



LEAGUE OF WOMEN VOTERS® OF FLORIDA

Capitol Report 2013

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Overview

The seventh week of the legislative session is over and there was action on the League's top three priorities of election reform, campaign finance reform and ethics reform, subjects on which the League continues to advocate for improvement on every day with key legislators and leadership.

Election Reform

This week the full Senate took up its election reform package ([SB 600](#)). To the surprise of pretty much everyone Senate Ethics and Elections Committee chair Senator Jack Latvala accepted two amendments that address the League's top two priorities. One amendment, sponsored by Democratic Senator Arthenia Joyner, would allow voters who have moved from one county to another to update their voter registration addresses at the polls if those counties have electronic poll books. After previously opposing this amendment when the bill was in committee, Senator Latvala reversed himself and recommended the amendment be adopted.

A second amendment sponsored by Senator Latvala removed a provision in the bill that would have required someone to "witness" the signing of an absentee ballot. The League opposed that provision because it would have led to a spike in disqualified ballots due to problems with the witness signature. It would have done nothing to reduce absentee ballot fraud since there would be no way to verify whether the person who witnessed the ballot signing actually exists. The adoption of these two amendments represents a great victory for the League.

While the League supports the bill which has now been amended onto the House bill ([HB 7013](#)), it does share the concerns of Supervisors of Elections about a new provision that has been added to the bill. An amendment added this week by Senator Miquel Diaz de la Portilla would allow Florida's Secretary of State to wipe out bonuses for elections supervisors who are deemed "out of compliance" with elections standards. Diaz de la Portilla said the amendment was prompted by elections complications in five Florida counties deemed "low-performing" by Secretary of State Ken Detzner after the November election.

The new provision would allow the secretary of state to place supervisors on “non-compliant status” for a minimum of one year if they do not file reports with the state on time; ensure that ballots are distributed, collected, counted and reported according to law; and safeguard and account for voted ballots. The League shares the concern of the Supervisors that the amendment gives the Secretary of State who is appointed by the Governor too much authority over the Supervisors who are constitutional officers elected by county voters.

HB 7013 will be up for a final vote when the Senate meets again on Wednesday of next week. If it is passed as expected, the bill still has to go back to the House which can pass it as is or make changes and send it back to the Senate.

Good things the bill does:

- **Significantly increase the hours and days allowed for early voting** and give the Supervisors of Elections more flexibility in selecting early voting sites. The League continues to press for adding as a mandate the last Sunday before election day, the single most popular early voting day...so far not in the bill.
- **Place a 75 word limit** on the first version of ballot summaries for legislatively proposed constitutional amendments. (This limit only applies to the Legislature. If the ballot summary is rejected by the Courts, the Attorney General may propose an alternative summary that is longer than 75 words.)
- **Allow a voter to “fix” an absentee ballot** that is “spoiled” because a signature has changed OR IS MISSING or for other possible reasons- a key League request.
- **Allow voters in most Florida counties who have moved to make address changes** at the polls on election day.

Good things the bill still does NOT do, that the League has been strongly advocating for:

- **They do not mandate early voting on the last Sunday** before an election. The bill does give Supervisors the flexibility to have early voting on that Sunday, but it doesn't mandate it.
- **They do not provide for an expedited voting process** for the elderly and disabled.

Bad things the Bill does:

- **It would require a written request for absentee ballots** to be sent to an address other than the voter's home address. This is unnecessary and will make it more difficult for someone who is travelling to get an absentee ballot. An amendment added to the bill this week exempts members of the military from this requirement.
- **It would give the Secretary of State new authority** over the Supervisors of

Elections to find them “out of compliance” with election standards and penalize them.

Campaign Finance Reform

The House has proposed a campaign finance reform bill ([HB 569](#)) that was passed by a party-line vote by the full House. Democrats opposed the bill. While the bill had been improved from the original proposal to raise campaign contribution limits from \$500 to \$10,000, it still raises contribution limits higher than the League would like.

The Senate Appropriations Committee unanimously passed its version of a campaign finance bill ([SB 1382](#)) this week and it is significantly better than the House bill. Following an announcement last week by Governor Scott that he would likely veto a bill that raises campaign contribution limits, the Rules Committee last week voted to keep the limit on direct contributions to candidates at \$500. The bill goes next to the Senate floor.

Currently the League is opposing both the House and Senate campaign finance reform bills. While both bills do some good things, the League believes the bad outweigh the good.

Good things the bills do:

- **Enhance reporting and disclosure requirements.**
- **Eliminate shadowy political committees** known as CCE’s.
- **Place a limit on “turnbacks”** from surplus campaign funds to political parties. Currently there is no limit.

Bad things the House bill (HB 569) does:

- **Increase campaign contribution limits** above the current \$500 limit. The Senate bill (SB 1382) keeps the contribution limit at \$500. The House raises the limits for all races.

Bad things both bills do:

- **Allow a candidate to carry-over money** for a re-election campaign. This provision unfairly benefits incumbents. The League continues to work with committee members individually to eliminate this provision.

Ethics Reform

On the opening day of the legislative session, the Florida Senate passed an ethics reform bill ([SB 2](#)). The bill does some good things, but also contains provisions that would weaken

ethics law. The House ethics bill significantly improves on the Senate bill, but some concerns remain.

This week, the House State Affairs Committee took up the House version ([HB 7131](#)). At the meeting, Republican Representative Mike Fasano sponsored 12 amendments to the bill that were written by former Florida Ethics Commission executive director and ethics expert Phil Claypool. The League has been working with Claypool to improve the ethics bill so it will result in meaningful ethics reform. The Fasano amendments were not adopted, but House Ethics and Elections Subcommittee chair Representative Jim Boyd indicated he would work with Representative Fasano on some of the amendments before the bill is taken up by the full House next week.

