## COMMITTEE MEETING EXPANDED AGENDA

**ETHICS AND ELECTIONS**

**Senator Baxley, Chair**

**Senator Braynon, Vice Chair**

### MEETING DATE:
Tuesday, March 26, 2019

### TIME:
4:00—6:00 p.m.

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

### MEMBERS:
Senator Baxley, Chair; Senator Braynon, Vice Chair; Senators Diaz, Passidomo, Powell, Rodriguez, and Stargel

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
</table>
| 1   | SB 582  
Diaz  
(Identical H 881) | Voting Systems; Defining the term “automatic tabulating equipment” for purposes of the Florida Election Code; revising procedures governing the canvassing of returns to specify usage of a voting system’s automatic tabulating equipment; clarifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; specifying the manner by which a manual recount may be conducted, etc. | Favorable  
Yeas 6 Nays 0 |
| 2   | SB 1702  
Baxley  
(Similar H 1) | Ethics Reform; Prohibiting certain public service announcements by specified governmental entities, persons acting on behalf of such entities, and elected officials; providing applicability; revising applicability of certain provisions relating to conflicting employment and contractual relationships; prohibiting statewide elected officers and legislators from soliciting employment offers or investment advice arising out of official or political activities, etc. | Amendments Adopted - Temporarily Postponed |

### Senate Confirmation Hearing:
A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

<table>
<thead>
<tr>
<th>OFFICE and APPOINTMENT (HOME CITY)</th>
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<tbody>
<tr>
<td><strong>Education Practices Commission</strong></td>
<td></td>
<td></td>
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</tbody>
</table>
| Bland, Ana Armbrister (West Palm Beach) | 09/30/2022 | Recommend Confirm  
Yeas 6 Nays 0 |
| Copenhaver, Ann B. (Pensacola) | 09/30/2021 | Recommend Confirm  
Yeas 6 Nays 0 |
| DeSanctis, Marielena P. (Lake Worth) | 09/30/2022 | Recommend Confirm  
Yeas 6 Nays 0 |
| Gallucci, E. Jane (Lady Lake) | 09/30/2019 | Recommend Confirm  
Yeas 6 Nays 0 |
# COMMITTEE MEETING EXPANDED AGENDA

**Ethics and Elections**  
**Tuesday, March 26, 2019, 4:00—6:00 p.m.**

<table>
<thead>
<tr>
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<th>COMMITTEE ACTION</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Jaureguizar, Martha T. (Miami)</td>
<td>09/30/2021</td>
<td>Recommend Confirm Yeas 6 Nays 0</td>
</tr>
<tr>
<td></td>
<td>Pillay, Nigel D. (St. Augustine)</td>
<td>09/30/2022</td>
<td>Recommend Confirm Yeas 6 Nays 0</td>
</tr>
<tr>
<td></td>
<td>Swint, Michelle (DeLand)</td>
<td>09/30/2021</td>
<td>Recommend Confirm Yeas 6 Nays 0</td>
</tr>
<tr>
<td></td>
<td>Wilks, Kathy (Osprey)</td>
<td>09/30/2021</td>
<td>Recommend Confirm Yeas 6 Nays 0</td>
</tr>
<tr>
<td></td>
<td>Wright, Brandon (Brooksville)</td>
<td>09/30/2020</td>
<td>Recommend Confirm Yeas 6 Nays 0</td>
</tr>
</tbody>
</table>

**Secretary of Business and Professional Regulation**

- **Tab 4**  
  Beshears, Halsey (Monticello)  
  Pleasure of Governor  
  Recommend Confirm  
  Yeas 5 Nays 1

**Secretary of Juvenile Justice**

- **Tab 5**  
  Marstiller, Simone ()  
  Pleasure of Governor  
  Recommend Confirm  
  Yeas 6 Nays 0

**Secretary of Management Services**

- **Tab 6**  
  Satter, Jonathan R. (North Palm Beach)  
  Pleasure of Governor  
  Recommend Confirm  
  Yeas 6 Nays 0

**Secretary of State**

- **Tab 7**  
  Lee, Laurel M. ()  
  Pleasure of Governor  
  Recommend Confirm  
  Yeas 6 Nays 0

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Other Related Meeting Documents

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S-036 (10/2008)  
Page 2 of 2
I. Summary:

SB 582 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 seven counties — Bay, Broward, Columbia, Leon, Nassau, Putnam, and St. Lucie — have purchased and use such equipment to conduct post-certification, automated audits.

The bill takes effect July 1, 2019.

II. Present Situation:

Voting Systems

A “voting system” is a method of casting and processing votes that consists of electromechanical components and, in most instances, utilizes marksense ballots.1 The voting system may also include things like procedures, operating manuals, supplies, printouts, and other software necessary for the system’s operation.

The Division of Elections must approve all voting systems used in Florida elections. Florida’s certification process is among the most comprehensive in the nation. The Electronic Voting Systems Act in the Florida Elections Code prescribes the general standards for the approval of voting systems; division rule further details the complex, technical certification requirements.2

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1 Section 97.021(45), F.S.
The certification process tests the reliability of both the hardware and software components of the voting system to make sure that they meet rigorous standards.

Recounts

The preliminary results of an extremely close election may warrant a statutory machine and/or manual recount, depending on the margin of victory. The recount occurs before the election results are certified. The purpose of the recount is to determine who won an election. The State Elections Canvassing Commission, in the case of federal, state, and multicounty races, and the local county canvassing board in most other elections, must certify the results by the 9th day after a primary election and the 14th day after a general election.3

The current recount framework, with only a few minor modifications for peripheral issues, has been in effect since the Legislature enacted the Florida Election Reform Act of 2001 — which completely overhauled the State’s outdated recount process after the 2000 U.S. presidential recount.

Machine Recounts

If the first set of unofficial results4 indicate that the margin of victory in any race is one-half of one percent or less, each canvassing board must run the marksense ballots through the voting system’s automatic tabulating equipment for every affected precinct.5 During this machine recount process, the tabulators sort out the overvotes and undervotes, in case the results are close enough to warrant a manual recount of overvotes and undervotes. Touchscreen ballots for disabled voters are recounted by examining and reconciling discrepancies in the precinct tabulator counters. There are also requirements for canvassing boards to perform L & A (“logic-and-accuracy”) tests on the tabulation equipment prior to re-tabulation, duplicating damaged ballots, and addressing voting discrepancies.

Manual Recounts

If the machine recount results comprising the second set of unofficial results6 indicate a margin of victory of one-quarter of one percent or less, the county canvassing board generally must conduct a manual recount of the overvotes and undervotes.7

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3 Section 102.111(2), F.S. County canvassing boards must submit final returns to the Department of State for races certified by the Elections Canvassing Commission no later than 5:00 p.m. on the 7th day after a primary election and by noon on the 12th day after a general election. Section 102.112(1),(2), F.S. (Prior to 2007, the deadline for the county canvassing board to submit general election results was even earlier — 5:00 p.m. on the 11th day after the election. Ch. 2007-30, § 32, LAWS OF FLA. (codified at § 102.112(2), F.S.))

4 County canvassing boards must report the first set of unofficial results in federal, statewide, state or multicounty office or ballot measure to the Department of State by noon of the third day after a primary election and noon of the 4th day after a general election. Section 102.141(5), F.S.

5 Section 102.141(7), F.S. A losing candidate within one-half of one percent or less can waive the automatic recount in writing. Id.

6 County canvassing boards must report the second set of unofficial results in federal, statewide, state or multicounty office or ballot measure to the Department of State by 3:00 p.m. of the 5th day after a primary election and 3:00 p.m. of the 9th day after a general election. Section 102.141(7)(c), F.S.

7 Section 102.166(1), F.S. A manual recount is not required if the losing candidate waives the recount or if the number of overvotes and undervotes to be recounted is fewer than the number of votes needed to change the election outcome. Id.
The majority of the manual recount process involves teams of two electors (preferably from opposing parties) reviewing marksense paper ballots to determine whether there is a “clear indication on the ballot that the voter has made a definite choice” — a very detailed process in the case of some markings.\(^8\) If a team cannot agree, the ballot is “bumped up” to the canvassing board for a final determination.\(^9\)

Recounts are governed by complex procedures and requirements designed to protect the integrity of the process, involving:

- Duplication of ballots;
- Security of ballots during the recount;
- Time and location of the recount;
- Opportunity for public observance;
- Objections to ballot determinations;
- Recordation of recount proceedings; and,
- Processes relating to affected candidates.\(^10\)

The recount process — both machine and manual — creates numerous logistical and organizational challenges for county supervisors of elections; depending on the race and the number of ballots involved, it can be a very time-consuming and labor-intensive process. With rare exception,\(^11\) county canvassing boards and supervisors of elections have repeatedly risen to the challenge when a State-certified recount has been necessary.\(^12\)

### Voting System Audits

Voting system audits, as distinct from recounts, are conducted after the final canvassing board certifies the election results for the purposes of confirming the accuracy of the voting system tabulation and identifying problems and recommending cures for future elections.

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\(^8\) Section 102.166(4)(b), F.S. The division has a 14-page rule detailing which ballot markings constitute a valid vote in the context of how a voter filled out a particular ballot. Rule 1S-2.027, F.A.C. There are also some relatively straightforward rules for counting touchscreen ballots cast on disability voting equipment. Id.

\(^9\) Section 102.166(5)(c), F.S.

\(^10\) Section 102.166(5)(b),(d), F.S.; Rule 1S-2.031 (Recount Procedures).

\(^11\) In the 2018 General Election, Broward, Hillsborough, Miami-Dade, and Palm Beach counties were reported to have missed an interim deadlines for submitting unofficial results to the State. Frances Robles, New York Times, Nearly 3,000 Votes Disappeared From Florida’s Recount. That’s Not Supposed to Happen (Nov. 16, 2018) (available at https://www.nytimes.com/2018/11/16/us/voting-machines-florida.html) (last accessed Mar. 11, 2019). Notwithstanding, all but Palm Beach County, because of its antiquated voting system hardware, were able to certify final results to the State in all recount races by the deadline on the 12th day following the election.

\(^12\) For 4+ election cycles beginning in 2002, county canvassing boards conducted recounts in 37 elections (37 machine; 15 manual); (review of primary, general and special election results from 2002-2018, excluding the 2018 General Election). See generally, Florida Division of Elections, Election Results Archive web site, available at https://results.elections.myflorida.com/ (last accessed Mar. 11, 2019). Some of these recounts may have involved multiple counties, effectively increasing the total numbers (assuming each county’s recount constitutes a separate event). In the 2018 General Election, canvassing boards and supervisors simultaneously conducted an additional 204 countywide machine recounts and 137 countywide manual recounts in three separate statewide races, one Florida Senate race (District 18), and two Florida House races (District 26 and District 89). See generally, Florida Division of Elections E-night Election Results Archive, available at https://enight.elections.myflorida.com/ (last accessed Mar. 11, 2019).
Section 101.591(1), F.S., provides:

Immediately following the certification of each election, the county canvassing board... shall conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts (emphasis added).

