statutes, is amended
 3252 to read:

3253 373.711 Technical assistance to local governments.—The
 3254 water management districts shall assist local governments in the
 3255 development and future revision of local government
 3256 comprehensive plan elements or public facilities report as
 3257 required by s. 189.08 ~~189.415~~, related to water resource issues.

3258 Section 89. Paragraph (b) of subsection (3) of section
 3259 403.0891, Florida Statutes, is amended to read:

3260 403.0891 State, regional, and local stormwater management
 3261 plans and programs.—The department, the water management
 3262 districts, and local governments shall have the responsibility
 3263 for the development of mutually compatible stormwater management
 3264 programs.

3265 (3)

3266 (b) Local governments are encouraged to consult with the
 3267 water management districts, the Department of Transportation,
 3268 and the department before adopting or updating their local
 3269 government comprehensive plan or public facilities report as
 3270 required by s. 189.08 ~~189.415~~, whichever is applicable.

3271 Section 90. Subsection (1) of section 582.32, Florida
 3272 Statutes, is amended to read:

3273 582.32 Effect of dissolution.—

3274 (1) Upon issuance of a certificate of dissolution, s.
 3275 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
 3276 effect within such districts are void.

3277 Section 91. Paragraph (a) of subsection (3) of section

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3278 1013.355, Florida Statutes, is amended to read:

3279 1013.355 Educational facilities benefit districts.—

3280 (3) (a) An educational facilities benefit district may be
 3281 created pursuant to this act and chapters 125, 163, 166, and
 3282 189. An educational facilities benefit district charter may be
 3283 created by a county or municipality by entering into an
 3284 interlocal agreement, as authorized by s. 163.01, with the
 3285 district school board and any local general purpose government
 3286 within whose jurisdiction a portion of the district is located
 3287 and adoption of an ordinance that includes all provisions
 3288 contained within s. 189.02 ~~189.4041~~. The creating entity shall
 3289 be the local general purpose government within whose boundaries
 3290 a majority of the educational facilities benefit district's
 3291 lands are located.

3292 Section 92. This act shall take effect July 1, 2014.

Tab # 27 ✓

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.17.14
Meeting Date

Topic Special Districts

Bill Number ~~1023~~ 1632
(if applicable)

Name Cheryl Stuart

Amendment Barcode _____
(if applicable)

Job Title Attorney - Hopping Green & Farms

Address 119 S. Monroe St

Phone 222 7500

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Association of Florida Community Developers

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 (10/20/11)

Tab# 27 ✓

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/14
Meeting Date

Topic Special Districts

Bill Number 1632
(if applicable)

Name Chris Lyon

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 315 S. Calhoun St., Ste. 830

Phone 850/222-5702

lallahassee FL 32301
City State Zip

E-mail clyon@llw-law.com

Speaking: For Against Information

Representing Florida Association of Special Districts

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.

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 1660
 INTRODUCER: Ethics and Elections Committee
 SUBJECT: Elections
 DATE: March 13, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Fox	Roberts		EE SPB 7068 as introduced
1.	Fox	Roberts	EE	Pre-meeting
2.			AP	
3.			RC	

I. Summary:

SB 1660 makes the following substantive election administration changes:

- Directs the Division of Elections to develop an operational voter registration system by July 1, 2015; requires new registrants to vote in person for the first time, except for senior citizens, disabled persons, active duty military personnel and their spouses/dependents, and overseas residents; with respect to such exempt persons, modifies the requirements for absentee ballot requests and creates special absentee ballot voting and canvassing procedures;
- Clarifies that absentee ballots may be dropped-off at an early voting site, in addition to supervisors of elections’ offices and their U.S.P.S. post office boxes;
- Regarding the Florida Elections Commission (“FEC” or “the commission”)—
 - Authorizes wage garnishment for unpaid fines, up to a maximum of \$2,000;
 - Streamlines initial service and ongoing delivery of documents to respondents;
 - Clarifies that the FEC may enforce violations for certain political activities by judicial candidates.
- Delays the (\$50/day to \$500/day) increase in automatic fines for late candidate and most committee campaign finance filings, from the 4th to 8th day after the report was due.
- Allows county supervisors to *either* publish sample ballots in newspapers or deliver them to registered electors, reversing a duplicative requirement passed last year requiring *both*; and,
- Authorizes canvassing boards and supervisors to begin canvassing absentee ballots in all-mail ballot, local referenda elections 15 days before the election, just like absentee ballots in general or primary elections.

SB 1660 also makes some purely technical changes to clarify two provisions of the 2013 election reform and campaign finance acts.

The bill takes effect upon becoming a law.

II. Present Situation:

1) Online Voter Registration

As of August 2013, the National Conference on State Legislatures (“NCSL”) found that:

- 13 states offered online voter registration;
- 6 states had passed legislation to create online registration systems, but had not yet implemented them; and,
- 5 states offered some form of limited online voter registration.¹

Florida was not included among these states, despite the fact that its’ electronic system for submitting voter registration applications from Department of Highway Safety & Motor Vehicles (“DHSMV”) offices² is similar to the system utilized in Delaware — a state that NCSL identified as offering “limited online voter registration.” Floridians not registering electronically at a DHSMV office must fill out a paper voter registration application and return it to their local county supervisor of elections, or to any of the following entities: any supervisor of elections’ office in the state, a voter registration agency including an armed forces recruitment office, a public library, or the Division of Elections.³ The division’s website, and most if not all supervisor’s websites, contain an electronic version of the official Florida Voter Registration Application which can be printed out, sworn and affirmed by the applicant’s signature, and mailed.⁴

2) Absentee Ballot Drop-Offs

Florida law neither specifically provides for, nor expressly prohibits, dropping-off absentee ballots at early voting sites or other drop-off sites set-up by a supervisor of elections.

On November 25, 2013, the Secretary of State issued a binding directive advising county supervisors of elections NOT to “solicit return of absentee ballots at any place other than a supervisor's office, except for the purpose of having the absentee ballots cancelled if the voter

¹ National Conference of State Legislatures website, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 2.7.2014).

² DHSMV’s staff analysis on SB 784 (2014) provides:

Currently, driver license examiners ask driver license or identification card applicants if the applicant would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer’s address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the close of business, the day’s voter registration applications, changes, and declinations are submitted electronically to the Department of State.

DHSMV’s 2014 Agency Legislative Bill Analysis, *SB 784*, at p.1 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=2773&yr=2014> (last visited 2.18.2014).

³ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 2.7.2014).

⁴ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 2.21.2014).

wants to vote in person.”⁵ The directive cited several provisions of the election code which, read together, were deemed to support the legal conclusion that absentee ballots may only be returned to a supervisor’s office, or to the voter’s precinct or an early voting site to be cancelled. The directive also cited practical security concerns for collecting ballots anywhere other than a supervisor’s office.

Some supervisors were already in compliance with the Secretary’s directive;⁶ others raised serious objections and concerns.⁷ One supervisor, who had an upcoming congressional special primary election in January 2014, notified the Secretary on December 2, 2013, that she believed that her drop-box sites that had been in use since 2008 — staffed by sworn deputy supervisors of elections — fully complied with Florida law.⁸ The letter to the Secretary went on to explicitly detail the security procedures undertaken at the drop-off locations, and concluded by stating that the supervisor planned to “continue using them, including in the impending primary election.”⁹ The next day, the Secretary spoke with the supervisor in question and subsequently issued a letter stating if the county’s voting security procedures were promptly updated to include the additional security measures, legal action would not be necessary — effectively authorizing the drop-off locations for the special primary election and ending the impasse.¹⁰

The “consensus” that has emerged from the Florida State Association of Supervisors of Elections (“FSASE”) since December is that “with appropriate security measures in place, electors should have the opportunity and convenience to return their ballots to the supervisor at office locations, early voting locations, and other locations designated by the supervisor which are specified in the supervisors’ security procedures.”¹¹

3) Florida Elections Commission

a. Wage Garnishment

The Florida Elections Commission (or, in cases referred to the Division of Administrative Hearings, the hearing officer) may generally assess an administrative fine of up to \$1000 per count for violations of Chapter 104 or the campaign finance laws.¹² According to commission staff, the average fine over the past 5 years is about \$1,900. Fines collected are deposited in the General Revenue Fund of the State.

⁵ Secretary of State, Binding Directive 2013-01 (Nov. 25, 2013).

⁶ CBS/Miami, *Florida’s New Absentee Ballot Directive Gets Pushback* (December 3, 2013), available at, <http://miami.cbslocal.com/2013/12/03/floridas-new-absentee-ballot-directive-gets-pushback/> (last visited 2.18.2014)

⁷ Brandon Larrabee and Dara Kam, Palm Beach Post, *Pinellas Supervisor Bucks Secretary of State Detzner’s Directive on Absentee Ballots*, (December 2, 2013), available at, <http://www.palmbeachpost.com/news/news/state-regional-govt-politics/pinellas-supervisor-bucks-secretary-of-state-detzner/nb9Gj/> (last visited 2.17.2014).

⁸ Letter from the Honorable Deb Clark, Pinellas Co. Supervisor of Elections, to the Honorable Ken Detzner, Secretary of State (December 2, 2013). These sites that were intended to be used for the special primary included two libraries and three tax collector branch offices, in addition to the supervisor’s three offices. Richard Danielson, Tampa Bay Times, *Governor Rick Scott’s Administration Eases Showdown over Pinellas Election* (December 3, 2013), available at, <http://www.tampabay.com/news/politics/elections/bill-nelson-attacks-absentee-ballot-drop-off-edict-as-voter-suppression/2155369> (last visited 2.18.2014).

⁹ Letter from the Honorable Deb Clark to the Honorable Ken Detzner (December 2, 2013).

¹⁰ Letter from the Honorable Ken Detzner to the Honorable Deb Clark (December 3, 2013).

¹¹ Letter from Ron Labasky, General Counsel for the FSASE to the Honorable Ken Detzner (February 5, 2014).

¹² Section 106.265(1), F.S.

The FEC is authorized to collect unpaid fines by instituting a civil enforcement action. Collection efforts are often unsuccessful, and can be expensive and time-consuming, —so much so that sometimes it is not practical to pursue collecting smaller fines. There are no statutory provisions authorizing garnishment of wages.

b. Service/Delivery of Documents

The FEC uses a number of delivery methods to meet its legal obligation to deliver documents to respondents, including regular U.S. mail, certified mail, certified mail/return receipt requested, or, with certain documents if all else fails, personal service through a process server. Delivery is expensive.¹³ Further, cases are often delayed because a respondent has moved and fails to update an address with his or her filing officer (for purposes of initial service) and/or the commission (for purposes of ongoing service).

i. Initial Service

Within 5 days of receipt, the commission must “transmit” a copy of a complaint to an alleged violator.¹⁴ The alleged violator has 14 days from receipt of the complaint to file an initial response,¹⁵ during which time the executive director cannot make any finding regarding the legal sufficiency of the complaint.¹⁶ Because of this 14-day statutory deadline, the commission has interpreted “transmission” to require service *via certified mail/with delivery confirmation or, if delivery is not confirmed, by process server*. If the executive director finds that the complaint is legally sufficient, a letter is served on the respondent *via certified mail/return receipt requested or, if the commission does not receive a return receipt, by process server*.

ii. Ongoing Service

After the finding of legal sufficiency and as a case progresses, the commission provides statutorily-required documents to the respondent as follows:

- Report of Investigation: Regular mail.
- Staff recommendation: Regular mail.
- Notices of Hearing: Regular mail.
- Notice of Probable Cause Finding: Certified mail/return receipt requested.
- Final Order Imposing a Fine: Certified mail/return receipt requested or process server.

c. Judicial Candidates

Section 105.071, F.S., prescribes limitations on political activities of judicial candidates. That section also charges the FEC with enforcement. However, the FEC’s general jurisdiction statute in s. 106.25, F.S., only deals with procedures and proceedings to enforce *Chapter 104*

¹³ Certified mail without a return receipt currently costs \$3.10 in addition to postage; certified mail with a return receipt costs \$5.65 plus postage. A process server to physically deliver documents can cost many times that amount, depending on the circumstances.

¹⁴ Section 106.25(2), F.S.

¹⁵ The commission estimates that only about 20% of alleged violators bother to file an initial response within the 14-day window.

¹⁶ Section 106.25(2), F.S.

(*election violations*) and Chapter 106 (*campaign finance*) violations; it is silent on this Chapter 105 provision, including failing to extend temporary public records and meetings exemptions.¹⁷ Because of this statutory ambiguity, the FEC recently chose to dismiss a case involving a judicial candidate who was alleged to have improperly represented himself as a member of a political party.¹⁸

4) Campaign Finance; Automatic Fines for Late Reporting

The 2013 Campaign Finance Reform Act¹⁹ significantly increased both the *frequency*²⁰ and *total number* of campaign finance reports that candidates and many committees must file — *doubling*, and, in some cases, *more than tripling* the number of required reports.²¹ For legislative and local candidates, the overall number of reports due in an election year increased from 10 to 20, with election-year reports due from political committees (“PCs”) seeing a more than threefold jump up to 33.

Despite these increases, the 2013 Act did not change the penalties for late-filed reports. Candidates, PCs, and Electioneering Communications Organizations are still subject to a **\$50/day** penalty for the **first three days** late for most reports, increasing to **\$500/day thereafter** (up to a maximum of 25% of the total receipts or expenditures for the reporting period, whichever is greater).²² Fines collected are deposited to either the State’s General Revenue Fund (state, legislative, and multicounty candidates/committees) or the general revenue fund of the political subdivision the candidate or committee registers with (local candidates/committees).²³

5) Sample Ballot Newspaper Publication

Prior to the passage of the 2013 Paper Reduction Act,²⁴ county supervisors of elections had the option to either publish a sample ballot in a newspaper of general circulation in the county or snail mailing it to registered voters. The Act authorized sending sample ballots by e-mail, but also set-up the *double requirement* of publishing and sending a sample ballot.

