

1                   A bill to be entitled  
2           An act relating to elections; amending s. 97.012, F.S.;  
3           expanding the list of responsibilities of the Secretary of  
4           State when acting in his or her capacity as chief election  
5           officer; amending s. 97.021, F.S.; revising the definition  
6           of "minor political party"; amending s. 97.025, F.S.;  
7           revising methods of publication and distribution of the  
8           Florida Election Code pamphlet to candidates qualifying  
9           with the Department of State; amending s. 97.0575, F.S.;  
10          requiring that third-party voter registration  
11          organizations register with the Division of Elections and  
12          provide the division with certain information; requiring  
13          that the division or a supervisor of elections make voter  
14          registration forms available to third-party voter  
15          registration organizations; requiring that such forms  
16          contain certain information; requiring that the division  
17          maintain a database of certain information; requiring  
18          supervisors of elections to provide specified information  
19          to the division in a format and at times required by the  
20          division; requiring that such information be updated and  
21          made public daily at a specified time; requiring third-  
22          party voter registration organizations to deliver  
23          collected voter registration applications within a  
24          specified period; revising penalty provisions to conform;  
25          specifying grounds for an affirmative defense to a  
26          violation of timely submission requirements; providing for  
27          the referral of violations to the Attorney General;  
28          authorizing the Attorney General to initiate a civil

29 | action; providing that an action for relief may include a  
30 | permanent or temporary injunction, a restraining order, or  
31 | any other appropriate order; requiring that the division  
32 | adopt rules for specified purposes; amending s. 97.071,  
33 | F.S.; requiring that voter information cards contain the  
34 | address of the polling place of the registered voter;  
35 | requiring a supervisor of elections to issue a new voter  
36 | information card to a voter upon a change in a voter's  
37 | address of legal residence or a change in a voter's  
38 | polling place address; amending s. 97.073, F.S.; requiring  
39 | a supervisor to notify an applicant within 5 business days  
40 | regarding disposition of the voter registration  
41 | applications; amending s. 97.1031, F.S.; requiring an  
42 | elector to notify the supervisor of elections when he or  
43 | she changes his or her residence address; providing a  
44 | voter with various options for providing address updates;  
45 | revising notice requirements for any change in party  
46 | affiliation; amending s. 98.075, F.S.; requiring a  
47 | supervisor of elections to remove a registered voter from  
48 | the statewide voter registration system upon certain  
49 | notice; providing bases for ineligibility; amending  
50 | 98.093, F.S.; requiring the Florida Parole Commission and  
51 | the Department of Corrections to provide specified data  
52 | for the updating of the statewide voter registration  
53 | system regarding convicted felons; amending s. 98.0981,  
54 | F.S.; providing timeframes and formats for voting history  
55 | information to be sent by the supervisors of elections to  
56 | the department; providing timeframes and formats for

57 | voting history information to be sent by the department to  
58 | the President of the Senate, the Speaker of the House of  
59 | Representatives, and the respective minority leaders;  
60 | requiring submission of precinct-level information in a  
61 | certain format by a time certain; amending s. 99.012,  
62 | F.S., relating to restrictions on individuals qualifying  
63 | for public office; providing that if a final court order  
64 | determines that a person did not comply with specific  
65 | provisions of the section the person is not qualified as a  
66 | candidate and his or her name may not appear on ballot;  
67 | providing for nonapplicability to presidential and vice  
68 | presidential candidates; amending s. 99.021, F.S.;  
69 | revising the candidate oath requirement for a person  
70 | seeking to qualify for nomination or election or as a  
71 | candidate of a political party; removing requirement for  
72 | qualifying officer to give printed copy of candidate oath;  
73 | removing requirement for taking public employee oath;  
74 | providing exceptions for certain candidates taking other  
75 | oaths; amending s. 99.061, F.S.; revising timeframe for  
76 | candidate to pay qualifying fee under certain  
77 | circumstances; requiring checks to be payable as  
78 | prescribed by filing officer; requiring notarized  
79 | signature on certain oaths; removing requirement for  
80 | public employee oath; requiring filing of a notarized  
81 | financial disclosure; clarifying time for qualifying  
82 | papers to be received; providing that qualifying officer  
83 | performs ministerial duty only; exempting qualifying  
84 | officer decision from Administrative Procedures Act;

85 | amending s. 99.063, F.S.; removing the requirement that a  
86 | candidate swear a public employee loyalty oath; amending  
87 | s. 99.093, F.S.; remitting assessments directly to the  
88 | Florida Elections Commissions rather than passing through  
89 | the department; amending s. 99.095, F.S.; allowing certain  
90 | individuals seeking county or district office in a year of  
91 | apportionment to obtain signatures countywide; amending s.  
92 | 99.097, F.S.; clarifying that the supervisor of elections  
93 | checks more than signatures on petition forms; clarifying  
94 | rulemaking authority of the department relating to  
95 | petitions; prohibiting certain random sampling method of  
96 | petition verification for constitutional amendments  
97 | petitions; providing for invalidity of undue burden oaths  
98 | under specified circumstances; providing for certain funds  
99 | to be used to reimburse a supervisor of elections for  
100 | signature verification fees not previously paid when an  
101 | undue burden oath is held invalid; amending s. 100.061,  
102 | F.S.; revising the primary election date; amending s.  
103 | 100.111, F.S.; providing notification requirements and  
104 | procedures for filling a vacancy in nomination for certain  
105 | offices; deleting the definition of the term "district  
106 | political party executive committee"; providing that a  
107 | vacancy in nomination is not created if an order of a  
108 | court that has become final determines the nominee did not  
109 | properly qualify or does not meet the necessary  
110 | qualifications to hold the office sought; amending s.  
111 | 100.371, F.S.; providing that signatures on an initiative  
112 | petition are valid for 2 years instead of 4 years;

113 requiring that a petition signer must be a registered  
114 elector at time of signing for a supervisor to verify his  
115 or her signature as valid; requiring the supervisor of  
116 elections to notify petition sponsor of misfiled petition  
117 under certain circumstances; deleting certain petition  
118 revocation provisions; amending s. 101.001, F.S.;  
119 requiring the supervisors of elections to provide the  
120 department with precinct data including specified  
121 information; requiring the department to maintain a  
122 searchable database containing certain precinct and census  
123 block information; requiring supervisors of elections to  
124 notify the department of precinct changes within a  
125 specified time; deleting a waiver; amending s. 101.043,  
126 F.S.; providing that the address appearing on the photo  
127 identification used at polls cannot be used to confirm or  
128 challenge an elector's legal residence for address  
129 verification; amending s. 101.045, F.S.; permitting a  
130 change of residence at the polling place for a person  
131 changing residence within a county; providing that a  
132 person whose change of address is from outside the county  
133 may not change his or her legal residence at the polling  
134 place or vote a regular ballot but may vote a provisional  
135 ballot; amending s. 101.131, F.S.; revising procedures for  
136 the designation of poll watchers; requiring that the  
137 division prescribe a form for the designation of poll  
138 watchers; providing conditions under which poll watchers  
139 are authorized to enter polling areas and watch polls;  
140 requiring that a supervisor of elections provide

141 identification to poll watchers by a specified period  
142 before early voting begins; requiring that poll watchers  
143 display such identification while in a polling place;  
144 amending s. 101.151, F.S.; providing changes in ballot  
145 appearance; reducing length and appearance of ballot and  
146 redundancy; expanding use of ballot on demand technology;  
147 amending s. 101.5605, F.S.; clarifying that testing of  
148 voting equipment be done in accordance with state-adopted  
149 voting system standards; amending s. 101.5606, F.S.;  
150 removing references to obsolete forms of voting; amending  
151 s. 101.5612, F.S.; revising the number or percentage of  
152 systems that must be tested; amending s. 101.5614, F.S.;  
153 conforming law to current technological practices in  
154 canvassing of certain returns; amending s. 101.591, F.S.;  
155 providing that a manual recount is not required under  
156 certain circumstances; amending s. 101.62, F.S.; extending  
157 absentee ballot request through the end of the calendar  
158 year of the next two regularly scheduled general  
159 elections; providing timeframes for absentee ballots to be  
160 sent to voters voting an absentee ballot; clarifying  
161 provisions relating to military and overseas voters;  
162 requiring the supervisors of elections to update absentee  
163 ballot information and make available by a time certain;  
164 revising reasons for voting absentee; amending s. 101.65,  
165 F.S.; expanding absentee ballot instructions to notify a  
166 voter that signatures on ballot and on record must match;  
167 informing voter when signature must be updated; amending  
168 s. 101.68, F.S.; allowing the county canvassing boards to

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169 begin canvassing of absentee ballots at a time certain;  
170 amending s. 101.6923, F.S.; expanding special absentee  
171 ballot instructions for certain first-time voters to  
172 notify voters that signatures on the ballot and on record  
173 must match; informing voter when signature must be  
174 updated; amending s. 101.75, F.S.; eliminating state  
175 mandate for a municipal election to have a 14-day  
176 candidate qualifying period when it moves its election to  
177 coincide with state or county election; amending s.  
178 102.031, F.S.; prohibiting solicitation of voters who are  
179 entering or in line to enter any polling place, polling  
180 room, or early voting site; requiring the posting of a  
181 sign; expanding the definitions of the terms "solicit" and  
182 "solicitation"; amending s. 102.141, F.S.; requiring the  
183 canvassing board to report all early voting and all  
184 tabulated absentee results to the department by a time  
185 certain; requiring periodic updates; amending s. 102.168,  
186 F.S.; clarifying when canvassing boards are an  
187 indispensable party to an election contest; clarifying  
188 evidence a circuit court may consider in certain election  
189 contests; providing a standard of review; amending s.  
190 103.021; F.S.; revising the definition of the term  
191 "national party"; revising requirements for a minor  
192 political party to have candidates for President and Vice  
193 President placed on the general election ballot; amending  
194 s. 103.095, F.S.; establishing the process and  
195 requirements for becoming a minor political party;  
196 authorizing the division to adopt rules; providing for

197 cancellation of minor political party status under certain  
198 circumstances; providing for appeal; providing for  
199 retroactive effectiveness; amending s. 103.101, F.S.;  
200 creating a Presidential Preference Primary Date Selection  
201 Committee; providing membership; requiring for the  
202 committee to meet by a date certain and to set a date for  
203 the presidential preference primary; amending s. 103.141,  
204 F.S.; deleting language providing for the removal of  
205 certain county executive committee members pursuant to a  
206 separate provision of law; amending s. 104.29, F.S.;  
207 clarifying when it is an offense for an inspector or other  
208 election official to deny a person the opportunity to  
209 observe whether ballots are being correctly reconciled;  
210 amending s. 106.011, F.S.; revising the definitions of  
211 "candidate", "contribution," and "expenditure" to exclude  
212 funds received or spent for certain potential candidate  
213 polls; clarifying and conforming the definition of  
214 "independent expenditure" to the candidate's specific  
215 qualifying period; clarifying the qualifying period for  
216 the candidate; correcting a cross-reference; creating s.  
217 106.012, F.S.; providing that funds spent or received are  
218 not contributions or expenditures if used solely for  
219 determining candidate viability; providing examples of  
220 permissible activities; providing for retention of  
221 records; providing that funds become contributions and  
222 expenditures upon the candidacy of a person; requiring  
223 reporting of funds regardless of date received or spent;  
224 providing examples of ineligible activities for fund use;

225 delineating activities indicating intention to become a  
 226 candidate; limiting the amount of funds that may be  
 227 received; amending s. 106.021, F.S.; deleting a  
 228 requirement that certain information be included in  
 229 campaign reports for reimbursement; amending s. 106.022,  
 230 F.S.; requiring a political committee, committee of  
 231 continuous existence, or electioneering communications  
 232 organization to file a statement of appointment with the  
 233 filing officer rather than with the division; authorizing  
 234 an entity to change its appointment of registered agent or  
 235 registered office by filing a written statement with the  
 236 filing officer; requiring a registered agent who resigns  
 237 to execute a written statement of resignation and file it  
 238 with the filing officer; amending s. 106.023, F.S.;

239 revising the form of the statement of a candidate to  
 240 require a candidate to acknowledge that he or she has been  
 241 provided access to and understands the requirements of ch.  
 242 106, F.S.; amending s. 106.025, F.S.; exempting tickets or  
 243 advertising for a campaign fundraiser from requirements of  
 244 s. 106.143, F.S.; amending s. 106.03, F.S.; providing when  
 245 a group must register as an electioneering communications  
 246 organization; amending s. 106.04, F.S.; requiring a  
 247 committee of continuous existence that makes a  
 248 contribution or expenditure in connection with certain  
 249 county or municipal elections to file specified reports;  
 250 subjecting a committee of continuous existence that fails  
 251 to file a report or to timely file a report with the  
 252 division or a county or municipal filing officer to a

253 fine; requiring a committee of continuous existence to  
254 include transaction information from credit card purchases  
255 in a report filed with the division; requiring a committee  
256 of continuous existence to report changes in information  
257 previously reported to the division within 10 days after  
258 the change; requiring the division to revoke the  
259 certification of a committee of continuous existence under  
260 certain circumstances; requiring the division to adopt  
261 rules to prescribe the manner in which the certification  
262 is revoked; increasing the amount of a fine to be levied  
263 on a committee of continuous existence that fails to  
264 timely file certain reports; providing for the deposit of  
265 the proceeds of the fines; including the registered agent  
266 of a committee of continuous existence as an alternate  
267 person whom the filing officer shall notify that a report  
268 has not been filed; providing criteria for deeming  
269 delivery of a notice of fine complete; requiring a  
270 committee of continuous existence that appeals a fine to  
271 file a copy of the appeal with the commission; amending s.  
272 106.07, F.S.; correcting a cross-reference; revising the  
273 dates that certain contribution and expenditure reports  
274 must be filed; revising reporting requirements for a  
275 statewide candidate who receives funding under the Florida  
276 Election Campaign Financing Act and candidates in a race  
277 with a candidate who has requested funding under that act;  
278 deleting a requirement for a committee of continuous  
279 existence to file a campaign treasurer's report relating  
280 to contributions or expenditures to influence the results

281 of a special election; revising the methods by which a  
282 campaign treasurer may be notified of the determination  
283 that a report is incomplete to include certified mail and  
284 other methods using a common carrier that provides proof  
285 of delivery of the notice; extending the time the campaign  
286 treasurer has to file an addendum to the report after  
287 receipt of notice of why the report is incomplete;  
288 providing criteria for deeming delivery complete of a  
289 notice of incomplete report; deleting a provision allowing  
290 for notification by telephone of an incomplete report;  
291 requiring political committees that make a contribution or  
292 expenditure in connection with certain county or municipal  
293 elections to file campaign finance reports with the county  
294 or municipal filing officer and to include its  
295 contributions and expenditures in a report to the  
296 division; revising the information that must be included  
297 in a report to include transaction information for credit  
298 card purchases; deleting a requirement that a campaign  
299 depository to return checks drawn on the account to the  
300 campaign treasurer; specifying the amount of a fine for  
301 the failure to timely file reports after a special primary  
302 election or special election; specifying that the  
303 registered agent of a political committee is a person whom  
304 a filing officer may notify of the amount of the fine for  
305 filing a late report; providing criteria for deeming  
306 delivery of a notice of late report and resulting fine  
307 complete; amending s. 106.0703, F.S.; correcting a cross-  
308 reference; deleting a requirement for an electioneering

309 | communications organization to provide certain information  
310 | to the department on activities occurring since the last  
311 | general election; amending s. 106.0705, F.S.; requiring  
312 | certain individuals to electronically file certain reports  
313 | with the division; conforming a cross-reference to changes  
314 | made by the act; deleting an obsolete provision; amending  
315 | s. 106.071, F.S.; conforming provisions relating to  
316 | expenditures in the aggregate; clarifying the independent  
317 | expenditure disclaimer for paid political advertisement by  
318 | an individual; amending s. 106.08, F.S.; deleting a  
319 | requirement for the department to notify candidates as to  
320 | whether an independent or minor party candidate has  
321 | obtained the required number of petition signatures;  
322 | deleting a requirement for certain unopposed candidates to  
323 | return contributions; specifying the entities with which a  
324 | political party's state executive committee and county  
325 | executive committees must file a written acceptance of an  
326 | in-kind contribution; amending s. 106.09, F.S.; specifying  
327 | that the limitations on contributions by cash or cashier's  
328 | check apply to the aggregate amount of contributions to a  
329 | candidate or committee per election; clarifying that a  
330 | violation of a certain subsection, and not a section, of  
331 | the law is a misdemeanor of the first degree; amending s.  
332 | 106.11, F.S.; revising the statement that must be  
333 | contained on checks from a campaign account; deleting  
334 | requirements relating to the use of debit cards;  
335 | authorizing a campaign for a candidate to reimburse the  
336 | candidate's loan to the campaign when the campaign account

337 has sufficient funds; amending s. 106.141, F.S.; removing  
338 certain limitations on expenditure of surplus funds;  
339 requiring candidates receiving public financing to return  
340 all surplus funds to the General Revenue Fund after paying  
341 certain monetary obligations and expenses; amending s.  
342 106.143, F.S.; revising disclosure requirements for  
343 certain political advertisements; specifying disclosure  
344 statements that must be included in political  
345 advertisements paid for by a write-in candidate;  
346 specifying disclosure requirements for political  
347 advertisements paid for by in-kind contributions;  
348 prohibiting the inclusion of a person's political  
349 affiliation in advertisements for a nonpartisan office;  
350 clarifying the type of political advertisements that must  
351 be approved in advance by a candidate; deleting a  
352 duplicative exemption from the requirement to obtain a  
353 candidate's approval for messages designed to be worn;  
354 providing that political advertisements paid for by a  
355 political party or an affiliated party committee may use  
356 certain registered names and abbreviations; amending s.  
357 106.15, F.S.; prohibiting the making, soliciting, or  
358 accepting of any political contribution in a government-  
359 occupied room or building space; defining "government-  
360 occupied room or building space"; providing an exception;  
361 amending s. 106.17, F.S.; authorizing state and county  
362 executive committees and affiliated party committees to  
363 conduct political polls to determine viability of  
364 potential candidates; allowing sharing of results;

365 providing that such expenditures are not contributions to  
366 the potential candidates; amending s. 106.19, F.S.;  
367 providing that a candidate's failure to comply with ch.  
368 106, F.S., has no effect on whether the candidate has  
369 qualified for office; amending s. 106.25, F.S., relating  
370 to reports of alleged violations to Florida Elections  
371 Commission; providing a deadline for the filing of a  
372 response by a respondent; prohibiting the commission from  
373 defining willfulness by rule, or further defining the term  
374 as provided in ch. 106 or ch. 104, F.S.; providing for  
375 entering into a consent order under certain circumstances;  
376 allowing a respondent who is alleged by the commission to  
377 have violated the election code or campaign financing laws  
378 to elect as a matter of right a formal hearing before the  
379 Division of Administrative Hearings; authorizing an  
380 administrative law judge to assess civil penalties upon  
381 the finding of a violation; amending s. 106.26, F.S.;  
382 authorizing the commission to file a complaint in the  
383 circuit court where the witness resides; amending s.  
384 106.265, F.S.; authorizing an administrative law judge to  
385 assess a civil penalty upon a finding of a violation of  
386 the election code or campaign financing laws; providing  
387 for civil penalties to be assessed against an  
388 electioneering communications organization; removing  
389 reference to the expired Election Campaign Financing Trust  
390 Fund; directing that moneys from penalties and fines be  
391 deposited into the General Revenue Fund; amending s.  
392 106.29, F.S.; requiring state and county executive

393 | committees that make contributions or expenditures to  
394 | influence the results of a special election or special  
395 | primary election to file campaign treasurer's reports by  
396 | certain dates; providing for applicable campaign finance  
397 | reporting dates, to conform; deleting a requirement that  
398 | each state executive committee file the original and one  
399 | copy of its reports with the division; revising provisions  
400 | relating to penalties for late filing, to conform and to  
401 | provide requirements for sufficiency of notice; amending  
402 | s. 106.35, F.S.; deleting a requirement that the division  
403 | adopt rules relating to the format and filing of certain  
404 | printed campaign treasurer's reports under the Florida  
405 | Election Campaign Financing Act; amending s. 106.355,  
406 | F.S.; eliminating the duty of the department to provide  
407 | funds from the Election Campaign Financing Trust Fund when  
408 | certain expenditure limits are exceeded; amending s.  
409 | 11.045, F.S.; excluding funds received or spent under s.  
410 | 106.012, F.S., from the definition of "expenditure";  
411 | amending s. 112.312, F.S.; excluding funds received or  
412 | spent under s. 106.012, F.S., or contributions or  
413 | expenditures reported pursuant to federal election law  
414 | from the definition of "gift"; amending s. 112.3215, F.S.;  
415 | excluding funds received or spent under s. 106.012, F.S.,  
416 | or contributions or expenditures reported pursuant to  
417 | federal election law from the definition of "expenditure";  
418 | amending s. 876.05, F.S.; deleting the requirement that  
419 | candidates for public office take a public employee oath;  
420 | amending s. 100.101, F.S.; to conform to changes made by

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421 the act; repealing s. 103.161, F.S., relating to the  
 422 removal or suspension of officers or members of state  
 423 executive committees or county executive committees;  
 424 repealing s. 876.07, F.S., relating to the requirement  
 425 that a candidate take a public employee oath as a  
 426 prerequisite to qualifying for public office, to conform;  
 427 providing effective dates.

428

429 Be It Enacted by the Legislature of the State of Florida:

430

431 Section 1. Subsection (16) is added to section 97.012,  
 432 Florida Statutes, to read:

433 97.012 Secretary of State as chief election officer.—The  
 434 Secretary of State is the chief election officer of the state,  
 435 and it is his or her responsibility to:

436 (16) Provide written direction and opinions to the  
 437 supervisors of elections on the performance of their official  
 438 duties with respect to the Florida Election Code or rules  
 439 adopted by the Department of State.

