

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

**RULES SUBCOMMITTEE ON ETHICS AND ELECTIONS**

**Senator Diaz de la Portilla, Chair**

**Senator Detert, Vice Chair**

**MEETING DATE:** Monday, January 23, 2012

**TIME:** 5:00 —6:00 p.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1560</b> Thrasher (Compare S 304)	Ethical Requirements for Public Officers; Providing a restriction on employment with state universities or Florida College System institutions for a member of the Legislature; requiring that a member of the Legislature surrender employment with a state university or a Florida College System institution before seeking reelection; providing that a public officer holding an economic interest in a qualified blind trust does not have a conflict of interest with matters pertaining to that economic interest; requiring that the Commission on Ethics review the information contained in the public disclosure of financial interests filed by public officers, etc.  EE      01/23/2012 Favorable RC HE	Favorable Yeas 7 Nays 6
2	<b>SB 1596</b> Diaz de la Portilla (Similar H 1177, Compare H 1461)	Elections; Removing a provision prohibiting the use of the address appearing on the identification presented by an elector as a basis for confirming or challenging the elector's legal residence; requiring that tickets and advertising for campaign fund raisers comply with the requirements for political advertisements; revising the information that is required to appear on a bank account for the deposit of funds received by a campaign treasurer for a candidate or political committee; revising the information that is required to appear on bank account checks of candidates or political committees; revising the information that is used to determine whether debit cards are considered bank checks, etc.  EE      01/23/2012 Fav/CS RC	Fav/CS Yeas 13 Nays 0
3	<b>SB 2018</b> Rules Subcommittee on Ethics and Elections (Identical H 1411)	Primary Election Date; Decreasing the period between the primary election and the general election in each year in which a general election is held, etc.  EE      01/23/2012 Temporarily Postponed RC	Temporarily Postponed

Other Related Meeting Documents

**COMMITTEE MEETING EXPANDED AGENDA**

Rules Subcommittee on Ethics and Elections

Monday, January 23, 2012, 5:00 —6:00 p.m.

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

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

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

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BILL: SB 1560

INTRODUCER: Senator Thrasher and Senator Gaetz

SUBJECT: An act relating to ethical requirements for public officers

DATE: January 18, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Favorable</b>
2.			RC	
3.			HE	
4.				
5.				
6.				

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**I. Summary:**

Senate Bill 1560 provides that a member of the Legislature may not work for, or contract with, a state university or State College System institution while in office or for two years after leaving office. This restriction does not apply to members working for a state university or State College System institution on July 1, 2012.

Senate Bill 1560 authorizes public officers to place their assets in a blind trust. The blind trust must meet certain minimum requirements concerning the contents of the trust agreement and who can serve as trustee. If a public officer places assets in a blind trust, those assets would not give rise to certain conflicts of interest and voting conflicts. The public officer would be required to make certain disclosures concerning the blind trust on his or her annual financial disclosure. The bill also limits the communications between the public officer and the trustee. Finally, the public officer is required to file a notice of the blind trust with the Commission.

Senate Bill 1560 also creates an initial screening process for financial disclosure filings of elected constitutional officers. The bill requires the Florida Commission on Ethics ("Commission") to review timely-filed financial disclosures of elected constitutional officers, along with any supporting documents provided, to determine if the filing is sufficient. The Commission would be required to notify filers whether their disclosures are sufficient by July 31, and provides 30 days for the official to correct the filing without penalty. Also, if information is omitted from the form which is required to be disclosed, and that information was contained in the supporting documentation filed with the Commission but was not caught by the Commission, the officer shall not be liable for fines or penalties.

Senate Bill 1560 also requires two additional public officers to file an annual statement of financial interests.

This bill creates s. 112.3131, F.S., and s. 112.3142, F.S. Also, the bill amends s. 112.3144, F.S., and s. 112.3145, F.S.

## **II. Present Situation:**

### **Restrictions on Legislators:**

Members of the Florida Legislature are subject to the standards of conduct within Article II, s. 8, Florida Constitution, and the Code of Ethics for Public Officers and Employees in Part III, Chapter 112, Florida Statutes. Several provisions are specifically applicable to members of the Legislature. For example, members of the Florida Legislature are prohibited from personally representing any person or entity for compensation before any state agency other than judicial tribunals.<sup>1</sup> Members of the Legislature are also prohibited from personally representing another person or entity for compensation before their former agency for a period of two years after leaving office.<sup>2</sup> Additionally, members are subject to the legislative expenditure ban in s. 11.045, F.S. However, there are currently no prohibitions on members being employed with state government, local government, or any other political subdivision of the state.

### **Nineteenth Statewide Grand Jury Recommendations:**

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

#### **A. Blind Trusts**

One recommendation of the Nineteenth Statewide Grand Jury was to allow public officers to create a blind trust in order to avoid certain conflicts of interest. Currently, there is no provision of the Florida Statutes addressing the use of blind trusts by public officers.

