

<b>Tab 11</b>	<b>SB 316 by Stewart;</b> (Identical to H 00203) Environmental Regulation Commission					
109144	A	S	RCS	EE, Hutson	Delete L.44 - 59.	02/13 05:06 PM

<b>Tab 12</b>	<b>SB 582 by Rader;</b> (Identical to H 06009) Write-in Candidate Qualifying					
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<b>Tab 13</b>	<b>SB 1180 by Steube (CO-INTRODUCERS) Brandes;</b> (Compare to CS/CS/H 00815) County and Municipal Public Officers and Employees					
220574	D	S	RCS	EE, Steube	Delete everything after	02/13 05:13 PM

<b>Tab 14</b>	<b>SB 1582 by Bean;</b> Elections					
519698	D	S		EE, Bean	Delete everything after	02/08 04:48 PM

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

**ETHICS AND ELECTIONS**  
**Senator Perry, Chair**  
**Senator Brandes, Vice Chair**

**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Braynon, Hutson, Lee, Passidomo, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Board of Architecture and Interior Design</b>			
1	Nolen, Timothy (Tampa)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
<b>Florida Citrus Commission</b>			
2	Bouldin, David Lee III (Vero Beach)	05/31/2019	Recommend Confirm Yeas 7 Nays 0
<b>Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling</b>			
3	Buller, Jamie (Jacksonville)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
	Gillespy, Susan J. (Atlantic Beach)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Chipola College</b>			
4	Young, Brandon J. ( )	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Indian River State College</b>			
5	Davis, Vicki (Stuart)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Lake-Sumter State College</b>			
6	Butler, Marcia M. (The Villages)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of North Florida Community College</b>			
7	Lyons, Ricky (Mayo)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Florida Commission on Human Relations</b>			
8	Garza, Mario A. (Tampa)	09/30/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Landscape Architecture</b>			
9	Conant, Richard R. (Orlando)	10/31/2021	Recommend Confirm Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, February 13, 2018, 2:00—4:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Delate, Joseph F. (Marco Island)	10/31/2019	Recommend Confirm Yeas 7 Nays 0
	Smith, Phillip J. (Sarasota)	10/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Pharmacy</b>			
10	Mesaros, Jeffrey J. (Orlando)	10/31/2020	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 316</b> Stewart (Identical H 203)	Environmental Regulation Commission; Requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification, etc.  EP 11/06/2017 Favorable EE 02/13/2018 Fav/CS RC	Fav/CS Yeas 7 Nays 0
12	<b>SB 582</b> Rader (Identical H 6009)	Write-in Candidate Qualifying; Repealing provisions relating to write-in candidate residency requirements; repealing a requirement that all write-in candidates must reside within the district represented by the office sought at the time of qualification, etc.  EE 02/13/2018 Favorable CA RC	Favorable Yeas 7 Nays 0
13	<b>SB 1180</b> Steube (Compare CS/CS/H 815)	County and Municipal Public Officers and Employees; Requiring a candidate for an elective municipal office to file a full and public disclosure of financial interests upon qualifying for office; requiring elected county or municipal public officers who are candidates for elective office to make certain campaign finance reports available for posting on their county or municipal websites; requiring elected municipal officers to file a full and public disclosure of financial interests, rather than a statement of financial interests, etc.  EE 02/13/2018 Fav/CS CA RC	Fav/CS Yeas 5 Nays 3

**COMMITTEE MEETING EXPANDED AGENDA**

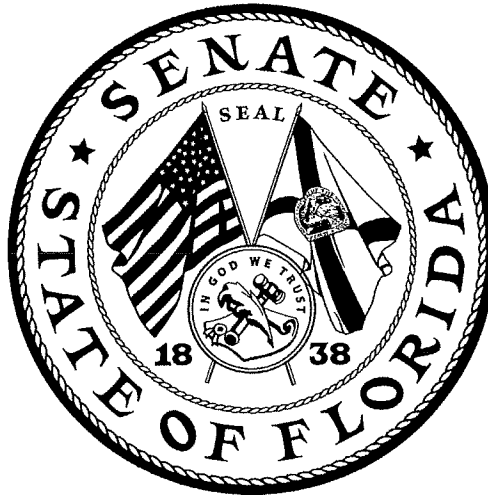
Ethics and Elections

Tuesday, February 13, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>SB 1582</b> Bean	Elections; Repealing a provision which provides reporting requirements for voting history and statewide voter registration system information, precinct-level election results, and precinct-level book closing statistics, etc.  EE      02/13/2018 Temporarily Postponed CA RC	Temporarily Postponed

Other Related Meeting Documents





Committee:

# **ETHICS AND ELECTIONS**

Senator Perry, Chair  
Senator Brandes, Vice Chair

## **Meeting Packet**

Tuesday, February 13, 2018

2:00—4:00 p.m.

Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

ETHICS AND ELECTIONS  
 Senator Perry, Chair  
 Senator Brandes, Vice Chair

**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Braynon, Hutson, Lee, Passidomo, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Board of Architecture and Interior Design</b>			
1	Nolen, Timothy (Tampa)	10/31/2020	
<b>Florida Citrus Commission</b>			
2	Bouldin, David Lee III (Vero Beach)	05/31/2019	
<b>Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling</b>			
3	Buller, Jamie (Jacksonville)	10/31/2020	
	Gillespy, Susan J. (Atlantic Beach)	10/31/2020	
<b>Board of Trustees of Chipola College</b>			
4	Young, Brandon J. ()	05/31/2021	
<b>Board of Trustees of Indian River State College</b>			
5	Davis, Vicki (Stuart)	05/31/2021	
<b>Board of Trustees of Lake-Sumter State College</b>			
6	Butler, Marcia M. (The Villages)	05/31/2021	
<b>Board of Trustees of North Florida Community College</b>			
7	Lyons, Ricky (Mayo)	05/31/2021	
<b>Florida Commission on Human Relations</b>			
8	Garza, Mario A. (Tampa)	09/30/2021	
<b>Board of Landscape Architecture</b>			
9	Conant, Richard R. (Orlando)	10/31/2021	
	Delate, Joseph F. (Marco Island)	10/31/2019	
	Smith, Phillip J. (Sarasota)	10/31/2021	
<b>Board of Pharmacy</b>			
10	Mesaros, Jeffrey J. (Orlando)	10/31/2020	

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, February 13, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 316</b> Stewart (Identical H 203)	Environmental Regulation Commission; Requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification, etc.  EP 11/06/2017 Favorable EE 02/13/2018 RC	
12	<b>SB 582</b> Rader (Identical H 6009)	Write-in Candidate Qualifying; Repealing provisions relating to write-in candidate residency requirements; repealing a requirement that all write-in candidates must reside within the district represented by the office sought at the time of qualification, etc.  EE 02/13/2018 CA RC	
13	<b>SB 1180</b> Steube (Similar CS/H 815)	County and Municipal Public Officers and Employees; Requiring a candidate for an elective municipal office to file a full and public disclosure of financial interests upon qualifying for office; requiring elected county or municipal public officers who are candidates for elective office to make certain campaign finance reports available for posting on their county or municipal websites; requiring elected municipal officers to file a full and public disclosure of financial interests, rather than a statement of financial interests, etc.  EE 02/13/2018 CA RC	
14	<b>SB 1582</b> Bean	Elections; Repealing a provision which provides reporting requirements for voting history and statewide voter registration system information, precinct-level election results, and precinct-level book closing statistics, etc.  EE 02/13/2018 CA RC	

Other Related Meeting Documents

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

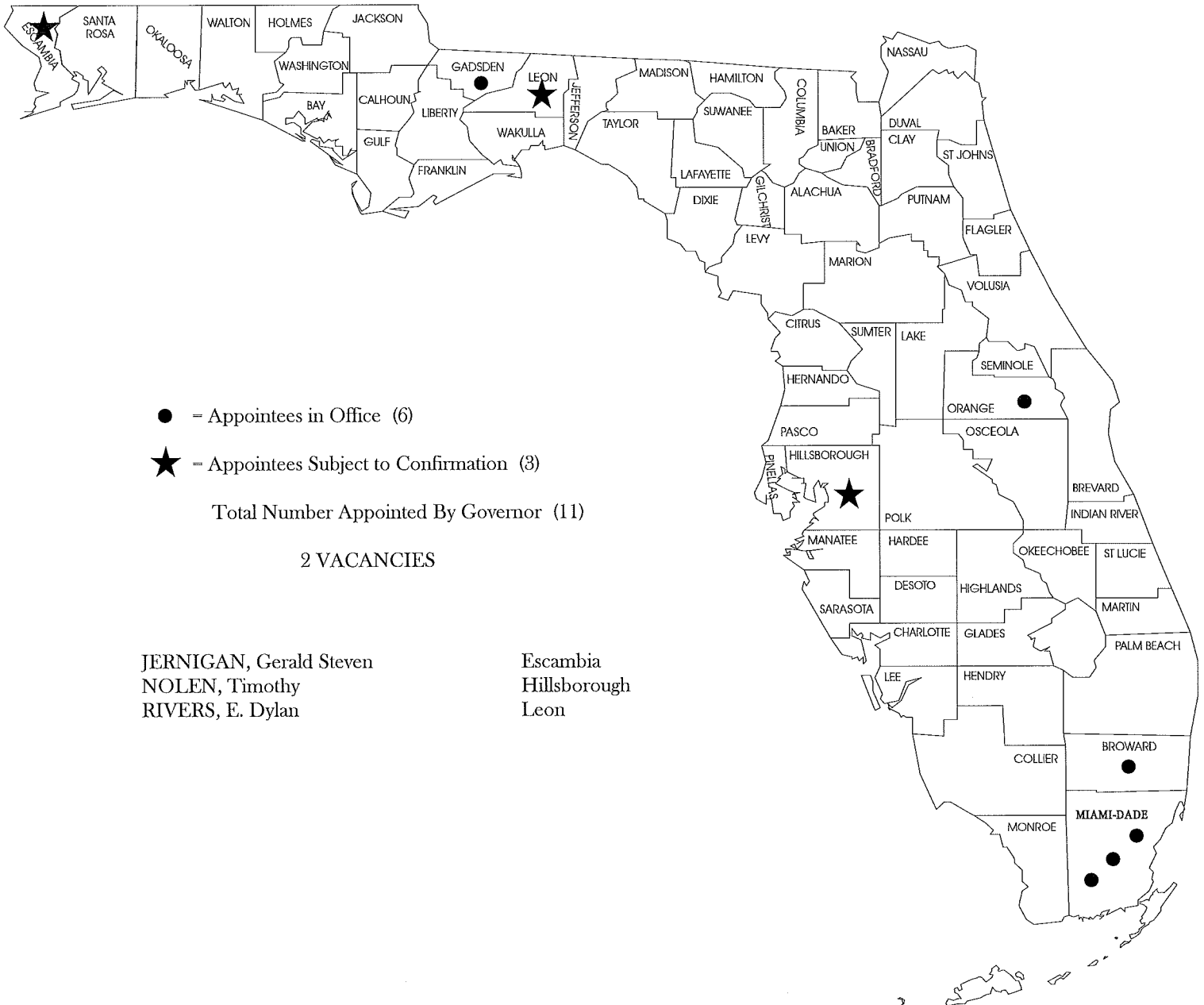
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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Architecture and Interior Design