440 Section 2. Subsection (18) of section 97.021, Florida  
 441 Statutes, is amended to read:

442 97.021 Definitions.—For the purposes of this code, except  
 443 where the context clearly indicates otherwise, the term:

444 (18) "Minor political party" is any group as specified in  
 445 s. 103.095 ~~defined in this subsection~~ which on January 1  
 446 preceding a primary election does not have registered as members  
 447 5 percent of the total registered electors of the state. ~~Any~~  
 448 ~~group of citizens organized for the general purposes of electing~~

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449 ~~to office qualified persons and determining public issues under~~  
450 ~~the democratic processes of the United States may become a minor~~  
451 ~~political party of this state by filing with the department a~~  
452 ~~certificate showing the name of the organization, the names of~~  
453 ~~its current officers, including the members of its executive~~  
454 ~~committee, and a copy of its constitution or bylaws. It shall be~~  
455 ~~the duty of the minor political party to notify the department~~  
456 ~~of any changes in the filing certificate within 5 days of such~~  
457 ~~changes.~~

458 Section 3. Section 97.025, Florida Statutes, is amended to  
459 read:

460 97.025 Election Code; copies thereof.—A pamphlet of a  
461 reprint of the Election Code, adequately indexed, shall be  
462 prepared by the Department of State. The pamphlet shall be made  
463 available ~~It shall have a sufficient number of these pamphlets~~  
464 ~~printed so that one may be given, upon request, to each~~  
465 ~~candidate who qualifies with the department. The pamphlet shall~~  
466 be made available ~~A sufficient number may be sent to each~~  
467 ~~supervisor, before prior to the first day of qualifying, so that~~  
468 ~~for distribution, upon request, to each candidate who qualifies~~  
469 ~~with the supervisor and to each clerk of elections~~ has access to  
470 the pamphlet. The cost of making ~~printing~~ the pamphlets  
471 available shall be paid out of funds appropriated for conducting  
472 elections.

473 Section 4. Section 97.0575, Florida Statutes, is amended  
474 to read:

475 97.0575 Third-party voter registrations.—

476 (1) Before engaging in any voter registration activities,

477 a third-party voter registration organization must register and  
478 provide to the division, in an electronic format, the following  
479 information:

480 (a) The names of the officers of the organization and the  
481 name and permanent address of the organization.

482 (b) The name and address of the organization's registered  
483 agent in the state.

484 (c) The names, permanent addresses, temporary addresses,  
485 if any, and dates of birth of each registration agent  
486 registering persons to vote in this state on behalf of the  
487 organization.

488 (d) A sworn statement from each registration agent  
489 employed by or volunteering for the organization stating that  
490 the agent will obey all state laws and rules regarding the  
491 registration of voters. Such statement must be on a form  
492 containing notice of applicable penalties for false  
493 registration.

494 (2) The division or the supervisor of elections shall make  
495 voter registration forms available to third-party voter  
496 registration organizations. All such forms must contain  
497 information identifying the organization to which the forms are  
498 provided. The division shall maintain a database of all third-  
499 party voter registration organizations and the voter  
500 registration forms assigned to the third-party voter  
501 registration organization. Each supervisor of elections shall  
502 provide to the division information on voter registration forms  
503 assigned to and received from third-party voter registration  
504 organizations. The information must be provided in a format and

505 at times as required by the division by rule. The division must  
506 update information on third-party voter registrations daily and  
507 make the information publicly available.

508 ~~(1) Prior to engaging in any voter registration~~  
509 ~~activities, a third-party voter registration organization shall~~  
510 ~~name a registered agent in the state and submit to the division,~~  
511 ~~in a form adopted by the division, the name of the registered~~  
512 ~~agent and the name of those individuals responsible for the day-~~  
513 ~~to-day operation of the third-party voter registration~~  
514 ~~organization, including, if applicable, the names of the~~  
515 ~~entity's board of directors, president, vice president, managing~~  
516 ~~partner, or such other individuals engaged in similar duties or~~  
517 ~~functions. On or before the 15th day after the end of each~~  
518 ~~calendar quarter, each third-party voter registration~~  
519 ~~organization shall submit to the division a report providing the~~  
520 ~~date and location of any organized voter registration drives~~  
521 ~~conducted by the organization in the prior calendar quarter.~~

522 ~~(2) The failure to submit the information required by~~  
523 ~~subsection (1) does not subject the third-party voter~~  
524 ~~registration organization to any civil or criminal penalties for~~  
525 ~~such failure, and the failure to submit such information is not~~  
526 ~~a basis for denying such third-party voter registration~~  
527 ~~organization with copies of voter registration application~~  
528 ~~forms.~~

529 (3) (a) A third-party voter registration organization that  
530 collects voter registration applications serves as a fiduciary  
531 to the applicant, ensuring that any voter registration  
532 application entrusted to the ~~third-party voter registration~~

533 organization, irrespective of party affiliation, race,  
 534 ethnicity, or gender, shall be promptly delivered to the  
 535 division or the supervisor of elections within 48 hours after  
 536 the applicant completes it or the next business day if the  
 537 appropriate office is closed for that 48-hour period. If a voter  
 538 registration application collected by any third-party voter  
 539 registration organization is not promptly delivered to the  
 540 division or supervisor of elections, the third-party voter  
 541 registration organization is ~~shall be~~ liable for the following  
 542 fines:

543 1.(a) A fine in the amount of \$50 for each application  
 544 received by the division or the supervisor of elections more  
 545 than 48 hours ~~10 days~~ after the applicant delivered the  
 546 completed voter registration application to the third-party  
 547 voter registration organization or any person, entity, or agent  
 548 acting on its behalf or the next business day, if the office is  
 549 closed. A fine in the amount of \$250 for each application  
 550 received if the third-party voter registration organization or  
 551 person, entity, or agency acting on its behalf acted willfully.

552 2.(b) A fine in the amount of \$100 for each application  
 553 collected by a third-party voter registration organization or  
 554 any person, entity, or agent acting on its behalf, before ~~prior~~  
 555 ~~to~~ book closing for any given election for federal or state  
 556 office and received by the division or the supervisor of  
 557 elections after the book-closing ~~book-closing~~ deadline for such  
 558 election. A fine in the amount of \$500 for each application  
 559 received if the third-party registration organization or person,  
 560 entity, or agency acting on its behalf acted willfully.

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561        ~~3.(e)~~ A fine in the amount of \$500 for each application  
562 collected by a third-party voter registration organization or  
563 any person, entity, or agent acting on its behalf, which is not  
564 submitted to the division or supervisor of elections. A fine in  
565 the amount of \$1,000 for any application not submitted if the  
566 third-party voter registration organization or person, entity,  
567 or agency acting on its behalf acted willfully.

568  
569 The aggregate fine pursuant to this paragraph ~~subsection~~ which  
570 may be assessed against a third-party voter registration  
571 organization, including affiliate organizations, for violations  
572 committed in a calendar year is ~~shall be~~ \$1,000.

573        (b) A showing by the fines provided in this subsection  
574 ~~shall be reduced by three-fourths in cases in which the third-~~  
575 ~~party voter registration organization~~ that the failure to  
576 deliver the voter registration application within the required  
577 timeframe is based upon force majeure or impossibility of  
578 performance shall be an affirmative defense to a violation of  
579 this subsection ~~has complied with subsection (1)~~. The secretary  
580 may ~~shall~~ waive the fines described in this subsection upon a  
581 showing that the failure to deliver the voter registration  
582 application promptly is based upon force majeure or  
583 impossibility of performance.

584        (4) If the Secretary of State reasonably believes that a  
585 person has committed a violation of this section, the secretary  
586 may refer the matter to the Attorney General for enforcement.  
587 The Attorney General may institute a civil action for a  
588 violation of this section or to prevent a violation of this

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589 section. An action for relief may include a permanent or  
590 temporary injunction, a restraining order, or any other  
591 appropriate order.

592 (5) ~~(4)~~ (a) The division shall adopt by rule a form to  
593 elicit specific information concerning the facts and  
594 circumstances from a person who claims to have been registered  
595 to vote by a third-party voter registration organization but who  
596 does not appear as an active voter on the voter registration  
597 rolls. The division shall also adopt rules to ensure the  
598 integrity of the registration process, including rules requiring  
599 third-party voter registration organizations to account for all  
600 state and federal registration forms used by their registration  
601 agents.

602 (b) The division may investigate any violation of this  
603 section. Civil fines shall be assessed by the division and  
604 enforced through any appropriate legal proceedings.

605 (6) ~~(5)~~ The date on which an applicant signs a voter  
606 registration application is presumed to be the date on which the  
607 third-party voter registration organization received or  
608 collected the voter registration application.

609 (7) ~~(6)~~ The civil fines provided in this section are in  
610 addition to any applicable criminal penalties.

611 (8) ~~(7)~~ Fines collected pursuant to this section shall be  
612 annually appropriated by the Legislature to the department for  
613 enforcement of this section and for voter education.

614 (9) ~~(8)~~ The division may adopt rules to administer this  
615 section.

616 Section 5. Effective August 1, 2012, section 97.071,

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617 Florida Statutes, is amended to read:

618 97.071 Voter information card.—

619 (1) A voter information card shall be furnished by the  
620 supervisor to all registered voters residing in the supervisor's  
621 county. The card must contain:

622 (a) Voter's registration number.

623 (b) Date of registration.

624 (c) Full name.

625 (d) Party affiliation.

626 (e) Date of birth.

627 (f) Address of legal residence.

628 (g) Precinct number.

629 (h) Polling place address.

630 (i) ~~(h)~~ Name of supervisor and contact information of  
631 supervisor.

632 (j) ~~(i)~~ Other information deemed necessary by the  
633 supervisor.

634 (2) A voter may receive a replacement voter information  
635 card by providing a signed, written request for a replacement  
636 card to a voter registration official. Upon verification of  
637 registration, the supervisor shall issue the voter a duplicate  
638 card without charge.

639 (3) In the case of a change of name, address of legal  
640 residence, polling place address, or party affiliation, the  
641 supervisor shall issue the voter a new voter information card.

642 Section 6. Subsection (1) of section 97.073, Florida  
643 Statutes, is amended to read:

644 97.073 Disposition of voter registration applications;

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645 cancellation notice.—

646 (1) The supervisor must notify each applicant of the  
647 disposition of the applicant's voter registration application  
648 within 5 business days after voter registration information is  
649 entered into the statewide voter registration system. The notice  
650 must inform the applicant that the application has been  
651 approved, is incomplete, has been denied, or is a duplicate of a  
652 current registration. A voter information card sent to an  
653 applicant constitutes notice of approval of registration. If the  
654 application is incomplete, the supervisor must request that the  
655 applicant supply the missing information using a voter  
656 registration application signed by the applicant. A notice of  
657 denial must inform the applicant of the reason the application  
658 was denied.

659 Section 7. Section 97.1031, Florida Statutes, is amended  
660 to read:

661 97.1031 Notice of change of residence, change of name, or  
662 change of party affiliation.—

663 (1)(a) When an elector changes his or her residence  
664 address, the elector must notify the supervisor of elections.  
665 Except as provided in paragraph (b), an address change must be  
666 submitted using a voter registration application.

667 (b) If the address change is within the state and notice  
668 is provided to the supervisor of elections of the county where  
669 the elector has moved, the elector may change his or her  
670 residence address by:

671 1. Contacting the supervisor of elections by telephone or  
672 electronic means; or

673           2. Submitting the change on a voter registration  
674 application or other signed written notice. ~~moves from the~~  
675 ~~address named on that person's voter registration record to~~  
676 ~~another address within the same county, the elector must provide~~  
677 ~~notification of such move to the supervisor of elections of that~~  
678 ~~county. The elector may provide the supervisor a signed, written~~  
679 ~~notice or may notify the supervisor by telephone or electronic~~  
680 ~~means.~~ However, notification of such move other than by signed,  
681 written notice must include the elector's date of birth. ~~An~~  
682 ~~elector may also provide notification to other voter~~  
683 ~~registration officials as provided in subsection (2). A voter~~  
684 ~~information card reflecting the new information shall be issued~~  
685 ~~to the elector as provided in subsection (3).~~

686           (2) When an elector ~~moves from the address named on that~~  
687 ~~person's voter registration record to another address in a~~  
688 ~~different county but within the state, the elector seeks to~~  
689 ~~change party affiliation, the elector shall notify his or her~~  
690 supervisor of elections or other voter registration official by  
691 using a signed written notice with the elector's date of birth.  
692 When an ~~or the~~ elector changes his or her name ~~of an elector is~~  
693 ~~changed~~ by marriage or other legal process, the elector shall  
694 notify his or her supervisor of elections or other ~~provide~~  
695 ~~notice of such change to a voter registration official by using  
696 a voter registration application ~~signed by the elector. A voter~~  
697 ~~information card reflecting the new information shall be issued~~  
698 ~~to the elector as provided in subsection (3).~~~~

699           (3) The voter registration official shall make the  
700 necessary changes in the elector's records as soon as practical

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701 upon receipt of the ~~such~~ notice of a change of address of legal  
 702 residence, name, or party affiliation. The supervisor of  
 703 elections shall issue the new voter information card.

704 Section 8. Subsections (3) and (6) of section 98.075,  
 705 Florida Statutes, are amended to read:

706 98.075 Registration records maintenance activities;  
 707 ineligibility determinations.—

708 (3) DECEASED PERSONS.—

709 (a)1. The department shall identify those registered  
 710 voters who are deceased by comparing information ~~on the lists of~~  
 711 ~~deceased persons~~ received from either:

712 a. The Department of Health as provided in s. 98.093; or

713 b. The United States Social Security Administration,  
 714 including, but not limited to, any master death file or index  
 715 that the administration compiles.

716 2. Within 7 days after ~~Upon~~ receipt of such information  
 717 through the statewide voter registration system, the supervisor  
 718 shall remove the name of the registered voter.

719 (b) The supervisor shall remove the name of a deceased  
 720 registered voter from the statewide voter registration system  
 721 upon receipt of a copy of a death certificate issued by a  
 722 governmental agency authorized to issue death certificates.

723 (6) OTHER BASES FOR INELIGIBILITY.—If the department or  
 724 supervisor receives information ~~other than~~ ~~from the~~ sources  
 725 other than those identified in subsections (2)-(5) that a  
 726 registered voter is ineligible because he or she is deceased,  
 727 adjudicated a convicted felon without having had his or her  
 728 civil rights restored, adjudicated mentally incapacitated

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729 without having had his or her voting rights restored, does not  
730 meet the age requirement pursuant to s. 97.041, is not a United  
731 States citizen, is a fictitious person, or has listed a  
732 residence that is not his or her legal residence, the supervisor  
733 shall adhere to the procedures set forth in subsection (7) prior  
734 to the removal of a registered voter's name from the statewide  
735 voter registration system.

736 Section 9. Subsection (1) and paragraphs (e) and (f) of  
737 subsection (2) of section 98.093, Florida Statutes, are amended  
738 to read:

739 98.093 Duty of officials to furnish information relating  
740 to ~~lists of~~ deceased persons, persons adjudicated mentally  
741 incapacitated, and persons convicted of a felony.—

742 (1) In order to identify ineligible registered voters and  
743 to maintain ~~ensure the maintenance of~~ accurate and current voter  
744 registration records in the statewide voter registration system  
745 pursuant to procedures in s. 98.065 or s. 98.075, it is  
746 necessary for the department and supervisors of elections to  
747 receive or access certain information from state and federal  
748 officials and entities in the format prescribed. ~~The department~~  
749 ~~and supervisors of elections shall use the information provided~~  
750 ~~from the sources in subsection (2) to maintain the voter~~  
751 ~~registration records.~~

752 (2) To the maximum extent feasible, state and local  
753 government agencies shall facilitate provision of information  
754 and access to data to the department, including, but not limited  
755 to, databases that contain reliable criminal records and records  
756 of deceased persons. State and local government agencies that

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757 provide such data shall do so without charge if the direct cost  
758 incurred by those agencies is not significant.

759 (e) The Florida Parole Commission Board of Executive  
760 Clemency shall furnish at least bimonthly ~~monthly~~ to the  
761 department data including ~~a list of~~ those persons granted  
762 clemency in the preceding month or any updates to prior records  
763 which have occurred in the preceding month. The data ~~list~~ shall  
764 contain the commission's Board of Executive Clemency case  
765 number, name, address, date of birth, race, gender ~~sex~~, Florida  
766 driver's license number, Florida identification card number, or  
767 the last four digits of the social security number, if  
768 available, and references to record identifiers assigned by the  
769 Department of Corrections and the Department of Law Enforcement,  
770 a unique identifier of each clemency case, and the effective  
771 date of clemency of each person.

772 (f) The Department of Corrections shall identify those  
773 persons who have been convicted of a felony and committed to its  
774 custody or placed on felony community supervision in a time and  
775 manner that enables ~~furnish monthly to the department to~~  
776 identify registered voters who are convicted felons and to meet  
777 obligations under state and federal law. ~~a list of those persons~~  
778 ~~transferred to the Department of Corrections in the preceding~~  
779 ~~month or any updates to prior records which have occurred in the~~  
780 ~~preceding month. The list shall contain the name, address, date~~  
781 ~~of birth, race, sex, social security number, Department of~~  
782 ~~Corrections record identification number, and associated~~  
783 ~~Department of Law Enforcement felony conviction record number of~~  
784 ~~each person.~~

785 Section 10. Effective July 1, 2012, subsections (1) and  
 786 (2) of section 98.0981, Florida Statutes, are amended to read:  
 787 98.0981 Reports; voting history; statewide voter  
 788 registration system information; precinct-level election  
 789 results; book closing statistics.—

790 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
 791 INFORMATION.—

792 (a) Within 30 ~~45~~ days after certification by the Elections  
 793 Canvassing Commission of a presidential preference primary,  
 794 special election, primary election, or a general election,  
 795 supervisors of elections shall transmit to the department, in a  
 796 uniform electronic format specified in paragraph (d) ~~by the~~  
 797 ~~department~~, completely updated voting history information for  
 798 each qualified voter who voted.

799 (b) After receipt of the information in paragraph (a), the  
 800 department shall prepare a report in electronic format which  
 801 contains the following information, separately compiled for the  
 802 primary and general election for all voters qualified to vote in  
 803 either election:

- 804 1. The unique identifier assigned to each qualified voter  
 805 within the statewide voter registration system;
- 806 2. All information provided by each qualified voter on his  
 807 or her voter registration application pursuant to s. 97.052(2),  
 808 except that which is confidential or exempt from public records  
 809 requirements;
- 810 3. Each qualified voter's date of registration;
- 811 4. Each qualified voter's current state representative  
 812 district, state senatorial district, and congressional district,

813 assigned by the supervisor of elections;

814 5. Each qualified voter's current precinct; and

815 6. Voting history as transmitted under paragraph (a) to  
 816 include whether the qualified voter voted at a precinct  
 817 location, voted during the early voting period, voted by  
 818 absentee ballot, attempted to vote by absentee ballot that was  
 819 not counted, attempted to vote by provisional ballot that was  
 820 not counted, or did not vote.

821 (c) Within 45 ~~60~~ days after certification by the Elections  
 822 Canvassing Commission of a presidential preference primary,  
 823 special election, primary election, or a general election, the  
 824 department shall send to the President of the Senate, the  
 825 Speaker of the House of Representatives, the Senate Minority  
 826 Leader, and the House Minority Leader a report in electronic  
 827 format that includes all information set forth in paragraph (b).

828 (d) File specifications are as follows:

829 1. The file shall contain records designated by the  
 830 categories below for all qualified voters who, regardless of the  
 831 voter's county of residence or active or inactive registration  
 832 status at the book closing for the corresponding election that  
 833 the file is being created for:

834 a. Voted a regular ballot at a precinct location.

835 b. Voted at a precinct location using a provisional ballot  
 836 that was subsequently counted.

837 c. Voted a regular ballot during the early voting period.

838 d. Voted during the early voting period using a  
 839 provisional ballot that was subsequently counted.

840 e. Voted by absentee ballot.

841 f. Attempted to vote by absentee ballot but the ballot was  
842 not counted.

843 g. Attempted to vote by provisional ballot but the ballot  
844 was not counted in that election.

845 2. Each file shall be created or converted into a tab-  
846 delimited format.

847 3. File names shall adhere to the following convention:

848 a. Three-character county identifier as established by the  
849 department followed by an underscore.

850 b. Followed by four-character file type identifier of  
851 'VH03' followed by an underscore.

852 c. Followed by FVRS election ID followed by an underscore.

853 d. Followed by Date Created followed by an underscore.

854 e. Date format is YYYYMMDD.

855 f. Followed by Time Created - HHMMSS.

856 g. Followed by ".txt".

857 4. Each record shall contain the following columns: Record  
858 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
859 Date, Vote History Code, Precinct, Congressional District, House  
860 District, Senate District, County Commission District, and  
861 School Board District.

862 (e) Each supervisor of elections shall reconcile, before  
863 submission, the aggregate total of ballots cast in each precinct  
864 as reported in the precinct-level election results to the  
865 aggregate total number of voters with voter history for the  
866 election for each district.

867 (f) Each supervisor of elections shall submit the results  
868 of the data reconciliation as described in paragraph (e) to the

869 department in an electronic format and give a written  
870 explanation for any precincts where the reconciliation as  
871 described in paragraph (e) results in a discrepancy between the  
872 voter history and the election results.

873 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 ~~45~~ days  
874 after certification by the Elections Canvassing Commission ~~the~~  
875 ~~date~~ of a presidential preference primary election, ~~a~~ special  
876 election, primary election, or ~~a~~ general election, the  
877 supervisors of elections shall collect and submit to the  
878 department precinct-level election results for the election in a  
879 uniform electronic format specified by paragraph (c) ~~the~~  
880 ~~department~~. The precinct-level election results shall be  
881 compiled separately for the primary or special primary election  
882 that preceded the general or special general election,  
883 respectively. The results shall specifically include for each  
884 precinct the ~~aggregate~~ total of all ballots cast for each  
885 candidate or nominee to fill a national, state, county, or  
886 district office or proposed constitutional amendment, with  
887 subtotals for each candidate and ballot type, unless fewer than  
888 10 voters voted a ballot type. "All ballots cast" means ballots  
889 cast by voters who cast a ballot whether at a precinct location,  
890 by absentee ballot including overseas absentee ballots, during  
891 the early voting period, or by provisional ballot.

