



Committee:

RULES SUBCOMMITTEE ON ETHICS AND ELECTIONS

Senator Diaz de la Portilla, Chair
Senator Detert, Vice Chair

Meeting Packet

Monday, April 4, 2011

8:30—10:00 a.m.

Pat Thomas Committee Room, 412 Knott Building

The meeting materials for bills on the agenda are in the following order behind each tab:

If a Proposed Committee Substitute is being offered, materials precede the original bill in this order (a separate tab may be used for combined PCS and materials):

- o Bill Analysis for the PCS*
- o Filed amendments to the PCS*
- o Proposed Committee Substitute*
- o Miscellaneous information*

- Bill Analysis**
- Filed amendments to the bill**
- Bill**
- Amendments from previous committees**
- Miscellaneous information**

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES SUBCOMMITTEE ON ETHICS AND ELECTIONS
Senator Diaz de la Portilla, Chair
Senator Detert, Vice Chair

MEETING DATE: Monday, April 4, 2011
TIME: 8:30 —10:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Diaz de la Portilla, Chair; Senator Detert, Vice Chair; Senators Alexander, Braynon, Dockery, Evers, Gaetz, Joyner, Oelrich, Richter, Simmons, Smith, Sobel, and Thrasher

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Education Practices Commission			
1	Farmer, Diane A. (Tampa)	09/30/2013	
	McCray, Katrina E. (Jacksonville)	09/30/2014	
Governor's Mansion Commission			
2	Aurell, Jane C. (Tallahassee)	09/30/2013	
Board of Medicine			
3	Thomas, George (Bradenton)	10/31/2014	
Adjutant General of Florida National Guard			
4	Titshaw, Emmett R., Jr. (St. Augustine)	Pleasure of Governor	
Secretary of State			
5	Browning, Kurt S. (Dade City)	Pleasure of Governor	
Governing Board of the Northwest Florida Water Management District			
6	Roberts, George (Panama City Beach)	03/01/2014	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 2086 Rules Subcommittee on Ethics and Elections (Compare H 813, CS/S 1504, S 1968)	Elections; Allows a candidate to obtain the required number of signatures from any registered voter regardless of district boundaries in a year of apportionment. Specifies a time period to initiate an action to challenge an amendment to the State Constitution proposed by the Legislature. Requires the court, including an appellate court, to accord the case priority over other cases. Requires the Attorney General to revise a ballot title or ballot summary for an amendment proposed by the Legislature under certain circumstances, etc.	
		EE 04/04/2011 RC BC	

COMMITTEE MEETING EXPANDED AGENDA

Rules Subcommittee on Ethics and Elections

Monday, April 4, 2011, 8:30 —10:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 2088 Rules (Compare H 1071, S 86, S 1484, S 1692)	Ethics; Provides for an exception to a provision authorizing a state public officer to vote in an official capacity on any matter, to conform to changes made by the act. Prohibits a member of the Legislature from voting upon any legislation inuring to his or her special private gain or loss. Revises provisions relating to the requisite mental state for the offenses of unlawful compensation and reward for official behavior and official misconduct, to conform to changes made by the act, etc.	EE 04/04/2011 RC BC

The Florida Senate
COMMITTEE MEETING PACKET TAB

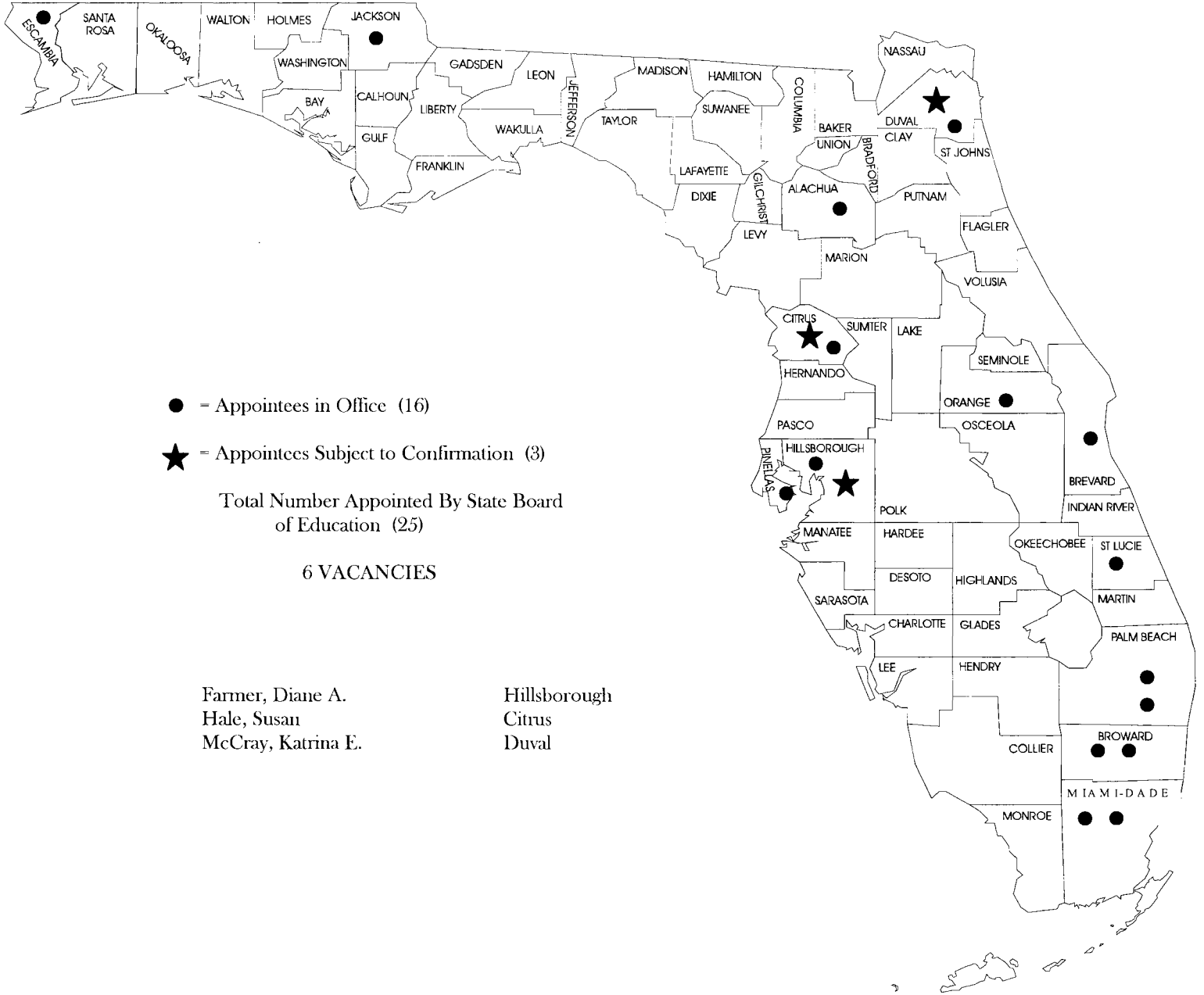
Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Education Practices Commission



- = Appointees in Office (16)
- ★ = Appointees Subject to Confirmation (3)

Total Number Appointed By State Board of Education (25)

6 VACANCIES

Farmer, Diane A.
 Hale, Susan
 McCray, Katrina E.

Hillsborough
 Citrus
 Duval

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Farmer, Diane A.

Appointed: 05/25/2010

Term: 05/18/2010 – 09/30/2013

Prior Term:

City/County: Tampa/Hillsborough

Office: Education Practices Commission, Member

Authority: 1012.79(1), F.S.

Reference(s): Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/26/10
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Teacher-Principal

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

Requirements: The 25-member commission consists of 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:

- Eight teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five school administrator members, with at least one of whom shall represent a private 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;
- Seven lay members, five of whom shall be parents of public school students and who are unrelated to public school employees and two of whom are former district school board members; and
- Five 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 shall 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.

Notes: Number 18 - Mrs. Farmer served on the Florida Education Standards Commission from 1995 to 2000. Number 19 - Mrs. Farmer has been an employee of the Hillsborough County School System since 1986 and her current position is school principal. She was a teacher in the Orange County School system from 1983-1986.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: McCray, Katrina E.

Appointed: 01/19/2011

Term: 12/17/2010 – 09/30/2014

Prior Term:

City/County: Jacksonville/Duval

Office: Education Practices Commission, Member

Authority: 1012.79(1), F.S.

