

Capitol Report 2017

Week ending May 12, 2017

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Overview

The Florida legislature completed the 2017 regular legislative session on Friday, May 5th. A one-day special session ended around 8:30 p.m. on Monday, May 8th with passage of an \$83 billion state budget. The legislature needed the special session because it didn't come to a final agreement on the budget in time to allow for the 72-hour waiting period between printing the budget and voting on it.

It's possible the legislature may come back for a second special session to implement the medical marijuana constitutional amendment. The House and Senate couldn't agree on details of the implementation bill during the regular session and both Senate President Joe Negron and House Speaker Ricard Corcoran have expressed interest in returning to Tallahassee to complete work on that bill and pass it into law.

The end of the regular legislative session means final action has been taken on the bills Common Cause Florida was tracking this year. For Common Cause Florida, the 2017 session will mainly be remembered for what did not pass. While a lot of good legislation died when the session ended, the bills that Common Cause Florida opposed also failed to pass. In that regard, the session was a success.

Ethics Reform

None of the ethics reform measures that Common Cause Florida supported passed because of inaction by the Florida Senate.

The House Public Integrity and Ethics Committee passed five substantial ethics reform bills that were later passed mostly unanimously by the full House. The bills were never given a committee hearing in the Senate. Among other things, the bills would have extended Florida's revolving door prohibition on lobbying by former legislators and elected state officials from two years to six years. They would also have required local elected officials in cities with annual revenue of \$10 million or more to file more detailed financial disclosure forms and they would have created a local government lobbyist registration system to be housed in the Florida Commission on Ethics.

Elections

A relatively minor election reform measure that Common Cause Florida supported passed, but most other election bills died. [HB 105](#) requires Supervisors of Elections to allow submission of an affidavit to cure signature discrepancies on vote-by-mail ballots. The bill by Representative [Janet Cruz](#) is a fix to an election law that was struck down in federal court. It brings Florida in line with the court's decision and requires Supervisors of Elections to contact voters if their signature on their vote-by-mail ballot doesn't match. It

allows the voter to fix the problem by signing an affidavit and updating their signature. Sponsors of the bill say diseases such as Parkinson's or vision loss can cause signatures to change. Governor Rick Scott will likely sign the bill into law.

Other elections bills that did not pass include a measure that would have allowed the Secretary of State to enter into agreements with other states to better maintain the statewide voter registration system and a bill that would have required Supervisors of Election to allow Florida voters to hand deliver vote-by-mail ballots to an early voting site.

Another bill, [HB 1325](#), also failed to pass in the final hour of the regular session. The bill would have allowed candidates to pay qualifying fees by cashier's check. It also prohibited elected officials from serving as poll watchers and given Supervisors of Election the option to publish sample ballots in a newspaper or mail them to registered voters. The bill allowed the use of a voting interface to mark choices as long as it produced a paper record to be used for recounts. The bill also restricted the ability of the courts to extend poll hours to just instances where "extraordinary circumstances exist to justify the extension."

Redistricting

A bad redistricting bill, [Senate Bill 352](#), that Common Cause Florida once opposed, was amended late in the process to take out language that was of concern. The bill essentially codified a judicial decision during the most recent round of redistricting and allowed candidates to run in their old districts if a legislative or congressional district map was being challenged.

The bill was passed by the Senate and was awaiting final action by the House when the legislature adjourned. Common Cause Florida was neutral on this bill which died when the regular session ended.

Open Meetings

A bill dealing with open public meetings that posed a threat to Florida's tradition of government in the sunshine was defeated in the final week in the House of Representatives. The bill, [HB 843](#), would have allowed two or more members of the same government board to discuss public business in private, without public notice and with no minutes taken of what was said. Common Cause Florida has been a long-time supporter of government in the sunshine and was opposed to HB 843.

More members of the House supported the proposal than opposed it, but because of a constitutional amendment that passed in 2002, any proposed exemption to the Sunshine Law must pass each legislative chamber by a two-thirds vote. The vote of 68 to 48 in favor did not achieve that two-thirds threshold and the bill died.

Public Records

[SB 80](#) was a public records bill filed by Senator [Greg Steube](#). As it was originally filed, the bill would have weakened Florida's public records laws by stripping out a guarantee that people can recover legal fees if they win a court fight to obtain records. Florida law now

allows people to sue agencies for records and guarantees payment of legal fees if a lawsuit is successful. The bill would have given a judge the option of awarding legal fees.

Senator Steube argued the bill was necessary because the public records law was being abused by people who aren't really interested in public records, but are only interested in the fees they generate. Common Cause Florida and open government coalition partners including the [First Amendment Foundation](#) argued that the guarantee of attorney's fees is the only tool there is to enforce our public records laws when a public official or government agency refuses to comply.

The bill was eventually amended in the Senate to retain the guarantee of legal fees, but allow fees to be denied if a judge determines the records request was made for an "improper purpose." The amended version was agreed to by Senator Steube and Common Cause Florida and its open government coalition partners. The amended version passed unanimously in both the Senate and the House and the Governor is expected to sign the legislation.