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Nolen, Timothy  
 Term: 01/12/2018 – 10/31/2020  
 City/County: Tampa/Hillsborough  
 Office: Board of Architecture and Interior Design, Member  
 Authority: 481.205, F.S. & 20.165(4)(a)1, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 01/12/2018  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/18/18
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 1/25/18
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:** Account Executive for Shea Barclay Group

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

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

- Five registered architects who have been engaged in the practice of architecture for at least 5 years;
- Three registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects; and
- Three lay persons who are not and have never been architects, interior designers, or members of any closely related profession or occupation.
- At least one member of the board must be 60 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 - Lay Member

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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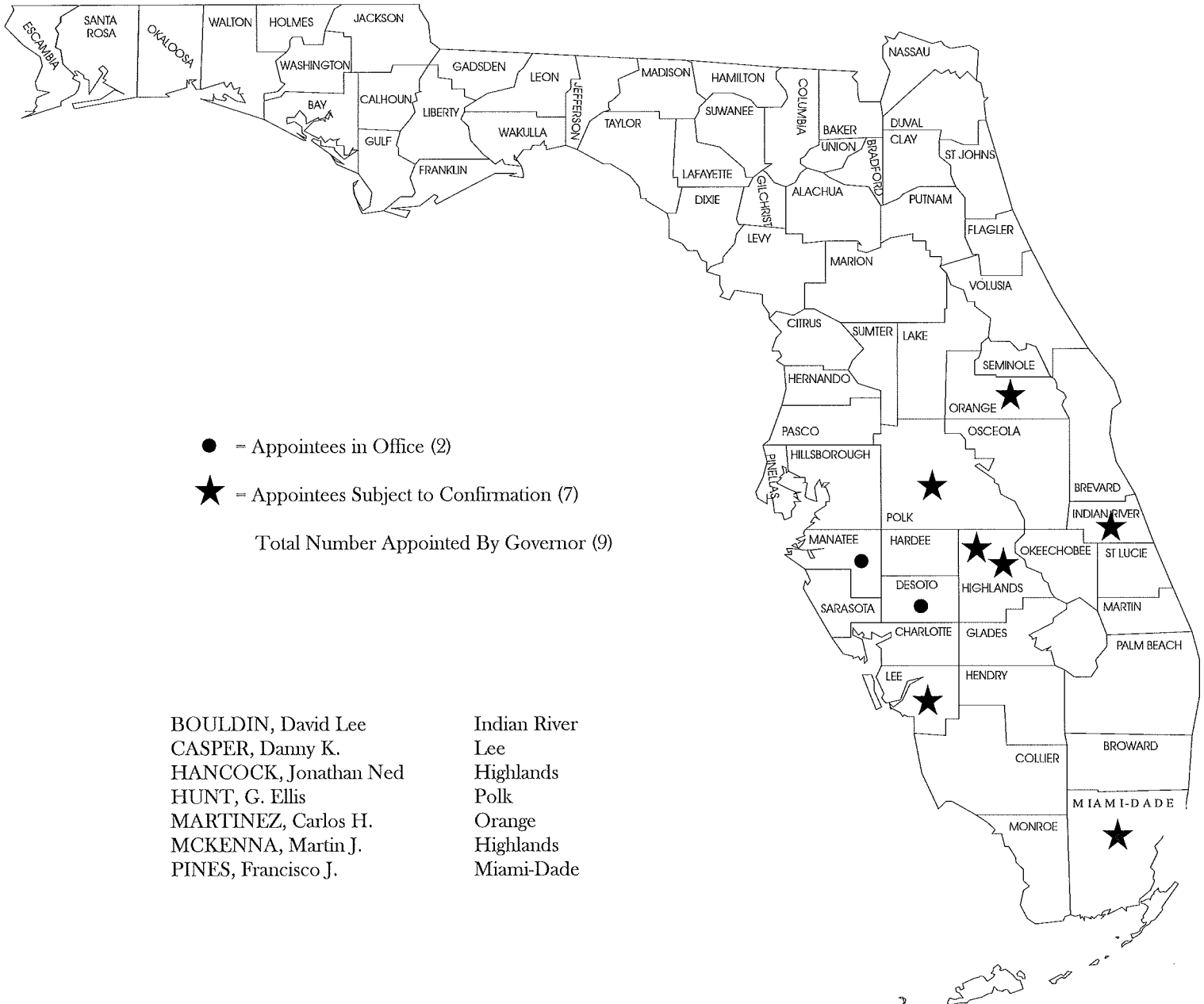
**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building



# Florida Citrus Commission



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Bouldin, David Lee, III

Appointed: 08/09/2017

Term: 08/09/2017 – 05/31/2019

Prior Term:

City/County: Vero Beach/Indian River

Office: Florida Citrus Commission, Member

Authority: 601.04, 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 9/27/17
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 1/25/18
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:** Shipper, DNE World Fruit

**Compensation:** Twenty-five dollars for each day traveling to or from meetings, or in transacting other business; reimbursed for per diem and expenses pursuant to s. 112.061, F.S.

**Requirements:** The Florida Citrus Commission is composed of nine members appointed by the Governor. Each member must be a resident citizen of the state who is and has been actively engaged in the growing, growing and shipping, or growing and processing of citrus fruit in the state for at least 5 years immediately before appointment to the commission and has, during that 5-year period:

1. Derived a major portion of her or his income from such growing, growing and shipping, or growing and processing of citrus fruit; or
2. Been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership that has, during that 5-year period, derived the major portion of its income from such growing, growing and shipping, or growing and processing of citrus fruit.

- Six members of the commission shall be classified as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. Such members may not receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members shall not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others.

- Three members of the commission shall be classified as grower-handler members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in handling citrus fruit. One such member shall be primarily engaged in the fresh fruit business, and two such members shall be primarily engaged in the processing of citrus fruits.

In addition, three commission members shall be appointed from each of the three citrus districts designated in s. 601.09. Members appointed from the same citrus district shall serve staggered terms, such that the term of one of the district's three members expires each year. Each member must reside in the district from which she or he was appointed. For the purposes of this section, a member's residence is her or his actual physical and permanent residence.

The state is divided into three Citrus districts composed of:

(1) Citrus District One: Levy, Alachua, Brevard, Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion, Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola Counties.

(2) Citrus District Two: Hardee, DeSoto, Highlands, and Glades Counties.

(3) Citrus District Three: Charlotte, Citrus, Collier, Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade Counties.

**Additional  
Requirements:**

The members shall be appointed to terms of 3 years each.

To establish staggered terms of members from each citrus district, the terms of members appointed before July 1, 2012, shall be shortened as follows:

- The term of one member from each citrus district shall expire June 30, 2012, and her or his successor shall be appointed to a term beginning July 1, 2012, and expiring May 31, 2015.
- The term of one member from each citrus district shall expire June 30, 2013, and her or his successor shall be appointed to a term beginning July 1, 2013, and expiring May 31, 2016.
- The term of one member from each citrus district shall expire June 30, 2014, and her or his successor shall be appointed to a term beginning July 1, 2014, and ending May 31, 2017.

Subsequent appointments shall be made in accordance with this section.

Appointments shall be made by February 1 preceding the commencement of the term and are subject to confirmation by the Senate in the following legislative session. Each member is eligible for reappointment and shall serve until her or his successor is appointed and qualified. The regular terms begin on June 1 and expire on May 31 of the third year after such appointment.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Grower/Packer District 1  
Number 19 - Mr. Bouldin was the International Marketing Director for the Department of Citrus, 1987-1993.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

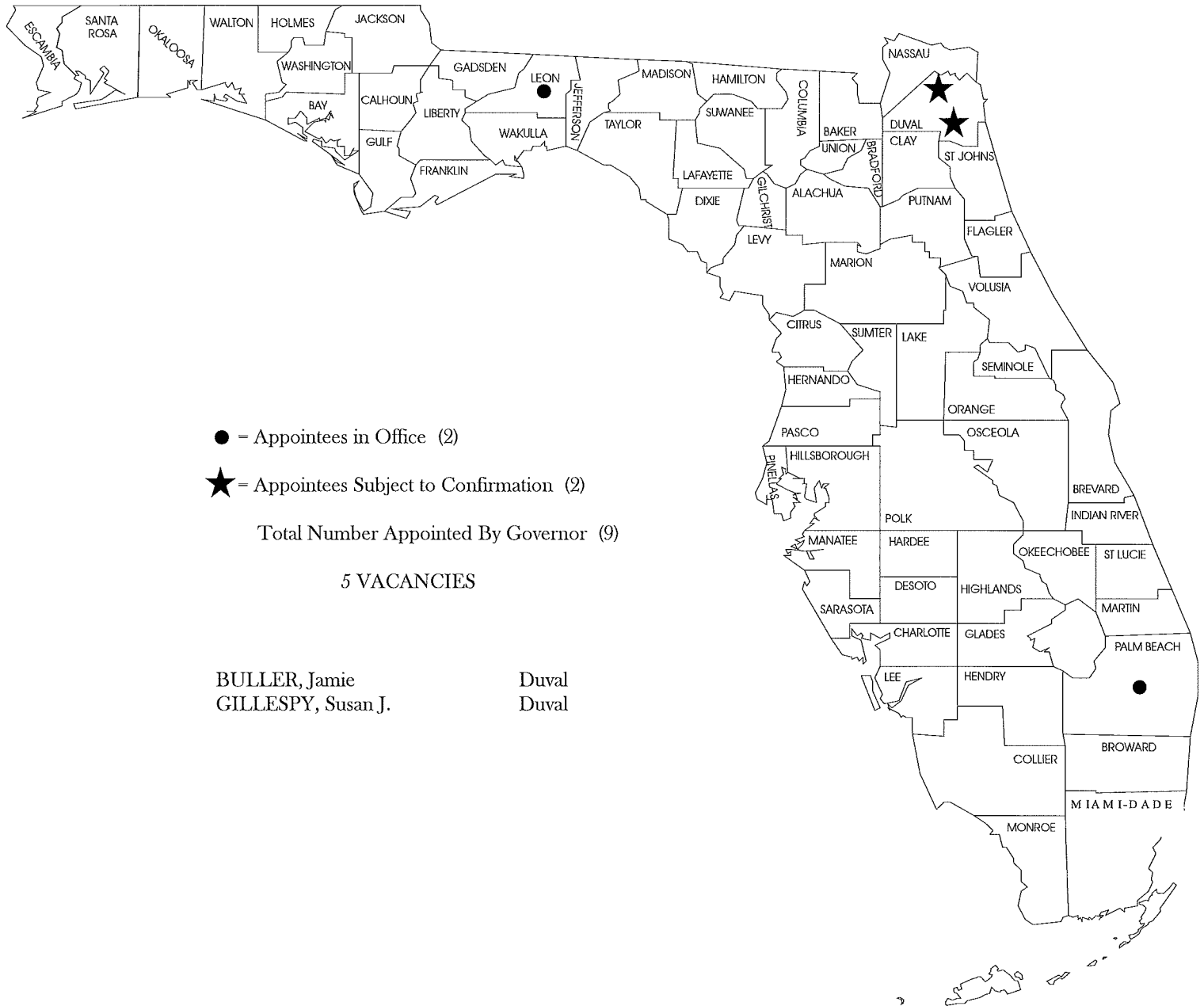
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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

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



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Buller, Jamie  
 Term: 10/20/2017 – 10/31/2020  
 City/County: Jacksonville/Duval  
 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

Appointed: 10/20/2017  
 Prior Term: 08/05/2013 - 10/31/2016

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 5/22/17
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 1/25/18
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:** Director at Community Hospice & Palliative Care

**Attendance:** Attended 17 of 17 meetings (100%) from August 5, 2013 through January 23, 2018.

**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 8 - Licensed Practicing Clinical Social Worker  
Number 18 - Mrs. Buller served on the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling from 1999-2006



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gillespy, Susan J.