Reference(s): Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 3/22/11
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Principal/Duval County Public Schools

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

Requirements: The 25-member commission consists of 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:

- Eight teacher members who are certified to teach, and who have practiced the profession for at least five years immediately preceding their appointment;
- Five school administrator members, with at least one of whom shall represent a private 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;
- Seven lay members, five of whom shall be parents of public school students and who are unrelated to public school employees and two of whom are former district school board members; and
- Five 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 shall 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.

Notes: Number 6 - Ms. McCray served in the United States Air Force from 1973 to 1977
Number 8 - Administrator
Number 19 - Since 1998 Ms. McCray has been an educator in the Duval School District. Ms. McCray has held the positions of teacher and assistant principal. For the last four years Ms. McCray has been a school principal.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

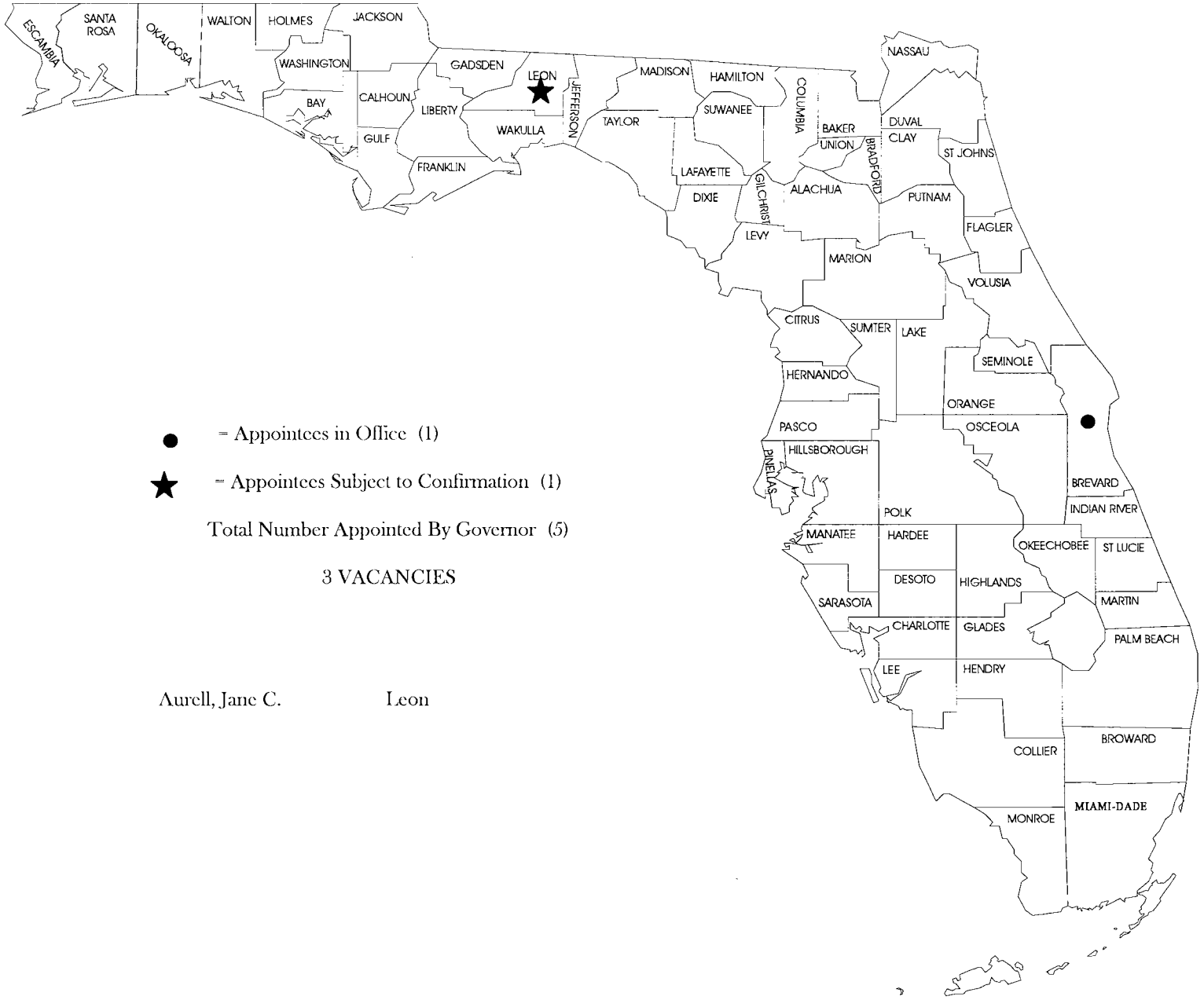
TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

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A1435A

Governor's Mansion Commission



- = Appointees in Office (1)
- ★ = Appointees Subject to Confirmation (1)

Total Number Appointed By Governor (5)

3 VACANCIES

Aurell, Jane C.

Leon

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Aurell, Jane C.

Appointed: 02/03/2011

Term: 02/03/2011 – 09/30/2013

Prior Term:

City/County: Tallahassee/Leon

Office: Governor's Mansion Commission, Member

Authority: 272.18, F.S.

Reference(s): Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/26/10
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/16/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation:

Compensation: Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The eight members of this commission include:

- Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate;
- The Secretary of the Department of Management Services or his or her designee;
- The Director of the Division of Recreation and Parks of the Department of Environmental Regulation; and
- An employee of the Department of State designated by the Secretary of State who has curatorial and museum expertise.

No member of the commission may hold any other state or local office during his or her tenure as a member of the commission.

Additional Requirements: Terms are for four years for citizen members.

The spouse of the Governor or designated representative shall be an ex officio member with no voting rights except to break a tie vote.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 17 - Mrs. Aurell serves on the Leon County Library Advisory Board, 1998-Present.
Number 18 - Mrs. Aurell previously served on the Governor's Mansion Commission, 9/2005-9/2006 and 10/2008-9/2009. Governor Crist appointed Mrs. Aurell for a term ending 9/30/2013. Governor Scott withdrew this appointment and subsequently reappointed Mrs. Aurell.

The Florida Senate
COMMITTEE MEETING PACKET TAB

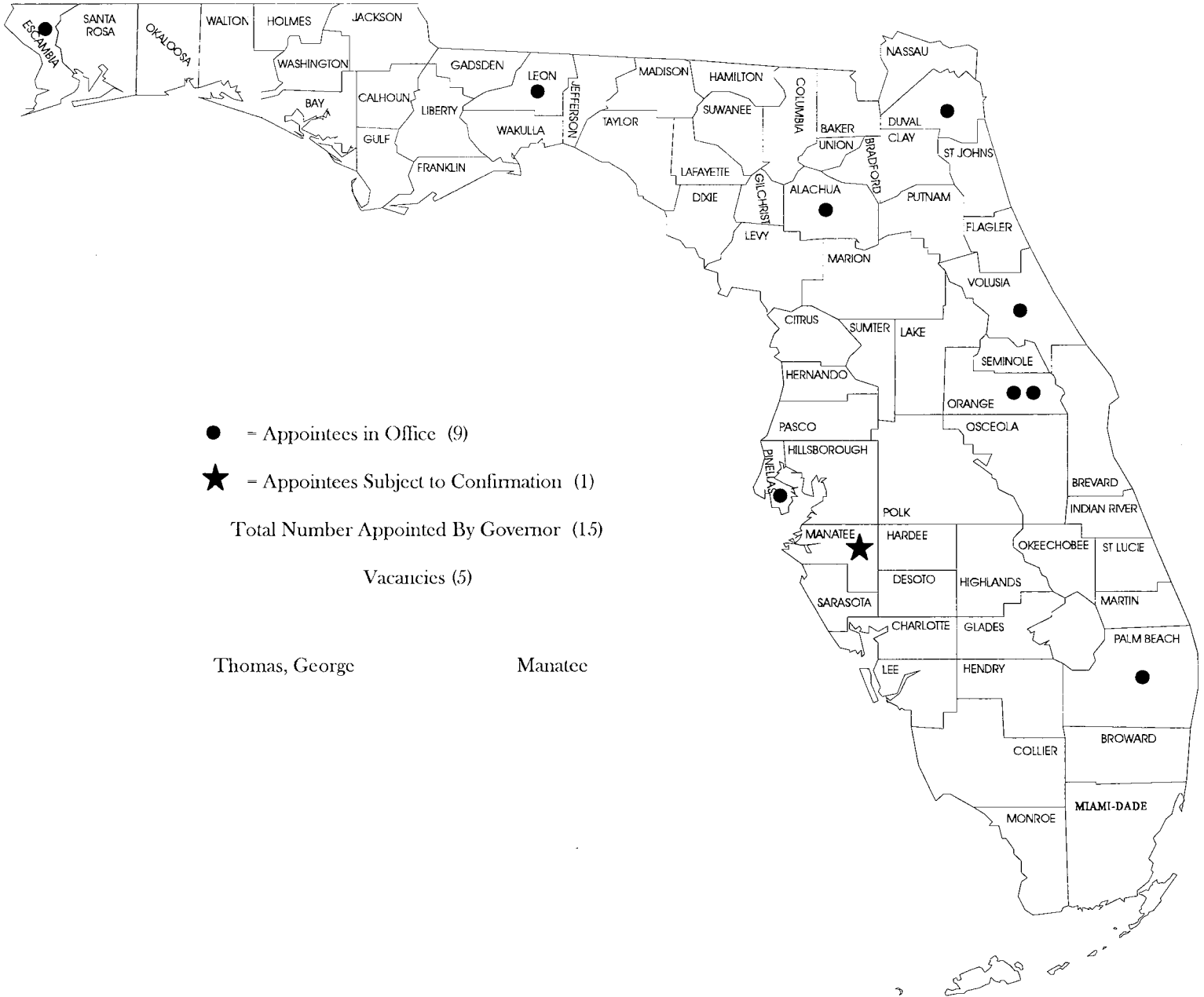
Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Medicine