Good things the bills do:

- **Place restrictions on dual public employment** aimed at former House Speaker Ray Sansom's situation where on the day he was sworn in as House Speaker he also received a six figure job at a Community College in his district.
- **Increase the ability of the Ethics Commission to collect fines** that are owed.
- **Require financial disclosure forms to be put online** and require the Ethics Commission to develop an electronic filing system for financial disclosure.
- **Allow referrals of ethics complaints** from the Governor's office, FDLE, state attorneys and the U.S. Attorney.
- **Require four hours a year of ethics training** for constitutional officers.

Bad things both bills do:

- **Include a "get out of jail free card"** that gives public officials 30 days to go back and fix an error on a financial disclosure form after an ethics complaint has been filed and not face a penalty, no matter how serious the error was.

Bad things the Senate bill does:

- **The Senate bill blinds the public** when public officials place their assets into a blind trust to avoid conflicts of interest. The Ethics Commission has recommended blind trusts, but the Commission's proposal requires the official to disclose what goes into the trust and what comes out which the Senate bill doesn't do. The House bill is significantly better in this area requiring that disclosure.
- **The Senate bill requires the Ethics Commission to dismiss complaints** that involve "de minimis" or unintentional violations. This essentially creates a new opportunity for defense attorneys to have complaints dismissed at every stage of an investigation and puts the burden on the Ethics Commission to prove intent. The

House bill fixes this problem and says the Commission “may” dismiss a complaint rather than “shall.”

Health Care Reform

Governor Scott has called for lawmakers to expand Medicaid to 900,000 or more poorer Floridians as part of the federal health care overhaul. The League supports the expansion of Medicaid and is asking its members to **call or e-mail Senate President Gaetz**, gaetz.don.web@flsenate.gov, (850) 487-5001, and **Speaker Weatherford**, will.weatherford@myfloridahouse.gov, (850) 717-5038, and let them know that Florida citizens want them to implement the federal Affordable Health Care Act.

So far, the House of Representatives has said it will turn down the federal funding for Medicaid expansion even if it means forfeiting billions of dollars to other states. Last week, House Republicans released their health care proposal, a bare-bones alternative to expanding Medicaid. The plan would bypass more than \$50 billion in federal aid and sets up a clash between Governor Rick Scott and the Senate. The House plan would provide coverage to up to 130,000 disabled adults and adults with children, far less than the 1 million Floridians who would receive coverage if Florida receives the federal money. This week, League President Deirdre Macnab sent a letter to House Speaker Will Weatherford asking that the House reconsider its decision not to accept the Medicaid Expansion funding.

The Senate is considering two proposed plans. The first, by Senator Joe Negrón, would have Florida accept the federal money, but not have government run the program. Instead it would be managed by the private nonprofit Florida Healthy Kids Corp. A second plan by Senator Aaron Bean is similar to the House approach and would not accept the federal funding, but use state dollars to provide subsidies to help poor people cover the cost of private health insurance.

Right to Speak

Another top priority for the League this year is a bill that would give citizens a “reasonable” right to speak at meetings of local government and state executive branch bodies. The Senate bill ([SB 50](#)) was filed by Senator Joe Negrón in response to two court rulings that found that while Florida’s “sunshine law” requires officials meet in public, it does not give the public the right to be heard on issues being discussed at those meetings. The bill was passed by the Senate and is currently in House messages.

The House bill ([HB 23](#)) was passed this week by the State Affairs Committee and will be heard next by the full House.

Other Issues

The League is also monitoring the legislature’s work on the issues of Internet sales taxation, the “parent trigger” bill, environmental protection, health care and immigration.

As you can see, it's sure to be an interesting and exciting legislative session and one in which the League of Women Voters of Florida will be very active. We will be asking for your help to lobby for and against issues that the League believes are critical. Thank you in advance for your support of our lobbying efforts.

League Priority Issues

The League has set three program areas for the 2013 legislative session, including Government, Education and Social Policy.

Government: Promote an open government that is responsive to the people of the state.

- Finance and Taxation: Support a state fiscal structure that is equitable in its distribution of tax responsibility and responsive to public needs.
- Reapportionment: Actively promote and support the reapportionment process.
- Ethics: Promote the strengthening of the Florida Commission on Ethics, including the areas of independence, subpoena power and the ability to levy fines and initiate an investigation.
- Election Law: Support greater flexibility in the selection of early voting sites.

Education: Support a free public school system for Florida with high standards for student achievement and with equality of educational opportunity for all that is financed adequately by the state through an equitable funding formula.

- Promote adequate funding of public education with no use of public funding for the expansion of funding of private education through a voucher program.
- Promote the extension of public school testing of student achievement to private schools, charter schools and any institutions that receive state funding.

Social Policy: Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.

- Health Care: Support implementation of the federal Health Care Reform Law in Florida, emphasizing access for all and control of costs.
- Immigration: Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

Get Involved!

Ben Wilcox is the League's professional lobbyist for the 2013 legislative session. We are still looking for folks to participate in the Lobbying Corps, so please contact Marilyn Wills (marilynnwills@msn.com) or Rebecca Sager (rsager@music.org) if you are interested.

Updates on League legislative issues will be provided on a regular basis through Capitol Report, which is published every week during the session. Important information may also be accessed at www.leg.state.fl.us.

Watch for your Capitol Report each Friday of the session for news on priority issues and what you can do to help. For updates on or copies of proposed legislation, call legislative information at 1-800-342-1827 or visit the Florida Online Sunshine homepage at www.leg.state.fl.us. For more information about the League's advocacy, check out www.TheFloridaVoter.org