Appointed: 10/20/2017

Term: 10/20/2017 – 10/31/2020

Prior Term: 03/06/2013 - 10/31/2016

City/County: Atlantic Beach/Duval

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)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/30/17
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 1/25/18
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:** Self Employed, Licensed MFT, Private Practice

**Attendance:** Attended 19 of 19 meetings (100%) from March 6, 2013 through January 23, 2018.

**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 8 - Ms. Gillespy is a licensed practicing marriage and family therapist.  
Number 18 - Ms. Gillespy has served on the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling since 6/2011.  
Number 19 - Ms. Gillespy was an eligibility specialist for the Department of Health and Rehabilitative Services from 1978 to 1996.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Young, Brandon J.

Appointed: 12/08/2017

Term: 12/08/2017 – 05/31/2021

Prior Term:

City/County: Bonifay/Holmes

Office: Board of Trustees of Chipola 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 8/30/17
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 1/18/18; 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		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:** Assistant State Attorney, 14th Circuit

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

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

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

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

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

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. 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 - Holmes County Resident

Number 11 - The Commission on Ethics reported Complaint (No. 12-217) was filed against Mr. Young alleging he violated s. 112.313(6), F.S., for misuse of public position in his official duties as the Assistant State Attorney for the 14th Judicial Circuit. The complaint was dismissed on 1/30/2013, for legal insufficiency.

Number 15 - Mr. Young serves as the Attorney to the Holmes County Board of County Commission, 9/2017-Present. In addition, he previously served as the Attorney for the Holmes County Board of County Commission from 4/2007-9/2010 and he was the Attorney for City of Bonifay, 2005-2008.

Number 19 - Mr. Young is currently the Assistant State Attorney for the 14th Judicial Circuit, 2002-Present.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Davis, Vicki

Appointed: 12/21/2017

Term: 12/21/2017 – 05/31/2021

Prior Term: 03/28/2014 - 05/31/2017

City/County: Stuart/Martin

Office: Board of Trustees of Indian 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 6 filed as of 1/11/17
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 1/25/18; See Below
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		See Below
19. Present or Past Government Employee			
20. Currently a Registered Lobbyist		X	

**Occupation:** Martin County Supervisor of Elections

**Attendance:** Attended 28 of 38 meetings (74%) from March 28, 2014 through January 23, 2018.

**Attendance Notes:** Mrs. Davis disclosed she was unable to attend several meetings due to work related scheduling conflicts.

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

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

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

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

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

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. 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 - Martin County Resident

Number 10 - Report 2017-172

Number 11 - The Commission on Ethics reported Complaint (No. 02-131) was filed while Mrs. Davis was serving on the Martin County School Board. The complaint alleged she accepted campaign contributions from a lobbyist for the teachers union months before she had an opponent and while teacher contract negotiations were taking place. On 10/30/2002, the complaint was dismissed for legal insufficiency.

Number 17 - Mrs. Davis is the Martin County Supervisor of Elections, 2005-Present.

Number 18 - Mrs. Davis served on the Martin County School Board from 1996-2002. She also served on the Governor's Equity in Educational Opportunity Task Force, 11/99-11/00. Mrs. Davis has served on the Indian River State College since 8/2009.



The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Butler, Marcia M.

Appointed: 01/05/2018

Term: 01/05/2018 – 05/31/2021

Prior Term: 02/27/2014 - 05/31/2017

City/County: The Villages/Sumter

Office: Board of Trustees of Lake-Sumter 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 5/24/17
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 1/25/18
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:** None

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

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

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

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

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

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. 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 - Sumter County Resident

Number 10 - Report 2017-113

Number 18 - Mrs. Butler has served on the Board of Trustees of Lake-Sumter State College since 9/2009.

Number 19 - Mrs. Butler was a teacher in the Pinellas County School System from 1966-1967.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lyons, Ricky

Appointed: 12/21/2017

Term: 12/21/2017 – 05/31/2021

Prior Term: 02/11/2014 - 05/31/2017

City/County: Mayo/Lafayette

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 6 filed as of 6/29/17
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 1/25/18
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:** Farmer

**Attendance:** Attended 36 of 42 meetings (86%) from February 11, 2014 through January 24, 2018.

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

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

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

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

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

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. 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 - Lafayette County Resident

Number 10 - Report 2017-170

Number 18 - Mr. Lyons served as the Lafayette County Clerk of Court from January 1989 to 2016. Mr. Lyons has served on the North Florida Community College since 7/2009.

Number 19 - Mr. Lyons was a Suwannee County High School teacher from 1/81-6/82. From 7/82-12/88, Mr. Lyons was a Lafayette County High School teacher.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

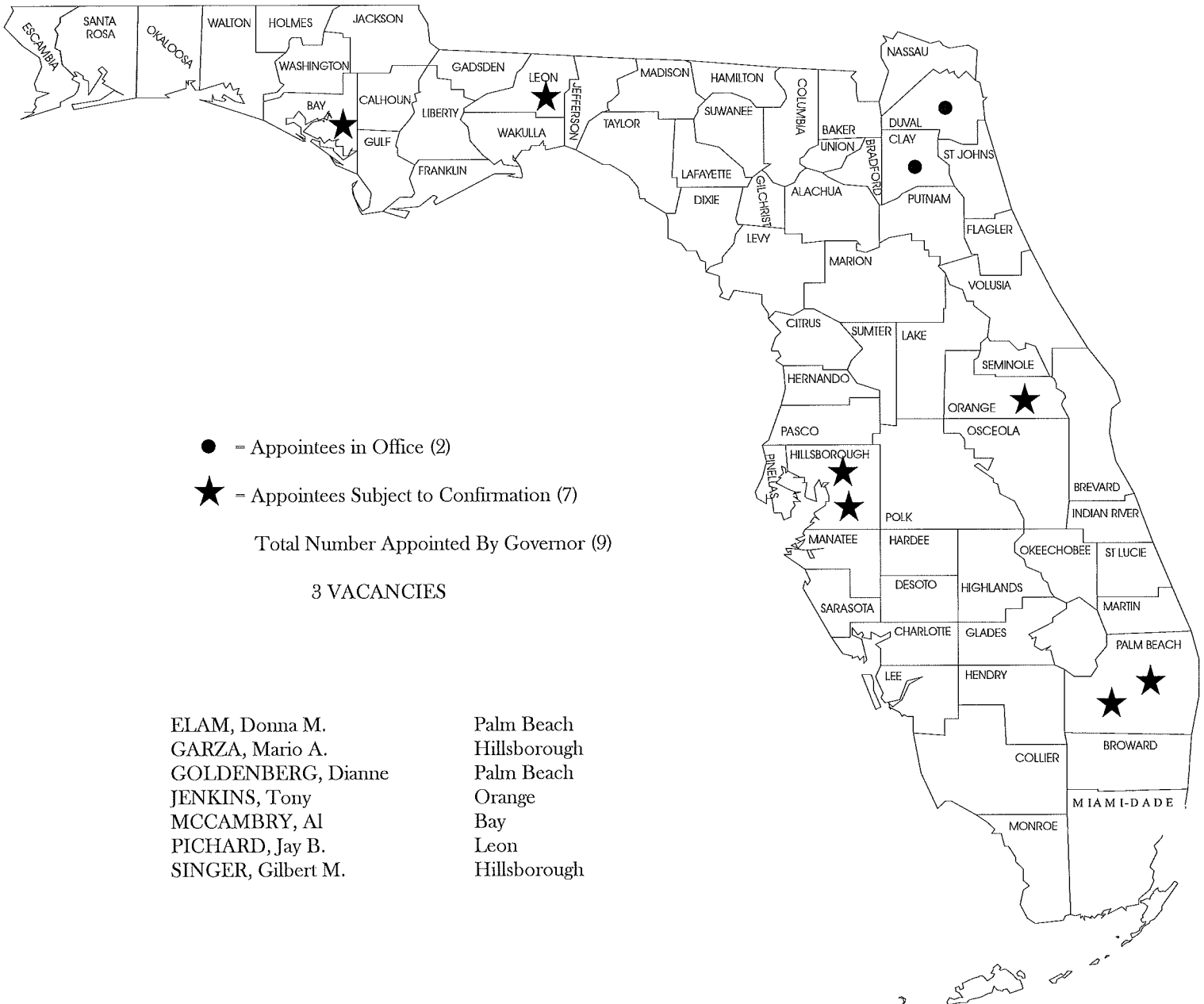
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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Florida Commission on Human Relations





# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Garza, Mario A.  
 Term: 12/08/2017 – 09/30/2021  
 City/County: Tampa/Hillsborough  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/08/2017  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 1/29/18
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 1/18/18
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:** 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.

Appointee: Garza, Mario A.