#### **B. New Financial Disclosure Filers**

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

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<sup>1</sup> Article II, s. 8(e), Florida Constitution, and s. 112.313(9), F.S.

<sup>2</sup> *Id.*

**Financial Disclosure:**

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

The Commission serves as the depository for the financial disclosure filings of state officers or employees. Those who serve at a local level file their financial disclosure with the local supervisor of elections. The Commission and supervisors of elections are statutorily required to assist each other in identifying those subject to the financial disclosure requirement, providing notice to those individuals, and tracking receipt of financial disclosures. In the event that an individual fails to timely file his or her financial disclosure, the Commission imposes an automatic fine of \$25 per day for failure to timely file financial disclosure. The automatic fine is capped at \$1,500. Neither the Commission nor the supervisor of elections is required to examine the financial disclosure filings.

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

**III. Effect of Proposed Changes:****Restrictions on Legislators:**

Senate Bill 1560 creates s. 112.3131, F.S., which prohibits a member of the Legislature from being employed by, or contracting with, a state university<sup>3</sup> or a Florida College System institution<sup>4</sup>. The bill also prohibits a member of the Legislature from having employment or a contractual relationship with a state university or Florida College System institution for a period of two years after leaving office.

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<sup>3</sup> The term "state university" is defined in s. 1000.21(6), F.S., and includes the University of Florida, Florida State University, the University of South Florida, among others.

<sup>4</sup> The term "Florida College System institution" is defined in s. 1000.21(3), F.S., and includes Brevard Community College, Tallahassee Community College, Polk State College, among others.

Members who serve in the Legislature and have employment with a state university or a Florida College System institution on July 1, 2012 are “grandfathered out.” This “grandfathering” applies to the member’s current term on the effective date of the bill. Before seeking reelection, the member must surrender his or her employment with the state university or Florida College System institution.

### **Financial Disclosure:**

The bill amends s. 112.3144, F.S., concerning the filing of annual full and public disclosure of the interests by elected constitutional officers. Specifically, the bill requires the Commission to review any full and public disclosure of financial interests filed by an elected constitutional officer no later than 5:00 p.m. on July 1. The Commission is required to compare the form and any other supplemental or supporting documentation provided by the filer to determine whether the filing is sufficient. The Commission must then notify the filer whether his or her disclosure is sufficient. If the filing is sufficient, the Commission accepts the filing and shall consider the disclosure to be filed as of the date received.

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

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

### **Nineteenth Statewide Grand Jury Recommendations:**

#### **A. Blind Trusts**

Senate Bill 1560 permits public officers to create a blind trust and place their assets into the blind trust. When a public officer places assets into a blind trust, the public officer gives the trustee the authority to dispose of the assets and the public officer must not attempt to influence or exert control over decisions regarding the management of the trust. However, the public officer may make requests for distributions, communicate with the trustee concerning his or her financial needs, and provide instructions to sell certain assets originally placed in the trust if the public officer is subsequently prohibited by law from holding the assets. The public officer would also

be entitled to enough information from the trustee to prepare their personal income tax statements. The public officer would be required to disclose the blind trust as an asset on his or her financial disclosure form. The public officer would also be required to disclose as primary income any income exceeding the thresholds for reporting.

Senate Bill 1560 also specifies that certain relatives and other individuals may not serve as a trustee. The bill also specifies that the trust agreement must contain a statement of purpose namely, to remove control and knowledge of the investments so that conflicts between the grantor's responsibilities as a public officer and his or her private interests will be eliminated. The trust agreement must also give the trustee complete control over the assets including the power to dispose of and acquire property. The agreement must also specify that communications concerning the trust holdings or sources of income are prohibited. The agreement must also specify that the trust tax return is to be prepared by the trustee and information relating to the trust is not to be disclosed to the public officer.

The public officer must notify the Florida Commission on Ethics that the trust was created within 5 business days. The notice to the Commission must set forth the date the agreement was executed; the name and address of the trustee; and acknowledgement that he or she has agreed to serve as the trustee. Under the provisions of the bill, public officers would not have to have their blind trusts "qualified" by the Commission on Ethics.

The benefit of creating a blind trust is that the assets placed in the trust would not give rise to certain conflicts of interests. Specifically, assets in the trust would not create a violation of the prohibition on doing business with one's own agency in s. 112.313(3), F.S.; would not give rise to a conflicting employment or contractual relationship which would be prohibited in s. 112.313(7), F.S.; and the assets in the blind trust would not give rise to a voting conflict of interests under s. 112.3143, F.S.

#### B. New Financial Disclosure Filers

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

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

None.

**B. Amendments:**

None.