¹⁷ A companion public records bill has been filed to address this shortcoming.

¹⁸ *Gottlieb v. FEC*, FEC No. 10-044 (November 18, 2010)(Final Order dismissing case where lack of jurisdictional issue was raised by the Commission's chair *sua sponte*); *see also*, E-mail from Amy Toman, FEC Executive Director to Jonathan Fox, Chief Attorney for the Senate Ethics and Elections Committee (2.18.2014)(describing facts underlying the FEC’s Final Order).

¹⁹ 2013-37, LAWS OF FLA.

²⁰ Quarterly reporting outside the election cycle (from qualifying to through the general election) was changed to monthly reporting, and the frequency of many reports due during the election cycle went from bi-weekly to weekly and, in some cases, even daily reporting.

²¹ Florida Division of Elections, Report, *Statutorily Required Campaign Finance Reports Filed with the Division of Elections From 1 January through End of Calendar Year* (submitted to Senate Ethics and Elections Committee at 01.13.2014 meeting)

²² Sections 106.07(8)(b), 106.0703(7)(b), F.S. The late-filing penalty for the last report due *immediately* before an election is a flat \$500/day (up to a maximum of 25% of the total receipts or expenditures for the reporting period, whichever is greater). *Id.*

²³ Sections 106.07(8)(a), 106.0703(7)(a), F.S.

²⁴ 2013-192, LAWS OF FLA.

6) Mail Ballot Election Act; Start of Canvassing Period

Local referenda elections may be conducted entirely by absentee ballots.²⁵ Florida law has a “Mail Ballot Election Act” that contains procedures specifically governing some aspects of these special type of all-absentee-ballot issue elections, including a provision allowing supervisors of elections to *begin* canvassing the absentee ballots and running them through the optical scan tabulators on the 6th day before election day.²⁶

Back in 2011, the Legislature extended the time frame to start canvassing *general* absentee ballots from **6 days to 15 days before the election**,²⁷ to give supervisors and canvassing boards more time to deal with growing mountains of paper as more and more voters choose to vote absentee; a corresponding change, however, was never made to the mail ballot election provisions. This was an oversight that likely arose because local referendum elections are typically fairly limited in terms of the overall number of voters — notwithstanding that counties can opt for an all-mail-ballot election. Orange County will be conducting such a county-wide mail ballot referendum election this coming May that will likely involve hundreds of thousands of absentee ballots.

III. Effect of Proposed Changes:

SB 1660 makes a number of substantive changes to Florida election law.

1) Online Voter Registration

Beginning July 1, 2015, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter’s registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities, with accessibility experts included in the development phase; further, the system’s accessibility must be verified by an “independent body with expertise on the matter.”

Upon submission of a completed online voter registration application, the website must generate an electronic confirmation that the supervisor has received it and will provide instruction with respect to checking the status of the application. Before a first-time registration application will be accepted for submission, however, the applicant must acknowledge that he or she has read a required notice with respect to first-time voting requirements (see *infra* this section).

Specifically, the new online voting system will:

- Compare an applicant’s driver’s license number or Florida ID number with DHSMV records, to confirm the name and birth date of the applicant.

²⁵ Section 101.6102, F.S.

²⁶ Section 101.6103(6), F.S., it is a felony for anyone to release the results before 7 p.m. on Election Day. *Id.*

²⁷ Ch. 2011-40, s. 40, LAWS OF FLA. (codified at s. 101.68(2)(a), F.S.)

- *If the applicant's name and birth date are consistent*, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has on file with DHSMV), in which case the application process can proceed electronically; however, if there is no digital signature on file with DHSMV, the supervisor must notify the applicant that a signature is needed to complete the application and provide a form and postage pre-paid return postcard to the applicant to provide the signature.
- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no driver's license or Florida ID card*, issue a unique identifier number and electronically submit the application to the appropriate supervisor of follow-up.

An applicant who is not updating an existing registration must vote in-person at the first election after registering, except the applicant may vote absentee if he or she:

- Is 65 years of age or older;
- Has a temporary or permanent physical disability;
- Is a member of the uniformed services on active duty who, by reason of such active duty, will be absent from the county on election day;
- Is a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day;
- Is the spouse or dependent of a member of the uniformed services or Merchant Marine who, by reason of the active duty or service of the member, will be absent from the county on election day; or
- Is currently residing outside of the United States and is eligible to vote in Florida.

An absentee ballot request from a new elector who registered online is not valid unless it includes the elector's assertion that he or she meets one or more of these exemptions — unless the voter registration records indicate that the elector is at least 65 years of age or the ballot is to be sent to an overseas address (in which case the supervisor will mail an absentee ballot notwithstanding this omission). Upon receipt of a valid request, the supervisor must mail an absentee ballot to the elector along with a revised set of specific absentee ballot instructions that:

- Details the legal prohibition against voting an absentee ballot unless one of the aforementioned exemptions apply;
- Notifies the voter of the felony criminal penalty associated with voting the ballot illegally; and,
- Directs the voter to indicate (check box format) which exemption(s) applies on a newly-minted Voter's Certificate located on the outside of the return envelope.

If the elector mails back the ballot but fails to designate which exemption applies on the Voter's Certificate, the supervisor must check the voter registration records to see if the absentee ballot request was in writing or if the elector previously notified the supervisor in writing that he or she was exempt. If not, the ballot will not be opened to be canvassed and will be treated as a provisional ballot until 7 p.m. on election day, and the ballot will not be canvassed unless the supervisor has received a written indication of the exemption by that time. This is similar to the canvassing procedure for absentee ballots received from first-time voters who register by mail.

2) Absentee Ballot Drop-Offs

The bill clarifies that absentee ballots may be dropped-off at the main or branch office of a supervisor of elections, their post office box (if located in a U.S. Postal Service facility), or in the polling room at an early voting site; there is currently a public discussion between the Secretary of State and some supervisors of elections as to whether early voting site drop-offs are permissible.

3) Florida Elections Commission

a. Wage Garnishment

The bill authorizes the FEC to collect unpaid fines through wage garnishment, along the same lines as what the Legislature authorized last year to allow the Florida Ethics Commission to collect unpaid, automatic-financial-disclosure-filing fines (maximum fine of \$1,500).²⁸ While there are some minor differences in procedure, the main distinction from the Ethics Commission's authority is that this bill authorizes the FEC to garnish wages for *any* violation of Chapter 104, s. 105.071, or Chapter 106 — not just late filing fines. This broader grant of authority to the FEC is restrained, however, by a \$2,000 cap on the total amount that may be garnished, thereby putting it on somewhat equal footing with the Ethics Commission's \$1,500 fine limit.²⁹

b. Service/Delivery of Documents

i. Initial Service

The bill modifies the timing and type of service that must initially be provided to a respondent when a complaint is filed, effectively requiring formal "service" of the complaint (and finding of legal sufficiency) on the respondent only *after* the FEC's executive director determines that the complaint is legally sufficient to move forward. Otherwise, the FEC need only provide a copy of the complaint and a finding of legal *ins*ufficiency by mail at the last address on file with the respondent's officer (or such other mailing address known to the Commission).

This new procedure should allow the FEC to process and dismiss legally insufficient complaints even when the respondent has relocated since the end of a campaign and the FEC is unsure of his or her whereabouts. In some cases, however, this will necessarily mean that the executive director may make an *initial* finding of legal sufficiency *before* receiving a response to the allegations in the complaint, although the director *must* reconsider its finding if the respondent submits a timely response (within 14 days of service).

ii. Ongoing Service

Upon commencement of investigation, the bill requires respondents to provide the FEC with their current mailing address and, if available, a valid e-mail address (respondents

²⁸ CS/SB 2 (2013) (Ch. 2013-36, LAWS OF FLA.)

²⁹ Since each FEC violation carries a maximum fine of \$1,000 and the average fine over the past 5 years is about \$1,900, \$2,000 seemed more appropriate than the Ethics Commission's \$1,500 cap.

may consent to electronic delivery of docs). Failure to maintain a current address or e-mail address (for those receiving electronic docs) is a violation, and complaints may be amended to incorporate this violation. Service of documents throughout the pendency of a case is generally deemed complete upon delivery of electronic documents, or upon mailing or receiving proof of delivery at the mailing address on file with the FEC (instead of by certified mail).

4) Campaign Finance; Automatic Fines for Late Reporting

The bill increases automatic fines from \$50/day to \$500/day for candidates, PCs, and ECOs that file **late** campaign finance reports, *starting on the 8th day after the report was due*; current law increases the \$50/day fine to \$500/day starting on **4th** day after the report was due. (This change does not affect the *final report* due immediately preceding the primary and general elections, for which penalties are a fixed \$500/day for each day late).

5) Sample Ballot Newspaper Publication

The bill allows supervisors to **either** publish a sample ballot in a local newspaper or send registered voters a sample ballot by e-mail/snail mail; prior to 2013, supervisors had the option to *either* publish or snail mail a sample ballot.

6) Mail Ballot Election Act; Start of Canvassing Period

Extends the beginning of the canvassing period for absentee ballots in ***all-mail-ballot, local referendum elections*** from 6 days to **15 days before the election** — to correspond to the change the Legislature made to the start of the *general* absentee ballot canvassing period in 2011.

7) Other Technical Drafting Changes

The bill also makes the following three ***technical changes*** to the Florida Election Code, the first two which specifically arose from passage of the 2013 election administration³⁰ and campaign finance laws:³¹

- **Unsigned Absentee Ballot “Cure”** — Modifies the voter instructions accompanying absentee ballot signature cure affidavits to include the correct submission deadline (5 p.m. on MON before an election), correcting a drafting glitch that resulted in an erroneous instruction deadline of 5 p.m. on SUN before an election.
- **Campaign Finance Reporting Dates** — Details the specific campaign finance reporting dates for certain candidates and committees from the time of qualifying through the primary and general elections (60th, 46th, 32nd, 25th, 18th, 11th, and 4th days before the elections), redressing a potential drafting ambiguity in the more descriptive language adopted last year (“on the 60th day preceding the [primary and general] elections, and bi-weekly on each Friday thereafter...”).

³⁰ Ch. 2013.57, LAWS OF FLA.

³¹ Ch. 2013-37, LAWS OF FLA.

- **Judicial Candidates** — Clarifies the FEC’s general jurisdiction statute (s. 106.25, F.S.) to ensure that it may enforce against judicial candidates that engage in certain political activities in violation of s. 105.071, F.S.³²

8) Effective Date

The bill takes effect on upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

4) Campaign Finance; Automatic Fines for Late Reporting

Expenditures; recurring

Candidates, PCs, and ECOs that file late campaign finance reports will realize a savings of \$450/day for the 4th, 5th, 6th, and 7th days after the report was originally due — a total savings of up to \$1,800 per candidate, PC, or ECO as compared to current law.

³² A companion public records bill will keep such FEC records and meetings private *until the FEC makes a probable cause determination*, as is the case with investigations and proceedings currently involving Chapter 104 or 106 violations.

5) **Sample Ballot Newspaper Publication**

Revenue; recurring

Local newspapers may well lose revenue in the form of publication fees for sample ballots, as supervisors of elections are increasingly opting to mail (or e-mail, as of this election cycle) sample ballots to voters' residences. The overall amount of revenue lost will depend on the how many supervisors choose to snail mail/e-mail sample ballots *in lieu of* publication.

7) **Other Technical Drafting Changes/judicial candidates and the FEC**

Clarifying that the FEC may, under certain circumstances, pursue violations involving prohibited political activities by judicial candidates (s. 105.071, F.S.), may result in a **small number of additional enforcement cases. Any penalties in those cases, however,** will subject violators to a penalty of up to \$1,000/violation, and may result in substantial fines. The extent of such fines is unknown and will depend on the facts of individual cases.

C. Government Sector Impact:

1) **Online Voter Registration**

Expenditures; nonrecurring

The Department of Highway Safety and Motor Vehicles estimates that it will take about 270 nonrecurring programming hours at a cost of \$20,400 to provide verification for the name, date of birth, Fla. Driver's license number, or Florida identification card number after voter registration applications are submitted online.

The Florida Division of Elections, however, has yet to complete an agency bill analysis or provide a fiscal estimate on SB 784, which constitutes the core of the online voter registration recommendations contained in the bill. As such, the nonrecurring costs to develop the system and the recurring costs to maintain and operate it are indeterminate at this time.

2) **Absentee Ballot Drop-Offs**

None.

3) **Florida Elections Commission/service and delivery of documents**

Expenditures; recurring

The commission will save money by disposing of legally-insufficient complaints without having to resort to certified mail or a process server, in addition to the savings in time and resources involved with not having to track down the whereabouts of initial respondents. Further, the ongoing delivery of documents during the pendency of a case predominantly by regular mail or e-mail, in lieu of more expensive options, will result in additional

savings. The amount of savings is indeterminate at this time, as it will depend on the number of cases which varies.

4) Campaign Finance; Automatic Fines for Late Reporting

Revenue; recurring

General revenue funds of both the State and local political subdivisions are likely to see a *de minimus* reduction resulting from the 4-day delay in raising late-filing fines from \$50/day to \$500/day.

5) Sample Ballot Newspaper Publication

Expenditures; recurring

Supervisors of elections will save an indeterminate amount of money each election cycle, by either foregoing newspaper publication or the mailing/e-mailing of sample ballots to voters. The amount is expected to be minimal.

6) Mail Ballot Election Act; Start of Canvassing Period

None.

