

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Tuesday, March 16, 2021
TIME: 3:30—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Baxley, Chair; Senator Taddeo, Vice Chair; Senators Berman, Bracy, Bradley, Broxson, Gainer, Garcia, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Florida Commission on Community Service

1	Cardoch, Lynette (Miami)	09/14/2022	Recommend Confirm Yeas 9 Nays 0
	Morrow, Amanda (Ponte Vedra)	09/14/2023	Recommend Confirm Yeas 9 Nays 0

Board of Trustees of Northwest Florida State College

2	Henderson, Fox Reynolds (Watersound)	05/31/2022	Recommend Confirm Yeas 9 Nays 0
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Board of Trustees of Polk State College

3	Littleton, Gregory A. (Winter Haven)	05/31/2023	Recommend Confirm Yeas 9 Nays 0
	Martinez, Teresa (Lakeland)	05/31/2021	Recommend Confirm Yeas 9 Nays 0

Education Practices Commission

4	Boyce, Teresa L. (Melbourne)	09/30/2024	Recommend Confirm Yeas 9 Nays 0
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Florida Commission on Human Relations

5	Payne, Pamela (Jacksonville)	09/30/2023	Recommend Confirm Yeas 9 Nays 0
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Board of Optometry

6	Kepley, Stephen R. (Vero Beach)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
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Board of Pharmacy

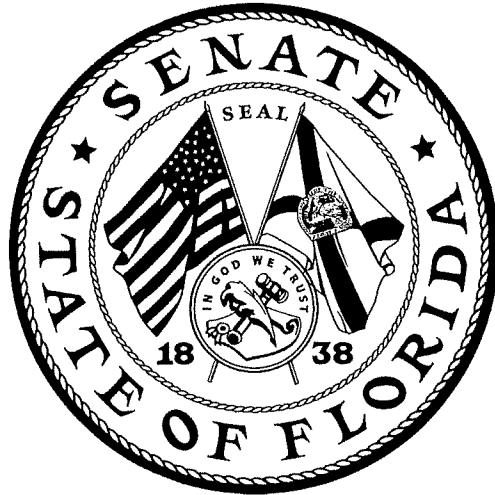
7	Segovia, Dorinda (Hialeah)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
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COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, March 16, 2021, 3:30—6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Board of Psychology			
8	Weinstein, Seema (Tampa)	10/31/2024	Recommend Confirm Yeas 9 Nays 0
Florida Real Estate Commission			
9	Blakiston, Patricia Fitzgerald (Jupiter)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
	Schwartz, Randy James (Winter Springs)	10/31/2024	Recommend Confirm Yeas 9 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1488 Stargel (Identical H 1207)	Public Records/Members of the Legislature and the Cabinet; Providing an exemption from public records requirements for certain identifying and location information of current members of the Legislature and the Cabinet, and the children and spouses of such legislators and officers; creating a criminal penalty for any person who knowingly and maliciously publishes or disseminates protected identifying information with the intent to intimidate, hinder, or interrupt current legislators and officers; providing a statement of public necessity, etc. EE 03/16/2021 Favorable GO RC	Favorable Yeas 5 Nays 4
11	SB 1890 Rodrigues	Campaign Financing; Providing a limitation on contributions made to political committees sponsoring a constitutional amendment proposed by initiative; specifying conditions upon which the limitation no longer applies, etc. EE 03/16/2021 Temporarily Postponed RC	Temporarily Postponed
12	SB 1704 Broxson (Identical H 1639)	Public Records/County Supervisor of Elections; Expanding a public records exemption for portions of records containing network schematics, hardware and software configurations, or encryption to include those records held by a county supervisor of elections; providing for retroactive application; providing a statement of public necessity, etc. EE 03/16/2021 Favorable GO RC	Favorable Yeas 9 Nays 0
Other Related Meeting Documents			



Committee:

ETHICS AND ELECTIONS

Senator Baxley, Chair
Senator Taddeo, Vice Chair

Meeting Packet

Tuesday, March 16, 2021

3:30—6:00 p.m.

Toni Jennings Committee Room, 110 Senate Building

The Florida Senate
COMMITTEE MEETING PACKET TAB

1

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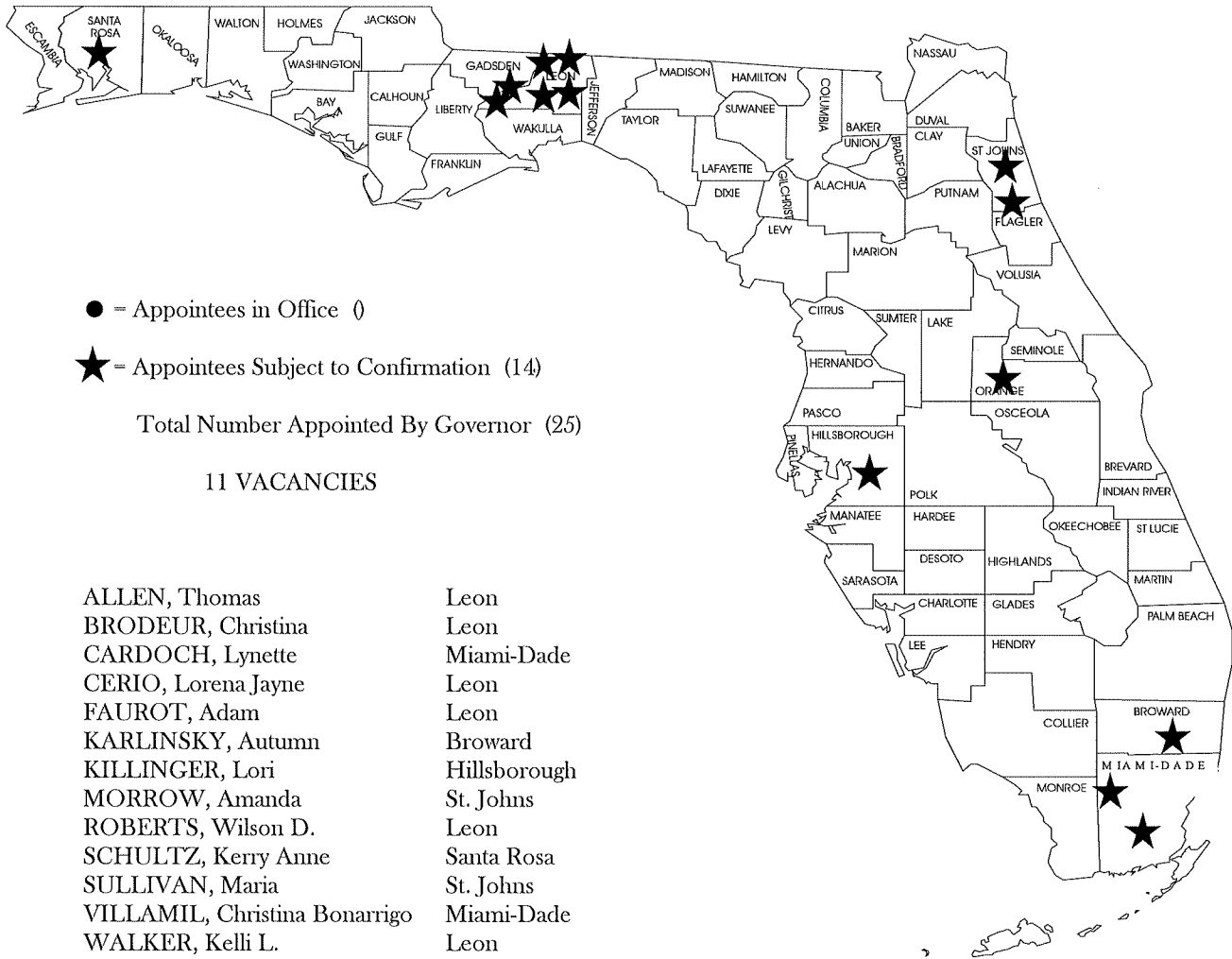
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Florida Commission on Community Service



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Cardoch, Lynette
 Term: 12/11/2020 – 09/14/2022
 City/County: Miami/Miami-Dade
 Office: Florida Commission on Community Service, Member
 Authority: 14.29, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 12/11/2020
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 8/4/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Vice President at Moffatt & Nichol, Coastal Engineering (Resilience & Adaptation)

Compensation: Members are not entitled to compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

Requirements: The commission consists of no fewer than 15 and no more than 25 voting members, to be appointed on a bipartisan basis by the Governor and confirmed by the Senate. Voting members may represent one, or any combination of the following, so long as each of the respective categories are represented:

- The Commissioner of Education or a designee thereof;
 - A representative of a community-based agency or organization;
 - A representative of a local labor organization;
 - A representative of local government;
 - A representative of business;
 - An individual between the ages of 16 and 25, inclusive, who is a participant in, or a supervisor of, a service program for school-aged youth or a campus-based or national service program;
 - An individual who is a representative of a national service program;
 - An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth; and
 - An individual with experience in promoting service and volunteerism among older adults.
- Other voting members may include educators; experts in the delivery of human educational, environmental, or public safety services; representatives of Indian tribes; out-of-school or at-risk youth; and representatives of programs that are administered by or receive assistance under the Domestic Volunteer Service Act of 1973, as amended.

Not more than 50 percent plus one of the voting members of the commission may be aligned with the same political party.

In addition, the number of voting members of the commission who are officers or employees of the state may not exceed 25 percent.

Additional Requirements: Terms are for three years.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 15 - Ms. Cardoch is an employee at Moffatt & Nicole firm. The firm has many contracts with local and state agencies to provide coastal engineering services.

Number 17 - Ms. Cardoch serves on the Miami-Dade County Planning Advisory Board, 01/2019-Present.

Number 18 - Ms. Cardoch served on the Biscayne Bay Task Force, 05/2019-10/2020.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Morrow, Amanda
 Term: 12/11/2020 – 09/14/2023
 City/County: Ponte Vedra/St. Johns
 Office: Florida Commission on Community Service, Member
 Authority: 14.29, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 12/11/2020
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/1/21
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Realtor at Cordwell Banker Vanguard Realty (Real Estate)

Compensation: Members are not entitled to compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.

Requirements: The commission consists of no fewer than 15 and no more than 25 voting members, to be appointed on a bipartisan basis by the Governor and confirmed by the Senate. Voting members may represent one, or any combination of the following, so long as each of the respective categories are represented:

- The Commissioner of Education or a designee thereof;
 - A representative of a community-based agency or organization;
 - A representative of a local labor organization;
 - A representative of local government;
 - A representative of business;
 - An individual between the ages of 16 and 25, inclusive, who is a participant in, or a supervisor of, a service program for school-aged youth or a campus-based or national service program;
 - An individual who is a representative of a national service program;
 - An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth; and
 - An individual with experience in promoting service and volunteerism among older adults.
- Other voting members may include educators; experts in the delivery of human educational, environmental, or public safety services; representatives of Indian tribes; out-of-school or at-risk youth; and representatives of programs that are administered by or receive assistance under the Domestic Volunteer Service Act of 1973, as amended.

Not more than 50 percent plus one of the voting members of the commission may be aligned with the same political party.

In addition, the number of voting members of the commission who are officers or employees of the state may not exceed 25 percent.

Additional Requirements: Terms are for three years.

Required to file Form 1 with the Commission on Ethics.

Notes:

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

2

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MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Henderson, Fox Reynolds

Appointed: 12/23/2020

Term: 12/23/2020 – 05/31/2022

Prior Term:

City/County: Watersound/Walton

Office: Board of Trustees of Northwest Florida State College, Member

Authority: 1001.61(1) and (2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/2/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Owner at Continental, LLC, Henderson Barret, LLC, FRH Holdings, LLC (Real Estate Investments/Leasing). Owner at Custom Home Shop, LLC (Modular Home Building)

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years.