● = Appointees in Office (9)

★ = Appointees Subject to Confirmation (1)

Total Number Appointed By Governor (15)

Vacancies (5)

Thomas, George

Manatee

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Thomas, George

Appointed: 02/04/2011

Term: 02/04/2011 – 10/31/2014

Prior Term: 3/16/2007 - 10/31/2010

City/County: Bradenton/Manatee

Office: Board of Medicine, Member

Authority: 458.307(1), F.S. & 20.43(3)(g)2, F.S.

Reference(s): Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/11/10
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Cardiologist/ Partner of Bradenton Cardiology Ceneter

Attendance: Attended 26 of 32 meetings (81%) from March 16, 2007 through March 21, 2011.

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The 15-member board consists of Florida residents as follows: Twelve members who are licensed physicians in good standing in this state who have engaged in the active practice or teaching of medicine for at least four years prior to their appointment:

- One of whom is on the full-time faculty of a medical school in Florida;
- One of whom is in private practice and on the full-time staff of a teaching hospital in Florida; and
- At least one of whom is a graduate of a foreign medical school;

Three members who are not, and who have never been, licensed health care practitioners;

One member who is a health care risk manager licensed under s. 395.10974, F.S.; and

At least one member who is sixty years of age or older.

Additional Terms are for four years.

Requirements: Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Physician

Number 18 - Dr. Thomas served on the Board of Medicine from 3/16/2007-10/31/2010. Governor Crist reappointed Dr. Thomas for a term ending 10/31/2014. Governor Scott withdrew this appointment and subsequently reappointed Dr. Thomas. Previously, Dr. Thomas served on the State Board of Community Colleges from 10/2000-9/2005.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Military Affairs, Space, and Domestic Security
MEETING DATE: Wednesday, March 30, 2011
TIME: 3:45 —5:45 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Mike Haridopolos, President
FROM: Military Affairs, Space, and Domestic Security

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

Office: Adjutant General of Florida National Guard
Appointee: Titshaw Jr., Emmett R.
Term: 1/4/2011-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: Titshaw, Emmett R., Jr.

Appointed: 01/21/2011

Term: 01/04/2011 – Pleasure of Governor

Prior Term:

City/County: St. Augustine/St. Johns

Office: Adjutant General of Florida National Guard, Statewide Director

Authority: 250.10, F.S.

Reference(s): Committee on Military Affairs, Space, and Domestic Security-Recommend Confirm-03/30/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/2/11
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Adjutant General

Compensation: \$157,251.60 per year as of March 16, 2011. Reimbursed for expenses incurred while performing duties as a member of the Armory Board.

Receives the pay and allowances of his respective grade as prescribed by applicable pay tables of the national military establishment for similar grade and period of service of personnel, unless a different rate of pay and allowances is specified in the appropriation bill.

Requirements: The Adjutant General must be a federally recognized officer of the Florida National Guard, who has served in the Florida National Guard for the preceding five years and who has attained the rank of colonel or higher.

Additional Requirements: Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - General Titshaw began serving as the Adjutant General of Florida National Guard on 6/26/10. Governor Scott reappointed General Titshaw for a term beginning 1/4/2011. In addition, General Titshaw served as the Assistant Adjutant General for Air National Guard from 11/2001-6/2010.

Number 19 - General Titshaw has been a member of the Florida Air National Guard since 1970.
Education Verified

The Florida Senate
COMMITTEE MEETING PACKET TAB

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Governmental Oversight and Accountability
MEETING DATE: Wednesday, March 30, 2011
TIME: 3:45 —5:45 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President
FROM: Governmental Oversight and Accountability

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

Office: Secretary of State

Appointee: Browning, Kurt S.

Term: 1/10/2011-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: Browning, Kurt S.
 Term: 01/10/2011 – Pleasure of Governor

Appointed: 01/11/2010
 Prior Term:

City/County: Dade City/Pasco

Office: Secretary of State, Secretary

Authority: 20.10, F.S.

Reference(s): Committee on Governmental Oversight and Accountability-Recommend Confirm-03/30/2011
 Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/20/11
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 3/9/11; See Below
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		
20. Currently a Registered Lobbyist	X		Legislative

Occupation: Secretary of State

Compensation: \$139,999.92 per year as of March 11, 2011.

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

Additional The Secretary of State shall serve at the pleasure of the Governor.

Requirements: Required to file Form 1 with the Commission on Ethics.

Notes: Number 11 - The Commission on Ethics reported Complaint 04-061 was filed against Mr. Browning alleging he had violated s. 112.313(6), F.S. and s. 112.312(9), F. S. The Commission on Ethics, in executive session on 6/3/04, found the complaint legally insufficient and the case was dismissed. Number 18 - Mr. Browning served as Secretary of State from 1/2007-4/2010. Mr. Browning served as the Pasco County Supervisor of Elections from 1/1980 - 12/2006.

Education Verified

The Florida Senate
COMMITTEE MEETING PACKET TAB

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A2405R

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Environmental Preservation and Conservation
MEETING DATE: Wednesday, March 30, 2011
TIME: 1:30 —3:30 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President
FROM: Environmental Preservation and Conservation

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

Office: Governing Board of the Northwest Florida Water Management District
Appointee: Roberts, George
Term: 2/4/2011-3/1/2014

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: Roberts, George

Appointed: 02/08/2011

Term: 02/04/2011 – 03/01/2014

Prior Term: 03/3/2006 - 03/1/2010

City/County: Panama City Beach/Bay

Office: Governing Board of the Northwest Florida Water Management District, Member

Authority: 373.073 & 373.073(2)(a), F.S.

Reference(s): Committee on Environmental Preservation and Conservation-Recommend Confirm-03/30/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/18/11
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: C.W. Roberts Contracting, Inc., Vice President

Attendance: Attended 44 of 49 meetings (90%) from March 3, 2006 through March 15, 2011.

Compensation: Reimbursed for actual travel expenses, subsistence, lodging, and other expenses while on official business, not to exceed the statutory amount allowed under s. 112.061, F.S.

Payment for the use of private or charter aircraft may be no greater than that allowed for commercial air travel for equivalent distances.

Requirements: The nine-member board consists of:

- One member who resides in the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay;
- One member who resides in the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay;
- One member who resides in the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units;
- One member who resides in the "Lower Chattahoochee- Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River-Apalachicola Rivers-Apalachicola Bay Coastal Area and offshore islands" hydrologic units;
- One member who resides in the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and Coastal Area between Aucilla and Ochlockonee River Basin" hydrologic units; and
- Four at large members, provided that no county shall have more than two members on the governing board.

Membership on governing boards shall be selected from candidates who have significant experience in one or more of the following areas, including, but not limited to: agriculture, the development industry, local government, government-owned or privately owned water utilities, law, civil engineering, environmental science, hydrology, accounting or financial business.

Additional Requirements: Terms are for four years.

Terms begin March 2 of the year in which the appointment is made and terminates March 1 of the fourth calendar year of the term or may continue until a successor is appointed, but not more than 180 days.

Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.

Required to file Form 1 with SOE's office.

Commencing January 1, 2011, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

- In the first year of the Governor's term of office, the Governor shall appoint three members to the governing.
- In the second year of the Governor's term of office, the Governor shall appoint two members to the governing board.
- In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.
- In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each other district.

