

CS/CS/SB's 716 and 2660 — Campaign Finance/Disclosure

by Judiciary Committee; Ethics and Elections Committee; and Senators Posey, Rich, Wilson, Margolis, and Aronberg

The committee substitute significantly enhances campaign finance disclosure requirements. Specifically, the bill:

- Requires statewide officers, state legislators, and candidates for those offices that solicit funds for a 527 or 501(c)(4) that they *establish, maintain, or control* to register with the Division of Elections within 5 days, create a website with the names of persons associated with the organization, and report contributions and expenditures within 5 days on the web site.
- Defines an “electioneering communication” without regard to when it occurs.
- Requires *all* “electioneering communications organizations,” or “ECOs,” to register with the Division of Elections using a real street address, not a post office box, and file campaign finance reports electronically.
- Mandates ECO *registration* within 24 hours of when an ECO organizes or anticipates receiving contributions or making expenditures for electioneering communications. Electioneering *expenditures*, in turn, can occur as early as the time an organization contracts for any electioneering communications.
- Requires an ECO, within 2 days after it registers and receives its initial secure sign-on from the Department of State, to electronically file all campaign finance reports that would have been required for reportable activities dating back to the date of the last general election.
- Prohibits ECOs from using contributions received *within 5 days* of an election for that election.
- Prohibits an ECO from accepting a contribution from a 527 or 501(c)(4), other than a political party, political committee, or committee of continuous existence (CCE), unless the contributing organization has registered as if it were an ECO and filed all required campaign finance reports.
- Requires CCEs to report expenditures for personal services, salary, reimbursement for authorized expenses, and credit card transaction information on periodic campaign finance reports.
- Clarifies that “direct mail” of any kind is a “communications media” for purposes of Florida’s campaign finance laws, thereby ensuring that *all* direct mail pieces that either

expressly advocate or meet the new definition of an “electioneering communication,” not just the ones sent out by direct mail *companies*, will carry a sponsorship identification disclaimer.

If approved by the Governor, these provisions take effect on July 1, 2006.

Vote: Senate 39-0; House 109-5

SJR 2788 — Constitutional Officers/Term Limits

by Senators Posey and Haridopolos

Senate Joint Resolution 2788 rescinds House Joint Resolution 1177 (2005), which proposed a constitutional amendment to be voted at the 2006 general election extending term limits from 8 to 12 years for state legislators and Cabinet members whose continuous term in office began in November 2006 or thereafter. The effect of the joint resolution is to remove the proposed term limits amendment from the 2006 ballot.

This resolution takes effect immediately without the Governor’s signature.

Vote: Senate 26-14; House 103-14

CS/SB 2000 — Ethics/Public Officers and Employees

by Ethics and Elections Committee and Senator Posey

The committee substitute clarifies and revises portions of the ethics code of the State of Florida, and provides for additional restrictions on the conduct of current and former government employees and elected officials. The bill prohibits persons who are registered to lobby the legislative and executive branches of state government, or any local governmental entity, from serving as members of the Commission on Ethics. The bill also prohibits any member of the Commission from lobbying the Legislature or executive branch of state government, or any local governmental entity, while serving as a member of the Ethics Commission.

Specifically, the bill extends the Little Hatch Act to prohibit all state employees, or employees of any political subdivision, from being involved in political campaigns while on duty.

The bill amends the prohibition against using inside information gained while in a public position to benefit oneself or another, clarifying that the prohibition applies to former employees and officers—except for information relating exclusively to governmental practices. The “revolving door” prohibition against representing a client before one’s former agency is extended to include other-personal-services (OPS) employees and any agency employees whose positions were transferred from Career Service status to Select Exempt Service status under the “Service First” law. Additionally, the bill applies the two-year prohibition for former local elected officials representing another person or entity to prohibit representation before the government

body *or agency* they served (which would include staff), rather than just the body of which they were a member.

The bill further revises post-employment restrictions to allow state employees whose jobs are privatized to work for a private entity under certain circumstances.

Finally, the bill excludes from the definition of “expenditure” in the lobbying context certain campaign related contributions and expenditures.

If approved by the Governor, these provisions, except as otherwise provided in the bill, take effect October 1, 2006.

Vote: Senate 39-0; House 119-0