A member of a board of trustees must be a resident of the service delivery area of the college.

Northwest Florida State College serves Okaloosa and Walton Counties.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Walton County Resident

Number 9 - FDLE reported that Mr. Henderson was charged with a misdemeanor, dated 08/06/1990, for operating a motor vehicle with expired tag more than 6 months. Mr. Henderson's 1st Offense was on 07/15/1992 and failed to appear and a D-6 was issued. On 11/24/1997, the case was Nolle Prossed. Mr. Henderson did not disclose this information on his questionnaire.

Number 17 - Mr. Henderson serves on the Governing Board of Citizens Property Insurance, 8/2019-Present. Mr. Henderson serves on the DeFuniak Springs CRA, 6/2019-Present.

Number 18 - Mr. Henderson served as a Trustee Member on the Northwest Florida State College, 2018-2019.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Littleton, Gregory A.

Appointed: 12/23/2020

Term: 12/23/2020 – 05/31/2023

Prior Term:

City/County: Winter Haven/Polk

Office: Board of Trustees of Polk State College, Member

Authority: 1001.61(1) and (2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/24/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record	X		See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: President & CEO, Citizens Bank & Trust

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years.

A member of a board of trustees must be a resident of the service delivery area of the college.

Polk State College serves Polk County.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Polk County Resident

Number 9 - Trustee Littleton disclosed on his Senate Questionnaire that he was fined \$239 for speeding in 1999 in Polk County. The Department of Highway Safety and Motor Vehicles reported this infraction.

Number 18 - Mr. Littleton served on the Florida Statewide Passenger Rail Commission in 2010. Mr. Littleton served on the BOT of Polk State College, 2007-2019.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Martinez, Teresa

Appointed: 12/23/2020

Term: 12/23/2020 – 05/31/2021

Prior Term:

City/County: Lakeland/Polk

Office: Board of Trustees of Polk State College, Member

Authority: 1001.61(1) and (2), F.S.

Reference(s): Committee on Ethics and Elections

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

Occupation: Owner, Institute of Spanish Communication, Inc.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for terms of four (4) years.

A member of a board of trustees must be a resident of the service delivery area of the college.

Polk State College serves Polk County.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

Notes: Number 8 - Polk County Resident

Number 9 - FDLE reported Mrs. Martinez was charged with D.U.I. on 5/5/2006, in Lakeland, FL. The charge was amended to reckless driving and she was placed on one year probation, fined \$645, required to pay court cost, and attend DWI school. Mrs. Martinez disclosed this charge in her questionnaire.

Number 18 - Mrs. Martinez served as a Trustee Member on the BOT Polk State College, 2009-2019.

Number 19 - Mrs. Martinez was a teacher with the Polk County School Board, 1983- 1992.

The Florida Senate
COMMITTEE MEETING PACKET TAB

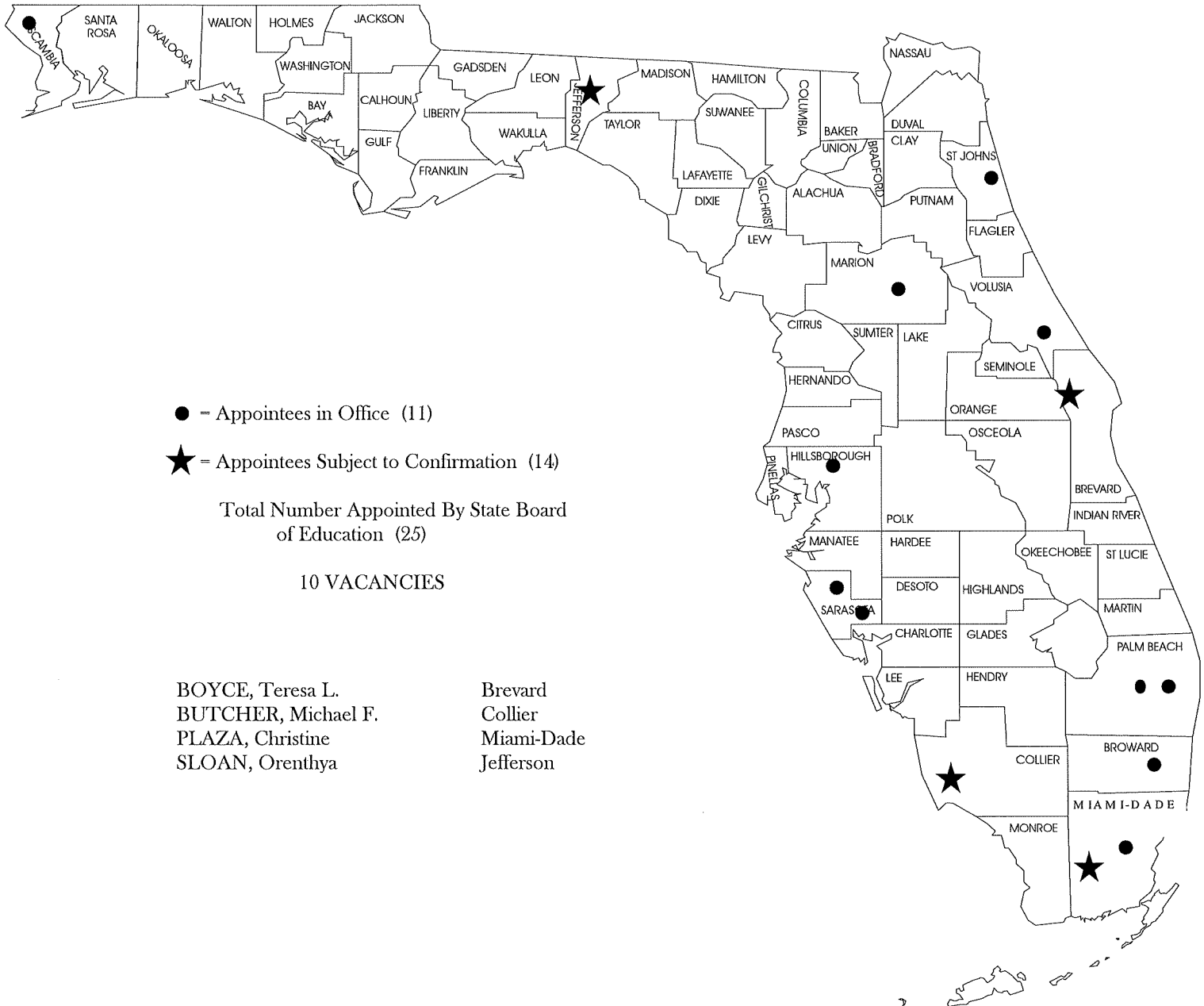
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Education Practices Commission



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Boyce, Teresa L.

Appointed: 07/21/2020

Term: 10/01/2020 – 09/30/2024

Prior Term:

City/County: Melbourne/Brevard

Office: Education Practices Commission, Member

Authority: 1012.79(1), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/13/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Teacher, Brevard Public Schools

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

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

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

All members must be residents of the state.

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

Notes: Number 8 - Teacher
Number 19 - Mrs. Boyce is a teacher with the Brevard Public Schools, 10/2013-7/2018 and 8/2019-Present.

The Florida Senate
COMMITTEE MEETING PACKET TAB

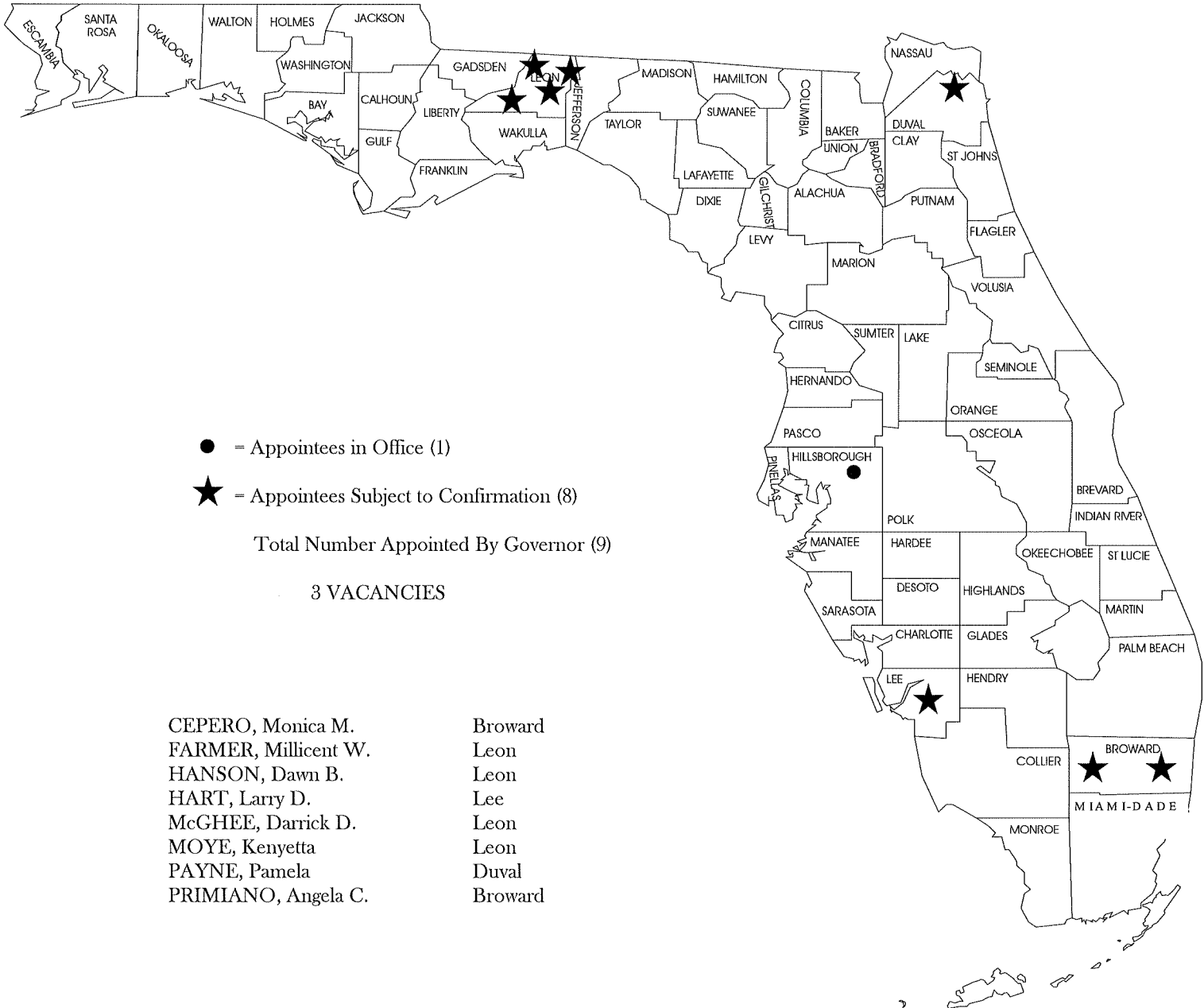
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Florida Commission on Human Relations



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Payne, Pamela

Appointed: 12/18/2020

Term: 12/18/2020 – 09/30/2023

Prior Term:

City/County: Jacksonville/Duval

Office: Florida Commission on Human Relations, Member

Authority: 760.03(1), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/21/21
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Self-Employed (Recruiting & Consulting)

Compensation: Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

Requirements: The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

Additional Terms are for four years.
Requirements:

Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - Ms. Payne served on the Jacksonville Civil Service Board, Jacksonville Sports & Entertainment Board, and Jacksonville Film & Commission Board.
Number 19 - Ms. Payne was the Director of Human Resources at Duval County Public Schools, 1990-2008. Ms. Payne was a high school Vice Principal for Hillsborough County Public Schools, 1975-1990.

