

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 Appropriations Committee on Higher Education

BILL: SB 892

INTRODUCER: Senator Simon

SUBJECT: Florida State University Election Law Center

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>HE</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AHE</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 892 creates the Florida State University Election Law Center within the Florida State University College of Law to conduct nonpartisan research, provide training, and serve as a resource on election law issues. The center will study topics including:

- Voting rights, redistricting, and campaign finance.
- Election administration, election disputes, and related issues.
- Election integrity and best practices for electoral systems.

The bill authorizes the center to:

- Hire faculty, develop courses, and host events.
- Assist government entities with election law matters.
- Offer student scholarships and fellowships.

The bill provides that the center will be funded through appropriations as provided in the General Appropriations Act, charitable donations and grants, and other university funds.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Election Law

Election law covers a wide array of topics, including political spending, voting rights, ballot propositions, redistricting, gerrymandering, and campaign finance. Useful secondary materials include legal resources as well as interdisciplinary sources in the areas of political science,

history, and public policy.¹ Federal statutes, such as the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, regulate key aspects of election law, while state laws dictate voter eligibility, ballot access, and election procedures.²

At the state level, elections are primarily governed by Chapters 97 through 106, Florida Statutes, which address voter registration, election administration, campaign finance, and recount procedures.³ The Florida Division of Elections, under the Department of State, provides guidance and oversight for elections, while county supervisors of elections administer elections locally.⁴ Legal challenges related to election law arise in state and federal courts, particularly concerning issues of voter access, redistricting, and campaign finance regulations.⁵

Florida State University College of Law

Florida State University (FSU) College of Law, located in Tallahassee, Florida, is a nationally recognized public law school. The college offers a range of legal education programs, including specialized courses in constitutional law, administrative law, and public policy, leveraging its proximity to the Florida Capitol to provide students with access to state government institutions and legal practitioners.⁶

Florida State University Election Law Center

The FSU Election Law Center, housed within the FSU College of Law, provides nonpartisan research, training, and policy analysis on election law. The center collaborates with election officials, legislators, and scholars to improve election administration, voting rights, and election integrity. It also offers student scholarships, externships, and research fellowships to support careers in election law.⁷

The center is led by a Faculty Director and an Executive Director, who oversee its academic, research, and outreach initiatives.⁸ The center hosts conferences, lectures, and training sessions, including the Election Law Conference and the Distinguished Lecture in Election Law.⁹

¹ University of California, Irvine School of Law, *Election Law Research Guide*, available at <https://libguides.law.uci.edu/election> (last visited Mar. 22, 2025).

² 52 U.S.C. ss. 10301–10508 (Voting Rights Act of 1965); 52 U.S.C. ss. 20501–20511 (National Voter Registration Act of 1993).

³ See generally Chapters 97–106, F.S.

⁴ See Florida Department of State, Division of Elections, *About Us*, <https://dos.fl.gov/elections/about-us/> (last visited Mar. 22, 2025).

⁵ See, e.g., *League of Women Voters of Fla. v. Lee*, 595 F. Supp. 3d 1042 (N.D. Fla. 2022) (addressing Florida’s voting restrictions and their impact on minority voters).

⁶ Florida State University College of Law, *College of Law*, <https://law.fsu.edu/> (last visited Mar. 22, 2025).

⁷ Florida State University College of Law, *Election Law Center*, <https://law.fsu.edu/academics/election-law-center> (last visited Mar. 22, 2025).

⁸ Florida State University College of Law, *Election Law Center Welcomes Executive Director*, <https://law.fsu.edu/press-release/election-law-center-welcomes-executive-director> (last visited Mar. 22, 2025).

⁹ Florida State University College of Law, *2024 Distinguished Lecture in Election Law*, <https://law.fsu.edu/2024-distinguished-lecture-election-law> (last visited Mar. 22, 2025).

Intellectual Freedom and Viewpoint Diversity

"Intellectual freedom and viewpoint diversity" is the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives. State universities are prohibited from shielding students, faculty, or staff from ideas or opinions they may find uncomfortable, unwelcome, disagreeable, or offensive.

The Board of Governors of the State University System is required to conduct an annual assessment of intellectual freedom and viewpoint diversity at each state university, using an objective, nonpartisan, and statistically valid survey. This survey measures the extent to which competing ideas and perspectives are presented and whether members of the university community feel free to express their beliefs and viewpoints.¹⁰

III. Effect of Proposed Changes:

This bill establishes the Florida State University (FSU) Election Law Center within the FSU College of Law. The bill creates s. 1004.421, F.S., to codify the center's establishment and define its purpose and scope.

Election Law

The bill defines "election law" broadly to include, but not be limited to, the following areas:

- Voting rights.
- Election administration.
- Election emergencies.
- Election integrity.
- Voter registration and voter registration databases.
- Cyber or other technical issues relating to elections.
- Federal, state, and local legal provisions governing the electoral process.
- Election contests for any federal, state, or local office.
- Matters relating to the Electoral College or the casting, counting, or validity of electoral votes.
- Federal and state campaign finance law.
- Election audits.
- Apportionment and redistricting.
- Doctrines relating to justiciability, civil procedure, and remedies in election-related cases.

