

**SB 894** by **Thrasher**; (Identical to H 7005) Official Florida Statutes

**SB 896** by **Thrasher**; (Identical to H 7007) Florida Statutes

**SB 898** by **Thrasher**; (Identical to H 7009) Florida Statutes

**SB 900** by **Thrasher**; (Identical to H 7011) Florida Statutes

**CS/SB 1596** by **EE, Diaz de la Portilla (CO-INTRODUCERS) Gaetz**; (Similar to H 1177) Elections

110882	A	S	UNFAV	RC, Smith	btw L.21 - 22:	01/30 04:39 PM
139940	A	S	UNFAV	RC, Negron	btw L.39 - 40:	01/30 04:39 PM
928620	A	S	WD	RC, Smith	btw L.39 - 40:	01/30 04:39 PM
883260	AA	S	WD	RC, Smith	Delete L.5 - 48:	01/30 04:39 PM
830122	A	S	WD	RC, Smith	btw L.39 - 40:	01/30 04:39 PM

**SB 2058** by **RC**; Office of Legislative Services

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**RULES**  
**Senator Thrasher, Chair**  
**Senator Alexander, Vice Chair**

**MEETING DATE:** Monday, January 30, 2012  
**TIME:** 1:00 —3:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Thrasher, Chair; Senator Alexander, Vice Chair; Senators Bullard, Flores, Gaetz, Gardiner, Jones, Lynn, Margolis, Negron, Richter, Siplin, Smith, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 894</b> Thrasher (Identical H 7005)	Official Florida Statutes; Adopting the Florida Statutes 2012 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2012 shall be effective immediately upon publication; providing that general laws enacted during the 2011 regular session and prior thereto and not included in the Florida Statutes 2012 are repealed; providing that general laws enacted during the 2012 regular session are not repealed by this adoption act, etc.  RC 01/23/2012 Not Considered RC 01/30/2012 Favorable	Favorable Yeas 12 Nays 0
2	<b>SB 896</b> Thrasher (Identical H 7007)	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process, etc.  RC 01/23/2012 Not Considered RC 01/30/2012 Favorable	Favorable Yeas 13 Nays 0
3	<b>SB 898</b> Thrasher (Identical H 7009)	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2012 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc.  RC 01/23/2012 Not Considered RC 01/30/2012 Favorable	Favorable Yeas 13 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Rules

Monday, January 30, 2012, 1:00 —3:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 900</b> Thrasher (Identical H 7011)	Florida Statutes; Conforming to the directive of the Legislature in section 12 of chapter 2011-56, Laws of Florida, to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service", etc.  RC 01/23/2012 Not Considered RC 01/30/2012 Favorable	Favorable Yeas 13 Nays 0
5	<b>CS/SB 1596</b> Rules Subcommittee on Ethics and Elections / Diaz de la Portilla (Similar H 1177)	Elections; Removing a provision prohibiting the use of the address appearing on the identification presented by an elector as a basis for confirming the elector's legal residence; requiring that tickets and advertising for campaign fund raisers comply with the requirements for political advertisements; revising the information that is required to appear on a bank account for the deposit of funds received by a campaign treasurer for a candidate or political committee; revising the information that is required to appear on bank account checks of candidates or political committees; revising the information that is used to determine whether debit cards are considered bank checks, etc.  EE 01/23/2012 Fav/CS RC 01/30/2012 Favorable	Favorable Yeas 12 Nays 0
6	<b>SB 2058</b> Rules	Office of Legislative Services; Providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; requiring that certain content relating to the published edition of the Florida Statutes be determined by the office rather than by the Division of Statutory Revision within the office; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal, etc.  RC 01/30/2012 Favorable	Favorable Yeas 12 Nays 0

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Other Related Meeting Documents

**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 Committee

BILL: SB 894

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2012 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

**II. Present Situation:**

The adoption act is enacted annually during each regular session. It prospectively adopts as an official document the edition of the Florida Statutes to be published following that session and provides a 1-year curing period for any possible errors in statutory material before it becomes the best evidence of the law. Currently, all statutes material passed through the 2010 Regular Session and printed in the 2011 edition has been adopted.

**III. Effect of Proposed Changes:**

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2012 adoption act adopts as the official statute law of the state those portions of the 2012 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2011). Portions carried forward from the 2011

edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2011 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2011 Florida Statutes that does not appear in the 2012 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

The 2012 adoption act will adopt all statutes material passed through the 2011 Regular Session and printed in the 2012 edition. Material passed in a session occurring since publication of the 2011 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

**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:

None.

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Thrasher

8-00869-12

2012894

1 A bill to be entitled  
 2 An act relating to the official Florida Statutes;  
 3 amending ss. 11.2421, 11.2422, 11.2424, and 11.2425,  
 4 F.S.; adopting the Florida Statutes 2012 and  
 5 designating the portions thereof that are to  
 6 constitute the official law of the state; providing  
 7 that the Florida Statutes 2012 shall be effective  
 8 immediately upon publication; providing that general  
 9 laws enacted during the 2011 regular session and prior  
 10 thereto and not included in the Florida Statutes 2012  
 11 are repealed; providing that general laws enacted  
 12 during the 2012 regular session are not repealed by  
 13 this adoption act; providing an effective date.  
 14  
 15 Be It Enacted by the Legislature of the State of Florida:  
 16  
 17 Section 1. Section 11.2421, Florida Statutes, is amended to  
 18 read:  
 19 11.2421 Florida Statutes 2012 ~~2011~~ adopted.—The  
 20 accompanying revision, consolidation, and compilation of the  
 21 public statutes of 2011 ~~2010~~ of a general and permanent nature,  
 22 excepting tables, rules, indexes, and other related matter  
 23 contained therein, prepared by the Office of Legislative  
 24 Services under the provisions of s. 11.242, together with  
 25 corrections, changes, and amendments to and repeals of  
 26 provisions of Florida Statutes 2011 ~~2010~~ enacted in additional  
 27 reviser's bill or bills by the 2012 ~~2011~~ Legislature, is adopted  
 28 and enacted as the official statute law of the state under the  
 29 title of "Florida Statutes 2012 ~~2011~~" and shall take effect

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00869-12

2012894

30 immediately upon publication. Said statutes may be cited as  
 31 "Florida Statutes 2012 ~~2011~~," "Florida Statutes," or "F.S. 2012  
 32 ~~2011~~."  
 33 Section 2. Section 11.2422, Florida Statutes, is amended to  
 34 read:  
 35 11.2422 Statutes repealed.—Every statute of a general and  
 36 permanent nature enacted by the State or by the Territory of  
 37 Florida at or prior to the 2011 ~~2010~~ regular legislative  
 38 session, and every part of such statute, not included in Florida  
 39 Statutes 2012 ~~2011~~, as adopted by s. 11.2421, as amended, or  
 40 recognized and continued in force by reference therein or in ss.  
 41 11.2423 and 11.2424, as amended, is repealed.  
 42 Section 3. Section 11.2424, Florida Statutes, is amended to  
 43 read:  
 44 11.2424 Laws not repealed.—Laws enacted at the 2012  
 45 ~~November 16, 2010, special session and the 2011~~ regular session  
 46 are not repealed by the adoption and enactment of the Florida  
 47 Statutes 2012 ~~2011~~ by s. 11.2421, as amended, but shall have  
 48 full effect as if enacted after its said adoption and enactment.  
 49 Section 4. Section 11.2425, Florida Statutes, is amended to  
 50 read:  
 51 11.2425 Rights reserved under repealed statutes.—The repeal  
 52 of any statute by the adoption and enactment of Florida Statutes  
 53 2012 ~~2011~~, by s. 11.2421, as amended, shall not affect any right  
 54 accrued before such repeal or any civil remedy where a suit is  
 55 pending.  
 56 Section 5. This act shall take effect on the 60th day after  
 57 adjournment sine die of the session of the Legislature in which  
 58 enacted.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**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.)

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 896

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills.

This is a general reviser’s bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser’s bill cannot be amended except to delete a bill section.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.45, 24.113, 25.077, 98.093, 106.011, 106.07, 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515, 121.4501, 163.06, 163.3184, 163.3213, 163.3245, 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198, 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947, 288.106, 288.1226, 288.706, 288.7102, 290.0401, 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105, 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026, 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975, 409.983, 409.984, 409.985, 420.602, 427.012, 440.45, 443.036, 443.1216, 468.841, 474.203, 474.2125, 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09, 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351, 627.3511, 658.48, 667.003, 681.108, 753.03,

766.1065, 794.056, 847.0141, 893.055, 893.138, 943.25, 984.03, 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41, 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36, and 1013.51, F.S.; reenacts and amends s. 288.1089, F.S.