The Florida Senate
COMMITTEE MEETING PACKET TAB

6

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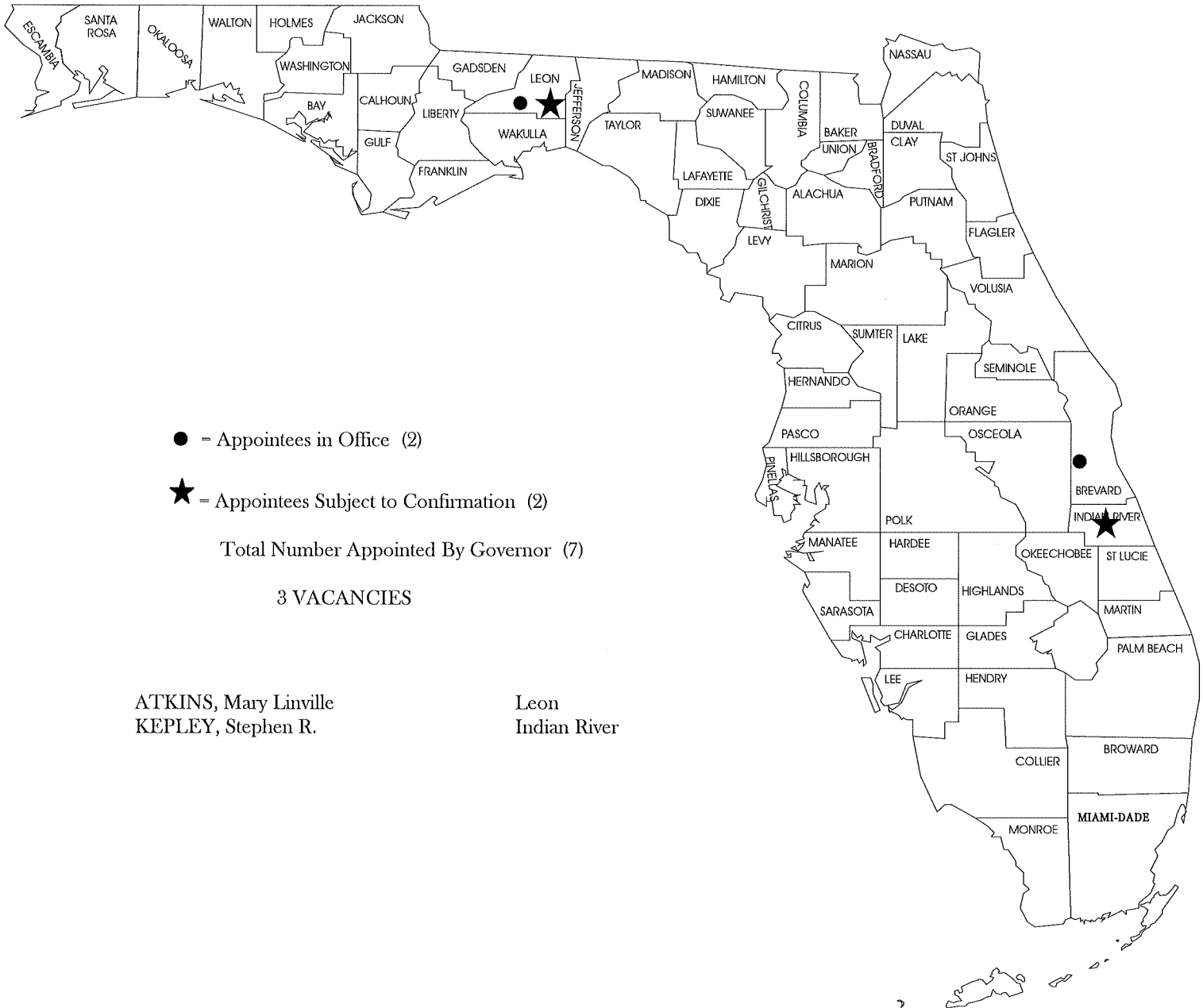
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Board of Optometry



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Kepley, Stephen R.

Appointed: 03/14/2020

Term: 03/14/2020 – 10/31/2023

Prior Term: 2/11/2016 - 10/31/2019

City/County: Vero Beach/Indian River

Office: Board of Optometry, Member

Authority: 463.003(1), F.S. & 20.43(3)(g)7, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/4/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Optometrist (Self Employed)

Attendance: Attended 37 of 37 meetings (100%) from February 11, 2016 through January 8, 2021.

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

- Requirements:** The seven-member board consists of:
- Five members who are licensed practitioners actively practicing in this state;
 - Two citizens of the state who are not, and who have never been, licensed practitioners and who are in no way connected with the practice of optometry or with any vision-oriented profession or business;
 - At least one member who is sixty years of age or older.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Optometrist

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

7

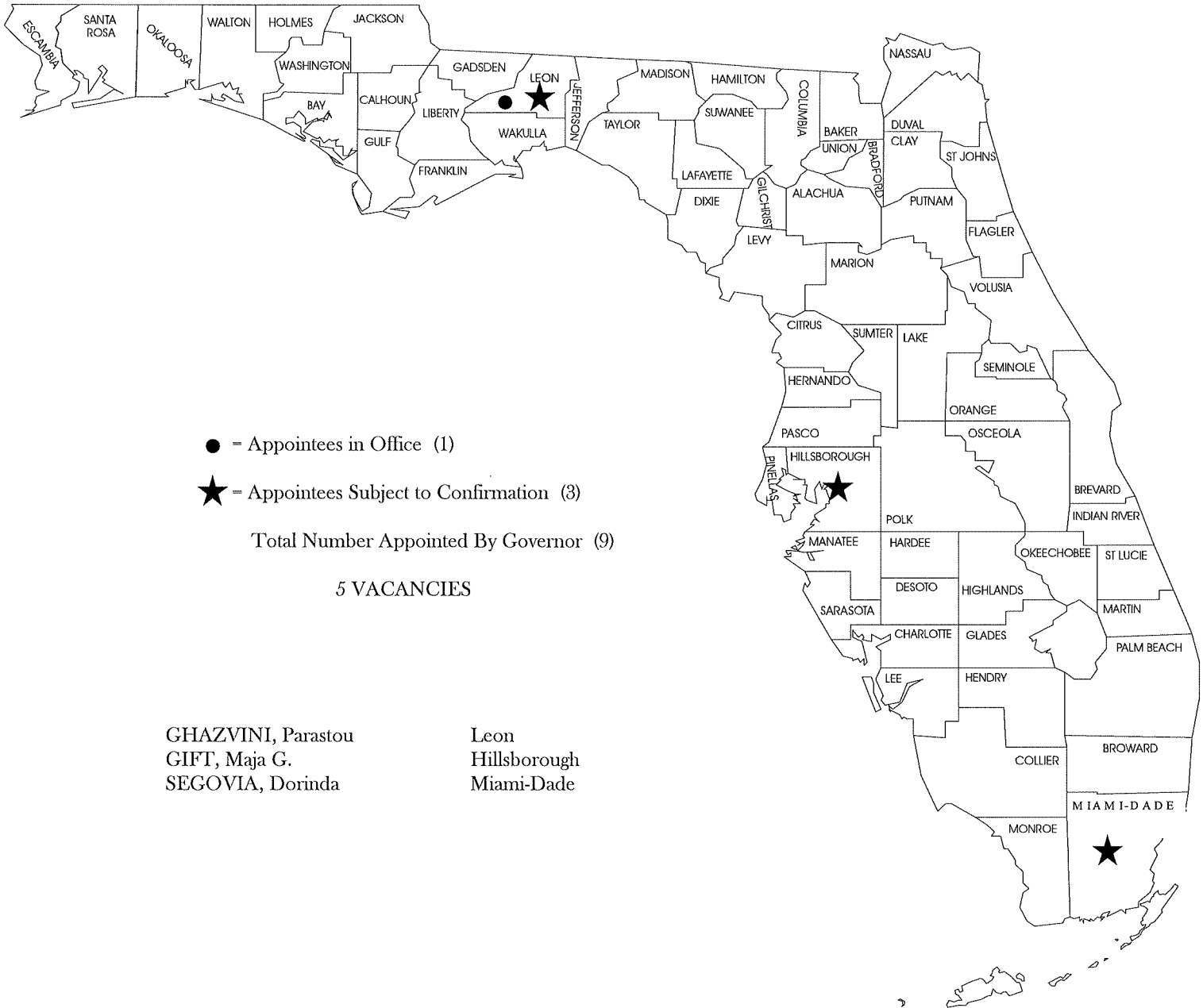
A1725S

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Board of Pharmacy



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Segovia, Dorinda
 Term: 11/25/2020 – 10/31/2023
 City/County: Hialeah/Miami-Dade
 Office: Board of Pharmacy, Member
 Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/9/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Vice President, Pharmacy Services, Memorial Healthcare System

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

- Requirements:** The nine-member board is composed as follows:
- Seven members must be licensed pharmacists who are residents of this state, who have been engaged in practice of the profession of pharmacy in this state for at least four years and to the extent practicable, represent the various pharmacy practice settings;
 - Two pharmacist members must be currently engaged in the practice of pharmacy in a community pharmacy;
 - Two pharmacist members must be currently engaged in the practice of pharmacy in a Class II, Modified Class II, or Class III institutional pharmacy;
 - Three pharmacist members must be pharmacists licensed in the state, irrespective of practice settings.
 - Two members must be residents of this state who have never been licensed as pharmacists and who are in no way connected with the profession of pharmacy. No lay member may be connected in any way with a drug manufacturer or wholesaler; and
 - At least one member must be sixty years of age or older.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Institutional Pharmacist
Number 18 - Dr. Segovia was a member of the ACHA Pharmacy and Therapeutics Committee, 2001-2005