Manual random audits consist of a public, hand tally of a 1%-2% of precincts in a single race on the ballot. The audit includes a tally of Election Day, vote-by-mail, early voting, provisional, and overseas ballots.

Automated audits are much more extensive, tallying votes cast across every race that appears on the ballot. The tally includes all election day, vote-by-mail, early voting, provisional, and overseas ballot in at least 20% of the precincts chosen at random by the canvassing board.

The division “approves” the independent audit equipment pursuant to both statutory and rule standards. The automated audit equipment must be:

- Completely independent of the primary voting system;
- Fast enough to produce audit results no later than midnight of the 7th day following election certification; and,
- Capable of demonstrating that the audit system has accurately tallied the ballots.

Division Rule 1S-5.026, F.A.C., contains additional “approval” requirements and procedures, which are not as comprehensive as the requirements for certifying full voting systems.

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13 Section 101.591(2)(a), F.S.
15 Section 101.591(2)(c), F.S.
16 Rule 1S-5.026 (Post-Election Certification Voting System Audit); see also, infra note 2 and accompanying text (discussing voting system certification requirements).
The canvassing board must complete the audit no later than midnight of the 7th day after it certifies the election results.\(^{17}\) The canvassing board must provide a report to the Department of State by the 15th day after completing the audit that addresses:\(^{18}\)

- The overall accuracy of the audit;
- A description of any problems or discrepancies encountered;
- The likely cause of such problems or discrepancies; and,
- Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.

If a manual recount takes place, the affected canvassing board is not required to conduct an audit.\(^{19}\)

### III. Effect of Proposed Changes:

SB 582 gives county canvassing boards and supervisors of elections the option to use digital imaging, automated tabulating equipment that is not part of the voting system to conduct both machine and manual recounts.

In the machine recount process, the ballots are run through the digital imaging tabulators and not the voting system’s tabulators that performed the original tally. Overvotes and undervotes may be sorted physically or digitally, in case the results are close enough to require a manual recount.

To facilitate faster manual recounts of overvotes and undervotes, SB 582 specifically allows for the counting of the actual paper ballots or the digital image of the ballots.

Further, the bill directs the division to adopt by rule “procedures relating to the certification, and the use thereof, of automatic tabulating equipment that is not part of a voting system.” Use of the word “certification” suggests a higher threshold for authorization than the current “approval” process for automated audit systems, something more akin to the voting systems certification standards.

The bill takes effect July 1, 2019.

### IV. Constitutional Issues:

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

None.

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

None.

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\(^{17}\) Section 101.591(4), F.S.

\(^{18}\) Section 101.591(5), F.S.

\(^{19}\) Section 101.591(6), F.S.
C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

As the bill makes the use of digital imaging systems for recounts permissive, any private sector impact would be purely speculative.

C. Government Sector Impact:

As the bill makes the use of digital imaging systems for recounts permissive and there is no way to predict which county may be impacted by a recount, any government sector impact would be purely speculative.

Supervisors of elections currently using digital-imaging, automated tabulating equipment to conduct automated audits may realize cost savings in the event of a recount. As counties generally fund elections at the local level, supervisors wishing to purchase new or add additional digital-imaging equipment would not need an expenditure from the State’s General Revenue fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Senate Bill 7066 (2019), an Ethics and Elections committee bill, offers a different approach to addressing the tight statutory time frames for recounts; it provides an extra week for ALL county canvassing boards and supervisors to certify general election recount results, and an additional 5 days to certify results in all primary elections.
VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.021, 101.5614, 102.141, 102.166.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

36-00925-19 2019582__

A bill to be entitled
An act relating to voting systems; amending s. 97.021, F.S.; defining the term “automatic tabulating equipment” for purposes of the Florida Election Code; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system’s automatic tabulating equipment; amending s. 102.141, F.S.; clarifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing an effective date.

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

Section 1. Present subsections (5) through (45) of section 97.021, Florida Statutes, are renumbered as subsections (6) through (46), respectively, and a new subsection (5) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(5) “Automatic tabulating equipment” means an apparatus that automatically examines, counts, and records votes.

Section 2. Paragraph (a) of subsection (4) and subsections (6) and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—
(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system’s automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). All duplicate ballots shall be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) Vote-by-mail ballots may be counted by the voting system’s automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(7) The return printed by the voting system’s automatic tabulating equipment, to which has been added the return of write-in, vote-by-mail, and manually counted votes and votes
Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(4). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause thereof shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

If the automatic tabulating equipment used in a recount is not in the question of retention to a judicial office was retained or not retained by the Secretary of State is responsible for ordering recounts in federal, state, and multicounty races. The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment in lieu of the posting of returns at individual precincts. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 3. Paragraph (a) of subsection (7) of section 102.141, Florida Statutes, is amended to read:

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a recount shall be ordered of the votes cast with respect to such office or measure. The Secretary of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

Paragraph (a) of subsection (7) of section 102.141, Florida Statutes, is amended to read:

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment.
36-00925-19

The Secretary of State is responsible for ordering a manual recount for federal, state, and multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races. A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.

(2)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes.

(b) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department’s rules so provide. Overvotes and undervotes may be identified and sorted physically or digitally.

(5) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) or s. 102.141(7) shall be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;
2. Time and place of recounts;
3. Public observance of recounts;
4. Objections to ballot determinations;
5. Record of recount proceedings; and
6. Procedures relating to candidate and petitioner representatives; and
7. Procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes.

CODING: Words **stricken** are deletions; words _underlined_ are additions.
Section 5. This act shall take effect July 1, 2019.
The Florida Senate
Committee Agenda Request

To: Senator Dennis Baxley, Chair
   Committee on Ethics and Elections

Subject: Committee Agenda Request

Date: February 29, 2019

I respectfully request that Senate Bill # 582, relating to Voting Systems, be placed on the:

☐ Committee agenda at your earliest possible convenience.
☒ Next committee agenda.

Senator Manny Diaz, Jr.
Florida Senate, District 36

File signed original with committee office S-020 (03/2004)
The Florida Senate

APPEARANCE RECORD

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

Meeting Date

3/26/19

Bill Number (if applicable)

682

Amendment Barcode (if applicable)

Topic

Voting Systems

Name

Mark Early

Job Title

Leon County Supervisor of Elections

Address

3241 Majestic Prince TEC

Street

Tallahassee

City

FL

State

32309

Zip

Phone

850-580-4852

Email

earleym@leon.c county. go

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing

Leon County Supervisor of Elections

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)
The Florida Senate

APPEARANCE RECORD

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

Meeting Date: 3/26/19

Bill Number (if applicable): 582

Topic: Voting Systems

Name: Mark Andersen

Job Title: Bay County Supervisor of Elections

Address: 2824 Kings Rd, Panama City, FL 32405

Phone: 850-819-6933

Email: baysuper@bypvotes.org

Speaking: ✔ For □ Against □ Information

Waive Speaking: □ In Support □ Against

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

Representing: Bay County Supervisor of Elections

Appearing at request of Chair: ✔ Yes □ No

Lobbyist registered with Legislature: □ Yes ✔ No

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

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

S-001 (10/14/14)
26 Mar 19

Meeting Date

Topic Voting Systems

Name Paul Lux

Job Title Supervisor of Elections, Okaloosa County

Address 302 Wilson St, Ste 102

Street Crestview

City State Zip 32536

Phone 850-225-7046

Email plux@co.okaloosa.fl.us

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida State Assoc. of Sup. of Elections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

Meeting Date: 3/26/2019

Bill Number (if applicable): SB 582

Topic: Election System

Name: Linda Miklowitz

Job Title: Chair, Action Team, NCSW, Tallahassee

Address: 2542 Arthur’s Court, Tallahassee, FL 32301

Phone: 850.559.1312

Email: NCSW@Tallahassee Advo Team@gmail.com

Speaking: □ For □ Against □ Information

Waive 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.
**The Florida Senate**

**Appearance Record**

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

---

**Meeting Date:** 3/26/19  
**Bill Number (if applicable):** 582

**Topic:** Voting Systems

**Name:** Keri Rayborn Silver

**Job Title:**

**Address:** PO Box 1565, Tallahassee, FL 32302

**Phone:** 850-524-2394  
**Email:** Keri@raybornconsultants.com

**Speaking:** [X] For  [ ] Against  [ ] Information

**Waive Speaking:** [X] In Support  [ ] Against

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

---

**Representing:** Clear Ballot

**Appearing at request of Chair:** [X] Yes  [ ] No  
**Lobbyist registered with Legislature:** [X] 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.*
I. Summary:

SB 1702 addresses public officer, employee and third party conduct regarding solicitation and negotiation of conflicting and potentially conflicting employment or other income producing relationships. The bill addresses post-service lobbying restrictions for certain officers and revises executive branch lobbyist registration requirements in addition to other reforms. Specifically, the bill:

- Removes restrictions on state employees lobbying the legislature;
- Prohibits a governmental entity or an elected official from using or authorizing the use of an elected official’s name, image, likeness, official uniform, badge, or other symbol of office in a public service announcement during an election, if such announcement is paid with public funds or if the time or space for the announcement was donated by the media;
- Prohibits public officers and employees from soliciting an employment or contractual relationship from entities with whom they are prohibited from entering into conflicting employment and contractual relationships;
- Requires public officers and employees to report or disclose particular solicitations and offers of employment or contractual relationships;
- Imposes certain restrictions on statewide elected officers and legislators related to employment or investment advice;
- Restricts certain unelected state officers and employees regarding soliciting and negotiating an employment or contractual relationship with certain employers;
- Authorizes the Florida Commission on Ethics to investigate disclosures of certain prohibited solicitations in the same manner as a complaint; and
- Revises executive branch lobbying registration requirements to mandate electronic registration, clarify provisions, adjust the registration fee cap, provide a new fee for each agency lobbied, and add the Board of Governors of the State University System and the State Board of Education to the list of entities to which the requirements apply.
II. Present Situation:

State Employee Lobbyists

State law regulates aspects of legislative lobbying by state employees. Employees of non-public entities are only required to register if they are principally employed for governmental affairs activities and purposes. However, any state employee who appears before any legislator or appears before or attends any legislative committee to advocate for or against legislation must register as a lobbyist on behalf of his or her agency. In addition, each state, state university, or community college employee is required to record his or her attendance before any committee during the established business hours of the employee’s agency and to record with the Office of Legislative Services (OLS) any attendance in the legislative chambers, committee rooms, legislative offices, and other areas, unless the agency designates the individual’s position as being used for lobbying. The law requires deduction from the employee’s paycheck for all business hours spent lobbying in violation of these requirements. Other than the registration requirement, these regulations are antiquated and do not appear to have been enforced in recent years.