Legislation

Common Cause Florida was tracking a number of bills that were filed for the 2017 legislative session. They include:

- [HJR 1](#) and [SJR 482](#) – Proposes a constitutional amendment to place a 12-year term limit on Supreme Court Justices and District Court Judges.
- [HB 41](#) and [SB 774](#) – This bill would create an independent commission responsible for legislative and congressional redistricting.
- [HJR 51](#) and [SJR 74](#) – These joint resolutions would propose a constitutional amendment that, if passed by voters, would automatically restore the voting rights of non-violent ex-felons, once they have completed the terms of their sentences. **Common Cause Florida supports these bills.**
- [HB 53](#) and [SB 270](#) and [SB 934](#) – These bills would statutorily provide for the automatic restoration of voting rights and some other civil rights to former felons.
- [SB 72](#) – This bill would allow driver license applications and identification card applications to serve as voter registration applications. **Common Cause Florida supports this bill.**
- [SB 80](#) – This is a public records bill that has been amended to address frivolous public records lawsuits. **Common Cause Florida now supports this bill.**
- [HB 105](#) and [SB 544](#) and [SB 954](#) – These bills require Supervisors of Elections to allow submission of an affidavit to cure signature discrepancies on vote-by-mail ballots. **Common Cause Florida supports these bills.**
- [HB 117](#) and [SB 426](#) – Requires an independent audit of voting systems in random precincts before certification of an election rather than after.
- [HJR 121](#) and [SJR 1098](#) – Provides for legislative review of judicial rulings declaring a legislative act void. **Common Cause Florida opposes this bill.**
- [SJR 130](#), [SJR 132](#), [SJR 134](#), [SJR136](#), [HJR 187](#), [HJR 271](#), [HJR 571](#), [HJR 721](#) – Dealing with the selection and duties of county officers.

- [SJR 138](#) – Proposed constitutional amendment requiring Supervisors of Elections be elected.
- [HB 159](#) and [SB 758](#) – Gives a candidate an additional 48 hours to pay a qualifying fee if for some reason a check is returned.
- [HB 207](#) and [SB 1470](#) – These bills would prohibit agency Inspector Generals from receiving a bonus for work performance.
- [SB 224](#) – Related to voting assistance, poll watching and voter solicitation.
- [HB 231](#) and [SB 366](#) – Provides for nonpartisan elections for state attorneys and public defenders.
- [SB 242](#) and [HB 311](#) – Providing for the election of the president by popular vote.
- [SB 246](#) and [HB 163](#) – This is the compromise public records bill that was agreed to last year as an alternative to Senator Steube’s bad public records bill.
- [SB 306](#) – This bill would raise the conflict of interest bar for the legislature and prohibit legislators from voting on issues that benefit themselves.
- [SB 352](#) – This is a redistricting bill that allows legislators to run for election in their current districts even while those districts are being challenged in court. **Common Cause Florida is now neutral on this bill.**
- [HB 409](#) – requires Supervisors of Election to establish an election alert system informing voters of changes in polling.
- [HB 445](#) – Provides public records exemption for certain voter registration information.
- [HB 479](#) and [SB 880](#) – These bills provide clear definitions of government abuse, fraud and waste and require all government agencies to establish internal controls aimed at preventing those problems.
- [SB 508](#) and [HB 519](#) – Relating to automatic tabulating equipment and recounts.
- [HB 521](#) and [SB 726](#) – Allows an absent elector to vote by personally delivering a vote by mail ballot to an early voting site.
- [HJR 565](#) – Provides a constitutional amendment to automatically restore a felon’s right to vote three years after completion of sentence.
- [SB 598](#) – Relating to provisional ballots.
- [SB 602](#) and [HB 817](#) – Allows preregistered voters to vote in the presidential preference primary if they turn 18 before the general election.
- [HB 707](#) and [HB 709](#) and [SB 1070](#) and [SB 1072](#) – These bills direct the Secretary of State to enter into agreements with other states to maintain the statewide voter registration system.
- [HB 733](#) – Revises provisions for “curing” provisional and mail-in ballots.
- [HJR 811](#) and [HJR 882](#) – Constitutional amendment that would make the Secretary of State an elected office.
- [SB 862](#) – Provides for a public records exemption for preregistered voters who are minors.
- [HB 897](#) – Allows local governments to post legal notices on their websites.
- [SB 914](#) and [HB 919](#) – Allows two or more local officials to meet as long as no action is taken and no public business is discussed.

- [SM 944](#) and [HM 825](#) – Memorial urging Congress to remove obstacles that prevent states from ensuring that noncitizens are not allowed to vote.
- [SB 952](#) – Revises the resign-to-run law to require an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently.
- [SB 990](#) – requires local governments to hold elections in odd or even years on the first Tuesday after the first Monday in November.
- [HB 1057](#) and [SB 1178](#) – Campaign finance bills that prohibit transfers from political committee or ECO to another and requires quarterly reporting instead of monthly reporting.
- [SB 1160](#) – Specifies what payment can be used to qualify for election.
- [HB 1325](#) – This is an elections bill that expands the use of voter interface devices, specifies the forms of payment that can be used to qualify for election and prohibits a court from extending the official closing time of the polls unless extraordinary circumstances exist.
- [HJR 7001](#) and [HB 7003](#) – This joint resolution and bill propose a six-year ban on former legislators, elected officials and appointed officials from lobbying state government after leaving office.
- [HB 7021](#) and [HB 7023](#) – HB 7021 would require local elected officials in cities with more than \$10 million in annual revenues for three consecutive years to fill out more-detailed personal financial disclosure information, known as a [Form 6](#). It also creates a local government lobby registry system. HB 7023 creates a trust fund to pay for the lobby registry.
- [HB 7083](#) – This bill includes the six-year ban on lobbying and also prevents public officials from accepting or soliciting legal or other professional work with entities regulated by the state.

Capitol Report is filed weekly when the legislature holds committee meetings and during the legislative session. We will let you know if there is any recommended action that can be taken by Common Cause members that would be helpful to our lobbying efforts.

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