

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Baxley, Chair
Senator Braynon, Vice Chair

MEETING DATE: Tuesday, January 8, 2019

TIME: 4:30—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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Opening Remarks by Chair		Presented
2	Introduction of Senators and Professional Staff		Presented
3	Review of Committee Jurisdiction		Presented
4	Presentation by Professional Staff regarding the Executive Appointment Process		Presented
5	Presentation by Florida Commission on Ethics		Presented
6	Presentation by Florida Elections Commission		Presented
Other Related Meeting Documents			

SENATE COMMITTEE ON ETHICS & ELECTIONS

JURISDICTION OVERVIEW

- This committee has jurisdictional oversight of the Division of Elections within the Department of State; the Florida Elections Commission; and the Florida Commission on Ethics.
- The Secretary of State serves as chief election officer and is charged with the responsibility of obtaining and maintaining uniformity in the interpretation and implementation of election laws.
- The Secretary and the Division work closely with the 67 county Supervisors of Elections – 66 of whom are elected constitutional officers. Miami-Dade’s Supervisor is appointed.
- Florida’s election system is bifurcated with the responsibility of planning and administering elections borne at the local level.
- In addition to working with the Secretary of State and the Division of Elections, this committee works closely with the Florida State Association of Supervisors of Elections. The Association’s goal is to support fair, honest and accurate elections in the State of Florida.
- The Florida Elections Commission is the administrative agency charged with enforcing Chapters 104 and 106 of Florida’s Election Code. The jurisdiction and responsibilities of the Florida Elections Commission can be found in Chapter 106. The mission of the Commission is to ensure transparency in Florida’s elections and in their capacity as quasi-judicial officers, the Commissioners adjudicate cases.
- The Code of Ethics for Public Officers and Employees is set forth in Part III, Chapter 112, Florida Statutes.
- The State of Florida has been a leader among the states in establishing ethics standards for public officials and employees. The State Constitution recognizes that a public office is a public trust and that the people have the right to protect the public trust against abuse.

- The Florida Commission on Ethics serves as the guardian of the standards of conduct for officers and employees of Florida and its political subdivisions.
- Last, but certainly not least, this Committee is responsible for handling matters pertaining to what we refer to as “Executive Business.” Simply put, Executive Business involves the executive appointments confirmation process and monitoring suspensions.
- That concludes the jurisdiction overview and now I will recognize our Staff Director to provide the committee with an overview of the executive appointment process.

SENATE COMMITTEE ON ETHICS & ELECTIONS

EXECUTIVE APPOINTMENT PROCESS

- The Florida Constitution gives the Senate authority to review and confirm appointments to certain offices as provided by law. Chapter 114 of the Florida Statutes outlines the procedure to be followed when a vacancy in office is filled by appointment and Senate confirmation is required. Part Two of Senate Rule 12 also addresses the procedure for executive appointments.
- The Ethics and Elections Committee staff is responsible for preparing information about each appointee to assist the Senate in making informed decisions regarding confirmations.
- The Governor, or any other individual or authority who is authorized to make such an appointment, forwards a letter of appointment to the Secretary of State.
- The confirmation process begins when the Senate actually receives the appointment letter, certificate of appointment and a completed biographical questionnaire from the Department of State.
- The Senate President will refer these appointments to the Committee on Ethics and Elections. Once referred, committee staff catalogues the appointments and emails the Senators to inform them that a set of appointments has been received and that they can review the names of the appointees on the committee's interactive website.
- Committee staff then begins an inquiry into each appointee's background by checking to make sure that an appointee fulfills any statutory requirements for office, does not violate the dual office holding provision of the constitution, and does not have any conflict of interest or outstanding ethical, criminal, or license violations.
- A few of the agencies we contact are: The Commission on Ethics; The Department of Highway Safety and Motor Vehicle; The Department of Health; The Department of Law Enforcement; and The Florida Bar or other

professional licensing entities. Also, if the person is a reappointment, the respective board is contacted for the appointee's attendance record.