## **II. Present Situation:**

The Division of Statutory Revision, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, and correct grammatical and typographical errors and the like are submitted every year.

## **III. Effect of Proposed Changes:**

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

### **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:**

None.

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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**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.)

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 898

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills. A reviser’s bill cannot be amended except to delete a bill section.

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2010, by the 2009 Regular Session of the Legislature).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 373.079 and 1004.648, F.S.; repeals: ss. 216.292(5)(b), 255.503(7)(b), 288.1088(4), 339.08(1)(n) and (p), 339.135(7)(a) and (b), 341.102(1), 403.1651(3), 445.007(10) and (11), 921.0019, 1001.451(2)(c), and 1004.226, F.S.

**II. Present Situation:**

The Division of Statutory Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes text where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but

where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

### **III. Effect of Proposed Changes:**

This bill will delete sections that have already been repealed by the Legislature by substantive legislation that the Division of Statutory Revision could not remove from the statutes text without the required inclusion in a reviser's bill.

#### **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:**

None.

### **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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1130/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 898  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH  
*Street*

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705  
*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**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 Committee

BILL: SB 900

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: October 4, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Stat. Rev.)	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills. Responses to directives from the Legislature to make specific changes in the statutes, such as renaming a department, are also submitted to the Legislature via reviser’s bills.

The Division of Statutory Revision was directed by the Legislature, in s. 12, ch. 2011-56, Laws of Florida, to replace all statutory references to the Division of Forestry with the term “Florida Forest Service.”

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036, 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.15, 589.16, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25, 590.33, 590.34, 590.35, 590.42, 591.17, 591.18, 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15, F.S.

**II. Present Situation:**

Section 12, ch. 2011-56, Laws of Florida, directed the Division of Statutory Revision to replace all statutory references to the Division of Forestry with references to the Florida Forest Service. The change conforms to the renaming of the division as the Florida Forest Service in s. 570.548, F.S., by s. 9, ch. 2011-56.

**III. Effect of Proposed Changes:**

The bill revises Florida Statutes text to conform to the directive in s. 12, ch. 2011-56, Laws of Florida, to replace statutory references to the Division of Forestry with references to the Florida Forest Service.

**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:**

None.

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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**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 Committee

BILL: CS/SB 1596

INTRODUCER: Rules Subcommittee on Ethics and Elections, Senator Diaz de la Portilla and others

SUBJECT: Elections

DATE: January 26, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton/Fox	Roberts	EE	<b>Fav/CS</b>
2.	Carlton	Phelps	RC	<b>Favorable</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |                                         |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Committee Substitute for Senate Bill 1596 fixes a glitch in polling place voter intake procedures, removing a prohibition that prevents poll workers from using the address on a voter’s photo identification (I.D.) to confirm the voter’s legal residence. The bill also provides that tickets and advertising for campaign fund raisers must comply with the same sponsorship disclaimer requirements as political advertisements. Finally, the bill clarifies how a candidate’s or political committee’s campaign depository account must be titled and how it must appear on associated checks and debit cards, eliminating a technical requirement that they include the specific words “Campaign Account.”

The bill takes effect upon becoming law.

This bill substantially amends the following sections of the Florida Statutes: ss. 101.043, 106.025, 106.05, and 106.11.

## II. Present Situation:

### Voter Intake Procedures at the Polls

In 2011, the Legislature enacted a major election reform bill<sup>1</sup> (“2011 Act”). The 2011 Act prohibits the address appearing on a voter’s picture I.D. from serving as the basis to confirm or challenge an elector’s legal residence at the polls.<sup>2</sup> The 2011 Act also provides that once an elector presents his or her picture identification, the elector may not be asked to provide additional information or to recite his or her home address — if the address on the photo I.D. matches the one on file with the supervisor.<sup>3</sup>

These two new provisions drastically complicate the procedures for confirming an elector’s legal residence, and effectively present a *Catch-22* in the majority of cases. For example, assume the following: An elector arrives at his or her polling place and presents a driver’s license (or other statutorily-authorized picture I.D.) upon entering, as required by law.<sup>4</sup> The address on the driver’s license matches the voter’s address in the supervisor’s records. Under the new law, the driver’s license address cannot be used to confirm or challenge the voter’s legal address.<sup>5</sup> To further complicate matters, a poll worker would also be prohibited from asking the elector to provide any additional information or to recite his home address after presenting the picture I.D., since the address on the I.D. matches the supervisor’s records.<sup>6</sup> As a result of these conflicting provisions, the poll worker can’t confirm the elector’s legal address in compliance with *both* prohibitions in the new law.<sup>7</sup>

### Campaign Fundraisers

Political advertisements circulated prior to the election are governed by Section 106.143, F.S. That section requires certain sponsorship disclaimers and disclosures for any paid political advertisement that is published, displayed, or circulated on or before election day.<sup>8</sup> If a political advertisement is made as an in-kind contribution, the advertisement must contain a disclosure identifying it as such.<sup>9</sup> A political advertisement is required to identify the candidate’s party, if he or she is seeking nomination from a political party, or that the candidate is running with no party affiliation.<sup>10</sup> If a candidate is running for a nonpartisan office, he or she is prohibited from identifying his or her party affiliation.<sup>11</sup> Political advertisements, other than independent

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<sup>1</sup> Ch. 2001-40, LAWS OF FLA.

<sup>2</sup> *Id.* at s. 25, p. 618 (codified at s. 101.43(1)(b), F.S. (2011))

<sup>3</sup> *Id.* at s. 25, p. 618 (codified at s. 101.43(1)(c), F.S. (2011))

<sup>4</sup> Section 101.043(1), F.S.

<sup>5</sup> Section 101.043(1)(b), F.S.

<sup>6</sup> Section 101.043(1)(c), F.S.

<sup>7</sup> By way of a “work around,” the Florida Division of Elections Polling Place Procedures Manual has been amended to effectively allow poll worker to use the address on the voter’s picture I.D. to confirm the elector’s legal address if it matches the address on the precinct register — without explicitly so providing. See DOE Rule 1S-2.034, F.A.C. (Form DS-DE 11, at p.8-9 (effective January 2012)).

<sup>8</sup> Section 106.143(1), F.S.

<sup>9</sup> Section 106.143(2), F.S.

<sup>10</sup> Section 106.143(3), F.S.

<sup>11</sup> *Id.*

expenditures, not paid for by a candidate are required to be approved by the candidate in advance and identify the person paying for the advertisement.<sup>12</sup>

The 2011 Act struck down a requirement that campaign fund raiser tickets and advertising comply with the disclaimer requirements applicable to political advertisements.<sup>13</sup> As a result, such tickets and advertising are exempt from sponsorship disclaimer requirements — unless they were to otherwise meet the definition of a political advertisement.

### **Candidate and Political Committee Campaign Accounts**

Section 106.05, F.S., requires all funds received by the campaign treasurer of any candidate or political committee to be deposited into a campaign depository in an account designated “(name of candidate or committee) Campaign Account.”

Section 106.11, F.S., requires that all checks drawn on the campaign depository and all debit cards contain the statement “(name of candidate or political committee)...Campaign Account.”

### **III. Effect of Proposed Changes:**

Committee Substitute for Senate Bill 1596 resolves two issues in the major election act of 2011, one relating to voter intake procedures at the polls and the other concerning disclaimers on fundraising materials.<sup>14</sup> Specifically the bill does the following:

- *Allows* poll workers to use the address on a voter’s picture I.D. to confirm the voter’s legal address (to harmonize with another newly-enacted provision prohibiting poll workers from asking the voter for additional home address information once the voter has presented his or her picture I.D. and it matches the address on the precinct register); and,
- Re-instates a requirement that tickets and advertising for campaign fund raisers must contain sponsorship disclaimers and meet other requirements applicable to political advertisements in s. 106.143, F.S.

The bill also removes the formal requirement that the campaign depository, and checks and debit cards associated therewith, contain the phrase “Campaign Account,” to better conform to some banks’ current practices. The campaign depository must still contain the name of the candidate or political committee; checks and debit cards must contain the name of the campaign account for the candidate or political committee. Further, the campaign account must still remain *separate* from any personal or other account and can only be used for the purpose of depositing contributions and making expenditures,<sup>15</sup> thereby preserving the prohibition against

<sup>12</sup> Section 106.143(5), F.S.