7) Other Technical Drafting Changes/judicial candidates and the FEC

Granting the FEC express authority in its general jurisdiction statute to enforce violations of s. 105.071, F.S., involving prohibited political activities by judicial candidates, may result in a very small number of additional cases that could either result in recurring expenditures (if minimal or no net fines assessed) or additional revenue to the State or local subdivisions (if more significant net fines are assessed). Any such amounts are indeterminate and will vary depending on the number of cases and the facts involved, but are nonetheless expected to be fairly minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 101.20, 101.62, 101.6103, 101.68, 101.69, 105.071, 160.07, 106.0703, 106.25, and 106.265.

This bill creates the following sections of the Florida Statutes: 97.0525, 101.6931, 101.6932, and 101.6933.

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.

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



192604

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 272 and 273

insert:

Section 5. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1) (a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark,



192604

11 code, indicate on, or otherwise track the voter's precinct for
12 each early voted ballot. In order for a branch office to be used
13 for early voting, it shall be a permanent facility of the
14 supervisor and shall have been designated and used as such for
15 at least 1 year prior to the election. The supervisor may also
16 designate any city hall, permanent public library facility,
17 fairground, civic center, courthouse, county commission
18 building, stadium, convention center, government-owned senior
19 center, ~~or~~ government-owned community center, Florida College
20 System institution facility, state university facility, or
21 college facility as early voting sites; however, if so
22 designated, the sites must be geographically located so as to
23 provide all voters in the county an equal opportunity to cast a
24 ballot, insofar as is practicable. In addition, a supervisor may
25 designate one early voting site per election in an area of the
26 county that does not have any of the eligible early voting
27 locations. Such additional early voting site must be
28 geographically located so as to provide all voters in that area
29 with an equal opportunity to cast a ballot, insofar as is
30 practicable. Each county shall, at a minimum, operate the same
31 total number of early voting sites for a general election which
32 the county operated for the 2012 general election. The results
33 or tabulation of votes cast during early voting may not be made
34 before the close of the polls on election day. Results shall be
35 reported by precinct.

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 21



192604

40 and insert:
41 met; amending s. 101.657, F.S.; revising the list of
42 permissible sites available for early voting; amending
43 s. 101.68, F.S.; revising instructions



444372

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 272 and 273

insert:

Section 5. Paragraph (e) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)

(e) Notwithstanding the requirements of s. 100.3605, municipalities may provide early voting in municipal elections



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11 that are not held in conjunction with county or state elections.
12 If a municipality provides early voting, it ~~may designate as~~
13 ~~many sites as necessary and~~ shall conduct its activities in
14 accordance with the provisions of paragraphs (a)-(c) and may
15 designate additional early voting sites other than those sites
16 specified in paragraph (a) without restriction as to location.
17 The supervisor is not required to conduct early voting if it is
18 provided pursuant to this subsection.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 21

23 and insert:

24 met; amending s. 101.657, F.S.; authorizing a
25 municipality to provide additional early voting sites
26 in certain municipal elections; amending s. 101.68,
27 F.S.; revising instructions



273252

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 272 and 273

insert:

Section 5. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope



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11 with return postage prepaid, into which the absent elector shall
12 then place the secrecy envelope, which shall be addressed to the
13 supervisor and also bear on the back side a certificate in
14 substantially the following form:

15

16 Note: Please Read Instructions Carefully Before
17 Marking Ballot and Completing Voter's Certificate.

18

19 VOTER'S CERTIFICATE

20 I,, do solemnly swear or affirm that I am a qualified
21 and registered voter of County, Florida, and that I have
22 not and will not vote more than one ballot in this election. I
23 understand that if I commit or attempt to commit any fraud in
24 connection with voting, vote a fraudulent ballot, or vote more
25 than once in an election, I can be convicted of a felony of the
26 third degree and fined up to \$5,000 and/or imprisoned for up to
27 5 years. I also understand that failure to sign this certificate
28 will invalidate my ballot.

29

30 ... (Date) ... (Voter's Signature) ...

31

32 Section 6. Subsection (2) of section 101.6921, Florida
33 Statutes, is amended to read:

34 101.6921 Delivery of special absentee ballot to certain
35 first-time voters.-

36 (2) The supervisor shall enclose with each absentee ballot
37 three envelopes: a secrecy envelope, into which the absent
38 elector will enclose his or her marked ballot; an envelope
39 containing the Voter's Certificate, into which the absent



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40 elector shall place the secrecy envelope; and a mailing envelope
41 with the return postage prepaid, which shall be addressed to the
42 supervisor and into which the absent elector will place the
43 envelope containing the Voter's Certificate and a copy of the
44 required identification.

45 Section 7. Section 101.65, Florida Statutes, is amended to
46 read:

47 101.65 Instructions to absent electors.—The supervisor
48 shall enclose with each absentee ballot separate printed
49 instructions in substantially the following form:

50

51 READ THESE INSTRUCTIONS CAREFULLY
52 BEFORE MARKING BALLOT.

53 1. VERY IMPORTANT. In order to ensure that your absentee
54 ballot will be counted, it should be completed and returned as
55 soon as possible so that it can reach the supervisor of
56 elections of the county in which your precinct is located no
57 later than 7 p.m. on the day of the election. However, if you
58 are an overseas voter casting a ballot in a presidential
59 preference primary or general election, your absentee ballot
60 must be postmarked or dated no later than the date of the
61 election and received by the supervisor of elections of the
62 county in which you are registered to vote no later than 10 days
63 after the date of the election.

64 2. Mark your ballot in secret as instructed on the ballot.
65 You must mark your own ballot unless you are unable to do so
66 because of blindness, disability, or inability to read or write.

67 3. Mark only the number of candidates or issue choices for
68 a race as indicated on the ballot. If you are allowed to "Vote



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69 for One" candidate and you vote for more than one candidate,
70 your vote in that race will not be counted.

71 4. Place your marked ballot in the enclosed secrecy
72 envelope.

73 5. Insert the secrecy envelope into the enclosed mailing
74 envelope which is addressed to the supervisor.

75 6. Seal the mailing envelope and completely fill out the
76 Voter's Certificate on the back of the mailing envelope.

77 7. VERY IMPORTANT. In order for your absentee ballot to be
78 counted, you must sign your name on the line above (Voter's
79 Signature). An absentee ballot will be considered illegal and
80 not be counted if the signature on the voter's certificate does
81 not match the signature on record. The signature on file at the
82 start of the canvass of the absentee ballots is the signature
83 that will be used to verify your signature on the voter's
84 certificate. If you need to update your signature for this
85 election, send your signature update on a voter registration
86 application to your supervisor of elections so that it is
87 received no later than the start of the canvassing of absentee
88 ballots, which occurs no earlier than the 15th day before
89 election day.

90 8. VERY IMPORTANT. If you are an overseas voter, you must
91 include the date you signed the Voter's Certificate on the line
92 above (Date) or your ballot may not be counted.

93 9. Mail, deliver, or have delivered the completed mailing
94 envelope. ~~Be sure there is sufficient postage if mailed.~~

95 10. FELONY NOTICE. It is a felony under Florida law to
96 accept any gift, payment, or gratuity in exchange for your vote
97 for a candidate. It is also a felony under Florida law to vote



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98 in an election using a false identity or false address, or under
99 any other circumstances making your ballot false or fraudulent.

100 Section 8. Subsection (2) of section 101.6923, Florida
101 Statutes, is amended to read:

102 101.6923 Special absentee ballot instructions for certain
103 first-time voters.—

104 (2) A voter covered by this section shall be provided with
105 printed instructions with his or her absentee ballot in
106 substantially the following form:

107

108 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
109 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
110 YOUR BALLOT NOT TO COUNT.

111

112 1. In order to ensure that your absentee ballot will be
113 counted, it should be completed and returned as soon as possible
114 so that it can reach the supervisor of elections of the county
115 in which your precinct is located no later than 7 p.m. on the
116 date of the election. However, if you are an overseas voter
117 casting a ballot in a presidential preference primary or general
118 election, your absentee ballot must be postmarked or dated no
119 later than the date of the election and received by the
120 supervisor of elections of the county in which you are
121 registered to vote no later than 10 days after the date of the
122 election.

123 2. Mark your ballot in secret as instructed on the ballot.
124 You must mark your own ballot unless you are unable to do so
125 because of blindness, disability, or inability to read or write.

126 3. Mark only the number of candidates or issue choices for



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127 a race as indicated on the ballot. If you are allowed to "Vote
128 for One" candidate and you vote for more than one, your vote in
129 that race will not be counted.

130 4. Place your marked ballot in the enclosed secrecy
131 envelope and seal the envelope.

132 5. Insert the secrecy envelope into the enclosed envelope
133 bearing the Voter's Certificate. Seal the envelope and
134 completely fill out the Voter's Certificate on the back of the
135 envelope.

136 a. You must sign your name on the line above (Voter's
137 Signature).

138 b. If you are an overseas voter, you must include the date
139 you signed the Voter's Certificate on the line above (Date) or
140 your ballot may not be counted.

141 c. An absentee ballot will be considered illegal and will
142 not be counted if the signature on the Voter's Certificate does
143 not match the signature on record. The signature on file at the
144 start of the canvass of the absentee ballots is the signature
145 that will be used to verify your signature on the Voter's
146 Certificate. If you need to update your signature for this
147 election, send your signature update on a voter registration
148 application to your supervisor of elections so that it is
149 received no later than the start of canvassing of absentee
150 ballots, which occurs no earlier than the 15th day before
151 election day.

152 6. Unless you meet one of the exemptions in Item 7., you
153 must make a copy of one of the following forms of
154 identification:

155 a. Identification which must include your name and



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156 photograph: United States passport; debit or credit card;
157 military identification; student identification; retirement
158 center identification; neighborhood association identification;
159 or public assistance identification; or

160 b. Identification which shows your name and current
161 residence address: current utility bill, bank statement,
162 government check, paycheck, or government document (excluding
163 voter identification card).

164 7. The identification requirements of Item 6. do not apply
165 if you meet one of the following requirements:

166 a. You are 65 years of age or older.

167 b. You have a temporary or permanent physical disability.

168 c. You are a member of a uniformed service on active duty
169 who, by reason of such active duty, will be absent from the
170 county on election day.

171 d. You are a member of the Merchant Marine who, by reason
172 of service in the Merchant Marine, will be absent from the
173 county on election day.

174 e. You are the spouse or dependent of a member referred to
175 in paragraph c. or paragraph d. who, by reason of the active
176 duty or service of the member, will be absent from the county on
177 election day.

178 f. You are currently residing outside the United States.

179 8. Place the envelope bearing the Voter's Certificate into
180 the mailing envelope addressed to the supervisor. Insert a copy
181 of your identification in the mailing envelope. DO NOT PUT YOUR
182 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
183 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
184 BALLOT WILL NOT COUNT.



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185 9. Mail, deliver, or have delivered the completed mailing
186 envelope. ~~Be sure there is sufficient postage if mailed.~~

187 10. FELONY NOTICE. It is a felony under Florida law to
188 accept any gift, payment, or gratuity in exchange for your vote
189 for a candidate. It is also a felony under Florida law to vote
190 in an election using a false identity or false address, or under
191 any other circumstances making your ballot false or fraudulent.

192
193 ===== T I T L E A M E N D M E N T =====

194 And the title is amended as follows:

195 Delete line 21

196 and insert:

197 met; amending ss. 101.64 and 101.6921; requiring the
198 mailing envelope for certain absentee ballots to
199 include prepaid return postage; amending ss. 101.65
200 and 101.6923, F.S.; conforming provisions to changes
201 made by the act; amending s. 101.68, F.S.; revising
202 instructions



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete line 367

and insert:

shall enclose his or her marked ballot; and a mailing envelope
with the return postage prepaid,



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LEGISLATIVE ACTION

Senate

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House

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

- 1 **Senate Amendment**
- 2
- 3 Delete line 494
- 4 and insert:
- 5 envelope.