Notes: Number 8 - Represents Choctawhatchee River Basin.
Number 15 - Mr. Robert's company provides contractual services to the Florida Department of Transportation.
Number 18 - Mr. Roberts served on the Governing Board of the Northwest Florida Water Management District from 3/2006-3/2010. Mr. Roberts was reappointed to the Governing Board of the Northwest Florida Water Management District by Governor Crist for a term ending 3/1/2014. Governor Scott withdrew this appointment and subsequently reappointed Mr. Roberts.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

7

S2086

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Subcommittee on Ethics and Elections

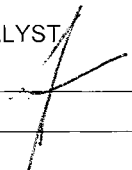

BILL: SB 2086

INTRODUCER: Rules Subcommittee on Ethics and Elections

SUBJECT: Elections

DATE: March 25, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox/Seay 	Roberts 	EE	Pre-meeting
2.	_____	_____	RC	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill is an omnibus elections package that establishes procedures for the Attorney General to cure defective ballot language in a joint resolution, and also makes numerous, primarily technical changes to Florida's campaign finance laws. Some of the more significant changes in the bill include:

- Specifying the time period to initiate a challenge to an amendment proposed by the Legislature to the State Constitution, and directing the Attorney General to revise ballot language found to be defective by a court;
- Specifying that if a manual recount was conducted pursuant to s. 102.166, F.S., a manual audit of the voting system is not required;
- Allowing county canvassing boards to begin canvassing absentee ballots at 7 a.m. on the 15th day before the election;
- Requiring committees of continuous existence (CCEs) and political committees (PCs) who participate in local elections to file campaign finance reports on the same schedule as the local candidates, in addition to filing that information on required periodic reports with the Division of Elections;
- Increasing the penalty for CCEs that late-file their final campaign finance report due before a primary or general election for the first three days the report is late, from \$50 per day to \$500 per day (to conform to current law regarding PC and candidate filings);
- Requiring CCEs, candidates, and PCs to include transaction information for each credit card purchase in electronic campaign finance reports, in lieu of a copy of their credit card statement;

- Creating an additional election violation for filing three campaign finance reports late in a two-year period;
- Allowing county candidates who are seeking to qualify by petition in an apportionment year to obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries; and
- Providing that the failure of a candidate to comply with the campaign finance laws has no effect upon whether the candidate has qualified for the office the candidate is seeking.

This bill substantially amends ss. 99.095, 101.161, 101.591, 101.62, 101.68, 106.011, 106.022, 106.023, 106.04, 106.07, 106.0703, 106.0705, 106.08, 106.09, 106.11, 106.141, 106.143, 106.18, 106.19, 106.29, and 106.35 of the Florida Statutes.

II. Present Situation:

Qualifying for Office by Petition

A prospective candidate may choose to qualify for an elected office by petition, in lieu of a qualifying fee or party assessment.¹ Candidates generally must obtain signatures equal to at least one percent of the total number of registered voters of the geographic area represented by the office sought.²

Following each decennial census, federal congressional districts and state legislative districts are reapportioned to reflect changes in population. In a year of apportionment, where district boundaries are subject to change, legislative candidates seeking to qualify by the petition method must obtain signatures of Florida registered voters equal to .33% of the ideal population for the office sought.³ Counties must also reapportion, establishing new district lines for offices like county commissioner.⁴ However, there is *no analogous provision* allowing local candidates seeking to qualify by petition to obtain signatures countywide.

In 2005, the legislature changed the law to allow candidates seeking to qualify by petition to begin collecting signatures *prior to* the year of the election.⁵ As a result, local candidates have already begun collecting signatures from voters in the current district in which they seek to run. If the district lines change with reapportionment, however, there is a legitimate question as to whether signatures collected from folks who find themselves outside the *new* district boundaries will count toward the total number of required signatures.

Challenge of Constitutional Amendments

Amendments can be removed from the ballot if the ballot title and summary fail to inform the voter, in clear and unambiguous language, of the chief purpose of the amendment.⁶ This has been

¹ Section 99.095(1), F.S.

² Section 99.095(2)(a), F.S.

³ Section 99.09651, F.S. The “ideal population” means the total population of the State based on the most recent decennial census divided by the number of districts to be voted (i.e., Florida Senate has 40 districts, Florida House has 120 districts).

⁴ Art. VIII, s. 1(e), FLA. CONST.

⁵ Ch. 2005-277, s. 14, LAWS OF FLA.

⁶ *Roberts v. Doyle*, 43 So.3d 654 (Fla. 2010). *Id.* Signatures may be obtained from any registered Florida voter regardless of party affiliation or district boundaries.

referred to by the courts as the “accuracy requirement.”⁷ All constitutional amendments are subject to this requirement, including amendments proposed by the Legislature.⁸ In recent years, numerous constitutional amendments proposed by the Legislature have been removed from the ballot by Florida courts; the Florida Supreme Court removed three amendments adopted through legislative resolution from the 2010 general election ballot.⁹

If a court rules to remove an amendment from the ballot and the Legislature is not in session, there is no opportunity to correct a deficiency in the ballot title or ballot summary — absent calling a special session.

Voting System Audits

Following the certification of each election, the county canvassing board or the local board responsible for certifying the election is required to conduct a manual audit of between 1% and 2% of the voting systems used in randomly selected precincts.¹⁰ The section provides procedures that must be used to conduct the manual audit and the timeframe in which the manual audit must be completed.¹¹ After completion of the audit, the county canvassing board or local board must provide a report to the Department of State detailing the results.¹²

Absentee Ballots

An elector request for an absentee ballot is deemed sufficient to receive an absentee ballot for all elections through the *next regularly scheduled general election*, unless the elector specifies the elections during that period for which he or she wishes to receive a ballot.¹³ According to testimony from the Florida State Association of Supervisors of Elections (FSASE), there are a handful of municipalities that hold their elections *after* the general election but *before* the end of the calendar year, and it’s unclear whether an elector’s absentee ballot request remains valid for these local elections.¹⁴

Electors are permitted to request that their absentee ballot be mailed to an address other than the current mailing address on file with the supervisor of elections.¹⁵ If the elector requests the absentee ballot be mailed to an address other than the current mailing address on file with the supervisor of elections, the elector must specify that either: the elector is absent from the county and does not plan to return prior to election day; the elector is temporarily unable to occupy his/her residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or, the elector is in a hospital, assisted living facility, nursing home, short-term medical or rehabilitation center, or correctional facility.¹⁶

⁷ *Armstrong v. Harris*, 773 So.2d 7, 11-12 (Fla. 2000); *see also* §101.161(1), F.S.

⁸ *Id.* at 13.

⁹ *Roberts v. Doyle*, 43 So.3d 654 (Fla. 2010); *Fla. Dept. of State v. Mangat*, 43 So.3d 642 (Fla. 2010); *Fla. Dept. of State v. Fla. State Conference of NAACP Branches*, 43 So.3d 662 (Fla. 2010).

¹⁰ Section 101.591, F.S.

¹¹ *See s.* 101.591(2)-(5), F.S.

¹² Section 101.591(5), F.S.

¹³ Section 101.62(1)(a), F.S.

¹⁴ Testimony of the Honorable David Stafford, FSASE President-Elect and Escambia Co. Supervisor of Elections before the Florida Senate Rules Subcommittee on Ethics and Elections (Mar. 28, 2011).

¹⁵ Section 101.62(4)(b)1., F.S.

¹⁶ *Id.* Absent uniformed services voters and overseas voters are excluded from this requirement. Section 101.62(4)(b)2., F.S.

The county canvassing board may begin canvassing absentee ballots at 7 a.m. on the sixth day before an election, but not later than noon on the day following the election.¹⁷ If the county is using electronic tabulating equipment, the processing of absentee ballots through the electronic tabulating equipment may also begin at 7 a.m. on the sixth day before the election.¹⁸ However, it is a felony to release any results until the polls close on election day.¹⁹

Independent Expenditures

Independent expenditures are expenditures by a person for the purpose of expressly advocating the election or the approval or rejection of an issue which are not controlled by or coordinated with any candidate, political committee, or their respective agents.²⁰ Under s. 106.011, F.S., an expenditure is not considered an independent expenditure if a committee or person, after the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs, and then uses that information to plan, create, design, or prepare an independent expenditure or advertising campaign.²¹

Appointment of Registered Agents

Each political committee, committee of continuous existence, or electioneering communications organization is required to file a statement of appointment for both the registered office and registered agent with the Division of Elections (Division).²² In the event that the registered office or registered agent changes, the entity is required to complete a written statement of change and file with the Division.²³

Statement of Candidates

Candidates are required to file a statement with their filing officer that they have received, read, and understood the requirements of Chapter 106 of the Florida Statutes.²⁴ The candidate must file such statement within 10 days of the appointment of the candidate's campaign treasurer and designation of the campaign depository.²⁵

Committees of Continuous Existence

Under Florida law, committees of continuous existence are defined as any group, organization, association, or other entity certified under the requirements of s. 106.04, F.S. Committees of continuous existence must file annual reports with the Division.²⁶ If the CCE fails to meet the criteria in s. 106.04(1), F.S., the Division revokes the committee's certification until the criteria is met.²⁷ The Legislature has granted the Division rulemaking authority to establish the procedure of revoking the CCE's certification.²⁸ If a CCE does not file its annual report on its

¹⁷ Section 101.68(2)(a), F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 106.011(5)(a), F.S.