<sup>13</sup> Ch. 2001-40, at s. 56, p. 645, LAWS OF FLA. (codified at s. 106.025(1)(c), F.S. (2011)). The 2011 Act also deleted a somewhat redundant specific disclaimer that provided as follows: “The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of (name of the candidate for whose benefit the campaign fund raiser is held).” *Id.*

<sup>14</sup> Neither of these provisions is currently at issue in the pending federal preclearance litigation, *State of Florida v. U.S.A. and Holder*, No. 1:11-cv-01428-CKK-MG-ESH (D.D.C. 2011).

<sup>15</sup> Section 106.11(1)(a), F.S.

commingling personal and campaign funds. Removing the specific-words requirement should diminish the prospect for complaints being filed, and fines being assessed, against public officials for hyper-technical, *de minimus* violations regarding the form of the campaign account name.

**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:

None.

**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.)

**CS by Rules Subcommittee on Ethics and Elections on January 23, 2012:**

The Committee Substitute re-instates the current prohibition against using the address on a voter's picture I.D. to challenge the voter's legal residence, which was deleted in the original bill.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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110882

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/30/2012	.	
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The Committee on Rules (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 21 and 22  
insert:

Section 1. Subsection (3) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(3) Notwithstanding ~~the provisions of~~ any special act to the contrary, a each person seeking to qualify for election to a special district office, except the board of supervisors of a community development district, shall qualify between noon of the 71st day before ~~prior to~~ the primary election and noon of



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14 the 67th day before ~~prior to~~ the date of the primary election. A  
15 person seeking to qualify for the board of supervisors of a  
16 community development district shall qualify between noon of the  
17 71st day before and noon of the 67th day before the date of the  
18 election of the board. Candidates for single-county special  
19 districts shall qualify with the supervisor of elections in the  
20 county in which the district is located. If the district is a  
21 multicounty district, candidates shall qualify with the  
22 Department of State. All special district candidates shall  
23 qualify by paying a filing fee of \$25 or qualify by the petition  
24 process pursuant to s. 99.095. Notwithstanding s. 106.021, a  
25 candidate who does not collect contributions and whose only  
26 expense is the filing fee or signature verification fee is not  
27 required to appoint a campaign treasurer or designate a primary  
28 campaign depository.

29  
30 Between lines 39 and 40

31 insert:

32 Section 3. Subsections (2) and (5) of section 101.6102,  
33 Florida Statutes, are amended to read:

34 101.6102 Mail ballot elections; limitations.—

35 (2) The following elections may not be conducted by mail  
36 ballot:

37 (a) An election at which any candidate is nominated,  
38 elected, retained, or recalled, except an election of a  
39 candidate to the board of supervisors of a community development  
40 district; or

41 (b) An election held on the same date as another election,  
42 other than a mail ballot election, in which the qualified



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43 electors of that political subdivision are eligible to cast  
44 ballots.

45 (5) ~~Nothing in~~ This section does not ~~shall be construed to~~  
46 prohibit the use of a mail ballot election in a municipal  
47 annexation referendum requiring separate vote of the registered  
48 electors of the annexing municipality and of the area proposed  
49 to be annexed. If a mail ballot election is authorized for a  
50 municipal annexation referendum, the provisions of ss. 101.6101-  
51 101.6107 shall control over any conflicting provisions of s.  
52 171.0413.

53  
54 Between lines 113 and 114  
55 insert:

56 Section 7. Subsections (1) and (2) and paragraphs (a) and  
57 (b) of subsection (3) of section 190.006, Florida Statutes, are  
58 amended to read:

59 190.006 Board of supervisors; members and meetings.—

60 (1) The board of the district shall exercise the powers  
61 granted to the district pursuant to this act. The board shall  
62 consist of five members; except as otherwise provided herein,  
63 each member shall be elected to ~~hold office for~~ a term of 2  
64 years or 4 years, as provided in this section, and until a  
65 successor is chosen and qualifies. The members of the board must  
66 be residents of the state and citizens of the United States.

67 (2) (a) Within 90 days after ~~following~~ the effective date of  
68 the rule or ordinance establishing the district, ~~there shall be~~  
69 ~~held~~ a meeting of the landowners of the district must be held  
70 for the purpose of electing five supervisors for the district.  
71 Notice of the landowners' meeting shall be published once a week



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72 for 2 consecutive weeks in a newspaper of ~~which is in~~ general  
73 circulation in the area of the district.7 The last day of ~~such~~  
74 publication of the notice may ~~to be~~ not be less ~~fewer~~ than 14  
75 days or more than 28 days before the date of the election. The  
76 landowners, when assembled at such meeting, shall organize by  
77 electing a chair who shall conduct the meeting. The chair may be  
78 any person present at the meeting. If the chair is a landowner  
79 or proxy holder of a landowner, he or she may nominate  
80 candidates and make and second motions.

81 (b) At the ~~such~~ meeting, each landowner is ~~shall be~~  
82 entitled to cast one vote per acre of land owned by him or her  
83 and located within the district for each person to be elected. A  
84 landowner may vote in person or by proxy in writing. Each proxy  
85 must be signed by one of the legal owners of the property for  
86 which the vote is cast and must contain the typed or printed  
87 name of the individual who signed the proxy; the street address,  
88 legal description of the property, or tax parcel identification  
89 number; and the number of authorized votes. If the proxy  
90 authorizes more than one vote, each property must be listed and  
91 the number of acres of each property must be included. The  
92 signature on a proxy need not be notarized. A fraction of an  
93 acre shall be treated as 1 acre, entitling the landowner to one  
94 vote with respect thereto. For purposes of determining voting  
95 interests, platted lots shall be counted individually and  
96 rounded up to the nearest whole acre. The acreage of platted  
97 lots may ~~shall~~ not be aggregated for determining the number of  
98 voting units held by a landowner or a landowner's proxy. The two  
99 candidates receiving the highest number of votes shall be  
100 elected to ~~for~~ a term ~~period~~ of 4 years, and the three



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101 candidates receiving the next largest number of votes shall be  
102 elected to ~~for~~ a term period of 2 years, with the term of office  
103 for each successful candidate commencing upon election. After  
104 the initial election ~~The members of the first board elected by~~  
105 ~~landowners shall serve their respective 4-year or 2-year terms;~~  
106 ~~however,~~ the next election by landowners shall be held on the  
107 first Tuesday in November. Thereafter, ~~there shall be an~~  
108 election of supervisors for the district must be held every 2  
109 years. The election must be held by mail ballot on a date that  
110 is acceptable to the board and the supervisor of elections or by  
111 a regular ballot on the date of a general or special election or  
112 other date that is acceptable to the board and the supervisor of  
113 elections in November on a date established by the board and  
114 ~~noticed pursuant to paragraph (a).~~ The second and subsequent  
115 landowners' election shall be announced at a public meeting of  
116 the board at least 90 days before ~~prior to~~ the date of the  
117 landowners' meeting and shall ~~also~~ be noticed pursuant to  
118 paragraph (a). Instructions on how all landowners may  
119 participate in the election, along with sample proxies, shall be  
120 provided during the board meeting that announces the landowners'  
121 meeting. The two candidates receiving the highest number of  
122 votes shall be elected to serve for a 4-year term period, and  
123 the remaining candidate elected shall serve for a 2-year term  
124 period.

125 (3) (a)1. If the board proposes to exercise the ad valorem  
126 taxing power authorized by s. 190.021, the district board shall  
127 call a special ~~an~~ election at which the members of the board of  
128 supervisors will be elected. The special election must be held  
129 on a date that is acceptable to the board and the supervisor of



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130 elections. The special ~~Such~~ election may be held by mail ballot  
131 or by regular ballot on a date other than the date of ~~shall be~~  
132 ~~held in conjunction with~~ a primary or general election. ~~unless~~  
133 The district shall bear ~~bears~~ the cost of the ~~a~~ special  
134 election. Each member shall be elected by the qualified electors  
135 of the district for a term of 4 years, except that, at the first  
136 such election, three members shall be elected for a period of 4  
137 years and two members shall be elected for a period of 2 years.  
138 All elected board members must be qualified electors of the  
139 district.

140 2.a. Regardless of whether a district has proposed to levy  
141 ad valorem taxes, commencing 6 years after the initial  
142 appointment of members or, for a district exceeding 5,000 acres  
143 in area or for a compact, urban, mixed-use district, 10 years  
144 after the initial appointment of members, the position of each  
145 member whose term has expired shall be filled by a qualified  
146 elector of the district, elected by the qualified electors of  
147 the district. However, for those districts established after  
148 June 21, 1991, and for those existing districts established  
149 after December 31, 1983, which have fewer ~~less~~ than 50 qualified  
150 electors on June 21, 1991, sub-subparagraphs b. and d. shall  
151 apply. If, in the 6th year after the initial appointment of  
152 members, or 10 years after such initial appointment for  
153 districts exceeding 5,000 acres in area or for a compact, urban,  
154 mixed-use district, there are not at least 250 qualified  
155 electors in the district, or for a district exceeding 5,000  
156 acres or for a compact, urban, mixed-use district, there are not  
157 at least 500 qualified electors, members of the board shall  
158 continue to be elected by landowners.