By Senator Thrasher

8-01444A-12

20121560

1 A bill to be entitled  
 2 An act relating to ethical requirements for public  
 3 officers; creating s. 112.3131, F.S.; providing a  
 4 restriction on employment with state universities or  
 5 Florida College System institutions for a member of  
 6 the Legislature; providing an exception; requiring  
 7 that a member of the Legislature surrender employment  
 8 with a state university or a Florida College System  
 9 institution before seeking reelection; creating s.  
 10 112.3142, F.S.; providing a legislative finding;  
 11 providing that a public officer holding an economic  
 12 interest in a qualified blind trust does not have a  
 13 conflict of interest with matters pertaining to that  
 14 economic interest; providing guidelines for  
 15 communications and management relating to the  
 16 qualified blind trust, to the public officer and  
 17 persons having a beneficial interest in the trust, and  
 18 to the trustee; requiring that a public officer report  
 19 any beneficial interest in a qualified blind trust on  
 20 required financial disclosure forms; requiring that a  
 21 qualified blind trust meet certain criteria; providing  
 22 criteria for the trust agreement; requiring that the  
 23 public officer notify the Commission on Ethics of the  
 24 trust agreement within a specified time; providing  
 25 criteria for the notice; amending s. 112.3144, F.S.;  
 26 requiring that the Commission on Ethics review the  
 27 information contained in the public disclosure of  
 28 financial interests filed by public officers;  
 29 requiring that the commission notify the public

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

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30 officer of specific insufficiencies in the disclosure  
 31 under certain circumstances; requiring that, upon  
 32 receipt of the notice of insufficiency, the public  
 33 officer file an amended or corrected disclosure by a  
 34 specified date; providing that the amended or  
 35 corrected disclosure is not subject to a sufficiency  
 36 review; providing that the officer is subject to an  
 37 automatic fine if the amended or corrected disclosure  
 38 is not filed by a specified date; providing for appeal  
 39 of the fine; providing that a public officer is  
 40 entitled to a sufficiency review only if the  
 41 disclosure of financial interests is timely filed;  
 42 authorizing the commission to delegate sufficiency  
 43 review duties to its staff; amending s. 112.3145,  
 44 F.S.; adding a community redevelopment agency board  
 45 and persons holding the position of finance director  
 46 of a county, municipality, or other political  
 47 subdivision to the definition of the term "local  
 48 officer" for the purpose of disclosing financial  
 49 interests and clients represented before an agency;  
 50 providing an effective date.

51  
 52 Be It Enacted by the Legislature of the State of Florida:

53  
 54 Section 1. Section 112.3131, Florida Statutes, is created  
 55 to read:  
 56 112.3131 Restriction on employment with state universities  
 57 or Florida College System institutions.—  
 58 (1) A member of the Legislature may not be employed by, or

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

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have a contractual relationship with, a state university or a Florida College System institution while serving in the Legislature. A member of the Legislature may not become employed by, or have a contractual relationship with, a state university or a Florida College System institution for a period of 2 years after leaving service in the Legislature.

(2) This section does not apply to any member of the Legislature employed by a state university or a Florida College System institution on July 1, 2012. However, the member of the Legislature shall surrender his or her employment before seeking reelection.

Section 2. Section 112.3142, Florida Statutes, is created to read:

112.3142 Qualified blind trusts.-

(1) The Legislature finds that if a public officer creates a trust and does not control the interests held by the trust, his or her official actions will not be influenced or appear to be influenced by private considerations.

(2) If a public officer holds an economic interest in a qualified blind trust as described in this section, he or she does not have a conflict of interest prohibited under s. 112.313(3) or (7) or a voting conflict of interest under s. 112.3143 with regard to matters pertaining to that economic interest.

(3) The public officer may not attempt to influence or exercise any control over decisions regarding the management of assets in a qualified blind trust. The public officer or any person having a beneficial interest in the qualified blind trust may not make any effort to obtain information with respect to

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the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto, except as otherwise provided in this section.

(4) Except for communications that consist solely of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication with respect to the trust between the public officer or any person having a beneficial interest in the qualified blind trust and the trustee, unless such communication is in writing and unless it relates only to:

(a) A request for a distribution from the trust which does not specify whether the distribution is to be made in cash or in kind;

(b) The general financial interests and needs of the public officer or a person having a beneficial interest, including, but not limited to, an interest in maximizing income or long-term capital gain;

(c) A notification of the trustee of a law or regulation subsequently applicable to the public officer which prohibits the officer from holding an asset and which notification directs that the asset not be held by the trust; or

(d) A direction to the trustee to sell all of an asset initially placed in the trust by the public officer which, in the determination of the public officer, creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the public officer.

(5) The public officer shall report as an asset on his or her financial disclosure forms the beneficial interest in the qualified blind trust and its value, if the value is required to

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117 be disclosed. The public officer shall report the blind trust as  
 118 a primary source of income on his or her financial disclosure  
 119 forms and its amount, if the amount of income is required to be  
 120 disclosed. The public officer is not required to report as a  
 121 secondary source of income any source of income to the blind  
 122 trust.