²¹ Section 106.011(5), F.S.; section 106.011(6), F.S.

²² Section 106.022(1), F.S.

²³ When filing the original statement of appointment for the registered office and registered agent, the entity also pledges the undertaking to inform the Division of any change of the originally designated address of the entity. Section 106.022(1)(d).

²⁴ Section 106.023(1), F.S.

²⁵ Section 106.023(1), F.S.

²⁶ Section 106.04(4)(a), F.S.

²⁷ Section 106.04(7), F.S.

²⁸ *Id.*

designated due date, the Division must levy a fine.²⁹ Once a report is found to be late, a Division filing officer must provide notice to the committee's treasurer.³⁰ The committee's treasurer may appeal or dispute a late filing fine by requesting a hearing before the Florida Elections Commission.³¹ The Division's filing officer is to notify the commission of repeated late filing by a committee; the failure of a committee to file a report after given notice; or the failure to pay the imposed fine.³²

CCEs must file campaign finance reporting forms at the same time as candidates and political committees, which must include transaction information from each credit card statement that will be included in the next report.³³ Failure to file subjects CCEs to a \$50 per day fine for the first three days late, thereafter \$500 per day, not to exceed 25 percent of the total receipts or expenditures for the period, whichever is greater.³⁴ Unlike candidates and political committees, there is no enhanced \$500 penalty for the first three days late with respect to the final campaign finance report due immediately preceding a primary or general election.³⁵

Reports by Candidates and Political Committees

Campaign treasurers for candidates and political committees are to file regular reports detailing all contributions received and all expenditures made, by or on behalf of the candidate or political committee.³⁶ The reports are normally due on the 10th day following the end of each calendar quarter.³⁷ Additionally, a candidate facing opposition to nomination or election to an office, a political committee, or a committee of continuous existence must file a report on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election. A candidate who has opted to receive public campaign financing is required to file reports at more frequent increments.³⁸ When a special election is called to fill a vacancy in office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of the special election must file campaign treasurers' reports with the Division of Elections' filing officer on the dates set by the Department of State.³⁹

The Division's filing officer may conditionally accept a report that is deemed incomplete. If a report is deemed incomplete, the Division must notify the campaign treasurer why the report was found to be incomplete by registered mail. The Division must allow the campaign treasurer 3 days from receipt of the notice to complete the report by filing an addendum. The filing officer

²⁹ Section 106.04(8)(a), F.S.

³⁰ Section 106.04(8)(b), F.S.

³¹ Section 106.04(8)(c), F.S.

³² Section 106.04(8)(d), F.S.

³³ Section 106.04(4)(b), F.S.

³⁴ Section 106.04(8)(a), F.S.

³⁵ See *infra* note 28 and accompanying text (political committees and candidates are subject to a \$500 per day penalty for each day that they are late in filing their final campaign finance report).

³⁶ Section 106.07(1), F.S.

³⁷ The section provides variances in the event that the tenth day following the end of each calendar quarter falls on a Saturday, Sunday, or legal holiday.*Id.*

³⁸ Candidates who opt to receive public campaign financing through the Florida Election Campaign Financing Act must file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election. Section 106.07(1)(b), F.S.

³⁹ Section 106.07(1)(d)1, F.S.

may opt to notify the campaign treasurer of the report's deficiency by a telephone call in lieu of sending a notice via registered mail. If no additional information is received from the campaign treasurer within 3 days of the telephone notification, the filing officer shall send notice via registered mail.

Each report submitted to the Division must include each credit card statement after it is received by the campaign treasurer.⁴⁰ Additionally, the campaign depository is required to return all checks drawn from the campaign account to the campaign treasurer — which, in turn, the campaign treasurer is required to retain for records.⁴¹ The maintained records are subject to inspection by the Division or the Florida Elections Commission (Commission) anytime during normal business hours.⁴²

If the Division determines that a report is late, the filing officer must notify either the candidate or the chair of the political committee that the report is late and that a fine is levied for each day that the report is late.⁴³ Reports due immediately preceding each primary and general election are subject to a higher late fine.⁴⁴ The appropriate filing officer must notify the Commission of repeated late filing of reports.⁴⁵

All candidates that are required to file reports with the Division pursuant to s. 106.07, F.S., must use the Division's electronic filing system.

Limitations on Campaign Contributions

Independent or minor party candidates may qualify to be placed on the ballot through the petition method.⁴⁶ Once a determination of qualification is made by the Department of State or the appropriate supervisor of elections, the department or supervisor must notify in writing all other candidates who have qualified for that same office within 3 days of the determination.⁴⁷ If an independent or minor party candidate failed to qualify through petition, any contribution received by a candidate, campaign treasurer, or deputy campaign treasurer after notification of the other candidate's failure to qualify must be returned to the contributor and may not be used on behalf of the candidate.⁴⁸

More restrictions are placed on candidates' acceptance of campaign contributions by cash or cashier's check. An individual is prohibited from contributing or accepting a cash contribution or contribution by cashier's check in excess of \$50.⁴⁹

⁴⁰ Section 106.07(4)(a)11, F.S.

⁴¹ Section 106.07(6), F.S.

⁴² *Id.*

⁴³ Section 106.07(8)(b), F.S. The fine is \$50 per day for the first three days late, followed by \$500 per day thereafter, not to exceed 25 percent of the total receipts or expenditures for the period, whichever is greater. *Id.*

⁴⁴ *Id.* The fine for late-filing the final report is \$500 per day, not to exceed 25 percent of the total receipts or expenditures for the period, whichever is greater. *Id.*

⁴⁵ Section 106.07(8)(d), F.S.

⁴⁶ Pursuant to Section 99.0955, F.S.

⁴⁷ Section 106.08(3)(c), F.S.

⁴⁸ Section 106.08(3)(c)2, F.S.

⁴⁹ Section 106.09(1), F.S.

Expenditures by Candidates and Political Committees

Candidates and political committees may use debit cards when making expenditures. Before a candidate or political committee does use a debit card, they must provide a list of all persons authorized to use the card with the Division.⁵⁰ Any debit cards that are issued for a candidate's campaign or a political committee must expire by midnight of the last day of the month of the general election.⁵¹

Political Advertising

Political advertisements that are circulated prior to an election and paid for by the candidate must prominently state certain information such as: the name of the candidate; the party affiliation; and the office sought.⁵² Current law does not address statements that must be featured on the advertisements of write-in candidates.

If a candidate is running for partisan office, any political advertisement must feature the name of the political party for which the candidate is seeking nomination or is the nominee.⁵³ If a candidate is running for a partisan office but is running with no party affiliation, any political advertisements must state that the candidate is running with no party affiliation.⁵⁴ Any political advertisements, offered on behalf of a candidate, must state that the advertisement was approved by the candidate and must disclose who paid for the advertisement.⁵⁵ The "approved by" disclaimer is not required for campaign messages used by a candidate or his or her supporters if the message is displayed on clothing.⁵⁶

III. Effect of Proposed Changes:

Section 1. Amends s. 99.095, F.S., specifying that in a year of apportionment, any candidate for county or district office seeking ballot position through the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries; provides that the candidate must obtain at least the number of signatures equal to 1 percent of the total number of registered voters divided by the total number of districts of the office involved; provides that the number of signatures required will be determined by a compilation of the immediately preceding general election.

Section 2. Amends s. 101.161, F.S., providing that any action for a judicial determination that a ballot title or substance is misleading or otherwise deficient in a constitutional amendment adopted through joint resolution of the Legislature must commence within 30 days after the joint resolution is filed with the Secretary of State or at least 150 days before the election that the amendment is to appear on the ballot; whichever date occurs later; providing that any court hearing such an action must accord priority to this case and must render a decision expeditiously;

⁵⁰ Section 106.11(2)(a)4, F.S.