By the Committee on Ethics and Elections

582-02414-14

20141660__

1 A bill to be entitled
 2 An act relating to elections; creating s. 97.0525,
 3 F.S.; requiring the Department of State to develop an
 4 online voter registration system; specifying
 5 application requirements for the system; requiring the
 6 Department of Highway Safety and Motor Vehicles to
 7 verify information submitted online; requiring the
 8 supervisor of elections to notify applicants under
 9 certain circumstances; requiring system compliance
 10 with federal accessibility provisions; prohibiting
 11 online registrants from initially voting by absentee
 12 ballot; providing exceptions; amending s. 101.20,
 13 F.S.; authorizing the supervisor of elections to
 14 choose the method of providing sample ballots to
 15 electors; amending s. 101.6103, F.S.; extending the
 16 time for canvassing and processing absentee ballots
 17 for a mail ballot election to 15 days before the
 18 election; amending s. 101.62, F.S.; providing that an
 19 absentee ballot request from a first-time online
 20 registrant is not valid unless certain conditions are
 21 met; amending s. 101.68, F.S.; revising instructions
 22 on the absentee ballot affidavit relating to the
 23 submission deadline for affidavits; amending s.
 24 101.69, F.S.; designating locations where the
 25 supervisor may accept or receive an elector's voted
 26 absentee ballot; creating s. 101.6931, F.S.;
 27 establishing requirements for the absentee ballot
 28 provided to certain first-time online registrant
 29 voters; specifying content of the voter's certificate

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

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30 for an absentee ballot provided to first-time online
 31 registrant voters; creating s. 101.6932, F.S.;
 32 specifying instructions required to be included with
 33 an absentee ballot sent to first-time online
 34 registrant absent electors; creating s. 101.6933,
 35 F.S.; establishing procedures for the canvassing of
 36 absentee ballots received from first-time online
 37 registrant voters; amending s. 105.071, F.S.; revising
 38 penalties relating to limitations on political
 39 activity by a candidate for judicial office; amending
 40 s. 106.07, F.S.; clarifying the reporting schedules of
 41 campaign finance reports filed by certain candidates
 42 and political committees; revising the schedule for
 43 assessment of fines for late-filed reports; amending
 44 s. 106.0703, F.S.; clarifying the reporting schedules
 45 of reports filed by certain electioneering
 46 communications organizations; revising the schedule
 47 for assessment of fines for late-filed reports;
 48 amending s. 106.25, F.S.; revising provisions relating
 49 to service of process of a respondent by the Florida
 50 Elections Commission; providing that a respondent may
 51 consent to receive documents from the commission
 52 electronically; clarifying and revising provisions
 53 relating to the commission's authority over certain
 54 violations by candidates for judicial office; amending
 55 s. 106.265, F.S.; specifying that an unpaid fine
 56 becomes a judgment 60 days after such fine is imposed;
 57 requiring the commission to attempt to determine
 58 whether an individual owing fines is a current public

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59 officer or public employee; authorizing the commission
 60 to notify the Chief Financial Officer or the governing
 61 body of a county, municipality, or special district of
 62 the total amount of any fine owed to the commission by
 63 such individuals; requiring that the Chief Financial
 64 Officer or the governing body begin withholding
 65 portions of any salary-related payment that would
 66 otherwise be paid to the current public officer or
 67 public employee; requiring that the withheld payments
 68 be remitted to the commission until the fine is
 69 satisfied or a specified amount is reached;
 70 authorizing the Chief Financial Officer or the
 71 governing body to retain a portion of payment for
 72 administrative costs; authorizing garnishment and
 73 collection methods for individuals who are no longer
 74 public officers or public employees; authorizing the
 75 commission to collect an unpaid fine within a
 76 specified period after issuance of the final order;
 77 clarifying and revising provisions relating to the
 78 commission's authority over certain violations by
 79 candidates for judicial office; providing an effective
 80 date.

81
 82 Be It Enacted by the Legislature of the State of Florida:

83
 84 Section 1. Section 97.0525, Florida Statutes, is created to
 85 read:

86 97.0525 Online voter registration.-

87 (1) Beginning July 1, 2015, an applicant may submit an

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88 online voter registration application using the procedures set
 89 forth in this section.

90 (2) (a) The division shall establish a secure Internet
 91 website to permit an applicant to:

92 1. Submit a voter registration application, including
 93 first-time voter registration applications and updates to
 94 existing voter registration records.

95 2. Submit information necessary to establish an applicant's
 96 eligibility to vote, pursuant to s. 97.041, which must include
 97 the information required for the uniform statewide voter
 98 registration application pursuant to s. 97.052(2).

99 3. Swear to the oath required pursuant to s. 97.051.

100 (b) The website must conspicuously provide notice of the
 101 in-person voting requirements and absentee ballot exemptions in
 102 subsection (8). Each applicant who is not currently registered
 103 to vote must affirmatively acknowledge, by checkbox or
 104 otherwise, that he or she has read and understands this
 105 information before or contemporaneous with submitting the voter
 106 registration application.

107 (3) The division shall establish appropriate technological
 108 security measures, including use of a unique identifier for each
 109 applicant, to prevent unauthorized persons from altering a
 110 voter's registration information.

111 (4) (a) The online voter registration system shall compare
 112 the Florida driver license number or Florida identification
 113 number submitted pursuant to s. 97.052(2) (n), unless the
 114 applicant indicates pursuant to s. 97.052(2) (o) that he or she
 115 has not been issued a Florida driver license or Florida
 116 identification card, with information maintained by the

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117 Department of Highway Safety and Motor Vehicles, to confirm that
 118 the name and date of birth on the application are consistent
 119 with the records of the Department of Highway Safety and Motor
 120 Vehicles.

121 (b) If the applicant's name and date of birth are
 122 consistent with the records of the Department of Highway Safety
 123 and Motor Vehicles, the online voter registration system shall
 124 transmit, using the statewide voter registration system
 125 maintained pursuant to s. 98.035, the applicant's submission,
 126 along with the digital signature of the applicant on file with
 127 the Department of Highway Safety and Motor Vehicles, to the
 128 supervisor of elections of the county in which the applicant
 129 resides. The applicant's digital signature shall satisfy the
 130 signature requirement of s. 97.052(2)(g).

131 (c) If the applicant's name and date of birth cannot be
 132 verified by the records of the Department of Highway Safety and
 133 Motor Vehicles, or the applicant indicated that he or she has
 134 not been issued a Florida driver license or Florida
 135 identification card, but the applicant is otherwise eligible to
 136 vote, the online voter registration system shall issue a unique
 137 identification number and submit the application to the
 138 supervisor of elections for the county in which the voter
 139 resides, for disposition pursuant to s. 97.073.

140 (d) If the applicant does not have a digital signature on
 141 file with the Department of Highway Safety and Motor Vehicles,
 142 the online voter registration system shall transmit the
 143 application as provided in paragraph (b), and the appropriate
 144 supervisor of elections shall send the applicant a notice
 145 pursuant to s. 97.073, informing the applicant that a signature

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146 is needed to complete the application. A notice provided under
 147 this paragraph shall consist of a form adopted by the division,
 148 delivered by postcard with postage prepaid. The form shall
 149 provide a space for the applicant to provide a signature and
 150 shall provide clear instructions to the applicant to return the
 151 card promptly to the supervisor of elections. The form shall
 152 contain a clear statement that, in order to complete the
 153 application, the signature must be supplied to the supervisor of
 154 elections by the registration deadline, and the deadline shall
 155 be included.

156 (5) Upon submission of a completed online voter
 157 registration application, the website shall generate an
 158 immediate electronic confirmation that the supervisor has
 159 received the application and shall provide instructions
 160 regarding the ability of a registrant to check the status of the
 161 application thereafter.

162 (6) Except as otherwise provided in this section, the
 163 supervisor of elections shall process the application pursuant
 164 to s. 97.053.

165 (7) The website shall comply with requirements of s. 508 of
 166 the Rehabilitation Act of 1973 and Title II of the Americans
 167 with Disabilities Act to ensure equal access to voters with
 168 disabilities. The division shall include accessibility experts
 169 in the development of the online voter registration system and
 170 website, and the system's accessibility shall be verified by an
 171 independent body with expertise on the matter.

172 (8) An elector who is not currently registered to vote and
 173 who registers pursuant to this section must cast his or her
 174 initial ballot immediately following registration at either an

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175 early voting site pursuant to s. 101.657, at a polling place on
 176 election day, or in connection with supervised voting pursuant
 177 to s. 101.655; however, the elector may vote by absentee ballot
 178 if the elector meets one of the following exemptions:

179 (a) Is 65 years of age or older;
 180 (b) Has a temporary or permanent physical disability;
 181 (c) Is a member of the uniformed services on active duty
 182 who, by reason of such active duty, will be absent from the
 183 county on election day;

184 (d) Is a member of the Merchant Marine who, by reason of
 185 service in the Merchant Marine, will be absent from the county
 186 on election day;

187 (e) Is the spouse or dependent of a member referred to in
 188 paragraph (c) or paragraph (d) who, by reason of the active duty
 189 or service of the member, will be absent from the county on
 190 election day; or

191 (f) Is currently residing outside of the United States and
 192 is eligible to vote in Florida.

193 Section 2. Subsection (2) of section 101.20, Florida
 194 Statutes, is amended to read:

195 101.20 Publication of ballot form; sample ballots.—
 196 (2) (a) Upon completion of the list of qualified candidates,
 197 a sample ballot shall be published by the supervisor of
 198 elections in a newspaper of general circulation in the county,
 199 before the day of election.

200 (b) In lieu of publication, a supervisor may send a sample
 201 ballot to each registered elector by e-mail at least 7 days
 202 before an election if an e-mail address has been provided and
 203 the elector has opted to receive a sample ballot by electronic

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204 delivery. If an e-mail address has not been provided, or if the
 205 elector has not opted for electronic delivery, a sample ballot
 206 must ~~may~~ be mailed to each registered elector or to each
 207 household in which there is a registered elector at least 7 days
 208 before an election.

209 Section 3. Subsection (6) of section 101.6103, Florida
 210 Statutes, is amended to read:

211 101.6103 Mail ballot election procedure.—
 212 (6) The canvassing board may begin the canvassing of mail
 213 ballots at 7 a.m. on the 15th ~~sixth~~ day before the election,
 214 including processing the ballots through the tabulating
 215 equipment. However, results may not be released until after 7
 216 p.m. on election day. Any canvassing board member or election
 217 employee who releases any result before 7 p.m. on election day
 218 commits a felony of the third degree, punishable as provided in
 219 s. 775.082, s. 775.083, or s. 775.084.

220 Section 4. Subsection (1) of section 101.62, Florida
 221 Statutes, is amended to read:

222 101.62 Request for absentee ballots.—
 223 (1) (a) The supervisor shall accept a request for an
 224 absentee ballot from an elector in person or in writing. One
 225 request shall be deemed sufficient to receive an absentee ballot
 226 for all elections through the end of the calendar year of the
 227 second ensuing regularly scheduled general election, unless the
 228 elector or the elector's designee indicates at the time the
 229 request is made the elections for which the elector desires to
 230 receive an absentee ballot. Such request may be considered
 231 canceled when any first-class mail sent by the supervisor to the
 232 elector is returned as undeliverable.

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233 (b)1. The supervisor may accept a written or telephonic
 234 request for an absentee ballot to be mailed to an elector's
 235 address on file in the Florida Voter Registration System from
 236 the elector, or, if directly instructed by the elector, a member
 237 of the elector's immediate family, or the elector's legal
 238 guardian; if the ballot is requested to be mailed to an address
 239 other than the elector's address on file in the Florida Voter
 240 Registration System, the request must be made in writing and
 241 signed by the elector. However, an absent uniformed service
 242 voter or an overseas voter seeking an absentee ballot is not
 243 required to submit a signed, written request for an absentee
 244 ballot that is being mailed to an address other than the
 245 elector's address on file in the Florida Voter Registration
 246 System. For purposes of this section, the term "immediate
 247 family" has the same meaning as specified in paragraph (4)(c).
 248 The person making the request must disclose:

249 a.1- The name of the elector for whom the ballot is
 250 requested.

251 b.2- The elector's address.

252 c.3- The elector's date of birth.

253 d.4- The requester's name.

254 e.5- The requester's address.

255 f.6- The requester's driver's license number, if available.

256 g.7- The requester's relationship to the elector.

257 h.8- The requester's signature (written requests only).

258 2. If the elector was not registered to vote at the time of
 259 submitting a voter registration application online pursuant to
 260 s. 97.0525 and has not voted since registering, the absentee
 261 ballot request is not valid unless it includes an assertion by

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262 the elector that he or she meets one or more of the exemptions
 263 for casting an absentee ballot pursuant to s. 97.0525(8);
 264 notwithstanding, the supervisor must mail the elector an
 265 absentee ballot if the ballot is to be sent to an overseas
 266 address or the voter registration records indicate that the
 267 elector making such request is 65 years of age or older.

268 (c) Upon receiving a request for an absentee ballot from an
 269 absent voter, the supervisor of elections shall notify the voter
 270 of the free access system that has been designated by the
 271 department for determining the status of his or her absentee
 272 ballot.

273 Section 5. Paragraph (d) of subsection (4) of section
 274 101.68, Florida Statutes, is amended to read:

275 101.68 Canvassing of absentee ballot.—

276 (4)

277 (d) Instructions must accompany the absentee ballot
 278 affidavit in substantially the following form:

279

280 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 281 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 282 BALLOT NOT TO COUNT.

283

284 1. In order to ensure that your absentee ballot will be
 285 counted, your affidavit should be completed and returned as soon
 286 as possible so that it can reach the supervisor of elections of
 287 the county in which your precinct is located no later than 5
 288 p.m. on the ~~2nd~~ day before the election.

289 2. You must sign your name on the line above (Voter's
 290 Signature).

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291 3. You must make a copy of one of the following forms of
292 identification:

293 a. Identification that includes your name and photograph:
294 United States passport; debit or credit card; military
295 identification; student identification; retirement center
296 identification; neighborhood association identification; or
297 public assistance identification; or

298 b. Identification that shows your name and current
299 residence address: current utility bill, bank statement,
300 government check, paycheck, or government document (excluding
301 voter identification card).

302 4. Place the envelope bearing the affidavit into a mailing
303 envelope addressed to the supervisor. Insert a copy of your
304 identification in the mailing envelope. Mail, deliver, or have
305 delivered the completed affidavit along with the copy of your
306 identification to your county supervisor of elections. Be sure
307 there is sufficient postage if mailed and that the supervisor's
308 address is correct.

309 5. Alternatively, you may fax or e-mail your completed
310 affidavit and a copy of your identification to the supervisor of
311 elections. If e-mailing, please provide these documents as
312 attachments.

313 Section 6. Section 101.69, Florida Statutes, is amended to
314 read:

315 101.69 Locations for receipt of absentee ballot; voting in
316 person after requesting an, ~~return of~~ absentee ballot.-

317 (1) (a) Except as provided in subsection (2), the supervisor
318 of elections shall only accept or receive an elector's voted
319 absentee ballot that is returned to any of the following

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320 locations:

321 1. In the main or branch office of the supervisor;

322 2. In a polling room at an early voting site; or

323 3. To the supervisor's post office box within a United
324 States Postal Service facility.

325 (b) For purposes of this section, the branch office must be
326 a permanent facility of the supervisor and staffed by one or
327 more permanent, full-time employees of the supervisor.

