Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Internal Management & Fiscal Responsibility Committee

Thursday, April 14, 2005
1:30 PM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 250
Miami, Florida 33128
305-375-4354

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Internal Management & Fiscal Responsibility Committee
Meeting Agenda
April 14, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2(B)	2(C)

If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

Acknowledgements--Analyses prepared by:
Doug Pile, Legislative Analyst

IMFR ITEM 2(B)
April 14, 2005

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION ENDORSING THE CONCEPT OF VOTING CENTERS FOR FUTURE ELECTIONS

Commissioner Dr. Barbara Carey-Shuler

I. SUMMARY

The Resolution urges the Florida Legislature to enact legislation endorsing the concept of voting centers and allowing for a defined period of voting, including Election Day.

II. PRESENT SITUATION

Under Florida law, "early voting" allows a voter to vote early in the main or branch office of the Supervisor of Elections. The Supervisor may designate any city hall or public library as early voting sites. However, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. Early voting shall begin on the 15th day before an election and end on the day before an election (8 days for a special election). Early voting shall last at least 8 hours per weekday and 8 hours in the aggregate for each weekend during the applicable periods. The results or tabulation of early voting ballots may not be made before the close of the polls on Election Day, just as for absentee ballots.

In December 2004, the Florida State Association of Supervisors of Elections voted to present the Legislature with a proposal on early voting, which provides for an eleven day period of voting, including the traditional Tuesday and two weekends, and replacing precinct polling places with voting centers. Many Supervisors claim the proposal for voting centers would provide better trained poll workers, reduce disqualified provisional ballots (from voting in the wrong precinct), and reduce long lines.

III. POLICY CHANGE AND IMPLICATION

The Resolution urges the Florida Legislature to enact legislation endorsing the concept of voting centers and allowing for a defined period of voting, including Election Day.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

A search of bills filed for the 2005 Legislative Session revealed that SB 268, by Sen. Posey (chairman of Ethics and Elections Committee), amends s.101.656, F.S., relating to early voting, However, the bill only shortens the period of early voting by ending it on the Friday before the election. This bill passed 6-0 out of the Ethics and Elections Committee and is now on the Calendar. There is no House companion.

IMFR ITEM 2(C)
April 14, 2005

LEGISLATIVE ANALYSIS

RESOLUTION REQUESTING FLORIDA LEGISLATURE TO ENACT LEGISLATION AUTHORIZING THE EXPUNGEMENT OF CRIMINAL RECORDS OF PERSONS ARRESTED FOR PROTESTING AND COMMITTING OTHER ACTS OF CIVIL DISOBEDIENCE DURING THE CIVIL RIGHTS ERA; AND DIRECTING THE CLERK OF THE BOARD TO SEND CERTIFIED COPIES OF THIS RESOLUTION TO THE GOVERNOR, CABINET, AND MEMBERS OF THE FLORIDA LEGISLATURE

Commissioner Dr. Barbara Carey-Shuler

I. SUMMARY

The Resolution urges the Florida Legislature to authorize the expungement of criminal records for those persons arrested for their participation in the Civil Rights Movement of the 1960s.

II. PRESENT SITUATION

Expungement is the process of legally destroying, obliterating or striking out records relating to criminal charges. The records themselves do not disappear, but the records cannot be accessed for general law enforcement or civil use. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, unless additional arrests directly relate to the original arrest and the court specifies its intent to expunge additional arrest charges in the order. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction, as provided in s. 943.0585, F.S. Persons convicted of certain violent crimes or sexual crimes are not eligible for expungement. There is no time limit on applying for expungement.

In Florida a person can legally deny the existence of a past arrest and conviction if it has been expunged, with certain exceptions. This includes denying it to potential employers and not having it show up on a subsequent background check. Many employers today not only ask about past arrests and convictions but also run background checks, which is often available instantaneously through the internet.

Civil disobedience encompasses the active refusal to obey certain laws, demands and commands of a government without resorting to physical violence, in order to draw attention to a political or social cause. Dr. Martin Luther King Jr., a leader of the Civil Rights movement in the United States in the 1960s, adopted civil disobedience techniques. Anti-war activists, pro-life activists, animal-rights activists, and others frequently practice civil disobedience as a political tactic. They chose to break certain laws with the expectation that they would be arrested, or even attacked or beaten. Protesters often undergo training in advance on how to react to arrest or to attack, so that they will quietly or limply resist arrest without threatening the authorities.

III. POLICY CHANGE AND IMPLICATION

The Resolution urges the Florida Legislature to authorize the expungement of criminal records for those persons arrested for their participation in the Civil Rights Movement of the 1960s.

IV. ECONOMIC IMPACT

Removing a criminal record can assist in employment opportunities for those between jobs, those hoping for advancement, or those just getting back into the job market.

V. COMMENTS AND QUESTIONS

A search of bills filed for the 2005 Legislative Session revealed no bill relating to this specific issue.