⁵¹ Section 106.11(2)(a)5, F.S.

⁵² Section 106.143(1)(a), F.S.

⁵³ Section 106.143(2), F.S.

⁵⁴ *Id.*

⁵⁵ Section 106.143(4)(a), F.S.

⁵⁶ Section 106.143(4)(c), F.S.

directing the Attorney General to prepare a revised ballot title or substance that corrects the deficiency identified by the court if a court determines that the ballot title or substance is defective and appeal of the decision is either declined, abandoned, or exhausted; requiring the Department of State to provide a designated number to the revised ballot and substance for supervisors of elections to place on the ballot; specifying that a defect in the ballot title or substance of a constitutional amendment adopted through joint resolution is not grounds for removal from the ballot.

Section 3. Amends s. 101.591, F.S., specifying that if a manual recount was conducted pursuant to s. 102.166, F.S., it is not necessary to conduct a manual audit of the voting system. The manual recount appears sufficient to satisfy the intent of the audit requirement provision because the individual ballots would be inspected.

Section 4. Amends s. 101.62, F.S., allowing a request for an absentee ballot to be sufficient for all elections through the end of the calendar year of the next regularly scheduled general election, unless the elector specifically indicates in their request which elections during that period that they desire to vote by absentee ballot; deleting the “for cause” requirements for mailing an absentee ballot to an address that the elector specifies in his or her absentee ballot request that differs from the one on file with the supervisor of elections.

Section 5. Amends s. 101.68, F.S., allowing the county canvassing board to begin canvassing absentee ballots at 7 a.m. on the 15th day before the election. This would allow canvassing to begin at the same time that early voting begins, and allow the supervisors greater efficiency in canvassing ballots. Supervisors would still be prohibited from releasing any election results until the polls close on election day.

Section 6. Amends s. 106.011, F.S., clarifying the time period during which consultation by a committee or person about a candidate’s plans, projects, or needs will constitute an exemption from the definition of an independent expenditure; ties the time frame to the candidate’s specific qualifying period instead of the qualifying period for legislative and statewide candidates.

Section 7. Amends s. 106.022, F.S., providing that a PC’s, CCE’s, or electioneering communications organization’s filing of the appointment of a registered agent and registered office will be with the same filing officer that the entity registered with originally.

Section 8. Amends s. 106.023, F.S., revising the “Statement of Candidate” mandated for every candidate to state that the candidate has been *provided access* to Chapter 106 of the Florida Statutes, instead of *providing a copy*.

Section 9. Amends s. 106.04, F.S., requiring CCEs participating in local elections to file campaign finance reports on the same schedule as the local candidates, in addition to filing that information on required periodic reports with the Division of Elections; providing that CCEs include transaction information for each credit card purchase in electronic campaign finance reports, in lieu of a copy of their credit card statement (to conform to the functionality of the electronic filing system); clarifying when campaign treasurer’s reports for committee of continuous existence are due and how notification is provided when reports are late or incomplete; clarifies the procedures for imposition of fines against committees of continuous

existence; defining the term “repeated late filings,” providing that three late filed campaign finance reports within a two-year period will be treated as a separate, additional election violation.

Section 10. Amends s. 106.07, F.S., deleting a redundant requirement to file a third-quarter campaign finance report during an election season, as reports are due more frequently after qualifying — generally in 2-week intervals; providing that a campaign treasurer must be notified by certified mail or another method that provides a proof of delivery of notice when a filing officer has deemed a report as incomplete; establishing that, within 7 days of receiving the notice, the campaign treasurer must provide an addendum to the filing officer containing the information needed to complete the report; requiring PCs participating in local elections to file campaign finance reports on the same schedule as the local candidates, in addition to filing that information on required periodic reports with the Division of Elections; providing that PCs and candidates include transaction information for each credit card purchase in electronic campaign finance reports, in lieu of a copy of their credit card statement (to conform to the functionality of the electronic filing system); defining the term “repeated late filings,” providing that three late filed campaign finance reports within a two-year period will be treated as a separate, additional election violation.

Section 11. Amends s. 106.0703, F.S., defining the term “repeated late filings,” providing that three late filed campaign finance reports within a two-year period will be treated as a separate, additional election violation.

Section 12. Amends s. 106.0705, F.S., requires campaign finance *office account* reports and *termination* reports (surplus funds) for individuals who file with the Division of Elections to be filed electronically, for consistency with other campaign finance filings and to enhance public access; deletes a time-delimited, outdated provision related to campaign finance filings.

Section 13. Amends s. 106.08, F.S., deleting a requirement that persons authorized to accept in-kind contributions to the state or county executive committee of a political party do so in a *signed* acceptance (the written acceptance must still be dated before the in-kind contribution is made); provides that persons accepting on behalf of county executive committees file their in-kind contribution acceptance with the applicable supervisor of elections instead of the Division of Elections; deletes obsolete provisions relating to minor party and independent candidates seeking to qualify by the petition method.

Section 14. Amends s. 106.09, F.S., clarifying that the \$50 limit on contribution by cash and cashier’s check are in the *aggregate, per election*; it also clarifies that the aggregate limits apply to *making* contributions to *the same* candidate or committee or *accepting* contributions from *the same* contributor.

Section 15. Amends s. 106.11, F.S., eliminating a requirement for candidates using debit cards as bank checks to submit a list of authorized users to the Division of Elections (unnecessary in practice); removes the requirement that the debit cards expire no later than November 30 of an election year (banks do not typically issue termination dates for debit cards); clarifies that a candidate may be reimbursed for a loan that he or she has made to the campaign “at any time the

campaign account has sufficient funds to repay the loan and satisfy its other obligations;” makes technical changes to the designation of a campaign account.

Section 16. Amends s. 106.141, F.S., directing that surplus campaign funds of candidates that have received public financing be returned to the General Revenue Fund, after paying off: previous monetary obligations of the campaign; costs for closing down campaign offices; and, costs associated with preparing final campaign reports.

Section 17. Amends s. 106.143, F.S., mandating that a write-in candidate use a specified disclaimer for political advertisements; prohibiting candidates for nonpartisan office from referring to party affiliation in their political advertisements, and prohibiting them from campaigning based on party affiliation; clarifying that if a political advertisement is paid for a candidate, the advertisement need not specify that the candidate “approved” the advertisement (mirroring the treatment of political disclaimers in the 2010 “Technology in Elections Act,”⁵⁷ which created a new disclaimer for electronic ads that merely states: “Paid by (name of candidate), (party affiliation), for (office sought)”); deletes an exclusion from the “approved by” disclaimer for campaign messages designed to be worn, to conform to changes made to the general ‘paid-for-by’ disclaimer in the 2010 Technology in Elections Act.⁵⁸

Section 18. Amends s. 106.18, F.S., deleting an outdated provision relating to candidates filing copies of their campaign finance reports. Before going to electronic filings, candidates required to file with the Division also had to file copies with the applicable supervisors of elections.

Section 19. Amends s. 106.19, F.S., providing that a candidate’s failure to comply with the requirements of Chapter 106 has no effect on whether the candidate has qualified for the office sought.

Section 20. Amends s. 106.29, F.S., clarifying that political party executive committees making contributions or expenditures in special primary or special elections must file campaign finance reports on the dates set by the Department of State in s. 100.111, F.S.; provides for the filing of such reports on the Friday before a special primary or special election, and subjects the state and county executive committee filing late to a \$10,000-per-day or \$500-per-day fine, consistent with other elections; provides that notice of fines is sufficient upon proof of delivery of written notice to the mailing address or street address on record with the filing officer; establishes repeated late filings (3 late filings in any 2-year period) as a separate violation.

Section 21. Amends s. 106.35, F.S., deleting outdated provisions relating to paper reports associated with public campaign financing. Paper reports have been replaced by the Division’s electronic filing system as mandated by s. 106.0705, F.S.

Section 22. Provides for an effective date of July 1, 2011.

⁵⁷ Ch. 2010-167, s. 18, LAWS OF FLA.

⁵⁸ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may result in very minor additional costs to prepare and file local campaign finance reports, for CCEs who participate in county or municipal elections.

C. Government Sector Impact:

This bill may be expected to have a minor positive fiscal impact as a result of: no longer requiring supervisors of elections to complete a voting system audit if a manual recount has occurred; higher penalties for late-filed reports by CCEs; potential fines levied on the new election violation of “repeated late filing”; no longer requiring county canvassing boards to perform a voting system audit if a manual recount is completed; and abolishing the requirement of providing candidates with a physical copy of Chapter 106 of the Florida Statutes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial 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.