892 (b) The department shall make such information available  
893 on a searchable, sortable, and downloadable database via its  
894 website that also includes the file layout and codes. The  
895 database shall be searchable and sortable by county, precinct,  
896 and candidate. The database shall be downloadable in a tab-

897 delimited format. The database shall be available for download  
 898 county-by-county and also as a statewide file. Such report shall  
 899 also be made available upon request.

900 (c) The files containing the precinct-level election  
 901 results shall be created in accordance with the applicable file  
 902 specification:

903 1. The precinct-level results file shall be created or  
 904 converted into a tab-delimited text file.

905 2. The row immediately before the first data record shall  
 906 contain the column names of the data elements that make up the  
 907 data records. There shall be one header record followed by  
 908 multiple data records.

909 3. The data records shall include the following columns:  
 910 County Name, Election Number, Election Date, Unique Precinct  
 911 Identifier, Precinct Polling Location, Total Registered Voters,  
 912 Total Registered Republicans, Total Registered Democrats, Total  
 913 Registered All Other Parties, Contest Name,  
 914 Candidate/Retention/Issue Name, Candidate Florida Voter  
 915 Registration System ID Number, Division of Elections Unique  
 916 Candidate Identifying Number, Candidate Party, District,  
 917 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

918 Section 11. Subsections (5) and (7) of section 99.012,  
 919 Florida Statutes, are amended to read:

920 99.012 Restrictions on individuals qualifying for public  
 921 office.—

922 (5) If an order of a court that has become final  
 923 determines that a person did not comply with this section, the  
 924 person shall not be qualified as a candidate for election and

925 his or her name may not appear on the ballot. ~~The name of any~~  
 926 ~~person who does not comply with this section may be removed from~~  
 927 ~~every ballot on which it appears when ordered by a circuit court~~  
 928 ~~upon the petition of an elector or the Department of State.~~

929 (7) Nothing contained in subsection (3) relates to persons  
 930 holding any federal office or seeking the office of President or  
 931 Vice President.

932 Section 12. Paragraphs (a) and (b) of subsection (1) of  
 933 section 99.021, Florida Statutes, are amended, and subsection  
 934 (3) is added to that section, to read:

935 99.021 Form of candidate oath.—

936 (1)(a)1. Each candidate, whether a party candidate, a  
 937 candidate with no party affiliation, or a write-in candidate, in  
 938 order to qualify for nomination or election to any office other  
 939 than a judicial office as defined in chapter 105 or a federal  
 940 office, shall take and subscribe to an oath or affirmation in  
 941 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
 942 available ~~furnished~~ to the candidate by the officer before whom  
 943 such candidate seeks to qualify and shall be substantially in  
 944 the following form:

945  
 946 State of Florida  
 947 County of....

948 Before me, an officer authorized to administer oaths,  
 949 personally appeared ...(please print name as you wish it to  
 950 appear on the ballot)..., to me well known, who, being sworn,  
 951 says that he or she is a candidate for the office of ....; that  
 952 he or she is a qualified elector of .... County, Florida; that

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953 he or she is qualified under the Constitution and the laws of  
 954 Florida to hold the office to which he or she desires to be  
 955 nominated or elected; ~~that he or she has taken the oath required~~  
 956 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has  
 957 qualified for no other public office in the state, the term of  
 958 which office or any part thereof runs concurrent with that of  
 959 the office he or she seeks; and that he or she has resigned from  
 960 any office from which he or she is required to resign pursuant  
 961 to s. 99.012, Florida Statutes; and that he or she will support  
 962 the Constitution of the United States and the Constitution of  
 963 the State of Florida.

964 ... (Signature of candidate)...

965 ... (Address)...

966 Sworn to and subscribed before me this .... day of ....,  
 967 ... (year)...., at .... County, Florida.

968 ... (Signature and title of officer administering oath)...

969 2. Each candidate for federal office, whether a party  
 970 candidate, a candidate with no party affiliation, or a write-in  
 971 candidate, in order to qualify for nomination or election to  
 972 office shall take and subscribe to an oath or affirmation in  
 973 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
 974 available ~~furnished~~ to the candidate by the officer before whom  
 975 such candidate seeks to qualify and shall be substantially in  
 976 the following form:

977  
 978 State of Florida

979 County of ....

980 Before me, an officer authorized to administer oaths,

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981 personally appeared ...(please print name as you wish it to  
 982 appear on the ballot)..., to me well known, who, being sworn,  
 983 says that he or she is a candidate for the office of ....; that  
 984 he or she is qualified under the Constitution and laws of the  
 985 United States to hold the office to which he or she desires to  
 986 be nominated or elected; ~~and~~ that he or she has qualified for no  
 987 other public office in the state, the term of which office or  
 988 any part thereof runs concurrent with that of the office he or  
 989 she seeks; and that he or she will support the Constitution of  
 990 the United States.

991 ... (Signature of candidate)...

992 ... (Address)...

993 Sworn to and subscribed before me this .... day of ....,  
 994 ...(year)..., at .... County, Florida.

995 ... (Signature and title of officer administering oath)...

996 (b) In addition, any person seeking to qualify for  
 997 nomination as a candidate of any political party shall, at the  
 998 time of subscribing to the oath or affirmation, state in  
 999 writing:

1000 1. The party of which the person is a member.

1001 2. That the person ~~is not a registered member of any other~~  
 1002 ~~political party and~~ has not been a registered member of  
 1003 ~~candidate for nomination for~~ any other political party for 365  
 1004 days before the beginning of qualifying ~~for a period of 6 months~~  
 1005 preceding the general election for which the person seeks to  
 1006 qualify.

1007 3. That the person has paid the assessment levied against  
 1008 him or her, if any, as a candidate for said office by the

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1009 executive committee of the party of which he or she is a member.

1010 (3) This section does not apply to persons who seek to  
 1011 qualify for election pursuant to the provisions of ss. 103.021  
 1012 and 103.101.

1013 Section 13. Subsections (5) and (7) of section 99.061,  
 1014 Florida Statutes, are amended, and subsection (11) is added to  
 1015 that section, to read:

1016 99.061 Method of qualifying for nomination or election to  
 1017 federal, state, county, or district office.—

1018 (5) At the time of qualifying for office, each candidate  
 1019 for a constitutional office shall file a full and public  
 1020 disclosure of financial interests pursuant to s. 8, Art. II of  
 1021 the State Constitution, duly notarized pursuant to s. 117.05,  
 1022 and a candidate for any other office, including local elective  
 1023 office, shall file a statement of financial interests pursuant  
 1024 to s. 112.3145.

1025 (7) (a) In order for a candidate to be qualified, the  
 1026 following items must be received by the filing officer by the  
 1027 end of the qualifying period:

1028 1. A properly executed check drawn upon the candidate's  
 1029 campaign account payable to the person or entity as prescribed  
 1030 by the filing officer in an amount not less than the fee  
 1031 required by s. 99.092, unless the candidate obtained the  
 1032 required number of signatures on petitions ~~or, in lieu thereof,~~  
 1033 ~~as applicable, the copy of the notice of obtaining ballot~~  
 1034 ~~position~~ pursuant to s. 99.095. The filing fee for a special  
 1035 district candidate is not required to be drawn upon the  
 1036 candidate's campaign account. If a candidate's check is returned

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1037 by the bank for any reason, the filing officer shall immediately  
 1038 notify the candidate and the candidate shall have until, the end  
 1039 of qualifying ~~notwithstanding, have 48 hours from the time such~~  
 1040 ~~notification is received, excluding Saturdays, Sundays, and~~  
 1041 ~~legal holidays,~~ to pay the fee with a cashier's check purchased  
 1042 from funds of the campaign account. Failure to pay the fee as  
 1043 provided in this subparagraph shall disqualify the candidate.

1044 2. The candidate's oath required by s. 99.021, which must  
 1045 contain the name of the candidate as it is to appear on the  
 1046 ballot; the office sought, including the district or group  
 1047 number if applicable; and the signature of the candidate, duly  
 1048 notarized pursuant to s. 117.05 ~~acknowledged.~~

1049 ~~3. The loyalty oath required by s. 876.05, signed by the~~  
 1050 ~~candidate and duly acknowledged.~~

1051 ~~3.4.~~ If the office sought is partisan, the written  
 1052 statement of political party affiliation required by s.  
 1053 99.021(1)(b).

1054 ~~4.5.~~ The completed form for the appointment of campaign  
 1055 treasurer and designation of campaign depository, as required by  
 1056 s. 106.021.

1057 ~~5.6.~~ The full and public disclosure or statement of  
 1058 financial interests required by subsection (5). A public officer  
 1059 who has filed the full and public disclosure or statement of  
 1060 financial interests with the Commission on Ethics or the  
 1061 supervisor of elections prior to qualifying for office may file  
 1062 a copy of that disclosure at the time of qualifying.

1063 (b) If the filing officer receives qualifying papers  
 1064 during the qualifying period prescribed in this section that do

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1065 not include all items as required by paragraph (a) prior to the  
 1066 last day of qualifying, the filing officer shall make a  
 1067 reasonable effort to notify the candidate of the missing or  
 1068 incomplete items and shall inform the candidate that all  
 1069 required items must be received by the close of qualifying. A  
 1070 candidate's name as it is to appear on the ballot may not be  
 1071 changed after the end of qualifying.

1072 (c) The filing officer performs a ministerial function in  
 1073 reviewing qualifying papers. In determining whether a candidate  
 1074 is qualified, the filing officer shall review the qualifying  
 1075 papers to determine whether all items required by paragraph (a)  
 1076 have been properly filed and whether each item is complete on  
 1077 its face, including whether items requiring notarizations are  
 1078 properly notarized as required by s. 117.05. The filing officer  
 1079 may not determine whether the contents of the qualifying papers  
 1080 are accurate.

1081 (11) The decision of the filing officer concerning whether  
 1082 a candidate is qualified is exempt from the provisions of  
 1083 chapter 120.

1084 Section 14. Subsection (2) of section 99.063, Florida  
 1085 Statutes, is amended to read:

1086 99.063 Candidates for Governor and Lieutenant Governor.—

1087 (2) No later than 5 p.m. of the 9th day following the  
 1088 primary election, each designated candidate for Lieutenant  
 1089 Governor shall file with the Department of State:

1090 (a) The candidate's oath required by s. 99.021, which must  
 1091 contain the name of the candidate as it is to appear on the  
 1092 ballot; the office sought; and the signature of the candidate,

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1093 | duly acknowledged.

1094 | ~~(b) The loyalty oath required by s. 876.05, signed by the~~  
 1095 | ~~candidate and duly acknowledged.~~

1096 | (b)~~(e)~~ If the office sought is partisan, the written  
 1097 | statement of political party affiliation required by s.  
 1098 | 99.021(1)(b).

1099 | (c)~~(d)~~ The full and public disclosure of financial  
 1100 | interests pursuant to s. 8, Art. II of the State Constitution. A  
 1101 | public officer who has filed the full and public disclosure with  
 1102 | the Commission on Ethics prior to qualifying for office may file  
 1103 | a copy of that disclosure at the time of qualifying.

1104 | Section 15. Subsection (1) of section 99.093, Florida  
 1105 | Statutes, is amended to read:

1106 | 99.093 Municipal candidates; election assessment.—

1107 | (1) Each person seeking to qualify for nomination or  
 1108 | election to a municipal office shall pay, at the time of  
 1109 | qualifying for office, an election assessment. The election  
 1110 | assessment shall be an amount equal to 1 percent of the annual  
 1111 | salary of the office sought. Within 30 days after the close of  
 1112 | qualifying, the qualifying officer shall forward all assessments  
 1113 | collected pursuant to this section to the Florida Elections  
 1114 | Commission ~~Department of State~~ for transfer to the Elections  
 1115 | Commission Trust Fund within the Department of Legal Affairs.

1116 | Section 16. Paragraph (d) is added to subsection (2) of  
 1117 | section 99.095, Florida Statutes, to read:

1118 | 99.095 Petition process in lieu of a qualifying fee and  
 1119 | party assessment.—

1120 | (2)

1121 (d) In a year of apportionment, any candidate for county  
 1122 or district office seeking ballot position by the petition  
 1123 process may obtain the required number of signatures from any  
 1124 registered voter in the respective county, regardless of  
 1125 district boundaries. The candidate shall obtain at least the  
 1126 number of signatures equal to 1 percent of the total number of  
 1127 registered voters, as shown by a compilation by the department  
 1128 for the immediately preceding general election, divided by the  
 1129 total number of districts of the office involved.

1130 Section 17. Subsections (1), (3), and (5) of section  
 1131 99.097, Florida Statutes, are amended, and subsection (6) is  
 1132 added to that section, to read:

1133 99.097 Verification of ~~signatures on~~ petitions.-

1134 (1) (a) As determined by each supervisor, based upon local  
 1135 conditions, the checking of names on petitions may be based on  
 1136 the most inexpensive and administratively feasible of either of  
 1137 the following methods of verification:

1138 1.(a) A ~~name-by-name, signature-by-signature~~ check of each  
 1139 petition ~~the number of authorized signatures on the petitions;~~  
 1140 or

1141 2.(b) A check of a random sample, as provided by the  
 1142 Department of State, of ~~names and signatures on~~ the petitions.  
 1143 The sample must be such that a determination can be made as to  
 1144 whether or not the required number of signatures has ~~have~~ been  
 1145 obtained with a reliability of at least 99.5 percent.

1146 (b) Rules and guidelines for ~~this method of~~ petition  
 1147 verification shall be adopted ~~promulgated~~ by the Department of  
 1148 State. Rules and guidelines for a random-sample method of

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1149 verification, ~~which~~ may include a requirement that petitions  
1150 bear an additional number of names and signatures, not to exceed  
1151 15 percent of the names and signatures otherwise required. If  
1152 the petitions do not meet such criteria or if the petitions are  
1153 prescribed by s. 100.371, then the use of the random-sample  
1154 method of verification is ~~method described in this paragraph~~  
1155 ~~shall not be~~ available to supervisors.

1156 (3) (a) If all other requirements for the petition are met,  
1157 a signature on a petition shall be verified and counted as valid  
1158 for a registered voter if after comparing the signature on the  
1159 petition and the signature of the registered voter in the voter  
1160 registration system, the supervisor is able to determine that  
1161 the petition signer is the same as the registered voter, even if  
1162 the name on the petition is not in substantially the same form  
1163 as in the voter registration system. ~~A name on a petition, which~~  
1164 ~~name is not in substantially the same form as a name on the~~  
1165 ~~voter registration books, shall be counted as a valid signature~~  
1166 ~~if, after comparing the signature on the petition with the~~  
1167 ~~signature of the alleged signer as shown on the registration~~  
1168 ~~books, the supervisor determines that the person signing the~~  
1169 ~~petition and the person who registered to vote are one and the~~  
1170 ~~same.~~

1171 (b) In any situation in which this code requires the form  
1172 of the petition to be prescribed by the division, no signature  
1173 shall be counted toward the number of signatures required unless  
1174 it is on a petition form prescribed by the division.

1175 (c) ~~(b)~~ If a voter signs a petition and lists an address  
1176 other than the legal residence where the voter is registered,

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1177 | the supervisor shall treat the signature as if the voter had  
 1178 | listed the address where the voter is registered.

1179 |         (5) The results of a verification pursuant to subparagraph  
 1180 | (1) (a)2. ~~paragraph (1) (b)~~ may be contested in the circuit court  
 1181 | by the candidate; an announced opponent; a representative of a  
 1182 | designated political committee; or a person, party, or other  
 1183 | organization submitting the petition. The contestant shall file  
 1184 | a complaint, together with the fees prescribed in chapter 28,  
 1185 | with the clerk of the circuit court in the county in which the  
 1186 | petition is certified or in Leon County if the petition covers  
 1187 | more than one county within 10 days after midnight of the date  
 1188 | the petition is certified; and the complaint shall set forth the  
 1189 | grounds on which the contestant intends to establish his or her  
 1190 | right to require a complete check of the petition names and  
 1191 | signatures pursuant to subparagraph (1) (a)1. ~~paragraph (1) (a).~~  
 1192 | In the event the court orders a complete check of the petition  
 1193 | and the result is not changed as to the success or lack of  
 1194 | success of the petitioner in obtaining the requisite number of  
 1195 | valid signatures, then such candidate, unless the candidate has  
 1196 | filed the oath stating that he or she is unable to pay such  
 1197 | charges; announced opponent; representative of a designated  
 1198 | political committee; or party, person, or organization  
 1199 | submitting the petition, unless such person or organization has  
 1200 | filed the oath stating inability to pay such charges, shall pay  
 1201 | to the supervisor of elections of each affected county for the  
 1202 | complete check an amount calculated at the rate of 10 cents for  
 1203 | each additional signature checked or the actual cost of checking  
 1204 | such additional signatures, whichever is less.

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1205           (6) (a) If any person is paid to solicit signatures on a  
 1206 petition, an undue burden oath may not subsequently be filed in  
 1207 lieu of paying the fee to have signatures verified for that  
 1208 petition.

1209           (b) If an undue burden oath has been filed and payment is  
 1210 subsequently made to any person to solicit signatures on a  
 1211 petition, then the undue burden oath is no longer valid and a  
 1212 fee for all signatures previously submitted to the supervisor of  
 1213 elections and for any that are submitted thereafter shall be  
 1214 paid by the candidate, person, or organization that submitted  
 1215 the undue burden oath. If contributions as defined in s. 106.011  
 1216 are received, any monetary contributions shall first be used to  
 1217 reimburse the supervisor of elections for any signature  
 1218 verification fees not paid because of an undue burden oath being  
 1219 filed.

1220           Section 18. Section 100.061, Florida Statutes, is amended  
 1221 to read:

1222           100.061 Primary election.—In each year in which a general  
 1223 election is held, a primary election for nomination of  
 1224 candidates of political parties shall be held on the Tuesday 12  
 1225 ~~10~~ weeks before ~~prior to~~ the general election. The candidate  
 1226 receiving the highest number of votes cast in each contest in  
 1227 the primary election shall be declared nominated for such  
 1228 office. If two or more candidates receive an equal and highest  
 1229 number of votes for the same office, such candidates shall draw  
 1230 lots to determine which candidate is nominated.

1231           Section 19. Section 100.111, Florida Statutes, is amended  
 1232 to read:

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1233 100.111 Filling vacancy.—

1234 (1) (a) If any vacancy occurs in any office which is  
 1235 required to be filled pursuant to s. 1(f), Art. IV of the State  
 1236 Constitution and the remainder of the term of such office is 28  
 1237 months or longer, then at the next general election a person  
 1238 shall be elected to fill the unexpired portion of such term,  
 1239 commencing on the first Tuesday after the first Monday following  
 1240 such general election.

1241 (b) If such a vacancy occurs prior to the first day set by  
 1242 law for qualifying for election to office at such general  
 1243 election, any person seeking nomination or election to the  
 1244 unexpired portion of the term shall qualify within the time  
 1245 prescribed by law for qualifying for other offices to be filled  
 1246 by election at such general election.

1247 (c) If such a vacancy occurs prior to the primary election  
 1248 but on or after the first day set by law for qualifying, the  
 1249 Secretary of State shall set dates for qualifying for the  
 1250 unexpired portion of the term of such office. Any person seeking  
 1251 nomination or election to the unexpired portion of the term  
 1252 shall qualify within the time set by the Secretary of State. If  
 1253 time does not permit party nominations to be made in conjunction  
 1254 with the primary election, the Governor may call a special  
 1255 primary election to select party nominees for the unexpired  
 1256 portion of such term.

1257 ~~(2) (a) If, in any state or county office required to be~~  
 1258 ~~filled by election, a vacancy occurs during an election year by~~  
 1259 ~~reason of the incumbent having qualified as a candidate for~~  
 1260 ~~federal office pursuant to s. 99.061, no special election is~~

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1261 ~~required. Any person seeking nomination or election to the~~  
1262 ~~office so vacated shall qualify within the time prescribed by s.~~  
1263 ~~99.061 for qualifying for state or county offices to be filled~~  
1264 ~~by election.~~

1265 ~~(b) If such a vacancy occurs in an election year other~~  
1266 ~~than the one immediately preceding expiration of the present~~  
1267 ~~term, the Secretary of State shall notify the supervisor of~~  
1268 ~~elections in each county served by the office that a vacancy has~~  
1269 ~~been created. Such notice shall be provided to the supervisor of~~  
1270 ~~elections not later than the close of the first day set for~~  
1271 ~~qualifying for state or county office. The supervisor shall~~  
1272 ~~provide public notice of the vacancy in any manner the Secretary~~  
1273 ~~of State deems appropriate.~~

1274 (2) ~~(3)~~ Whenever there is a vacancy for which a special  
1275 election is required pursuant to s. 100.101, the Governor, after  
1276 consultation with the Secretary of State, shall fix the dates of  
1277 a special primary election and a special election. Nominees of  
1278 political parties shall be chosen under the primary laws of this  
1279 state in the special primary election to become candidates in  
1280 the special election. Prior to setting the special election  
1281 dates, the Governor shall consider any upcoming elections in the  
1282 jurisdiction where the special election will be held. The dates  
1283 fixed by the Governor shall be specific days certain and shall  
1284 not be established by the happening of a condition or stated in  
1285 the alternative. The dates fixed shall provide a minimum of 2  
1286 weeks between each election. In the event a vacancy occurs in  
1287 the office of state senator or member of the House of  
1288 Representatives when the Legislature is in regular legislative

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1289 session, the minimum times prescribed by this subsection may be  
1290 waived upon concurrence of the Governor, the Speaker of the  
1291 House of Representatives, and the President of the Senate. If a  
1292 vacancy occurs in the office of state senator and no session of  
1293 the Legislature is scheduled to be held prior to the next  
1294 general election, the Governor may fix the dates for the special  
1295 primary election and for the special election to coincide with  
1296 the dates of the primary election and general election. If a  
1297 vacancy in office occurs in any district in the state Senate or  
1298 House of Representatives or in any congressional district, and  
1299 no session of the Legislature, or session of Congress if the  
1300 vacancy is in a congressional district, is scheduled to be held  
1301 during the unexpired portion of the term, the Governor is not  
1302 required to call a special election to fill such vacancy.