The Florida Senate
COMMITTEE MEETING PACKET TAB

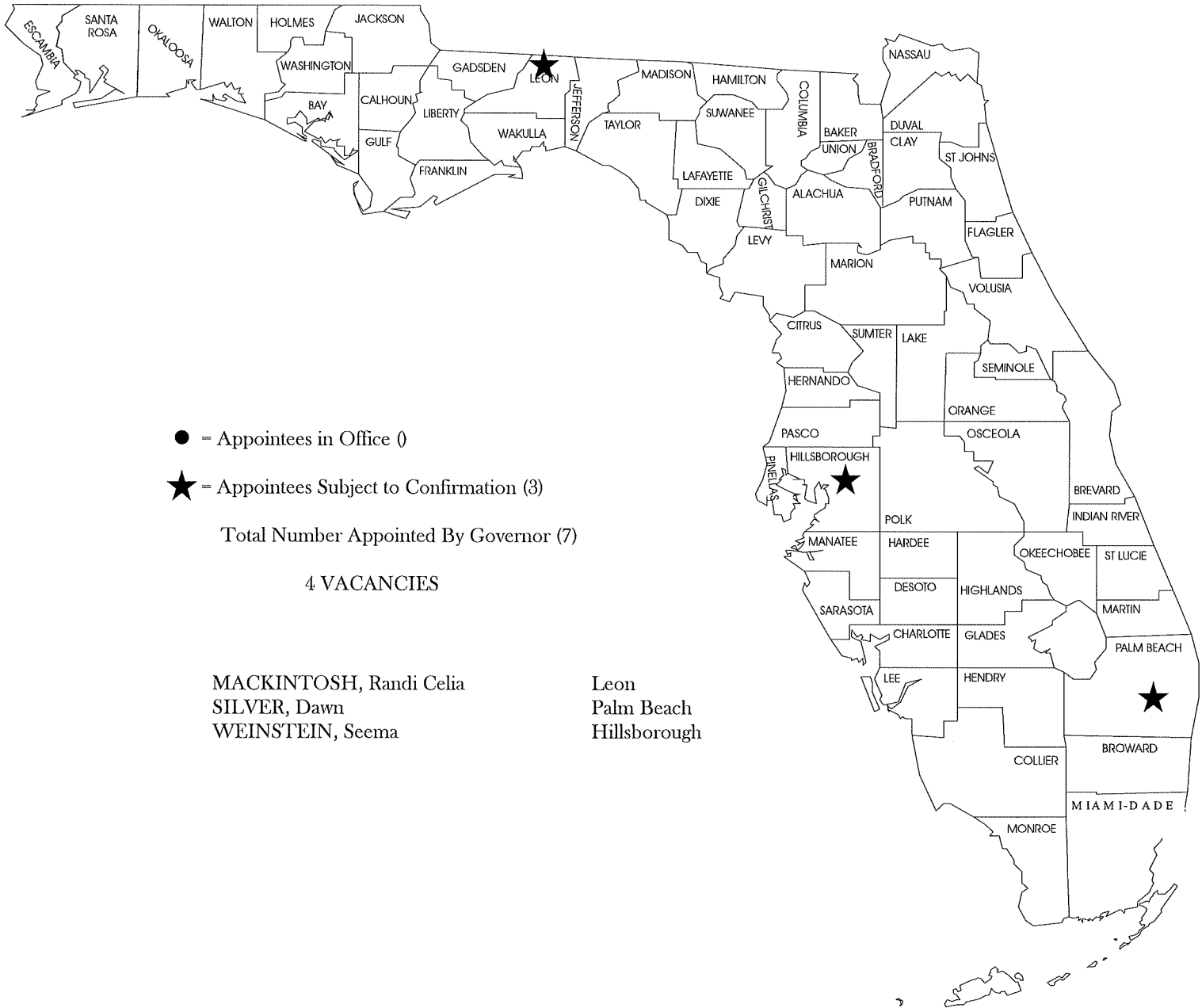
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Board of Psychology



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Weinstein, Seema
 Term: 11/25/2020 – 10/31/2024
 City/County: Tampa/Hillsborough
 Office: Board of Psychology, Member
 Authority: 490.004(1), F.S. & 20.43(3)(g)27, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/10/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/9/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Manager, Tampa General Hospital, Psychology Neuropsychology

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

Requirements: The seven-member board consists of:

- Five members who are licensed psychologists in good standing in this state;
- Two members who are citizens of this state who are not and have never been licensed psychologists and who are in no way connected with the practice of psychology; and
- At least one member who is sixty years of age or older.

Additional Terms are for four years.

Requirements: Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Psychologist

Number 15 - Dr. Weinstein is an employee of the Tampa General Hospital (Healthcare Facility).

Number 17 - Dr. Weinstein serves on the Hillsborough County Behavioral Advisory Board, 2/2018-present.

Number 19 - Dr. Weinstein was a contract psychologist for the Florida Mental Health Institute, 9/1989-11/1989 and the Hillsborough County Hospital Authority, 12/1989-12/1997.

The Florida Senate
COMMITTEE MEETING PACKET TAB

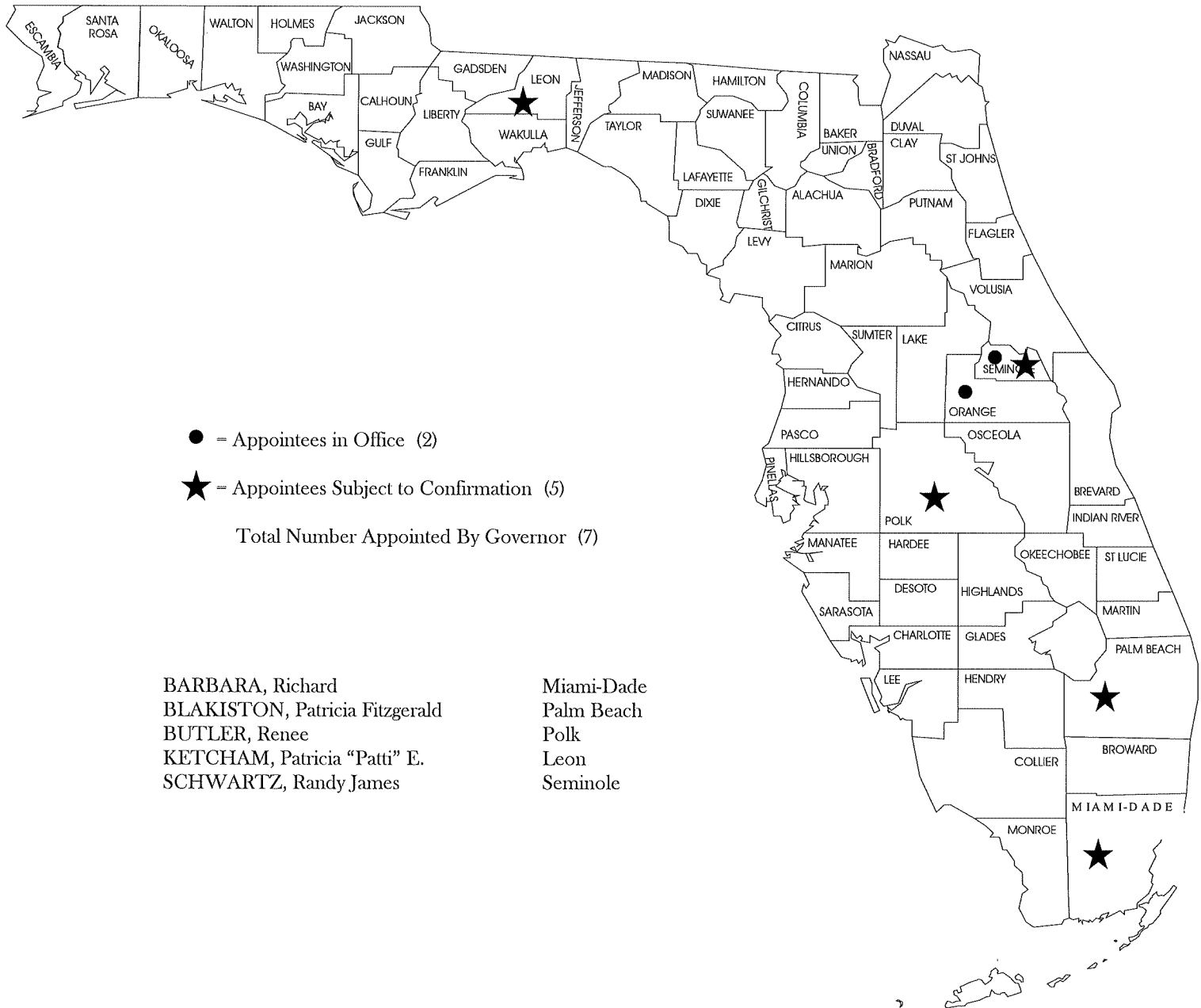
Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

Florida Real Estate Commission



Recommendation for Senate Confirmation of Executive Appointment

Appointee: Blakiston, Patricia Fitzgerald

Appointed: 01/20/2021

Term: 01/20/2021 – 10/31/2023

Prior Term: 02/05/2015 - 10/31/2019

City/County: Jupiter/Palm Beach

Office: Florida Real Estate Commission, Member

Authority: 475.02, F.S. & 20.165(4)(b)2, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/24/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Manager at Illustrated Properties

Attendance: Attended 127 of 138 meetings (92%) from February 5, 2015 through February 17, 2021.

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

Requirements: The seven-member commission consists of:

- Four members who are licensed brokers who have held an active license for the five years preceding appointment;
- One member who is a licensed broker or a licensed sales associate who has held an active license for the two years preceding appointment; and
- Two members who are persons who are not and have never been brokers or salespersons.

At least one member of the commission must be 60 years of age or older. Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

Additional Terms are for four years.

Requirements: Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Licensed Broker

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Schwartz, Randy James
 Term: 01/20/2021 – 10/31/2024
 City/County: Winter Springs/Seminole
 Office: Florida Real Estate Commission, Member
 Authority: 475.02, F.S. & 20.165(4)(b)2, F.S.
 Reference(s): Committee on Ethics and Elections

Appointed: 01/20/2021
 Prior Term: 05/15/2017 - 10/31/2020

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/4/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 2/19/21
12. Previously Suspended from Office			Not Applicable
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Attorney, Private Practice

Attendance: Attended 83 of 102 meetings (81%) from May 15, 2017 through February 17, 2021.

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

Requirements: The seven-member commission consists of:

- Four members who are licensed brokers who have held an active license for the five years preceding appointment;
- One member who is a licensed broker or a licensed sales associate who has held an active license for the two years preceding appointment; and
- Two members who are persons who are not and have never been brokers or salespersons.

At least one member of the commission must be 60 years of age or older. Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

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

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Lay Member

Number 19 - Mr. Schwartz was an attorney for the Department of Legal Affairs, 1977-1987. Mr. Schwartz was an attorney in the State Attorney's Office in Polk County, 1976-1977. Mr. Schwartz was an attorney for the Florida Real Estate Commission, 1975-1976.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

The Florida Senate
COMMITTEE MEETING PACKET TAB

11

S01890

Ethics and Elections

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

12

S01704

MEETING DATE: Tuesday, March 16, 2021

TIME: 3:30—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/16/2021

Meeting Date

Bill Number (if applicable)

Topic Senate Confirmation

Amendment Barcode (if applicable)

Name Corey Simon

Job Title CEO

Address 1545 Raymond Diehl Rd, Ste 250

Phone 850-414-7400

Street

Tallahassee

FL

32308

City

State

Zip

Email corey@volunteerflorida.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Commission on Community Service dba Volunteer Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Committee on Ethics and Elections

BILL: SB 1488

INTRODUCER: Senator Stargel

SUBJECT: Public Records/Members of the Legislature and the Cabinet

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1488 creates a new public records exemption for certain identifying and location information of current Cabinet officers and legislators, along with their spouses and children, specifically:

- Home address, telephone numbers, and birth dates of all aforementioned persons;
- Current places of employment of spouses and children; and
- Names and locations of schools and day care facilities attended by children.

This new exemption mirrors those already in s. 119.071, F.S., for such persons as justices and judges, state attorneys and statewide prosecutors, certain agency investigative personnel, and a number of other public officers and employees.

The bill also makes it a first-degree misdemeanor for any person to knowingly and, with the intent to intimidate, hinder, or interrupt Cabinet officers or legislators in the performance of their duties, maliciously publish or disseminate the exempt information without express authorization of the officers or legislators.

The bill provides a public necessity statement for the new public records exemption. Passage of the bill requires a two-thirds vote of members present and voting in each house of the Legislature.

The bill takes effect July 1, 2021.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the Legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public records” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate* (2020-2022), and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1 (2020-2022).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public records” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Exemptions to Public Disclosure Requirements

The Legislature may exempt public records from public disclosure requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from public disclosure requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c). Such law shall contain only exemptions from public records or open meetings requirements and provisions governing the enforcement of those requirements, and shall relate to one subject.

¹¹ FLA. CONST. art. I, s. 24(c). *See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet the purpose.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information may be exempted;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Public Records Exemptions for Certain Public Officers/Employees in Sensitive Roles

There is currently no general public records exemption for personal identifying and location information of Cabinet officers, legislators, and/or their spouses and children.

