

Committee on Ethics and Elections

CS/HB 135 — Voter Registration Applications

by State Affairs Committee and Reps. Gossett-Seidman, Caruso, and others (CS/SB 1256 by Fiscal Policy Committee and Senator Martin)

The bill prohibits changing the party affiliation of a voter registration applicant who is updating his or her voter registration record unless the applicant designates and consents in writing to the change.

The bill revises voter-registration duties of the Florida Department of Highway Safety and Motor Vehicles (DHSMV) by:

- Prohibiting the DHSMV from changing the party affiliation of an applicant who is updating his or her voter registration record unless the applicant designates and consents in writing to change his or her party affiliation.
- Requiring the DHSMV to, after verifying voter registration information and receiving the applicant's electronic signature, provide the applicant with a printed receipt that includes the submitted voter registration information and documents any changes in party affiliation.
- Requiring the DHSMV to ensure that technology processes and updates do not alter an applicant's party affiliation without the written consent of the applicant.

The bill requires the DHSMV to be in full compliance with the bill's requirements within 3 months after the bill becomes law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect January 1, 2025.

Vote: Senate 40-0; House 113-0

Committee on Ethics and Elections

CS/HB 919 — Artificial Intelligence Use in Political Advertising

by State Affairs Committee and Rep. Rizo and others (CS/CS/SB 850 by Rules Committee; Ethics and Elections Committee; and Senator DiCeglie)

The bill creates a definition for “generative artificial intelligence” and requires a disclaimer be included on specified forms of political advertisements created with generative artificial intelligence (AI).

Specifically, the bill defines “generative AI” to mean a machine-based system that can, for a given set of human-defined objectives, emulate the structure and characteristics of input data in order to generate derived synthetic content including images, videos, audio, text, and other digital content. The bill requires a political advertisement, electioneering communication, or other miscellaneous advertisement of a political nature created in whole or in part with the use of generative AI to bear a disclaimer stating such if the generated content:

- Appears to depict a real person performing an action that did not actually occur; and
- Was created with intent to injure a candidate or to deceive regarding a ballot issue.

The bill prescribes additional disclaimer requirements for specified types of content.

The bill specifies that in addition to any penalties provided by law, a person identified pursuant to another disclaimer required by campaign finance laws as paying for, sponsoring, or approving a form of political advertisement which is required to include the AI disclaimer but fails to include it commits a first-degree misdemeanor. In addition, the bill prescribes an expedited process for resolution of a civil complaint to the Florida Elections Commission of a violation of the AI disclaimer requirement.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 32-0; House 104-8

Committee on Ethics and Elections

SJR 1114 — Public Financing for Campaigns of Candidates for Elective Statewide Office

by Senator Hutson

The bill proposes the repeal of Art. VI, s. 7, State Constitution, which requires public financing for campaigns of candidates for elective statewide offices who agree to campaign spending limits. As implemented by law, the campaigns that may currently receive funding are limited to campaigns for the Office of the Governor and Cabinet offices.

The proposal will be presented to the electors of Florida at the 2024 general election or at an earlier special election specifically authorized by law for that purpose. Approval requires a favorable vote from at least 60 percent of the electors voting on the matter.

These provisions become law without the Governor's signature and take effect upon a favorable vote from at least 60 percent of the electors voting on the matter at the 2024 general election or at an earlier special election specifically authorized by law for that purpose.

Vote: Senate 28-11; House 82-29

Committee on Ethics and Elections

SB 1116 — Campaign Finance

by Senator Hutson

This bill is linked to SJR 1114, which proposes the repeal of Art. VI, s. 7, State Constitution, a provision that requires public financing for campaigns of candidates for elective statewide offices who agree to campaign spending limits.

This bill repeals the statutory provisions governing Florida’s public financing program, if SJR 1114 is approved by voters.

The bill takes effect on the effective date of the amendment to the State Constitution proposed by SJR 1114 or a similar joint resolution having substantially the same specific intent and purpose, if such an amendment to the State Constitution is approved by the electors at the next general election or at an earlier special election specifically authorized by law for that purpose.