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159           b. After the 6th or 10th year, once a district reaches 250  
160 or 500 qualified electors, respectively, ~~then~~ the positions of  
161 two board members whose terms are expiring shall be filled by  
162 qualified electors of the district, elected by the qualified  
163 electors of the district for 4-year terms. The remaining board  
164 member whose term is expiring shall be elected for a 4-year term  
165 by the landowners and is not required to be a qualified elector.  
166 Thereafter, as terms expire, board members shall be qualified  
167 electors elected by qualified electors of the district for a  
168 term of 4 years.

169           c. Once a district qualifies to have any of its board  
170 members elected by the qualified electors of the district, the  
171 initial and all subsequent elections by the qualified electors  
172 of the district shall be held at the general election in  
173 November. The board shall adopt a resolution if necessary to  
174 implement this requirement when the board determines the number  
175 of qualified electors as required by sub-subparagraph d., to  
176 extend or reduce the terms of current board members.

177           d. On or before June 1 of each year, the board shall  
178 determine the number of qualified electors in the district as of  
179 the immediately preceding April 15. The board shall use and rely  
180 upon the official records maintained by the supervisor of  
181 elections and property appraiser or tax collector in each county  
182 in making this determination. Such determination shall be made  
183 at a properly noticed meeting of the board and shall become a  
184 part of the official minutes of the district.

185           (b) Elections of board members by qualified electors held  
186 pursuant to this subsection shall be nonpartisan and shall be  
187 conducted in the manner prescribed by law for holding general



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188 elections. The district shall publish a notice of the qualifying  
189 period set by the supervisor of elections for each election at  
190 least 2 weeks before ~~prior to~~ the start of the qualifying  
191 period. Board members shall assume the office on the second  
192 Tuesday following their election. If no elector qualifies for a  
193 seat to be filled in an election, a vacancy in that seat shall  
194 be declared by the board effective on the second Tuesday  
195 following the election. Within 90 days thereafter, the board  
196 shall appoint a qualified elector to fill the vacancy. Until  
197 such appointment, the incumbent board member in that seat shall  
198 remain in office.

199  
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete line 2

203 and insert:

204 An act relating to elections; amending s. 99.061,  
205 F.S.; revising the method of qualifying for election  
206 to a board of supervisors of a community development  
207 district; amending s. 101.043,

208  
209 Delete line 6

210 and insert:

211 legal residence; amending s. 101.6102, F.S.; providing  
212 that an election of a candidate to the board of  
213 supervisors of a community development district may be  
214 conducted by mail ballot; amending s. 106.025, F.S.;

215 requiring

216



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217 Delete line 17  
218 and insert:  
219 debit cards are considered bank checks; amending s.  
220 190.006, F.S.; making technical changes; revising the  
221 election process for members of a district board;  
222 revising the process for a special election at which  
223 the members of the board of supervisors are elected;  
224 providing an



139940

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
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The Committee on Rules (Negron) recommended the following:

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

Between lines 39 and 40

insert:

(d) The clerk or inspector may not swipe an elector's valid picture identification card through an electronic voter identification system or use any means to access information encoded on the card.

=====  
D I R E C T O R Y C L A U S E A M E N D M E N T  
=====

And the directory clause is amended as follows:

Delete line 23

and insert:



139940

14 101.043, Florida Statutes, is amended, and paragraph (d) is  
15 added to that subsection, to read:

16  
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete line 6

20 and insert:

21 legal residence; prohibiting the clerk or inspector  
22 from swiping a valid identification card through an  
23 electronic voter identification system or using any  
24 means to access information encoded in the  
25 identification card; amending s. 106.025, F.S.;  
26 requiring



928620

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2012	.	
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The Committee on Rules (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 39 and 40

insert:

Section 2. Paragraphs (a) and (d) of subsection (1) of section 101.657, Florida Statutes, are amended to read:

101.657 Early voting.—

(1) (a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor and may allow such early voting in any city hall, public library facility, courthouse, place of worship, civic center, convention center, community center, county government center, conference center, community college



928620

14 facility, university or college facility, fairgrounds, or any  
15 facility designated by the supervisor as meeting the  
16 requirements of this section. The supervisor shall mark, code,  
17 indicate on, or otherwise track the voter's precinct for each  
18 early voted ballot. ~~In order for a branch office to be used for~~  
19 ~~early voting, it shall be a permanent facility of the supervisor~~  
20 ~~and shall have been designated and used as such for at least 1~~  
21 ~~year prior to the election.~~ The supervisor may also designate  
22 any city hall or permanent public library facility as early  
23 voting sites; however, if so designated, the sites must be  
24 geographically located so as to provide all voters in the county  
25 an equal opportunity to cast a ballot, insofar as is  
26 practicable. Each county shall operate the same total number of  
27 early voting sites that it used for the 2008 general election,  
28 or one early voting site plus one additional early voting site  
29 for every complete set of 65,000 registered voters in the county  
30 as of July 1 of each general election year, whichever is  
31 greater. The results or tabulation of votes cast during early  
32 voting may not be made before the close of the polls on election  
33 day. Results shall be reported by precinct.

34 (d) Early voting shall begin on the 15th ~~10th~~ day before an  
35 election ~~that contains state or federal races~~ and end on the 2nd  
36 ~~3rd~~ day before the election. For purposes of a special election  
37 held pursuant to s. 100.101, early voting shall begin on the 8th  
38 day before the election and end on the 2nd day before the  
39 election. Early voting, ~~and~~ shall be provided for 12 ~~no less~~  
40 ~~than 6~~ hours per weekday and 12 hours in the aggregate each  
41 weekend ~~no more than 12 hours per day~~ at each site during the  
42 applicable periods ~~period~~. Early voting sites shall open no



928620

43 earlier than 7 a.m. and close no later than 7 p.m. on each  
44 applicable day. The supervisor of elections may provide early  
45 voting for elections that are not held in conjunction with a  
46 state or federal election. However, the supervisor has the  
47 discretion to determine the hours of operation of early voting  
48 sites in those elections.

49  
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 6

53 and insert:

54 legal residence; amending s. 101.657, F.S.;

55 designating certain facilities as locations for early

56 voting; providing criteria for the number of early

57 voting sites; revising the dates and times when early

58 voting is to be held; amending s. 106.025, F.S.;

59 requiring



883260

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2012	.	
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The Committee on Rules (Smith) recommended the following:

1           **Senate Amendment to Amendment (928620) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 48  
5 and insert:

6           Section 2. Paragraphs (a) of subsection (1) of section  
7 101.657, Florida Statutes, is amended to read:

8           101.657 Early voting.—

9           (1)(a) As a convenience to the voter, the supervisor of  
10 elections shall allow an elector to vote early in the main or  
11 branch office of the supervisor and may allow such early voting  
12 in any city hall, public library facility, courthouse, place of  
13 worship, civic center, convention center, community center,



883260

14 county government center, conference center, Florida College  
15 System institution facility, university or college facility,  
16 fairgrounds, or any facility designated by the supervisor as  
17 meeting the requirements of this section. The supervisor shall  
18 mark, code, indicate on, or otherwise track the voter's precinct  
19 for each early voted ballot. In order for a branch office to be  
20 used for early voting, it shall be a permanent facility of the  
21 supervisor and shall have been designated and used as such for  
22 at least 1 year prior to the election. The supervisor may also  
23 designate any city hall or permanent public library facility as  
24 early voting sites; however, if so designated, the sites must be  
25 geographically located so as to provide all voters in the county  
26 an equal opportunity to cast a ballot, insofar as is  
27 practicable. The results or tabulation of votes cast during  
28 early voting may not be made before the close of the polls on  
29 election day. Results shall be reported by precinct.