Page 2

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

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Mr. Garza served in the U.S. Air Force, 1977-2007.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

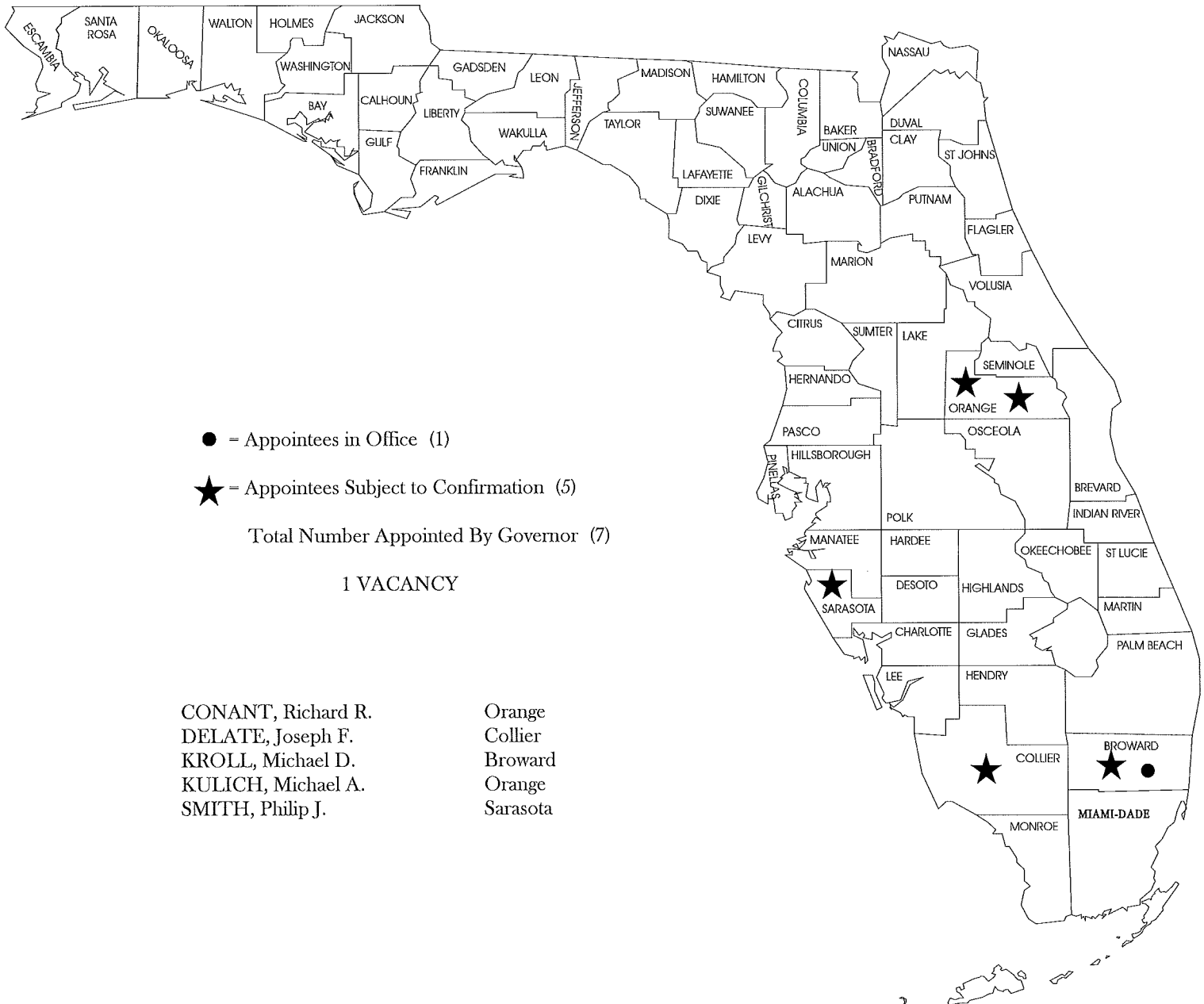
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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Landscape Architecture



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Conant, Richard R.

Appointed: 12/15/2017

Term: 12/15/2017 – 10/31/2021

Prior Term: 12/19/2013 - 10/31/2017

City/County: Orlando/Orange

Office: Board of Landscape Architecture, Member

Authority: 481.305, F.S. & 20.165(4)(a)10, 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 6/8/17
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 1/25/18
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:** President of Foster Conant & Associates Inc. (Landscape Architecture)

**Attendance:** Attended 7 of 9 meetings (78%) from December 19, 2013 through January 26, 2018.

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

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

- Five members who are registered landscape architects; and
- Two members who are lay persons who are not and have never been registered landscape architects or members of any closely related 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 8 - Registered Landscape Architect  
Number 15 - Mr. Conant disclosed that he provides contract landscape architectural design consulting services to the City of Winter Garden.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Delate, Joseph F.

Appointed: 12/15/2017

Term: 12/15/2017 – 10/31/2019

Prior Term: 09/11/2013 - 10/31/2015

City/County: Marco Island/Collier

Office: Board of Landscape Architecture, Member

Authority: 481.305, F.S. & 20.165(4)(a)10, 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 5/22/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	See Below
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/25/18
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:** Principal Project Manager, Collier County Government

**Attendance:** Attended 9 of 10 meetings (90%) from September 11, 2013 through January 24, 2018.

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

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

- Five members who are registered landscape architects; and
- Two members who are lay persons who are not and have never been registered landscape architects or members of any closely related 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 8 - Landscape Architect

Number 9 - Mr. Delate disclosed he was fined for canoeing without a life jacket on Lake Santa Fe, Melrose, FL in 1983. This charge was not included in the FDLE report.

Number 18 - Mr. Delate has served on the Board of Landscape Architecture since 5/2009.

Number 19 - Mr. Delate has been employed by the Collier County Board of County Commissioners since 8/1989. His current position is principal project manager in the Transportation Engineering & Construction Management Department.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Smith, Phillip J.

Appointed: 12/15/2017

Term: 12/15/2017 – 10/31/2021

Prior Term: 12/19/2013-10/31/2017

City/County: Sarasota/Sarasota

Office: Board of Landscape Architecture, Member

Authority: 481.305, F.S. & 20.165(4)(a)10, 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 6/27/17
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 1/25/18
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:** Landscape Architecture and Owner of David W. Johnston Associates, Inc.

**Attendance:** Attended 11 of 11 meetings (100%) from December 19, 2013 through January 24, 2018.

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

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

- Five members who are registered landscape architects; and
- Two members who are lay persons who are not and have never been registered landscape architects or members of any closely related 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 8 - Registered Landscape Architect  
Number 15 - Mr. Smith disclosed that his business provides contract landscape architecture consulting services to the County of Sarasota and City of Sarasota.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

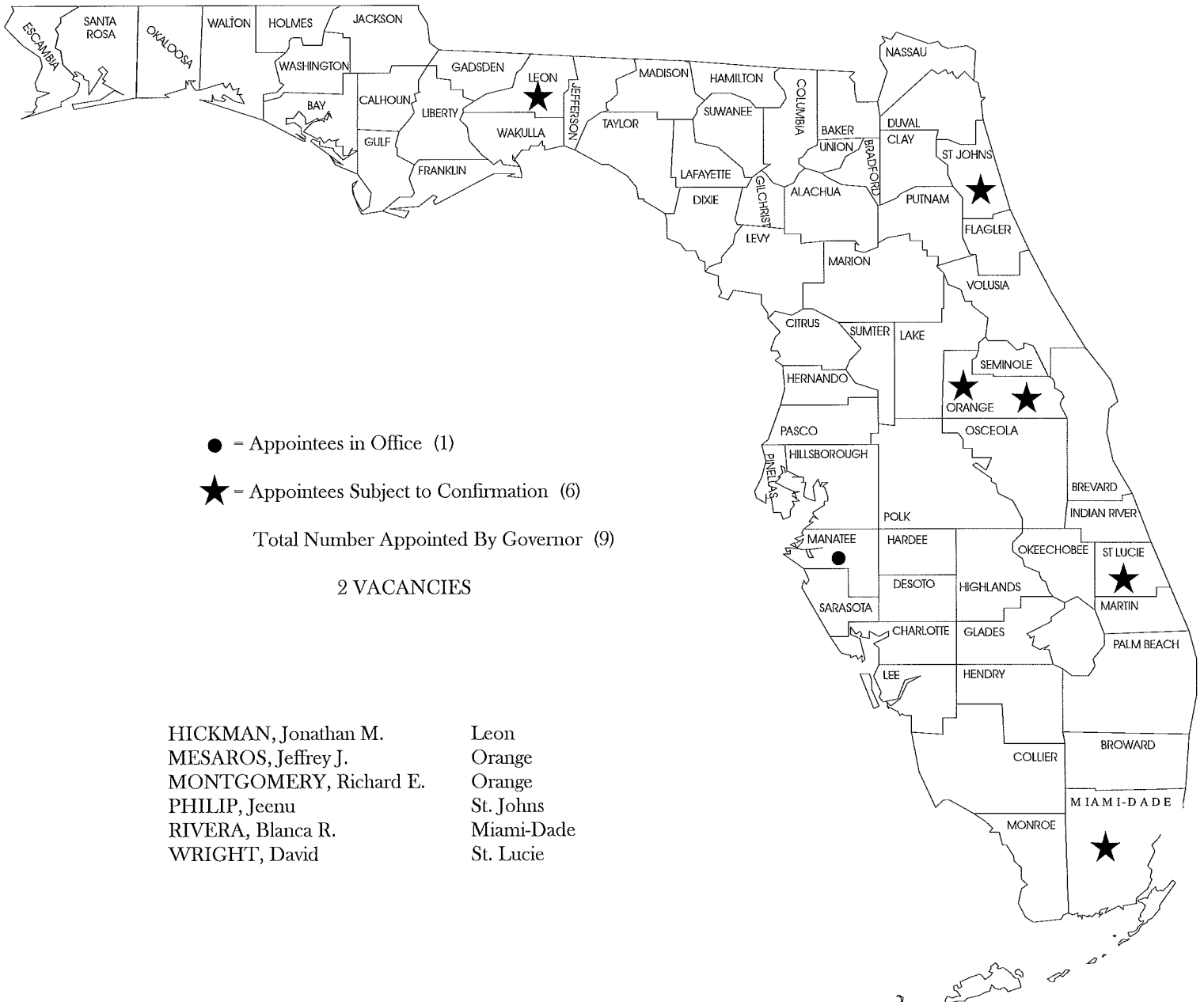
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**MEETING DATE:** Tuesday, February 13, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Pharmacy



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Mesaros, Jeffrey J.

Appointed: 11/09/2017

Term: 11/09/2017 – 10/31/2020

Prior Term:

City/County: Orlando/Orange

Office: Board of Pharmacy, Member

Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.

Reference(s): Committee on Ethics and Elections

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 6/13/17
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 1/22/18
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:** Attorney for CVS Health

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

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

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

Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Registered Pharmacist  
Number 9 - Mr. Mesaros disclosed in his questionnaire he was charged on 4/28/2014, in Orlando for failing to control an animal resulting in a bite. Adjudication was withheld. The FDLE report did not include this violation.  
Number 18 - Mr. Mesaros previously served on the Board of Pharmacy from 8/2011-10/2014.  
Number 19 - Mr. Mesaros was a legal intern for AHCA in 2006.