- The President may dually refer an appointee to a substantive committee for consideration. When this action occurs, staff will provide the biographical questionnaire to the respective committee. Typically, the Committee on Ethics and Elections will wait until the other committee makes its recommendation to the President before considering the appointee.
- Usually appointees are considered and voted en bloc. Most appointees do not personally appear before the committee. However, appointees may be invited to appear for questioning under oath and receive public testimony.
- Upon completion of its inquiry, the committee transmits letters of report which are advisory only to the President with one of three possible recommendations:
 - That the Senate confirm the appointment—*A letter is sent to the appointee informing him of the recommendation and that appointment is before the full Senate for confirmation;*
 - That the Senate refuses to confirm the appointment--- *If the Senate concurs, the term of appointment ends on the last day of the Senate's session and the appointee may not be reappointed to the same office for one year; or*
 - That the Senate take no action or fail to consider the appointment—*If the Senate concurs, the term of appointment ends on the last day of the Senate's session and the appointee may be reappointed; however, if this happens to the same appointee for two regular sessions, it is deemed a refusal and the appointee may not be reappointed to that office for one year.*
- After the Senate acts or when session ends, certificates are issued by the President and attested to by the Secretary of the Senate. The certificates are then mailed to each appointee reflecting the Senate's decision.
- Senators, that gives you a general roadmap of the executive appointment process.

THE FLORIDA SENATE

APPEARANCE RECORD

Tab #5

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

1-8-19

Meeting Date

Bill Number (if applicable)

Topic ethics

Amendment Barcode (if applicable)

Name Kerrie Stillman

Job Title Director of Operations & Communications

Address P.O. Drawer 15709
Street

Phone 850-488-7864

Tallahassee, FL 32317-5709
City State Zip

Email stillman.kerrie@leg.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Commission on Ethics

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)

Tab #6

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/08/19

Meeting Date

Bill Number (if applicable)

Topic FL Elections Commission - overview

Amendment Barcode (if applicable)

Name Tim Vaccaro

Job Title Executive Director

Address 107 W. Gaines, Suite 224

Street

Phone 850 922 4539

Tallahassee, FL 32399-1050

City

State

Zip

Email tim.vaccaro@myfloridalegal.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Elections Commission

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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S-001 (10/14/14)



Florida Elections Commission

Presented by:

Tim Vaccaro, J.D.
Executive Director

Ensuring Transparency in Florida's Elections



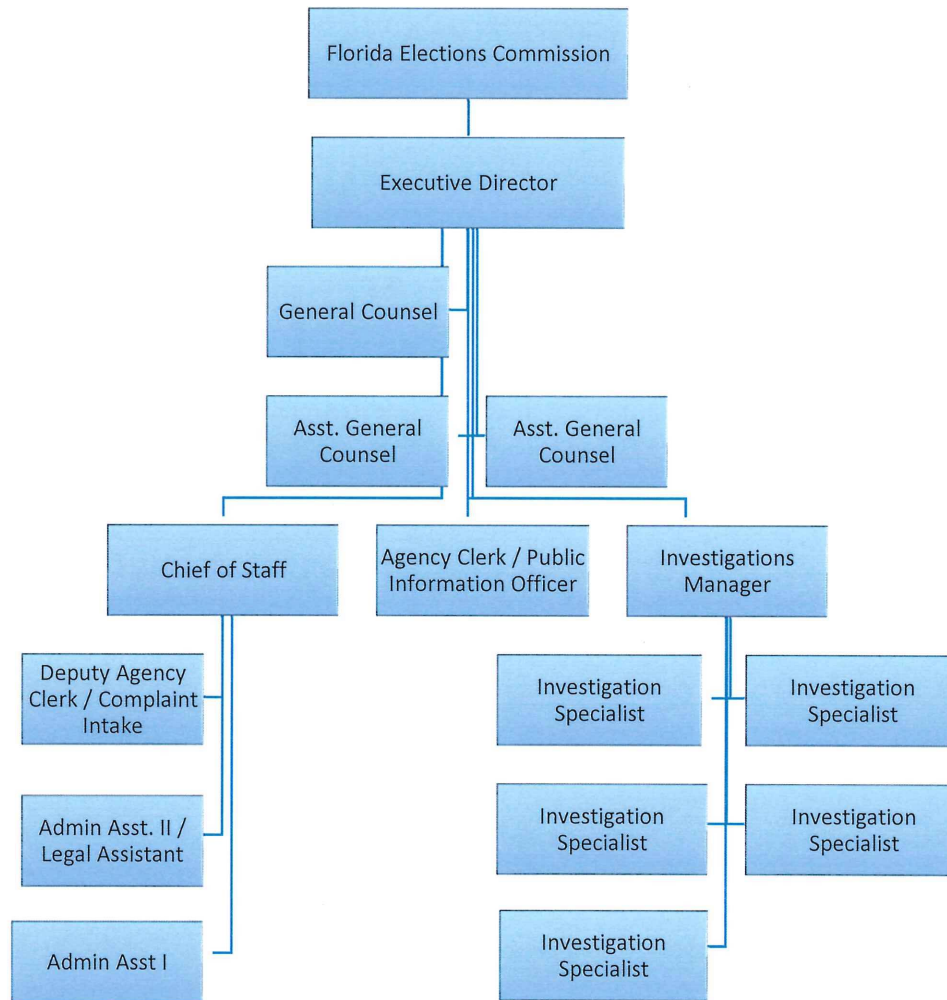
Who gave it, Who got it?