1303 (a) The dates for candidates to qualify in such special  
1304 election or special primary election shall be fixed by the  
1305 Department of State, and candidates shall qualify not later than  
1306 noon of the last day so fixed. The dates fixed for qualifying  
1307 shall allow a minimum of 14 days between the last day of  
1308 qualifying and the special primary election.

1309 (b) The filing of campaign expense statements by  
1310 candidates in such special elections or special primaries and by  
1311 committees making contributions or expenditures to influence the  
1312 results of such special primaries or special elections shall be  
1313 not later than such dates as shall be fixed by the Department of  
1314 State, and in fixing such dates the Department of State shall  
1315 take into consideration and be governed by the practical time  
1316 limitations.

1317 (c) The dates for a candidate to qualify by the petition  
 1318 process pursuant to s. 99.095 in such special primary or special  
 1319 election shall be fixed by the Department of State. In fixing  
 1320 such dates the Department of State shall take into consideration  
 1321 and be governed by the practical time limitations. Any candidate  
 1322 seeking to qualify by the petition process in a special primary  
 1323 election shall obtain 25 percent of the signatures required by  
 1324 s. 99.095.

1325 (d) The qualifying fees and party assessments of such  
 1326 candidates as may qualify shall be the same as collected for the  
 1327 same office at the last previous primary for that office. The  
 1328 party assessment shall be paid to the appropriate executive  
 1329 committee of the political party to which the candidate belongs.

1330 (e) Each county canvassing board shall make as speedy a  
 1331 return of the result of such special primary elections and  
 1332 special elections as time will permit, and the Elections  
 1333 Canvassing Commission likewise shall make as speedy a canvass  
 1334 and declaration of the nominees as time will permit.

1335 ~~(3)-(4)~~(a) In the event that death, resignation,  
 1336 withdrawal, or removal, ~~or any other cause or event~~ should cause  
 1337 a party to have a vacancy in nomination which leaves no  
 1338 candidate for an office from such party, the filing officer  
 1339 before whom the candidate qualified ~~Department of State~~ shall  
 1340 notify the chair of the ~~appropriate state, district, or county~~  
 1341 political party executive committee of such party, and,

1342 1. If the vacancy in nomination is for a statewide office,  
 1343 the state party chair shall, within 5 days, ~~the chair shall~~ call  
 1344 a meeting of his or her executive board ~~committee~~ to consider

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1345 designation of a nominee to fill the vacancy.

1346 2. If the vacancy in nomination is for the office of  
 1347 United States Representative, state senator, state  
 1348 representative, state attorney, or public defender, the state  
 1349 party chair shall notify the appropriate county chair or chairs  
 1350 and, within 5 days, the appropriate county chair or chairs shall  
 1351 call a meeting of the members of the executive committee in the  
 1352 affected county or counties to consider designation of a nominee  
 1353 to fill the vacancy.

1354 3. If the vacancy in nomination is for a county office,  
 1355 the state party chair shall notify the appropriate county chair  
 1356 and, within 5 days, the appropriate county chair shall call a  
 1357 meeting of his or her executive committee to consider  
 1358 designation of a nominee to fill the vacancy.

1359  
 1360 The name of any person so designated shall be submitted to the  
 1361 filing officer before whom the candidate qualified ~~Department of~~  
 1362 ~~State~~ within 7 days after notice to the chair in order that the  
 1363 person designated may have his or her name on the ballot of the  
 1364 ensuing general election. If the name of the new nominee is  
 1365 submitted after the certification of results of the preceding  
 1366 primary election, however, the ballots shall not be changed and  
 1367 the former party nominee's name will appear on the ballot. Any  
 1368 ballots cast for the former party nominee will be counted for  
 1369 the person designated by the political party to replace the  
 1370 former party nominee. If there is no opposition to the party  
 1371 nominee, the person designated by the political party to replace  
 1372 the former party nominee will be elected to office at the

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1373 general election. ~~For purposes of this paragraph, the term~~  
1374 ~~"district political party executive committee" means the members~~  
1375 ~~of the state executive committee of a political party from those~~  
1376 ~~counties comprising the area involving a district office.~~

1377 (b) When, under the circumstances set forth in the  
1378 preceding paragraph, vacancies in nomination are required to be  
1379 filled by committee nominations, such vacancies shall be filled  
1380 by party rule. In any instance in which a nominee is selected by  
1381 a committee to fill a vacancy in nomination, such nominee shall  
1382 pay the same filing fee and take the same oath as the nominee  
1383 would have taken had he or she regularly qualified for election  
1384 to such office.

1385 (c) Any person who, at the close of qualifying as  
1386 prescribed in ss. 99.061 and 105.031, was qualified for  
1387 nomination or election to or retention in a public office to be  
1388 filled at the ensuing general election or who attempted to  
1389 qualify and failed to qualify is prohibited from qualifying as a  
1390 candidate to fill a vacancy in nomination for any other office  
1391 to be filled at that general election, even if such person has  
1392 withdrawn or been eliminated as a candidate for the original  
1393 office sought. However, this paragraph does not apply to a  
1394 candidate for the office of Lieutenant Governor who applies to  
1395 fill a vacancy in nomination for the office of Governor on the  
1396 same ticket or to a person who has withdrawn or been eliminated  
1397 as a candidate and who is subsequently designated as a candidate  
1398 for Lieutenant Governor under s. 99.063.

1399 (4) A vacancy in nomination is not created if an order of  
1400 a court that has become final determines that a nominee did not

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1401 properly qualify or did not meet the necessary qualifications to  
 1402 hold the office for which he or she sought to qualify.

1403 (5) In the event of unforeseeable circumstances not  
 1404 contemplated in these general election laws concerning the  
 1405 calling and holding of special primary elections and special  
 1406 elections resulting from court order or other unpredictable  
 1407 circumstances, the Department of State shall have the authority  
 1408 to provide for the conduct of orderly elections.

1409 Section 20. Subsections (1), (3), (6), (7), and (8) of  
 1410 section 100.371, Florida Statutes, are amended to read:

1411 100.371 Initiatives; procedure for placement on ballot.—

1412 (1) Constitutional amendments proposed by initiative shall  
 1413 be placed on the ballot for the general election, provided the  
 1414 initiative petition has been filed with the Secretary of State  
 1415 no later than February 1 of the year the general election is  
 1416 held. A petition shall be deemed to be filed with the Secretary  
 1417 of State upon the date the secretary determines that valid and  
 1418 verified petition forms have been signed by the constitutionally  
 1419 required number and distribution of electors under this code,  
 1420 ~~subject to the right of revocation established in this section.~~

1421 (3) An initiative petition form circulated for signature  
 1422 may not be bundled with or attached to any other petition. Each  
 1423 signature shall be dated when made and shall be valid for a  
 1424 period of 2 4 years following such date, provided all other  
 1425 requirements of law are met. The sponsor shall submit signed and  
 1426 dated forms to the ~~appropriate~~ supervisor of elections for  
 1427 verification as to the number of registered electors whose valid  
 1428 signatures appear thereon. If the signer is a registered voter

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1429 of another county, the supervisor shall notify the petition  
1430 sponsor of the misfiled petition. The supervisor shall promptly  
1431 verify the signatures within 30 days after ~~of~~ receipt of the  
1432 petition forms and payment of the fee required by s. 99.097. The  
1433 supervisor shall promptly record, in the manner prescribed by  
1434 the Secretary of State, the date each form is received by the  
1435 supervisor, and the date the signature on the form is verified  
1436 as valid. The supervisor may verify that the signature on a form  
1437 is valid only if:

1438 (a) The form contains the original signature of the  
1439 purported elector.

1440 (b) The purported elector has accurately recorded on the  
1441 form the date on which he or she signed the form.

1442 (c) The form ~~accurately~~ sets forth the purported elector's  
1443 name, ~~street~~ address, city, county, and voter registration  
1444 number or date of birth.

1445 (d) The purported elector is, at the time he or she signs  
1446 the form and at the time the form is verified, a duly qualified  
1447 and registered elector ~~authorized to vote in the~~ state ~~county in~~  
1448 ~~which his or her signature is submitted.~~

1449  
1450 The supervisor shall retain the signature forms for at least 1  
1451 year following the election in which the issue appeared on the  
1452 ballot or until the Division of Elections notifies the  
1453 supervisors of elections that the committee that ~~which~~  
1454 circulated the petition is no longer seeking to obtain ballot  
1455 position.

1456 ~~(6) (a) An elector's signature on a petition form may be~~

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1457 ~~revoked within 150 days of the date on which he or she signed~~  
1458 ~~the petition form by submitting to the appropriate supervisor of~~  
1459 ~~elections a signed petition-revocation form.~~

1460 ~~(b) The petition revocation form and the manner in which~~  
1461 ~~signatures are obtained, submitted, and verified shall be~~  
1462 ~~subject to the same relevant requirements and timeframes as the~~  
1463 ~~corresponding petition form and processes under this code and~~  
1464 ~~shall be approved by the Secretary of State before any signature~~  
1465 ~~on a petition-revocation form is obtained.~~

1466 ~~(c) In those circumstances in which a petition-revocation~~  
1467 ~~form for a corresponding initiative petition has not been~~  
1468 ~~submitted and approved, an elector may complete and submit a~~  
1469 ~~standard petition-revocation form directly to the supervisor of~~  
1470 ~~elections. All other requirements and processes apply for the~~  
1471 ~~submission and verification of the signatures as for initiative~~  
1472 ~~petitions.~~

1473 ~~(d) Supervisors of elections shall provide petition-~~  
1474 ~~revocation forms to the public at all main and branch offices.~~

1475 ~~(e) The petition revocation form shall be filed with the~~  
1476 ~~supervisor of elections by February 1 preceding the next general~~  
1477 ~~election or, if the initiative amendment is not certified for~~  
1478 ~~ballot position in that election, by February 1 preceding the~~  
1479 ~~next successive general election. The supervisor of elections~~  
1480 ~~shall promptly verify the signature on the petition-revocation~~  
1481 ~~form and process such revocation upon payment, in advance, of a~~  
1482 ~~fee of 10 cents or the actual cost of verifying such signature,~~  
1483 ~~whichever is less. The supervisor shall promptly record each~~  
1484 ~~valid and verified signature on a petition-revocation form in~~

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1485 ~~the manner prescribed by the Secretary of State.~~

1486 ~~(f) The division shall adopt by rule the petition-~~  
 1487 ~~revocation forms to be used under this subsection.~~

1488 (6)~~(7)~~ The Department of State may adopt rules in  
 1489 accordance with s. 120.54 to carry out the provisions of  
 1490 subsections (1)-(5) ~~(1)-(6)~~.

1491 (7)~~(8)~~ No provision of this code shall be deemed to  
 1492 prohibit a private person exercising lawful control over  
 1493 privately owned property, including property held open to the  
 1494 public for the purposes of a commercial enterprise, from  
 1495 excluding from such property persons seeking to engage in  
 1496 activity supporting or opposing initiative amendments.

1497 Section 21. Effective July 1, 2012, subsections (3) and  
 1498 (4) of section 101.001, Florida Statutes, are amended to read:

1499 101.001 Precincts and polling places; boundaries.—

1500 (3) (a) Each supervisor of elections shall maintain a  
 1501 suitable map drawn to a scale no smaller than 3 miles to the  
 1502 inch and clearly delineating all major observable features such  
 1503 as roads, streams, and railway lines and showing the current  
 1504 geographical boundaries of each precinct, representative  
 1505 district, and senatorial district, and other type of district in  
 1506 the county subject to the elections process in this code.

1507 (b) The supervisor shall provide to the department data on  
 1508 all precincts in the county associated with the most recent  
 1509 decennial census blocks within each precinct.

1510 (c) The department shall maintain a searchable database  
 1511 that contains the precincts and the corresponding most recent  
 1512 decennial census blocks within the precincts for each county,

1513 including a historical file that allows the census blocks to be  
 1514 traced through the prior decade.

1515 (d)-(b) The supervisor of elections shall notify the  
 1516 Secretary of State in writing within 10 ~~30~~ days after any  
 1517 reorganization of precincts and shall furnish a copy of the map  
 1518 showing the current geographical boundaries and designation of  
 1519 each new precinct. However, if precincts are composed of whole  
 1520 census blocks, the supervisor may furnish, in lieu of a copy of  
 1521 the map, a list, in an electronic format prescribed by the  
 1522 Department of State, associating each census block in the county  
 1523 with its precinct.

1524 (e)-(c) Any precinct established or altered under the  
 1525 provisions of this section shall consist of areas bounded on all  
 1526 sides only by census block boundaries from the most recent  
 1527 United States Census. If the census block boundaries split or  
 1528 conflict with another political boundary listed below, the  
 1529 boundary listed below may be used:

1530 ~~1. Census block boundaries from the most recent United~~  
 1531 ~~States Census;~~

1532 ~~1.2.~~ Governmental unit boundaries reported in the most  
 1533 recent Boundary and Annexation Survey published by the United  
 1534 States Census Bureau;

1535 ~~2.3.~~ Visible features that are readily distinguishable  
 1536 upon the ground, such as streets, railroads, tracks, streams,  
 1537 and lakes, and that are indicated upon current census maps,  
 1538 official Department of Transportation maps, official municipal  
 1539 maps, official county maps, or a combination of such maps;

1540 ~~3.4.~~ Boundaries of public parks, public school grounds, or

1541 churches; or  
 1542 ~~4.5.~~ Boundaries of counties, incorporated municipalities,  
 1543 or other political subdivisions that meet criteria established  
 1544 by the United States Census Bureau for block boundaries.  
 1545 ~~(d) Until July 1, 2012, a supervisor may apply for and~~  
 1546 ~~obtain from the Secretary of State a waiver of the requirement~~  
 1547 ~~in paragraph (c).~~  
 1548 (4) (a) Within 10 days after there is any change in the  
 1549 division, number, or boundaries of the precincts, or the  
 1550 location of the polling places, the supervisor of elections  
 1551 shall make in writing an accurate description of any new or  
 1552 altered precincts, setting forth the boundary lines and shall  
 1553 identify the location of each new or altered polling place. A  
 1554 copy of the document describing such changes shall be posted at  
 1555 the supervisor's office.  
 1556 (b) Any changes in the county precinct data shall be  
 1557 provided to the department within 10 days after a change.  
 1558 (c) Precinct data shall include all precincts for which  
 1559 precinct-level election results and voting history results are  
 1560 reported.  
 1561 Section 22. Subsection (1) of section 101.043, Florida  
 1562 Statutes, is amended to read:  
 1563 101.043 Identification required at polls.—  
 1564 (1) The precinct register, as prescribed in s. 98.461,  
 1565 shall be used at the polls for the purpose of identifying the  
 1566 elector at the polls prior to allowing him or her to vote. The  
 1567 clerk or inspector shall require each elector, upon entering the  
 1568 polling place, to present one of the following current and valid

- 1569 picture identifications:
- 1570 (a) Florida driver's license.
  - 1571 (b) Florida identification card issued by the Department
  - 1572 of Highway Safety and Motor Vehicles.
  - 1573 (c) United States passport.
  - 1574 (d) Debit or credit card.
  - 1575 (e) Military identification.
  - 1576 (f) Student identification.
  - 1577 (g) Retirement center identification.
  - 1578 (h) Neighborhood association identification.
  - 1579 (i) Public assistance identification.

1580

1581 If the picture identification does not contain the signature of

1582 the voter, an additional identification that provides the

1583 elector's ~~voter's~~ signature shall be required. The address

1584 appearing on the identification presented by the elector is not

1585 to be used as the basis to confirm an elector's legal residence

1586 or otherwise challenge an elector's legal residence. The elector

1587 shall sign his or her name in the space provided on the precinct

1588 register or on an electronic device provided for recording the

1589 elector's ~~voter's~~ signature. The clerk or inspector shall

1590 compare the signature with that on the identification provided

1591 by the elector and enter his or her initials in the space

1592 provided on the precinct register or on an electronic device

1593 provided for that purpose and allow the elector to vote if the

1594 clerk or inspector is satisfied as to the identity of the

1595 elector.

1596 Section 23. Section 101.045, Florida Statutes, is amended

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1597 to read:

1598 101.045 Electors must be registered in precinct;  
 1599 provisions for change of residence or name.—

1600 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any  
 1601 election precinct or district other than the one in which the  
 1602 person has his or her legal residence and in which the person is  
 1603 registered. However, a person temporarily residing outside the  
 1604 county shall be registered in the precinct in which the main  
 1605 office of the supervisor, as designated by the supervisor, is  
 1606 located when the person has no permanent address in the county  
 1607 and it is the person's intention to remain a resident of Florida  
 1608 and of the county in which he or she is registered to vote. Such  
 1609 persons who are registered in the precinct in which the main  
 1610 office of the supervisor, as designated by the supervisor, is  
 1611 located and who are residing outside the county with no  
 1612 permanent address in the county shall not be registered electors  
 1613 of a municipality and therefore shall not be permitted to vote  
 1614 in any municipal election.

1615 (2) (a) An elector who moves from the precinct in which the  
 1616 elector is registered may be permitted to vote in the precinct  
 1617 to which he or she has moved his or her legal residence, if the  
 1618 change of residence is within the same county and the ~~provided~~  
 1619 ~~such~~ elector completes an affirmation in substantially the  
 1620 following form:

1621 Change of Legal Residence of Registered  
 1622 Voter

1623 Under penalties for false swearing, I, ...(Name of voter)...,  
 1624 swear (or affirm) that the former address of my legal residence



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1653 Municipality  
 1654 County  
 1655 Florida, Zip  
 1656 My present name and address of legal residence are as follows:  
 1657 Name  
 1658 Address  
 1659 Municipality  
 1660 County  
 1661 Florida, Zip  
 1662 and I further swear (or affirm) that I am otherwise legally  
 1663 registered and entitled to vote.  
 1664                   ... (Signature of voter whose name has changed) ...  
 1665       (d) ~~(e)~~ Instead of the affirmation contained in paragraph  
 1666 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter  
 1667 registration application that indicates the change of name or  
 1668 change of address of legal residence.  
 1669       (e) ~~(d)~~ Such affirmation or application, when completed and  
 1670 presented at the precinct in which such elector is entitled to  
 1671 vote, and upon verification of the elector's registration, shall  
 1672 entitle such elector to vote as provided in this subsection. If  
 1673 the elector's eligibility to vote cannot be determined, he or  
 1674 she shall be entitled to vote a provisional ballot, subject to  
 1675 the requirements and procedures in s. 101.048. Upon receipt of  
 1676 an affirmation or application certifying a change in address of  
 1677 legal residence or name, the supervisor shall as soon as  
 1678 practicable make the necessary changes in the statewide voter  
 1679 registration system to indicate the change in address of legal  
 1680 residence or name of such elector.

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1681 Section 24. Subsection (2) of section 101.131, Florida  
 1682 Statutes, is amended, and subsections (4) and (5) are added to  
 1683 that section, to read:

1684 101.131 Watchers at polls.—

1685 (2) Each party, each political committee, and each  
 1686 candidate requesting to have poll watchers shall designate, in  
 1687 writing to the supervisor of elections, on a form prescribed by  
 1688 the division, before ~~prior to~~ noon of the second Tuesday  
 1689 preceding the election poll watchers for each polling room on  
 1690 election day. Designations of poll watchers for early voting  
 1691 areas shall be submitted in writing to the supervisor of  
 1692 elections, on a form prescribed by the division, before noon at  
 1693 least 14 days before early voting begins. The poll watchers for  
 1694 ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of  
 1695 elections on or before the Tuesday before the election. Poll  
 1696 watchers for early voting areas shall be approved by the  
 1697 supervisor of elections no later than 7 days before early voting  
 1698 begins. The supervisor shall furnish to each election board a  
 1699 list of the poll watchers designated and approved for such  
 1700 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of  
 1701 poll watchers shall be made by the chair of the county executive  
 1702 committee of a political party, the chair of a political  
 1703 committee, or the candidate requesting to have poll watchers.

1704 (4) All poll watchers shall be allowed to enter and watch  
 1705 polls in all polling rooms and early voting areas within the  
 1706 county in which they have been designated if the number of poll  
 1707 watchers at any particular polling place does not exceed the  
 1708 number provided in this section.

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1709       (5) The supervisor of elections shall provide to each  
1710 designated poll watcher, no later than 7 days before early  
1711 voting begins, a poll watcher identification badge that  
1712 identifies the poll watcher by name. Each poll watcher shall  
1713 wear his or her identification badge while in the polling room  
1714 or early voting area.

1715       Section 25. Subsections (1), (2), and (3) of section  
1716 101.151, Florida Statutes, are amended to read:

1717       101.151 Specifications for ballots.—

1718       (1) (a) Marksense ballots shall be printed on paper of such  
1719 thickness that the printing cannot be distinguished from the  
1720 back and shall meet the specifications of the voting system that  
1721 will be used to tabulate the ballots.

1722       (b) Early voting sites may employ a ballot-on-demand  
1723 production system to print individual marksense ballots,  
1724 including provisional ballots, for eligible electors pursuant to  
1725 s. 101.657. Ballot-on-demand technology may be used to produce  
1726 marksense absentee and election day ballots. ~~Not later than 30~~  
1727 ~~days before an election, the Secretary of State may also~~  
1728 ~~authorize in writing the use of ballot-on-demand technology for~~  
1729 ~~the production of election-day ballots.~~

1730       (2) (a) The ballot shall have the following office titles  
1731 ~~headings~~ under which shall appear ~~the names of the offices and~~  
1732 the names of the candidates for the respective offices in the  
1733 following order:

1734       1. The office titles of heading "President and Vice  
1735 President of the United States" and thereunder the names of the  
1736 candidates for President and Vice President of the United States

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1737 nominated by the political party that received the highest vote  
 1738 for Governor in the last general election of the Governor in  
 1739 this state. Then shall appear the names of other candidates for  
 1740 President and Vice President of the United States who have been  
 1741 properly nominated.