30  
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete lines 56 - 58

34 and insert:

35 voting; amending s. 106.025, F.S.;



830122

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2012	.	
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The Committee on Rules (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 39 and 40  
insert:

Section 2. Subsection (4) of section 103.091, Florida  
Statutes, is amended to read:

103.091 Political parties.—

(4) A ~~Any~~ political party other than a minor political  
party may by rule provide for the membership of its state or  
county executive committee to be elected at an election  
conducted by and for the political party, which election is  
independent of the county. The election shall be held for 4-year  
terms at the primary election in August of each year that a



830122

14 presidential election is held. The members of an executive  
15 committee shall be elected to 4-year terms commencing shall  
16 commence on the first day of the month following the each  
17 ~~presidential general election; but the names of candidates for~~  
18 ~~political party offices shall not be placed on the ballot at any~~  
19 ~~other~~ election. The results of such election shall be determined  
20 by a plurality of the votes cast. ~~In such event,~~ Electors  
21 seeking to qualify for such office shall do so with the  
22 qualifying officer for the party ~~Department of State or~~  
23 ~~supervisor of elections~~ not earlier than noon of the 71st day,  
24 or later than noon of the 67th day, preceding the ~~primary~~  
25 election. The outgoing chair of each county executive committee  
26 shall, within 30 days after the committee members take office,  
27 hold an organizational meeting of all newly elected members for  
28 the purpose of electing officers. The chair of each state  
29 executive committee shall, within 60 days after the committee  
30 members take office, hold an organizational meeting of all newly  
31 elected members for the purpose of electing officers.

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 line 6

36 and insert:

37 legal residence; amending s. 103.091, F.S.; revising  
38 the process by which the state or county executive  
39 committee of a political party is elected; amending s.  
40 106.025, F.S.; requiring

By the Committee on Rules Subcommittee on Ethics and Elections;  
and Senators Diaz de la Portilla and Gaetz

582-02204-12

20121596c1

1 A bill to be entitled  
2 An act relating to elections; amending s. 101.043,  
3 F.S.; removing a provision prohibiting the use of the  
4 address appearing on the identification presented by  
5 an elector as a basis for confirming the elector's  
6 legal residence; amending s. 106.025, F.S.; requiring  
7 that tickets and advertising for campaign fund raisers  
8 comply with the requirements for political  
9 advertisements; amending s. 106.05, F.S.; revising the  
10 information that is required to appear on a bank  
11 account for the deposit of funds received by a  
12 campaign treasurer for a candidate or political  
13 committee; amending s. 106.11, F.S.; revising the  
14 information that is required to appear on bank account  
15 checks of candidates or political committees; revising  
16 the information that is used to determine whether  
17 debit cards are considered bank checks; providing an  
18 effective date.  
19  
20 Be It Enacted by the Legislature of the State of Florida:  
21  
22 Section 1. Paragraph (b) of subsection (1) of section  
23 101.043, Florida Statutes, is amended to read:  
24 101.043 Identification required at polls.—  
25 (1)  
26 (b) If the picture identification does not contain the  
27 signature of the elector, an additional identification that  
28 provides the elector's signature shall be required. The address  
29 appearing on the identification presented by the elector may not

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 be used as the basis to ~~confirm an elector's legal residence or~~  
31 ~~otherwise~~ challenge an elector's legal residence. The elector  
32 shall sign his or her name in the space provided on the precinct  
33 register or on an electronic device provided for recording the  
34 elector's signature. The clerk or inspector shall compare the  
35 signature with that on the identification provided by the  
36 elector and enter his or her initials in the space provided on  
37 the precinct register or on an electronic device provided for  
38 that purpose and allow the elector to vote if the clerk or  
39 inspector is satisfied as to the identity of the elector.  
40 Section 2. Paragraph (c) of subsection (1) of section  
41 106.025, Florida Statutes, is amended to read:  
42 106.025 Campaign fund raisers.—  
43 (1)  
44 (c) Any tickets or advertising for such a campaign fund  
45 raiser shall comply with the requirements of s. 106.143 relating  
46 to political advertisements ~~is exempt from the requirements of~~  
47 ~~s. 106.143.~~  
48 Section 3. Section 106.05, Florida Statutes, is amended to  
49 read:  
50 106.05 Deposit of contributions; statement of campaign  
51 treasurer.—All funds received by the campaign treasurer of any  
52 candidate or political committee shall, prior to the end of the  
53 5th business day following the receipt thereof, Saturdays,  
54 Sundays, and legal holidays excluded, be deposited in a campaign  
55 depository designated pursuant to s. 106.021, in an account that  
56 contains the designated ~~“(name of the candidate or~~  
57 ~~committee)”— Campaign Account.”~~ Except for contributions to  
58 political committees made by payroll deduction, all deposits

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59 shall be accompanied by a bank deposit slip containing the name  
60 of each contributor and the amount contributed by each. If a  
61 contribution is deposited in a secondary campaign depository,  
62 the depository shall forward the full amount of the deposit,  
63 along with a copy of the deposit slip accompanying the deposit,  
64 to the primary campaign depository prior to the end of the 1st  
65 business day following the deposit.

66 Section 4. Paragraph (b) of subsection (1) and paragraph  
67 (a) of subsection (2) of section 106.11, Florida Statutes, are  
68 amended to read:

69 106.11 Expenses of and expenditures by candidates and  
70 political committees.—Each candidate and each political  
71 committee which designates a primary campaign depository  
72 pursuant to s. 106.021(1) shall make expenditures from funds on  
73 deposit in such primary campaign depository only in the  
74 following manner, with the exception of expenditures made from  
75 petty cash funds provided by s. 106.12:

- 76 (1)  
77 (b) The checks for such account shall contain, as a  
78 minimum, the following information:
- 79 1. The ~~statement~~ “...(name of the campaign account of the  
80 candidate or political committee)... ~~Campaign Account.~~”
  - 81 2. The account number and the name of the bank.
  - 82 3. The exact amount of the expenditure.
  - 83 4. The signature of the campaign treasurer or deputy  
84 treasurer.
  - 85 5. The exact purpose for which the expenditure is  
86 authorized.
  - 87 6. The name of the payee.

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88 (2) (a) For purposes of this section, debit cards are  
89 considered bank checks, if:

- 90 1. Debit cards are obtained from the same bank that has  
91 been designated as the candidate's or political committee's  
92 primary campaign depository.
- 93 2. Debit cards are issued in the name of the treasurer,  
94 deputy treasurer, or authorized user and contain the state  
95 “...(name of the campaign account of the candidate or political  
96 committee)... ~~Campaign Account.~~”
- 97 3. No more than three debit cards are requested and issued.
- 98 4. The person using the debit card does not receive cash as  
99 part of, or independent of, any transaction for goods or  
100 services.
- 101 5. All receipts for debit card transactions contain:
  - 102 a. The last four digits of the debit card number.
  - 103 b. The exact amount of the expenditure.
  - 104 c. The name of the payee.
  - 105 d. The signature of the campaign treasurer, deputy  
106 treasurer, or authorized user.
  - 107 e. The exact purpose for which the expenditure is  
108 authorized.

110 Any information required by this subparagraph but not included  
111 on the debit card transaction receipt may be handwritten on, or  
112 attached to, the receipt by the authorized user before  
113 submission to the treasurer.

114 Section 5. This act shall take effect upon becoming a law.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/2012

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 1596  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

*Street*

SAINT PETERSBURG

FLORIDA

33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/30/12  
Meeting Date

Topic paring use of electronic ID devices CS Bill Number SB 1596  
(if applicable)

Name Ion Sancha Amendment Barcode 139940  
(if applicable)

Job Title Leon County Supervisor of Elections

Address 315 S. Calhoun St suite 101 Phone 850 606 8683  
Street

TLH FL 32314  
City State Zip

E-mail ion@leoncountyfl.gov

Speaking:  For  Against  Information

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/12  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1596  
(if applicable)

Name DAVID WATSON

Amendment Barcode 139940  
(if applicable)

Job Title V.P. RESEARCH & DEVELOPMENT

Address VR SYSTEMS 2840 REMINGTON GREEN CIR  
Street

Phone 850-321-7081

TALLAHASSEE FL 32308  
City State Zip

E-mail d.watson@vrtsystems.com

Speaking:  For  Against  Information

Representing VR Systems

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1.30.12  
*Meeting Date*

Topic \_\_\_\_\_

Bill Number 1596

Name Gina Evans

Amendment Barcode 139940  
(if applicable)

Job Title \_\_\_\_\_

Address 225 S. Adams St. Suite 250  
Street  
Tallahassee FL 32301  
City State Zip

Phone 228.7781

E-mail gevans@toplawfirm.net

Speaking:  For  Against  Information

Representing Florida Association of Supervisors of Elections

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 2058

INTRODUCER: Rules Committee

SUBJECT: An act relating to reorganization of divisions within the Office of Legislative Services

DATE: January 26, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton/Jenkins	Phelps	RC	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

---

**I. Summary:**

The President of the Florida Senate and the Speaker of the Florida House of Representatives have authorized certain organizational changes within the Office of Legislative Services (“OLS”). To effect the organizational changes, SB 2058 replaces statutory references to the Division of Legislative Information Services and the Division of Statutory Revision with references to the Office of Legislative Services.