Elected Official Public Service Announcements

Chapter 106, F.S., governs campaign financing for candidates for public office and contains many provisions relating to political organizations, campaign contributions, use of campaign funds, and campaign advertising. The provisions related to campaign advertising set forth the requirements applicable to the contents of political advertisements as well as the use and removal of such advertisements. In addition, s. 106.113, F.S., prohibits a local government or a person acting on behalf of a local government from expending or authorizing the expenditure of public funds for a political advertisement concerning an issue, referendum, or amendment that is subject to a vote of the electors.

In Florida, the general election date for federal, state, county, and district office is the first Tuesday after the first Monday in November of each even-numbered year. In each year in which a general election is held, the primary election is held on the Tuesday 10 weeks prior to the

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1 Section 11.061, F.S.
2 Section 11.061(2)(b), F.S.
3 Section 106.011(15), F.S., defines the term “political advertisement” to mean a paid expression in a specified communications medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:
   • A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization’s newsletter, which newsletter is distributed only to the members of that organization.
   • Editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium.
4 Sections 106.143 and 106.1435, F.S.
5 Section 106.113(1)(a), F.S., defines the term “local government” to mean:
   • A county, municipality, school district, or other political subdivision in this state; and
   • Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.
6 FLA. CONST., Art. VI, s. 5 and s. 100.031, F.S.
The election date for municipal offices may be set by municipal ordinance. For all of these offices, current law provides for the following qualifying dates:

- Federal office – between noon on the 120th day before the primary election through noon on the 116th day before the primary election;
- State office – between noon on the 71st day before the primary election through noon on the 67th day before the primary election;
- State attorney – between noon on the 120th day before the primary election through noon on the 116th day before the primary election;
- Public Defender - between noon on the 120th day before the primary election through noon on the 116th day before the primary election;
- County office - between noon on the 71st day before the primary election through noon on the 67th day before the primary election.

<table>
<thead>
<tr>
<th>Florida Election Dates</th>
<th>Federal</th>
<th>State</th>
<th>State Attorney/Public Defender</th>
<th>County Office</th>
<th>Municipal Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying Period</td>
<td>Between noon on the 120th day before the primary election through noon on the 116th day before the primary election</td>
<td>Between noon on the 71st day before the primary election through noon on the 67th day before the primary election</td>
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<td>Between noon on the 71st day before the primary election through noon on the 67th day before the primary election</td>
<td>Municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality.</td>
</tr>
<tr>
<td>Primary Election</td>
<td>Tuesday, ten weeks before primary election</td>
<td>Tuesday, ten weeks before primary election</td>
<td>Tuesday, ten weeks before primary election</td>
<td>Tuesday, ten weeks before primary election</td>
<td>Municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality.</td>
</tr>
<tr>
<td>General Election</td>
<td>First Tuesday after the first Monday in November of each even-numbered year</td>
<td>First Tuesday after the first Monday in November of each even-numbered year</td>
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<td>Municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality.</td>
</tr>
</tbody>
</table>

**Conflicting Employment**

Current law prohibits a public officer or employee from entering into an employment or contractual relationship with any entity, including public agencies, over which the officer’s or employee’s agency exercises regulatory power or with whom the officer’s or employee’s agency does business. There are a number of exceptions relating to certain objectively fair or de

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7 Section 100.061, F.S.
8 FLA. CONST., Art. VI, s. 6 and s. 100.3605, F.S.
9 Section 99.061, F.S.
10 Section 112.313(7)(a), F.S.
minimis procurements, certain disclosed relationships, and other comparable exceptions.\textsuperscript{11} “Regulatory power” under this law does not include power exercised by a legislative body over another agency or legislative authority exercised by the passage of laws or ordinances.\textsuperscript{12}

The Code of Ethics for Public Officers and Employees (Code of Ethics)\textsuperscript{13} imposes on many public officers and state employees a two-year ban on lobbying their own agency after vacation of public office or employment.\textsuperscript{14} Affected employees are generally those with policymaking or significant purchasing authority. Affected legislative employees, including committee staff directors, deputy staff directors, certain attorneys, analysts, and others, are barred by this statute from lobbying either house or any office of the Legislature. Affected state agency personnel are only barred from lobbying their own former agency. Thus, a former Secretary of Health may lobby the Executive Office of the Governor or any agency under the Governor except the Department of Health. For both legislative and executive employees, however, there is an exception to the ban for those subsequently employed by other state agencies.\textsuperscript{15} Thus, a former agency secretary or legislative staff director may lobby their former employer on behalf of another state agency by whom they are employed during the first two years after leaving the position to which the ban relates.

The Code of Ethics imposes additional post-service restrictions on certain state employees.\textsuperscript{16} There is a concurrent employment prohibition\textsuperscript{17} and a post-employment restriction\textsuperscript{18} on employment by agency contractors over which the employee has exercised certain procurement influence or authority during public service. After retirement or termination, the former employee may not be employed “in connection with any contract” over which the employee had influence with respect to the procurement.\textsuperscript{19} The restriction lasts for the duration of such contract.\textsuperscript{20} There is an exception when the employee’s position is contracted out to the contractor, the influence was merely advisory, and the agency head determines the best interests of the state will be served by the employee having an employment or contractual relationship with the contractor.\textsuperscript{21}

A related restriction prohibits a former state agency employee, within two years after retirement or termination, from having or holding any employment or contractual relationship with any business entity in connection with any contract for contractual services that was “within [the]
responsibility” of the former employee. An exception exists when the agency head determines the former employee’s employment with the contractor is in the best interests of the state. 

In addition, there is a post-service compensation limitation applicable to an agency employee who becomes a contractor providing services to his or her former agency. During the first year after leaving his or her position with the agency, the former employee may not be paid more than the annual salary he or she was receiving upon leaving the agency for contractual services provided to the agency. This limitation also has an exception when the agency head grants a waiver for a particular contract after determining it will result in significant time or cost savings to the state.

The Code of Ethics also prohibits a public officer or employee or a candidate for public office from soliciting or accepting anything of value based upon an understanding that the vote, official action, or judgment of the officer, employee, or candidate would be influenced thereby. This includes gifts, employment, and valuable investment advice. In addition, even without such a quid pro quo understanding, the law prohibits certain public officers and employees from soliciting any gift or honorarium from certain entities – primarily vendors, political committees, lobbyists, and principals. Nonetheless, a public officer or employee may solicit employment from entities from which they may not seek a gift and may solicit future employment from entities from which they may not accept present employment, so long as there is no understanding that influence is offered in the exchange.

**Solicitation of Investment Advice and Business Deals with Lobbyists and Principals**

The Code of Ethics prohibits a current or former public officer or employee from disclosing or using non-public information gained by reason of public position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

**Disclosure of Employment by Elected Officers**

The financial disclosure laws require elected constitutional officers to file a full and complete disclosure of assets, liabilities, and income annually, and require candidates for such offices to file the disclosure when qualifying for office. These disclosures are due on July 1 each year for the period covering the previous calendar year. Thus, employer and income information is not reportable for six to 18 months after it is earned. There are no requirements for immediate disclosure of changes in income or employment.

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22 Section 112.3185(4), F.S.
23 Id.
24 Section 112.3185(5), F.S.
25 Id.
26 Id.
27 Section 112.313(2), F.S.
28 Section 112.312(12)(a), F.S.
29 Sections 112.3148(3) and 112.3149(2), F.S. (Only unsolicited gifts, $100 and under, may be accepted; and only expenses such as travel and lodging related to an honorarium event may be accepted.)
30 Section 112.313(8), F.S.
31 FLA. CONST., Art. II, s. 8(a); see also s. 112.3144, F.S.
32 Section 112.3144(2), F.S.
The Code of Ethics prohibits a public officer from accepting public employment if the officer knows or should know that the employment is being offered to gain influence or other advantage based on the public officer’s office or candidacy. Any public employment accepted by a public officer must meet all of the following conditions:

- The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer’s interest in such position;
- The position was publicly advertised;
- The public officer was subject to the same application and hiring processes as other candidates for the position; and
- The public officer meets or exceeds the required qualifications for the position.

A person who was employed by the state or any of its political subdivisions before qualifying as a public officer may continue his or her employment. However, he or she may not accept promotion, advancement, additional compensation, or anything of value that he or she knows or should know is provided as a result of his or her election or position.

**Lobbyist Registration and Compensation Reporting**

Lobbyists must register to lobby the executive branch and the legislative branch in Florida. Executive branch lobbying is regulated by the Code of Ethics and administered by the Florida Commission on Ethics (Commission). The annual lobbyist registration fee is set by Commission rule, not to exceed $40 for each principal represented. The current fee is set by rule at $25. Legislative branch lobbying is regulated primarily by Joint Rule and administered by the Office of Legislative Services (OLS). Both registration systems require lobbyists to register annually for each principal represented and to indicate the entities to be lobbied. In addition, lobbying firms must file quarterly compensation reports. Both the Commission and the Legislature have instituted electronic registration and compensation reporting. Executive branch lobbyists, however, must supply a written oath to complete each registration.

All state agency and legislative officers and employees are exempt from executive branch lobbying registration. However, local officers and employees must register to lobby the state executive branch.

Compensation reporting is subject to random audits and findings of non-compliance are reported to the Commission (in case of executive branch lobbying firms) for investigation. Some cases involve mere mistakes in reporting or calculation.

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33 Section 112.3125(2), F.S.
34 Section 112.3125(3), F.S.
35 Section 112.3125
36 Section 112.3125, F.S.
37 Section 112.3215, F.S.
38 Section 112.3215(4), F.S.
40 Section 112.3215(3), F.S.
41 Section 112.3215(1)(h)2., F.S.
42 Section 112.3215(8), F.S.
Code of Ethics Enforcement

The Commission is the independent body responsible for investigating and reporting on complaints concerning breach of the public trust by public officers or employees not within the jurisdiction of the Judicial Qualifications Commission.43 This jurisdiction extends to alleged violations of the Code of Ethics.44 For most violations, the Commission may not investigate except upon receipt of a complaint or referral from particular state officers responsible for enforcing the laws or from a United States Attorney.45

The power to impose civil penalties for violations is vested in the Governor and other public officers, depending on the status of the violator. Only the House or Senate may impose penalties on members of the House or Senators, respectively. If the Commission finds grounds for impeachment of an impeachable officer, findings are submitted to the Speaker of the House. In addition, the Governor is authorized to impose penalties on other officers subject to impeachment and the Attorney General has such power to impose penalties on the Governor. The presiding officers of the Legislature are empowered to impose penalties on certain legislative employees.46

The Commission investigates complaints, determines probable cause, and, after any public administrative hearing, makes findings of violations and recommendations on punishment. If the Commission does not find probable cause, the complaint is dismissed.47 A hearing must be requested within 14 days following mailing of the probable cause notification.48 In addition, the Commission may require a public hearing on its own motion.49 The Commission may not enter into a stipulation or settlement imposing penalties. All penalties must be imposed by the appropriate disciplinary authority.50 The Commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation.51

Executive branch lobbyist registration enforcement is governed by distinct enforcement provisions.52 The Commission reports probable cause findings to the Governor and Cabinet for appropriate action, which can include a fine up to $5,000 and prohibition from lobbying for up to two years.53 A person accused of violating the lobbyist registration law may also request a hearing within 14 days of the mailing of the probable cause notification.54 Such complaints, however, are not subject to dismissal based on the de minimis nature of a violation.55

43 FLA. CONST., Art. II, s. 8(f) and (i)(3).
44 See ss. 112.322(1) and 112.324, F.S.
45 Section 112.324(1), F.S.
46 Section 112.324(4)-(8), F.S.
47 Section 112.324(3), F.S.
48 Id.
49 Id.
50 Id.
51 Section 112.324(11), F.S.
52 Section 112.3215(8)-(9), F.S.
53 Section 112.3215(10), F.S.
54 Section 112.3215(9), F.S.
55 Section 112.3215(8)-(9), F.S.
III. **Effect of Proposed Changes:**

**State Employee Lobbyists**

The bill repeals the statutory requirement that a state employee who lobbies must register as a lobbyist with the joint legislative office. However, registration by such employees will still be required under the Joint Rules. Repeal of the section removes an antiquated and unenforced provision of law requiring certain state, university, and community college employees who lobby on behalf of their state government employer to record their attendance before any legislative committee or legislative office.