Such protection does exist for a wide range of other public officers and employees who in the course of their official duties make decisions that could subject them to threats or harassment, such as justices and judges, state attorneys and statewide prosecutors, public defenders, and

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

certain agency investigative personnel.²⁷ For example, with respect to justices and judges, Florida law exempts the following public records from inspection and copying:²⁸

(e) The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices or judges; and the name and locations of schools and day care facilities attended by the children of current or former justices and judges.

Penalties for Violations of Public Records Laws

Current law provides general penalties for violations of the Public Records Act. Any public officer who:

- Violates any provision of the Act commits a noncriminal infraction, punishable by fine not exceeding \$500.
- Knowingly violates the provisions of s. 119.07(1), F.S., is subject to suspension and removal or impeachment and, in addition, commits a first degree misdemeanor.²⁹

Any person who willfully and knowingly violates:

- Any of the provisions of the Act commits a first degree misdemeanor.
- Section 119.105, F.S.,³⁰ commits a third degree felony.³¹

In addition to the general penalties, a number of individual public records exemptions provide penalties for disclosing the protected information. For example, the exemption for personal identifying information of an enrollee or participant in the Florida Health Choice Program makes it a second degree misdemeanor to knowingly and willfully violate the exemption's confidentiality provisions.³²

III. Effect of Proposed Changes:

Section 1. SB 1488 adds *current* members of the Senate, members of the House of Representatives, Cabinet officers, and their spouses and children to the list of public officers and employees whose personal identifying and location information is exempt from public disclosure requirements. Specifically, the bill makes exempt the following information:

- Home address, telephone numbers, and birth dates of all aforementioned persons;
- Current places of employment of spouses and children; and,

²⁷ See s. 119.071(4), F.S. (detailing public records protections for a list of public officers and employees and their immediate families).

²⁸ Section 119.071(4)(d)2.e., F.S.

²⁹ Section 119.10(1), F.S.

³⁰ Section 119.105, F.S., provides that a person who comes into possession of exempt or confidential information contained in police reports may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for the purpose of such solicitation during the period of time that information remains exempt or confidential.

³¹ Section 119.10(2), F.S.

³² Section 408.910(14), F.S.

- Names and locations of schools and day care facilities attended by children.

These protections mirror existing protections for other public officers and employees serving in sensitive roles, and is more limited in scope than many of the existing exemptions because it protects only current Cabinet officers, legislators, and their families, instead of both current and former.

Section 2. The bill makes it a first degree misdemeanor to knowingly and, with intent to intimidate, hinder, or interrupt current members of the Senate, members of the House of Representatives, and Cabinet officers in the legal performance of their duties, maliciously publish or disseminate information protected by the new exemption without the express authorization of such legislators and officers.

Section 3. The requisite public necessity statement identifies potential retribution against officers (and their families) for making necessary and impactful policy decisions as one justification for the bill. It also cites such threats, harassment, and intimidation as potentially discouraging residents from seeking elective office. The statement provides that a criminal penalty is necessary for any person who attempts to interfere with the legislators' or officers' official duties.

Section 4. The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage of a bill creating or expanding an exemption to public records disclosure requirements. This bill creates a new exemption for certain identifying and location information of Cabinet officers, legislators, and their spouses and children. Therefore, the bill requires a two-thirds vote of members present and voting to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 3 of the bill provides a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to public records disclosure requirements to be no broader than necessary to accomplish the stated purpose

of the law. The stated purpose of the law is to protect Cabinet members, legislators, and their spouses and children from threats, harassment, and intimidation that may result from their necessary and impactful policy decisions. This bill protects only such officers and their immediate families from public records disclosure requirements. To a large degree, it mirrors (and is even more limited than some) existing exemptions for other public officers and employees. Thus, the exemption does not appear to be broader than necessary to accomplish the stated purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.071 and 119.10.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Stargel

22-00943-21

20211488__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current members of the Legislature and the Cabinet, and the children and spouses of such legislators and officers; providing for retroactive application; amending s. 119.10, F.S.; creating a criminal penalty for any person who knowingly and maliciously publishes or disseminates protected identifying information with the intent to intimidate, hinder, or interrupt current legislators and officers; providing that a violation results in a first degree misdemeanor; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive

Page 1 of 12

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

22-00943-21

20211488__

property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the

Page 2 of 12

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22-00943-21 20211488

names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone

22-00943-21 20211488

numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates,

22-00943-21 20211488__

special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of

22-00943-21 20211488__

employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal

22-00943-21 20211488__

175 conflict and civil regional counsel; and the names and locations
 176 of schools and day care facilities attended by the children of
 177 current or former public defenders, assistant public defenders,
 178 criminal conflict and civil regional counsel, and assistant
 179 criminal conflict and civil regional counsel are exempt from s.
 180 119.07(1) and s. 24(a), Art. I of the State Constitution.

181 m. The home addresses, telephone numbers, dates of birth,
 182 and photographs of current or former investigators or inspectors
 183 of the Department of Business and Professional Regulation; the
 184 names, home addresses, telephone numbers, dates of birth, and
 185 places of employment of the spouses and children of such current
 186 or former investigators and inspectors; and the names and
 187 locations of schools and day care facilities attended by the
 188 children of such current or former investigators and inspectors
 189 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 190 Constitution.

191 n. The home addresses, telephone numbers, and dates of
 192 birth of county tax collectors; the names, home addresses,
 193 telephone numbers, dates of birth, and places of employment of
 194 the spouses and children of such tax collectors; and the names
 195 and locations of schools and day care facilities attended by the
 196 children of such tax collectors are exempt from s. 119.07(1) and
 197 s. 24(a), Art. I of the State Constitution.

198 o. The home addresses, telephone numbers, dates of birth,
 199 and photographs of current or former personnel of the Department
 200 of Health whose duties include, or result in, the determination
 201 or adjudication of eligibility for social security disability
 202 benefits, the investigation or prosecution of complaints filed
 203 against health care practitioners, or the inspection of health

22-00943-21 20211488__

204 care practitioners or health care facilities licensed by the
 205 Department of Health; the names, home addresses, telephone
 206 numbers, dates of birth, and places of employment of the spouses
 207 and children of such personnel; and the names and locations of
 208 schools and day care facilities attended by the children of such
 209 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 210 the State Constitution.

211 p. The home addresses, telephone numbers, dates of birth,
 212 and photographs of current or former impaired practitioner
 213 consultants who are retained by an agency or current or former
 214 employees of an impaired practitioner consultant whose duties
 215 result in a determination of a person's skill and safety to
 216 practice a licensed profession; the names, home addresses,
 217 telephone numbers, dates of birth, and places of employment of
 218 the spouses and children of such consultants or their employees;
 219 and the names and locations of schools and day care facilities
 220 attended by the children of such consultants or employees are
 221 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 222 Constitution.

223 q. The home addresses, telephone numbers, dates of birth,
 224 and photographs of current or former emergency medical
 225 technicians or paramedics certified under chapter 401; the
 226 names, home addresses, telephone numbers, dates of birth, and
 227 places of employment of the spouses and children of such
 228 emergency medical technicians or paramedics; and the names and
 229 locations of schools and day care facilities attended by the
 230 children of such emergency medical technicians or paramedics are
 231 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 232 Constitution.

22-00943-21

20211488

233 r. The home addresses, telephone numbers, dates of birth,
 234 and photographs of current or former personnel employed in an
 235 agency's office of inspector general or internal audit
 236 department whose duties include auditing or investigating waste,
 237 fraud, abuse, theft, exploitation, or other activities that
 238 could lead to criminal prosecution or administrative discipline;
 239 the names, home addresses, telephone numbers, dates of birth,
 240 and places of employment of spouses and children of such
 241 personnel; and the names and locations of schools and day care
 242 facilities attended by the children of such personnel are exempt
 243 from s. 119.07(1) and s. 24(a), Art. I of the State
 244 Constitution.

245 s. The home addresses, telephone numbers, dates of birth,
 246 and photographs of current or former directors, managers,
 247 supervisors, nurses, and clinical employees of an addiction
 248 treatment facility; the home addresses, telephone numbers,
 249 photographs, dates of birth, and places of employment of the
 250 spouses and children of such personnel; and the names and
 251 locations of schools and day care facilities attended by the
 252 children of such personnel are exempt from s. 119.07(1) and s.
 253 24(a), Art. I of the State Constitution. For purposes of this
 254 sub-subparagraph, the term "addiction treatment facility" means
 255 a county government, or agency thereof, that is licensed
 256 pursuant to s. 397.401 and provides substance abuse prevention,
 257 intervention, or clinical treatment, including any licensed
 258 service component described in s. 397.311(26).

259 t. The home addresses, telephone numbers, dates of birth,
 260 and photographs of current or former directors, managers,
 261 supervisors, and clinical employees of a child advocacy center

22-00943-21

20211488

262 that meets the standards of s. 39.3035(1) and fulfills the
 263 screening requirement of s. 39.3035(2), and the members of a
 264 Child Protection Team as described in s. 39.303 whose duties
 265 include supporting the investigation of child abuse or sexual
 266 abuse, child abandonment, child neglect, and child exploitation
 267 or to provide services as part of a multidisciplinary case
 268 review team; the names, home addresses, telephone numbers,
 269 photographs, dates of birth, and places of employment of the
 270 spouses and children of such personnel and members; and the
 271 names and locations of schools and day care facilities attended
 272 by the children of such personnel and members are exempt from s.
 273 119.07(1) and s. 24(a), Art. I of the State Constitution.

274 u. The home addresses, telephone numbers, and dates of
 275 birth of current members of the Senate, members of the House of
 276 Representatives, and Cabinet officers; the names, home
 277 addresses, telephone numbers, dates of birth, and places of
 278 employment of the spouses and children of current legislators
 279 and Cabinet officers; and the names and locations of schools and
 280 day care facilities attended by the children of current
 281 legislators and Cabinet officers are exempt from s. 119.07(1)
 282 and s. 24(a), Art. I of the State Constitution.

283 3. An agency that is the custodian of the information
 284 specified in subparagraph 2. and that is not the employer of the
 285 officer, employee, justice, judge, or other person specified in
 286 subparagraph 2. shall maintain the exempt status of that
 287 information only if the officer, employee, justice, judge, other
 288 person, or employing agency of the designated employee submits a
 289 written request for maintenance of the exemption to the
 290 custodial agency.

22-00943-21

20211488

291 4. An officer, an employee, a justice, a judge, or other
 292 person specified in subparagraph 2. may submit a written request
 293 for the release of his or her exempt information to the
 294 custodial agency. The written request must be notarized and must
 295 specify the information to be released and the party that is
 296 authorized to receive the information. Upon receipt of the
 297 written request, the custodial agency shall release the
 298 specified information to the party authorized to receive such
 299 information.

300 5. The exemptions in this paragraph apply to information
 301 held by an agency before, on, or after the effective date of the
 302 exemption.

303 6. This paragraph is subject to the Open Government Sunset
 304 Review Act in accordance with s. 119.15 and shall stand repealed
 305 on October 2, 2024, unless reviewed and saved from repeal
 306 through reenactment by the Legislature.

307 Section 2. Subsection (3) is added to section 119.10,
 308 Florida Statutes, to read:

309 119.10 Violation of chapter; penalties.—

310 (3) Any person who knowingly and, with the intent to
 311 intimidate, hinder, or interrupt current members of the Senate,
 312 members of the House of Representatives, and Cabinet officers in
 313 the legal performance of their duties, maliciously publishes or
 314 disseminates information protected from disclosure by s.
 315 119.071(1)(u) without the express authorization of such
 316 legislators and officers shall be guilty of a misdemeanor of the
 317 first degree, punishable as provided in s. 775.082 or s.
 318 775.083.