Vote: Senate 28-12; House 83-29

Committee on Ethics and Elections

CS/HB 7003 — OGSR/Preregistered Voters

by State Affairs Committee; Ethics, Elections & Open Government Subcommittee; and Rep. Holcomb and others (CS/SB 7010 by Rules Committee and Ethics and Elections Committee)

The bill (Chapter 2024-39, L.O.F.) saves from repeal the current public records exemption making information concerning preregistered voter registration applicants who are 16 or 17 years old confidential and exempt from public inspection and copying requirements.

The exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2024, unless saved from repeal by the Legislature. The bill removes the scheduled repeal, thereby continuing the confidential and exempt status of information concerning preregistered voter registration applicants.

The bill also authorizes disclosure of certain information related to voter registration that is otherwise confidential and exempt, including the protected information related to preregistered voters, to another governmental entity if disclosure is necessary for the receiving entity to perform any required duties directly related to election administration.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 40-0; House 118-0

Committee on Ethics and Elections

HB 7005 — OGSR/Financial Disclosure

by Ethics, Elections & Open Government Subcommittee and Rep. Holcomb (SB 7012 by Ethics and Elections Committee)

The bill saves from repeal current public records exemptions for:

- All secure login credentials held by the Commission on Ethics for the purpose of allowing access to the electronic financial disclosure filing system; and
- Information entered into the system for purposes of making the disclosure.

The exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2024, unless reenacted by the Legislature. The bill saves the exemptions from repeal by deleting the scheduled repeal date, thereby maintaining the current exempt status of the information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 40-0; House 118-0

Committee on Ethics and Elections

CS/SB 7014 — Ethics

by Rules Committee and Ethics and Elections Committee

The bill creates a number of timeframes for completion of specific steps of the process conducted by the Commission on Ethics (commission) when investigating alleged ethics violations, including:

- The commission's pre-investigation review of complaints and referrals for technical and legal sufficiency.
- The deadline for the complainant to file an amended complaint.
- The completion of a report containing the results of an investigation, its transmission to the alleged violator and counsel for the commission, the alleged violator's response, and the counsel for the commission's written recommendation relating to probable cause.
- The hearings held by the commission, including informal hearings and those held for the purpose of determining probable cause or taking final action on a case relinquished from the Division of Administrative Hearings (DOAH) back to the commission without a recommended order.

Related to the new timeframes, the bill:

- Requires the commission to complete its investigation, which concludes with the probable cause determination, within 1 year, and provides limited extension allowed under certain circumstances.
- Creates a harmless error standard for failure to meet the timeframes.
- Tolls the timeframes until resolution of any related criminal cases.
- Specifies that the timeframes apply to complaints or referrals submitted to the commission on or after October 1, 2024.

The bill makes the following additional changes related to investigations conducted by the commission:

- Clarifies that the counsel representing the commission in enforcement actions is an assistant attorney general, unless there is a conflict, in which case the commission must designate an attorney not otherwise employed by the commission.
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts. Provides that the alleged violator may elect to have a formal administrative hearing conducted by an administrative law judge in the DOAH or an informal hearing conducted before the commission.
- Requires that at least two-thirds of commission members present at a meeting must vote to reject or deviate from a stipulation or settlement that is recommended by the counsel representing the commission.

The bill's provisions related to investigations conducted by the commission take effect October 1, 2024.

The bill also, effective upon becoming a law:

- Requires complaints be based upon personal knowledge or information other than hearsay.
- Conforms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws.
- Provides that terms of commission members are limited to two total, rather than two successive.
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint.
- Provides a Form 1 and Form 6 reporting exception for attorneys who have a conflict with Florida Bar requirements by allowing an attorney filer to remove identifying information regarding a client when reporting sources of income if disclosure of the information will violate confidentiality requirements.
- Requires all local political subdivisions or agencies that adopt or have adopted local ethics laws and enforcement procedures to:
 - Require a complaint to be written and signed under oath or affirmation;
 - Require a complaint to be based upon personal knowledge other than hearsay;
 - Prohibit self-initiation of complaints by a local government entity that is directly in charge of regulating and enforcing local ethics laws; and
 - Authorize recovery of costs and attorney fees incurred in defending against a maliciously filed complaint.

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

Vote: Senate 26-4; House 79-34