**Elected Official Public Service Announcements**

The bill defines the term “governmental entity” as any executive, judicial, or quasi-judicial department; state university; community college; water management district; or political subdivision. In addition, the term “public service announcement” is defined as any message communicated by radio, television, electronic communication, or billboard that promotes or announces an issue of public importance, concern, or welfare.

The bill prohibits a governmental entity, a person acting on behalf of a governmental entity, or an elected official from using or authorizing the use of an elected official’s name, image, likeness, official uniform, badge, or other symbol of office in a public service announcement beginning on the date that the public official qualifies as a candidate for reelection or election to public office and ending on the day after the election for which the elected official qualified as a candidate, if such announcement is paid with public funds or if the time or space for the announcement was donated by the media. The prohibition does not apply to charitable events held by an entity with 501(c)(3) tax-exempt status or to bona fide news events, such as press conferences or public debates broadcast by a licensed broadcaster. The provision does not restrict the use of funds from a campaign or political committee account.

**Conflicting Employment**

The bill prohibits a public officer or employee of an agency from soliciting an employment or contractual relationship from an entity regulated by his or her agency or doing business with his or her agency. To enforce this prohibition, the bill requires such entities to disclose to the head of the employing agency any solicitation prohibited by the law. If the solicitor is the agency head or a member of a body that is the agency head, the disclosure must be made to the Commission.

The bill prohibits a statewide elected officer or member of the Legislature from soliciting an employment offer arising out of official or political activities engaged in while he or she is an officer or legislator or a candidate for such office, except in the following circumstances:

- The officer or legislator may solicit or accept future employment in the last 180 days of his or her term of office if he or she is ineligible to run for reelection or has publicly announced that he or she is not and does not intend to become a candidate for reelection.

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56 Section 11.061, F.S.
• The officer or legislator may solicit or accept employment from any prospective employer in a profession or occupation in which he or she has formerly engaged, has been formally educated or trained, or is licensed unless such employment is prohibited by other general law.

The bill also prohibits certain unelected state officers and state agency employees, those required to file financial disclosures under the Code of Ethics, from soliciting an employment or contractual relationship from an entity that does business with or is regulated by the employing agency or from any person from whom they may not solicit gifts, including lobbyists and principals. Further, such state officers and state agency employees may not negotiate an offer of future employment with such entities without the permission of their agency head or an authorized designee. Permission may only be withheld if the agency head or designee determines such negotiation conflicts with the interests of the state. However, these officers and employees may solicit or negotiate such employment during the 90 days prior to termination of employment if the individual has given notice of termination or is ending a fixed term of office and will not be reappointed. In addition, if the agency has notified the individual that he or she will be discharged from employment or office, solicitation and negotiation is permitted during the 180 days prior to such discharge.

The bill requires a prohibited solicitation to be reported by the restricted employers to the agency head or to the Commission if the solicitor is the agency head. Officers and employees must disclose to their agency head, inspector general, general counsel, or a designee of the agency head any offer of employment or contractual relationship from entities from whom they may not solicit such relationships.

Solicitation of Investment Advice and Business Deals with Lobbyists and Principals

The bill prohibits statewide elected officers and members of the Legislature from soliciting or accepting investment advice from lobbyists and principals or soliciting investment advice arising out of official or political activities.

The bill also prohibits such officers and legislators from entering into an investment, joint venture, or other profitmaking relationship with a lobbyist or principal. However, this prohibition does not apply to an employment relationship to engage the personal services of the elected official.

Disclosure of Employment by Elected Officers

The bill requires statewide elected officials and members of the Legislature to disclose information relating to new employment or increased compensation under certain circumstances. Such officers and legislators must file a written statement with the Commission prior to the effective date of the change or within 30 days of acceptance of any new employment or increased compensation if the employer is:

• An entity that receives state funds directly by appropriation;

57 The IRS describes personal service activity as follows: “A personal service activity is an activity that involves performing personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, or any other trade or business in which capital is not a material income-producing factor.” “2016 Instructions for Schedule C” (Form 1040), p. C-4.
• An agency;58 or
• A lobbying firm, a lobbyist, or a lobbyist’s principal.

In addition, new employment must be disclosed if the offer of employment arose out of official or political activities engaged in while the officer or legislator was in office or was a candidate for such office. The Commission must publish the disclosures online with the official’s full financial disclosure.

**Lobbyist Registration and Compensation Reporting**

The bill updates the executive branch registration law by requiring registrations to include e-mail addresses of lobbyists, principals, and lobbying firms. It requires registration to be electronic and removes the written oath requirement. The bill revises provisions to bring some definitions into closer conformity with the legislative branch lobbying registration rule.

The bill lowers the cap for the annual executive branch lobbyist registration fee from $40 to $20 for each principal represented. However, the bill also imposes a fee capped at $5 for each additional agency lobbied following the first agency lobbied on behalf of each principal represented.

The bill adds the Board of Governors of the State University System and the State Board of Education to the list of entities for which executive branch lobbyist registration and compensation reporting is required.

The bill exempts officers and employees of political subdivisions from the requirement to register as executive branch lobbyists.

**Code of Ethics Enforcement**

The bill authorizes the Commission to investigate certain mandatory disclosures of prohibited solicitations by certain public officers and employees in the same manner as the Commission investigates complaints.

The bill also authorizes the Commission to dismiss executive branch lobbyist registration complaints and referrals based on lobbying firm compensation audits if the Commission determines that the public interest is not served by proceeding further. In such cases, the Commission must issue a public report stating with particularity its reasons for the dismissal. This will allow dismissal of cases involving *de minimis* violations or unintentional mistakes in compensation reports.

The bill has an effective date of July 1, 2019.

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58 Section 112.312(2), F.S., defines the term “agency” to mean “any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012.”
IV. **Constitutional Issues:**

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

   Not applicable. The bill does not appear to:
   - Require counties or municipalities to spend funds or take action requiring the expenditure of funds;
   - Reduce the authority that 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.

D. **State Tax or Fee Increases:**

   There is some concern that the provision imposing a new executive branch lobbying fee of a $5 cap per agency lobbied on behalf of each principal represented could constitute a new fee or tax. If this is the case, this provision would have to be presented in separate legislation and be subject to supermajority approval for passage.

E. **Other Constitutional Issues:**

   None identified.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

   None.

B. **Private Sector Impact:**

   None.

C. **Government Sector Impact:**

   The changes related to streamlining the executive branch lobbyist registration process are expected to yield an indeterminate reduction in the Commission’s overall cost of administering that law. However, the savings may be offset by an increase in costs associated with other provisions of the bill potentially resulting in the need to conduct additional investigations. According to an analysis of the bill, the Commission’s staff has estimated the cost of implementing the bill at roughly $136,472. This figure includes
estimated salaries (no benefits) for two FTEs: an attorney ($60,414) and an investigator ($56,658). The remaining costs are administrative and related to office space/supplies.

The revisions to the executive branch lobbying registration law and other changes to the Code of Ethics are proper subjects of the rulemaking powers of the Commission.

The bill may result in a slight reduction in costs to local governments by exempting local officers and employees from executive branch lobbying registration.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 106.114 and 112.3181 of the Florida Statutes.

This bill substantially amends sections 112.313, 112.3185, and 112.3215 of the Florida Statutes.

This bill makes a technical amendment to section 420.5061 of the Florida Statutes.

This bill repeals section 11.061 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Ethics and Elections (Baxley) recommended the following:

**Senate Amendment**

Delete line 71

and insert:

importance, concern, or welfare, excluding an official communication on the official’s official website or a social media account used exclusively for official business.
The Committee on Ethics and Elections (Baxley) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 516 - 521.

And the directory clause is amended as follows:

Delete line 437

and insert: subsection (3), paragraph (a) of subsection (5), and

And the title is amended as follows:
Delete lines 52 - 53 and insert:
cancellation, and investigation requirements;
authorizing the commission
A bill to be entitled
An act relating to ethics reform; repealing s. 11.061, F.S., relating to state, state university, and community college employee lobbyists; creating s. 106.114, F.S.; providing definitions; prohibiting certain public service announcements by specified governmental entities, persons acting on behalf of such entities, and elected officials; providing applicability; amending s. 112.313, F.S.; revising applicability of certain provisions relating to conflicting employment and contractual relationships; prohibiting public officers or employees of an agency from soliciting specified employment or contractual relationships; requiring certain offers and solicitations of employment or contractual relationships to be disclosed to certain persons; requiring such solicitations to be disclosed to the Commission on Ethics in certain circumstances; authorizing the commission to investigate such disclosures; prohibiting specified persons from receiving certain compensated representation for a specified period following vacation of office; deleting certain exceptions from postemployment restrictions; providing applicability; creating s. 112.3181, F.S.; prohibiting statewide elected officers and legislators from soliciting employment offers or investment advice arising out of official or political activities; providing exceptions; prohibiting such officers or legislators from soliciting or accepting investment advice from or soliciting or entering into certain profitmaking relationships with or advised by lobbyists or principals; providing definitions; requiring lobbyists and principals to disclose certain prohibited solicitations to the commission; authorizing the commission to investigate such disclosures; providing disclosure requirements for reporting certain employment; requiring the commission to publish disclosures on its website; authorizing the commission to adopt rules; amending s. 112.3185, F.S.; providing definitions; prohibiting certain officers and employees from soliciting employment or contractual relationships from or negotiating employment or contractual relationships with certain employers; providing exceptions; requiring disclosure of certain offers of employment or contractual relationships; providing applicability; amending s. 112.3215, F.S., and reenacting subsection (15); revising definitions; requiring executive branch lobbyists to electronically register with the commission; revising lobbyist registration, compensation report, principal designation cancellation, and investigation requirements; revising lobbyist registration fees; authorizing the commission to dismiss certain complaints and investigations; amending s. 420.5061, F.S.; conforming a provision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 11.061, Florida Statutes, is repealed.