319 Section 3. The Legislature finds that it is a public

22-00943-21

20211488

320 necessity that the home addresses, telephone numbers, and dates
 321 of birth of current members of the Senate and the House of
 322 Representatives and Cabinet officers; the names, home addresses,
 323 telephone numbers, dates of birth, and places of employment of
 324 the spouses and children of such legislators and officers; and
 325 the names and locations of schools and day care facilities
 326 attended by the children of such legislators and officers be
 327 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 328 Article I of the State Constitution. Members of the Legislature
 329 and the Cabinet are often confronted with making difficult and
 330 impactful policy decisions. As a result, legislators and Cabinet
 331 officers and their family members may receive threats,
 332 including, but not limited to, verbal threats, harassment, and
 333 intimidation, as a result of carrying out their official duties.
 334 Vulnerability to such threats may discourage residents of this
 335 state from seeking elected office in order to protect themselves
 336 and their families. Moreover, the Legislature finds that a
 337 criminal penalty is necessary for any person who attempts to
 338 interfere with the legislators' or officers' official duties.
 339 The Legislature further finds that the harm that may result from
 340 the release of such personal identifying and location
 341 information outweighs any public benefit that may be derived
 342 from the disclosure of the information.

343 Section 4. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/21
Meeting Date

SB 1988
Bill Number (if applicable)

Topic Public Records

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe
Street

Phone 224 - 69 26

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 Committee on Ethics and Elections

BILL: SB 1890

INTRODUCER: Senator Rodrigues

SUBJECT: Campaign Financing

DATE: March 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Pre-meeting
2.			RC	

I. Summary:

The bill limits to \$1,000 contributions from a person or political committee to a political committee that is the sponsor of a constitutional amendment proposed by initiative. Political parties and affiliated party committees are not subject to the new contribution limit.

The new contribution limit will no longer apply once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill takes effect July 1, 2021.

II. Present Situation:

Political Committees

Florida law defines “political committee” to mean:

- A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:
 - Accepts contributions for the purpose of making contributions to any candidate,¹ political committee, affiliated party committee, or political party;
 - Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

¹ Section 106.011(3), F.S., defines “candidate” to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate’s oath as required by law. The definition excludes any candidate for a political party executive committee.

- Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
- Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party.
- The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.²

Each political committee must file a statement of organization within 10 days after its organization.³ A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis must file its statement of organization with the Department of State's Division of Elections.⁴

Each political committee must, through a designated campaign treasurer, file regular reports of all contributions received, and all expenditures made, by or on behalf of the political committee.⁵ Generally, such reports must include a list of specified information, including, but not limited to, the full name, address, and occupation, if any, of each person who made one or more contributions to or for such committee within the reporting period, together with the amount and date of such contributions.⁶

Proposed Constitutional Amendments, Generally

Amendments to the Florida Constitution can be proposed by five distinct methods: 1) joint legislative resolution, 2) the Constitutional Revision Commission, 3) citizens' initiative, 4) a constitutional convention, or 5) the Taxation and Budget Reform Commission.⁷ Depending on the method, all proposed amendments or revisions to the Florida Constitution must be submitted to the electors at the next general election held more than 90 days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, or for citizen initiatives, if all the required signatures were submitted prior to February 1 of the year in which the general election will be held.⁸

² Section 106.011(16)(a), F.S. The following entities are not considered political committees: 1) national political parties, the state and county executive committees of political parties, and affiliated party committees; 2) corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; or 3) electioneering communications organizations (s. 106.011(16)(b), F.S.).

³ Section 106.03(1)(a), F.S.

⁴ Section 106.03(3)(a), F.S.

⁵ Section 106.07(1), F.S.

⁶ Section 106.07(4)(a), F.S.

⁷ See FLA. CONST. art XI, ss. 1-4 and 6.

⁸ See FLA. CONST. art XI, s. 5.

The Florida Constitution mandates that all proposed amendments or revisions⁹ be adopted by at least a 60% affirmative vote of those electors voting on the measure.

Citizens' Initiatives

The Florida Constitution provides citizens the right to propose constitutional amendments through an initiative petition process.¹⁰ The process includes the following signature requirements:

- The total number of signatures must be equal to at least eight percent of the number of voters in the last presidential election.
- The signatures must come from voters in at least one-half of the congressional districts of the state.¹¹

The steps in the citizens' initiative petition process are as follows:

- The individual or group wishing to propose an amendment must register as a political committee with the Department of State's Division of Elections (Division).¹²
- The sponsoring political committee must submit its initiative petition form to the Division for approval of its format.¹³
- After the Division approves the format of a petition form, the Division assigns a serial number to the initiative petition.¹⁴
- After assignment of a serial number, the sponsoring political committee may begin circulating petitions for signature by registered Florida voters.¹⁵
- Each signed initiative petition form must be submitted by the sponsoring political committee to the supervisor of elections' office in the county of residence of the signer for signature verification.¹⁶
- When the sponsoring political committee has obtained specified thresholds for verified signatures,¹⁷ the Secretary of State (Secretary) sends the petition to the Attorney General,¹⁸ who must within 30 days of receipt petition the Florida Supreme Court (Court) for an advisory opinion as to whether the text of the proposed amendment complies with state constitutional requirements¹⁹, whether the proposed amendment is facially invalid under the United States Constitution, and whether the proposed ballot title and substance

⁹ When the Florida Constitution uses the word 'amendment' it is in reference to a section of the constitution, while the word 'revision' relates to one or more articles or the whole constitution. See FLA. CONST. art. XI, s. 1.

¹⁰ FLA. CONST. art. XI, s. 3.

¹¹ FLA. CONST. art. XI, s. 3.

¹² Section 100.371(2), F.S.

¹³ Rule 1S-2.009 (Constitutional Amendment by Initiative Petition), F.A.C.

¹⁴ *Id.*

¹⁵ See *id.* and s. 100.371(2), F.S.

¹⁶ Section 100.371(11)(a), F.S. Each signature must be verified by the relevant supervisor of elections. The sponsoring political committee must pay the actual cost of verification to the supervisor of elections.

¹⁷ The verified signatures on petitions must be equal to at least 25% of the number of signatures required statewide and in at least one-half of Florida's congressional districts.

¹⁸ Section 15.21, F.S.

¹⁹ FLA. CONST. art. XI, s. 3, in part limits citizens' initiatives (except those limiting the power of government to raise revenue) to a single subject.

comply with statutory requirements²⁰.²¹ The Secretary concurrently sends a copy of the petition to the Financial Impact Estimating Conference, which completes and submits to the Court a financial impact statement for the proposed amendment.²²

- By February 1 of the year of the general election, the Secretary determines whether the required number and distribution of signatures has been met.²³ If so, the Secretary issues a certificate of ballot position to the sponsoring political committee.²⁴ No later than the next day, the Division director assigns the designated number for the proposed amendment.²⁵

Political Contribution Limits

No person²⁶ or political committee (except for political parties or affiliated party committees²⁷) may contribute in excess of:

- \$3,000 to a candidate for statewide office or for retention as a Supreme Court Justice; or
- \$1,000 to a candidate for retention as a judge of a district court of appeal, a candidate for legislative office, a candidate for countywide office or in any election conducted on less than a countywide basis, or a candidate for county judge or circuit judge.²⁸

Florida law does not currently limit contributions to a political committee.

III. Effect of Proposed Changes:

The bill adds to existing contribution limits for persons and political committees to provide that a person or political committee may not contribute more than \$1,000 to a political committee that is the sponsor of a constitutional amendment proposed by initiative.

The new contribution limit will no longer apply once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill takes effect July 1, 2021.

²⁰ Section 101.161, F.S., provides format and content requirements for ballot titles and summaries. The ballot summary must be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title must consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. However, those requirements do not apply to amendments or revisions proposed by joint resolution of the Legislature. All proposals are subject to requirements pertaining to a financial impact statement that must be included in the ballot summary.

²¹ Section 16.061(1), F.S.

²² Section 100.371(13), F.S.

²³ Section 100.371(1), F.S.

²⁴ Section 100.371(12), F.S.

²⁵ Rule 1S-2.0011 (Constitutional Amendment Ballot Position), F.A.C.

²⁶ A “person” is an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity (s. 106.011(14), F.S.). The term includes a political party, affiliated party committee, or political committee.

²⁷ The leader of each political party conference of the House of Representatives and the Senate may establish a separate, affiliated party committee to support the election of candidates of the leader’s political party (s. 103.092(2), F.S.). Affiliated party committees are subject to the same provisions of ch. 106, F.S., as are political parties.

²⁸ Section 106.08(1)(a), F.S.

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

Not applicable. Bills that affect state or local elections are exempt from Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The United States Supreme Court has issued numerous opinions defining First Amendment freedom of speech limits on election laws, including some specifically related to ballot-initiative petitions.

The Court has concluded that the circulation of such petitions represents core political speech and merits the highest level of protection.²⁹ However, the Court also has recognized that regulation of elections is necessary to ensure fairness and order.³⁰ States allowing ballot initiatives have considerable leeway to protect the integrity and reliability of the initiative process, as they have with respect to election processes generally.³¹ So, restrictions on an initiative process will only be upheld against a First Amendment challenge if such restrictions “protect the integrity and reliability of the initiative process” and do not “unjustifiably inhibit the circulation of ballot-initiative petitions.”³²

In First Amendment challenges to laws governing initiative petitions, the Court has analyzed whether the restrictions in question significantly inhibit communication with voters about proposed political change and, if so, whether they are warranted by the state interests alleged to justify those restrictions.³³ A key factor considered by the Court in this context is whether the effect of the law will limit the number of persons who carry the initiative proponents’ message, and, consequently, reduce the size of the audience initiative proponents can reach.³⁴ In striking down a ban on paid petition circulators, the

²⁹ *Meyer v. Grant*, 486 U.S. 414 (1988).

³⁰ *Storer v. Brown*, 415 U.S. 724 (1974); see *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997); *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

³¹ *Biddulph v. Mortham*, 89 F.3d 1491 (11th Cir. 1996).

³² *Buckley v. American Constitutional Law Found., Inc.*, 525 U.S. 182 (1999).

³³ *Meyer*, 486 U.S. 414; *Buckley*, 525 U.S. 182 at 192.

³⁴ *Meyer*, 486 U.S. 414 at 422-423.

Court held that the challenged restriction reduced the chances that initiative proponents would gather signatures sufficient in number to qualify for the ballot, and thus limited proponents' ability to make the matter the focus of statewide discussion; the restriction imposed a burden on political expression that the state failed to justify.³⁵

Additional examples of initiative petition restrictions struck down by the Court include:

- A requirement that petition circulators be registered voters.³⁶
- A requirement that petition circulators wear a name badge.³⁷
- A requirement that initiative sponsors disclose specified information about all petition circulators.³⁸
- A \$250 limit on contributions to committees formed to support or oppose ballot measure referenda.³⁹

Examples of initiative petition restrictions upheld by the courts include:

- A minimum age requirement for petition circulators.⁴⁰
- A six-month limit on the time period in which petitions can be circulated.⁴¹
- A requirement that a circulator attach to each petition section an affidavit containing the circulator's identifying information and a statement that he or she has read and understands the laws governing the circulation of petitions.⁴²
- Single subject and unambiguous title requirements.⁴³
- A requirement that the names of contributors and the amounts contributed be disclosed.⁴⁴

This bill creates a limit on contributions to political committees sponsoring ballot initiatives during the time period in which the sponsoring committees are circulating petitions and attempting to gather a number of signatures sufficient to gain access to the ballot.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³⁵ *Meyer*, 486 U.S. 414 at 423-425.

³⁶ *Buckley*, 525 U.S. 182 at 197.

³⁷ *Buckley*, 525 U.S. 182 at 200.