123 (6) In order to constitute a qualified blind trust, the  
 124 trust must be established by the public officer and meet the  
 125 following requirements:

126 (a) The person appointed as a trustee must not be:

127 1. The public officer's spouse, child, parent, grandparent,  
 128 grandchild, brother, sister, parent-in-law, brother-in-law,  
 129 sister-in-law, aunt, uncle, or first cousin, or the spouse of  
 130 any such person;

131 2. A person who is an elected or appointed public officer  
 132 or a public employee; or

133 3. A person who has been appointed to serve in an agency by  
 134 the public officer or by a public officer or public employee  
 135 supervised by the public officer.

136 (b) The trust agreement that establishes the trust must:

137 1. Contain a statement that its purpose is to remove from  
 138 the grantor control and knowledge of investment of trust assets  
 139 so that conflicts between the grantor's responsibilities as a  
 140 public officer and his or her private interests will be  
 141 eliminated.

142 2. Give the trustee complete discretion to manage the  
 143 trust, including, but not limited to, the power to dispose of  
 144 and acquire trust assets without consulting or notifying the  
 145 covered public officer or any person having a beneficial

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146 interest in the trust.

147 3. Prohibit communication between the trustee and the  
 148 public officer and any person having a beneficial interest in  
 149 the trust concerning the holdings or sources of income of the  
 150 trust, except amounts of cash value or net income or loss, if  
 151 such report does not identify any asset or holding, except as  
 152 provided in this section.

153 4. Provide that the trust tax return is prepared by the  
 154 trustee or his or her designee and that any information relating  
 155 thereto is not disclosed to the public officer or to any other  
 156 beneficiary, except as provided in this section.

157 5. Permit the trustee to notify the public officer of the  
 158 date of disposition and value at disposition of any original  
 159 investment or interest in real property to the extent required  
 160 by federal tax law so that the information can be reported on  
 161 the public officer's applicable tax returns.

162 6. Prohibit the trustee from disclosing to the public  
 163 officer and any person having a beneficial interest in the trust  
 164 any information concerning replacement assets to the trust,  
 165 except for the minimum tax information that lists only the  
 166 totals of taxable items from the trust and does not describe the  
 167 source of individual items of income.

168 (c) Within 5 business days after the agreement is executed,  
 169 the public officer shall file a notice with the commission  
 170 setting forth:

171 1. The date that the agreement was executed;

172 2. The name and address of the trustee; and

173 3. The acknowledgement by the trustee that he or she has  
 174 agreed to serve as trustee.

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Section 3. Subsection (1) of section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1)(a) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

(b) The commission shall review the information contained in each full and public disclosure of financial interests of, and any supporting or supplemental documentation filed concurrently by, an elected constitutional officer to determine whether the officer's disclosure is sufficient; provided that the commission receives the filing by July 1.

(c)1. If the commission determines that the officer's disclosure is insufficient, the commission must send a notice by certified mail to the officer no later than 30 days after July 1. The notice must identify the specific insufficiency and state with particularity the basis for the determination.

2. Upon receipt of the notice of insufficiency, the officer must file an amended or corrected disclosure no later than September 1 of that year, which is not subject to sufficiency review. If the officer fails to file the amended or corrected disclosure by September 1, the automatic fine provided for in this section will begin to accrue. Any such officer accruing an automatic fine may appeal it as provided in subsection (5).

3. A complaint may not be filed alleging a violation of this section for any insufficiency identified pursuant to subparagraph 1. unless such insufficiency remains uncorrected

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after September 1.

(d) If the commission finds the disclosure legally sufficient, the commission must send a notice of sufficiency by certified mail to the officer no later than 30 days after July 1. To the extent that the disclosure of financial interests and the accompanying documentation filed with the commission fully identify all information that is required to be disclosed, an officer whose disclosure is sufficient is not liable for any fines or penalties for a violation of this section.

(e) If an officer's full and public disclosure of financial interests is not received by 5 p.m. on July 1, the officer is not entitled to a sufficiency review.

(f) The commission may delegate to its staff the authority to conduct the sufficiency reviews required in this subsection.

Section 4. Paragraph (a) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) "Local officer" means:

1. Any ~~Every~~ person who is elected to office in any political subdivision of the state ~~or, and every person~~ who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:

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233 a. The governing body of the political subdivision, if  
 234 appointed;  
 235 b. An expressway authority or transportation authority  
 236 established by general law;  
 237 c. A community college or junior college district board of  
 238 trustees;  
 239 d. A board having the power to enforce local code  
 240 provisions;  
 241 e. A planning or zoning board, board of adjustment, board  
 242 of appeals, community redevelopment agency board, or other board  
 243 having the power to recommend, create, or modify land planning  
 244 or zoning within the political subdivision, except for citizen  
 245 advisory committees, technical coordinating committees, and such  
 246 other groups who only have the power to make recommendations to  
 247 planning or zoning boards;  
 248 f. A pension board or retirement board having the power to  
 249 invest pension or retirement funds or the power to make a  
 250 binding determination of one's entitlement to or amount of a  
 251 pension or other retirement benefit; or  
 252 g. Any other appointed member of a local government board  
 253 who is required to file a statement of financial interests by  
 254 the appointing authority or the enabling legislation, ordinance,  
 255 or resolution creating the board.

