

Committee on Ethics and Elections

CS/HB 1005 — Voting Systems

by State Affairs Committee and Rep. Byrd and others (CS/SB 1312 by Appropriations Committee; and Senators Montford and Gainer)

The bill gives county canvassing boards and supervisors of elections the option to use state-certified, digital-imaging, automated tabulating equipment that is not part of the county's voting system to conduct both machine and manual recounts. Currently, only nine counties — Bay, Broward, Columbia, Hillsborough, Indian River, Leon, Nassau, Putnam, and St. Lucie — are expected to use such equipment to conduct post-certification, automated audits for the 2020 election cycle.

The bill authorizes the logic and accuracy testing of voting tabulating equipment to start as early as 25 days before early voting begins, rather than 10 days before early voting begins as under current law, to avoid any delay in the canvassing of vote-by-mail ballots.

If approved by the Governor, these provisions take effect January 1, 2021, except as otherwise provided.

Vote: Senate 38-0; House 118-0

Committee on Ethics and Elections

CS/CS/CS/SB 1794 — Constitutional Amendments

by Rules Committee; Judiciary Committee; Ethics and Elections Committee; and Senator Hutson

The bill modifies the citizen initiative process for amending the State Constitution. Specifically, the bill:

- Expands the scope of Florida Supreme Court review to include facial validity of the proposal under the U.S. Constitution.
- Narrows the role of the Financial Impact Estimating Conference (FIEC) to estimating the proposal's financial impact on state and local governments and the state budget.
- Increases the geographic diversity and number of petition signatures that must be verified before the Secretary of State refers the proposal to the Attorney General and the FIEC.
- Creates a cause of action for citizens to challenge a petition circulator's registration.
- Provides that petition signatures are valid until the next February 1 of an even-numbered year, establishing a standardized 2-year petition cycle.
- Allows the Division of Elections or a supervisor of elections to provide a petition form in PDF format, with printing costs to be borne by the sponsor.
- Provides that a signature obtained illegally, including by an unregistered paid petition circulator, is invalid.
- Petition Signature Verification (costs):
 - Requires petition sponsors to pay the actual cost of signature verification, as determined by the supervisor of elections in each county;
 - Requires such costs to be posted on the supervisors' and Division of Elections' website, for the sake of transparency;
 - Locks in verification costs for the entire 2-year petition cycle and signature validity period, so sponsors know at the outset how much verification will cost; and,
 - Requires the Division of Elections and supervisors to review biennially any available, cost-reducing technology.
- Petition Signature Verification (process):
 - Requires supervisors to verify petition signatures within 30 days (not 60 days) in the two months immediately preceding the February 1 ballot position deadline in a general election year.
 - Requires the supervisors and Division of Elections to post and update monthly (weekly during the last 60 days before the February 1 ballot position deadline) certain information about the number of signature petitions received, verified, and processed.
- Requires the ballot to include a bold-font statement that the FIEC:
 - Estimates a positive financial impact, along with projected tax/revenue/government services impacts;
 - Estimates a negative fiscal impact, along with projected tax/government services impacts; or,
 - Estimates an indeterminate financial impact due to ambiguities/uncertainties or the FIEC being unable to reach a consensus.

The bill, by its express terms, applies to 2020 ballot initiatives, though it does not “affect the validity of any petition form gathered before the effective date of this act or any contract entered into before the effective date of this act.” However, it clarifies that the FIEC need not re-visit financial impact statements already submitted to the Secretary of State for 2020 initiatives.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 23-17; House 73-45

Committee on Ethics and Elections

HB 7009 — Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position

by Public Integrity and Ethics Committee and Rep. Byrd (SB 7006 by Ethics and Elections Committee)

The bill reenacts s. 112.317, F.S., which provides penalties for violations of the Florida Code of Ethics for Public Officers and Employees and for any violation of Art. II, s. 8, State Constitution.

The reenactment of s. 112.317, F.S., will make the section applicable to amendments to the State Constitution by Amendment 12 adopted in the 2018 general election. The amended constitutional language prohibits a public officer or public employee from abusing his or her public position in order to obtain a disproportionate benefit. Penalties under s. 112.317, F.S., include impeachment and removal from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution, among other punishments.

Amendment 12 provides that the abuse of public position prohibition takes effect on December 31, 2020. The amendment also requires the Legislature to enact implementing legislation establishing penalties for violations of the prohibition to take effect on the same day.

The bill's reenactment of s. 112.317, F.S., effective December 31, 2020, makes the penalty provisions of the section applicable to the constitutional prohibition. This meets the requirement of the Amendment 12 schedule language.

If approved by the Governor, these provisions take effect December 31, 2020.

Vote: Senate 36-0; House 118-0