FEC Overview

(Sections 106.24 and 106.25, F.S.)

- Administrative agency that enforces Chapters 104 and 106
- Administratively housed in the Office of the Attorney General (OAG) but separate budget entity
- Nine Commissioners: eight appointed by Governor based upon recommendations by House and Senate majority and minority leaders; chairman appointed by Governor
- Commission acts as agency head and appoints the Executive Director to employ and supervise all staff and the day-to-day operations of the agency

Organizational Structure



Administratively Housed in the
Office of the Attorney General

Commission Members

Scott Thomas, Chair

Term Expires: January 5, 2019

Patricia Hollarn

Term Expires: December 31, 2016
(Holding over)

Jason Todd Allen

Term Expires: December 31, 2020

Joni Poitier

Term Expires: December 31, 2019

Kymberlee Curry Smith

Term Expires: December 31, 2020
(2nd Term)

Barbra Stern

Term Expires: December 31, 2019
(2nd Term)

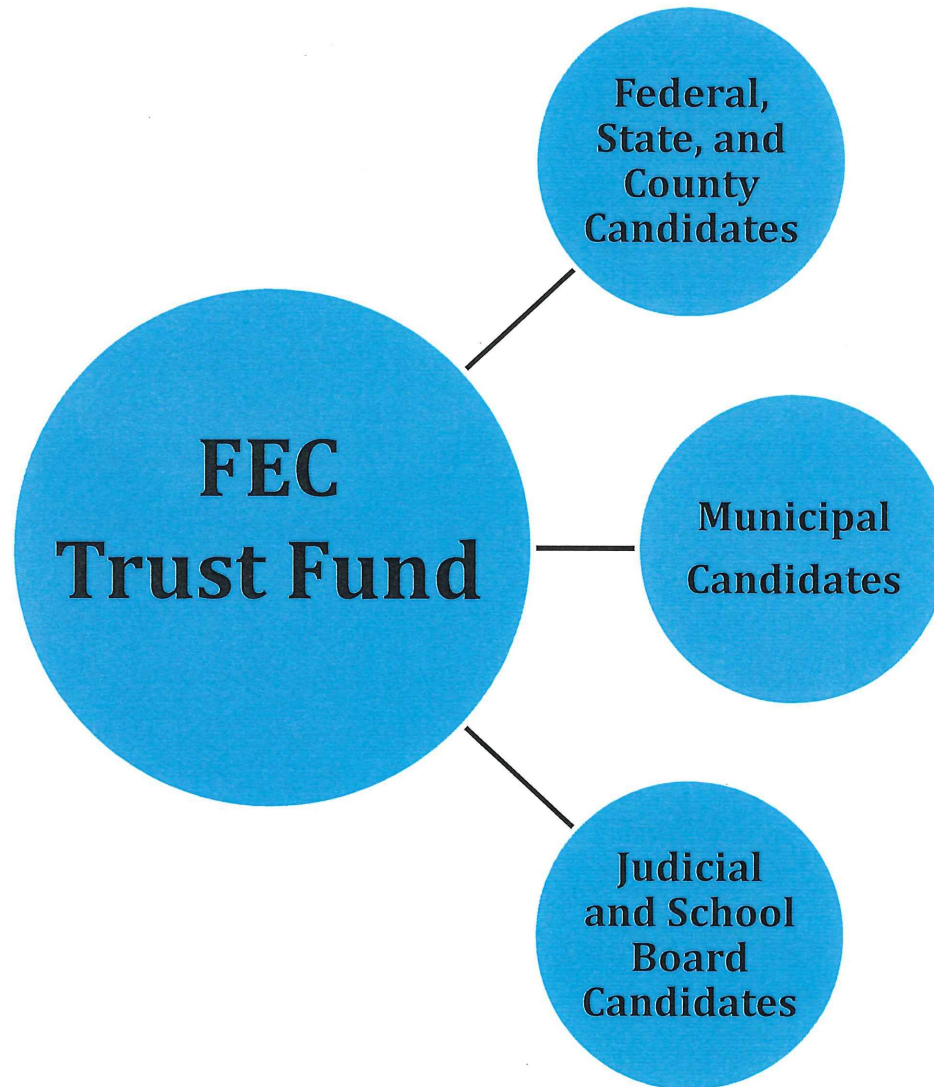
John Martin Hayes

Term Expires: December 31, 2020

Two vacant seats as of December 2018

Funded by Election Assessments

(ss. 99.092(1), 99.093(1), and 105.031(3), F.S.)



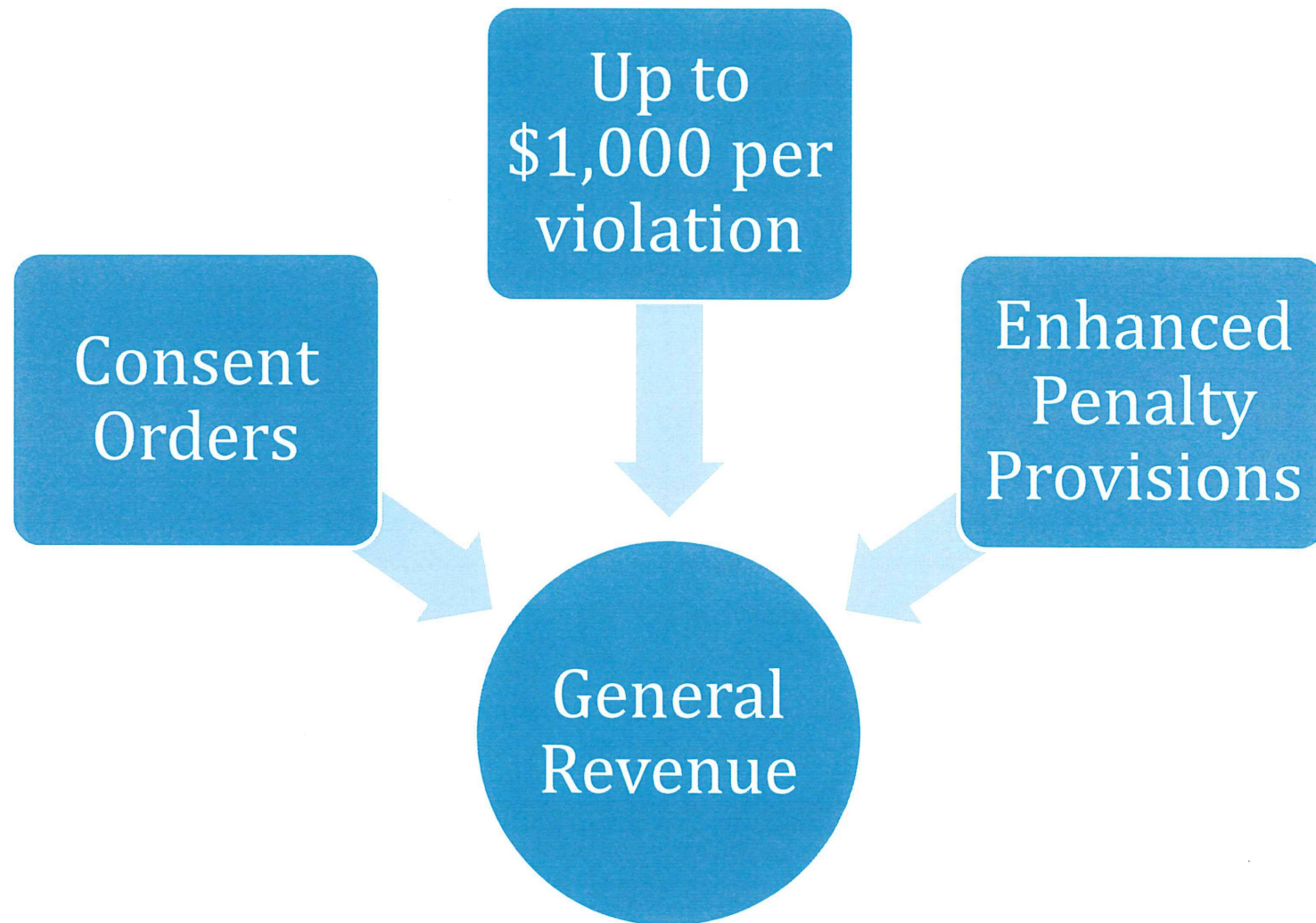
Case Load

Calendar Year	Cases Opened	Cases Closed
2018	492	497
2017	453	668
2016	868	566
2015	518	523
2014	506	452
2013	338	400