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Nolen, Timothy  
**BOARD:** Board of Architecture and Interior Design  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Bouldin, David Lee III  
**BOARD:** Florida Citrus Commission  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
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VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Buller, Jamie  
**BOARD:** Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counse...  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

FINAL VOTE			2/13/2018 Motion to Recommend Confirm Tabs 1-10  Braynon	1				
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Braynon						
X		Hutson						
X		Lee						
X		Passidomo						
X		Rodriguez						
X		Torres						
		Brandes, VICE CHAIR						
X		Perry, CHAIR						
7	0		FAV	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

<b>COMMITTEE:</b>	Ethics and Elections
<b>NAME:</b>	Gillespy, Susan J.
<b>BOARD:</b>	Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counse...
<b>FINAL ACTION:</b>	Recommend Confirm
<b>MEETING DATE:</b>	Tuesday, February 13, 2018
<b>TIME:</b>	2:00—4:00 p.m.
<b>PLACE:</b>	412 Knott Building

FINAL VOTE			2/13/2018 Motion to Recommend Confirm Tabs 1-10	1				
<b>Yea</b>	<b>Nay</b>	<b>SENATORS</b>	<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>
X		Braynon						
X		Hutson						
X		Lee						
X		Passidomo						
X		Rodriguez						
X		Torres						
		Brandes, VICE CHAIR						
X		Perry, CHAIR						
7	0		FAV	-				
<b>Yea</b>	<b>Nay</b>	<b>TOTALS</b>	<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Young, Brandon J.  
**BOARD:** Board of Trustees of Chipola College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Davis, Vicki  
**BOARD:** Board of Trustees of Indian River State College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Butler, Marcia M.  
**BOARD:** Board of Trustees of Lake-Sumter State College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

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VA=Vote After Roll Call  
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AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Lyons, Ricky  
**BOARD:** Board of Trustees of North Florida Community College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
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WD=Withdrawn  
OO=Out of Order  
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## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Garza, Mario A.  
**BOARD:** Florida Commission on Human Relations  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

FINAL VOTE			2/13/2018 Motion to Recommend Confirm Tabs 1-10  Braynon	1				
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Braynon						
X		Hutson						
X		Lee						
X		Passidomo						
X		Rodriguez						
X		Torres						
		Brandes, VICE CHAIR						
X		Perry, CHAIR						
7	0		FAV	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable  
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AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Conant, Richard R.  
**BOARD:** Board of Landscape Architecture  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
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AV=Abstain from Voting



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Delate, Joseph F.  
**BOARD:** Board of Landscape Architecture  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Smith, Phillip J.  
**BOARD:** Board of Landscape Architecture  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Mesaros, Jeffrey J.  
**BOARD:** Board of Pharmacy  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

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

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

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

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BILL: CS/SB 316

INTRODUCER: Ethics and Elections Committee and Senator Stewart

SUBJECT: Environmental Regulation Commission

DATE: February 13, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Rogers	EP	<b>Favorable</b>
2.	Carlton	Ulrich	EE	<b>Fav/CS</b>
3.		Phelps	RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 316 requires the Governor to appoint a new member of the Environmental Regulation Commission (ERC) within 90 days after the occurrence of a vacancy on the commission. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill is effective July 1, 2018.

**II. Present Situation:**

**Environmental Regulation Commission**

The Environmental Regulation Commission (ERC) exists within the Department of Environmental Protection (DEP). Seven members appointed by the Governor and approved by the Senate serve on the ERC. When making appointments, the Governor must provide reasonable representation from all sections of the state. Membership of the ERC must be representative of agriculture; the development industry; local government; the environmental community; lay citizens; and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.<sup>1</sup> The Governor

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<sup>1</sup> Section 20.255(6), F.S.

appoints the chair of the ERC and the members of the ERC may elect a vice-chair. The ERC members serve 4-year terms.<sup>2</sup>

The secretary of DEP must submit any proposed rule containing a standard to the ERC for approval, modification, or disapproval.<sup>3</sup> A “standard” is any DEP rule relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term “standard” does not include DEP rules that relate exclusively to the internal management of DEP, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.<sup>4</sup> The ERC possesses the powers to set standards for the following matters:

- Environmental control, including air quality standards; water quality and water quantity standards; waste regulation and cleanup, including hazardous waste regulation; power plant and transmission line siting; water supply; water treatment plants; and natural gas transmission lines;
- Consumptive use of water permitting;
- Certain aspects of water well construction;
- Criteria for wetlands that receive and treat domestic wastewater;
- Water quality for wetlands;
- Regulation of the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems;
- Delineating the extent of wetlands;
- Phosphorus criteria in the Everglades Protection Area and water quality standards applicable to the Everglades Agricultural Area canals; and
- Water quality standards for the Everglades Protection Area.<sup>5</sup>

The ERC does not possess the power to set standards related to total maximum daily load calculations and allocations.<sup>6</sup> Further, the ERC may not establish DEP policies, priorities, plans, or directives. The ERC may adopt procedural rules governing the conduct of its meetings and hearings.<sup>7</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> Section 403.805(1), F.S.

<sup>4</sup> Section 403.803(13), F.S.

<sup>5</sup> Section 403.804(1), F.S.

<sup>6</sup> Section 403.805(1), F.S.

<sup>7</sup> Section 403.804(1), F.S.

The following individuals currently serve on the ERC:<sup>8</sup>

Name	Term	From	Represents
Frank Gummey	12/16/16 to 07/01/17	Daytona Beach Shores	Local Governments
Joe Joyce	10/02/15 to 07/01/19	Gainesville	Agriculture
Adam R. Gelber	10/02/15 to 07/01/19	Miami	Science & Technical
Cari Roth	03/31/10 to 07/01/17	Tallahassee	Development
Sarah S. Walton	03/07/14 to 07/01/17	Pensacola	Lay Citizens
Craig D. Varn	05/10/16 to 03/01/19	Tallahassee	Lay Citizens
Jim McCarthy	12/16/16 to 07/01/19	Jacksonville	Environmental Community

### Office Vacancies Filled by the Governor

The Governor may fill a vacancy on the ERC for the unexpired term at any time.<sup>9</sup> Unless otherwise provided by the Florida Constitution, the Governor must fill by appointment any vacancy in a state, district, or county office for the remainder of the term of an appointed officer.<sup>10</sup> For any office that requires Senate confirmation, the appointee may hold an interim term until the Senate takes up their confirmation.<sup>11</sup> When the Senate rejects an officer, they may hold over for no more than 30 days until the Governor appoints his or her successor, and the successor is qualified.<sup>12</sup>

If the Senate votes to take no action on a confirmation or otherwise fails to consider an appointee, the seat becomes vacant and the appointee may hold over for no more than 45 days. The Governor may reappoint the appointee.<sup>13</sup> If the Senate votes to take no action or for any other reason fails to consider the reappointment of the same person to the same office during the regular session immediately following the effective date of the reappointment, the reappointment of such person to such office shall be deemed to have been rejected. The office shall become vacant upon the adjournment sine die of the regular session immediately following the effective date of the reappointment and the appointee shall not hold over in that office or be eligible for reappointment in that office for 1 year thereafter.<sup>14</sup>

<sup>8</sup> Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/erc-members> (last visited November 1, 2017).

<sup>9</sup> Section 20.255(6), F.S.

<sup>10</sup> Section 114.04, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 114.05(1)(d), F.S.

<sup>13</sup> Section 114.05(1)(e), F.S.

<sup>14</sup> Section 114.05(1)(f), F.S.

### **Human Health Criteria Rule Changes**

During the summer of 2016, the ERC took up a rule proposal to change certain human health based water quality criteria, including the establishment of a new classification of waters. DEP used a new methodology to update these standards. Some standards became more protective, while others became less protective.<sup>15</sup>

At the time the ERC considered the proposed rule changes, two vacancies existed on the ERC. The vacant seats were those seats on the ERC designated for the representation of local governments and the environmental community. These constituencies were not specifically represented on the ERC when it voted 3-2 to approve the new human health based water quality criteria. Some groups were concerned that the ERC took up the new standards before the Governor filled the two vacancies.<sup>16</sup> The revised rules became effective on November 17, 2016.<sup>17</sup>

The month after the ERC approved the water quality criteria, the rule changes were challenged by several parties. An administrative judge dismissed the rule challenge petitions for not having been timely filed, but on October 18, 2017, that decision was reversed on appeal by the Florida Third District Court of Appeals. The court remanded the case to administrative court for further proceedings.<sup>18</sup>

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

CS/SB 316 amends the statutory section that establishes the Department of Environmental Protection (DEP) and the Environmental Regulation Commission (ERC)<sup>19</sup> to require the Governor to appoint a new member, subject to confirmation by the Senate, within 90 days after the occurrence of a vacancy. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill takes effect July 1, 2018.

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

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

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that

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<sup>15</sup> DEP, *Surface Water Quality Standards*, <http://www.dep.state.fl.us/water/wqssp/> (last visited October 30, 2017); Jeff Burlew, *ERC signs off on controversial water standards*, Tallahassee Democrat (July 26, 2016), <http://www.tallahassee.com/story/news/2016/07/26/erc-signs-off-controversial-water-standards/87585308/> (last visited October 30, 2017).

<sup>16</sup> *Id.*

<sup>17</sup> Fla. Admin. Code R. 62-302.400 and Fla. Admin. Code R. 62-302.530.

<sup>18</sup> *The Seminole Tribe of Florida and City of Miami v. Department of Environmental Protection and Florida Environmental Regulation Commission*, Case Nos. 3D16-2440 & 3D16-2129 (Fla. 3rd DCA 2017), <http://www.3dca.flcourts.org/Opinions/3D16-2440.pdf> (last visited November 1, 2017).

<sup>19</sup> Section 20.255, F.S.

counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

**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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 20.255 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 February 13, 2018:**

The committee substitute differs from the original bill in that it no longer requires a minimum of 4 affirmative votes to approve or modify a proposed rule submitted to the ERC pertaining to air quality standards or water quality standards.

**B. Amendments:**

None.



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

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109144

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2018	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete lines 44 - 59.

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

And the title is amended as follows:

Delete lines 6 - 8

and insert:

vacancy;

By Senator Stewart

13-00475-18

2018316\_\_

A bill to be entitled

An act relating to the Environmental Regulation Commission; amending s. 20.255, F.S.; requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; amending s. 403.805, F.S.; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification; providing an effective date.

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

Section 1. Subsection (6) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(6) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission.

(a) The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. In making appointments, the Governor shall provide reasonable representation from all sections of the state. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.

Page 1 of 3

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

13-00475-18

2018316\_\_

(b) The Governor shall, within 90 days after the occurrence of a vacancy on the commission, appoint a new member, subject to confirmation by the Senate.

(c) The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. All appointments shall be for 4-year terms.

(d) The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department. The commission may employ independent counsel and contract for the services of outside technical consultants.

Section 2. Subsection (4) is added to section 403.805, Florida Statutes, to read:

403.805 Secretary; powers and duties; review of specified rules.—

(4) Any proposed rule containing standards to be submitted to the commission for approval, modification, or disapproval pursuant to subsection (1) requires a simple majority for approval or modification, unless the rule pertains to any of the following, in which case such approval or modification must be by a minimum of four affirmative votes of the commission:

(a) Air quality standards.

(b) Water quality standards.