328 (2) The provisions of this code shall not be construed to
329 prohibit any elector from voting in person at the elector's
330 precinct on the day of an election or at an early voting site,
331 notwithstanding that the elector has requested an absentee
332 ballot for that election. An elector who has returned a voted
333 absentee ballot to the supervisor, however, is deemed to have
334 cast his or her ballot and is not entitled to vote another
335 ballot or to have a provisional ballot counted by the county
336 canvassing board. An elector who has received an absentee ballot
337 and has not returned the voted ballot to the supervisor, but
338 desires to vote in person, shall return the ballot, whether
339 voted or not, to the election board in the elector's precinct or
340 to an early voting site. The returned ballot shall be marked
341 "canceled" by the board and placed with other canceled ballots.
342 However, if the elector does not return the ballot and the
343 election official:

344 (a) ~~(1)~~ Confirms that the supervisor has received the
345 elector's absentee ballot, the elector shall not be allowed to
346 vote in person. If the elector maintains that he or she has not
347 returned the absentee ballot or remains eligible to vote, the
348 elector shall be provided a provisional ballot as provided in s.

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349 101.048.

350 ~~(b)(2)~~ Confirms that the supervisor has not received the
 351 elector's absentee ballot, the elector shall be allowed to vote
 352 in person as provided in this code. The elector's absentee
 353 ballot, if subsequently received, shall not be counted and shall
 354 remain in the mailing envelope, and the envelope shall be marked
 355 "Rejected as Illegal."

356 ~~(c)(3)~~ Cannot determine whether the supervisor has received
 357 the elector's absentee ballot, the elector may vote a
 358 provisional ballot as provided in s. 101.048.

359 Section 7. Section 101.6931, Florida Statutes, is created
 360 to read:

361 101.6931 Delivery of special absentee ballot to certain
 362 first-time online registrant voters.-

363 (1) This section applies to voters who are subject to s.
 364 97.0525(8).

365 (2) The supervisor shall enclose with each absentee ballot
 366 two envelopes: a secrecy envelope, into which the absent elector
 367 shall enclose his or her marked ballot; and a mailing envelope,
 368 into which the absent elector shall then place the secrecy
 369 envelope, which shall be addressed to the supervisor and also
 370 bear on the back side a certificate in substantially the
 371 following form:

373 Note: Please Read Instructions Carefully Before Marking Ballot
 374 and Completing Voter's Certificate.

375
 376 VOTER'S CERTIFICATE
 377

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378 I, ..., do solemnly swear or affirm that I am a qualified
 379 and registered voter of ... County, Florida, and that I have
 380 not and will not vote more than one ballot in this election. I
 381 understand that if I commit or attempt to commit any fraud in
 382 connection with voting, vote a fraudulent ballot, or vote more
 383 than once in an election, I can be convicted of a felony of the
 384 third degree and fined up to \$5,000 and/or imprisoned for up to
 385 5 years. I also understand that failure to sign this certificate
 386 will invalidate my ballot.

387 I further certify that I am exempt from the prohibition
 388 against voting by absentee ballot in my first election after
 389 registering to vote online because of one or more of the
 390 following (check all that apply):

391 I am 65 years of age or older.

392 I have a permanent or temporary physical disability.

393 I am a member of a uniformed service on active duty who,
 394 by reason of such active duty, will be absent from the county on
 395 election day.

396 I am a member of the Merchant Marine who, by reason of
 397 service in the Merchant Marine, will be absent from the county
 398 on election day.

399 I am the spouse or dependent of a member of the uniformed
 400 service or Merchant Marine who, by reason of the active duty or
 401 service of the member, will be absent from the county on
 402 election day.

403 I am currently residing outside the United States.

404

405 ...(Date)...406 ...Voter's Signature...

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407 (3) The certificate shall be arranged on the back of the
 408 mailing envelope so that the line for the signature of the
 409 absent elector is across the seal of the envelope; however, no
 410 statement may appear on the envelope which indicates that a
 411 signature of the voter must cross the seal of the envelope. The
 412 absent elector shall execute the certificate on the envelope.

413 (4) The supervisor shall mark, code, indicate on, or
 414 otherwise track the precinct of the absent elector for each
 415 absentee ballot.

416 Section 8. Section 101.6932, Florida Statutes, is created
 417 to read:

418 101.6932 Instructions to certain first-time online
 419 registrant absent electors.-

420 (1) This section applies to voters who are subject to s.
 421 97.0525(8).

422 (2) The supervisor shall enclose with each absentee ballot
 423 separate printed instructions in substantially the following
 424 form:

425 READ THESE INSTRUCTIONS CAREFULLY

426 BEFORE MARKING BALLOT.

427 1. PROHIBITION FOR CERTAIN FIRST-TIME VOTERS WHO REGISTERED
 428 ONLINE. If you registered to vote online and if this is the
 429 first ballot you will be voting since registering, it is a
 430 felony to sign the Voter's Certificate and return this absentee
 431 ballot to the supervisor of elections, unless one or more of the
 432 following exemptions apply:

433 (a) You are 65 years of age or older;

434 (b) You have a temporary or permanent physical disability;
 435

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436 (c) You are a member of the uniformed services on active
 437 duty who, by reason of such active duty, will be absent from the
 438 county on election day;

439 (d) You are a member of the Merchant Marine who, by reason
 440 of service in the Merchant Marine, will be absent from the
 441 county on election day;

442 (e) You are the spouse or dependent of a member of the
 443 uniformed service or Merchant Marine who, by reason of the
 444 active duty or service of the member, will be absent from the
 445 county on election day; or

446 (f) You are currently residing outside the United States
 447 and are eligible to vote in Florida.

448
 449 If you qualify for one of these exemptions, you MAY CAST this
 450 absentee ballot, but you MUST indicate on the Voter's
 451 Certificate which exemption applies. Otherwise, your ballot may
 452 not count.

453 2. VERY IMPORTANT. In order to ensure that your absentee
 454 ballot will be counted, it should be completed and returned as
 455 soon as possible so that it can reach the supervisor of
 456 elections of the county in which your precinct is located no
 457 later than 7 p.m. on the day of the election. However, if you
 458 are an overseas voter casting a ballot in a presidential
 459 preference primary or general election, your absentee ballot
 460 must be postmarked or dated no later than the date of the
 461 election and received by the supervisor of elections of the
 462 county in which you are registered to vote no later than 10 days
 463 after the date of the election.

464 3. Mark your ballot in secret as instructed on the ballot.

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465 You must mark your own ballot unless you are unable to do so
 466 because of blindness, disability, or inability to read or write.
 467 4. Mark only the number of candidate or issue choices for a
 468 race as indicated on the ballot. If you are allowed to "Vote for
 469 One" candidate and you vote for more than one candidate, your
 470 vote in that race will not be counted.
 471 5. Place your marked ballot in the enclosed secrecy
 472 envelope.
 473 6. Insert the secrecy envelope into the enclosed mailing
 474 envelope which is addressed to the supervisor.
 475 7. Seal the mailing envelope and completely fill out the
 476 voter's certificate on the back of the mailing envelope.
 477 8. VERY IMPORTANT. In order for your absentee ballot to be
 478 counted, you must sign your name on the line above (Voter's
 479 Signature). An absentee ballot will be considered illegal and
 480 not be counted if the signature on the voter's certificate does
 481 not match the signature on record. The signature on file at the
 482 start of the canvass of the absentee ballots is the signature
 483 that will be used to verify your signature on the voter's
 484 certificate. If you need to update your signature for this
 485 election, send your signature update on a voter registration
 486 application to your supervisor of elections so that it is
 487 received no later than the start of the canvassing of absentee
 488 ballots, which occurs no earlier than the 15th day before
 489 election day.
 490 9. VERY IMPORTANT. If you are an overseas voter, you must
 491 include the date you signed the Voter's Certificate on the line
 492 above (Date) or your ballot may not be counted.
 493 10. Mail, deliver, or have delivered the completed mailing

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494 envelope. Be sure there is sufficient postage if mailed.
 495 11. FELONY NOTICE. It is a felony under Florida law to
 496 accept any gift, payment, or gratuity in exchange for your vote
 497 for a candidate. It is also a felony under Florida law to vote
 498 in an election using a false identity or false address, or under
 499 any other circumstances making your ballot false or fraudulent.
 500 Section 9. Section 101.6933, Florida Statutes, is created
 501 to read:
 502 101.6933 Canvassing first-time online registrant absentee
 503 ballots.—
 504 (1) The supervisor of the county where the absent elector
 505 resides shall receive the voted absentee ballot. The mailing
 506 envelope shall be examined to determine if the voter has
 507 indicated on the Voter's Certificate that he or she is exempt
 508 from the prohibition of first-time online registrants voting an
 509 absentee ballot under s. 97.0525(8).
 510 (2) If the voter has indicated on the Voter's Certificate
 511 that he or she is exempt from the prohibition in s. 97.0525(8),
 512 the supervisor shall make the note on the registration records
 513 of the voter and the canvassing board shall proceed to canvass
 514 the absentee ballot as provided in s. 101.68.
 515 (3) If the voter has not indicated on the Voter's
 516 Certificate that he or she is exempt, the supervisor shall check
 517 the voter registration records to determine if the absentee
 518 ballot request received was in writing or if the voter had
 519 previously notified the supervisor in writing that he or she is
 520 exempt. The envelope may not be opened unless the voter has
 521 previously indicated to the supervisor in writing that he or she
 522 is exempt. The ballot shall be treated as a provisional ballot

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523 until 7 p.m. on election day and may not be canvassed unless the
 524 supervisor has received a written indication of the exemption by
 525 7 p.m. on election day.

526 Section 10. Section 105.071, Florida Statutes, is amended
 527 to read:

528 105.071 Candidates for judicial office; limitations on
 529 political activity.—A candidate for judicial office may shall
 530 not:

531 (1) Participate in any partisan political party activities,
 532 except that such candidate may register to vote as a member of
 533 any political party and may vote in any party primary for
 534 candidates for nomination of the party in which she or he is
 535 registered to vote.

536 (2) Campaign as a member of any political party.

537 (3) Publicly represent or advertise herself or himself as a
 538 member of any political party.

539 (4) Endorse any candidate.

540 (5) Make political speeches other than in the candidate's
 541 own behalf.

542 (6) Make contributions to political party funds.

543 (7) Accept contributions from any political party.

544 (8) Solicit contributions for any political party.

545 (9) Accept or retain a place on any political party
 546 committee.

547 (10) Make any contribution to any person, group, or
 548 organization for its endorsement to judicial office.

549 (11) Agree to pay all or any part of any advertisement
 550 sponsored by any person, group, or organization wherein the
 551 candidate may be endorsed for judicial office by any such

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552 person, group, or organization.

553

554 A candidate for judicial office or retention therein who
 555 violates ~~the provisions of~~ this section is liable for a civil
 556 fine not to exceed of up to \$1,000 per count pursuant to s.
 557 106.265 to be determined by the Florida Elections Commission.

558 Section 11. Paragraph (b) of subsection (1) and paragraph
 559 (b) of subsection (8) of section 106.07, Florida Statutes, are
 560 amended to read:

561 106.07 Reports; certification and filing.—

562 (1) Each campaign treasurer designated by a candidate or
 563 political committee pursuant to s. 106.021 shall file regular
 564 reports of all contributions received, and all expenditures
 565 made, by or on behalf of such candidate or political committee.
 566 Except as provided in paragraphs (a) and (b), reports shall be
 567 filed on the 10th day following the end of each calendar month
 568 from the time the campaign treasurer is appointed, except that,
 569 if the 10th day following the end of a calendar month occurs on
 570 a Saturday, Sunday, or legal holiday, the report shall be filed
 571 on the next following day that is not a Saturday, Sunday, or
 572 legal holiday. Monthly reports shall include all contributions
 573 received and expenditures made during the calendar month which
 574 have not otherwise been reported pursuant to this section.

575 (b) Any other candidate, or a political committee required
 576 to file reports with a filing officer other than the division,
 577 must file reports on the 60th, 46th, 32nd, 25th, 18th, 11th, and
 578 4th days day immediately preceding both the primary election,
 579 ~~and biweekly on each Friday thereafter through and including the~~
 580 ~~4th day immediately preceding the general election, with~~

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581 ~~additional reports due on the 25th and 11th days before the~~
582 ~~primary election and the general election.~~

583 (8)

584 (b) Upon determining that a report is late, the filing
585 officer shall immediately notify the candidate or chair of the
586 political committee as to the failure to file a report by the
587 designated due date and that a fine is being assessed for each
588 late day. The fine is \$50 per day for the first 7 ~~3~~ days late
589 and, thereafter, \$500 per day for each late day, not to exceed
590 25 percent of the total receipts or expenditures, whichever is
591 greater, for the period covered by the late report. However, for
592 the reports immediately preceding each special primary election,
593 special election, primary election, and general election, the
594 fine is \$500 per day for each late day, not to exceed 25 percent
595 of the total receipts or expenditures, whichever is greater, for
596 the period covered by the late report. For reports required
597 under s. 106.141(8), the fine is \$50 per day for each late day,
598 not to exceed 25 percent of the total receipts or expenditures,
599 whichever is greater, for the period covered by the late report.
600 Upon receipt of the report, the filing officer shall determine
601 the amount of the fine which is due and shall notify the
602 candidate or chair or registered agent of the political
603 committee. The filing officer shall determine the amount of the
604 fine due based upon the earliest of the following:

- 605 1. When the report is actually received by such officer.
- 606 2. When the report is postmarked.
- 607 3. When the certificate of mailing is dated.
- 608 4. When the receipt from an established courier company is
609 dated.

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610 5. When the electronic receipt issued pursuant to s.
611 106.0705 or other electronic filing system authorized in this
612 section is dated.