1742 2. The office titles ~~Then shall follow the heading~~  
 1743 ~~"Congressional" and thereunder the offices~~ of United States  
 1744 Senator and Representative in Congress. ~~;~~

1745 3. The office titles ~~then the heading "State" and~~  
 1746 ~~thereunder the offices~~ of Governor and Lieutenant Governor; ~~;~~  
 1747 Attorney General; ~~;~~ Chief Financial Officer; ~~;~~ Commissioner of  
 1748 Agriculture; ~~;~~ State Attorney, with the applicable judicial  
 1749 circuit printed beneath the office; and Public Defender, with  
 1750 the applicable judicial circuit printed beneath the office.

1751 4. ~~together with the names of the candidates for each~~  
 1752 ~~office and the title of the office which they seek; then the~~  
 1753 ~~heading "Legislative" and thereunder~~ The office titles ~~offices~~  
 1754 of State Senator and State Representative with the applicable  
 1755 district for the office printed beneath. ~~;~~ ~~then the heading~~  
 1756 ~~"County" and thereunder~~

1757 5. The office titles of County Clerk of the Circuit Court,  
 1758 or Clerk of the Circuit Court and Comptroller (whichever is  
 1759 applicable and when authorized by law), Clerk of the County  
 1760 Court (when authorized by law), County Sheriff, County Property  
 1761 Appraiser, County Tax Collector, District Superintendent of  
 1762 Schools, and County Supervisor of Elections.

1763 6. The office titles ~~Thereafter follows: members of the~~  
 1764 Board of County Commissioners with the applicable district

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1765 printed beneath each office, and such other county and district  
1766 offices as are involved in the election, in the order fixed by  
1767 the Department of State, followed, in the year of their  
1768 election, by "Party Offices," and thereunder the offices of  
1769 state and county party executive committee members.

1770 (b) In a general election, in addition to the names  
1771 printed on the ballot, a blank space shall be provided under  
1772 each ~~heading for an~~ office for which a write-in candidate has  
1773 qualified. With respect to write-in candidates, if two or more  
1774 candidates are seeking election to one office, only one blank  
1775 space shall be provided.

1776 (c) ~~(b)~~ When more than one candidate is nominated for  
1777 office, the candidates for such office shall qualify and run in  
1778 a group or district, and the group or district number shall be  
1779 printed beneath the name of the office. Each nominee of a  
1780 political party chosen in a primary shall appear on the general  
1781 election ballot in the same numbered group or district as on the  
1782 primary election ballot.

1783 (d) ~~(e)~~ If in any election all the offices as set forth in  
1784 paragraph (a) are not involved, those offices not to be filled  
1785 shall be omitted and the remaining offices shall be arranged on  
1786 the ballot in the order named.

1787 (3) (a) The names of the candidates of the party that  
1788 received the highest number of votes for Governor in the last  
1789 election in which a Governor was elected shall be placed first  
1790 ~~under the heading~~ for each office on the general election  
1791 ballot, together with an appropriate abbreviation of the party  
1792 name; the names of the candidates of the party that received the

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1793 second highest vote for Governor shall be placed second ~~under~~  
 1794 ~~the heading~~ for each office, together with an appropriate  
 1795 abbreviation of the party name.

1796 (b) Minor political party candidates ~~and candidates with~~  
 1797 ~~no party affiliation~~ shall have their names appear on the  
 1798 general election ballot following the names of recognized  
 1799 political parties, in the ~~same~~ order as they were qualified,  
 1800 followed by the names of candidates with no party affiliation,  
 1801 in the order as they were qualified ~~certified~~.

1802 Section 26. Paragraph (a) of subsection (2) of section  
 1803 101.5605, Florida Statutes, is amended to read:

1804 101.5605 Examination and approval of equipment.—

1805 (2) (a) Any person owning or interested in an electronic or  
 1806 electromechanical voting system may submit it to the Department  
 1807 of State for examination. The vote counting segment shall be  
 1808 certified after a satisfactory evaluation testing has been  
 1809 performed according to s. 101.015(1) ~~electronic industry~~  
 1810 ~~standards~~. This testing shall include, but is not limited to,  
 1811 testing of all software required for the voting system's  
 1812 operation; the ballot reader; the rote processor, especially in  
 1813 its logic and memory components; the digital printer; the fail-  
 1814 safe operations; the counting center environmental requirements;  
 1815 and the equipment reliability estimate. For the purpose of  
 1816 assisting in examining the system, the department shall employ  
 1817 or contract for services of at least one individual who is  
 1818 expert in one or more fields of data processing, mechanical  
 1819 engineering, and public administration and shall require from  
 1820 the individual a written report of his or her examination.

1821 Section 27. Subsection (11) of section 101.5606, Florida  
 1822 Statutes, is amended to read:

1823 101.5606 Requirements for approval of systems.—No  
 1824 electronic or electromechanical voting system shall be approved  
 1825 by the Department of State unless it is so constructed that:

1826 (11) It is capable of automatically producing precinct  
 1827 totals in printed, ~~marked, or punched form, or a combination~~  
 1828 ~~thereof.~~

1829 Section 28. Paragraph (a) of subsection (4) of section  
 1830 101.5612, Florida Statutes, is amended to read:

1831 101.5612 Testing of tabulating equipment.—

1832 (4) (a) 1. For electronic or electromechanical voting  
 1833 systems configured to include electronic or electromechanical  
 1834 tabulation devices which are distributed to the precincts, all  
 1835 or a sample of the devices to be used in the election shall be  
 1836 publicly tested. If a sample is to be tested, the sample shall  
 1837 consist of a random selection of at least 5 percent or 10 of the  
 1838 devices for an optical scan system ~~or 2 percent of the devices~~  
 1839 ~~for a touchscreen system or 10 of the devices for either system,~~  
 1840 ~~as applicable,~~ whichever is greater. For touchscreen systems  
 1841 used for voters with disabilities, a sample of at least 2  
 1842 percent of the devices must be tested. The test shall be  
 1843 conducted by processing a group of ballots, causing the device  
 1844 to output results for the ballots processed, and comparing the  
 1845 output of results to the results expected for the ballots  
 1846 processed. The group of ballots shall be produced so as to  
 1847 record a predetermined number of valid votes for each candidate  
 1848 and on each measure and to include for each office one or more

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1849 ballots which have activated voting positions in excess of the  
 1850 number allowed by law in order to test the ability of the  
 1851 tabulating device to reject such votes.

1852 2. If any tested tabulating device is found to have an  
 1853 error in tabulation, it shall be deemed unsatisfactory. For each  
 1854 device deemed unsatisfactory, the canvassing board shall take  
 1855 steps to determine the cause of the error, shall attempt to  
 1856 identify and test other devices that could reasonably be  
 1857 expected to have the same error, and shall test a number of  
 1858 additional devices sufficient to determine that all devices are  
 1859 satisfactory. Upon deeming any device unsatisfactory, the  
 1860 canvassing board may require all devices to be tested or may  
 1861 declare that all devices are unsatisfactory.

1862 3. If the operation or output of any tested tabulation  
 1863 device, such as spelling or the order of candidates on a report,  
 1864 is in error, such problem shall be reported to the canvassing  
 1865 board. The canvassing board shall then determine if the reported  
 1866 problem warrants its deeming the device unsatisfactory.

1867 Section 29. Subsection (4) of section 101.5614, Florida  
 1868 Statutes, is amended to read:

1869 101.5614 Canvass of returns.—

1870 (4) ~~If ballot cards are used, and separate write-in~~  
 1871 ~~ballots or envelopes for casting write-in votes are used, write-~~  
 1872 ~~in ballots or the envelopes on which write-in ballots have been~~  
 1873 ~~cast shall be serially numbered, starting with the number one,~~  
 1874 ~~and the same number shall be placed on the ballot card of the~~  
 1875 ~~voter. This process may be completed at either the precinct by~~  
 1876 ~~the election board or at the central counting location. For each~~

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1877 ballot or ballot image ~~and ballot envelope~~ on which write-in  
 1878 votes have been cast, the canvassing board shall compare the  
 1879 write-in votes with the votes cast on the ballot card. ~~‡~~ If the  
 1880 total number of votes for any office exceeds the number allowed  
 1881 by law, ~~a notation to that effect, specifying the office~~  
 1882 ~~involved, shall be entered on the back of the ballot card or in~~  
 1883 ~~a margin if voting areas are printed on both sides of the ballot~~  
 1884 ~~card.~~ such votes shall not be counted. All valid votes shall be  
 1885 tallied by the canvassing board.

1886 Section 30. Subsection (6) is added to section 101.591,  
 1887 Florida Statutes, to read:

1888 101.591 Voting system audit.—

1889 (6) If a manual recount is undertaken pursuant to s.  
 1890 102.166, the canvassing board is not required to perform the  
 1891 audit provided for in this section.

1892 Section 31. Paragraphs (a) and (b) of subsection (1) and  
 1893 subsections (3) and (4) of section 101.62, Florida Statutes, are  
 1894 amended to read:

1895 101.62 Request for absentee ballots.—

1896 (1) (a) The supervisor shall accept a request for an  
 1897 absentee ballot from an elector in person or in writing. One  
 1898 request shall be deemed sufficient to receive an absentee ballot  
 1899 for all elections through the end of the calendar year of the  
 1900 next two regularly scheduled general elections ~~election~~, unless  
 1901 the elector or the elector's designee indicates at the time the  
 1902 request is made the elections for which the elector desires to  
 1903 receive an absentee ballot. Such request may be considered  
 1904 canceled when any first-class mail sent by the supervisor to the

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1905 elector is returned as undeliverable.

1906 (b) The supervisor may accept a written or telephonic  
 1907 request for an absentee ballot from the elector, or, if directly  
 1908 instructed by the elector, a member of the elector's immediate  
 1909 family, or the elector's legal guardian. For purposes of this  
 1910 section, the term "immediate family" has the same meaning as  
 1911 specified in paragraph (4) (c) ~~(b)~~. The person making the request  
 1912 must disclose:

- 1913 1. The name of the elector for whom the ballot is
- 1914 requested.
- 1915 2. The elector's address.
- 1916 3. The elector's date of birth.
- 1917 4. The requester's name.
- 1918 5. The requester's address.
- 1919 6. The requester's driver's license number, if available.
- 1920 7. The requester's relationship to the elector.
- 1921 8. The requester's signature (written requests only).

1922 (3) For each request for an absentee ballot received, the  
 1923 supervisor shall record the date the request was made, the date  
 1924 the absentee ballot was delivered to the voter or the voter's  
 1925 designee or the date the absentee ballot was delivered to the  
 1926 post office or other carrier, the date the ballot was received  
 1927 by the supervisor, and such other information he or she may deem  
 1928 necessary. This information shall be provided in electronic  
 1929 format as provided by rule adopted by the division. The  
 1930 information shall be updated and made available no later than 8  
 1931 a.m. noon of each day, including weekends, beginning 60 days  
 1932 before the primary until 15 days after the general election and

1933 shall be contemporaneously provided to the division. This  
 1934 information shall be confidential and exempt from the provisions  
 1935 of s. 119.07(1) and shall be made available to or reproduced  
 1936 only for the voter requesting the ballot, a canvassing board, an  
 1937 election official, a political party or official thereof, a  
 1938 candidate who has filed qualification papers and is opposed in  
 1939 an upcoming election, and registered political committees or  
 1940 registered committees of continuous existence, for political  
 1941 purposes only.

1942 (4) (a) No later than 45 days before each presidential  
 1943 preference primary election, primary election, and general  
 1944 election, the supervisor of elections shall send an absentee  
 1945 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent  
 1946 uniformed services voter and to each overseas voter who has  
 1947 requested an absentee ballot.

1948 (b) The supervisor of elections shall mail an absentee  
 1949 ballot to each absent qualified voter, other than those listed  
 1950 in paragraph (a), who has requested such a ballot, between the  
 1951 35th and 28th days before the presidential preference primary  
 1952 election, primary election, and general election. Except as  
 1953 otherwise provided in subsection (2) and after the period  
 1954 described in this paragraph, the supervisor shall mail absentee  
 1955 ballots within 2 business days after receiving a request for  
 1956 such a ballot.

1957 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to  
 1958 each elector by whom a request for that ballot has been made by  
 1959 one of the following means:

1960 1. By nonforwardable, return-if-undeliverable mail to the

1961 elector's current mailing address on file with the supervisor or  
 1962 ~~, unless the elector specifies in the request that:~~

1963 ~~a. The elector is absent from the county and does not plan~~  
 1964 ~~to return before the day of the election;~~

1965 ~~b. The elector is temporarily unable to occupy the~~  
 1966 ~~residence because of hurricane, tornado, flood, fire, or other~~  
 1967 ~~emergency or natural disaster; or~~

1968 ~~e. The elector is in a hospital, assisted living facility,~~  
 1969 ~~nursing home, short-term medical or rehabilitation facility, or~~  
 1970 ~~correctional facility,~~

1971  
 1972 ~~in which case the supervisor shall mail the ballot by~~  
 1973 ~~nonforwardable, return-if-undeliverable mail to any other~~  
 1974 ~~address the elector specifies in the request.~~

1975 2. By forwardable mail, e-mail, or facsimile machine  
 1976 transmission to absent uniformed services voters and overseas  
 1977 voters. The absent uniformed services voter or overseas voter  
 1978 may designate in the absentee ballot request the preferred  
 1979 method of transmission. If the voter does not designate the  
 1980 method of transmission, the absentee ballot shall be mailed.

1981 3. By personal delivery before 7 p.m. on election day to  
 1982 the elector, upon presentation of the identification required in  
 1983 s. 101.043.

1984 4. By delivery to a designee on election day or up to 5  
 1985 days prior to the day of an election. Any elector may designate  
 1986 in writing a person to pick up the ballot for the elector;  
 1987 however, the person designated may not pick up more than two  
 1988 absentee ballots per election, other than the designee's own

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1989 ballot, except that additional ballots may be picked up for  
 1990 members of the designee's immediate family. For purposes of this  
 1991 section, "immediate family" means the designee's spouse or the  
 1992 parent, child, grandparent, or sibling of the designee or of the  
 1993 designee's spouse. The designee shall provide to the supervisor  
 1994 the written authorization by the elector and a picture  
 1995 identification of the designee and must complete an affidavit.  
 1996 The designee shall state in the affidavit that the designee is  
 1997 authorized by the elector to pick up that ballot and shall  
 1998 indicate if the elector is a member of the designee's immediate  
 1999 family and, if so, the relationship. The department shall  
 2000 prescribe the form of the affidavit. If the supervisor is  
 2001 satisfied that the designee is authorized to pick up the ballot  
 2002 and that the signature of the elector on the written  
 2003 authorization matches the signature of the elector on file, the  
 2004 supervisor shall give the ballot to that designee for delivery  
 2005 to the elector.

2006 Section 32. Section 101.65, Florida Statutes, is amended  
 2007 to read:

2008 101.65 Instructions to absent electors.—The supervisor  
 2009 shall enclose with each absentee ballot separate printed  
 2010 instructions in substantially the following form:

2011  
 2012 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

2013 1. VERY IMPORTANT. In order to ensure that your absentee  
 2014 ballot will be counted, it should be completed and returned as  
 2015 soon as possible so that it can reach the supervisor of  
 2016 elections of the county in which your precinct is located no

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- 2017 later than 7 p.m. on the day of the election.
- 2018 2. Mark your ballot in secret as instructed on the ballot.
- 2019 You must mark your own ballot unless you are unable to do so
- 2020 because of blindness, disability, or inability to read or write.
- 2021 3. Mark only the number of candidates or issue choices for
- 2022 a race as indicated on the ballot. If you are allowed to "Vote
- 2023 for One" candidate and you vote for more than one candidate,
- 2024 your vote in that race will not be counted.
- 2025 4. Place your marked ballot in the enclosed secrecy
- 2026 envelope.
- 2027 5. Insert the secrecy envelope into the enclosed mailing
- 2028 envelope which is addressed to the supervisor.
- 2029 6. Seal the mailing envelope and completely fill out the
- 2030 Voter's Certificate on the back of the mailing envelope.
- 2031 7. VERY IMPORTANT. In order for your absentee ballot to be
- 2032 counted, you must sign your name on the line above (Voter's
- 2033 Signature). An absentee ballot will be considered illegal and
- 2034 will not be counted if the signature on the voter's certificate
- 2035 does not match the signature on record. The signature on file at
- 2036 the start of the canvass of the absentee ballots is the
- 2037 signature that will be used to verify your signature on the
- 2038 voter's certificate. If you need to update your signature for
- 2039 this election, send your signature update on a voter
- 2040 registration application to your supervisor of elections so that
- 2041 it is received no later than the start of the canvassing of
- 2042 absentee ballots, which occurs no earlier than the 15th day
- 2043 before election day.
- 2044 8. VERY IMPORTANT. If you are an overseas voter, you must

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2045 include the date you signed the Voter's Certificate on the line  
 2046 above (Date) or your ballot may not be counted.

2047 9. Mail, deliver, or have delivered the completed mailing  
 2048 envelope. Be sure there is sufficient postage if mailed.

2049 10. FELONY NOTICE. It is a felony under Florida law to  
 2050 accept any gift, payment, or gratuity in exchange for your vote  
 2051 for a candidate. It is also a felony under Florida law to vote  
 2052 in an election using a false identity or false address, or under  
 2053 any other circumstances making your ballot false or fraudulent.

2054 Section 33. Paragraph (a) of subsection (2) of section  
 2055 101.68, Florida Statutes, is amended to read:

2056 101.68 Canvassing of absentee ballot.—

2057 (2) (a) The county canvassing board may begin the  
 2058 canvassing of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day  
 2059 before the election, but not later than noon on the day  
 2060 following the election. In addition, for any county using  
 2061 electronic tabulating equipment, the processing of absentee  
 2062 ballots through such tabulating equipment may begin at 7 a.m. on  
 2063 the 15th ~~sixth~~ day before the election. However, notwithstanding  
 2064 any such authorization to begin canvassing or otherwise  
 2065 processing absentee ballots early, no result shall be released  
 2066 until after the closing of the polls in that county on election  
 2067 day. Any supervisor of elections, deputy supervisor of  
 2068 elections, canvassing board member, election board member, or  
 2069 election employee who releases the results of a canvassing or  
 2070 processing of absentee ballots prior to the closing of the polls  
 2071 in that county on election day commits a felony of the third  
 2072 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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2073 775.084.

2074 Section 34. Subsection (2) of section 101.6923, Florida  
2075 Statutes, is amended to read:

2076 101.6923 Special absentee ballot instructions for certain  
2077 first-time voters.—

2078 (2) A voter covered by this section shall be provided with  
2079 printed instructions with his or her absentee ballot in  
2080 substantially the following form:

2081  
2082 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

2083 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
2084 TO COUNT.

2085  
2086 1. In order to ensure that your absentee ballot will be  
2087 counted, it should be completed and returned as soon as possible  
2088 so that it can reach the supervisor of elections of the county  
2089 in which your precinct is located no later than 7 p.m. on the  
2090 date of the election.

2091 2. Mark your ballot in secret as instructed on the ballot.  
2092 You must mark your own ballot unless you are unable to do so  
2093 because of blindness, disability, or inability to read or write.

2094 3. Mark only the number of candidates or issue choices for  
2095 a race as indicated on the ballot. If you are allowed to "Vote  
2096 for One" candidate and you vote for more than one, your vote in  
2097 that race will not be counted.

2098 4. Place your marked ballot in the enclosed secrecy  
2099 envelope and seal the envelope.

2100 5. Insert the secrecy envelope into the enclosed envelope

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2101 bearing the Voter's Certificate. Seal the envelope and  
 2102 completely fill out the Voter's Certificate on the back of the  
 2103 envelope.

2104 a. You must sign your name on the line above (Voter's  
 2105 Signature).

2106 b. If you are an overseas voter, you must include the date  
 2107 you signed the Voter's Certificate on the line above (Date) or  
 2108 your ballot may not be counted.

2109 c. An absentee ballot will be considered illegal and will  
 2110 not be counted if the signature on the voter's certificate does  
 2111 not match the signature on record. The signature on file at the  
 2112 start of the canvass of the absentee ballots is the signature  
 2113 that will be used to verify your signature on the voter's  
 2114 certificate. If you need to update your signature for this  
 2115 election, send your signature update on a voter registration  
 2116 application to your supervisor of elections so that it is  
 2117 received no later than the start of canvassing of absentee  
 2118 ballots, which occurs no earlier than the 15th day before  
 2119 election day.

2120 6. Unless you meet one of the exemptions in Item 7., you  
 2121 must make a copy of one of the following forms of  
 2122 identification:

2123 a. Identification which must include your name and  
 2124 photograph: United States passport; debit or credit card;  
 2125 military identification; student identification; retirement  
 2126 center identification; neighborhood association identification;  
 2127 or public assistance identification; or

2128 b. Identification which shows your name and current

2129 residence address: current utility bill, bank statement,  
 2130 government check, paycheck, or government document (excluding  
 2131 voter identification card).

2132 7. The identification requirements of Item 6. do not apply  
 2133 if you meet one of the following requirements:

2134 a. You are 65 years of age or older.

2135 b. You have a temporary or permanent physical disability.

2136 c. You are a member of a uniformed service on active duty  
 2137 who, by reason of such active duty, will be absent from the  
 2138 county on election day.

2139 d. You are a member of the Merchant Marine who, by reason  
 2140 of service in the Merchant Marine, will be absent from the  
 2141 county on election day.

2142 e. You are the spouse or dependent of a member referred to  
 2143 in paragraph c. or paragraph d. who, by reason of the active  
 2144 duty or service of the member, will be absent from the county on  
 2145 election day.

2146 f. You are currently residing outside the United States.