Proposed rules that fail to receive the votes required for approval or modification pursuant to this subsection are deemed

Page 2 of 3

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

13-00475-18

2018316\_\_

59 disapproved.

60 Section 3. This act shall take effect July 1, 2018.



The Florida Senate

## Committee Agenda Request

**To:** Senator Keith Perry, Chair  
Committee on Ethics and Elections

**Subject:** Committee Agenda Request

**Date:** January 16, 2018

---

I respectfully request that **Senate Bill # 316**, relating to Environmental Regulatory Commission, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script that reads "Linda Stewart".

---

Senator Linda Stewart  
Florida Senate, District 13

**"Tab 11 SB 316 Appearance Record" Not Found!!!**

**COMMITTEE:** Ethics and Elections  
**ITEM:** SB 316  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**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 582

INTRODUCER: Senator Rader

SUBJECT: Write-in Candidate Qualifying

DATE: January 31, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	<b>Favorable</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 582 codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*, by repealing the statute that requires a write-in candidate to reside in the district that he or she seeks to represent *at the time of qualifying*.

**II. Present Situation:**

In November 1998, Florida voters passed Proposition 11,<sup>1</sup> a comprehensive elections amendment to the Florida Constitution proposed by the Constitutional Revision Commission (CRC). Part of Proposition 11 amended Article VI of the Constitution to provide for a “universal” or “open” primary — a contest in which all eligible voters could cast a ballot regardless of party affiliation — wherein the winner of the primary election would face no general election opposition.<sup>2</sup>

In practice, this situation arises when the only candidates qualifying for an office have the same major party affiliation.

The general election ballot contains a blank line for qualified write-in candidates.<sup>3</sup> Nonetheless, the 1998 CRC debates and discussions on Proposition 11 never addressed the issue of what impact the presence of a write-in candidate should have in a field otherwise composed entirely of candidates from one of the major parties.

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<sup>1</sup> The amendment passed with 64.1% favorable vote, almost 2-to-1. Florida Division of Elections web site, <https://results.elections.myflorida.com/DetailRpt.Asp?ELECTIONDATE=11/3/1998&RACE=A11&PARTY=&DIST=&GRP=&DATAMODE=> (“Election Results” tab, General Election 1998, Constitutional Amendments) (last accessed Jan. 31, 2018).

<sup>2</sup> Art. VI, s. 5(b), FLA. CONST.

<sup>3</sup> Section 101.151(2)(b), F.S.



In 2000, the Florida Division of Elections published an opinion stating that the presence of a write-in candidate in an otherwise all-Republican or all-Democratic field “closed” the primary to all voters other than those registered with that particular party.<sup>4</sup> (Multiple district and appellate courts have since confirmed the Division’s legal position.)<sup>5</sup>

In 2007, faced with write-ins having closed numerous legislative primaries since 2000, the Legislature enacted s. 99.0615, F.S. — which required write-in candidates to reside in the district they sought to represent *at the time of qualifying*.<sup>6</sup>

In February 2016, the Florida Supreme Court struck down the statute as unconstitutional. In *Brinkmann v. Francois*,<sup>7</sup> a Broward County voter challenged the qualifying status of a write-in candidate, Tyron Francois, for Broward County Commissioner, District 2. Francois did not live in the District at the time of qualifying as required by s. 99.0615, F.S., but he did say that he intended to move there if he won the general election. All of the other candidates that qualified to run for the seat were Democrats. The *Brinkmann* court found that the statute was facially unconstitutional because the timing of its residency requirement (at the time of qualifying) for write-in candidates conflicted with the timing of the residency requirement for county commission candidates in the Constitution (at the time of election).<sup>8</sup>

As a result, beginning with the 2016 election cycle, any registered voter can now qualify to run as a write-in candidate in any contest in the state and close a primary where the only other qualified candidates are from the same party, *regardless of his or her physical residence*.

### III. Effect of Proposed Changes:

The bill codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*. It repeals the statute requiring write-in candidates to reside in the district they seek to represent *at the time of qualifying*.

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>4</sup> DOE Opinion 2000-06 (May 11, 2000).

<sup>5</sup> *Lacasa v. Townsley*, 883 F.Supp2d 1231 (S.D. Fla 2012); see also, *Telli v. Snipes*, 98 So.3d 1284 (4th Fla DCA 2012) (write-in candidates constitute general election opposition under the constitutional open primary provision).

<sup>6</sup> Ch. 2007-30, s. 56, LAWS OF FLA.

<sup>7</sup> 184 So. 3d 504 (Fla. 2016).

<sup>8</sup> Fla Const., Art. VIII, §1(e); see also, *Francois v. Brinkmann*, 147 So. 3d 613, 615 (Fla 4<sup>th</sup> DCA 2014), *affd.*, *Francois v. Brinkmann*, 184 S.3d 504 (Fla. 2016), citing, *State v. Grassi*, 532 So.2d 1055, 1056 (Fla. 1988) (constitutional provision regarding the residency requirement for county commissioners requires residency at the time of election).

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:**

None.

**VIII. Statutes Affected:**

This bill repeals section 99.0615 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 Senator Rader

29-00350-18

2018582\_\_

A bill to be entitled

An act relating to write-in candidate qualifying;  
repealing s. 99.0615, F.S., relating to write-in  
candidate residency requirements; repealing a  
requirement that all write-in candidates must reside  
within the district represented by the office sought  
at the time of qualification; providing an effective  
date.

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

Section 1. Section 99.0615, Florida Statutes, is repealed.

Section 2. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Keith Perry, Chair  
Committee on Ethics and Elections

**Subject:** Committee Agenda Request

**Date:** January 24, 2018

---

I respectfully request that **Senate Bill #582**, relating to Write-In Qualifying, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script that reads "Kevin Rader".

---

Senator Kevin J. Rader  
Florida Senate, District 29

Tab #12

## THE FLORIDA SENATE

## APPEARANCE RECORD

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

2/13/2018

Meeting Date

SB 582

Bill Number (if applicable)

Topic Write-in Candidacy

Amendment Barcode (if applicable)

Name MARILYNN WILLSJob Title LWVF memberAddress 2326 KILKENNY DRIVE WESTPhone 850 893-4104

Street

TALLAHASSEE

City

FL

State

32309

Zip

Email marilynnwills@msn.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

## The Florida Senate COMMITTEE VOTE RECORD

**COMMITTEE:** Ethics and Elections  
**ITEM:** SB 582  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

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

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

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

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BILL: CS/SB 1180

INTRODUCER: Ethics and Elections Committee and Senators Steube and Brandes

SUBJECT: County and Municipal Public Officers and Employees

DATE: February 13, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	<b>Fav/CS</b>
2.			CA	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1180 requires official travel by county and municipal officers to be approved by the governing body at a publicly noticed meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. The request for travel must contain all travel expense details and be approved by a majority of the members present and voting. The bill requires all travel approved to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted within 10 days from the date of approval until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

The bill is effective July 1, 2018.

**II. Present Situation:**

**Per Diem and Travel Expenses**

The Legislature has largely preempted the area of law addressing per diem and travel expenses.<sup>1</sup> Section 112.061, F.S., establishes the authority to incur travel expenses, and conditions and

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<sup>1</sup> This limited preemption applies to the extent that there is no specific exemption in general law, special act, or local law. If there is a conflict between s. 112.061, F.S., and a specific exemption in general law, special act, or local law, then the exemption prevails to the extent of the conflict. *See*, s. 112.061(1)(b), F.S.

limitations thereon, reimbursement rates for time spent traveling, per diem and subsistence rates, transportation costs, and certain other authorized expenses. The statute also requires an authorization form and voucher forms. Currently, there are no statutory restrictions on reimbursement of out of state or foreign per diem and travel expenses. There is no requirement that travel or per diem and travel expenses be approved by the whole governing body at a meeting. A county or municipal officer need only file the appropriate forms in order to be reimbursed.

Lodging expenses are reimbursable on an actual cost basis. The rate of reimbursement is the single occupancy rate of the lodging.<sup>2</sup> There is no requirement that a county or municipal officer's per diem and travel expenses be reported.

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

CS/SB 1180 requires official travel by county and municipal officers to be approved by the governing body at a publicly noticed meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. "Good cause" requires a written explanation for why the travel authorization could not be approved in advance. The request for travel must contain all travel expense details including means of travel, lodging, and subsistence. The bill requires all travel approved to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted within 10 days from the date of approval until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

The bill is effective July 1, 2018.

### **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.

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<sup>2</sup> Section 106.07(6)(a)2., F.S.



**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 112.061 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 February 13, 2018:**

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

- No longer requires campaign and political committee expense reports to be posted on county and municipal websites;
- No longer includes the verbiage specifically authorizing travel expenses to be incurred during the 24 hours prior to, or after, the event for which a public officer is travelling;
- No longer caps the lodging costs eligible for reimbursement at \$120 per day;
- No longer requires the travel expenses to be reported to a local ethics commission or the Florida Commission on Ethics; and
- No longer requires elected municipal officers to file a full and public disclosure of their financial interests pursuant to s. 112.3144, F.S. (they will still be required to file a statement of financial interests pursuant to s. 112.3145, F.S.).

**B. Amendments:**

None.



220574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2018	.	
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	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (3) of section  
112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers,  
employees, and authorized persons.—

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(a) All travel must be authorized and approved by the head



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of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency shall not authorize or approve such a request unless:

1. It is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

2. For county or municipal public officers requesting authorization to travel within the state, outside of the state, or internationally, such travel must be on the official business of the county or municipality and must be approved by the county's or municipality's governing body at a regularly scheduled meeting before the officer's travel, unless ratified for good cause at the next regularly scheduled meeting. Good cause requires a written explanation for why the travel request could not be approved in advance. A request for travel authorization must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. All travel approved in accordance with this subparagraph must be posted on the county's or municipality's website. If a municipality does not maintain a website, it must request that the applicable county post the approved travel on the county's website. The applicable county must comply with such request. All such approved travel must be posted on the applicable website as soon as practicable, but no later than 10 days after approval, and must remain on the website until the end of the next calendar quarter. This paragraph does not apply to a county constitutional officer, as defined in s. 1(d), Art.



220574

VIII of the State Constitution, who is elected by the electors  
of the county.

Section 2. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to county and municipal public  
officers; amending s. 112.061, F.S.; requiring that  
requests for travel authorization by county or  
municipal public officers be approved by the governing  
body of the county or municipality at a regularly  
scheduled meeting; specifying requirements for such  
requests; requiring that approved travel be posted on  
the county's or municipality's website for a specified  
timeframe; providing an exception for county  
constitutional officers; providing an effective date.