256 3. Any person holding one or more of the following  
 257 positions: mayor; county or city manager; chief administrative  
 258 employee of a county, municipality, or other political  
 259 subdivision; county or municipal attorney; finance director of a  
 260 county, municipality, or other political subdivision; chief  
 261 county or municipal building code inspector; county or municipal

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262 water resources coordinator; county or municipal pollution  
 263 control director; county or municipal environmental control  
 264 director; county or municipal administrator, with power to grant  
 265 or deny a land development permit; chief of police; fire chief;  
 266 municipal clerk; district school superintendent; community  
 267 college president; district medical examiner; or purchasing  
 268 agent having the authority to make any purchase exceeding the  
 269 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
 270 behalf of any political subdivision of the state or any entity  
 271 thereof.

272 Section 5. This act shall take effect July 1, 2012.

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

(Submit to Committee Chair or Administrative Assistant)

1-23-2012

*Date*

1560

*Bill Number*

*Barcode*

Name BRIAN PITTS

Phone 727/897-9291

Address 1119 Newton Ave S.

E-mail \_\_\_\_\_

*Street*

St Petersburg FL 33705

*City*

*State*

*Zip*

Job Title Trustee

Speaking: ☐ For ☐ Against ☒ Information

Appearing at request of Chair ☐

Subject \_\_\_\_\_

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (04/14/10)

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

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

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

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BILL: SB 1596

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Elections

DATE: January 18, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton/Fox	Roberts	EE	<b>Pre-meeting</b>
2.			RC	
3.				
4.				
5.				
6.				

## **I. Summary:**

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

The bill takes effect upon becoming law.

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

## **II. Present Situation:**

### **Voter Intake Procedures at the Polls**

In 2011, the Legislature enacted a major election reform bill<sup>1</sup> ("2011 Act"). The 2011 Act prohibits the address appearing on a voter's picture I.D. from serving as the basis to confirm or challenge an elector's legal residence at the polls.<sup>2</sup> The 2011 Act also provides that once an

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

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

elector presents his or her picture identification, the elector may not be asked to provide additional information or to recite his or her home address — if the address on the photo I.D. matches the one on file with the supervisor.<sup>3</sup>

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

### **Campaign Fundraisers**

Political advertisements circulated prior to the election are governed by Section 106.143, F.S. That section requires certain sponsorship disclaimers and disclosures for any paid political advertisement that is published, displayed, or circulated on or before election day.<sup>8</sup> If a political advertisement is made as an in-kind contribution, the advertisement must contain a disclosure identifying it as such.<sup>9</sup> A political advertisement is required to identify the candidate's party, if he or she is seeking nomination from a political party, or that the candidate is running with no party affiliation.<sup>10</sup> If a candidate is running for a nonpartisan office, he or she is prohibited from identifying his or her party affiliation.<sup>11</sup> Political advertisements, other than independent expenditures, not paid for by a candidate are required to be approved by the candidate in advance and identify the person paying for the advertisement.<sup>12</sup>

The 2011 Act struck down a requirement that campaign fund raiser tickets and advertising comply with the disclaimer requirements applicable to political advertisements.<sup>13</sup> As a result,

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

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

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

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

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

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

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

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

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

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

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



such tickets and advertising are exempt from sponsorship disclaimer requirements — unless they were to otherwise meet the definition of a political advertisement.

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

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

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

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

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

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

The bill also removes the formal requirement that the campaign depository, and checks and debit cards associated therewith, contain the phrase “Campaign Account.” The campaign depository must still contain the name of the candidate or political committee; checks and debit cards must contain the name of the campaign account for the candidate or political committee. Removing the specific-words requirement should diminish the prospect for complaints being filed, and fines being assessed, against public officials for hyper-technical, *de minimus* violations regarding the form of the campaign account name.

### **IV. Constitutional Issues:**

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

None.

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

None.

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

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.



249118

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2012	.	
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The Committee on Rules Subcommittee on Ethics and Elections  
(Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 39 and 40  
insert:

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

103.091 Political parties.—

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



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

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

And the title is amended as follows:

Delete line 6

and insert:

the elector's legal residence; amending s. 103.091,  
F.S.; revising the process by which the state or  
county executive committee of a political party is  
elected; amending s. 106.025,



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2012	.	
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The Committee on Rules Subcommittee on Ethics and Elections  
(Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 21 and 22  
insert:

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

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

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



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

Between lines 39 and 40  
insert:

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

101.6102 Mail ballot elections; limitations.—

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

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

(b) An election held on the same date as another election,



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other than a mail ballot election, in which the qualified electors of that political subdivision are eligible to cast ballots.

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

Between lines 113 and 114  
insert:

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

190.006 Board of supervisors; members and meetings.—

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

(2)(a) Within 90 days after ~~following~~ the effective date of the rule or ordinance establishing the district, ~~there shall be held~~ a meeting of the landowners of the district must be held for the purpose of electing five supervisors for the district.