2147 8. Place the envelope bearing the Voter's Certificate into  
 2148 the mailing envelope addressed to the supervisor. Insert a copy  
 2149 of your identification in the mailing envelope. DO NOT PUT YOUR  
 2150 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 2151 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 2152 BALLOT WILL NOT COUNT.

2153 9. Mail, deliver, or have delivered the completed mailing  
 2154 envelope. Be sure there is sufficient postage if mailed.

2155 10. FELONY NOTICE. It is a felony under Florida law to  
 2156 accept any gift, payment, or gratuity in exchange for your vote

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2157 | for a candidate. It is also a felony under Florida law to vote  
 2158 | in an election using a false identity or false address, or under  
 2159 | any other circumstances making your ballot false or fraudulent.

2160 |       Section 35. Subsection (3) of section 101.75, Florida  
 2161 | Statutes, is amended to read:

2162 |       101.75 Municipal elections; change of dates for cause.—

2163 |       (3) Notwithstanding any provision of local law or  
 2164 | municipal charter, the governing body of a municipality may, by  
 2165 | ordinance, move the date of any municipal election to a date  
 2166 | concurrent with any statewide or countywide election. The dates  
 2167 | for qualifying for the election moved by the passage of such  
 2168 | ordinance shall be specifically provided for in the ordinance  
 2169 | ~~and shall run for no less than 14 days.~~ The term of office for  
 2170 | any elected municipal official shall commence as provided by the  
 2171 | relevant municipal charter or ordinance.

2172 |       Section 36. Subsection (4) of section 102.031, Florida  
 2173 | Statutes, is amended to read:

2174 |       102.031 Maintenance of good order at polls; authorities;  
 2175 | persons allowed in polling rooms and early voting areas;  
 2176 | unlawful solicitation of voters.—

2177 |       (4) (a) A ~~No~~ person, political committee, committee of  
 2178 | continuous existence, or other group or organization may not  
 2179 | solicit voters inside the polling place or within 100 feet of  
 2180 | the entrance to any polling place, or polling room where the  
 2181 | polling place is also a polling room, or early voting site.

2182 |       (b) A person, political committee, committee of continuous  
 2183 | existence, or other group or organization may not solicit voters  
 2184 | who are standing in line to enter any polling place, polling

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2185 room, or early voting site.

2186 (c) Before the opening of the polling place or early  
 2187 voting site, the clerk or supervisor shall designate the no-  
 2188 solicitation zone and mark the boundaries and shall post a sign  
 2189 stating that no one may solicit a person standing in line to  
 2190 vote.

2191 (d) ~~(b)~~ For the purpose of this subsection, whether in  
 2192 person or by means of audio or visual equipment, the terms  
 2193 "solicit" or "solicitation" shall include, but not be limited  
 2194 to, seeking or attempting to seek any vote, fact, opinion, or  
 2195 contribution; distributing or attempting to distribute any  
 2196 political or campaign material, leaflet, or handout; conducting  
 2197 a poll except as specified in this paragraph; seeking or  
 2198 attempting to seek a signature on any petition; offering voting  
 2199 or legal advice regarding voting or ballots; and selling or  
 2200 attempting to sell any item. The terms "solicit" or  
 2201 "solicitation" shall not be construed to prohibit exit polling.

2202 (e) ~~(e)~~ Each supervisor of elections shall inform the clerk  
 2203 of the area within which soliciting is unlawful, based on the  
 2204 particular characteristics of that polling place. The supervisor  
 2205 or the clerk may take any reasonable action necessary to ensure  
 2206 order at the polling places, including, but not limited to,  
 2207 having disruptive and unruly persons removed by law enforcement  
 2208 officers from the polling room or place or from the 100-foot  
 2209 zone surrounding the polling place.

2210 Section 37. Subsection (4) of section 102.141, Florida  
 2211 Statutes, is amended to read:

2212 102.141 County canvassing board; duties.—

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2213           (4) The canvassing board shall report all early voting and  
 2214 all tabulated absentee results to the Department of State within  
 2215 30 minutes after the polls close. Thereafter, the canvassing  
 2216 board shall report, with the exception of provisional ballot  
 2217 results, updated precinct election results to the department at  
 2218 least every 45 minutes until all results are completely  
 2219 reported. The supervisor of elections shall notify the  
 2220 department immediately of any circumstances that do not permit  
 2221 periodic updates as required. Results shall be submitted in a  
 2222 format prescribed by the department ~~submit by 11:59 p.m. on~~  
 2223 ~~election night the preliminary returns it has received to the~~  
 2224 ~~Department of State in a format provided by the department.~~

2225           Section 38. Subsection (4) of section 102.168, Florida  
 2226 Statutes, is amended, and subsection (8) is added to that  
 2227 section, to read:

2228           102.168 Contest of election.—

2229           (4) The ~~county~~ canvassing board responsible for canvassing  
 2230 the election is an indispensable ~~and proper~~ party defendant in  
 2231 county and local elections. ~~‡~~ The Elections Canvassing Commission  
 2232 is an indispensable ~~and proper~~ party defendant in federal,  
 2233 state, and multicounty elections and in elections for justice of  
 2234 the Supreme Court, judge of a district court of appeal, and  
 2235 judge of a circuit court. ~~faces; and~~ The successful candidate is  
 2236 an indispensable party to any action brought to contest the  
 2237 election or nomination of a candidate.

2238           (8) In any contest that requires a review of a canvassing  
 2239 board's decision that an absentee ballot is illegal under s.  
 2240 101.68, because the signature of the elector on the voter's

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2241 certificate is not the signature of the elector in the  
 2242 registration records, the circuit court may not look at or  
 2243 consider any evidence beyond the elector's signature on the  
 2244 voter's certificate and in the registration records. The court's  
 2245 review of the issue shall be to determine only if the canvassing  
 2246 board abused its discretion in making its decision.

2247 Section 39. Subsection (4) of section 103.021, Florida  
 2248 Statutes, is amended to read:

2249 103.021 Nomination for presidential electors.—Candidates  
 2250 for presidential electors shall be nominated in the following  
 2251 manner:

2252 (4) (a) A minor political party that is affiliated with a  
 2253 national party holding a national convention to nominate  
 2254 candidates for President and Vice President of the United States  
 2255 may have the names of its candidates for President and Vice  
 2256 President of the United States printed on the general election  
 2257 ballot by filing with the Department of State a certificate  
 2258 naming the candidates for President and Vice President and  
 2259 listing the required number of persons to serve as electors.  
 2260 Notification to the Department of State under this subsection  
 2261 shall be made by September 1 of the year in which the election  
 2262 is held. When the Department of State has been so notified, it  
 2263 shall order the names of the candidates nominated by the minor  
 2264 political party to be included on the ballot and shall permit  
 2265 the required number of persons to be certified as electors in  
 2266 the same manner as other party candidates. As used in this  
 2267 section, the term "national party" means a political party that  
 2268 is registered with and recognized as a qualified national

2269 committee of a political party by the Federal Election  
 2270 Commission established and admitted to the ballot in at least  
 2271 ~~one state other than Florida.~~

2272 (b) A minor political party that is not affiliated with a  
 2273 national party holding a national convention to nominate  
 2274 candidates for President and Vice President of the United States  
 2275 may have the names of its candidates for President and Vice  
 2276 President printed on the general election ballot if a petition  
 2277 is signed by a number of electors in each of one half of the  
 2278 congressional districts of the state, and of the state as a  
 2279 whole, equal to 4 percent of the votes cast in each of such  
 2280 districts respectively and in the state as a whole in the last  
 2281 preceding election in which presidential electors were chosen ~~4~~  
 2282 ~~percent of the registered electors of this state, as shown by~~  
 2283 the compilation by the Department of State ~~for the preceding~~  
 2284 ~~general election.~~ A separate petition from each county for which  
 2285 signatures are solicited shall be submitted to the supervisors  
 2286 of elections of the respective county no later than July 15 of  
 2287 each presidential election year. The supervisor shall check the  
 2288 names and, on or before the date of the primary election, shall  
 2289 certify the number shown as registered electors of the county.  
 2290 The supervisor shall be paid by the person requesting the  
 2291 certification the cost of checking the petitions as prescribed  
 2292 in s. 99.097. The supervisor shall then forward the certificate  
 2293 to the Department of State, which shall determine whether or not  
 2294 the percentage factor required in this section has been met.  
 2295 When the percentage factor required in this section has been  
 2296 met, the Department of State shall order the names of the

2297 candidates for whom the petition was circulated to be included  
 2298 on the ballot and shall permit the required number of persons to  
 2299 be certified as electors in the same manner as other party  
 2300 candidates.

2301 Section 40. Section 103.095, Florida Statutes, is created  
 2302 to read:

2303 103.095 Minor political parties.-

2304 (1) Any group of citizens organized for the general  
 2305 purposes of electing to office qualified persons and determining  
 2306 public issues under the democratic processes of the United  
 2307 States may become a minor political party of this state by  
 2308 filing with the department a certificate showing the name of the  
 2309 organization, the names and addresses of its current officers,  
 2310 including the members of its executive committee, accompanied by  
 2311 a completed uniform statewide voter registration application as  
 2312 specified in s. 97.052 for each of its current officers and  
 2313 members of its executive committee that reflect their  
 2314 affiliation with the proposed minor political party, and a copy  
 2315 of its constitution, bylaws, and rules and regulations.

2316 (2) The members of the executive committee shall include a  
 2317 chair, vice chair, secretary, and treasurer, all of whom shall  
 2318 be members of the minor political party and no member may hold  
 2319 more than one office, except that one person may hold the  
 2320 offices of secretary and treasurer.

2321 (3) Upon approval of the minor political party's filing,  
 2322 the department shall process the voter registration applications  
 2323 submitted by the minor political party's officers and members of  
 2324 its executive committee. It shall be the duty of the minor

2325 political party to notify the department of any changes in the  
 2326 filing certificate within 5 days after such changes.

2327 (4) The Division of Elections shall adopt rules to  
 2328 prescribe the manner in which the Department of State may cancel  
 2329 the filings of political parties, including minor political  
 2330 parties. Such rules shall, at a minimum, provide for:

2331 (a) Notice containing the facts and conduct that warrant  
 2332 the intended action, including, but not limited to, the failure  
 2333 to notify the department of replacement officers, the failure to  
 2334 file campaign finance reports, and limited activity.

2335 (b) Adequate opportunity to respond.

2336 (c) Appeal of the decision to the Florida Elections  
 2337 Commission. Such appeals are exempt from the confidentiality  
 2338 provisions of s. 106.25.

2339 (5) The requirements of this section are retroactive for  
 2340 any minor political party registered with the department on July  
 2341 1, 2011, and must be complied with within 180 days after the  
 2342 department provides notice to the minor political party of the  
 2343 requirements contained in this section. Failure of the minor  
 2344 political party to comply with the requirements within 180 days  
 2345 after receipt of the notice shall automatically result in the  
 2346 cancellation of the minor political party's registration.

2347 Section 41. Subsections (1) and (2) of section 103.101,  
 2348 Florida Statutes, are amended to read:

2349 103.101 Presidential preference primary.—

2350 (1) (a) There shall be a Presidential Preference Primary  
 2351 Date Selection Committee composed of the Secretary of State, who  
 2352 shall be a nonvoting chair; three members, no more than two of

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2353 whom may be from the same political party, appointed by the  
 2354 Governor; three members, no more than two of whom may be from  
 2355 the same political party, appointed by the Speaker of the House  
 2356 of Representatives; and three members, no more than two of whom  
 2357 may be from the same political party, appointed by the President  
 2358 of the Senate. No later than October 1 of the year preceding the  
 2359 presidential preference primary, the committee shall meet and  
 2360 set a date for the presidential preference primary. The date  
 2361 selected may be no earlier than the first Tuesday in January and  
 2362 no later than the first Tuesday in March in the year of the  
 2363 presidential preference primary. The presidential preference  
 2364 primary shall be held in each year the number of which is a  
 2365 multiple of four.

2366 (b) Each political party other than a minor political  
 2367 party shall, on the date selected by the Presidential Preference  
 2368 Primary Date Selection Committee last Tuesday in January in each  
 2369 year the number of which is a multiple of 4, elect one person to  
 2370 be the candidate for nomination of such party for President of  
 2371 the United States or select delegates to the national nominating  
 2372 convention, as provided by party rule.

2373 ~~(2) (a) There shall be a Presidential Candidate Selection~~  
 2374 ~~Committee composed of the Secretary of State, who shall be a~~  
 2375 ~~nonvoting chair; the Speaker of the House of Representatives;~~  
 2376 ~~the President of the Senate; the minority leader of each house~~  
 2377 ~~of the Legislature; and the chair of each political party~~  
 2378 ~~required to have a presidential preference primary under this~~  
 2379 ~~section.~~

2380 ~~(b)~~ By October 31 of the year preceding the presidential

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2381 preference primary, each political party shall submit to the  
2382 Secretary of State a list of its presidential candidates to be  
2383 placed on the presidential preference primary ballot or  
2384 candidates entitled to have delegates appear on the presidential  
2385 preference primary ballot. The Secretary of State shall prepare  
2386 and publish a list of the names of the presidential candidates  
2387 submitted not later than on the first Tuesday after the first  
2388 Monday in November of the year preceding the presidential  
2389 preference primary. ~~The Secretary of State shall submit such~~  
2390 ~~list of names of presidential candidates to the selection~~  
2391 ~~committee on the first Tuesday after the first Monday in~~  
2392 ~~November of the year preceding the presidential preference~~  
2393 ~~primary. Each person designated as a presidential candidate~~  
2394 ~~shall have his or her name appear, or have his or her delegates'~~  
2395 ~~names appear, on the presidential preference primary ballot~~  
2396 ~~unless all committee members of the same political party as the~~  
2397 ~~candidate agree to delete such candidate's name from the ballot.~~

2398 ~~(c) The selection committee shall meet in Tallahassee on~~  
2399 ~~the first Tuesday after the first Monday in November of the year~~  
2400 ~~preceding the presidential preference primary. The selection~~  
2401 ~~committee shall publicly announce and submit to the Department~~  
2402 ~~of State no later than 5 p.m. on the following day the names of~~  
2403 ~~presidential candidates who shall have their names appear, or~~  
2404 ~~who are entitled to have their delegates' names appear, on the~~  
2405 ~~presidential preference primary ballot. The Department of State~~  
2406 ~~shall immediately notify each presidential candidate listed~~  
2407 ~~designated by the Secretary of State committee. Such~~  
2408 notification shall be in writing, by registered mail, with

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2409 return receipt requested.

2410 Section 42. Section 103.141, Florida Statutes, is amended  
2411 to read:

2412 103.141 Removal of county executive committee member for  
2413 violation of oath.—

2414 ~~(1) If~~ Where the county executive committee by at least a  
2415 two-thirds majority vote of the members of the committee,  
2416 attending a meeting held after due notice has been given and at  
2417 which meeting a quorum is present, determines an incumbent  
2418 county executive committee member is ~~to be~~ guilty of an offense  
2419 involving a violation of the member's oath of office, the said  
2420 ~~member so violating his or her oath~~ shall be removed from office  
2421 and the office shall be deemed vacant. ~~Provided,~~ However, if the  
2422 county committee wrongfully removes a county committee member  
2423 and the committee member ~~so~~ wrongfully removed files suit in the  
2424 circuit court alleging his or her removal was wrongful and wins  
2425 the said suit, the committee member shall be restored to office  
2426 and the county committee shall pay the costs incurred by the  
2427 wrongfully removed committee member in bringing the suit,  
2428 including reasonable attorney's fees.

2429 ~~(2) Any officer, county committeeman, county~~  
2430 ~~committeewoman, precinct committeeman, precinct committeewoman,~~  
2431 ~~or member of a county executive committee may be removed from~~  
2432 ~~office pursuant to s. 103.161.~~

2433 Section 43. Section 104.29, Florida Statutes, is amended  
2434 to read:

2435 104.29 Inspectors refusing to allow watchers while ballots  
2436 are counted.—The inspectors or other election officials at the

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2437 polling place shall, after the polls close ~~at all times while~~  
 2438 ~~the ballots are being counted~~, allow as many as three persons  
 2439 near to them to see whether the ballots are being correctly  
 2440 reconciled. ~~read and called and the votes correctly tallied, and~~  
 2441 Any official who denies this privilege or interferes therewith  
 2442 commits ~~is guilty of~~ a misdemeanor of the first degree,  
 2443 punishable as provided in s. 775.082 or s. 775.083.

2444 Section 44. Subsection (3), paragraph (a) of subsection  
 2445 (4), paragraph (b) of subsection (5), subsection (15), and  
 2446 paragraph (c) of subsection (16) of section 106.011, Florida  
 2447 Statutes, are amended to read:

2448 106.011 Definitions.—As used in this chapter, the  
 2449 following terms have the following meanings unless the context  
 2450 clearly indicates otherwise:

2451 (3) "Contribution" means:

2452 (a) A gift, subscription, conveyance, deposit, loan,  
 2453 payment, or distribution of money or anything of value,  
 2454 including contributions in kind having an attributable monetary  
 2455 value in any form, made for the purpose of influencing the  
 2456 results of an election or making an electioneering  
 2457 communication.

2458 (b) A transfer of funds between political committees,  
 2459 between committees of continuous existence, between  
 2460 electioneering communications organizations, or between any  
 2461 combination of these groups.

2462 (c) The payment, by any person other than a candidate or  
 2463 political committee, of compensation for the personal services  
 2464 of another person which are rendered to a candidate or political

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2465 | committee without charge to the candidate or committee for such  
 2466 | services.

2467 |         (d) The transfer of funds by a campaign treasurer or  
 2468 | deputy campaign treasurer between a primary depository and a  
 2469 | separate interest-bearing account or certificate of deposit, and  
 2470 | the term includes any interest earned on such account or  
 2471 | certificate.

2472 |  
 2473 | Notwithstanding the foregoing meanings of "contribution," the  
 2474 | word shall not be construed to include services, including, but  
 2475 | not limited to, legal and accounting services, provided without  
 2476 | compensation by individuals volunteering a portion or all of  
 2477 | their time on behalf of a candidate or political committee,  
 2478 | funds received under s. 106.012, or. ~~This definition shall not~~  
 2479 | ~~be construed to include~~ editorial endorsements.

2480 |         (4) (a) "Expenditure" means a purchase, payment,  
 2481 | distribution, loan, advance, transfer of funds by a campaign  
 2482 | treasurer or deputy campaign treasurer between a primary  
 2483 | depository and a separate interest-bearing account or  
 2484 | certificate of deposit, or gift of money or anything of value  
 2485 | made for the purpose of influencing the results of an election  
 2486 | or making an electioneering communication. However,  
 2487 | "expenditure" does not include funds spent under s. 106.012 or a  
 2488 | purchase, payment, distribution, loan, advance, or gift of money  
 2489 | or anything of value made for the purpose of influencing the  
 2490 | results of an election when made by an organization, in  
 2491 | existence prior to the time during which a candidate qualifies  
 2492 | or an issue is placed on the ballot for that election, for the

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2493 | purpose of printing or distributing such organization's  
2494 | newsletter, containing a statement by such organization in  
2495 | support of or opposition to a candidate or issue, which  
2496 | newsletter is distributed only to members of such organization.

2497 | (5)

2498 | (b) An expenditure for the purpose of expressly advocating  
2499 | the election or defeat of a candidate which is made by the  
2500 | national, state, or county executive committee of a political  
2501 | party, including any subordinate committee of a national, state,  
2502 | or county committee of a political party, or by any political  
2503 | committee or committee of continuous existence, or any other  
2504 | person, shall not be considered an independent expenditure if  
2505 | the committee or person:

2506 | 1. Communicates with the candidate, the candidate's  
2507 | campaign, or an agent of the candidate acting on behalf of the  
2508 | candidate, including any pollster, media consultant, advertising  
2509 | agency, vendor, advisor, or staff member, concerning the  
2510 | preparation of, use of, or payment for, the specific expenditure  
2511 | or advertising campaign at issue; or

2512 | 2. Makes a payment in cooperation, consultation, or  
2513 | concert with, at the request or suggestion of, or pursuant to  
2514 | any general or particular understanding with the candidate, the  
2515 | candidate's campaign, a political committee supporting the  
2516 | candidate, or an agent of the candidate relating to the specific  
2517 | expenditure or advertising campaign at issue; or

2518 | 3. Makes a payment for the dissemination, distribution, or  
2519 | republication, in whole or in part, of any broadcast or any  
2520 | written, graphic, or other form of campaign material prepared by

2521 the candidate, the candidate's campaign, or an agent of the  
 2522 candidate, including any pollster, media consultant, advertising  
 2523 agency, vendor, advisor, or staff member; or

2524 4. Makes a payment based on information about the  
 2525 candidate's plans, projects, or needs communicated to a member  
 2526 of the committee or person by the candidate or an agent of the  
 2527 candidate, provided the committee or person uses the information  
 2528 in any way, in whole or in part, either directly or indirectly,  
 2529 to design, prepare, or pay for the specific expenditure or  
 2530 advertising campaign at issue; or

2531 5. After the last day of the qualifying period prescribed  
 2532 for the candidate ~~for statewide or legislative office~~, consults  
 2533 about the candidate's plans, projects, or needs in connection  
 2534 with the candidate's pursuit of election to office and the  
 2535 information is used in any way to plan, create, design, or  
 2536 prepare an independent expenditure or advertising campaign,  
 2537 with:

2538 a. Any officer, director, employee, or agent of a  
 2539 national, state, or county executive committee of a political  
 2540 party that has made or intends to make expenditures in  
 2541 connection with or contributions to the candidate; or

2542 b. Any person whose professional services have been  
 2543 retained by a national, state, or county executive committee of  
 2544 a political party that has made or intends to make expenditures  
 2545 in connection with or contributions to the candidate; or

2546 6. After the last day of the qualifying period prescribed  
 2547 for the candidate ~~for statewide or legislative office~~, retains  
 2548 the professional services of any person also providing those

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2549 | services to the candidate in connection with the candidate's  
 2550 | pursuit of election to office; or

2551 |         7. Arranges, coordinates, or directs the expenditure, in  
 2552 | any way, with the candidate or an agent of the candidate.