Common Violations

106.07(7)	Failed to notify filing officer that no report would be filed because no reportable financial transactions occurred
106.07(5)	Certified that a report was true, correct and complete when it was not
106.19(1)	<p>Additional charge for candidates, persons connected to campaigns and political committees for the following violations:</p> <ul style="list-style-type: none"> (a) Acceptance of excessive contributions (b) Failing to report any contribution required to be reported (c) Falsely reporting or deliberately failing to include required information (d) Making or authorizing an unlawful expenditure
106.143(1)	Failed to use exact verbiage in paid political advertising disclaimer
106.141(1)	Failed to dispose of all remaining funds and file a termination report within 90 days
106.07(2)(b)1.	Failed to file an addendum within 7 days of notification that a filed report is incomplete
106.03(1)	Registration requirements for political committees and electioneering organizations
104.011	False swearing to any oath regarding voting or elections or submitting false voter info
104.271(2)	False and malicious statement against an opponent

Civil Penalties



Automatic Fine Appeals

- Fines for late filing are automatically imposed by Filing Officer:
 - \$50 per day for first three days
 - \$500 per day for each subsequent day
 - No more than 25% of total receipts or total expenditures for reporting period, whichever is greater
- Candidate may dispute or appeal fine to the Florida Elections Commission
- Commission decides whether to uphold, waive, or reduce the fine based on “unusual circumstances”



Florida Elections Commission

107 W. Gaines Street, Suite 224

Tallahassee, Florida 32399

Telephone: 850.922.4539

Fax: 850.921.0783

Email: fec@myfloridalegal.com

www.fec.state.fl.us

CourtSmart Tag Report

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

Type:
Judge:

Started: 1/8/2019 4:31:04 PM
Ends: 1/8/2019 5:16:55 PM **Length:** 00:45:52

4:31:06 PM	Meeting called to order
4:31:19 PM	Roll Call - Quorum is present
4:31:39 PM	Tab 1 -Chair comments and overview
4:33:57 PM	Tab 2 - Chair Introduction of members and staff
4:34:25 PM	Senator Passidomo
4:34:48 PM	Vice Chair Braynon
4:35:47 PM	Chair
4:36:17 PM	Senator Powell
4:37:13 PM	Chair
4:37:23 PM	Senator Rodriquez
4:38:26 PM	Senator Stargel
4:38:56 PM	Senator Diaz
4:39:33 PM	Tab 2 - Chair - staff introductions
4:46:01 PM	Introduction of Dawn Roberts, Staff Director
4:46:38 PM	Tab 3 - Review of Committee Jurisdiction, Dawn Roberts, Staff Director
4:48:09 PM	Tab 4 - Presentation by Professional Staff regarding the Executive Appointment Process
4:49:00 PM	Tab 4 (cont'd) - Presentation regarding the Executive Appointment process, Dawn Roberts
4:51:01 PM	Chair
4:52:11 PM	Vice Chair Braynon question to Chair
4:52:33 PM	Chair, responds to question by Senator Braynon
4:53:54 PM	Senator Braynon
4:54:04 PM	Chair
4:54:38 PM	
4:55:45 PM	Tab 5 - Presentation by Florida Commission on Ethics - Kerri Stillman, Director of Operations and Communications ,
5:07:35 PM	Chair
5:07:44 PM	Senator Powell
5:08:29 PM	Ms. Stillman
5:08:42 PM	Senator Powell
5:09:13 PM	Ms. Stillman
5:10:26 PM	Chair, Questions? None
5:11:04 PM	Tab 6 - Presentation by Florida Elections Commission, Tim Vaccaro, Exec. Director, Florida Elections Commission
5:15:51 PM	Chair, Questions? None
5:16:12 PM	Chair
5:16:46 PM	Senator Powell moves to adjourn