By Senator Steube

23-01159-18

20181180\_\_

1 A bill to be entitled  
 2 An act relating to county and municipal public  
 3 officers and employees; amending s. 99.061, F.S.;  
 4 requiring a candidate for an elective municipal office  
 5 to file a full and public disclosure of financial  
 6 interests upon qualifying for office; amending s.  
 7 106.07, F.S.; requiring elected county or municipal  
 8 public officers who are candidates for elective office  
 9 to make certain campaign finance reports available for  
 10 posting on their county or municipal websites;  
 11 amending s. 112.061, F.S.; requiring that requests to  
 12 travel out of state by county or municipal public  
 13 officers be approved by the governing board of the  
 14 county or municipality at a publicly noticed meeting;  
 15 specifying requirements for such meetings; limiting  
 16 travel expenses of such public officers or employees  
 17 to those expenses incurred within a specified  
 18 timeframe; prohibiting advancement or reimbursement  
 19 for travel expenses of such public officers or  
 20 employees for foreign travel; limiting lodging  
 21 expenses of such public officers or employees to a  
 22 specified amount; authorizing such public officers or  
 23 employees to expend their own funds for lodging  
 24 expenses that exceed that amount; requiring county or  
 25 municipal public officers to report certain travel  
 26 expenses to a local Commission on Ethics and Public  
 27 Trust or the Commission on Ethics; amending s.  
 28 112.3144, F.S.; requiring elected municipal officers  
 29 to file a full and public disclosure of financial

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

23-01159-18

20181180\_\_

30 interests, rather than a statement of financial  
 31 interests; amending s. 112.3145, F.S.; redefining the  
 32 term "local officer" to conform to changes made by the  
 33 act; providing effective dates.  
 34

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

36  
 37 Section 1. Effective January 1, 2019, subsection (5) of  
 38 section 99.061, Florida Statutes, is amended to read:

39 99.061 Method of qualifying for nomination or election to  
 40 federal, state, county, municipal, or district office.—

41 (5) At the time of qualifying for office, each candidate  
 42 for an elective municipal office or a constitutional office  
 43 shall file a full and public disclosure of financial interests  
 44 pursuant to s. 8, Art. II of the State Constitution, which must  
 45 be verified under oath or affirmation pursuant to s.  
 46 92.525(1)(a), and a candidate for any other office, ~~including~~  
 47 ~~local elective office~~, shall file a statement of financial  
 48 interests pursuant to s. 112.3145.

49 Section 2. Subsection (10) is added to section 106.07,  
 50 Florida Statutes, to read:

51 106.07 Reports; certification and filing.—

52 (10) An elected county or municipal public officer who is a  
 53 candidate for elective office must provide any report he or she  
 54 is required to file pursuant to this section, whether for his or  
 55 her campaign or a political committee that he or she controls,  
 56 to the county or municipality that he or she serves for posting  
 57 on its website.

58 Section 3. Present paragraphs (f), (g), and (h) of

Page 2 of 9

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

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subsection (3) of section 112.061, Florida Statutes, are redesignated as paragraphs (h), (i), and (j), respectively, paragraph (a) of that subsection and paragraph (a) of subsection (6) are amended, new paragraphs (f) and (g) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(a) All travel must be authorized and approved by the head of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency may ~~shall~~ not authorize or approve such a request unless:

1. It is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

2. For county or municipal public officers requesting authorization to travel outside of the state, it is approved by the governing body of the county or municipality at a publicly noticed meeting. The request must be included on the meeting agenda and must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. The public must have an opportunity to speak at the meeting before the vote occurs. The governing body of the county or municipality may approve the request by a majority vote of the members present and voting at the meeting.

(f) Travel expenses of county or municipal public officers

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or employees may include only those expenses necessarily incurred by them beginning 24 hours before the start of the event and ending 24 hours after the end of the event necessitating such travel.

(g) Travel expenses of county or municipal public officers or employees for foreign travel do not qualify for advancement or reimbursement under any circumstances.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or

2. If actual expenses exceed \$80, the amounts authorized ~~permitted~~ in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor, except that the advanced or reimbursable lodging expenses of county or municipal public officers or employees may not exceed \$120 per day. A county or municipal public officer or employee may expend his or her own funds for any lodging expenses in excess of \$120 per day.

When lodging or meals are provided at a state institution, the

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traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(16) REPORTING.—A county or municipal public officer must report travel expenses that are paid with or reimbursed from taxpayer funds to a Commission on Ethics and Public Trust of the county or municipality or, if the county or municipality has not established such a commission, to the Commission on Ethics created in s. 112.320. The travel expense report must state the purpose and justify the necessity of the travel and provide proof of incurred travel expenses.

Section 4. Effective January 1, 2019, subsections (1), (2), and (3) of section 112.3144, Florida Statutes, are amended to read:

112.3144 Full and public disclosure of financial interests.—

(1) In addition to officers specified in s. 8, Art. II of the State Constitution or any other state law, all elected municipal officers, including any individual who is appointed to fill a vacancy for an unexpired term in an elective municipal office, are required to file a full and public disclosure of their financial interests. An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of ~~his or her~~ financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~ An officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has

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completed the required training.

(2) A person who is required, ~~pursuant to s. 8, Art. II of the State Constitution,~~ to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year ~~is shall~~ not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. If an incumbent in an elective office has filed the full and public disclosure of financial interests to qualify for election to the same office or if a candidate for office holds another office subject to the annual filing requirement, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure of financial interests has been filed pursuant to this section shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3) For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution and this section, the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

(a) Jewelry;

(b) Collections of stamps, guns, and numismatic properties;

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175 (c) Art objects;  
 176 (d) Household equipment and furnishings;  
 177 (e) Clothing;  
 178 (f) Other household items; and  
 179 (g) Vehicles for personal use.

180 Section 5. Effective January 1, 2019, paragraph (a) of  
 181 subsection (1) of section 112.3145, Florida Statutes, is amended  
 182 to read:

183 112.3145 Disclosure of financial interests and clients  
 184 represented before agencies.—

185 (1) For purposes of this section, unless the context  
 186 otherwise requires, the term:

187 (a) "Local officer" means:

188 1. Every person who is elected to office in any political  
 189 subdivision of the state other than an elective municipal  
 190 office, and every person who is appointed to fill a vacancy for  
 191 an unexpired term in such an elective office.

192 2. Any appointed member of any of the following boards,  
 193 councils, commissions, authorities, or other bodies of any  
 194 county, municipality, school district, independent special  
 195 district, or other political subdivision of the state:

196 a. The governing body of the political subdivision, if  
 197 appointed;

198 b. A community college or junior college district board of  
 199 trustees;

200 c. A board having the power to enforce local code  
 201 provisions;

202 d. A planning or zoning board, board of adjustment, board  
 203 of appeals, community redevelopment agency board, or other board

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204 having the power to recommend, create, or modify land planning  
 205 or zoning within the political subdivision, except for citizen  
 206 advisory committees, technical coordinating committees, and such  
 207 other groups who only have the power to make recommendations to  
 208 planning or zoning boards;

209 e. A pension board or retirement board having the power to  
 210 invest pension or retirement funds or the power to make a  
 211 binding determination of one's entitlement to or amount of a  
 212 pension or other retirement benefit; or

213 f. Any other appointed member of a local government board  
 214 who is required to file a statement of financial interests by  
 215 the appointing authority or the enabling legislation, ordinance,  
 216 or resolution creating the board.

217 3. Any person holding one or more of the following  
 218 positions: mayor; county or city manager; chief administrative  
 219 employee of a county, municipality, or other political  
 220 subdivision; county or municipal attorney; finance director of a  
 221 county, municipality, or other political subdivision; chief  
 222 county or municipal building code inspector; county or municipal  
 223 water resources coordinator; county or municipal pollution  
 224 control director; county or municipal environmental control  
 225 director; county or municipal administrator, with power to grant  
 226 or deny a land development permit; chief of police; fire chief;  
 227 municipal clerk; district school superintendent; community  
 228 college president; district medical examiner; or purchasing  
 229 agent having the authority to make any purchase exceeding the  
 230 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
 231 behalf of any political subdivision of the state or any entity  
 232 thereof.



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20181180\_\_

233       Section 6. Except as otherwise expressly provided in this  
234       act, this act shall take effect July 1, 2018.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Banking and Insurance, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on Pre-K - 12 Education  
Children, Families, and Elder Affairs  
Regulated Industries

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

### SENATOR GREG STEUBE

23rd District

December 18, 2017

The Honorable Keith Perry  
Florida Senate  
312 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Perry,

I am writing this letter because my bill, SB 1180 – County and Municipal Public Officers and Employees, has been referred to the Senate Ethics and Elections Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to be "W. Gregory Steube".

W. Gregory Steube, District 23

### REPLY TO:

- ☐ 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**APPEARANCE RECORD**

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

2-13-18

Meeting Date

1180

Bill Number (if applicable)

AM 220574

Amendment Barcode (if applicable)

Topic County & Municipal OfficesName Rebecca O'HaraJob Title Deputy General CounselAddress PO Box 1757

Street

Phone 222 9684Tallahassee FL 32301

City

State

Zip

Email rohara@flcities.comSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Fla. League of CitiesAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

**APPEARANCE RECORD**

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

2/13/18

Meeting Date

1180

Bill Number (if applicable)

Topic

County and Municipal Public Offices & employees

Amendment Barcode (if applicable)

Name

Dennda Meritt

Job Title

Mayor

Address

135 Hwy 40 West

Phone

352 2290477

Street

Englis

City

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Town of Englis

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

**COMMITTEE:** Ethics and Elections  
**ITEM:** SB 1180  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, February 13, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**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

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BILL: SB 1582

INTRODUCER: Senator Bean

SUBJECT: Elections

DATE: February 9, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	<b>Pre-meeting</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 1582 repeals a requirement that Supervisors of Elections submit voting history and statewide voter registration system information, precinct-level election results, and precinct-level book closing statistics to the Department of State in specified formats.

The bill is effective upon becoming a law.

**II. Present Situation:**

Within 30 days after the certification of a presidential preference primary, special election, primary election, or general election, county Supervisors of Elections must transmit to the Department completely updated voting history information for each qualified voter who voted in a uniform electronic format specified in statute. The Department must prepare an electronic report of the information and send it to the Senate President, House Speaker, and the Minority Leader in each House.

Also, within 30 days after certification of such election, the Supervisors must collect and submit to the Department detailed precinct-level election results in a uniform electronic format specified in statute. The Department must make such information available on a “searchable, sortable, and downloadable database via its website.” The Department must also make the report available upon request.

Finally, after the book-closing date but prior to an election to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the Department must compile the following data for each county, and make the results publicly available:

- Precinct numbers; and,
- Total number of active, registered voters by party for each precinct.

**III. Effect of Proposed Changes:**

SB 1582 repeals a requirement that Supervisors of Elections submit voting history and statewide voter registration system information, precinct-level election results, and precinct-level book closing statistics to the Department of State in specified formats.

The bill is effective 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:**

None.

**C. Government Sector Impact:**

County Supervisors of Elections will likely realize some recurring cost savings by not having to employ full-time or part-time employees to process and submit the required information to the Department. Since the counties primarily fund Supervisors' budgets, however, this savings will not result in cost savings to the State — except possibly in connection with special elections, where the State is statutorily required to reimburse costs to the counties.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 98.0981 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.