2553 |         (15) "Unopposed candidate" means a candidate for  
 2554 | nomination or election to an office who, after the last day on  
 2555 | which any person, including a write-in candidate, may qualify,  
 2556 | is without opposition in the election at which the office is to  
 2557 | be filled or who is without such opposition after such date as a  
 2558 | result of any primary election or of withdrawal by other  
 2559 | candidates seeking the same office. A candidate is not an  
 2560 | unopposed candidate if there is a vacancy to be filled under s.  
 2561 | 100.111(3) ~~s. 100.111(4)~~, if there is a legal proceeding pending  
 2562 | regarding the right to a ballot position for the office sought  
 2563 | by the candidate, or if the candidate is seeking retention as a  
 2564 | justice or judge.

2565 |         (16) "Candidate" means any person to whom any one or more  
 2566 | of the following apply:

2567 |         (c) Any person who receives contributions or makes  
 2568 | expenditures, or consents for any other person to receive  
 2569 | contributions or make expenditures, with a view to bring about  
 2570 | his or her nomination or election to, or retention in, public  
 2571 | office. Expenditures related to potential candidate polls as  
 2572 | provided in s. 106.17 are not contributions or expenditures for  
 2573 | purposes of this subsection.

2574 |  
 2575 | However, this definition does not include any candidate for a  
 2576 | political party executive committee.

2577 Section 45. Section 106.012, Florida Statutes, is created  
 2578 to read:

2579 106.012 Testing the waters.—

2580 (1) Funds received and spent solely for the purpose of  
 2581 determining whether an individual should become a candidate are  
 2582 not contributions and expenditures. Examples of activities  
 2583 permissible under this exemption include, but are not limited  
 2584 to, conducting a poll, telephone calls, and travel. Funds  
 2585 permissible under this chapter may only be used for such  
 2586 activities. The individual shall retain records of all such  
 2587 funds received and spent. If the individual subsequently becomes  
 2588 a candidate, the funds received are contributions and the funds  
 2589 spent are expenditures subject to the reporting requirements of  
 2590 this chapter. The contributions and expenditures must be  
 2591 reported with the initial report required by s. 106.07,  
 2592 regardless of the date the funds were received or spent.

2593 (2) The exemption provided in subsection (1) does not  
 2594 apply to funds received or spent for activities indicating that  
 2595 an individual has decided to become a candidate for a particular  
 2596 office or for activities relevant to conducting a campaign.

2597 Examples of activities that indicate that an individual has  
 2598 decided to become a candidate include, but are not limited to:

2599 (a) The individual uses general political advertising to  
 2600 publicize his or her intent to campaign for office.

2601 (b) The individual raises funds in excess of what could  
 2602 reasonably be expected to be used for exploratory activities or  
 2603 undertakes activities designed to amass campaign funds that  
 2604 would be spent after he or she becomes a candidate.

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2605 (c) The individual makes or authorizes written or oral  
 2606 statements that refer to him or her as a candidate for office.

2607 (d) The individual conducts activities in close proximity  
 2608 to the election or over a protracted period of time.

2609 (e) The individual takes action to qualify for office  
 2610 under s. 99.061.

2611 (3) Individuals are limited to receiving up to \$10,000 for  
 2612 determining whether to become a candidate for office under this  
 2613 section. An individual may only determine whether to become a  
 2614 candidate for a single office.

2615 Section 46. Subsection (3) of section 106.021, Florida  
 2616 Statutes, is amended to read:

2617 106.021 Campaign treasurers; deputies; primary and  
 2618 secondary depositories.—

2619 (3) No contribution or expenditure, including  
 2620 contributions or expenditures of a candidate or of the  
 2621 candidate's family, shall be directly or indirectly made or  
 2622 received in furtherance of the candidacy of any person for  
 2623 nomination or election to political office in the state or on  
 2624 behalf of any political committee except through the duly  
 2625 appointed campaign treasurer of the candidate or political  
 2626 committee, subject to the following exceptions:

2627 (a) Independent expenditures;

2628 (b) Reimbursements to a candidate or any other individual  
 2629 for expenses incurred in connection with the campaign or  
 2630 activities of the political committee by a check drawn upon the  
 2631 campaign account and reported pursuant to s. 106.07(4). ~~After~~  
 2632 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom

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2633 the candidate or other individual made payment for which  
 2634 reimbursement was made by check drawn upon the campaign account  
 2635 shall be reported pursuant to s. 106.07(4), together with the  
 2636 purpose of such payment;

2637 (c) Expenditures made indirectly through a treasurer for  
 2638 goods or services, such as communications media placement or  
 2639 procurement services, campaign signs, insurance, or other  
 2640 expenditures that include multiple integral components as part  
 2641 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
 2642 or

2643 (d) Expenditures made directly by any political committee  
 2644 or political party regulated by chapter 103 for obtaining time,  
 2645 space, or services in or by any communications medium for the  
 2646 purpose of jointly endorsing three or more candidates, and any  
 2647 such expenditure shall not be considered a contribution or  
 2648 expenditure to or on behalf of any such candidates for the  
 2649 purposes of this chapter.

2650 Section 47. Section 106.022, Florida Statutes, is amended  
 2651 to read:

2652 106.022 Appointment of a registered agent; duties.—

2653 (1) Each political committee, committee of continuous  
 2654 existence, or electioneering communications organization shall  
 2655 have and continuously maintain in this state a registered office  
 2656 and a registered agent and must file with the filing officer  
 2657 ~~division~~ a statement of appointment for the registered office  
 2658 and registered agent. The statement of appointment must:

2659 (a) Provide the name of the registered agent and the  
 2660 street address and phone number for the registered office;

2661 (b) Identify the entity for whom the registered agent  
 2662 serves;

2663 (c) Designate the address the registered agent wishes to  
 2664 use to receive mail;

2665 (d) Include the entity's undertaking to inform the filing  
 2666 officer ~~division~~ of any change in such designated address;

2667 (e) Provide for the registered agent's acceptance of the  
 2668 appointment, which must confirm that the registered agent is  
 2669 familiar with and accepts the obligations of the position as set  
 2670 forth in this section; and

2671 (f) Contain the signature of the registered agent and the  
 2672 entity engaging the registered agent.

2673 (2) An entity may change its appointment of registered  
 2674 agent and registered office under this section by executing a  
 2675 written statement of change and filing it with the filing  
 2676 officer. ~~The statement must satisfy that identifies the former~~  
 2677 ~~registered agent and registered address and also satisfies all~~  
 2678 of the requirements of subsection (1).

2679 (3) A registered agent may resign his or her appointment  
 2680 as registered agent by executing a written statement of  
 2681 resignation and filing it with the filing officer ~~division~~. An  
 2682 entity without a registered agent may not make expenditures or  
 2683 accept contributions until it files a written statement of  
 2684 change as required in subsection (2).

2685 Section 48. Subsection (1) of section 106.023, Florida  
 2686 Statutes, is amended to read:

2687 106.023 Statement of candidate.—

2688 (1) Each candidate must file a statement with the

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2689 | qualifying officer within 10 days after filing the appointment  
 2690 | of campaign treasurer and designation of campaign depository,  
 2691 | stating that the candidate has read and understands the  
 2692 | requirements of this chapter. Such statement shall be provided  
 2693 | by the filing officer and shall be in substantially the  
 2694 | following form:

2695 | STATEMENT OF CANDIDATE

2696 | I, ....., candidate for the office of ....., have been  
 2697 | provided access to ~~received~~, read, and understand the  
 2698 | requirements of Chapter 106, Florida Statutes.

2699 | ... (Signature of candidate) ... (Date) ...

2700 | Willful failure to file this form is a violation of ss.

2701 | 106.19(1)(c) and 106.25(3), F.S.

2702 | Section 49. Paragraph (c) of subsection (1) of section  
 2703 | 106.025, Florida Statutes, is amended to read:

2704 | 106.025 Campaign fund raisers.-

2705 | (1)

2706 | (c) Any tickets or advertising for such a campaign fund  
 2707 | raiser is exempt from the requirements of s. 106.143 ~~shall~~  
 2708 | ~~contain the following statement: "The purchase of a ticket for,~~  
 2709 | ~~or a contribution to, the campaign fund raiser is a contribution~~  
 2710 | ~~to the campaign of ... (name of the candidate for whose benefit~~  
 2711 | ~~the campaign fund raiser is held) ..."~~ Such tickets or  
 2712 | advertising shall also comply with other provisions of this  
 2713 | chapter relating to political advertising.

2714 | Section 50. Paragraph (b) of subsection (1) of section  
 2715 | 106.03, Florida Statutes, is amended to read:

2716 | 106.03 Registration of political committees and

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2717 | electioneering communications organizations.—

2718 |       (1)

2719 |       (b)1. Each group ~~electioneering communications~~  
 2720 | ~~organization that receives contributions or makes expenditures~~  
 2721 | ~~during a calendar year in an aggregate amount exceeding \$5,000~~  
 2722 | shall file a statement of organization as an electioneering  
 2723 | communications organization ~~provided in subparagraph 2. by~~  
 2724 | ~~expedited delivery within 24 hours after its organization or, if~~  
 2725 | ~~later,~~ within 24 hours after the date on which it ~~receives~~  
 2726 | ~~contributions or makes expenditures~~ for an electioneering  
 2727 | communication in excess of \$5,000, if such expenditures are made  
 2728 | within the timeframes specified in s. 106.011(18)(a)2. If the  
 2729 | group makes expenditures for an electioneering communication in  
 2730 | excess of \$5,000 before the timeframes specified in s.  
 2731 | 106.011(18)(a)2., it shall file the statement of organization  
 2732 | within 24 hours after the 30th day before a primary or special  
 2733 | primary election, or within 24 hours after the 60th day before  
 2734 | any other election, whichever is applicable.

2735 |       2.a. In a statewide, legislative, or multicounty election,  
 2736 | an electioneering communications organization shall file a  
 2737 | statement of organization with the Division of Elections.

2738 |       b. In a countywide election or any election held on less  
 2739 | than a countywide basis, except as described in sub-subparagraph  
 2740 | c., an electioneering communications organization shall file a  
 2741 | statement of organization with the supervisor of elections of  
 2742 | the county in which the election is being held.

2743 |       c. In a municipal election, an electioneering  
 2744 | communications organization shall file a statement of

2745 organization with the officer before whom municipal candidates  
 2746 qualify.

2747 d. Any electioneering communications organization that  
 2748 would be required to file a statement of organization in two or  
 2749 more locations by reason of the organization's intention to  
 2750 support or oppose candidates at state or multicounty and local  
 2751 levels of government need only file a statement of organization  
 2752 with the Division of Elections.

2753 Section 51. Subsection (4) of section 106.04, Florida  
 2754 Statutes, is amended, present subsections (7) and (8) are  
 2755 amended and renumbered as subsections (8) and (9), respectively,  
 2756 and a new subsection (7) is added to that section, to read:

2757 106.04 Committees of continuous existence.—

2758 (4) (a) Each committee of continuous existence shall file  
 2759 an annual report with the Division of Elections during the month  
 2760 of January. Such annual reports shall contain the same  
 2761 information and shall be accompanied by the same materials as  
 2762 original applications filed pursuant to subsection (2). However,  
 2763 the charter or bylaws need not be filed if the annual report is  
 2764 accompanied by a sworn statement by the chair that no changes  
 2765 have been made to such charter or bylaws since the last filing.

2766 (b)1. Each committee of continuous existence shall file  
 2767 regular reports with the Division of Elections at the same times  
 2768 and subject to the same filing conditions as are established by  
 2769 s. 106.07(1) and (2) for candidates' reports.

2770 2. A committee of continuous existence that makes a  
 2771 contribution to or an expenditure on behalf of a candidate in a  
 2772 county or municipal election that is not being held at the same

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2773 time as a state or federal election must file campaign finance  
2774 reports with the county or municipal filing officer on the same  
2775 dates as county or municipal candidates or committees for that  
2776 election. The committee of continuous existence must also  
2777 include the contribution or expenditure in the next report filed  
2778 with the Division of Elections pursuant to this section after  
2779 the county or municipal election.

2780 ~~3.2.~~ Any committee of continuous existence failing to so  
2781 file a report with the Division of Elections or applicable  
2782 filing officer pursuant to this paragraph on the designated due  
2783 date shall be subject to a fine for late filing as provided by  
2784 this section.

2785 (c) All committees of continuous existence shall file  
2786 their reports with the Division of Elections. Reports shall be  
2787 filed in accordance with s. 106.0705 and shall contain the  
2788 following information:

2789 1. The full name, address, and occupation of each person  
2790 who has made one or more contributions, including contributions  
2791 that represent the payment of membership dues, to the committee  
2792 during the reporting period, together with the amounts and dates  
2793 of such contributions. For corporations, the report must provide  
2794 as clear a description as practicable of the principal type of  
2795 business conducted by the corporation. However, if the  
2796 contribution is \$100 or less, the occupation of the contributor  
2797 or principal type of business need not be listed. However, for  
2798 any contributions that represent the payment of dues by members  
2799 in a fixed amount aggregating no more than \$250 per calendar  
2800 year, pursuant to the schedule on file with the Division of

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2801 Elections, only the aggregate amount of such contributions need  
2802 be listed, together with the number of members paying such dues  
2803 and the amount of the membership dues.

2804 2. The name and address of each political committee or  
2805 committee of continuous existence from which the reporting  
2806 committee received, or the name and address of each political  
2807 committee, committee of continuous existence, or political party  
2808 to which it made, any transfer of funds, together with the  
2809 amounts and dates of all transfers.

2810 3. Any other receipt of funds not listed pursuant to  
2811 subparagraph 1. or subparagraph 2., including the sources and  
2812 amounts of all such funds.

2813 4. The name and address of, and office sought by, each  
2814 candidate to whom the committee has made a contribution during  
2815 the reporting period, together with the amount and date of each  
2816 contribution.

2817 5. The full name and address of each person to whom  
2818 expenditures have been made by or on behalf of the committee  
2819 within the reporting period; the amount, date, and purpose of  
2820 each such expenditure; and the name and address, and office  
2821 sought by, each candidate on whose behalf such expenditure was  
2822 made.

2823 6. The full name and address of each person to whom an  
2824 expenditure for personal services, salary, or reimbursement for  
2825 authorized expenses has been made, including the full name and  
2826 address of each entity to whom the person made payment for which  
2827 reimbursement was made by check drawn upon the committee  
2828 account, together with the amount and purpose of such payment.

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2829           7. Transaction information from each credit card purchase  
 2830 ~~statement that will be included in the next report following~~  
 2831 ~~receipt thereof by the committee.~~ Receipts for each credit card  
 2832 purchase shall be retained by the treasurer with the records for  
 2833 the committee account.

2834           8. The total sum of expenditures made by the committee  
 2835 during the reporting period.

2836           (d) The treasurer of each committee shall certify as to  
 2837 the correctness of each report and shall bear the responsibility  
 2838 for its accuracy and veracity. Any treasurer who willfully  
 2839 certifies to the correctness of a report while knowing that such  
 2840 report is incorrect, false, or incomplete commits a misdemeanor  
 2841 of the first degree, punishable as provided in s. 775.082 or s.  
 2842 775.083.

2843           (7) Any change in information previously submitted to the  
 2844 division shall be reported within 10 days after the change.

2845           (8)~~(7)~~ If a committee of continuous existence ceases to  
 2846 meet the criteria prescribed by subsection (1), the Division of  
 2847 Elections shall revoke its certification ~~until such time as the~~  
 2848 ~~criteria are again met.~~ The Division of Elections shall adopt  
 2849 ~~promulgate~~ rules to prescribe the manner in which the such  
 2850 certification of a committee of continuous existence shall be  
 2851 revoked. Such rules shall, at a minimum, provide for:

2852           (a) Notice, which must ~~shall~~ contain the facts and conduct  
 2853 that warrant the intended action.

2854           (b) Adequate opportunity to respond.

2855           (c) Appeal of the decision to the Florida Elections  
 2856 Commission. Such appeals are ~~shall be~~ exempt from the

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2857 confidentiality provisions of s. 106.25.

2858 (9)~~(8)~~(a) Any committee of continuous existence failing to  
 2859 file a report on the designated due date is ~~shall be~~ subject to  
 2860 a fine. The fine shall be \$50 per day for the first 3 days late  
 2861 and, thereafter, \$500 per day for each late day, not to exceed  
 2862 25 percent of the total receipts or expenditures, whichever is  
 2863 greater, for the period covered by the late report. However, for  
 2864 the reports immediately before each primary and general  
 2865 election, including a special primary election and a special  
 2866 general election, the fine shall be \$500 per day for each late  
 2867 day, not to exceed 25 percent of the total receipts or  
 2868 expenditures, whichever is greater, for the period covered by  
 2869 the late report. The fine shall be assessed by the filing  
 2870 officer, and the moneys collected shall be deposited into:

2871 1. ~~In~~ The General Revenue Fund, in the case of fines  
 2872 collected by the Division of Elections.

2873 2. The general revenue fund of the political subdivision,  
 2874 in the case of fines collected by a county or municipal filing  
 2875 officer.

2876  
 2877 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file  
 2878 a copy of any report required by this section.

2879 (b) Upon determining that a report is late, the filing  
 2880 officer shall immediately notify the treasurer of the committee  
 2881 or the committee's registered agent as to the failure to file a  
 2882 report by the designated due date and that a fine is being  
 2883 assessed for each late day. Upon receipt of the report, the  
 2884 filing officer shall determine the amount of fine which is due

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2885 and shall notify the treasurer of the committee. Notice is  
 2886 deemed complete upon proof of delivery of written notice to the  
 2887 mailing or street address on record with the filing officer. The  
 2888 filing officer shall determine the amount of the fine due based  
 2889 upon the earliest of the following:

- 2890 1. When the report is actually received by such officer.
- 2891 2. When the report is postmarked.
- 2892 3. When the certificate of mailing is dated.
- 2893 4. When the receipt from an established courier company is  
 2894 dated.

2895  
 2896 Such fine shall be paid to the filing officer within 20 days  
 2897 after receipt of the notice of payment due, unless appeal is  
 2898 made to the Florida Elections Commission pursuant to paragraph  
 2899 (c). An officer or member of a committee is ~~shall~~ not be  
 2900 personally liable for such fine.

2901 (c) Any treasurer of a committee may appeal or dispute the  
 2902 fine, based upon unusual circumstances surrounding the failure  
 2903 to file on the designated due date, and may request and is ~~shall~~  
 2904 ~~be~~ entitled to a hearing before the Florida Elections  
 2905 Commission, which may ~~shall~~ have the authority to waive the fine  
 2906 in whole or in part. Any such request must ~~shall~~ be made within  
 2907 20 days after receipt of the notice of payment due. ~~In such~~  
 2908 ~~case, the treasurer of~~ The committee shall file a copy of the  
 2909 appeal with, ~~within the 20-day period,~~ notify the filing officer  
 2910 ~~in writing of his or her intention to bring the matter before~~  
 2911 the commission.

2912 (d) The filing officer shall notify the Florida Elections

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2913 Commission of the repeated late filing by a committee of  
 2914 continuous existence, the failure of a committee of continuous  
 2915 existence to file a report after notice, or the failure to pay  
 2916 the fine imposed.

2917 Section 52. Section 106.07, Florida Statutes, is amended  
 2918 to read:

2919 106.07 Reports; certification and filing.—

2920 (1) Each campaign treasurer designated by a candidate or  
 2921 political committee pursuant to s. 106.021 shall file regular  
 2922 reports of all contributions received, and all expenditures  
 2923 made, by or on behalf of such candidate or political committee.  
 2924 Except for the third calendar quarter immediately before a  
 2925 general election, reports shall be filed on the 10th day  
 2926 following the end of each calendar quarter from the time the  
 2927 campaign treasurer is appointed, except that, if the 10th day  
 2928 following the end of a calendar quarter occurs on a Saturday,  
 2929 Sunday, or legal holiday, the report shall be filed on the next  
 2930 following day which is not a Saturday, Sunday, or legal holiday.  
 2931 Quarterly reports shall include all contributions received and  
 2932 expenditures made during the calendar quarter which have not  
 2933 otherwise been reported pursuant to this section.

2934 (a) Except as provided in paragraph (b), ~~following the~~  
 2935 ~~last day of qualifying for office,~~ the reports shall also be  
 2936 filed on the 32nd, 18th, and 4th days immediately preceding the  
 2937 primary and on the 46th, 32nd, 18th, and 4th days immediately  
 2938 preceding the election, for a candidate who is opposed in  
 2939 seeking nomination or election to any office, for a political  
 2940 committee, or for a committee of continuous existence.

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2941 (b) ~~Following the last day of qualifying for office,~~ Any  
 2942 statewide candidate who has requested to receive contributions  
 2943 pursuant to ~~from~~ the Florida Election Campaign Financing Act  
 2944 ~~Trust Fund~~ or any statewide candidate in a race with a candidate  
 2945 who has requested to receive contributions pursuant to ~~from~~ the  
 2946 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,  
 2947 25th, and 32nd days prior to the primary election, and on the  
 2948 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to  
 2949 the general election.

2950 (c) Following the last day of qualifying for office, any  
 2951 unopposed candidate need only file a report within 90 days after  
 2952 the date such candidate became unopposed. Such report shall  
 2953 contain all previously unreported contributions and expenditures  
 2954 as required by this section and shall reflect disposition of  
 2955 funds as required by s. 106.141.

2956 (d)1. When a special election is called to fill a vacancy  
 2957 in office, all political committees ~~and committees of continuous~~  
 2958 ~~existence~~ making contributions or expenditures to influence the  
 2959 results of such special election or the preceding special  
 2960 primary election shall file campaign treasurers' reports with  
 2961 the filing officer on the dates set by the Department of State  
 2962 pursuant to s. 100.111.

2963 2. When an election is called for an issue to appear on  
 2964 the ballot at a time when no candidates are scheduled to appear  
 2965 on the ballot, all political committees making contributions or  
 2966 expenditures in support of or in opposition to such issue shall  
 2967 file reports on the 18th and 4th days prior to such election.