This bill amends the following sections of the Florida Statutes: s.11.045, F.S., s. 11.0455, F.S., s. 11.242, F.S., s. 112.3148, F.S., and s. 119.15, F.S.

**II. Present Situation:**

The Office of Legislative Services (“OLS”) is a joint legislative committee responsible for providing support services that the President of the Senate and the Speaker of the House of Representatives deem to be necessary and that can be effectively and efficiently provided jointly to both houses.<sup>1</sup> OLS is created in s. 11.147, F.S., and is governed by Rule 3 of the Joint Rules of the Florida Legislature.

The President of the Senate and the Speaker of the House of Representatives have approved a reorganization of OLS as part of a streamlining and cost-saving effort. As a result of the reorganization, the two divisions would be formally merged within OLS. The merger will conform to structure used in other states, streamline functions, and eliminate overlapping duties. Efficiencies will be achieved through staff cross-training, enabling support of other work units

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<sup>1</sup> s. 11.147(1), F.S.

within the newly merged division without any loss of functionality of services and support to the House and Senate. One managerial-level position will be eliminated. In order to effect the reorganization, the following provisions of current law require amendment:

- Section 11.045, F.S., requiring legislative lobbyists to file their registration papers, cancellation notices, and compensation reports with the Division of Legislative Information Services within the Office of Legislative Services;
- Section 11.0455(2), F.S., relating to the Division of Legislative Information Services' electronic filing system for legislative lobbyist compensation reports and other information;
- Section 11.242, F.S., relating to the powers, duties, and functions of the Office of Legislative Services and the Division of Statutory Revision in the operation and maintenance of the statutory revision program;
- Section 112.3148(5)(b), F.S., requiring certain gift disclosures to be made to the Division of Legislative Information Services in the Office of Legislative Services; and,
- Section 119.15(5), F.S., requiring the Division of Statutory Revision to certify to the President of the Senate and Speaker of the House of Representatives citations of each public meeting and/or public records exemption scheduled for repeal if not reenacted during the following year.

### **III. Effect of Proposed Changes:**

SB 2058 removes statutory references to the Division of Legislative Information Services and the Division of Statutory Revision in favor of references to the Office of Legislative Services to effect the reorganization. As a result of these changes:

- The provisions concerning lobbyist registration and compensation reports in s. 11.045, F.S., and OLS functions related thereto, would refer to the Office of Legislative Services or the "office" instead of the Division of Legislative Information Services or "division;"
- The provisions relating to the electronic filing requirements for legislative lobbyists and other information in s. 11.0455, F.S., would refer to the Office of Legislative Services or the "office" instead of the Division of Legislative Information Services or "division;"
- The provision concerning gift disclosures in s. 112.3148, F.S., certain gift reports would be filed with the Office of Legislative Services, rather than the Division of Legislative Information Services in the Office of Legislative Services; and,
- The provisions concerning legislative review of exemptions from public meetings and/or public records requirements would require the Office of Legislative Services, rather than the Division of Statutory Revision, to certify to the President of the Senate and Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal if not reenacted during the following year.

### **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:

While it is possible that the reorganization will have a cost-saving effect, the amount of the potential cost-savings is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill will require conforming changes to the Joint Rules of the Florida Legislature. It may also require conforming changes to the Rules of the Florida Senate and the Rules of the Florida House of Representatives.

**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.

By the Committee on Rules

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1 A bill to be entitled  
 2 An act relating to the Office of Legislative Services;  
 3 amending ss. 11.045, 11.0455, and 112.3148, F.S.;

4 providing for duties related to the registration and  
 5 reporting of legislative lobbyists to be conducted by  
 6 the office rather than the Division of Legislative  
 7 Information Services within the office; amending s.  
 8 11.242, F.S.; requiring that certain content relating  
 9 to the published edition of the Florida Statutes be  
 10 determined by the office rather than by the Division  
 11 of Statutory Revision within the office; amending s.  
 12 119.15, F.S.; requiring that the office, rather than  
 13 the Division of Statutory Revision, certify to the  
 14 Legislature public records and public meetings  
 15 exemptions that are scheduled for repeal; providing an  
 16 effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20 Section 1. Paragraphs (c) through (h) of subsection (1),  
 21 paragraph (c) of subsection (2), and paragraphs (a), (b), and  
 22 (d) of subsection (3) of section 11.045, Florida Statutes, are  
 23 reordered and amended to read:

24 11.045 Lobbying before the Legislature; registration and  
 25 reporting; exemptions; penalties.—

26 (1) As used in this section, unless the context otherwise  
 27 requires:

28 (h)(e) "Office Division" means the Division of Legislative  
 29 Information Services within the Office of Legislative Services.

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30 (c)(d) "Expenditure" means a payment, distribution, loan,  
 31 advance, reimbursement, deposit, or anything of value made by a  
 32 lobbyist or principal for the purpose of lobbying. The term  
 33 ~~"expenditure"~~ does not include contributions or expenditures  
 34 reported pursuant to chapter 106 or federal election law,  
 35 campaign-related personal services provided without compensation  
 36 by individuals volunteering their time, any other contribution  
 37 or expenditure made by or to a political party or affiliated  
 38 party committee, or any other contribution or expenditure made  
 39 by an organization that is exempt from taxation under 26 U.S.C.  
 40 s. 527 or s. 501(c)(4).

41 (d)(e) "Legislative action" means introduction,  
 42 sponsorship, testimony, debate, voting, or any other official  
 43 action on any measure, resolution, amendment, nomination,  
 44 appointment, or report of, or any matter that which may be the  
 45 subject of action by, either house of the Legislature or any  
 46 committee thereof.

47 (e)(f) "Lobbying" means influencing or attempting to  
 48 influence legislative action or nonaction through oral or  
 49 written communication or an attempt to obtain the goodwill of a  
 50 member or employee of the Legislature.

51 (f)(g) "Lobbying firm" means any business entity, including  
 52 an individual contract lobbyist, which that receives or becomes  
 53 entitled to receive any compensation for the purpose of  
 54 lobbying, where any partner, owner, officer, or employee of the  
 55 business entity is a lobbyist.

56 (g)(h) "Lobbyist" means a person who is employed and  
 57 receives payment, or who contracts for economic consideration,  
 58 for the purpose of lobbying, or a person who is principally

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59 employed for governmental affairs by another person or  
60 governmental entity to lobby on behalf of that other person or  
61 governmental entity.

62 (2) Each house of the Legislature shall provide by rule, or  
63 may provide by a joint rule adopted by both houses, for the  
64 registration of lobbyists who lobby the Legislature. The rule  
65 may provide for the payment of a registration fee. The rule may  
66 provide for exemptions from registration or registration fees.  
67 The rule shall provide that:

68 (c) A registrant shall promptly send a written statement to  
69 the office division canceling the registration for a principal  
70 upon termination of the lobbyist's representation of that  
71 principal. ~~However Notwithstanding this requirement,~~ the office  
72 division may remove the name of a registrant from the list of  
73 registered lobbyists if the principal notifies the office that a  
74 person is no longer authorized to represent that principal.

75 (3) Each house of the Legislature shall provide ~~by rule~~ the  
76 following reporting requirements by rule:

77 (a)1. Each lobbying firm shall file a compensation report  
78 with the office division for each calendar quarter during any  
79 portion of which one or more of the firm's lobbyists were  
80 registered to represent a principal. The report must ~~shall~~  
81 include the:

82 a. Full name, business address, and telephone number of the  
83 lobbying firm;

84 b. Name of each of the firm's lobbyists; and

85 c. Total compensation provided or owed to the lobbying firm  
86 from all principals for the reporting period, reported in one of  
87 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;

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88 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
89 \$999,999; \$1 million or more.

90 2. For each principal represented by one or more of the  
91 firm's lobbyists, the lobbying firm's compensation report must  
92 ~~shall~~ also include the:

93 a. Full name, business address, and telephone number of the  
94 principal; and

95 b. Total compensation provided or owed to the lobbying firm  
96 for the reporting period, reported in one of the following  
97 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
98 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
99 more. If the category "\$50,000 or more" is selected, the  
100 specific dollar amount of compensation must be reported, rounded  
101 up or down to the nearest \$1,000.

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

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

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

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

113 (b) For each principal represented by more than one  
114 lobbying firm, the office division shall aggregate the  
115 reporting-period and calendar-year compensation reported as  
116 provided or owed by the principal.