STATES AND ELECTIONS

DATE: 03/31/11

TIME: 2:34 p.m.



813938

LEGISLATIVE ACTION

Senate

House

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. .
. .
. .

The Committee on Rules Subcommittee on Ethics and Elections
(Joyner) recommended the following:

Senate Amendment (with title amendment)

Before line 198

insert:

Section 1. Section 97.071, Florida Statutes, is amended to
read:

97.071 Voter information card.—

(1) A voter information card shall be furnished by the
supervisor to all registered voters residing in the supervisor's
county. The card must contain:

(a) Voter's registration number.

(b) Date of registration.



813938

- 13 (c) Full name.
- 14 (d) Party affiliation.
- 15 (e) Date of birth.
- 16 (f) Address of legal residence.
- 17 (g) Precinct number.
- 18 (h) Polling place address.
- 19 (i)~~(h)~~ Name of supervisor and contact information of
- 20 supervisor.
- 21 (j)~~(i)~~ Other information deemed necessary by the
- 22 supervisor.

23 (2) A voter may receive a replacement voter information
24 card by providing a signed, written request for a replacement
25 card to a voter registration official. Upon verification of
26 registration, the supervisor shall issue the voter a duplicate
27 card without charge.

28 (3) In the case of a change of name, address of legal
29 residence, polling place address, or party affiliation, the
30 supervisor shall issue the voter a new voter information card.

31 Section 2. The supervisor must meet the requirements of
32 section 1 of this act for any elector who registers to vote or
33 who is issued a new voter information card pursuant to s.
34 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete line 2

39 and insert:

40 An act relating to elections; amending s. 97.071,
41 F.S.; requiring that voter information cards contain



813938

42 the address of the polling place of the registered
43 voter; requiring a supervisor of elections to issue a
44 new voter information card to a voter upon a change in
45 a voter's address of legal residence or a change in a
46 voter's polling place address; providing instructions
47 for implementation by the supervisors of elections;
48 amending s. 99.095,

The Florida Senate
COMMITTEE MEETING PACKET TAB

Rules Subcommittee on Ethics and Elections

MEETING DATE: Monday, April 4, 2011

TIME: 8:30—10:00 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Subcommittee on Ethics and Elections

BILL: SB 2088

INTRODUCER: Rules Committee

SUBJECT: Ethics

DATE: March 31, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton <i>SAC II</i>	Roberts <i>JKR</i>	EE	Pre-meeting
2.			RC	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill amends the voting conflicts law by prohibiting a member of the Legislature from voting on certain legislation. It also requires a member to publicly state to the body or the committee to which the member belongs, prior to consideration of the legislation, all of the interests which give rise to the voting conflict. The bill would also require disclosure of the specific nature of those interests in a memorandum filed with either the Secretary of the Senate or Clerk of the House of Representatives within 15 days after the vote. The memorandum would be published in the journal of the house of which the legislator is a member.

The bill amends the financial disclosure laws applicable to elected constitutional officers by requiring the Florida Commission on Ethics (“Commission”) to review timely-filed financial disclosures of elected constitutional officers, along with any supporting documents provided, to determine if the filing is sufficient. The bill requires the Commission to notify filers whether their disclosures are sufficient by July 31, and provides 30 days for the official to correct the filing without penalty. Also, if information is omitted from the form which is required to be disclosed, and that information was contained in the supporting documentation filed with the Commission but was not caught by the Commission, the officer shall not be liable for fines or penalties.

Finally, the bill incorporates recommendations made by the Nineteenth Statewide Grand Jury on Public Corruption (“Grand Jury”). Specifically, the bill amends the definition of the term “gift” so that campaign contributions made pursuant to federal elections laws are not a gift. Also, the bill requires two additional types of public servant to file an annual statement of financial interests pursuant to s. 112.3145, F.S. In addition, the bill implements the grand jury

recommendations concerning use of the term “corruptly” in the criminal bribery and misuse of public position provisions.

This bill substantially amends the following sections of the Florida Statutes: s. 112.312, F.S., s. 112.3143, F.S., s. 112.3144, F.S., s. 112.3145, F.S., s. 838.015, F.S., s. 838.016, F.S., and s. 838.022, F.S. The bill also creates s. 112.31435, F.S. Finally, the bill repeals s. 838.014(4), F.S.

II. Present Situation:

Voting Conflicts:

Under Section 112.3143(2), Florida Statutes, no state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting.

Conversely, county, municipal, and other local officers are prohibited from voting on any measure which would inure to his/her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained, other than an agency; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the officer. In the event of a conflict, the county, municipal, and other local officers are required to publicly state to the assembly the nature of the officer's interests in the matter from which he or she is abstaining prior to the vote being taken. Additionally, the county, municipal, and other local officers are required to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting.

Financial Disclosure:

Currently, all elected constitutional officers and candidates for such offices are required by Art. II, s. 8 of the State Constitution, to file a full and public disclosure of their financial interests annually. The annual full and public disclosure is also required of all statewide elected officers and any other officers, candidates, and employees as determined by law. Currently, the financial disclosure requirements are contained in s. 112.3144, F.S., and s. 112.3145, F.S. Section 112.3144, F.S., is the implementing language for the full and public disclosure of financial interests required of the constitutionally specified officers and candidates.

The Commission serves as the depository for the financial disclosure filings of state officers or employees. Those who serve at a local level file their financial disclosure with the local supervisor of elections. The Commission and supervisors of elections are statutorily required to

assist each other in identifying those subject to the financial disclosure requirement, providing notice to those individuals, and tracking receipt of financial disclosures. In the event that an individual fails to timely file his or her financial disclosure, the Commission imposes an automatic fine of \$25 per day for failure to timely file financial disclosure. The automatic fine is capped at \$1,500. Neither the Commission nor the supervisor of elections is required to examine the financial disclosure filings.

If a filer is uncertain about whether he or she is required to disclose information, the filer may contact the Commission for guidance. Usually, the Commission's staff can answer simple questions by telephone or letter. In some circumstances, staff may not be able to provide such informal guidance. The Commission's staff will usually provide the filer the "safe harbor" advice to disclose the information or will advise the filer to seek a formal opinion from the Commission at its next available meeting. Upon receipt of the guidance, the onus is on the filer to include the information on their original form or, if necessary, file an amendment form. A member of the public can file a complaint with the Commission alleging that the person failed to disclose information which they were legally obligated to disclose. That complaint follows the same procedure as any complaint alleging a violation of one of the standards of conduct in the Code of Ethics. In the event that the Commission finds the filer in violation, he or she is subject to the penalties in s. 112.317, F.S.

Nineteenth Statewide Grand Jury Recommendations:

On November 30, 2009, Governor Crist convened the Grand Jury to review the ethics laws for possible improvement and to investigate any potential criminal activity within the Grand Jury's jurisdiction. On December 17, 2010, the Grand Jury issued a 124-page report interim report. The report contains various findings of fact, explanation of current ethics laws, and suggestions for improvement of those laws.

One recommendation was to clarify what constitutes a "gift." Currently, the definition of gifts for purposes of the Code of Ethics is located in s. 112.312(12), F.S. That section also identifies certain things which are specifically excluded from the definition of "gift." Currently, campaign contributions regulated by state law are specifically excluded from the definition of "gift." The exemption, which must be narrowly construed, does not include campaign contributions given which are reported pursuant to federal law. The Grand Jury recommended fixing this omission.

Another recommendation concerned who is required to file an annual statement of financial interests pursuant to s. 112.3145, F.S. Generally, only those specifically enumerated in that statute are required to file an annual statement of financial interests.¹ This filing requirement is less onerous than that required in Article II, s. 8 of the Florida Constitution. Currently, neither members of a community redevelopment agency board nor finance directors of county, municipal, or other political subdivisions are required to file annual financial disclosure. The Grand Jury recommended requiring annual financial disclosure of those individuals.

¹ Section 112.3145(1)(a)2.g., permits a unit of local government to require financial disclosure of individuals if permitted to do so by the enabling legislation or via ordinance or resolution.

The final Grand Jury recommendation addressed in the bill concerns crimes such as bribery and criminal misuse of public position. Currently, s. 838.014(4), F.S., defines the term “corruptly.”² “Corruptly” is then incorporated as the requisite mental state for the public corruption offenses in Chapter 838 of the Florida Statutes. The Grand Jury heard testimony that the use of that mental state prevents State Attorneys from being able to try or convict public officers for those offenses. Thus, the Grand Jury concluded that “corruptly” should be stricken from the criminal provisions.