Section 2. Section 106.114, Florida Statutes, is created to read:

106.114 Elected official advertising.—

(1) As used in this section, the term:

(a) "Governmental entity" means any executive, judicial, or quasi-judicial department; state university; community college; water management district; or political subdivision.

(b) "Public service announcement" means any message communicated by radio, television, electronic communication, or billboard which promotes or announces an issue of public importance, concern, or welfare.

(2) A governmental entity, a person acting on behalf of a governmental entity, or an elected official may not use or authorize the use of an elected official’s name, image, likeness, official uniform, badge, or other symbol of office in a public service announcement beginning on the date that the elected official qualifies as a candidate, pursuant to s. 99.061 or other applicable law, for reelection or election to another public office and ending on the day after the election for which the elected official qualified as a candidate if such announcement is paid for with public funds or if the time or space for such announcement is donated by the media. This subsection does not apply to charitable events held by an organization with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code or bona fide news events, such as press conferences or public debates broadcast by a licensed broadcaster.

Section 3. Subsections (7), (9), and (15) of section 112.313, Florida Statutes, are amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) A no public officer or employee of an agency may not shall have or hold any employment or contractual relationship with any business entity or any agency that which, is subject to the regulation of, or is doing business with, the officer’s or employee’s an agency. This paragraph does not apply to or which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state. Such a no shall an officer or employee also may not of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is a that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such a business entity by a public officer or employee of such an agency in shall not be
prohibited by this subsection or be deemed a conflict of interest.

However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section must be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power that vests in the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment with, or entering into a contractual relationship with, such a business entity by a public officer or employee of such a legislative body is not be prohibited by this subsection or be deemed a conflict based on the regulatory power of the legislative body, unless prohibited by or deemed a conflict by another law.

(b) This subsection does not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(c) A public officer or an employee of an agency may not solicit any employment or contractual relationship prohibited by this subsection.

(d) A public officer or an employee of an agency shall disclose to the head of his or her agency, the general counsel or inspector general of his or her agency, or any other officer or attorney designated by the head of his or her agency any offer of employment or contractual relationship that is

(e) If a public officer or an employee of an agency, or a person acting on his or her behalf, solicits employment with any business entity or any agency that is subject to the regulation of, or is doing business with, the officer’s or employer’s agency in violation of paragraph (c), the solicited business entity or agency must disclose such solicitation to the head of the officer’s or employee’s agency. If such solicitation is by or on behalf of the head of the agency or a member of a body that is the head of the agency, the solicited business entity or agency must disclose such solicitation to the commission. The commission may investigate such disclosure as if it were a valid complaint under this part.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of
c. “State agency” means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, except when unless employed by and representing another state agency or state government.

5. Any person violating this paragraph is shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.
and which contracts with or otherwise enters into a business relationship with the officer's agency and:

- A person employed by the Legislature or other agency prior to July 1, 1989;
- A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
- A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
- A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or
- An appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(15) ADDITIONAL EXEMPTION.—

(a) An elected public officer may not be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

- The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;
- The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and
- The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(b) This subsection does not apply to an officer who begins his or her term of office on or after July 1, 2019.

Section 4. Section 112.3181, Florida Statutes, is created to read:

112.3181 Additional standards for statewide elected officers and legislators.—

(1) A statewide elected officer or member of the Legislature may not solicit an employment offer or investment advice arising out of official or political activities engaged in while he or she is an officer or a legislator or a candidate for such office, except under either of the following circumstances:

- The officer or legislator may solicit or accept future employment, including professional partnerships, in the last 180 days of his or her term of office if he or she is ineligible to run for reelection or has publicly announced, and filed a letter...
(2) A statewide elected officer or member of the Legislature may not solicit or accept investment advice from or enter into an investment, a joint venture, or other profitmaking relationship with a lobbyist or principal, as those terms are defined in s. 11.045 or s. 112.3215. However, the officer or legislator may buy or sell listed, publicly traded securities of a principal without the advice of a lobbyist or principal unless such action violates s. 112.313. For purposes of this section, the phrase “investment, joint venture, or other profitmaking relationship” does not include an employment relationship or any enterprise organized to employ or engage the personal services of individuals, including the officer or legislator. For purposes of this section, the terms “investment advice” and “profitmaking relationship” do not include a client relationship with a licensed investment broker, licensed investment advisor, or similarly licensed professional to whom the officer or legislator pays ordinary and reasonable fees for services, regardless of such broker’s, advisor’s, or professional’s status as a lobbyist’s principal or a nonlobbyist employee of such principal.

(3) A lobbyist or principal who receives a solicitation

or other written notice with the qualifying officer with whom the offer of which arose out of personal services of individuals, including the officer or legislator. For purposes of this section, the phrase “investment, joint venture, or other profitmaking relationship” does not include an employment relationship or any enterprise organized to employ or engage the personal services of individuals, including the officer or legislator. For purposes of this section, the terms “investment advice” and “profitmaking relationship” do not include a client relationship with a licensed investment broker, licensed investment advisor, or similarly licensed professional to whom the officer or legislator pays ordinary and reasonable fees for services, regardless of such broker’s, advisor’s, or professional’s status as a lobbyist’s principal or a nonlobbyist employee of such principal.

(3) A lobbyist or principal who receives a solicitation

or other written notice with the qualifying officer with whom the offer of which arose out of personal services of individuals, including the officer or legislator. For purposes of this section, the phrase “investment, joint venture, or other profitmaking relationship” does not include an employment relationship or any enterprise organized to employ or engage the personal services of individuals, including the officer or legislator. For purposes of this section, the terms “investment advice” and “profitmaking relationship” do not include a client relationship with a licensed investment broker, licensed investment advisor, or similarly licensed professional to whom the officer or legislator pays ordinary and reasonable fees for services, regardless of such broker’s, advisor’s, or professional’s status as a lobbyist’s principal or a nonlobbyist employee of such principal.

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or other written notice with the qualifying officer with whom the offer of which arose out of personal services of individuals, including the officer or legislator. For purposes of this section, the phrase “investment, joint venture, or other profitmaking relationship” does not include an employment relationship or any enterprise organized to employ or engage the personal services of individuals, including the officer or legislator. For purposes of this section, the terms “investment advice” and “profitmaking relationship” do not include a client relationship with a licensed investment broker, licensed investment advisor, or similarly licensed professional to whom the officer or legislator pays ordinary and reasonable fees for services, regardless of such broker’s, advisor’s, or professional’s status as a lobbyist’s principal or a nonlobbyist employee of such principal.
(a) "Agency" means any state officer, department, board, commission, or council of the executive, legislative, or judicial branch of state government and includes the Public Service Commission.

(b) "Contractual services" has the same meaning as defined as set forth in chapter 287.

(c) "Covered officer" means a state officer who is serving in a position that is not an elective position. The term does not include a person who is appointed to fill an unexpired term of an elective office.

(d) "Negotiate" or "negotiation" means a response to an offer or solicitation of an offer of an employment or a contractual relationship, including the submission of a resume, an application, or any other information demonstrating interest on the part of a prospective employee and interviewing or engaging in other communication intended to lead to an offer or acceptance of an employment or a contractual relationship.

(e) "Reporting employee" means any agency employee who is a reporting individual or procurement employee, as those terms are defined in s. 112.3148.

(f) "Restricted employer," with respect to any state officer or agency employee, means any entity that does business with or is subject to regulation by an agency employing the covered officer or reporting employee and any person or entity from whom the covered officer or reporting employee may not solicit a gift under s. 112.3148(3).

(g) "Subject to regulation by an agency" means subject to regulation by agency action as defined in s. 120.52(2) or its substantial equivalent. The term does not include regulatory power exercised strictly through the enactment of general laws.

(7) A covered officer or reporting employee who is employed in such position on or after July 1, 2019, may not solicit an employment or contractual relationship from or negotiate an employment or contractual relationship with a restricted employer except as provided in this subsection.

(a) A covered officer or reporting employee may solicit a future employment or contractual relationship from or negotiate a future employment or contractual relationship with a restricted employer within 90 days before the expiration of the officer’s term of office, if the officer does not seek reappointment, or within 90 days before the officer’s or employee’s termination or retirement date, if he or she provides notice of termination or retirement to the head of his or her agency, the general counsel or inspector general of his or her agency, or any other officer or attorney designated by the head...
Section 6. Paragraphs (a), (f), and (h) of subsection (1), subsections (3) and (4), paragraph (a) of subsection (5), and subsections (7) and (8) of section 112.3215, Florida Statutes, are amended, and subsection (15) of that section is reenacted, to read:

(1) For the purposes of this section:

(a) "Agency" means the Governor; the Cabinet; any department, division, bureau, board, commission, or authority of the executive branch; the State Board of Education; or the Board of Governors of the State University System. The term also includes in addition, "Agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.

(f) "Lobbying" "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. The term "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission’s action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

(h) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to
lobby on behalf of that other person or governmental entity. For purposes of this paragraph, the phrase “principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. The term “lobbyist” does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An officer or employee of an agency, or of a legislative or judicial branch entity, or a political subdivision of this state acting in the normal course of his or her office or duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who seeks to lobby to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017.

(3) A person may not lobby an agency until such person has electronically registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. The commission shall request authorization from the principal with the principal’s name, business address, e-mail address, and telephone number to confirm that the registrant is authorized to represent the principal. Upon registration the person shall provide a statement signed by the principal or principal’s representative that the registrant is authorized to represent the principal. The principal or principal’s representative shall also identify and designate its main business pursuant to the North American Industry Classification System six-digit numerical code that most accurately describes the principal’s main business. Registration is not complete until the commission receives the principal’s authorization and the registration fee on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each lobbyist to attest to disclose, under oath, the following information:

(a) Full legal name, e-mail address, telephone number, name and business address;

(b) The full name, e-mail address, telephone number, and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee must be set by the commission by rule, not to exceed §20.05 for each principal represented. Additionally, for each principal represented, a fee must be set by commission rule, not to exceed §5, for each additional agency lobbied following the first agency that is lobbied.

(5)(a)1. Each lobbying firm shall file a compensation
report with the commission for each calendar quarter during any 
portion of which one or more of the firm’s lobbyists were 
registered to represent a principal. The report shall include 
the:

a. Full name, e-mail address, business address, and 
technical phone number of the lobbying firm;

b. Name of each of the firm’s lobbyists; and

c. Total compensation provided or owed to the lobbying firm 
from all principals for the reporting period, reported in one of 
the following categories: $0; $1 to $9,999; $10,000 to $99,999; 
$100,000 to $249,999; $250,000 to $499,999; $500,000 to 
$999,999; $1 million or more.