Additionally, the bill extends the definition of election law to historical, empirical, and comparative studies of the specified topics, as well as philosophical and theoretical discussions on democracy, democratic theory, and republicanism.

¹⁰ Section 1001.706(13), F.S.

Goals of the Florida State University Election Law Center

The bill establishes the goals of the FSU Election Law Center, directing it to advance scholarship, education, and public confidence in election law. The bill specifically provides that the goals of the center are to:

- Conduct and promote rigorous, objective, nonpartisan, and evidence-based research on significant constitutional, statutory, and regulatory issues related to election law.
- Plan and host events to facilitate learning about the electoral process and election law, providing opportunities for students, scholars, legislators, judges, election administrators, attorneys, and members of the public to engage in discussions.
- Develop and sponsor publicly accessible materials and resources that educate the public on elections and election law, ensuring transparency and accessibility.
- Assist students by providing learning opportunities, practical experience, and career pathways in election law.
- Enhance the reputation of the FSU College of Law as a nationally recognized center for cutting-edge legal scholarship and technical expertise in election law.
- Serve as a nonpartisan resource to address election law inquiries from federal, state, and local election officials, the Legislature, and legislative staff. The center supports understanding of the electoral process and promotes public confidence in Florida's electoral system.
- Develop objective, evidence-based analysis, best practices, and potential reforms to election statutes, regulations, and policies to:
 - Strengthen electoral systems to effectively manage natural disasters and other emergencies that could disrupt elections.
 - Promote public confidence in the electoral process by promoting transparency and integrity.
 - Ensure that all qualified United States citizens in Florida have a reasonable, adequate, and safe opportunity to exercise their right to vote.
 - Minimize the risks of mistakes, fraud, violations, accidents, or other irregularities that could affect elections.

Authorized Activities of the Center

The bill authorizes the FSU Election Law Center to undertake a range of activities to fulfill its mission of advancing election law research, education, and policy development. The bill authorizes the center to:

- Hire necessary faculty and staff to support the center's operations and develop and teach courses related to election law.
- Organize and host events such as workshops, symposia, roundtables, interviews, public discussions, lectures, and conferences.
- Conduct, aid, and sponsor research on election law and publish or make publicly available articles, reports, analyses, databases, or websites to disseminate election law scholarship and policy insights.
- Provide training and continuing education for members of the federal and state judiciaries and judicial organizations, attorneys, Department of State personnel, supervisors of elections and their employees, and other election administrators.

- Offer formal and informal assistance to the Legislature and governmental entities or officials at the federal, state, and county levels on matters related to elections and election law. This assistance may include research, reports, public comments, testimony, or briefs.
- Award scholarships and research assistantships to outstanding students interested in election law and sponsors fellowships to fund qualified students to work with the center or at local, state, or federal offices and nonpartisan entities engaged in election law matters.
- Form partnerships with other centers, programs, institutes, and associations as appropriate to promote the center's goals.

Data Sharing and Confidentiality Requirements

The bill authorizes the Department of State, supervisors of elections, the State Library, and the State Archives to cooperate with the FSU Election Law Center by sharing electronic copies of information or data in their possession, custody, or control upon request of the center's faculty director.

The bill requires the center and its employees to be subject to, and to store such information or data consistent with, confidentiality and security requirements that are comparable to those that apply to the Department of State, supervisors of elections, and their employees.

Funding for the Center

The bill provides that the center will be funded through appropriations as provided in the General Appropriations Act, charitable donations and grants, and other university funds.

Leadership and Governance

The bill requires the dean of the FSU College of Law to appoint a faculty director to lead the center who is a tenured member of the faculty of the law school. The bill requires the faculty director to hire an executive director to conduct the center's day-to-day operations.

The bill requires the faculty director, in consultation with the executive director, to:

- Establish programs that promote the center's goals.
- Develop the budget and disburse the funds appropriated, donated, or provided to the center.
- Hire employees for the center.
- Oversee the center's research, education, and training programs, events, and work product.

Academic Freedom and Intellectual Diversity Protections

The bill requires the center's research, work, activities, filings, speakers, events, and operations be subject to academic freedom protections. The bill prohibits the center or any of its full-time faculty or staff from being compelled to conduct, consult on, or otherwise assist any research or initiatives by any outside federal, state, or local official or agency or private person or entity. The bill further requires the center to promote intellectual freedom and viewpoint diversity, which is the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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:

The Florida State University Election Law Center may incur costs to implement the bill's requirements. Without being specific, the bill provides that the center will be funded through appropriations in the General Appropriations Act, charitable donations and grants, and other university funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.421 of the 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.

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