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117 (d) Each house of the Legislature shall provide by rule, or  
 118 both houses may provide by joint rule, a procedure by which a  
 119 lobbying firm that fails to timely file a report shall be  
 120 notified and assessed fines. The rule must ~~shall~~ provide for the  
 121 following:

122 1. Upon determining that the report is late, the person  
 123 designated to review the timeliness of reports shall immediately  
 124 notify the lobbying firm as to the failure to timely file the  
 125 report and that a fine is being assessed for each late day. The  
 126 fine shall be \$50 per day per report for each late day, not to  
 127 exceed \$5,000 per report.

128 2. Upon receipt of the report, the person designated to  
 129 review the timeliness of reports shall determine the amount of  
 130 the fine due based upon the earliest of the following:

131 a. When a report is actually received by the lobbyist  
 132 registration and reporting office.

133 b. When the electronic receipt issued pursuant to s.  
 134 11.0455 is dated.

135 3. Such fine must ~~shall~~ be paid within 30 days after the  
 136 notice of payment due is transmitted by the Lobbyist  
 137 Registration Office, unless appeal is made to the office  
 138 ~~division~~. The moneys shall be deposited into the Legislative  
 139 Lobbyist Registration Trust Fund.

140 4. A fine may ~~shall~~ not be assessed against a lobbying firm  
 141 the first time any reports for which the lobbying firm is  
 142 responsible are not timely filed. However, to receive the one-  
 143 time fine waiver, all reports for which the lobbying firm is  
 144 responsible must be filed within 30 days after notice that any  
 145 reports have not been timely filed is transmitted by the

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146 Lobbyist Registration Office. A fine shall be assessed for any  
 147 subsequent late-filed reports.

148 5. Any lobbying firm may appeal or dispute a fine, based  
 149 upon unusual circumstances surrounding the failure to file on  
 150 the designated due date, and may request and is ~~shall be~~  
 151 entitled to a hearing before the General Counsel of the Office  
 152 of Legislative Services, who shall recommend to the President of  
 153 the Senate and the Speaker of the House of Representatives, or  
 154 their respective designees, that the fine be waived in whole or  
 155 in part for good cause shown. The President of the Senate and  
 156 the Speaker of the House of Representatives, or their respective  
 157 designees, may concur in the recommendation and waive the fine  
 158 in whole or in part. Any such request must ~~shall~~ be made within  
 159 30 days after the notice of payment due is transmitted by the  
 160 Lobbyist Registration Office. In such case, the lobbying firm  
 161 shall, within the 30-day period, notify the person designated to  
 162 review the timeliness of reports in writing of his or her  
 163 intention to request a hearing.

164 6. A lobbying firm may request that the filing of a report  
 165 be waived upon good cause shown, based on unusual circumstances.  
 166 The request must be filed with the General Counsel of the Office  
 167 of Legislative Services, who shall make a recommendation  
 168 concerning the waiver request to the President of the Senate and  
 169 the Speaker of the House of Representatives. The President of  
 170 the Senate and the Speaker of the House of Representatives may  
 171 grant or deny the request.

172 7. All lobbyist registrations for lobbyists who are  
 173 partners, owners, officers, or employees of a lobbying firm that  
 174 fails to timely pay a fine are automatically suspended until the

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175 fine is paid or waived, and the office ~~division~~ shall promptly  
 176 notify all affected principals of any suspension or  
 177 reinstatement.

178 8. The person designated to review the timeliness of  
 179 reports shall notify the coordinator ~~director~~ of the office  
 180 ~~division~~ of the failure of a lobbying firm to file a report  
 181 after notice or of the failure of a lobbying firm to pay the  
 182 fine imposed.

183 Section 2. Subsections (2), (4), and (5), paragraph (a) of  
 184 subsection (6), and subsection (7) of section 11.0455, Florida  
 185 Statutes, are amended to read:

186 11.0455 Electronic filing of compensation reports and other  
 187 information.—

188 (2) Each lobbying firm that is required to file reports  
 189 with the Office ~~Division~~ of Legislative ~~Information~~ Services  
 190 pursuant to s. 11.045 must file such reports with the office  
 191 ~~division~~ by means of the office's ~~division's~~ electronic filing  
 192 system.

193 (4) Each report filed pursuant to this section is deemed  
 194 ~~considered~~ to meet the certification requirements of s.  
 195 11.045(3)(a)4., and as such subjects the person responsible for  
 196 filing and the lobbying firm to the provisions of s. 11.045(7)  
 197 and (8). Persons given a secure sign-on to the electronic filing  
 198 system are responsible for protecting it from disclosure and are  
 199 responsible for all filings using such credentials, unless they  
 200 have notified the office ~~division~~ that their credentials have  
 201 been compromised.

202 (5) The electronic filing system developed by the office  
 203 ~~division~~ must:

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204 (a) Be based on access by means of the Internet.

205 (b) Be accessible by anyone with Internet access using  
 206 standard web-browsing software.

207 (c) Provide for direct entry of compensation report  
 208 information as well as upload of such information from software  
 209 authorized by the office ~~division~~.

210 (d) Provide a method that prevents unauthorized access to  
 211 electronic filing system functions.

212 (6) Each house of the Legislature shall provide by rule, or  
 213 may provide by a joint rule adopted by both houses, procedures  
 214 to implement and administer this section, including, but not  
 215 limited to:

216 (a) Alternate filing procedures in case the office's  
 217 ~~division's~~ electronic filing system is not operable.

218 (7) Each house of the Legislature shall provide by rule  
 219 that the office ~~division~~ make all the data filed available on  
 220 the Internet in an easily understood and accessible format. The  
 221 Internet website must ~~shall~~ also include, but not be limited to,  
 222 the names and business addresses of lobbyists, lobbying firms,  
 223 and principals, the affiliations between lobbyists and  
 224 principals, and the classification system designated and  
 225 identified by each principal pursuant to s. 11.045(2).

226 Section 3. Paragraph (d) of subsection (4) of section  
 227 11.242, Florida Statutes, is amended to read:

228 11.242 Powers, duties, and functions as to statutory  
 229 revision.—The powers, duties, and functions of the Office of  
 230 Legislative Services in the operation and maintenance of a  
 231 statutory revision program shall be as follows:

232 (4) The published edition of the Florida Statutes shall

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233 contain the following:

234 (d) Such other matters, notes, data, and other material as  
 235 may be deemed necessary or admissible by the ~~Division of~~  
 236 ~~Statutory Revision of the~~ Office of Legislative Services for  
 237 reference, convenience, or interpretation.

238 Section 4. Paragraph (b) of subsection (5) of section  
 239 112.3148, Florida Statutes, is amended to read:

240 112.3148 Reporting and prohibited receipt of gifts by  
 241 individuals filing full or limited public disclosure of  
 242 financial interests and by procurement employees.-

243 (5)

244 (b) However, a person who is regulated by this subsection,  
 245 who is not regulated by subsection (6), and who makes, or  
 246 directs another to make, an individual gift having a value in  
 247 excess of \$25, but not in excess of \$100, other than a gift that  
 248 ~~which~~ the donor knows will be accepted on behalf of a  
 249 governmental entity or charitable organization, must file a  
 250 report on the last day of each calendar quarter, for the  
 251 previous calendar quarter in which a reportable gift is made.  
 252 The report shall be filed with the Commission on Ethics, except  
 253 with respect to gifts to reporting individuals of the  
 254 legislative branch, in which case the report shall be filed with  
 255 the ~~Division of Legislative Information Services in the~~ Office  
 256 of Legislative Services. The report must contain a description  
 257 of each gift, the monetary value thereof, the name and address  
 258 of the person making such gift, the name and address of the  
 259 recipient of the gift, and the date such gift is given. In  
 260 addition, if ~~when~~ a gift is made which requires the filing of a  
 261 report under this subsection, the donor must notify the intended

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262 recipient at the time the gift is made that the donor, or  
 263 another on his or her behalf, will report the gift under this  
 264 subsection. Under this paragraph, a gift need not be reported by  
 265 more than one person or entity.

266 Section 5. Subsection (5) of section 119.15, Florida  
 267 Statutes, is amended to read:

268 119.15 Legislative review of exemptions from public meeting  
 269 and public records requirements.-

270 (5) (a) By June 1 in the year before the repeal of an  
 271 exemption under this section, the ~~Division of Statutory Revision~~  
 272 ~~of the~~ Office of Legislative Services shall certify to the  
 273 President of the Senate and the Speaker of the House of  
 274 Representatives the language and statutory citation of each  
 275 exemption scheduled for repeal the following year.