2. For each principal represented by one or more of the 
firm’s lobbyists, the lobbying firm’s compensation report shall 
also include the:

a. Full name, e-mail address, business address, and 
technical phone number of the principal; and

b. Total compensation provided or owed to the lobbying firm 
for the reporting period, reported in one of the following 
categories: $0; $1 to $9,999; $10,000 to $99,999; $20,000 to 
$29,999; $30,000 to $39,999; $40,000 to $49,999; or $50,000 or 
more. If the category "$50,000 or more" is selected, the 
specific dollar amount of compensation must be reported, rounded 
up or down to the nearest $1,000.

3. If the lobbying firm subcontracts work from another 
lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted 
shall be treated as the reporting lobbying firm’s principal for 
reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying 
firm identified under subparagraph 2., identify the name and 
address of the principal originating the lobbying work.

4. If the senior partner, officer, or owner of the lobbying 
firm shall certify to the veracity and completeness of the 
information submitted pursuant to this paragraph.

(7) A lobbyist shall promptly send a written statement to 
the commission canceling the designation of registration for a 
principal in his or her registration upon termination of such 
the lobbyist’s representation of that principal. The commission 
may cancel a lobbyist’s designation of a principal upon the 
principal’s notification that the lobbyist is no longer 
authorized to represent the principal. Notwithstanding this 
requirement, the commission may remove the name of a lobbyist 
from the list of registered lobbyists if the principal notifies the 
ofice that a person is no longer authorized to represent 
that principal.

(8) (a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered 
by this section has failed to register, has failed to submit a 
compensation report, has made a prohibited expenditure, or has 
knowingly submitted false information in any report or 
registration required in this section.

(b) All proceedings, the complaint, and other records 
relating to the investigation are confidential and exempt from 
the provisions of s. 119.07(1) and s. 24(a), Art. I of the State 
Constitution, and any meetings held pursuant to an investigation 
are exempt from the provisions of s. 286.011(1) and s. 24(b), 
Art. I of the State Constitution either until the alleged
violator requests in writing that such investigation and
associated records and meetings be made public or until the
commission determines, based on the investigation, whether
probable cause exists to believe that a violation has occurred.

(c) The commission shall investigate any lobbying firm,
lobbyist, principal, agency, officer, or employee upon receipt
of information from a sworn complaint or from a random audit of
lobbying reports indicating that the individual or entity has
intentionally failed to disclose any material fact or has
knowingly submitted false information in any report required by
this section or by rules adopted pursuant to this section or
possible violation other than a late-filed report.

(d) Notwithstanding paragraphs (a)-(c), the commission may
dismiss any complaint or investigation resulting from a random
audit of lobbying reports, at any stage of disposition, if it
determines that the public interest is not served by proceeding
further, in which case the commission shall issue a public
report stating with particularity its reasons for the dismissal.

(e)1. Records relating to an audit conducted pursuant to this
section or an investigation conducted pursuant to this
section or s. 112.32155 are confidential and exempt from s.
119.07(1) and s. 24(a), Art. I of the State Constitution.
2. Any portion of a meeting wherein such investigation or
audit is discussed is exempt from s. 286.011 and s. 24(b), Art.
I of the State Constitution.
3. The exemptions no longer apply if the lobbying firm
requests in writing that such investigation and associated
records and meetings be made public or the commission determines
there is probable cause that the audit reflects a violation of

CODING: Words **struck** are deletions; words __**underlined** are additions.
covered by s. 112.313(9)(a)6. shall continue to be entitled to
the exemption in that subparagraph, notwithstanding being hired
by the corporation or appointed as board members of the
corporation.

Section 8. This act shall take effect July 1, 2019.
**MEETING DATE:** Tuesday, March 26, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

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<tr>
<th>TAB</th>
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<th>COMMITTEE ACTION</th>
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<td>09/30/2022</td>
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<td>Copenhaver, Ann B. (Pensacola)</td>
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<td>DeSanctis, Marielena P. (Lake Worth)</td>
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<td>Gallucci, E. Jane (Lady Lake)</td>
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<td>Jaureguizar, Martha T. (Miami)</td>
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<td>Wright, Brandon (Brooksville)</td>
<td>09/30/2020</td>
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.
Education Practices Commission

- Appointees in Office (13)
- Appointees Subject to Confirmation (11)

Total Number Appointed By State Board of Education (25)

1 VACANCY

BARR, Jared
BLAND, Ana Armbrister
CEASER, Daniel E.
COPENHAVER, Ann B.
DESANCTIS, Marielena P.
GALLUCCI, E. Jane
JAUREGUIZAR, Martha T.
PILLAY, Nigel D.
SWINT, Michelle
WILKS, Kathy
WRIGHT, Brandon

Hillsborough
Palm Beach
Sarasota
Escambia
Palm Beach
Sumter
Miami-Dade
St. Johns
Volusia
Sarasota
Hernando

S:\EXEC\MAPS\600.DOC
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Bland, Ana Armbrister
Term: 10/25/2018 – 09/30/2022
City/County: West Palm Beach/Palm Beach
Office: Education Practices Commission, Member
Authority: 1012.79(1), F.S.
Reference(s): Committee on Ethics and Elections

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<th>Notes</th>
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<td>2. Questionnaire notarized</td>
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<td>3. US Citizen (sworn statement)</td>
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<td>19. Present or Past Government Employee</td>
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<td>20. Currently a Registered Lobbyist</td>
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Occupation: Teacher, Palm Beach County School District; Adjunct Professor at Palm Beach State College

Attendance: Attended 48 of 48 meetings (100%) from September 23, 2016 through March 6, 2019.

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

• Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
• Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
• Four lay citizens who are parents of public school students and who are unrelated to public school employees;
• Two former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents
• Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years.

Required to file Form 1 with the Commission on Ethics.
The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

Notes: Number 8 - Teacher
Number 19 - Dr. Bland is a teacher in Palm Beach County, 2010 - Present. She also is an adjunct professor for the Palm Beach State College. Dr. Bland previously was a teacher in Levy County, 2004-2010.
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Copenhaver, Ann B.  
Term: 04/27/2018 – 09/30/2021  
Appointed: 05/11/2018  
Prior Term: 05/20/2014 - 09/30/2017  
City/County: Pensacola/Escambia  
Office: Education Practices Commission, Member  
Authority: 1012.79(1), F.S.  
Reference(s): Committee on Ethics and Elections

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Occupation: Teacher for Escambia County

Attendance: Attended 129 of 129 meetings (100%) from May 20, 2014 through October 23, 2018.

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
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- Two former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents
- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years. Required to file Form 1 with the Commission on Ethics. The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

Notes: Number 8 - Teacher
Number 19 - Ms. Copenhaver is a teacher for the Escambia County School Board, 1987-Present.
Recommendation for Senate Confirmation of Executive Appointment

Appointee: DeSanctis, Marielena P.
Term: 10/25/2018 – 09/30/2022
City/County: Lake Worth/Palm Beach
Office: Education Practices Commission, Member
Authority: 1012.79(1), F.S.
Reference(s): Committee on Ethics and Elections

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**Occupation:** Senior Vice President for Academic Affairs and Student Services, Broward College

**Compensation:** Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

**Requirements:** The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
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- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

**Additional Requirements:** Members shall serve four-year staggered terms. A member may not serve more than eight years.

Required to file Form 1 with the Commission on Ethics.

The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

**Notes:**
Number 8 - A former public school assistant superintendent
Number 19 - Dr. DeSanctis is an employee of Broward College since 2014 and currently serves as Senior Vice President for Academic Affairs and Student Services. Dr. DeSanctis worked for the Broward County Public School System, 2011-2014.
**Recommendation for Senate Confirmation of Executive Appointment**

Appointee: Gallucci, E. Jane
Term: 04/27/2018 – 09/30/2019
City/County: Lady Lake/Sumter
Office: Education Practices Commission, Member
Authority: 1012.79(1), F.S.
Reference(s): Committee on Ethics and Elections

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Occupation: Retired

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

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- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years.

Notes: Number 8 - Former Pinellas County School Board Member
Number 18 - Ms. Gallucci served on the Pinellas County School Board, 1996 to 2008.
Number 19 - Ms. Gallucci was previously employed as a guidance counselor with the Pinellas County School system, 1988 to 1996.
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Jaureguizar, Martha T.
Term: 04/27/2018 – 09/30/2021
City/County: Miami/Miami-Dade
Office: Education Practices Commission, Member
Authority: 1012.79(1), F.S.
Reference(s): Committee on Ethics and Elections

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Occupation: Principal of Kendale Lakes Elementary School

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

• Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
• Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
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• Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years.

Required to file Form 1 with the Commission on Ethics.

The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

Notes: Number 8 - Administrator
Number 19 - Mrs. Jaureguizar is the Principal for Kendale Lakes Elementary School, 2009 to Present. Mrs. Jaureguizar worked for the Miami-Dade County Parks & Recreation Department from 1983 to 1995 (summers only).
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Pillay, Nigel D.  
Term: 10/01/2018 – 09/30/2022  
Appointed: 11/15/2018  
City/County: St. Augustine/St. Johns  
Office: Education Practices Commission, Member  
Authority: 1012.79(1), F.S.  
Reference(s): Committee on Ethics and Elections

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**Occupation:** Principal in the St. Johns County School District

**Compensation:** Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

**Requirements:** The commission is composed of 25 members appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
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All members must be residents of the state.

**Additional Requirements:** Members shall serve four-year staggered terms. A member may not serve more than eight years. Required to file Form 1 with the Commission on Ethics. The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

**Notes:** Number 8 - Administrator
Number 19 - Dr. Pillay is a Principal for the St. Johns County School District, since 2012. Dr. Pillay worked as a Teacher/Administrator for the Seminole County Public Schools, 2001-2012.
**Recommendation for Senate Confirmation of Executive Appointment**

**Appointee:** Swint, Michelle  
**Term:** 04/27/2018 - 09/30/2021  
**City/County:** DeLand/Volusia  
**Office:** Education Practices Commission, Member  
**Authority:** 1012.79(1), F.S.  
**Reference(s):** Committee on Ethics and Elections

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**Occupation:** Teacher, Volusia County School District

**Attendance:** Attended 46 of 46 meetings (100%) from February 18, 2016 through October 25, 2018.

**Compensation:** Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

**Requirements:** The commission is composed of 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five administrators members, with at least one of whom shall represents a private or virtual school. School administrator members must have an endorsement on the educator certificate in the area of school administration or supervision and must have been practicing school administrators for at least five years immediately preceding their appointment;
- Four lay citizens who are parents of public school students and who are unrelated to public school employees;
- Two former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents
- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

**Additional Requirements:** Members shall serve four-year staggered terms. A member may not serve more than eight years.

Required to file Form 1 with the Commission on Ethics.

The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

**Notes:** Number 8 - Teacher
Number 19 - Ms. Swint is a teacher with the Volusia County School District, since 2004,
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Wilks, Kathy  
Term: 04/27/2018 – 09/30/2021
City/County: Osprey/Sarasota  
Office: Education Practices Commission, Member
Authority: 1012.79(1), F.S.
Reference(s): Committee on Ethics and Elections

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Occupation: Administrator for the Sarasota County Schools.

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed of 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

- Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
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- Four sworn law enforcement officials (each must have served in the profession for at least five years immediately preceding appointment and have background expertise in child safety).