³⁸ *Buckley*, 525 U.S. 182 at 204.

³⁹ *Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, California*, 102 U.S. 434 (1981). In this case, the Court determined that the restraint imposed by the ordinance on rights of association and in turn on individual and collective rights of expression contravened both the right of association and the speech guarantees of the First Amendment.

⁴⁰ *American Constitutional Law Found., Inc., v. Meyer*, 120 F.3d 1092 (10th Cir. 1997).

⁴¹ *Id.* at 1099.

⁴² *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1100.

⁴³ *Biddulph*, 89 F.3d 1491.

⁴⁴ *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1104-1105. Specifically, the court held that disclosure of the names of initiative sponsors, and of the amounts they had spent gathering support for their initiatives, responded to a substantial state interest in maintaining a check on domination of the initiative process by affluent special interest groups.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 106.08, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



395226

LEGISLATIVE ACTION

Senate

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House

The Committee on Ethics and Elections (Taddeo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 32
and insert:
political committee, \$1,000.

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

And the title is amended as follows:

Delete lines 4 - 7
and insert:



395226

11 made to political committees; providing an effective
12 date.

By Senator Rodrigues

27-01883A-21

20211890__

A bill to be entitled

An act relating to campaign financing; amending s. 106.08, F.S.; providing a limitation on contributions made to political committees sponsoring a constitutional amendment proposed by initiative; specifying conditions upon which the limitation no longer applies; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

1. To a candidate for statewide office or for retention as a justice of the Supreme Court, \$3,000. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; ~~or~~ a candidate for county court judge or circuit judge; or a political committee that is the sponsor of a constitutional amendment proposed by initiative, \$1,000. ~~However, the limitation on contributions for such a political committee no~~

Page 1 of 2

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

27-01883A-21

20211890__

longer applies once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed amendment.

Section 2. This act shall take effect July 1, 2021.

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.)

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

BILL: SB 1890

INTRODUCER: Senator Rodrigues

SUBJECT: Campaign Financing

DATE: March 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Pre-meeting
2.			RC	

I. Summary:

The bill limits to \$1,000 contributions from a person or political committee to a political committee that is the sponsor of a constitutional amendment proposed by initiative. Political parties and affiliated party committees are not subject to the new contribution limit.

The new contribution limit will no longer apply once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill takes effect July 1, 2021.

II. Present Situation:

Political Committees

Florida law defines “political committee” to mean:

- A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:
 - Accepts contributions for the purpose of making contributions to any candidate,¹ political committee, affiliated party committee, or political party;
 - Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

¹ Section 106.011(3), F.S., defines “candidate” to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate’s oath as required by law. The definition excludes any candidate for a political party executive committee.

- Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
- Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party.
- The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.²

Each political committee must file a statement of organization within 10 days after its organization.³ A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis must file its statement of organization with the Department of State's Division of Elections.⁴

Each political committee must, through a designated campaign treasurer, file regular reports of all contributions received, and all expenditures made, by or on behalf of the political committee.⁵ Generally, such reports must include a list of specified information, including, but not limited to, the full name, address, and occupation, if any, of each person who made one or more contributions to or for such committee within the reporting period, together with the amount and date of such contributions.⁶

Proposed Constitutional Amendments, Generally

Amendments to the Florida Constitution can be proposed by five distinct methods: 1) joint legislative resolution, 2) the Constitutional Revision Commission, 3) citizens' initiative, 4) a constitutional convention, or 5) the Taxation and Budget Reform Commission.⁷ Depending on the method, all proposed amendments or revisions to the Florida Constitution must be submitted to the electors at the next general election held more than 90 days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, or for citizen initiatives, if all the required signatures were submitted prior to February 1 of the year in which the general election will be held.⁸

² Section 106.011(16)(a), F.S. The following entities are not considered political committees: 1) national political parties, the state and county executive committees of political parties, and affiliated party committees; 2) corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; or 3) electioneering communications organizations (s. 106.011(16)(b), F.S.).

³ Section 106.03(1)(a), F.S.

⁴ Section 106.03(3)(a), F.S.

⁵ Section 106.07(1), F.S.

⁶ Section 106.07(4)(a), F.S.

⁷ See FLA. CONST. art XI, ss. 1-4 and 6.

⁸ See FLA. CONST. art XI, s. 5.

The Florida Constitution mandates that all proposed amendments or revisions⁹ be adopted by at least a 60% affirmative vote of those electors voting on the measure.

Citizens' Initiatives

The Florida Constitution provides citizens the right to propose constitutional amendments through an initiative petition process.¹⁰ The process includes the following signature requirements:

- The total number of signatures must be equal to at least eight percent of the number of voters in the last presidential election.
- The signatures must come from voters in at least one-half of the congressional districts of the state.¹¹

The steps in the citizens' initiative petition process are as follows:

- The individual or group wishing to propose an amendment must register as a political committee with the Department of State's Division of Elections (Division).¹²
- The sponsoring political committee must submit its initiative petition form to the Division for approval of its format.¹³
- After the Division approves the format of a petition form, the Division assigns a serial number to the initiative petition.¹⁴
- After assignment of a serial number, the sponsoring political committee may begin circulating petitions for signature by registered Florida voters.¹⁵
- Each signed initiative petition form must be submitted by the sponsoring political committee to the supervisor of elections' office in the county of residence of the signer for signature verification.¹⁶
- When the sponsoring political committee has obtained specified thresholds for verified signatures,¹⁷ the Secretary of State (Secretary) sends the petition to the Attorney General,¹⁸ who must within 30 days of receipt petition the Florida Supreme Court (Court) for an advisory opinion as to whether the text of the proposed amendment complies with state constitutional requirements¹⁹, whether the proposed amendment is facially invalid under the United States Constitution, and whether the proposed ballot title and substance

⁹ When the Florida Constitution uses the word 'amendment' it is in reference to a section of the constitution, while the word 'revision' relates to one or more articles or the whole constitution. *See* FLA. CONST. art. XI, s. 1.

¹⁰ FLA. CONST. art. XI, s. 3.

¹¹ FLA. CONST. art. XI, s. 3.

¹² Section 100.371(2), F.S.

¹³ Rule 1S-2.009 (Constitutional Amendment by Initiative Petition), F.A.C.

¹⁴ *Id.*

¹⁵ *See id.* and s. 100.371(2), F.S.

¹⁶ Section 100.371(11)(a), F.S. Each signature must be verified by the relevant supervisor of elections. The sponsoring political committee must pay the actual cost of verification to the supervisor of elections.

¹⁷ The verified signatures on petitions must be equal to at least 25% of the number of signatures required statewide and in at least one-half of Florida's congressional districts.

¹⁸ Section 15.21, F.S.

¹⁹ FLA. CONST. art. XI, s. 3, in part limits citizens' initiatives (except those limiting the power of government to raise revenue) to a single subject.

comply with statutory requirements²⁰.²¹ The Secretary concurrently sends a copy of the petition to the Financial Impact Estimating Conference, which completes and submits to the Court a financial impact statement for the proposed amendment.²²

- By February 1 of the year of the general election, the Secretary determines whether the required number and distribution of signatures has been met.²³ If so, the Secretary issues a certificate of ballot position to the sponsoring political committee.²⁴ No later than the next day, the Division director assigns the designated number for the proposed amendment.²⁵

Political Contribution Limits

No person²⁶ or political committee (except for political parties or affiliated party committees²⁷) may contribute in excess of:

- \$3,000 to a candidate for statewide office or for retention as a Supreme Court Justice; or
- \$1,000 to a candidate for retention as a judge of a district court of appeal, a candidate for legislative office, a candidate for countywide office or in any election conducted on less than a countywide basis, or a candidate for county judge or circuit judge.²⁸

Florida law does not currently limit contributions to a political committee.

III. Effect of Proposed Changes:

The bill adds to existing contribution limits for persons and political committees to provide that a person or political committee may not contribute more than \$1,000 to a political committee that is the sponsor of a constitutional amendment proposed by initiative.

The new contribution limit will no longer apply once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed constitutional amendment.

The bill takes effect July 1, 2021.

²⁰ Section 101.161, F.S., provides format and content requirements for ballot titles and summaries. The ballot summary must be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title must consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. However, those requirements do not apply to amendments or revisions proposed by joint resolution of the Legislature. All proposals are subject to requirements pertaining to a financial impact statement that must be included in the ballot summary.

²¹ Section 16.061(1), F.S.

²² Section 100.371(13), F.S.

²³ Section 100.371(1), F.S.

²⁴ Section 100.371(12), F.S.

²⁵ Rule 1S-2.0011 (Constitutional Amendment Ballot Position), F.A.C.

²⁶ A “person” is an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity (s. 106.011(14), F.S.). The term includes a political party, affiliated party committee, or political committee.

²⁷ The leader of each political party conference of the House of Representatives and the Senate may establish a separate, affiliated party committee to support the election of candidates of the leader’s political party (s. 103.092(2), F.S.). Affiliated party committees are subject to the same provisions of ch. 106, F.S., as are political parties.

²⁸ Section 106.08(1)(a), F.S.

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

Not applicable. Bills that affect state or local elections are exempt from Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The United States Supreme Court has issued numerous opinions defining First Amendment freedom of speech limits on election laws, including some specifically related to ballot-initiative petitions.

The Court has concluded that the circulation of such petitions represents core political speech and merits the highest level of protection.²⁹ However, the Court also has recognized that regulation of elections is necessary to ensure fairness and order.³⁰ States allowing ballot initiatives have considerable leeway to protect the integrity and reliability of the initiative process, as they have with respect to election processes generally.³¹ So, restrictions on an initiative process will only be upheld against a First Amendment challenge if such restrictions “protect the integrity and reliability of the initiative process” and do not “unjustifiably inhibit the circulation of ballot-initiative petitions.”³²

In First Amendment challenges to laws governing initiative petitions, the Court has analyzed whether the restrictions in question significantly inhibit communication with voters about proposed political change and, if so, whether they are warranted by the state interests alleged to justify those restrictions.³³ A key factor considered by the Court in this context is whether the effect of the law will limit the number of persons who carry the initiative proponents’ message, and, consequently, reduce the size of the audience initiative proponents can reach.³⁴ In striking down a ban on paid petition circulators, the

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³¹ *Biddulph v. Mortham*, 89 F.3d 1491 (11th Cir. 1996).

³² *Buckley v. American Constitutional Law Found., Inc.*, 525 U.S. 182 (1999).

³³ *Meyer*, 486 U.S. 414; *Buckley*, 525 U.S. 182 at 192.

³⁴ *Meyer*, 486 U.S. 414 at 422-423.

Court held that the challenged restriction reduced the chances that initiative proponents would gather signatures sufficient in number to qualify for the ballot, and thus limited proponents' ability to make the matter the focus of statewide discussion; the restriction imposed a burden on political expression that the state failed to justify.³⁵

Additional examples of initiative petition restrictions struck down by the Court include:

- A requirement that petition circulators be registered voters.³⁶
- A requirement that petition circulators wear a name badge.³⁷
- A requirement that initiative sponsors disclose specified information about all petition circulators.³⁸
- A \$250 limit on contributions to committees formed to support or oppose ballot measure referenda.³⁹

Examples of initiative petition restrictions upheld by the courts include:

- A minimum age requirement for petition circulators.⁴⁰
- A six-month limit on the time period in which petitions can be circulated.⁴¹
- A requirement that a circulator attach to each petition section an affidavit containing the circulator's identifying information and a statement that he or she has read and understands the laws governing the circulation of petitions.⁴²
- Single subject and unambiguous title requirements.⁴³
- A requirement that the names of contributors and the amounts contributed be disclosed.⁴⁴

This bill creates a limit on contributions to political committees sponsoring ballot initiatives during the time period in which the sponsoring committees are circulating petitions and attempting to gather a number of signatures sufficient to gain access to the ballot.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³⁵ *Meyer*, 486 U.S. 414 at 423-425.