613
614 Such fine shall be paid to the filing officer within 20 days
615 after receipt of the notice of payment due, unless appeal is
616 made to the Florida Elections Commission pursuant to paragraph
617 (c). Notice is deemed complete upon proof of delivery of written
618 notice to the mailing or street address on record with the
619 filing officer. In the case of a candidate, such fine is not an
620 allowable campaign expenditure and shall be paid only from
621 personal funds of the candidate. An officer or member of a
622 political committee is not personally liable for such fine.

623 Section 12. Paragraph (c) of subsection (1) and paragraph
624 (b) of subsection (7) of section 106.0703, Florida Statutes, are
625 amended to read:

626 106.0703 Electioneering communications organizations;
627 reporting requirements; certification and filing; penalties.—

628 (1)

629 (c) For an electioneering communications organization
630 required to file reports with a filing officer other than the
631 division, reports must be filed on the 60th, 46th, 32nd, 25th,
632 18th, 11th, and 4th days ~~day~~ immediately preceding both the
633 primary election, ~~and biweekly on each Friday thereafter through~~
634 ~~and including the 4th day immediately preceding the general~~
635 ~~election, with additional reports due on the 25th and 11th days~~
636 ~~before the primary election and the general election.~~

637 (7)

638 (b) Upon determining that a report is late, the filing

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639 officer shall immediately notify the electioneering
640 communications organization as to the failure to file a report
641 by the designated due date and that a fine is being assessed for
642 each late day. The fine shall be \$50 per day for the first 7 ~~3~~
643 days late and, thereafter, \$500 per day for each late day, not
644 to exceed 25 percent of the total receipts or expenditures,
645 whichever is greater, for the period covered by the late report.
646 However, for the reports immediately preceding each primary and
647 general election, the fine shall be \$500 per day for each late
648 day, not to exceed 25 percent of the total receipts or
649 expenditures, whichever is greater, for the period covered by
650 the late report. Upon receipt of the report, the filing officer
651 shall determine the amount of the fine which is due and shall
652 notify the electioneering communications organization. The
653 filing officer shall determine the amount of the fine due based
654 upon the earliest of the following:

- 655 1. When the report is actually received by such officer.
- 656 2. When the report is postmarked.
- 657 3. When the certificate of mailing is dated.
- 658 4. When the receipt from an established courier company is
659 dated.
- 660 5. When the electronic receipt issued pursuant to s.
661 106.0705 or other electronic filing system authorized in this
662 section is dated.

663
664 Such fine shall be paid to the filing officer within 20 days
665 after receipt of the notice of payment due, unless appeal is
666 made to the Florida Elections Commission pursuant to paragraph
667 (c). Notice is deemed sufficient upon proof of delivery of

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668 written notice to the mailing or street address on record with
669 the filing officer. An officer or member of an electioneering
670 communications organization shall not be personally liable for
671 such fine.

672 Section 13. Section 106.25, Florida Statutes, is amended to
673 read:

674 106.25 Reports of alleged violations to Florida Elections
675 Commission; disposition of findings.—

676 (1) Jurisdiction to investigate and determine violations of
677 s. 105.071, this chapter, or ~~and~~ chapter 104 is vested in the
678 Florida Elections Commission; however, nothing in this section
679 limits the jurisdiction of any other officers or agencies of
680 government empowered by law to investigate, act upon, or dispose
681 of alleged violations of this code.

682 (2) The commission shall investigate all violations of s.
683 105.071, this chapter, and chapter 104, but only after having
684 received either a sworn complaint or information reported to it
685 under this subsection by the Division of Elections. Such sworn
686 complaint must be based upon personal information or information
687 other than hearsay. Any person, other than the division, having
688 information of any violation of s. 105.071, this chapter, or
689 chapter 104 shall file a sworn complaint with the commission.
690 The commission shall investigate only those alleged violations
691 specifically contained within the sworn complaint. If a ~~any~~
692 complainant fails to allege all violations that arise from the
693 facts or allegations alleged in a complaint, the commission
694 shall be barred from investigating a subsequent complaint from
695 such complainant which ~~that~~ is based upon such facts or
696 allegations that were raised or could have been raised in the

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697 first complaint. If the complaint includes allegations of
 698 violations relating to expense items reimbursed by a candidate,
 699 committee, or organization to the campaign account before a
 700 sworn complaint is filed, the commission shall be barred from
 701 investigating such allegations. Such sworn complaint ~~must shall~~
 702 state whether a complaint of the same violation has been made to
 703 any state attorney. Within 5 days after receipt of a sworn
 704 complaint, the commission ~~must mail shall transmit~~ a copy of the
 705 complaint to the alleged violator at the last address of record
 706 on file with his or her filing officer, or such other mailing
 707 address known to the commission. If the executive director finds
 708 that the complaint is legally insufficient, the commission must
 709 mail a letter containing the finding to the alleged violator at
 710 the last address of record on file with his or her filing
 711 officer, or such other mailing address known to the commission.
 712 ~~The respondent shall have 14 days after receipt of the complaint~~
 713 ~~to file an initial response, and the executive director may not~~
 714 ~~determine the legal sufficiency of the complaint during that~~
 715 ~~time period.~~ If the executive director finds that the complaint
 716 is legally sufficient, the respondent shall be notified of such
 717 finding by letter, which sets forth the statutory provisions
 718 alleged to have been violated and the alleged factual basis that
 719 supports the finding. The letter and a copy of the complaint
 720 shall be served on the respondent as provided by law, or by
 721 certified mail, return receipt signed by the respondent or by an
 722 individual authorized to receive mail at the residence or
 723 principal place of business of the respondent. The respondent
 724 may file an initial response within 14 days after service,
 725 during which time the commission may not commence an

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726 investigation. The executive director must reexamine the
 727 determination of legal sufficiency upon receipt of a timely-
 728 filed response, and may modify or reverse the original finding
 729 of legal sufficiency as warranted by the new information. If the
 730 executive director modifies or reverses the determination of
 731 legal sufficiency, the commission must serve the amended finding
 732 on the respondent in the same manner as the original letter of
 733 legal sufficiency. All sworn complaints alleging violations of
 734 the Florida Election Code over which the commission has
 735 jurisdiction shall be filed with the commission within 2 years
 736 after the alleged violations. The period of limitations is
 737 tolled on the day a sworn complaint is filed with the
 738 commission. The complainant may withdraw the sworn complaint at
 739 any time before ~~prior to~~ a probable cause hearing if good cause
 740 is shown. Withdrawal shall be requested in writing, signed by
 741 the complainant, and witnessed by a notary public, stating the
 742 facts and circumstances constituting good cause. The executive
 743 director shall prepare a written recommendation regarding
 744 disposition of the request, which shall be given to the
 745 commission together with the request. The term "good cause"
 746 shall be determined based upon the legal sufficiency or
 747 insufficiency of the complaint to allege a violation and the
 748 reasons given by the complainant for wishing to withdraw the
 749 complaint. If withdrawal is permitted, the commission must close
 750 the investigation and the case. No further action may be taken.
 751 The complaint becomes ~~will become~~ a public record at the time of
 752 withdrawal.
 753 (3) For the purposes of commission jurisdiction, a
 754 violation means ~~shall mean~~ the willful performance of an act

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 755 prohibited by s. 105.071, this chapter, or chapter 104 or the
 756 willful failure to perform an act required by this chapter or
 757 chapter 104. The commission may not by rule determine what
 758 constitutes willfulness or further define the term "willful" for
 759 purposes of s. 105.071, this chapter, or chapter 104.
 760 Willfulness is a determination of fact; however, at the request
 761 of the respondent at any time after probable cause is found,
 762 willfulness may be considered and determined in an informal
 763 hearing before the commission.

764 (4) The commission shall undertake a preliminary
 765 investigation to determine if the facts alleged in a sworn
 766 complaint or a matter initiated by the division constitute
 767 probable cause to believe that a violation has occurred. Upon
 768 commencement of an investigation, the respondent shall provide a
 769 current mailing address and, if available, a valid e-mail
 770 address. If the respondent provides an e-mail address, and
 771 consents in writing to receive documents electronically, any
 772 subsequent document sent or served by the commission pursuant to
 773 this chapter may be transmitted electronically rather than by
 774 regular or certified mail. Failure to notify the commission in
 775 writing within 10 days after a change of mailing address, or a
 776 change of e-mail address after consenting to receive documents
 777 electronically, during the pendency of a case, constitutes a
 778 violation of this chapter. Notwithstanding s. 106.25(2), a
 779 complaint may be amended by the commission at any time during
 780 the pendency of a case to include such violation.

781 (a) When the investigator's report is completed, the
 782 executive director shall notify the respondent that the report
 783 is completed and shall send to the respondent a copy of the

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 784 investigator's report. Notice is deemed complete upon mailing of
 785 the report to the mailing address on record with the commission,
 786 or to the e-mail address if the respondent has consented to
 787 receive documents electronically. The investigatory file and
 788 main complaint file ~~must~~ shall be open for inspection by the
 789 respondent and the respondent's counsel at that time, and copies
 790 may be obtained at no more than cost.

791 (b) The respondent shall be given at least ~~not less than~~ 14
 792 days from the date of mailing of the investigator's report to
 793 file with the commission a written response to the
 794 investigator's report. This time period may be shortened with
 795 the consent of the respondent, or without the consent of the
 796 respondent when the passage of time could reasonably be expected
 797 to render moot the ultimate disposition of the matter by the
 798 commission so long as reasonable notice under the circumstances
 799 is given.

800 (c) Counsel for the commission shall review the
 801 investigator's report and shall make a written recommendation to
 802 the commission for the disposition of the complaint. If the
 803 counsel for the commission recommends that the commission find
 804 probable cause, the recommendation shall include a statement of
 805 what charges shall be at issue. A copy of the recommendation
 806 shall be furnished to the respondent. Notice is deemed complete
 807 upon mailing of the recommendation to the mailing address on
 808 record with the commission or to the e-mail address if the
 809 respondent has consented to receive documents electronically.
 810 The respondent shall be given at least ~~not less than~~ 14 days
 811 from the date of mailing of the recommendation of counsel for
 812 the commission to file with the commission a written response to

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 813 the recommendation. This time period may be shortened with the
 814 consent of the respondent, or without the consent of the
 815 respondent when the passage of time could reasonably be expected
 816 to render moot the ultimate disposition of the matter by the
 817 commission, so long as the recommendation is furnished to the
 818 respondent within a reasonable period of time under the
 819 circumstances.

820 (d) The respondent and each complainant, their counsel, and
 821 the counsel for the commission shall be permitted to attend the
 822 hearing at which the probable cause determination is made.
 823 Notice of the hearing shall be sent to the respondent, each
 824 complainant, and counsel for the commission at least 14 days
 825 before the hearing. This time period may be shortened with the
 826 consent of the respondent, or without the consent of the
 827 respondent when the passage of time could reasonably be expected
 828 to render moot the ultimate disposition of the matter by the
 829 commission, so long as the notice is furnished within a
 830 reasonable period of time under the circumstances.

831 (e) The probable cause determination is the conclusion of
 832 the preliminary investigation. The respondent and the counsel
 833 for the commission shall be permitted to make brief oral
 834 statements in the nature of oral argument to the commission,
 835 based on the investigator's report, before the probable cause
 836 determination. The commission's determination shall be based
 837 upon the investigator's report, the recommendation of counsel
 838 for the commission, the complaint, and staff recommendations, as
 839 well as any written statements submitted by the respondent and
 840 any oral statements made at the hearing. ~~No~~ Testimony or other
 841 evidence may not ~~will~~ be accepted at the hearing.

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 842 (f) At its meeting to determine probable cause, the
 843 commission may continue its determination to allow further
 844 investigation; may order the issuance of a public report of its
 845 investigation if it finds no probable cause to believe that
 846 there has been a violation of s. 105.071, this chapter, or
 847 chapter 104, concluding the matter before it; may order a final,
 848 public hearing of the complaint if it finds probable cause to
 849 believe that there has been a violation of s. 105.071, this
 850 chapter, or chapter 104; or may take such other action as it
 851 deems necessary to resolve the complaint, consistent with due
 852 process of law. In making its determination, the commission may
 853 consider:

- 854 1. The sufficiency of the evidence against the respondent,
 855 as contained in the investigator's report;
- 856 2. The admissions and other stipulations of the respondent,
 857 if any;
- 858 3. The nature and circumstances of the respondent's
 859 actions;
- 860 4. The expense of further proceedings; and
- 861 5. Such other factors as it deems material to its decision.

862 If the commission finds probable cause, the commission shall
 863 determine what charges shall be at issue.

864 (g) If no probable cause is found, the commission shall
 865 dismiss the case, and the case becomes ~~shall become~~ a matter of
 866 public record, except as otherwise provided in this section,
 867 together with a written statement of the findings of the
 868 preliminary investigation and a summary of the facts which the
 869 commission shall send to the complainant and the alleged
 870

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 871 violator. A finding of no probable cause by the commission is a
 872 full adjudication of all such matters. The commission may not
 873 charge a respondent in a subsequent complaint alleging
 874 violations based upon the same actions, nonactions, or
 875 circumstances in which ~~wherein~~ the commission found no probable
 876 cause.

877 (h) If probable cause is found, the commission shall so
 878 notify the complainant and the alleged violator in writing.
 879 Notice is deemed complete upon mailing of the order to the
 880 mailing address on record with the commission or to the e-mail
 881 address if the respondent has consented to receive documents
 882 electronically. All documents made or received in the
 883 disposition of the complaint ~~shall~~ become public records upon a
 884 finding by the commission.

885 (i)1. Upon a commission finding of probable cause, the
 886 counsel for the commission shall attempt to reach a consent
 887 agreement with the respondent. At any time, the commission may
 888 enter into a consent order with a respondent without requiring
 889 the respondent to admit to a violation of law within the
 890 jurisdiction of the commission.