All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years. Required to file Form 1 with the Commission on Ethics. The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

Notes: Number 8 - Administrator
Number 19 - Ms. Wilks is currently an Administrator with the Sarasota County Schools, since 1999.
# Recommendation for Senate Confirmation of Executive Appointment

**Appointee:** Wright, Brandon  
**Term:** 10/25/2018 – 09/30/2020  
**City/County:** Brooksville/Hernando  
**Office:** Education Practices Commission, Member  
**Authority:** 1012.79(1), F.S.  
**Reference(s):** Committee on Ethics and Elections

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Occupation: Teacher at Springstead High School, Hernando County School Board

Compensation: Reimbursed for expenses pursuant to s. 1012.79(10), F.S.

Requirements: The commission is composed 25 members persons appointed by the State Board of Education, from nominations made by the Commissioner of Education, with an effort toward achieving equal geographical representation, as follows:

• Ten teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
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All members must be residents of the state.

Additional Requirements: Members shall serve four-year staggered terms. A member may not serve more than eight years.

Required to file Form 1 with the Commission on Ethics.

The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

Notes: Number 8 - Teacher
Number 19 - Mr. Wright works for the Hernando County School Board, since 2010.
MEETING DATE:  Tuesday, March 26, 2019

TIME:  4:00—6:00 p.m.

PLACE:  Pat Thomas Committee Room, 412 Knott Building
TO: The Honorable Bill Galvano, President

FROM: Committee on Innovation, Industry, and Technology

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

Office: Secretary of Business and Professional Regulation

Appointee: Beshears, Halsey

Term: 1/11/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate confirm the aforesaid executive appointment made by the Governor.
The Florida Senate
COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Appropriations Subcommittee on Agriculture, Environment, and General Government
MEETING DATE: Wednesday, March 6, 2019
TIME: 2:00—3:45 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

TO: The Honorable Bill Galvano, President
FROM: Appropriations Subcommittee on Agriculture, Environment, and General Government

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

Office: Secretary of Business and Professional Regulation

Appointee: Beshears, Halsey

Term: 1/11/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate confirm the aforesaid executive appointment made by the Governor.
**Recommendation for Senate Confirmation of Executive Appointment**

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**Occupation:** Secretary, Department of Business and Professional Regulation

**Compensation:** $142,000.04 per year as of March 1, 2019.

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

**Additional Requirements:** The Secretary shall serve at the pleasure of the Governor. Required to file Form 1 with the Commission on Ethics.
Notes:  
Number 6 - Secretary Beshears served in the U.S. Navy, 8/1989 to 1/1993.
Number 9 - Secretary Beshears disclosed he was charged with reckless driving in 1995 in Columbia County and adjudication was withheld. The FDLE and HSMV reported this charge.
Number 18 - Secretary Beshears served as a State Representative in the Florida House of Representatives, 11/2012 - 1/2019.
Education Verified
Ethics and Elections

MEETING DATE: Tuesday, March 26, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building
The Florida Senate

COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Committee on Criminal Justice
MEETING DATE: Monday, March 11, 2019
TIME: 1:30—3:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President
FROM: Committee on Criminal Justice

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

Office: Secretary of Juvenile Justice
Appointee: Marstiller, Simone
Term: 1/9/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate confirm the aforesaid executive appointment made by the Governor.
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Marstiller, Simone
Term: 01/09/2019 - Pleasure of Governor
Appointed: 01/14/2019

City/County: Tallahassee/Leon
Office: Secretary of Juvenile Justice, Secretary
Authority: 20.316(1), F.S.
Reference(s): Committee on Criminal Justice-Recommend Confirm-03/11/2019
Committee on Ethics and Elections

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Occupation: Secretary of Juvenile Justice
Compensation: $141,000.08 per year as of March 1, 2019.
Requirements: The Secretary is appointed by the Governor, subject to confirmation by the Senate.

Additional Requirements: The Secretary shall serve at the pleasure of the Governor.
Required to file Form 1 with the Commission on Ethics.
Notes: Number 18 - Secretary Marstiller served as a Judge for the First District Court of Appeal, 2010 - 2015. She was the Interim Secretary of the Department of Management Services, 1/2003-4/2003. From 1/2005-7/2005, Secretary Marstiller was Vice-Chair of the Digital Divide Council. From 6/2002-9/2002, she was a member of the Governor's Guardian Ad Litem Working Group.


Number 20 - Legislative Education Verified
Ethics and Elections

MEETING DATE: Tuesday, March 26, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building
The Florida Senate
COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Committee on Governmental Oversight and Accountability
MEETING DATE: Tuesday, March 19, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

TO: The Honorable Bill Galvano, President
FROM: Committee on Governmental Oversight and Accountability

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

- **Office:** Secretary of Management Services
- **Appointee:** Satter, Jonathan R.
- **Term:** 2/5/2019-Pleasure of Governor

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

REPORTING INSTRUCTION: With Chair's approval, file 1 copy with Secretary of the Senate (303 Capitol) and 2 copies with the Committee on Ethics and Elections
The Florida Senate
COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Appropriations Subcommittee on Agriculture, Environment, and General Government
MEETING DATE: Wednesday, March 13, 2019
TIME: 1:30—3:30 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

TO: The Honorable Bill Galvano, President
FROM: Appropriations Subcommittee on Agriculture, Environment, and General Government

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

Office: Secretary of Management Services
Appointee: Satter, Jonathan R.
Term: 2/5/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate confirm the aforesaid executive appointment made by the Governor.
Recommendation for Senate Confirmation of Executive Appointment

**Appointee:** Satter, Jonathan R.  
**Appointed:** 02/05/2019  
**Term:** 02/05/2019 – Pleasure of Governor  
**City/County:** North Palm Beach/Palm Beach  
**Office:** Secretary of Management Services, Secretary  
**Authority:** 20.22(1), F.S.  
**Reference(s):** Committee on Appropriations Subcommittee on Agriculture, Environment, and General Government-Recommend Confirm-03/13/2019  
Committee on Governmental Oversight and Accountability-Recommend Confirm-03/19/2019  
Committee on Ethics and Elections

<table>
<thead>
<tr>
<th>Executive Appointment Questionnaire</th>
<th>Yes</th>
<th>No</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Questionnaire completed</td>
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<tr>
<td>2. Questionnaire notarized</td>
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<tr>
<td>3. US Citizen (sworn statement)</td>
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<td>4. Florida Resident (sworn statement)</td>
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<td>5. Registered Voter in Florida</td>
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<td>6. Honorable Discharge (sworn statement)</td>
<td></td>
<td>X</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>7. Financial Disclosure Filed</td>
<td></td>
<td>X</td>
<td>Form 1 filed as of 2/27/18</td>
</tr>
<tr>
<td>8. Meets Requirements of Law</td>
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<tr>
<td>9. Conviction Record</td>
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<tr>
<td>10. Adverse Auditor General Report</td>
<td></td>
<td>X</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>11. Adverse Ethics Commission Action</td>
<td></td>
<td>X</td>
<td>As of 2/19/19</td>
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<tr>
<td>12. Previously Suspended from Office</td>
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<tr>
<td>13. Previously Refused Bond (sworn statement)</td>
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<tr>
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<td>18. Previously a Public Officer (sworn statement)</td>
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<td>X</td>
<td>See Below</td>
</tr>
<tr>
<td>19. Present or Past Government Employee</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>20. Currently a Registered Lobbyist</td>
<td></td>
<td>X</td>
<td>See Below</td>
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</tbody>
</table>

**Occupation:** Secretary of Management Services

**Compensation:** $142,000.04 per year as of March 1, 2019.

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

**Additional Requirements:** The Secretary shall serve at the pleasure of the Governor.

Required to file Form 1 with the Commission on Ethics.
Notes: Number 18 - Secretary Satter served as a Commissioner on the Health Care District of Palm Beach County, 2005-2010.
Number 20 - Legislative Education Verified
MEETING DATE: Tuesday, March 26, 2019

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building
TO: The Honorable Bill Galvano, President
FROM: Committee on Governmental Oversight and Accountability

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

Office: Secretary of State
Appointee: Lee, Laurel M.
Term: 2/4/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate confirm the aforesaid executive appointment made by the Governor.
Recommendation for Senate Confirmation of Executive Appointment

Appointee: Lee, Laurel M.
Appointed: 01/28/2019
Term: 02/04/2019 – Pleasure of Governor
City/County: Thonotosassa/Hillsborough
Office: Secretary of State, Secretary
Authority: 20.10, F.S.
Reference(s): Committee on Governmental Oversight and Accountability-Recommend Confirm-03/19/2019
Committee on Ethics and Elections

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Occupation: Secretary, Department of State
Compensation: $141,999.96 per year as of March 1, 2019.
Requirements: The Secretary of State is appointed by the Governor, subject to confirmation by the Senate.
Additional Requirements: The Secretary of State shall serve at the pleasure of the Governor.
Required to file Form 1 with the Commission on Ethics.
Notes: Number 18 - Secretary Lee served as Circuit Court Judge for the Thirteenth Judicial Circuit, 2013 to 2019.
Number 20 - Legislative Education Verified
IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Halsey Beshears
Secretary of Business and Professional Regulation

NOTICE OF HEARING

TO: Secretary Halsey Beshears

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 26, 2019, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing. DATED this the 21st day of March, 2019

[Signature]
Committee on Ethics and Elections

[Signature]
Senator Dennis Baxley
As Chair and by authority of the committee

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

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

Halsey Beshears, Secretary

WITNESS’S NAME: Business & Professional Regulation

ANSWER: I do.

Pursuant to §90.605(1), Florida Statutes: “The witness’s answer shall be noted in the record.”

COMMITTEE NAME: Senate Ethics and Elections

DATE: 03/26/19
The Florida Senate

APPEARANCE RECORD

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

Meeting Date: 3/26/19

Topic: CONFIRMATION OF SECRETARY HALSEY RESEHARS

Name: Gabe Peters

Job Title: LEGISLATIVE AFFAIRS DIRECTOR

Address: 2601 Blair Stone Rd.

Phone: 850-509-5212

Email: 

Representing: DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

Appearing at request of Chair: Yes

Lobbyist registered with Legislature: Yes

Speaking: [] For  [] Against  [] Information

Waive Speaking: [] In Support  [] Against

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

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)
IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Simone Marstiller
Secretary of Juvenile Justice

NOTICE OF HEARING

TO: Ms. Simone Marstiller

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 26, 2019, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 21st day of March, 2019

Committee on Ethics and Elections

Senator Dennis Baxley
As Chair and by authority of the committee

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

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

Simone Marstiller, Secretary

WITNESS’S NAME: Juvenile Justice

ANSWER: I do.

Pursuant to §90.605(1), Florida Statutes: “The witness’s answer shall be noted in the record.”