³⁶ *Buckley*, 525 U.S. 182 at 197.

³⁷ *Buckley*, 525 U.S. 182 at 200.

³⁸ *Buckley*, 525 U.S. 182 at 204.

³⁹ *Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, California*, 102 U.S. 434 (1981). In this case, the Court determined that the restraint imposed by the ordinance on rights of association and in turn on individual and collective rights of expression contravened both the right of association and the speech guarantees of the First Amendment.

⁴⁰ *American Constitutional Law Found., Inc., v. Meyer*, 120 F.3d 1092 (10th Cir. 1997).

⁴¹ *Id.* at 1099.

⁴² *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1100.

⁴³ *Biddulph*, 89 F.3d 1491.

⁴⁴ *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1104-1105. Specifically, the court held that disclosure of the names of initiative sponsors, and of the amounts they had spent gathering support for their initiatives, responded to a substantial state interest in maintaining a check on domination of the initiative process by affluent special interest groups.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 106.08, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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 Committee on Ethics and Elections

BILL: SB 1704

INTRODUCER: Senator Broxson

SUBJECT: Public Records/County Supervisor of Elections

DATE: March 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rey	Roberts	EE	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1704 expands an existing public records exemption in the Information Technology (IT) Security Act for portions of records which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, to also make such information confidential and exempt when held by the supervisors of elections.

The expanded public records exemption shall stand repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature.

The bill provides a statement of public necessity as required by the Florida Constitution.

Because the bill expands a public records exemption, it requires a two-thirds vote of members present and voting in each house of the Legislature for final passage.

The bill takes effect upon becoming law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employees of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

¹ FLA. CONST., art. I, s. 24(a)

² *Id.*

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass a two-thirds vote of the House and Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So.2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2) – (3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public records” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the person or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

be released by the records custodian only under the circumstances defined by the Legislature. Records designed as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁷ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided by law.¹⁸

Information Technology Security Act

The IT Security Act¹⁹ requires the Department of Management Services (DMS) and the heads of state agencies²⁰ to meet certain requirements to enhance the IT²¹ security of state agencies. Specifically, the act provides that DMS is responsible for establishing standards and processes

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So.3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ FLA CONST., art I, s. 24(c).

¹⁸ Section 119.15(7), F.S.

¹⁹ Section 282.318, F.S.

²⁰ Section 282.0041(3), F.S. “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term does not include university boards of trustees or state universities. For purposes of the IT Security Act, the term includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. Section 282.318(2), F.S.

²¹ The term “information technology” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, received, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form. Section 282.0041(14), F.S.

consistent with generally accepted best practices for IT security,²² including cybersecurity, and adopting rules that safeguard and agency's data, information, and IT resources to ensure availability, confidentiality, and integrity and to mitigate risks.²³ In addition, DMS must:

- Designate a state chief information security officer;
- Develop, and annually update, a statewide IT security strategic plan;
- Develop and publish an IT security framework for state agencies;
- Collaborate with the Cybercrime Office within the Florida Department of Law Enforcement (FDLE) in providing training for state agency information security managers; and
- Annually review the strategic and operational IT security plans of executive branch agencies.²⁴

The IT Security Act requires the head of each state agency to designate an information security manager to administer the IT security program of the state agency.²⁵ In addition, the head of each state agency must annually submit to DMS the state agency's strategic and operational IT security plans; conduct, and update every three years, a comprehensive risk assessment to determine the security threats to data, information, and IT resources of the state agency; develop, and periodically update, written internal policies and procedures, including procedures for reporting IT security incidents and breaches; and ensure that periodic internal audits and evaluations of the agency's IT security program for the data, information, and IT resources are conducted.²⁶

Public Records Exemptions under the IT Security Act

The IT Security Act provides that state agency information is confidential and exempt from public records requirements, including:

- Portions of records held by a state agency which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:
 - Physical or virtual data or information; or
 - IT resources, including information relating to the security of the state agency's technologies, processes designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or physical or virtual security information that relates to the state agency's existing or proposed IT systems.²⁷

²² The term "information technology security" means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability, and confidentiality of data, information, and information technology resources. Section 282.0041(17), F.S.

²³ Section 282.318(3), F.S.

²⁴ *Id.*

²⁵ Section 282.318(4)(a), F.S.

²⁶ Section 282.318(4), F.S.

²⁷ Section 282.318(5), F.S.

The confidential and exempt information must be available to the Auditor General, the Cybercrime Office within FDLE, the Florida Digital Service²⁸ within DMS, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.²⁹ In addition, the records may be made available to a local government, another state agency, or a federal agency for IT security purposes or in the furtherance of the state agency's official duties.³⁰

III. Effect of Proposed Changes:

The bill expands the existing public records exemption for portions of records which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, to provide that the information is also confidential and exempt when held by supervisors of elections. Such information held by supervisors of elections would only be available as provided in the IT Security Act.

The IT Security Act provides for retroactive application of public records exemption for records concerning network schematics, hardware and software configurations, or encryption.

This exemption will be repealed on October 2, 2025,³¹ unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the Florida Constitution.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for passage of a newly created or expanded public record or public meeting exemption. Therefore, this bill requires a two-thirds vote for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a bill that creates or expands an exemption to public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

²⁸ The Division of State Technology is a subdivision of the DMS and is charged with overseeing the state's IT resources. Section 20.22(2)(b), F.S.

²⁹ Sections 282.318(4)(d), (e), (g), (j), 282.318(5), and 282.318(6), F.S.

³⁰ *Id.*

³¹ Section 282.318(10), F.S.

Breadth of Exemption

Article I, s. 24(c) of the Florida Constitution requires a newly created record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill expands a public records exemption to allow supervisors of elections to exempt records relating to IT security from public disclosures. If such information is released, it could result in security breaches and fraud impacting the electoral process. Thus, the bill does not appear to be in conflict with the constitutional requirement that an exemption be no broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The private sector will be subject to the cost, to the extent imposed, associated with the agency making redactions in response to public records requests.

C. Government Sector Impact:

The bill may have a fiscal impact on agencies relating to training or redaction of the newly confidential and exempt information. However, costs are likely minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 282.318.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Broxson

1-01547-21

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A bill to be entitled

An act relating to public records; amending s.

282.318, F.S.; expanding a public records exemption

for portions of records containing network schematics,

hardware and software configurations, or encryption to

include those records held by a county supervisor of

elections; providing for retroactive application;

providing a statement of public necessity; providing

an effective date.

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

Section 1. Subsections (5) and (9) of section 282.318, Florida Statutes, are amended, and subsections (8) and (10) of that section are republished, to read:

282.318 Security of data and information technology.—

(5) Portions of records held by a state agency or a supervisor of elections which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

(a) Data or information, whether physical or virtual; or

(b) Information technology resources, which includes:

1. Information relating to the security of the agency's

1-01547-21

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technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

2. Security information, whether physical or virtual, which relates to the agency's existing or proposed information technology systems.

(8) The portions of records made confidential and exempt in subsections (5), (6), and (7) shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a federal agency for information technology security purposes or in furtherance of the state agency's official duties.

(9) The exemptions contained in subsections (5), (6), and (7) apply to records held by a state agency or a supervisor of elections before, on, or after the effective date of this exemption.

(10) Subsections (5), (6), and (7) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the portions of records of a supervisor of elections which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including

1-01547-21

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59 suspected or confirmed breaches, which could be used to
60 facilitate unauthorized access to or unauthorized modification,
61 disclosure, or destruction of virtual or physical data or
62 information or information technology resources be made
63 confidential and exempt from s. 119.07(1), Florida Statutes, and
64 s. 24(a), Article I of the State Constitution. Such information
65 could be used as a tool to influence elections, frustrate the
66 voting process, manipulate election results, or otherwise
67 interfere with the administration of elections. If such
68 information was released, it could result in an increase in
69 security breaches and fraud impacting the electoral process. For
70 these reasons, the Legislature finds that it is a public
71 necessity that such information be made confidential and exempt
72 from public records requirements.

73 Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/16

Meeting Date

1704

Bill Number (if applicable)

Topic PUBLIC RECORDS

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title ATTORNEY

Address 120 S. MONROE ST.

Phone 850 727 7087

Street

TAUAHASSEE

FL

32301

City

State

Zip

Email david@rambalaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA 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.

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 110
Caption: Senate Ethics and Elections Committee

Type:
Judge:

Started: 3/16/2021 3:32:21 PM
Ends: 3/16/2021 3:41:19 PM
Length: 00:08:59

3:32:19 PM Meeting called to order
3:32:24 PM Roll call
3:32:26 PM A quorum is present
3:32:49 PM Chair Baxley gives instruction to the public regarding speaking from the Civic Center
3:33:40 PM TP (temporarily postponed) of SB 1890 on tab 11 Campaign Financing by Senator Rodrigues
3:33:51 PM The motion is adopted
3:34:05 PM Take up tabs 1-9: Confirmation of Appointments
3:34:18 PM Chair Baxley moves to have one vote on all appointments
3:34:28 PM Motion to recommend confirmation
3:34:37 PM Senator Taddeo moves to recommend conformation of tabs 1-9 - Names are: Florida Commission on Community Service appointees: Cardoch, Lynette (Miami) and Morrow, Amanda (Ponte Verdra). Board of Trustees of Northwest Florida State College appointees: Henderson, Fox Reynolds (Watersound). Board of Trustees of Polk State College appointees: Littleton, Gregory A. (Winter Haven) and Martinez, Teresa (Lakeland). Education Practices Commission appointees: Boyce, Teresa L. (Melbourne). Florida Commission on Human Relations appointees: Payne, Pamela (Jacksonville). Board of Optometry appointees: Kepley, Stephen R. (Vero Beach). Board of Pharmacy appointees: Segovia, Dorinda (Hialeah). Board of Psychology appointees: Weinstein, Seema (Tampa). Florida Real Estate Commission appointees: Blakinston, Patricia Fitzgerald (Jupiter) and Schwatz, Randy James (Winter Springs).
3:35:00 PM Appointments on tabs 1-9 are recommended favorably
3:35:17 PM Tab 10; Senate Bill 1488 Public Record/ Members of the Legislature and the Cabinet by Senator Stargel
3:35:28 PM Bill is explained by Senator Stargel
3:35:58 PM Questions on the bill: none
3:36:03 PM Public appearances: none
3:36:18 PM Anyone at the Civic Center wishing to speak: no
3:36:28 PM Debate on the bill: no
3:36:31 PM Senator Stargel waives close
3:36:43 PM Roll call on SB1488. The bill is reported favorably
3:37:16 PM Take up tab 12; Senate Bill 1704 Public records/ County Supervisor of Elections
3:37:32 PM by Senator Broxson
3:37:40 PM Bill is explained
3:37:47 PM Questions on the bill: none
3:38:47 PM Public appearances by:
3:38:54 PM Attorney David Ramba
3:38:59 PM Representing the Florida Supervisor of Elections speaks in support
3:39:22 PM Debate on the bill: none
3:39:34 PM Senator Broxson waives close
3:39:40 PM Roll call on SB 1704. The bill is reported favorably
3:40:11 PM Are there any Senators who move to be shown voting for a missed bill
3:40:22 PM Senator Bracy Moves to be shown vote yea on tab 1-9: on tab 10 SB 1488 votes no
3:40:45 PM The motion is adopted
3:40:49 PM Chair Baxley finds no further business for the Committee
3:40:55 PM Senator Bracy moves to adjourn. We are adjourned