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

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





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

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



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

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



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continue to be elected by landowners.

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

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

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

(b) Elections of board members by qualified electors held pursuant to this subsection shall be nonpartisan and shall be



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conducted in the manner prescribed by law for holding general elections. The district shall publish a notice of the qualifying period set by the supervisor of elections for each election at least 2 weeks before ~~prior to~~ the start of the qualifying period. Board members shall assume the office on the second Tuesday following their election. If no elector qualifies for a seat to be filled in an election, a vacancy in that seat shall be declared by the board effective on the second Tuesday following the election. Within 90 days thereafter, the board shall appoint a qualified elector to fill the vacancy. Until such appointment, the incumbent board member in that seat shall remain in office.

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

And the title is amended as follows:

Delete line 2

and insert:

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

Delete line 6

and insert:

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



257664

216

217 Delete line 17

218 and insert:

219 debit cards are considered bank checks; amending s.

220 190.006, F.S.; providing editorial changes; revising

221 the election process for members of a district board;

222 revising the process for a special election at which

223 the members of the board of supervisors will be

224 elected; providing an



577472

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
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The Committee on Rules Subcommittee on Ethics and Elections  
(Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 31  
and insert:  
provides the elector's signature shall be required. The address  
appearing on the identification presented by the elector may not  
be used as the basis to ~~confirm an elector's legal residence or~~  
~~otherwise~~ challenge an elector's legal residence. The elector

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

And the title is amended as follows:

Delete line 5



577472

13 and insert:  
14 an elector as a basis for confirming

By Senator Diaz de la Portilla

36-01137C-12

20121596

A bill to be entitled

An act relating to elections; amending s. 101.043, F.S.; removing a provision prohibiting the use of the address appearing on the identification presented by an elector as a basis for confirming or challenging the elector's legal residence; amending s. 106.025, F.S.; requiring that tickets and advertising for campaign fund raisers comply with the requirements for political advertisements; amending s. 106.05, F.S.; revising the information that is required to appear on a bank account for the deposit of funds received by a campaign treasurer for a candidate or political committee; amending s. 106.11, F.S.; revising the information that is required to appear on bank account checks of candidates or political committees; revising the information that is used to determine whether debit cards are considered bank checks; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1)

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. ~~The address appearing on the identification presented by the elector may not~~

36-01137C-12

20121596

~~be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.~~ The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

Section 2. Paragraph (c) of subsection (1) of section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)

(c) Any tickets or advertising for such a campaign fund raiser shall comply with the requirements of s. 106.143 relating to political advertisements ~~is exempt from the requirements of s. 106.143.~~

Section 3. Section 106.05, Florida Statutes, is amended to read:

106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account that contains the designated "... (name of the candidate or committee) ... Campaign Account." ~~Except for contributions to political committees made by payroll deduction, all deposits~~



36-01137C-12 20121596  
 shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

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

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

(1)

(b) The checks for such account shall contain, as a minimum, the following information:

1. The ~~statement~~ “... (name of the campaign account of the candidate or political committee) ... ~~Campaign Account.~~”
2. The account number and the name of the bank.
3. The exact amount of the expenditure.
4. The signature of the campaign treasurer or deputy treasurer.
5. The exact purpose for which the expenditure is authorized.
6. The name of the payee.

- 36-01137C-12 20121596
- (2) (a) For purposes of this section, debit cards are considered bank checks, if:
1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
  2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and contain the state “... (name of the campaign account of the candidate or political committee) ... ~~Campaign Account.~~”
  3. No more than three debit cards are requested and issued.
  4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
  5. All receipts for debit card transactions contain:
    - a. The last four digits of the debit card number.
    - b. The exact amount of the expenditure.
    - c. The name of the payee.
    - d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
    - e. The exact purpose for which the expenditure is authorized.

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

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

ccc

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number 1596  
(if applicable)

Name Maria Matthews

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

Job Title Asst General Counsel

Address 500 S. Bronough St

Phone 245-6500

Tallahassee FL  
City State Zip

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Representing FL-DOS

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

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

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

1-23-2012

Meeting Date

Topic Elections

Bill Number 1596  
(if applicable)

Name Brad Ashwells

Amendment Barcode Joyner  
Amendment (if applicable)

Job Title Democracy Advocate

Address 310 N. Monroe St.  
Street

Phone 850-224-3321

Tallahassee FL 32301  
City State Zip

E-mail brad@floridapig.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Public Interest Research Group

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/12  
Meeting Date

Topic Elections

Bill Number 1596  
(if applicable)

Name Ben Wilcox

Amendment Barcode Joxner  
advisement (if applicable)

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

Address 1719 Old Fort Dr.  
Street  
Tallahassee FL 32301  
City State Zip

Phone 544-4448

E-mail \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Representing League of Women Voters of 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/12  
Meeting Date

Topic Elections

Bill Number 1596  
(if applicable)

Name Ben Wilcox

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

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

Address 1719 Old Fort Rd.  
Street  
Tallahassee FL 32301  
City State Zip

Phone 544-4448

E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Representing League of Women Voters of 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/23/2012  
Meeting Date

Topic Elections

Bill Number SB 1596  
(if applicable)

Name Ron BILBAO

Amendment Barcode Joxner  
(if applicable)  
Amendment

Job Title SR. Legislative Associate

Address 4500 Biscayne Blvd, #340  
Street  
Miami, FL 33137  
City State Zip

Phone 919-923-7288

E-mail rbilbao@aclufl.org

Speaking: ☒ For ☐ Against ☐ Information Amendment

Representing ACLU of 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.