III. Effect of Proposed Changes:

Voting Conflicts:

As previously mentioned, current law provides that no statewide elected officer is prohibited from voting in an official capacity on any matter. The bill creates an exception to the general rule in Section 112.3143(2), F. S., that state public officers may vote in an official capacity on any matter. The bill creates s. 112.31435, F.S., which prohibits a member of the Legislature from voting upon any legislation that would inure to his or her special private gain or loss. The bill also prohibits a member of the Legislature from voting on a matter which he or she knows would inure to the special private gain or loss of his or her relative, business associate, employer, board upon which the member sits, or a principal by whom the member is retained or the parent corporation or subsidiary of a corporate principal by whom the member is retained.

The bill also requires a member to disclose, prior to a vote being taken, all of the interests in the legislation that give rise to the voting conflict. Additionally, the member must disclose the specific nature of those interests as a public record in a memorandum filed with the Secretary of the Senate or the Clerk of the House of Representatives within 15 days after the date on which a vote on the legislation occurs. The memorandum shall be spread upon the pages of the journal of the house of which the legislator is a member.

The bill specifically provides that a member of the Legislature is not prohibited from voting on a General Appropriations Act or implementing legislation on the floor of the Senate or the House of Representatives.

Financial Disclosure:

The bill amends s. 112.3144, F.S., concerning the filing of annual full and public disclosure of the interests by elected constitutional officers. Specifically, the bill requires the Commission to review any full and public disclosure of financial interests filed by an elected constitutional officer no later than 5:00 p.m. on July 1.³ The Commission is required to compare the form and any other supplemental or supporting documentation provided by the filer to determine whether the filing is sufficient. The Commission must then notify the filer whether his or her disclosure is sufficient. If the filing is sufficient, the Commission accepts the filing and shall consider the disclosure to be filed as of the date received.

² It is important to note that the definition of “corruptly” in s. 838.014(4), F.S., is different in s. 112.312(9), F.S., which applies to the Code of Ethics.

³ If a filing is not received before 5:00 p.m. on July 1, the bill does not require the Commission to conduct a review of the officer’s full and public disclosure of financial interests.

If the Commission determines, based upon the full and public disclosure form and supporting or supplemental documents, that the filer omitted information required to be filed, the Commission must notify the filer by certified mail. The notice must be sent within thirty days of July 1 and must state with particularity the reason(s) for the deficiency. The officer must then file a new full and public disclosure of financial interests no later than September 1 of that year. A complaint cannot be filed alleging a violation of s. 112.3144, F.S., based on errors identified by the Commission, unless the filer fails to make the corrections necessary to comply with the disclosure requirement by September 1. If the officer fails to file the corrected form by September 1, he or she remains subject to the automatic fines for failure to timely file his or her disclosure. However, the officer would retain the right to appeal any automatic fine based on the existence of unusual circumstances.

When the filing is determined to be sufficient, the officer is not liable for any fines or penalties related to the filing. However, the exemption from liability for fines or penalties is not intended to apply where the filer omits information necessary for the Commission to make its sufficiency determination. This encourages the officer to disclose any information which would facilitate the Commission's review and prevents withholding information in an effort to receive the exemption.

Nineteenth Statewide Grand Jury Recommendations:

Consistent with the recommendations of the Grand Jury, the bill amends the definition of "gift" in s. 112.312(12), F.S. The bill exempts campaign contributions reported pursuant to federal elections law from the definition of a "gift."

The bill also incorporates two other recommendations of the Grand Jury by amending s. 112.3145, F.S. The first change requires members of a community redevelopment agency board to file annual financial disclosure. The second change requires a finance director of a county, municipality, or other political subdivision to file annual financial disclosure.

Consistent with the Grand Jury's recommendation concerning the criminal bribery and misuse of public position statutes, the bill removes "corruptly" from Chapter 838 of the Florida Statutes. Specifically, the definition of "corruptly" in s. 838.014(4), F.S., is repealed. Then, the phrase "corruptly" is replaced with "knowingly" in s. 838.015, s. 838.016, and s. 838.022 of the Florida Statutes. Thus, the mental state required for those offenses would become "knowingly."

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Florida Commission on Ethics may incur additional costs related to sufficiency reviews for certain financial disclosure filings, but such amount is indeterminate at this time. Any potential increase in work caused by the sufficiency review could be offset by using seasonal OPS staff for the thirty day period in which the Commission conducts the review.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

ETHICS AND ELECTIONS

DATE: 03/31/11

TIME: 5:03 p.m.



539476

LEGISLATIVE ACTION

Senate

House

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The Committee on Rules Subcommittee on Ethics and Elections
(Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 134 - 154

and insert:

(2) (a) A member of the Legislature may not vote upon any legislation that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom the member is retained or to the parent organization or subsidiary of a corporate principal by which the member is retained; or that the member knows would inure to the special private gain or loss of a relative, a business associate, an employer, or a board upon



539476

13 which the member sits. The member must, before a vote is taken
14 on the legislation by the legislative body of which he or she is
15 a member or any committee on which the member sits, publicly
16 state to the body or committee all of his or her interests and
17 all known interests of a relative, business associate, employer,
18 or a board upon which the member sits. Within 15 days after the
19 date on which the vote on the legislation occurred, the member
20 must disclose the specific nature of those interests as a public
21 record in a memorandum filed with the Secretary of the Senate,
22 if the member is a Senator, or filed with the Clerk of the House
23 of Representatives, if the member is a Representative. The
24 memorandum shall be spread upon the pages of the journal of the
25 house of which the legislator is a member.

26 (b) A member of the Legislature is not prohibited from
27 voting on, and is not required to make any disclosure
28 concerning, any legislation which would inure to the special
29 private gain or loss of the member's employer, principal, or a
30 board upon which the member sits, if the entity is an agency as
31 defined in s. 112.312(2).

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete lines 33 - 34

36 and insert:

37 member; providing that the act does not prevent a
38 member from voting on legislation which inures to the
39 special private gain or loss of the member's employer,
40 principal, or board upon which the member sits, if
41 such entity is an agency; providing that the act does



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42 not require disclosure if a member's vote will inure
43 to the special private gain or loss of a member's
44 employer, principal, or board upon which the member
45 sits, if such entity is an agency; providing that the
46 act does not prevent the member from voting on a
47 General Appropriations Act or

ETHICS AND ELECTIONS

DATE: 04/01/11

TIME: 7:55 a.m.



LEGISLATIVE ACTION

Senate

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House

The Committee on Rules Subcommittee on Ethics and Elections
(Thrasher) recommended the following:

1 **Senate Substitute for Amendment (539476) (with title**
2 **amendment)**

3
4 Delete lines 134 - 154
5 and insert:

6 (2) (a) A member of the Legislature may not vote upon any
7 legislation that would inure to his or her special private gain
8 or loss; that he or she knows would inure to the special private
9 gain or loss of any principal by whom the member is retained or
10 to the parent organization or subsidiary of a corporate
11 principal by which the member is retained; or that the member
12 knows would inure to the special private gain or loss of a



13 relative, a business associate, an employer, or a board upon
14 which the member sits. The member must, before a vote is taken
15 on the legislation by the legislative body of which he or she is
16 a member or any committee on which the member sits, publicly
17 state to the body or committee all of his or her interests and
18 all known interests of a relative, business associate, employer,
19 any principal by whom the member is retained, the parent
20 organization or subsidiary of a corporate principal by which the
21 member is retained, or a board upon which the member sits.
22 Within 15 days after the date on which the vote on the
23 legislation occurred, the member must disclose the specific
24 nature of those interests as a public record in a memorandum
25 filed with the Secretary of the Senate, if the member is a
26 Senator, or filed with the Clerk of the House of
27 Representatives, if the member is a Representative. The
28 memorandum shall be spread upon the pages of the journal of the
29 house of which the legislator is a member.

30 (b) A member of the Legislature is not prohibited from
31 voting on, and is not required to make any disclosure
32 concerning, any legislation which would inure to the special
33 private gain or loss of the member's employer, principal, or a
34 board upon which the member sits, if the entity is an agency as
35 defined in s. 112.312(2).

36
37

38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete lines 33 - 34

41 and insert:



42 member; providing that the act does not prevent a
43 member from voting on legislation which inures to the
44 special private gain or loss of the member's employer,
45 principal, or board upon which the member sits, if
46 such entity is an agency; providing that the act does
47 not require disclosure if a member's vote will inure
48 to the special private gain or loss of a member's
49 employer, principal, or board upon which the member
50 sits, if such entity is an agency; providing that the
51 act does not prevent the member from voting on a
52 General Appropriations Act or