891 2. A consent agreement is not binding upon either party
 892 unless and until it is signed by the respondent and by counsel
 893 for the commission upon approval by the commission.

894 3. Nothing herein shall be construed to prevent the
 895 commission from entering into a consent agreement with a
 896 respondent before ~~prior to~~ a commission finding of probable
 897 cause if a respondent indicates in writing a desire to enter
 898 into negotiations directed towards reaching such a consent
 899 agreement. Any consent agreement reached under this subparagraph

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 900 is subject to the provisions of subparagraph 2. and shall have
 901 the same force and effect as a consent agreement reached after
 902 the commission finding of probable cause.

903 (j) If a consent agreement is reached between the
 904 commission and the respondent, counsel for the commission shall
 905 send a copy of the signed agreement to both complainant and
 906 respondent.

907
 908 In a case where probable cause is found, the commission shall
 909 make a preliminary determination to consider the matter or to
 910 refer the matter to the state attorney for the judicial circuit
 911 in which the alleged violation occurred. Notwithstanding any
 912 other provisions of this section, the commission may, at its
 913 discretion, dismiss any complaint at any stage of disposition if
 914 it determines that the public interest would not be served by
 915 proceeding further, in which case the commission shall issue a
 916 public report stating with particularity its reasons for the
 917 dismissal.

918 (5) A person alleged by the ~~Elections~~ commission to have
 919 committed a violation of s. 105.071, this chapter, or chapter
 920 104 may elect, as a matter of right, within 30 days after the
 921 date of the filing of the commission's allegations, to have a
 922 formal administrative hearing conducted by an administrative law
 923 judge in the Division of Administrative Hearings. The
 924 administrative law judge in such proceedings shall enter a final
 925 order, which may include the imposition of civil penalties,
 926 subject to appeal as provided in s. 120.68. If the person does
 927 not elect to have a hearing by an administrative law judge and
 928 does not elect to resolve the complaint by a consent order, the

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929 person is entitled to a formal or informal hearing conducted
930 before the commission.

931 (6) Upon determining whether the respondent committed a
932 violation of s. 105.071, this chapter, or chapter 104, the
933 commission shall notify the respondent of its decision. Notice
934 is deemed complete upon mailing of the order to the mailing
935 address on record with the commission or to the respondent's e-
936 mail address if the respondent has consented to receive
937 documents electronically.

938 ~~(7)(6)~~ It is the duty of A state attorney receiving a
939 complaint referred by the commission shall ~~to~~ investigate the
940 complaint promptly and thoroughly; to undertake such criminal or
941 civil actions as are justified by law; and to report to the
942 commission the results of such investigation, the action taken,
943 and the disposition thereof. The failure or refusal of a state
944 attorney to prosecute or to initiate action upon a complaint or
945 a referral by the commission may ~~shall~~ not bar further action by
946 the commission under this chapter.

947 ~~(8)(7)~~ Every sworn complaint filed pursuant to this chapter
948 with the commission, every investigation and investigative
949 report or other paper of the commission with respect to a
950 violation of this chapter or chapter 104, and every proceeding
951 of the commission with respect to a violation of this chapter or
952 chapter 104 is confidential, is exempt from the provisions of
953 ss. 119.07(1) and 286.011, and is exempt from publication in the
954 Florida Administrative Register of any notice or agenda with
955 respect to any proceeding relating to such violation, except
956 under the following circumstances:

957 (a) As provided in subsection ~~(7)(6)~~;

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958 (b) Upon a determination of probable cause or no probable
959 cause by the commission; or

960 (c) For proceedings conducted with respect to appeals of
961 fines levied by filing officers for the late filing of reports
962 required by this chapter.

963
964 However, a complainant is not bound by the confidentiality
965 provisions of this section. In addition, confidentiality may be
966 waived in writing by the person against whom the complaint has
967 been filed or the investigation has been initiated. If a finding
968 of probable cause in a case is entered within 30 days before
969 ~~prior to~~ the date of the election with respect to which the
970 alleged violation occurred, such finding and the proceedings and
971 records relating to such case may ~~shall~~ not become public until
972 noon of the day following such election. When two or more
973 persons are being investigated by the commission with respect to
974 an alleged violation of this chapter or chapter 104, the
975 commission may not publicly enter a finding of probable cause or
976 no probable cause in the case until a finding of probable cause
977 or no probable cause for the entire case has been determined.
978 However, once the confidentiality of any case has been breached,
979 the person or persons under investigation have the right to
980 waive the confidentiality of the case, thereby opening up the
981 proceedings and records to the public. Any person who discloses
982 any information or matter made confidential by the provisions of
983 this subsection commits a misdemeanor of the first degree,
984 punishable as provided in s. 775.082 or s. 775.083.

985 ~~(9)(8)~~ A Any person who files a complaint pursuant to this
986 section while knowing that the allegations contained in such

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987 complaint are false or without merit commits a misdemeanor of
 988 the first degree, punishable as provided in s. 775.082 or s.
 989 775.083.

990 ~~(10)(9)~~ The commission shall maintain a database of all
 991 final orders and agency actions. Such database shall be
 992 available to the public and shall be maintained in such a manner
 993 as to be searchable, at a minimum, by issue, statutes,
 994 individuals, or entities referenced.

995 Section 14. Section 106.265, Florida Statutes, is amended
 996 to read:

997 106.265 Civil penalties.—

998 (1) The commission or, in cases referred to the Division of
 999 Administrative Hearings pursuant to s. 106.25(5), the
 1000 administrative law judge is authorized upon the finding of a
 1001 violation of s. 105.071, this chapter, or chapter 104 to impose
 1002 civil penalties in the form of fines not to exceed \$1,000 per
 1003 count, or, if applicable, to impose a civil penalty as provided
 1004 in s. 104.271 or s. 106.19.

1005 (2) In determining the amount of such civil penalties, the
 1006 commission or administrative law judge shall consider, among
 1007 other mitigating and aggravating circumstances:

1008 (a) The gravity of the act or omission;

1009 (b) Any previous history of similar acts or omissions;

1010 (c) The appropriateness of such penalty to the financial
 1011 resources of the person, political committee, affiliated party
 1012 committee, electioneering communications organization, or
 1013 political party; and

1014 (d) Whether the person, political committee, affiliated
 1015 party committee, electioneering communications organization, or

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1016 political party has shown good faith in attempting to comply
 1017 with the provisions of s. 105.071, this chapter, or chapter 104.

1018 (3) If ~~a any~~ person, political committee, affiliated party
 1019 committee, electioneering communications organization, or
 1020 political party fails or refuses to pay to the commission any
 1021 civil penalties assessed pursuant to the provisions of this
 1022 section, the commission shall be responsible for collecting the
 1023 civil penalties resulting from such action. Notwithstanding any
 1024 provision of chapter 120, any fine imposed under this section
 1025 which remains unpaid more than 60 days after the order imposing
 1026 the fine has been mailed to the respondent shall be deemed a
 1027 judgment for purposes of this section.

1028 (4) Once an order imposing a fine has been deemed a
 1029 judgment pursuant to subsection (3), the commission shall
 1030 attempt to determine whether the individual owing such a fine is
 1031 a current public officer or current public employee. If so, the
 1032 commission may notify the Chief Financial Officer or the
 1033 governing body of the appropriate county, municipality, or
 1034 special district of the total amount of any fine owed to the
 1035 commission by such individual.

1036 (a) After receipt and verification of the notice from the
 1037 commission, the Chief Financial Officer or the governing body of
 1038 the county, municipality, or special district shall begin
 1039 withholding the lesser of 10 percent or the maximum amount
 1040 allowed under federal law from any salary-related payment, up to
 1041 a maximum of \$2,000 in the aggregate. The withheld payments
 1042 shall be remitted to the commission until the fine is satisfied
 1043 or the maximum \$2,000 is remitted.

1044 (b) The Chief Financial Officer or the governing body of

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1045 the county, municipality, or special district may retain an
 1046 amount of each withheld payment, as provided in s. 77.0305, to
 1047 cover the administrative costs incurred under this subsection.

1048 (5) If the commission determines that the individual
 1049 against whom a judgment has been rendered is not a public
 1050 officer or public employee, or it is unable to determine whether
 1051 the individual is a current public officer or public employee,
 1052 the commission may seek garnishment of the individual's wages up
 1053 to a maximum of \$2,000 in the aggregate, pursuant to chapter 77.

1054 (6) If any fine imposed under subsection (3) is not fully
 1055 satisfied pursuant to subsection (4) or subsection (5), the
 1056 commission may seek enforcement of the order imposing the fine
 1057 or the remaining portion thereof in circuit court as provided in
 1058 s. 120.69 and may use any means authorized by law to enforce the
 1059 judgment. Within 120 days after recordation of the judgment in
 1060 circuit court, the commission shall report the unpaid fines, or
 1061 any portion thereof, as an accounts receivable to the
 1062 appropriate collection agency, as directed by the Chief
 1063 Financial Officer, to utilize any collection methods provided by
 1064 law.

1065 (7) Action may be taken to collect any unpaid fine imposed
 1066 by this section within 20 years after the date the final order
 1067 is rendered.

1068 (8)(4) Any civil penalty collected pursuant to the
 1069 provisions of this section shall be deposited into the General
 1070 Revenue Fund.

1071 (9)(5) Any fine assessed pursuant to this chapter shall be
 1072 deposited into the General Revenue Fund.

1073 (10)(6) In any case in which the commission determines that

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1074 a person has filed a complaint against another person with a
 1075 malicious intent to injure the reputation of the person
 1076 complained against by filing the complaint with knowledge that
 1077 the complaint contains one or more false allegations or with
 1078 reckless disregard for whether the complaint contains false
 1079 allegations of fact material to a violation of s. 105.071, this
 1080 chapter, or chapter 104, the complainant shall be liable for
 1081 costs and reasonable attorney ~~attorney's~~ fees incurred in the
 1082 defense of the person complained against, including the costs
 1083 and reasonable attorney ~~attorney's~~ fees incurred in proving
 1084 entitlement to and the amount of costs and fees. If the
 1085 complainant fails to pay such costs and fees voluntarily within
 1086 30 days following such finding by the commission, the commission
 1087 shall forward such information to the Department of Legal
 1088 Affairs, which shall bring a civil action ~~in a court of~~
 1089 ~~competent jurisdiction~~ to recover the amount of such costs and
 1090 fees awarded by the commission.

1091 Section 15. This act shall take effect upon becoming a law.

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 1662

INTRODUCER: Ethics and Elections Committee

SUBJECT: Public Records and Meetings/Florida Elections Commission

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Fox</u>	<u>Roberts</u>		EE SPB 7070 as introduced
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Pre-meeting
2.	_____	_____	<u>AP</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1662 is a public records and meetings exemption bill linked to SB 1660 — a bill clarifying that the Florida Elections Commission may enforce violations for certain political activities by judicial candidates. This bill creates a temporary public records and meetings exemption that parallels those currently in use with respect to other alleged election and campaign finance violations in Chapters 104 and 106.

This new exemption is scheduled to sunset and stands repealed pursuant to Open Government Sunset Review on October 2, 2019, unless reenacted by the Legislature.

Because this bill creates new public records and meetings exemptions, it requires a two-thirds vote of the members present and voting in each house for passage.

The bill takes effect on the same date as the linked SB 1660 (upon becoming law), if it passes.

II. Present Situation:

Public Records and Meetings Requirements

The Florida Constitution specifies requirements for public access to government records and meetings. It provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.² The Florida Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at

¹ FLA. CONST., Art. I, s. 24(a).

² *Id.*

which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.³

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁴ guarantees every person's right to inspect and copy any state or local government public record⁵ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁶ The Sunshine Law⁷ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁸

Only the Legislature may create an exemption to public records or public meetings requirements.⁹ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

Exemptions are subject to the Open Government Sunset Review Act,¹³ which prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ It requires the automatic repeal of such exemption on October 2nd of the

³ FLA. CONST., Art. I, s. 24(b).

⁴ Chapter 119, F.S.

⁵ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁶ Section 119.07(1)(a), F.S.

⁷ Section 286.011, F.S.

⁸ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the Florida Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁹ FLA. CONST., Art. I, s. 24(c).

¹⁰ FLA. CONST., Art. I, s. 24(c).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., Art. I, s. 24(c).

¹³ Section 119.15, F.S.

¹⁴ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁵

Florida Elections Commission Proceedings

The Florida Elections Commission's ("the commission") *general jurisdiction statute*¹⁶ empowers the commission to investigate alleged violations of Chapter 104 (election violations, generally) and Chapter 106 (campaign finance), upon the filing of a sworn complaint or upon receipt of information reported to it by the Division of Elections. Current law provides that an elections complaint, investigation, and other documents, as well as related meetings involving Chapter 104 and 106 violations, are temporarily confidential and exempt from disclosure,¹⁷ typically until the commission makes a probable cause determination in the case.¹⁸

The linked bill SB 1660 clarifies that the commission has jurisdiction over s. 105.071, F.S., governing the political activities of judicial candidates, by adding references to s. 105.071, F.S., throughout the commission's general jurisdiction statute. However, expanding the general jurisdiction statute's temporary public records and meetings exemptions that apply to Chapter 104 and Chapter 106 proceedings to include s. 105.071, F.S., requires a separate public records bill.

III. Effect of Proposed Changes:

SB 1662 creates a new temporary public records and meetings exemption for commission records and meetings related to violations of s. 105.071, F.S., which deals with political activities by candidates. This new exemption essentially mirrors the current exemptions for Chapter 104 and 106 cases before the commission, although it's worded a bit differently for bill drafting purposes.¹⁹

Specifically, the bill makes a sworn complaint and an investigation and investigative report or other paper of the commission with respect to a violation of s. 105.071, F.S., temporarily confidential and exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the Florida Constitution. It also makes any portion of a commission proceeding in which a violation of s. 105.071, F.S., is discussed or acted upon temporarily exempt from s. 286.011, F.S.; s. 24(b), Art. I of the Florida Constitution; and s. 120.525, F.S.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 106.25, F.S.