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S-001 (10/20/11)

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

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

23 Jan 12

*Meeting Date*

Topic Voter ID law

Bill Number SB 1596  
*(if applicable)*

Name Paul Lux

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

Job Title Supervisor of Elections

Address 302 Wilson St. N, Ste 102  
*Street*  
Crestview FL 32536  
*City State Zip*

Phone 850-225-7096

E-mail plux@co.okaloosa.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

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

(Submit to Committee Chair or Administrative Assistant)

1-23-2012

*Date*

1596

*Bill Number*

*Barcode*

Name Brian Pitts

Phone 727/897-9291

Address 1119 Newton Ave S.

E-mail \_\_\_\_\_

*Street*

St Petersburg

*City*

FL

*State*

33705

*Zip*

Job Title Trustee

Speaking: ☐ For ☐ Against ☒ Information

Appearing at request of Chair ☐

Subject \_\_\_\_\_

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (04/14/10)



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

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

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

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BILL: SB 2018

INTRODUCER: Ethics and Elections Subcommittee on Rules

SUBJECT: Primary Election Date

DATE: January 18, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jenkins	Roberts		<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

---

**I. Summary:**

This bill amends s. 100.061, Florida Statutes, decreasing the period between the primary election and the general election in each year in which a general election is held from twelve to eleven weeks.

**II. Present Situation:**

Currently, the primary election for nomination of candidates of political parties is to be held on the Tuesday twelve weeks prior to the general election.<sup>1</sup> This places the primary election on August 14, 2012.

Prior to 2007, the primary election was held on the Tuesday nine weeks prior to the general election.<sup>2</sup> This time period was extended to ten weeks in 2007,<sup>3</sup> and then to twelve weeks in 2011.<sup>4</sup>

**III. Effect of Proposed Changes:**

This bill provides that in each year in which a general election is held, a primary election for nomination of candidates of political parties would be held on the Tuesday eleven weeks before the general election. This would place the primary election on August 21, 2012.

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<sup>1</sup> Ch. 2011-40, L.O.F.

<sup>2</sup> Ch. 2005-286, L.O.F.

<sup>3</sup> Ch. 2007-30, L.O.F.

<sup>4</sup> Ch. 2011-40, L.O.F.

Reducing the time period between the primary election and the general election by one week would provide the supervisors of elections additional preparation time that may be helpful this year, given the uncertainties that typically surround the reapportionment process.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

---

By the Committee on Rules Subcommittee on Ethics and Elections

582-01815-12

20122018\_\_

A bill to be entitled

An act relating to the primary election date; amending  
s. 100.061, F.S.; decreasing the period between the  
primary election and the general election in each year  
in which a general election is held; providing an  
effective date.

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

Section 1. Section 100.061, Florida Statutes, is amended to  
read:

100.061 Primary election.—In each year in which a general  
election is held, a primary election for nomination of  
candidates of political parties shall be held on the Tuesday 11  
~~12~~ weeks before ~~prior to~~ the general election. The candidate  
receiving the highest number of votes cast in each contest in  
the primary election shall be declared nominated for such  
office. If two or more candidates receive an equal and highest  
number of votes for the same office, such candidates shall draw  
lots to determine which candidate is nominated.

Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2018

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

1/23/12  
Meeting Date

Topic Election Date Bill Number 2013  
(if applicable)  
Name Ron LABASKY Amendment Barcode \_\_\_\_\_  
(if applicable)  
Job Title \_\_\_\_\_  
Address 225 S. ADAMS ST. Phone 222-7713  
Street  
City TALL State FL Zip 32302  
City State Zip  
E-mail \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Representing FLA. STATE ASSOC. OF SUPERVISORS OF ELECTIONS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