COMMITTEE NAME: Senate Ethics and Elections

DATE: 03/26/19
### The Florida Senate Appearance Record

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

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>3/26/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
<td>Confirmation Hearing for DJJ sec.</td>
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<tr>
<td>Name</td>
<td>Simone Marshall</td>
</tr>
<tr>
<td>Job Title</td>
<td>Sr. Asst. DJJ</td>
</tr>
<tr>
<td>Address</td>
<td>2731 Centerville Dr., Tallahassee, FL 32308</td>
</tr>
<tr>
<td>Phone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Speaking</td>
<td>For</td>
</tr>
<tr>
<td>Representing</td>
<td></td>
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<tr>
<td>Appearing at request of Chair</td>
<td>Yes</td>
</tr>
<tr>
<td>Lobbyist registered with Legislature</td>
<td>Yes</td>
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*This form is part of the public record for this meeting.*
IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Jonathan R. Satter
Secretary of Management Services

NOTICE OF HEARING

TO: Secretary Jonathan R. Satter

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 26, 2019, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 21st day of March, 2019

Signature: [Signature]
Senator Dennis Baxley
As Chair and by authority of the committee

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

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

Jonathan R. Satter, Secretary

WITNESS’S NAME: Management Services

ANSWER: I do.

Pursuant to §90.605(1), Florida Statutes: “The witness’s answer shall be noted in the record.”

COMMITTEE NAME: Senate Ethics and Elections

DATE: 03/26/19
<table>
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<tr>
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<th>Waive Speaking</th>
<th>Lobbyist registered with Legislature</th>
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</thead>
<tbody>
<tr>
<td>03/26/19</td>
<td>Confirmation</td>
<td>Jonathan Satter</td>
<td>Secretary</td>
<td>4050 Esplanade Way</td>
<td>850-922-6535</td>
<td><a href="mailto:Andrew.Forsyth@ms.myld.com">Andrew.Forsyth@ms.myld.com</a></td>
<td>For</td>
<td>Dept. of Management Services</td>
<td>In Support</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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.
IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Laurel M. Lee
Secretary of State

NOTICE OF HEARING

TO: Mrs. Laurel M. Lee

YOU ARE HEREBY NOTIFIED that the Committee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 26, 2019, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 21st day of March, 2019

Committee on Ethics and Elections

[Signature]
Senator Dennis Baxley
As Chair and by authority of the committee

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

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

Laurel M. Lee

WITNESS’S NAME: Secretary of State

ANSWER: I do.

Pursuant to §90.605(1), Florida Statutes: "The witness’s answer shall be noted in the record."

COMMITTEE NAME: Senate Ethics and Elections

DATE: 03/26/19
### THE FLORIDA SENATE

**APPEARANCE RECORD**

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

**Meeting Date** 3/26/19

**Bill Number (if applicable)**

**Amendment Barcode (if applicable)**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Name</th>
<th>Job Title</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Laura Lee</td>
<td>Secretary of State</td>
<td>500 S. Bronough Street, Tallahassee, FL 32399</td>
<td>(850) 245-6509</td>
<td><a href="mailto:Laura.Lee@dos.myflorida.com">Laura.Lee@dos.myflorida.com</a></td>
</tr>
</tbody>
</table>

**Representing** Department of State

**Speaking:** [ ] For [ ] Against [ ] Information

**Waive Speaking:** [ ] In Support [ ] Against

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

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

APPEARANCE RECORD

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

Meeting Date

3/26

Bill Number (if applicable)

Topic

Confirmation of Laurel Lee

Name

John Guard

Job Title

Chief Deputy Attorney General

Address

PL-01 The Capitol

Street

Tallahassee FL

City

State

Zip

Phone

850-250-0140

Email

john.guard@myfloridagov

Speaking:

☑ For ☐ Against ☐ Information

Waive Speaking:

☐ In Support ☐ Against

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

Representing

Florida Attorney General

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)
### APPEARANCE RECORD

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

**Meeting Date**: 26 Mar 19

**Topic**: Confirmation to SOS - Laurel Lee

**Name**: Paul Lux

**Job Title**: President, Florida Sup. of Elections

**Address**: 302 Wilson St., Ste 102

**City**: Crestview  
**State**: FL  
**Zip**: 32536

**Phone**: 850-225-7696

**Email**: plux@mydealosa.com

**Speaking**: □ For  □ Against  □ Information

**Representing**: Florida Assoc. of Supervisors of Elections

**Appearing at request of Chair**: □ Yes  □ No

**Lobbyist registered with Legislature**: □ Yes  □ No

---

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

*This form is part of the public record for this meeting.*
The Florida Senate
Senator Manny Diaz, Jr.
District 36

District Office:
Hialeah Gardens City Hall
10001 NW 87 Avenue
Hialeah Gardens, Florida 33016
(305) 364-3073

306 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399
(850) 487-5036

Email: diaz.manny@flsenate.gov

VIA EMAIL

The Honorable Baxley
Chair
Ethics and Elections
The Florida Senate
420 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-11

REF: ABSENCE EXCUSE

Honorable Chair Baxley:

Please excuse my absence from Ethics and Elections committee meeting scheduled for Tuesday, March 26, 2019 at 4:00 pm. I will be presenting two of my bills at different committees.

Please feel free to contact me with any questions. Thank you.

Sincerely,

Manny Diaz, Jr.

CC: Dawn Roberts, Staff Director
    Dianne Vause, Administrative Assistant

Education Committee Chair, Appropriations Subcommittee on Education, Health Policy,
Appropriations Subcommittee on Health and Human Services, Ethics and Elections,
Joint Select Committee on Collective Bargaining
Meeting called to order
Roll Call - Quorum is present
Comments from Chair
Tab 1 - SB 582 by Senator Diaz - Voting Systems presented by Senator Braynon
Chair
Questions?
Senator Passidomo
Senator Braynon
Senator Braynon
Senator Rodriguez
Chair
Senator Powell
Chair
Senator Braynon
Chair
Chair
Appearance Forms?
Mark Early, Leon County Supervisor of Elections, speaking for the bill
Senator Passidomo
Mark Early
Chair
Mark Early
Chair
Questions? None
Mark Anderson, Bay County Supervisor of Elections, speaking for the bill
Senator Powell
Mark Anderson
Chair
Senator Braynon
Chair
Paul Lux, representing FL State Assoc. of Sup. of Elec., waives in support
Linda Miklowitz, Chair, Action Team NCJW Tallahassee, waives in support
Keri Rayborn Silver, Clear Ballot, waives in support
Debate? None
Senator Braynon waives close
Roll Call SB 582 - Favorable
Chair turned over to Vice Chair Braynon
Tab 2 - SB 1702 by Senator Baxley, Ethics Reform
Questions?
Senator Stargel
Senator Baxley
Senator Stargel
Senator Baxley
Senator Baxley
Senator Stargel
Senator Baxley
Senator Stargel
Senator Baxley
Senator Stargel
Senator Baxley
Senator Stargel
Senator Baxley
Senator Stargel
Senator Baxley
Senator Stargel
Senator Braynon with question
Senator Baxley responds
4:34:09 PM Senator Braynon with follow up
4:34:23 PM AM 695238 by Senator Baxley
4:34:37 PM Senator Baxley explains the amendment
4:35:17 PM no questions
4:35:38 PM no public testimony
4:35:45 PM waive close
4:35:48 PM AM 695238 is adopted
4:35:55 PM take up AM 141988 by Senator Baxley
4:36:17 PM no questions or appearance cards
4:36:28 PM AM 141988 is adopted
4:36:37 PM No appearance forms
4:36:51 PM Senator Braynon with debate
4:38:40 PM Senator Baxley to close
4:42:54 PM Motion to TP SB 1702- no objection to motion
4:44:08 PM Chair Baxley takes gavel back.
4:44:40 PM Tabs 3a-3i - Senate Confirmation Hearing on Education Practices Commission
4:44:49 PM One vote for all appointees listed under Tab 3
4:45:30 PM Motion to take up confirmation of all under Tabs (3a-3i) by Senator Stargel
4:45:49 PM Motion is adopted without objection
4:45:58 PM questions about any one on Tab 3?
4:46:12 PM none
4:46:14 PM Call the roll on all under Tab 3
4:46:29 PM All appointees under Tab 3 Confirmation recommended favorably
4:47:03 PM Tab 4 - Secretary Halsey Beshears, Secretary of Business and Professional Regulation - under oath as witness - recognized
4:48:00 PM Questions?
4:48:38 PM Senator Rodriguez
4:49:09 PM Halsey Beshears
4:50:47 PM Senator Rodriguez
4:51:23 PM Halsey Beshears
4:51:47 PM Questions of Secretary Beshears? None
4:51:50 PM Appearance Forms? None
4:51:52 PM Senator Braynon motion to recommend confirmation
4:51:54 PM Roll Call
4:52:36 PM Tab 4 - Halsey Beshears Recommend Confirm Favorable
4:53:04 PM Tab 5 - Simone Marstiller - Secretary of Juvenile Justice, Oath administered
4:54:45 PM Secretary Simone Marstiller, Dept. of Juvenile Justice, addresses committee
4:56:38 PM Questions of Secretary Marstiller?
4:56:50 PM no appearance forms
4:56:56 PM Senator Braynon motion to recommend confirmation
4:57:08 PM all in favor- without objection motion adopted
4:57:38 PM Tab 5 - Simone Marstiller, Sec. of DJJ, Roll Call - Recommend Confirmation - Favorable
4:58:06 PM Tab 6 - Jonathan Satter, Sec., Dept. of Management Services
4:58:28 PM Secretary Jonathan R. Satter, Oath administered, Recognized to address the committee
5:01:11 PM questions?
5:02:11 PM No questions
5:02:16 PM No appearance forms
5:02:26 PM Motion by Senator Powell to recommend confirmation of Jonathan Satter as Sec. of DMS
5:02:50 PM Tab 6 - Sec. Satter, Roll Call - Confirmation is recommended favorably
5:03:08 PM Tab 7 - Laurel M. Lee, Secretary, Department of State
5:03:22 PM Oath administered to Sec. Lee
5:04:01 PM Secretary Lee is recognized to address the committee
5:05:05 PM Sec. Lee addresses the Committee
5:07:45 PM Questions for Secretary Lee
5:08:49 PM Questions?
5:08:54 PM Senator Powell
5:09:03 PM Secretary Lee
5:10:42 PM Appearance forms
5:10:50 PM Paul Lux, representing FL State Assoc. of Supervisors of Elections, waives in support
5:11:07 PM John Guard, Chief Deputy Attorney General, waives in support
5:11:37 PM Senator Braynon makes motion to recommend confirmation
5:11:51 PM Motion is adopted
5:12:15 PM Roll call
5:12:19 PM Tab 7 - Sec. Lee, Roll Call, Confirmation is recommended favorable
5:12:33 PM Does any Senator wish to be recorded voting on bills or appointees before the committee-
5:12:33 PM No response
5:13:31 PM Senator Powell moves we adjourn, Is there objection? Seeing none, show the motion adopted.
5:13:56 PM Meeting is adjourned.