276 (b) An ~~Any~~ exemption that is not identified and certified  
 277 to the President of the Senate and the Speaker of the House of  
 278 Representatives is not subject to legislative review and repeal  
 279 under this section. If the office division fails to certify an  
 280 exemption that it subsequently determines should have been  
 281 certified, it shall include the exemption in the following  
 282 year's certification after that determination.

283 Section 6. This act shall take effect upon becoming a law.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Agriculture, *Vice Chair*  
Education Pre-K - 12, *Vice Chair*  
Budget - Subcommittee on General Government  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Military Affairs, Space, and Domestic Security  
Reapportionment  
Rules  
Transportation

## SENATOR LARCENIA J. BULLARD

39th District

January 30, 2012

Senator John Thrasher, Chair  
Senate Committee on Rules  
402 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100



Dear Senator Thrasher:

Due to my present health challenges, I am requesting excusal from the Rules Committee meeting scheduled on Monday, January 30, 2012. I remain on the mend and look forward to improved health.

Sincerely,



Senator Larcenia J. Bullard  
District 39

CC: John Phelps, Staff Director

### REPLY TO:

- 8603 South Dixie Highway, Suite 304, Miami, Florida 33143 (305) 668-7344
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5127

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

MIKE HARIDOPOLOS  
President of the Senate

MICHAEL S. "MIKE" BENNETT  
President Pro Tempore

# CourtSmart Tag Report

Room: EL 110  
Caption: Senate Rules Committee

Case:  
Judge:

Type:

Started: 1/30/2012 1:00:01 PM

Ends: 1/30/2012 2:24:45 PM

Length: 01:24:45

1:00:12 PM Sen Thrasher calls meeting to order  
1:00:22 PM roll call  
1:00:26 PM quorum present  
1:01:12 PM Sen Thrasher explains meeting  
1:02:16 PM Take up SB 894 by Sen Thrasher- adoption of official fl statutes  
1:03:02 PM Questions on SB 894  
1:03:20 PM roll call on SB 894  
1:03:27 PM SB 894 reported favorably  
1:03:53 PM Take up SB 896 by Sen Thrasher - FI Statutes  
1:04:45 PM Brian Pitt - Justice-2- Jesus speaks on SB 896  
1:06:38 PM Call the roll on SB 896  
1:06:47 PM Show the bill reported favorable  
1:07:08 PM Take up SB 898 by Sen Thrasher - FI Statutes  
1:07:41 PM Brian Pitts - Justice-2-Jesus speaks  
1:09:22 PM Call the roll on SB 898  
1:09:30 PM Show the bill reported favorably  
1:09:48 PM Take up SB 900 by Sen Thrasher - FI Statutes  
1:10:13 PM Call the roll on SB 900  
1:10:20 PM Show the bill reported favorably  
1:10:51 PM Take up CS/SB 1596 by Rules Subcommittee on EE and Sen Diaz de la Portilla  
1:11:06 PM Sen Diaz de la Portilla recognized  
1:11:15 PM Sen Diaz de la Portilla explains the bill  
1:11:47 PM A139940 late filed by Sen Negrón  
1:11:59 PM without objection show late filed amendment introduced  
1:12:06 PM Sen Negrón explains amendment  
1:16:34 PM Sen Richter questions Sen Negrón  
1:16:54 PM on amendment  
1:17:22 PM Sen Negrón responds  
1:18:09 PM Sen Gardiner questions Sen Negrón  
1:18:20 PM Sen Negrón responds  
1:19:09 PM Sen Alexander questions Sen Negrón  
1:20:21 PM Sen Negrón responds  
1:21:43 PM Sen Lynn questions Sen Negrón  
1:22:21 PM Sen Negrón responds  
1:23:39 PM Sen Lynn with a followup question  
1:23:49 PM Sen Negrón responds  
1:25:27 PM Sen Gaetz questions Sen Negrón  
1:26:11 PM Sen Siplin questions Sen Negrón  
1:27:22 PM Ion Sancho Leon County Supervisor of Elections speaks  
1:27:59 PM against the amendment  
1:34:33 PM Sen Gaetz questions Ion Sancho  
1:34:56 PM Mr. Sancho responds  
1:35:15 PM Sen Gaetz with a followup  
1:35:20 PM Mr. Sancho responds  
1:35:26 PM Mr. Gaetz questions Mr. Sancho  
1:35:40 PM Mr. Sancho responds  
1:36:03 PM Sen Gaetz with a followup  
1:36:25 PM Mr. Sancho responds  
1:37:10 PM Sen Gaetz with a followup  
1:37:30 PM Mr. Sancho responds  
1:37:36 PM Sen Gardiner questions Mr. Sancho  
1:37:47 PM Mr. Sancho responds

1:38:51 PM Sen Gardiner with a followup  
1:40:06 PM Mr. Sancho responds  
1:40:27 PM Sen Gardiner with a followup  
1:41:28 PM Sen Thrasher question Mr. Sancho  
1:41:43 PM Mr. Sancho responds  
1:41:49 PM Sen Thrasher with a followup  
1:41:57 PM Mr. Sancho responds  
1:43:21 PM Sen Negron question Mr. Sancho  
1:43:57 PM Mr. Sancho responds  
1:44:12 PM David Watson Vice Pres of Research & Development VR systems speaks on the amendment  
1:50:55 PM Sen Lynn questions Mr. Watson  
1:51:09 PM Mr. Watson responds  
1:51:24 PM Sen Gardiner questions  
1:51:43 PM Mr. Watson responds  
1:52:03 PM Sen Gaetz speaks  
1:52:55 PM Mr. Watson responds  
1:54:00 PM Sen Gaetz with a followup  
1:54:31 PM Mr. Watson responds  
1:54:55 PM Gina Evans waives in opposition  
1:55:12 PM Gina Evans FI Association of Supervisors of Elections  
1:55:27 PM Sen Siplin questions Ms. Evans  
1:55:35 PM Ms. Evans responds  
1:55:43 PM Sen Siplin with a followup  
1:55:50 PM Ms. Evans responds  
1:56:01 PM Back on the amendment  
1:56:40 PM Sen Gaetz debates amendment  
1:57:41 PM Sen Lynn debates the amendment  
1:59:38 PM Sen Gardiner debates the amendment  
2:01:25 PM Sen Richter debates amendment  
2:02:23 PM Sen Margolis debates the amendment  
2:03:35 PM Sen Thrasher speaks  
2:05:16 PM Sen Negron closes on amendment  
2:07:15 PM roll call on amendment 139940  
2:07:27 PM amendment 139940 not adopted  
2:08:01 PM take up late file amendment 110882 by Sen Smith  
2:08:12 PM without objection show late filed amendment introduced  
2:08:13 PM Sen Smith explains amendment  
2:08:33 PM Sen Gardiner questions Sen Smith  
2:08:47 PM Sen Smith responds  
2:09:04 PM Sen Gardiner with a followup  
2:10:07 PM Sen Gaetz speaks  
2:10:25 PM Sen Diaz de la Portilla speaks on the amendment  
2:10:49 PM Sen Jones questions amendment  
2:10:58 PM Sen Smith responds  
2:11:13 PM Sen Jones with a followup  
2:11:48 PM Sen Gardiner debates the amendment  
2:12:16 PM Sen Smith closes on the amendment  
2:12:49 PM Amendment not adopted  
2:12:54 PM Sen Smith recognized on a 928620  
2:13:06 PM Late filed amendment - without objection show it introduced  
2:13:11 PM Sen Smith has aa to a928620  
2:13:13 PM Sen Smith explains amendment to amendment  
2:14:21 PM Sen Gaetz questions  
2:15:31 PM Sen Smith responds  
2:16:27 PM Sen Gaetz with a followup  
2:17:13 PM Sen Smith responds  
2:17:24 PM Sen Lynn questions  
2:18:03 PM Sen Smith responds  
2:18:27 PM Sen Thrasher  
2:18:40 PM speaks  
2:19:01 PM Sen Smith withdraws aa  
2:19:12 PM Sen Smith withdraws a

2:19:23 PM A 830122 by Sen Smith  
2:19:30 PM Late filed amendment - show it introduced  
2:19:35 PM amendment withdrawn  
2:19:55 PM Brian Pitts Justice-2-Jesus speaks  
2:21:58 PM Sen Diaz de la Portilla waives close  
2:22:08 PM roll call  
2:22:13 PM CS/SB 1596 reported favorably  
2:22:49 PM SB 2058 by Rules explained by Sen Thrasher  
2:24:01 PM roll call on SB 2058  
2:24:12 PM SB 2058 reported favorably  
2:24:33 PM Sen Gaetz moves we rise