¹⁷ This pre-1993 exemption is grandfathered from the requirements of s. 24, Art. I of the State Constitution. Section 24(d), Art. I of the State Constitution provides for continued recognition of certain public records and meetings exemptions that were in existence when the amendment took effect in 1993.

¹⁸ Section 106.25(7), F.S.

¹⁹ The current public records exemptions for cases involving Chapter 104 and 106 violations pre-date 1993 and, as such, are grandfathered from the requirements of s. 24, Art. I of the State Constitution.. If the new exemption for s. 105.071, F.S., were simply incorporated into the existing statutory language, it would open those current Chapter 104 and 106 exemptions to the broader, more expansive post-1993 constitutional standards regarding public records and meetings and also subject them to sunset review in 5 years pursuant to the Open Government Sunset Review Act..

These new exemptions cease to apply when the commission makes a probable cause determination in the case, when the complaint is referred to a state attorney, or for appellate proceedings conducted with respect to automatic fines levied by filing officers for late-filed campaign finance reports.

The new exemptions automatically sunset on October 2, 2019, unless the legislature reenacts them.

The bill provides the public necessity statement required by the Florida Constitution, and takes effect on the same date that SB 1660 takes effect (upon becoming law), if enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created public records or public meetings exemption. Because this bill creates new public records and meetings exemptions, it requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c), Art. I of the Florida Constitution requires a public necessity statement for a newly created public records or public meetings exemption. Because this bill creates new public records and meetings exemptions, it includes a public necessity statement.

Single Subject

Section 24(c), Art. I of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain only exemptions from constitutional public records and open meetings requirements and provisions governing the enforcement of the section. This bill creates new public records and open meetings exemptions.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is linked to SB 1660, clarifying that the FEC's jurisdiction includes violations of section 105.071, F.S., involving political activities by judicial candidates.

VIII. Statutes Affected:

This bill substantially amends section 106.25, of the Florida Statutes.

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 the Committee on Ethics and Elections

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1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 106.25, F.S.; creating an exemption from
 4 public records requirements for a sworn complaint and
 5 records relating to an investigation, investigative
 6 report, or other paper of the Florida Elections
 7 Commission with respect to violations of limitations
 8 on political activity by candidates for judicial
 9 office; creating an exemption from public meetings
 10 requirements for portions of proceedings of the
 11 Florida Elections Commission in which violations of
 12 limitations on political activity by candidates for
 13 judicial office are discussed or acted upon following
 14 a complaint or relating to an investigation; providing
 15 for future repeal and legislative review of the
 16 exemptions under the Open Government Sunset Review
 17 Act; providing statements of public necessity;
 18 providing a contingent effective date.

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

20 Section 1. Subsection (7) of section 106.25, Florida
 21 Statutes, is amended to read:

22 106.25 Reports of alleged violations to Florida Elections
 23 Commission; disposition of findings.—

24 (7) (a) Every sworn complaint filed pursuant to this chapter
 25 with the commission, every investigation and investigative
 26 report or other paper of the commission with respect to a
 27 violation of this chapter or chapter 104, and every proceeding
 28
 29

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

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30 of the commission with respect to a violation of this chapter or
 31 chapter 104 is confidential, is exempt from the provisions of
 32 ss. 119.07(1) and 286.011, and is exempt from publication in the
 33 Florida Administrative Register of any notice or agenda with
 34 respect to any proceeding relating to such violation, ~~except~~
 35 ~~under the following circumstances:~~

36 (b) A sworn complaint filed with the commission and an
 37 investigation and investigative report or other paper of the
 38 commission with respect to a violation of s. 105.071 is
 39 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 40 of the State Constitution.

41 (c) Any portion of a proceeding of the commission in which
 42 a violation of s. 105.071 is discussed or acted upon pursuant to
 43 a complaint or investigation is exempt from s. 286.011, s.
 44 24(b), Art. I of the State Constitution, and s. 120.525.

45 (d) The exemptions in paragraphs (a)-(c) apply, except
 46 under the following circumstances:

47 1. ~~(a)~~ As provided in subsection (6);

48 2. ~~(b)~~ Upon a determination of probable cause or no probable
 49 cause by the commission; or

50 3. ~~(c)~~ For proceedings conducted with respect to appeals of
 51 finest levied by filing officers for the late filing of reports
 52 required by this chapter.

53 (e) Paragraphs (b) and (c) are subject to the Open
 54 Government Sunset Review Act in accordance with s. 119.15 and
 55 shall stand repealed on October 2, 2019, unless reviewed and
 56 saved from repeal through reenactment by the Legislature.

57
 58 However, a complainant is not bound by the confidentiality

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59 provisions of this section. In addition, confidentiality may be
 60 waived in writing by the person against whom the complaint has
 61 been filed or the investigation has been initiated. If a finding
 62 of probable cause in a case is entered within 30 days prior to
 63 the date of the election with respect to which the alleged
 64 violation occurred, such finding and the proceedings and records
 65 relating to such case ~~may shall~~ not become public until noon of
 66 the day following such election. When two or more persons are
 67 being investigated by the commission with respect to an alleged
 68 violation of s. 105.071, this chapter, or chapter 104, the
 69 commission may not publicly enter a finding of probable cause or
 70 no probable cause in the case until a finding of probable cause
 71 or no probable cause for the entire case has been determined.
 72 However, once the confidentiality of any case has been breached,
 73 the person or persons under investigation have the right to
 74 waive the confidentiality of the case, thereby opening up the
 75 proceedings and records to the public. Any person who discloses
 76 any information or matter made confidential by the provisions of
 77 this subsection commits a misdemeanor of the first degree,
 78 punishable as provided in s. 775.082 or s. 775.083.

79 Section 2. (1) The Legislature finds that it is a public
 80 necessity that a sworn complaint filed with the Florida
 81 Elections Commission, and records relating to an investigation,
 82 investigative report, or other paper of the commission, with
 83 respect to violations on limitations on political activity by
 84 candidates for judicial office be confidential and exempt from
 85 public records requirements. Sworn complaints, and records held
 86 by the commission relating to investigations, of a violation of
 87 chapter 104 or chapter 106, Florida Statutes, relating to

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88 certain violations and penalties of the Florida Election Code
 89 and campaign financing, respectively, have historically been
 90 exempt from public records requirements. This exemption affords
 91 the same confidentiality to such complaints and records relating
 92 to a violation of s. 105.071, Florida Statutes. This exemption
 93 is necessary because the release of such information could be
 94 defamatory to an individual under investigation, cause
 95 unwarranted damage to the reputation of such individual, or
 96 impair the integrity of the investigation. This exemption is
 97 narrowly drawn in that the confidentiality may be waived in
 98 writing by the person against whom the complaint has been filed,
 99 or the investigation has been initiated; or upon the
 100 determination of probable cause or no probable cause by the
 101 commission.

102 (2) The Legislature finds that it is a public necessity
 103 that any portion of a proceeding of the Florida Elections
 104 Commission in which a violation of s. 105.071, Florida Statutes,
 105 is discussed or acted upon following a complaint or relating to
 106 an investigation be exempt from public meetings requirements.
 107 Proceedings of the commission with respect to a violation of
 108 chapter 104 or chapter 106, Florida Statutes, relating to
 109 certain violations and penalties of the Florida Election Code
 110 and campaign financing, respectively, have historically been
 111 exempt from public meetings requirements. This exemption affords
 112 the same protection to discussions or actions pursuant to a
 113 complaint or investigation during any portion of a proceeding of
 114 the commission with respect to an alleged violation of s.
 115 105.071, Florida Statutes. This exemption is necessary because
 116 the release of such information could be defamatory to an

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117 individual under investigation, cause unwarranted damage to the
118 reputation of such individual, or impair the integrity of the
119 investigation. This exemption is narrowly drawn in that it
120 applies only to portions of proceedings of the commission in
121 which such an alleged violation of s. 105.071, Florida Statutes
122 pursuant to a complaint or investigation is discussed or acted
123 upon.

124 Section 3. This act shall take effect on the same date that
125 SB ___ or similar legislation takes effect, if such legislation
126 is adopted in the same legislative session or an extension
127 thereof and becomes a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Finance and Tax
Children, Families, and Elder Affairs
Ethics and Elections
Gaming
Transportation

SENATOR JEFF CLEMENS

27th District

March 17, 2014

Senator Jack Latvala, Chair
Committee on Ethics and Elections
420 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Latvala:

Please excuse my absence from the Committee on Ethics and Elections meeting on March 17, 2014.

Thank you, in advance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Clemens".

Senator Jeff Clemens
Florida Senate District 27

cc: Dawn Roberts, Staff Director

REPLY TO:

- 508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
- 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ANDY GARDINER
13th District

COMMITTEES:
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Chair*
Appropriations
Appropriations Subcommittee on Finance and Tax
Environmental Preservation and Conservation
Ethics and Elections
Gaming
Judiciary
Military Affairs, Space, and Domestic Security
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

March 14, 2014

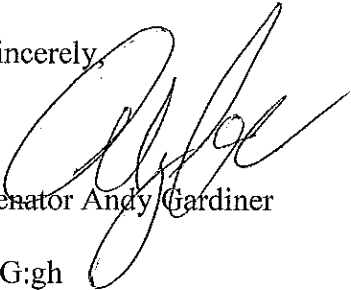
The Honorable Jack Latvala, Chair
Ethics and Elections
420 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Latvala:

I am writing to respectfully request that I be excused from the Committee on Ethics and Elections meeting scheduled for Monday, March 17. I have a previously scheduled commitment in Orlando and will not arrive in Tallahassee until Monday evening.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,


Senator Andy Gardiner

AG:gh

Cc: Dawn Roberts, Staff Director
Diane Vause, Administrative Assistant

REPLY TO:

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Caption: Senate Ethics and Elections

Case:

Judge:

Type:

Started: 3/17/2014 4:32:23 PM

Ends: 3/17/2014 5:24:20 PM

Length: 00:51:58

4:32:24 PM Meeting Called to Order
4:32:27 PM Roll Call
4:32:54 PM Chair Latvala delivers opening remarks
4:33:25 PM Tabs 28 & 29 (SB 1660) and (SB 1662) are TP'd
4:33:55 PM (Tab 25) SB 1474- Local Codes of Ethics
4:34:24 PM SB 1474 is explained by Sen. Abruzzo
4:43:30 PM Chair Latvala asks question
4:44:46 PM Sen. Abruzzo responds
4:45:31 PM Sen. Sobel asks question
4:45:58 PM Sen. Abruzzo responds
4:46:33 PM Late-Filed AM 668188 is explained by Sen. Abruzzo (Adopted)
4:48:01 PM Testimony by Steven Cullen, Exec. Director, Palm Beach County Commission on Ethics
4:50:37 PM Chair Latvala asks for debate
4:50:55 PM Sen. Flores moves to make SB 1474 a committee substitute
4:51:32 PM SB 1474 is recorded favorably as a committee substitute
4:51:46 PM (Tab 27) SB 1632- Special Districts
4:52:06 PM Rachel, Sen. Stargel's aide, explains the bill
4:53:37 PM AM Barcode 629616 is explained by Sen. Stargel
4:54:23 PM AM 629616 adopted
4:54:27 PM Barcode 299302 is introduced by Sen. Sobel as courtesy
4:54:59 PM AM 299302 adopted
4:55:24 PM Testimony by Cheryl Stuart, Association of Florida Community Developers
4:57:40 PM Testimony by Chris Lyon, Florida Association of Special Districts
4:58:22 PM Sen. Stargel closes on the bill to be reported as a committee substitute
4:58:47 PM Roll Call
4:59:12 PM Show SB 1632 recorded Favorable as a Committee Substitute
4:59:38 PM (Tab 24) SB 692 Engineers
4:59:58 PM Sen. Stargel explains bill
5:00:15 PM Roll Call on SB 692
5:00:38 PM Bill is recorded Favorable
5:00:49 PM (Tab 26) SB 1514- Public Records
5:01:09 PM Bill is explained
5:01:43 PM Roll Call on SB 1514
5:02:30 PM Bill is recorded Favorable
5:02:37 PM Executive Appointments (Tabs (1-13) & (15-23)
5:03:13 PM Sen. Flores recommends confirmation of Tabs (1-13) & (15-23)
5:03:32 PM Roll Call on Exec. Appts. Tabs (1-13 & 15-23)
5:03:54 PM Tabs (1-13) & (15-23) recorded Favorable to Recommend Confirm
5:04:08 PM (Tab 14) Executive Appointment of Secretary of Corrections, Michael D. Crews
5:04:34 PM Mr. Crews explains accomplishments
5:13:08 PM Sen. Lee asks question
5:13:50 PM Mr. Crews responds
5:15:43 PM Sen. Lee asks follow-up question
5:15:56 PM Mr. Crews responds
5:16:24 PM Sen. Sobel asks question
5:16:42 PM Mr. Crews responds
5:18:08 PM Sen. Sobel asks follow-up question
5:18:15 PM Mr. Crews responds
5:18:37 PM Sen. Sobel asks question
5:18:44 PM Mr. Crews responds
5:19:31 PM Chair Latvala gives complimentary remarks about Sec. Crews
5:21:55 PM Sen. Joyner makes a comment

5:23:30 PM Motion to recommend confirm and Roll Call on Tab 14
5:23:56 PM Tab 14 is recorded Favorable to Recommend Confirm
5:24:11 PM Sen. Sobel moves to rise