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

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519698

LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraphs (a), (b), and (c) of  
subsection (4) of section 98.065, Florida Statutes, are  
redesignated as paragraphs (b), (c), and (d), respectively, and  
a new paragraph (a) is added to that subsection, to read:

98.065 Registration list maintenance programs.—

(4)



519698

(a) The supervisor shall enter into an agreement with the local clerk of the circuit court to receive monthly from such clerk change-of-address information and a list of potential jurors who identified themselves as aliens, as defined in s. 327.02(2).

Section 2. Paragraph (h) is added to subsection (2) of section 98.093, Florida Statutes, to read:

98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, ~~and~~ persons convicted of a felony, and persons identified as aliens.—

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(h) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of persons who identified themselves as aliens, as defined in s. 327.02(2). The department shall compare the list with the statewide voter registration system and, if the department determines that a registered voter is an alien, provide the name of such voter to the supervisor of elections of the county in which the voter is registered.

Section 3. This act shall take effect July 1, 2018.

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



519698

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to voter registration maintenance;  
amending s. 98.065, F.S.; requiring supervisors of  
elections to enter into agreements with clerks of the  
circuit courts to receive specified information;  
amending s. 98.093, F.S.; requiring the Department of  
Highway Safety and Motor Vehicles to furnish monthly  
to the Department of State a list of persons who  
identified themselves as aliens; requiring the  
Department of State to compare such list with the  
statewide voter registration system and provide the  
name of any registered voter who is an alien to the  
supervisor of elections of the county in which the  
voter is registered; providing an effective date.

By Senator Bean

4-01325-18

20181582\_\_

A bill to be entitled

An act relating to elections; repealing s. 98.0981,  
F.S., which provides reporting requirements for voting  
history and statewide voter registration system  
information, precinct-level election results, and  
precinct-level book closing statistics; providing an  
effective date.

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

Section 1. Section 98.0981, Florida Statutes, is repealed.

Section 2. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Keith Perry, Chair  
Committee on Ethics and Elections

**Subject:** Committee Agenda Request

**Date:** January 30, 2018

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I respectfully request that **Senate Bill # 1582**, relating to Elections, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean". The signature is written in a cursive style with a large, looped "A" and a long, sweeping "B".

---

Senator Aaron Bean  
Florida Senate, District 4

# FAIR ELECTIONS LEGAL NETWORK

Testimony Regarding Committee Amendment 519698 to SB 1582  
Florida State Senate  
Ethics and Elections Committee  
February 13, 2018

Fair Elections Legal Network (FELN) appreciates the opportunity to provide information and express its views regarding Committee Amendment 519698 to SB 1582. As it is currently written, the amendment risks endangering the rights of eligible citizens to vote and wasting supervisors of elections' limited resources. An amendment currently being offered by the sponsor of the House version, HB 1319 (Amendment 369127)<sup>1</sup>, would address these concerns by reducing false matches and the use of outdated information.

FELN is a national, nonpartisan voting rights, legal support and election reform organization whose mission is to remove barriers to registration and voting for traditionally underrepresented constituencies.

## **Summary of Amendment to SB 1582**

Amendment 519698 requires the DHSMV to furnish monthly to the Department of State (DOS) a list of persons who self-identified as noncitizens and requires the Department to compare the list with the statewide voter registration system. If the Department determines that a registered voter is not a citizen, the amendment requires the Department to provide the name of the individual to the supervisor of elections. The amendment also requires supervisors of election to enter into agreements with the circuit court clerk to receive monthly change of address information and lists of potential jurors who self-identified as non-citizens.

## **Concerns with Amendment 519698 as Currently Drafted**

*List maintenance is important but must be secure and accurate.* Inaccurate and improper list matching schemes cost eligible citizens their right to vote, and extreme caution is warranted when matching two different lists.

*As currently written, the amendment provides no safeguards against bad list matching.* For example, it does not indicate which information has to match between a DHSMV record and a voter registration record for the person to be identified as a non-citizen. By failing to establish required matching criteria, the current version significantly increases the risk of misidentification errors: if insufficient data is used to compare lists, an eligible citizen's voter record could be paired with a completely different person's driver's record, resulting in a false match. False matches not only endanger eligible voters' registrations, but they also waste supervisors' limited resources.

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<sup>1</sup> <https://www.flsenate.gov/Session/Bill/2018/1319/Amendment/369127/PDF>

*Previous list matching efforts undertaken by the Department of Elections between DHSMV and voter roll data have been unreliable and inaccurate.* In 2011-2012, the Department of Elections created a list of more than 180,000 voters it initially asserted were noncitizens after an attempted match between drivers license information and the voter list. The list of names was then considerably narrowed to approximately 2600, and later to only 85<sup>2</sup>. Unfortunately, this attempt was riddled with errors and resulted in litigation. Of the 2600 names identified in mid-2012, hundreds of citizens came forward to indicate they had been misidentified, including a Brooklyn-born WWII veteran.<sup>3</sup> Another example of a data mismatch error includes the mistaken removal in 2006 of Governor Scott as deceased<sup>4</sup>.

*As currently written, the amendment does not specify a timeframe for identifying when persons identified as noncitizens, putting eligible naturalized citizens at risk.* The amendment is ambiguous about whether it will apply to persons who self-identified as noncitizens in the past or only those who did so recently: this is extremely important because people who correctly identified as noncitizens at one time often later become naturalized and then register to vote. Over eighty thousand people naturalized in Florida in 2015 alone, and driver licenses can be kept for 6-8 years without renewal at DHSMV.

*The requirements to obtain jury information, as written, raise similar risks.* The amendment as currently drafted does not set any minimum matching criteria to be used by supervisors to determine that an individual on a jury list is the same person as a registered voter, and it is also not clear the timeframe of the information required.

### **Existing Amendment to Address Concerns**

*Amendment 369127 to HB 1319 would address the identified concerns with matching criteria and timeframe.* The House sponsor of HB 1319 filed Amendment 369127 on February 12, 2018, which specifies that the information would include only persons who self-identified as non-citizens in the past calendar month, and it specifies criteria that supervisors and the Department of Elections would use to determine that a person who self-identified as a non-citizen is in fact the same person as the individual on the voter roll. These safeguards are important to the accuracy of any list maintenance effort. Should the committee proceed with Amendment 519698 to SB 1582, this committee should also adopt the changes proposed by the sponsor in Amendment 369127 to HB 1319.

If you would like additional information, please contact Michelle Kanter Cohen, Counsel, Fair Elections Legal Network, at 202-331-0114, or [mkantercohen@fairelectionsnetwork.com](mailto:mkantercohen@fairelectionsnetwork.com).

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<sup>2</sup> Amy Sherman, Homeland Security warned that the SAVE database is not foolproof way to verify voter rolls, LWV says (Oct. 30, 2013), <http://www.politifact.com/florida/statements/2013/oct/30/league-women-voters-florida/league-women-voters-says-homeland-security-warned-/>; Steve Bousquet and Amy Sherman, Florida Suspends Non-citizen Voter Purge Efforts (Mar. 27, 2014), <http://www.miamiherald.com/news/politics-government/article2087729.html>

<sup>3</sup> Scott Powers, State Names 198 noncitizens illegally Registered to Vote (Sept. 26, 2012), [http://articles.orlandosentinel.com/2012-09-26/news/os-voter-purge-list-released-20120926\\_1\\_voter-rolls-voter-registration-chris-cate](http://articles.orlandosentinel.com/2012-09-26/news/os-voter-purge-list-released-20120926_1_voter-rolls-voter-registration-chris-cate)

<sup>4</sup> Lloyd Dunkelberger, Elections Officials Told Rick Scott He was Dead and Couldn't Vote (June 14, 2002), <http://politics.heraldtribune.com/2012/06/14/scott-mistakenly-declared-dead-on-voting-rolls/>

Tab #14

# APPEARANCE RECORD

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

2/13/18

Meeting Date

1582

Bill Number (if applicable)

AM 519698

Amendment Barcode (if applicable)

Topic Elections

Name Karen Woodall

Job Title

Address 579 E. Call St.

Street

Phone 850-321-9386

Tallahassee

FL

32301

Zip

Email fcfep@yahoo.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Florida Immigrant Coalition

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)



# CourtSmart Tag Report

**Room:** KN 412                      **Case No.:**  
**Caption:** Senate Ethics and Elections Committee

**Type:**  
**Judge:**

**Started:** 2/13/2018 2:03:28 PM  
**Ends:** 2/13/2018 2:23:24 PM              **Length:** 00:19:57

2:03:31 PM	Call to order
2:03:34 PM	Roll Call
2:04:22 PM	Tab 12 SB 582 by Sen Rader
2:04:26 PM	Sen Rader
2:04:58 PM	Marilynn Wills, League of Women Voters FL, Waives in Support
2:05:09 PM	Roll Call
2:05:36 PM	CS/SB 582 Recorded Favorably
2:05:43 PM	Tab 13 SB 1180 by Sen Steube
2:05:51 PM	Sen Brandes
2:06:07 PM	AM 220574
2:06:09 PM	Sen Brandes
2:06:52 PM	Sen Hutson Question
2:07:05 PM	Sen Brandes
2:07:25 PM	Sen Braynon Question
2:07:55 PM	Sen Brandes
2:08:16 PM	Sen Rodriguez Question
2:09:01 PM	Sen Brandes
2:10:03 PM	Rebecca O'Hara, FL League of Cities, speaks against
2:11:23 PM	Sen Brandes Question
2:11:28 PM	Rebecca O'Hara
2:12:40 PM	Sen Hutson Debate
2:13:05 PM	AM 220574 Adopted
2:13:35 PM	Drenda Merritt, Mayor of town of Ingles, speaks against
2:14:42 PM	Sen Passidomo Debate
2:14:57 PM	Sen Lee Debate
2:15:31 PM	Sen Brandes close
2:15:59 PM	Roll Call
2:16:25 PM	CS/SB 1180 Recorded Favorably
2:16:34 PM	Tab 11 SB 316 by Sen Stewart
2:16:37 PM	Sen Stewart
2:18:04 PM	AM 109144
2:18:07 PM	Sen Hutson
2:18:57 PM	Sen Stewart
2:19:37 PM	AM 109144 Adopted
2:20:08 PM	Patricia Thomas, Democrat Club of North Florida, speaks in support
2:21:32 PM	Marilynn Wills, League of Women Voters of FL, Waives in Support
2:21:47 PM	David Cullen, Sierra Club Florida, Waives in Support
2:21:54 PM	Roll Call
2:22:20 PM	CS/SB SB 316 Recorded Favorably
2:22:37 PM	Tabs 1-10 Appointments
2:22:45 PM	Sen Braynon Motion to Recommend Confirm Appointments Tabs 1-10
2:22:48 PM	Roll Call
2:23:12 PM	Appointees, Tabs 1-10, recommended favorably
2:23:15 PM	Adjourned