# CourtSmart Tag Report

**Room:** KN 412

**Case:**

**Caption:** Senate Committee on Ethics and Elections

**Type:**

**Judge:**

**Started:** 1/23/2012 5:09:32 PM

**Ends:** 1/23/2012 6:00:34 PM

**Length:** 00:51:03

5:09:34 PM Call to Order  
5:09:45 PM Roll Call  
5:10:00 PM Show that Senator Alexander is excused from today's meeting  
5:10:43 PM Tab 3 - SB 2018 re Primary Election Date by the Rules Sub. on Ethics & Elections  
5:10:49 PM Chairman Diaz de la Portilla turns the chair over to Senator Detert, Vice-Chair  
5:11:01 PM SB 2018 presented by Senator Diaz de la Portilla  
5:11:05 PM Senator Diaz de la Portilla  
5:11:35 PM Senator Joyner comments  
5:11:48 PM Senator Smith asks a question  
5:12:06 PM Senator Diaz de la Portilla responds  
5:13:05 PM Senator Joyner asks a question  
5:13:38 PM Ron Labasky, Florida State Association of Supervisors of Elections  
5:17:07 PM Senator Smith  
5:18:32 PM Senator Richter  
5:19:24 PM Senator Joyner  
5:20:04 PM Senator Detert  
5:20:31 PM Senator Sobel  
5:21:04 PM Senator Oelrich  
5:21:59 PM Mr. Labasky comments  
5:22:47 PM Senator Diaz de la Portilla closes  
5:25:23 PM Senator Diaz de la Portilla requests that the bill be Temporarily Postponed  
5:26:26 PM Tab 2: SB 1596 relating to Elections  
5:27:15 PM Senator Diaz de la Portilla presents SB 1596  
5:30:19 PM Maria Matthews, Assistant General Counsel, FL Department of State  
5:32:33 PM Senator Braynon asks a question  
5:33:40 PM Ms. Matthews responds  
5:33:55 PM Senator Detert asks a question  
5:34:05 PM Ms. Matthews responds  
5:34:53 PM Senator Braynon asks a question  
5:35:32 PM Senator Oelrich asks a question  
5:35:41 PM Ms. Matthews responds  
5:36:43 PM Senator Oelrich asks a question  
5:36:54 PM Ms. Matthews responds  
5:37:13 PM Senator Detert acknowledges the late-filed amendments  
5:37:50 PM No objection on the late-filed amendments  
5:38:02 PM Bar code 249118 explained by Senator Smith  
5:39:28 PM Senator Diaz de la Portilla asks a question  
5:40:25 PM Senator Smith responds  
5:41:05 PM Senator Diaz de la Portilla responds  
5:41:48 PM Senator Smith withdraws amendments 249118 and 257664  
5:42:29 PM Amendment 577472 by Sen. Joyner  
5:42:53 PM Senator Joyner explains  
5:44:45 PM Senator Diaz de la Portia agrees  
5:45:11 PM Brad Ashwell, FL Public Interest Research Grp., waived speaking; acknowledged support of AM 577472  
5:45:16 PM Ben Wilcox, League of Women Voters of FL, waived speaking; acknowledged support of AM 577472  
5:45:20 PM Ron Bilbao, ACLU of FL, waived speaking time and acknowledged support of AM 577472  
5:45:26 PM Paul Lux, Okaloosa Co. Supervisor of Elections, waived speaking time  
5:45:39 PM Brian Pitts, Justice-2-Jesus  
5:46:02 PM Amendment 577472 adopted  
5:46:20 PM Brian Pitts, Justice-2-Jesus  
5:48:35 PM Senator Diaz de la Portilla motions for a committee substitute  
5:48:58 PM Senator Diaz de la Portilla waives close

5:49:01 PM Calls roll on SB 1596  
5:49:10 PM Bill reported favorable as a committee substitute  
5:49:30 PM Senator Detert turns the chair back to Senator Diaz de la Portilla  
5:49:54 PM SB1560 relating to Ethical Requirements for Public Officers by Senator Thrasher  
5:50:08 PM SB1560 presented by Senator Thrasher  
5:50:30 PM Any questions?  
5:51:18 PM Senator Braynon asks a question  
5:51:40 PM Senator Thrasher responds  
5:52:32 PM Senator Sobel asks a question  
5:52:40 PM Senator Thrasher responds  
5:53:29 PM Senator Sobel follows up  
5:54:07 PM Senator Thrasher responds  
5:54:39 PM Senator Detert asks a question  
5:55:38 PM Brian Pitts, Justice-2-Jesus  
5:56:50 PM Any debate?  
5:57:23 PM Senator Smith  
5:57:36 PM Senator Sobel debates  
5:58:11 PM Senator Richter  
5:59:09 PM Senator Thrasher closes  
5:59:42 PM Roll call on SB 1560  
5:59:51 PM Bill reported favorable  
6:00:22 PM Senator Thrasher moves we rise



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Budget, *Chair*  
Rules, *Vice Chair*  
Agriculture  
Banking and Insurance  
Budget - Subcommittee on Finance and Tax  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Education Pre-K - 12  
Rules - Subcommittee on Ethics and Elections

### JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

### SENATOR JD ALEXANDER

17th District

January 23, 2012

Senator Miguel Diaz de la Portilla, Chair  
Rules Subcommittee on Ethics and Elections  
312 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Senator Diaz de la Portilla,

I respectfully request permission to be absent from the Rules Subcommittee on Ethics and Elections, today, January 23, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander  
Senator, District 17

Xc: Dawn Roberts

### REPLY TO:

- ☐ 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (883) 679-4847
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

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

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore