

CONSTITUTIONAL AMENDMENTS

SJR 2394 — Constitutional Amendments; Initiatives

by Senators Atwater and Smith

Senate Joint Resolution 2394 amends s. 10, Art. IV, and s. 5, Art. XI, State Constitution.

Specifically, the joint resolution moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November election.

The resolution also establishes a date certain by which the Florida Supreme Court must render its written opinion on an initiative petition's validity — April 1 of each general election year.

If approved by the voters, the joint resolution will take effect on January 4, 2005.

Vote: Senate 38-1; House 93-21

HB 1743 — Constitutional Amendments; Initiatives; Financial Impact Statements

by Finance and Tax Committee and others (CS/CS/SB 1700 by Finance and Taxation Committee; Ethics and Elections Committee; and Senators Cowin, Bullard, and Lynn)

The bill implements HJR 571 approved by the voters in 2002.

Specifically, the bill establishes a Financial Impact Estimating Conference to prepare a financial impact statement of not more than 75 words for inclusion on the ballot for any constitutional initiative measure that has received a threshold level of statewide and geographic support. The proposed Financial Impact Estimating Conference shall consist of four principals; one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives.

The Attorney General must petition the Florida Supreme Court for an advisory opinion on whether the financial impact statement meets all legal requirements.

The Financial Impact Estimating Conference must also draft an initiative financial information statement further detailing the financial impact of the measure. This statement must be a summary of no more than 500 words and additional detailed information that includes

assumptions made to develop the fiscal impact, the work papers, and any other information deemed relevant by the Financial Impact Estimating Conference.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 105-3

ELECTIONS

CS/SBs 2346 and 516 — Elections

by Ethics and Elections Committee and Senators Lee, Constantine, Aronberg, and Cowin

The bill contains historic changes to Florida's campaign finance laws. It also makes early voting mandatory in each county and establishes uniform procedures.

Some of the major issues addressed by the bill include:

- **Issue Advocacy; Disclosure**
Mandates the disclosure of issue advocacy electioneering communications for candidates *and* ballot issues in the form of registration, reporting, and sponsorship disclaimer requirements.
- **CCE Reporting; Membership Dues; Prohibited Activities**
Closes the committee of continuous existence (“CCE”) membership dues loophole, which allows CCEs to hide the *individual* identities of their member/contributors by reporting their contributions in the *aggregate* as “member dues.” It also clarifies that CCEs cannot run issue advocacy ads.
- **Florida Elections Commission; Enforcement**
 - Provides for the assessment of attorney’s and fees and costs against persons filing complaints with the Florida Elections Commission with malicious intent to injure someone’s reputation.
 - Precludes the Commission from investigating possible violations that are not contained in a sworn complaint.
 - Discourages serial complaints to the Commission, by barring it from investigating *subsequent* complaints from the same complainant based on the same facts or allegations that were raised or *should have been* raised or in an *earlier* complaint.
 - Entitles a person against whom a complaint is filed with the Commission to have a limited appearance at the probable cause hearing.
 - Provides that the filing of the statement of candidate does not, in and of itself, give rise to a presumption that there has been a “willful violation” of ch. 104 or 106, F.S.

- Permits candidates and committees to administratively contest late-filing fines assessed by the Commission *for any reason* (currently limited to *unusual circumstances*); the Commission must also consider mitigating circumstances when determining the fines.
 - Allows for indirect campaign expenditures for media buys and for reimbursements associated with a campaign, provided the indirect expenditure is reported on campaign finance reports (retroactive to July 1, 2002).
 - Reduces the fine assessed against CCEs in the *first three days* for late-filed campaign finance reports, from \$500/day to \$50/day.
- **Electronic Filing of Campaign Finance Reports**
Mandates the electronic filing of campaign finance reports with the Division of Elections by the 2006 elections (provision effective January 1, 2005).
 - **Surplus Funds; Party Turn Back**
Allows Senate candidates to turn back up to \$30,000 to their party (up from \$10,000) from surplus campaign funds. This makes up for the imbalance in the amount each chamber can collectively return to the party, as the House has three times as many members as the Senate.
 - **Early Voting**
Standardizes early voting from county-to-county, currently a discretionary practice determined by each supervisor. It requires early voting to take place in full-service facilities of the supervisors, city halls, and public libraries beginning at least 15 days before an election. It mandates a minimum of 8 hours of early voting during the weekdays and a total of 8 hours during the weekend.

If approved by the Governor, these provisions take effect July 1, 2004, except as otherwise provided.

Vote: Senate 40-0; House 118-0

CS/SB 2566 — Absentee Ballot Witnessing Requirements

by Ethics and Elections Committee and Senator Dockery

The bill eliminates the requirement that the signature of an elector casting an absentee ballot be witnessed by an individual over 18 years of age, and that the witness' signature and address appear on the Voter's Certificate on the back of the mailing envelope. The bill further provides that the county canvassing board shall consider an absentee ballot valid if the mailing envelope includes the elector's signature as shown by the registration records, and makes other conforming changes to Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2004.

Vote: Senate 30-8; House 100-12

PUBLIC RECORDS EXEMPTION

CS/CS/SB 3006 — Public Records Exemption

by Governmental Oversight Committee; Ethics and Elections Committee; and Senator Cowin

The bill contains a pair of public records exemptions related to the electronic filing of campaign finance reports with the Florida Division of Elections, authorized in CS/SBs 2346 and 516. The first exemption excludes user identifications and passwords held by the Department of State for limiting access to the electronic filing system. The second is a temporary public records exemption for all records, reports, and files electronically stored in the system as a result of periodic data submissions by reporting groups throughout the reporting period, which are made public when the final report for the period is due.

If approved by the Governor, these provisions take effect upon becoming law. However, since the bill is linked to CS/SBs 2346 and 516, which takes effect January 1, 2005, the exemption in the bill will not have any practical effect until that time.

Vote: Senate 39-0; House 118-0