2968 (e) The filing officer shall provide each candidate with a

2969 | schedule designating the beginning and end of reporting periods  
 2970 | as well as the corresponding designated due dates.

2971 |       (2) (a) 1. All reports required of a candidate by this  
 2972 | section shall be filed with the officer before whom the  
 2973 | candidate is required by law to qualify. All candidates who file  
 2974 | with the Department of State shall file their reports pursuant  
 2975 | to s. 106.0705. Except as provided in s. 106.0705, reports shall  
 2976 | be filed not later than 5 p.m. of the day designated; however,  
 2977 | any report postmarked by the United States Postal Service no  
 2978 | later than midnight of the day designated shall be deemed to  
 2979 | have been filed in a timely manner. Any report received by the  
 2980 | filing officer within 5 days after the designated due date that  
 2981 | was delivered by the United States Postal Service shall be  
 2982 | deemed timely filed unless it has a postmark that indicates that  
 2983 | the report was mailed after the designated due date. A  
 2984 | certificate of mailing obtained from and dated by the United  
 2985 | States Postal Service at the time of mailing, or a receipt from  
 2986 | an established courier company, which bears a date on or before  
 2987 | the date on which the report is due, shall be proof of mailing  
 2988 | in a timely manner. Reports shall contain information of all  
 2989 | previously unreported contributions received and expenditures  
 2990 | made as of the preceding Friday, except that the report filed on  
 2991 | the Friday immediately preceding the election shall contain  
 2992 | information of all previously unreported contributions received  
 2993 | and expenditures made as of the day preceding that designated  
 2994 | due date. All such reports shall be open to public inspection.

2995 |       2. This subsection does not prohibit the governing body of  
 2996 | a political subdivision, by ordinance or resolution, from

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2997 imposing upon its own officers and candidates electronic filing  
 2998 requirements not in conflict with s. 106.0705. Expenditure of  
 2999 public funds for such purpose is deemed to be for a valid public  
 3000 purpose.

3001 (b)1. Any report that ~~which~~ is deemed to be incomplete by  
 3002 the officer with whom the candidate qualifies shall be accepted  
 3003 on a conditional basis. ~~and~~ The campaign treasurer shall be  
 3004 notified by certified registered mail or by another method using  
 3005 a common carrier that provides a proof of delivery of the notice  
 3006 as to why the report is incomplete and within 7 ~~be given 3~~ days  
 3007 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to  
 3008 the report providing all information necessary to complete the  
 3009 report in compliance with this section. Failure to file a  
 3010 complete report after such notice constitutes a violation of  
 3011 this chapter.

3012 2. Notice is deemed complete upon proof of delivery of a  
 3013 written notice to the mailing or street address of the campaign  
 3014 treasurer or registered agent of record with the filing officer.  
 3015 ~~In lieu of the notice by registered mail as required in~~  
 3016 ~~subparagraph 1., the qualifying officer may notify the campaign~~  
 3017 ~~treasurer by telephone that the report is incomplete and request~~  
 3018 ~~the information necessary to complete the report. If, however,~~  
 3019 ~~such information is not received by the qualifying officer~~  
 3020 ~~within 3 days after the telephone request therefor, notice shall~~  
 3021 ~~be sent by registered mail as provided in subparagraph 1.~~

3022 (3) (a) Reports required of a political committee shall be  
 3023 filed with the agency or officer before whom such committee  
 3024 registers pursuant to s. 106.03(3) and shall be subject to the

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3025 same filing conditions as established for candidates' reports.  
 3026 Incomplete reports by political committees shall be treated in  
 3027 the manner provided for incomplete reports by candidates in  
 3028 subsection (2).

3029 (b) In addition to the reports required under paragraph  
 3030 (a), a political committee that is registered with the  
 3031 Department of State and that makes a contribution to or an  
 3032 expenditure on behalf of a candidate in a county or municipal  
 3033 election that is not being held at the same time as a state or  
 3034 federal election must file campaign finance reports with the  
 3035 county or municipal filing officer on the same filing dates  
 3036 required of a county or municipal candidate or committee for  
 3037 that election. The political committee must also include such  
 3038 contribution or expenditure in the next report filed with the  
 3039 Division of Elections pursuant to this section after the county  
 3040 or municipal election.

3041 (4) (a) Each report required by this section must ~~shall~~  
 3042 contain:

3043 1. The full name, address, and occupation, if any of each  
 3044 person who has made one or more contributions to or for such  
 3045 committee or candidate within the reporting period, together  
 3046 with the amount and date of such contributions. For  
 3047 corporations, the report must provide as clear a description as  
 3048 practicable of the principal type of business conducted by the  
 3049 corporation. However, if the contribution is \$100 or less or is  
 3050 from a relative, as defined in s. 112.312, provided that the  
 3051 relationship is reported, the occupation of the contributor or  
 3052 the principal type of business need not be listed.

3053           2. The name and address of each political committee from  
 3054 which the reporting committee or the candidate received, or to  
 3055 which the reporting committee or candidate made, any transfer of  
 3056 funds, together with the amounts and dates of all transfers.

3057           3. Each loan for campaign purposes to or from any person  
 3058 or political committee within the reporting period, together  
 3059 with the full names, addresses, and occupations, and principal  
 3060 places of business, if any, of the lender and endorsers, if any,  
 3061 and the date and amount of such loans.

3062           4. A statement of each contribution, rebate, refund, or  
 3063 other receipt not otherwise listed under subparagraphs 1.  
 3064 through 3.

3065           5. The total sums of all loans, in-kind contributions, and  
 3066 other receipts by or for such committee or candidate during the  
 3067 reporting period. The reporting forms shall be designed to  
 3068 elicit separate totals for in-kind contributions, loans, and  
 3069 other receipts.

3070           6. The full name and address of each person to whom  
 3071 expenditures have been made by or on behalf of the committee or  
 3072 candidate within the reporting period; the amount, date, and  
 3073 purpose of each such expenditure; and the name and address of,  
 3074 and office sought by, each candidate on whose behalf such  
 3075 expenditure was made. However, expenditures made from the petty  
 3076 cash fund provided by s. 106.12 need not be reported  
 3077 individually.

3078           7. The full name and address of each person to whom an  
 3079 expenditure for personal services, salary, or reimbursement for  
 3080 authorized expenses as provided in s. 106.021(3) has been made

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3081 and which is not otherwise reported, including the amount, date,  
 3082 and purpose of such expenditure. However, expenditures made from  
 3083 the petty cash fund provided for in s. 106.12 need not be  
 3084 reported individually. Receipts for reimbursement for authorized  
 3085 expenses shall be retained by the treasurer with the records for  
 3086 the campaign account.

3087 8. The total amount withdrawn and the total amount spent  
 3088 for petty cash purposes pursuant to this chapter during the  
 3089 reporting period.

3090 9. The total sum of expenditures made by such committee or  
 3091 candidate during the reporting period.

3092 10. The amount and nature of debts and obligations owed by  
 3093 or to the committee or candidate, which relate to the conduct of  
 3094 any political campaign.

3095 11. Transaction information for each credit card purchase.  
 3096 ~~A copy of each credit card statement which shall be included in~~  
 3097 ~~the next report following receipt thereof by the candidate or~~  
 3098 ~~political committee. Receipts for each credit card purchase~~  
 3099 ~~shall be retained by the treasurer with the records for the~~  
 3100 ~~campaign account.~~

3101 12. The amount and nature of any separate interest-bearing  
 3102 accounts or certificates of deposit and identification of the  
 3103 financial institution in which such accounts or certificates of  
 3104 deposit are located.

3105 13. The primary purposes of an expenditure made indirectly  
 3106 through a campaign treasurer pursuant to s. 106.021(3) for goods  
 3107 and services such as communications media placement or  
 3108 procurement services, campaign signs, insurance, and other

3109 expenditures that include multiple components as part of the  
 3110 expenditure. The primary purpose of an expenditure shall be that  
 3111 purpose, including integral and directly related components,  
 3112 that comprises 80 percent of such expenditure.

3113 (b) The filing officer shall make available to any  
 3114 candidate or committee a reporting form which the candidate or  
 3115 committee may use to indicate contributions received by the  
 3116 candidate or committee but returned to the contributor before  
 3117 deposit.

3118 (5) The candidate and his or her campaign treasurer, in  
 3119 the case of a candidate, or the political committee chair and  
 3120 campaign treasurer of the committee, in the case of a political  
 3121 committee, shall certify as to the correctness of each report;  
 3122 and each person so certifying shall bear the responsibility for  
 3123 the accuracy and veracity of each report. Any campaign  
 3124 treasurer, candidate, or political committee chair who willfully  
 3125 certifies the correctness of any report while knowing that such  
 3126 report is incorrect, false, or incomplete commits a misdemeanor  
 3127 of the first degree, punishable as provided in s. 775.082 or s.  
 3128 775.083.

3129 ~~(6) The campaign depository shall return all checks drawn~~  
 3130 ~~on the account to the campaign treasurer who shall retain the~~  
 3131 ~~records pursuant to s. 106.06.~~ The records maintained by the  
 3132 campaign depository with respect to any campaign account  
 3133 regulated by this chapter ~~are such account shall be~~ subject to  
 3134 inspection by an agent of the Division of Elections or the  
 3135 Florida Elections Commission at any time during normal banking  
 3136 hours, and such depository shall furnish certified copies of any

3137 of such records to the Division of Elections or Florida  
 3138 Elections Commission upon request.

3139 (7) Notwithstanding any other provisions of this chapter,  
 3140 in any reporting period during which a candidate, political  
 3141 committee, or committee of continuous existence has not received  
 3142 funds, made any contributions, or expended any reportable funds,  
 3143 the filing of the required report for that period is waived.  
 3144 However, the next report filed must specify that the report  
 3145 covers the entire period between the last submitted report and  
 3146 the report being filed, and any candidate, political committee,  
 3147 or committee of continuous existence not reporting by virtue of  
 3148 this subsection on dates prescribed elsewhere in this chapter  
 3149 shall notify the filing officer in writing on the prescribed  
 3150 reporting date that no report is being filed on that date.

3151 (8) (a) Any candidate or political committee failing to  
 3152 file a report on the designated due date is ~~shall be~~ subject to  
 3153 a fine as provided in paragraph (b) for each late day, and, in  
 3154 the case of a candidate, such fine shall be paid only from  
 3155 personal funds of the candidate. The fine shall be assessed by  
 3156 the filing officer and the moneys collected shall be deposited:

3157 1. In the General Revenue Fund, in the case of a candidate  
 3158 for state office or a political committee that registers with  
 3159 the Division of Elections; or

3160 2. In the general revenue fund of the political  
 3161 subdivision, in the case of a candidate for an office of a  
 3162 political subdivision or a political committee that registers  
 3163 with an officer of a political subdivision.

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3165 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file  
3166 a copy of any report required by this section.

3167 (b) Upon determining that a report is late, the filing  
3168 officer shall immediately notify the candidate or chair of the  
3169 political committee as to the failure to file a report by the  
3170 designated due date and that a fine is being assessed for each  
3171 late day. The fine shall be \$50 per day for the first 3 days  
3172 late and, thereafter, \$500 per day for each late day, not to  
3173 exceed 25 percent of the total receipts or expenditures,  
3174 whichever is greater, for the period covered by the late report.  
3175 However, for the reports immediately preceding each special  
3176 primary election, special election, primary election, and  
3177 general election, the fine shall be \$500 per day for each late  
3178 day, not to exceed 25 percent of the total receipts or  
3179 expenditures, whichever is greater, for the period covered by  
3180 the late report. For reports required under s. 106.141(7), the  
3181 fine is \$50 per day for each late day, not to exceed 25 percent  
3182 of the total receipts or expenditures, whichever is greater, for  
3183 the period covered by the late report. Upon receipt of the  
3184 report, the filing officer shall determine the amount of the  
3185 fine which is due and shall notify the candidate or chair or  
3186 registered agent of the political committee. The filing officer  
3187 shall determine the amount of the fine due based upon the  
3188 earliest of the following:

- 3189 1. When the report is actually received by such officer.
- 3190 2. When the report is postmarked.
- 3191 3. When the certificate of mailing is dated.
- 3192 4. When the receipt from an established courier company is

3193 | dated.

3194 |         5. When the electronic receipt issued pursuant to s.

3195 | 106.0705 or other electronic filing system authorized in this

3196 | section is dated.

3197 |

3198 | Such fine shall be paid to the filing officer within 20 days

3199 | after receipt of the notice of payment due, unless appeal is

3200 | made to the Florida Elections Commission pursuant to paragraph

3201 | (c). Notice is deemed complete upon proof of delivery of written

3202 | notice to the mailing or street address of record with the

3203 | filing officer. In the case of a candidate, such fine shall not

3204 | be an allowable campaign expenditure and shall be paid only from

3205 | personal funds of the candidate. An officer or member of a

3206 | political committee shall not be personally liable for such

3207 | fine.

3208 |         (c) Any candidate or chair of a political committee may

3209 | appeal or dispute the fine, based upon, but not limited to,

3210 | unusual circumstances surrounding the failure to file on the

3211 | designated due date, and may request and shall be entitled to a

3212 | hearing before the Florida Elections Commission, which shall

3213 | have the authority to waive the fine in whole or in part. The

3214 | Florida Elections Commission must consider the mitigating and

3215 | aggravating circumstances contained in s. 106.265~~(1)~~ when

3216 | determining the amount of a fine, if any, to be waived. Any such

3217 | request shall be made within 20 days after receipt of the notice

3218 | of payment due. In such case, the candidate or chair of the

3219 | political committee shall, within the 20-day period, notify the

3220 | filing officer in writing of his or her intention to bring the

3221 matter before the commission.

3222 (d) The appropriate filing officer shall notify the  
 3223 Florida Elections Commission of the repeated late filing by a  
 3224 candidate or political committee, the failure of a candidate or  
 3225 political committee to file a report after notice, or the  
 3226 failure to pay the fine imposed. The commission shall  
 3227 investigate only those alleged late filing violations  
 3228 specifically identified by the filing officer and as set forth  
 3229 in the notification. Any other alleged violations must be  
 3230 separately stated and reported by the division to the commission  
 3231 under s. 106.25(2).

3232 (9) The Department of State may prescribe by rule the  
 3233 requirements for filing campaign treasurers' reports as set  
 3234 forth in this chapter.

3235 Section 53. Paragraph (c) of subsection (7) and  
 3236 subsections (8) and (9) of section 106.0703, Florida Statutes,  
 3237 are amended to read:

3238 106.0703 Electioneering communications organizations;  
 3239 reporting requirements; certification and filing; penalties.-

3240 (7)

3241 (c) The treasurer of an electioneering communications  
 3242 organization may appeal or dispute the fine, based upon, but not  
 3243 limited to, unusual circumstances surrounding the failure to  
 3244 file on the designated due date, and may request and shall be  
 3245 entitled to a hearing before the Florida Elections Commission,  
 3246 which shall have the authority to waive the fine in whole or in  
 3247 part. The Florida Elections Commission must consider the  
 3248 mitigating and aggravating circumstances contained in s.

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3249 | 106.265~~(1)~~ when determining the amount of a fine, if any, to be  
 3250 | waived. Any such request shall be made within 20 days after  
 3251 | receipt of the notice of payment due. In such case, the  
 3252 | treasurer of the electioneering communications organization  
 3253 | shall, within the 20-day period, notify the filing officer in  
 3254 | writing of his or her intention to bring the matter before the  
 3255 | commission.

3256 | ~~(8) An electioneering communications organization shall,~~  
 3257 | ~~within 2 days after receiving its initial password or secure~~  
 3258 | ~~sign-on from the Department of State allowing confidential~~  
 3259 | ~~access to the department's electronic campaign finance filing~~  
 3260 | ~~system, electronically file the periodic reports that would have~~  
 3261 | ~~been required pursuant to this section for reportable activities~~  
 3262 | ~~that occurred since the date of the last general election.~~

3263 | ~~(8)~~<sup>(9)</sup> Electioneering communications organizations shall  
 3264 | not use credit cards.

3265 | Section 54. Paragraphs (a) and (c) of subsection (2) and  
 3266 | subsections (3) and (7) of section 106.0705, Florida Statutes,  
 3267 | are amended to read:

3268 | 106.0705 Electronic filing of campaign treasurer's  
 3269 | reports.—

3270 | (2) (a) Each individual ~~candidate~~ who is required to file  
 3271 | reports with the division pursuant to s. 106.07 or s. 106.141  
 3272 | ~~with the division~~ must file such reports ~~with the division~~ by  
 3273 | means of the division's electronic filing system.

3274 | (c) Each person or organization that is required to file  
 3275 | reports with the division under s. 106.071 must file such  
 3276 | reports ~~with the division~~ by means of the division's electronic

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3277 filing system.

3278 (3) Reports filed pursuant to this section shall be  
 3279 completed and filed through the electronic filing system not  
 3280 later than midnight of the day designated. Reports not filed by  
 3281 midnight of the day designated are late filed and are subject to  
 3282 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.  
 3283 106.0703(7), or s. 106.29(3), as applicable.

3284 ~~(7) Notwithstanding anything in law to the contrary, any~~  
 3285 ~~report required to have been filed under this section for the~~  
 3286 ~~period ended March 31, 2005, shall be deemed to have been timely~~  
 3287 ~~filed if the report is filed under this section on or before~~  
 3288 ~~June 1, 2005.~~

3289 Section 55. Subsections (1) and (2) of section 106.071,  
 3290 Florida Statutes, are amended to read:

3291 106.071 Independent expenditures; electioneering  
 3292 communications; reports; disclaimers.-

3293 (1) Each person who makes an independent expenditure with  
 3294 respect to any candidate or issue, and each individual who makes  
 3295 an expenditure for an electioneering communication which is not  
 3296 otherwise reported pursuant to this chapter, which expenditure,  
 3297 in the aggregate in a calendar year, is in the amount of \$5,000  
 3298 or more, shall file periodic reports of such expenditures in the  
 3299 same manner, at the same time, subject to the same penalties,  
 3300 and with the same officer as a political committee supporting or  
 3301 opposing such candidate or issue. The report shall contain the  
 3302 full name and address of the person making the expenditure; the  
 3303 full name and address of each person to whom and for whom each  
 3304 such expenditure has been made; the amount, date, and purpose of

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3305 each such expenditure; a description of the services or goods  
 3306 obtained by each such expenditure; the issue to which the  
 3307 expenditure relates; and the name and address of, and office  
 3308 sought by, each candidate on whose behalf such expenditure was  
 3309 made.

3310 (2) A ~~Any~~ political advertisement paid for by an  
 3311 independent expenditure, other than such an expenditure by an  
 3312 individual in an aggregate amount of \$500, shall prominently  
 3313 state "Paid political advertisement paid for by ... (Name and  
 3314 address of person paying for advertisement)... independently of  
 3315 any ... (candidate or committee)...." However, an independent  
 3316 expenditure made by an individual must state "Paid political  
 3317 advertisement independent of any ... (candidate or  
 3318 committee)...."

3319 Section 56. Paragraph (c) of subsection (3) and paragraph  
 3320 (b) of subsection (6) of section 106.08, Florida Statutes, are  
 3321 amended to read:

3322 106.08 Contributions; limitations on.-

3323 (3)

3324 ~~(c) With respect to any campaign for an office in which an~~  
 3325 ~~independent or minor party candidate has filed as required in s.~~  
 3326 ~~99.0955 or s. 99.096, but whose qualification is pending a~~  
 3327 ~~determination by the Department of State or supervisor of~~  
 3328 ~~elections as to whether or not the required number of petition~~  
 3329 ~~signatures was obtained:~~

3330 ~~1. The department or supervisor shall, no later than 3~~  
 3331 ~~days after that determination has been made, notify in writing~~  
 3332 ~~all other candidates for that office of that determination.~~

3333           ~~2. Any contribution received by a candidate or the~~  
 3334 ~~campaign treasurer or deputy campaign treasurer of a candidate~~  
 3335 ~~after the candidate has been notified in writing by the~~  
 3336 ~~department or supervisor that he or she has become unopposed as~~  
 3337 ~~a result of an independent or minor party candidate failing to~~  
 3338 ~~obtain the required number of petition signatures shall be~~  
 3339 ~~returned to the person, political committee, or committee of~~  
 3340 ~~continuous existence contributing it and shall not be used or~~  
 3341 ~~expended by or on behalf of the candidate.~~

3342           (6)

3343           (b)1. A political party may not accept any in-kind  
 3344 contribution that fails to provide a direct benefit to the  
 3345 political party. A "direct benefit" includes, but is not limited  
 3346 to, fundraising or furthering the objectives of the political  
 3347 party.

3348           2.a. An in-kind contribution to a state political party  
 3349 may be accepted only by the chairperson of the state political  
 3350 party or by the chairperson's designee or designees whose names  
 3351 are on file with the division in a form acceptable to the  
 3352 division prior to the date of the written notice required in  
 3353 sub-subparagraph b. An in-kind contribution to a county  
 3354 political party may be accepted only by the chairperson of the  
 3355 county political party or by the county chairperson's designee  
 3356 or designees whose names are on file with the supervisor of  
 3357 elections of the respective county prior to the date of the  
 3358 written notice required in sub-subparagraph b.

3359           b. A person making an in-kind contribution to a state  
 3360 political party or county political party must provide prior

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3361 written notice of the contribution to a person described in sub-  
 3362 subparagraph a. The prior written notice must be signed and  
 3363 dated and may be provided by an electronic or facsimile message.  
 3364 However, prior written notice is not required for an in-kind  
 3365 contribution that consists of food and beverage in an aggregate  
 3366 amount not exceeding \$1,500 which is consumed at a single  
 3367 sitting or event if such in-kind contribution is accepted in  
 3368 advance by a person specified in sub-subparagraph a.

3369 c. A person described in sub-subparagraph a. may accept an  
 3370 in-kind contribution requiring prior written notice only in a  
 3371 writing that is ~~signed and~~ dated before the in-kind contribution  
 3372 is made. Failure to obtain the required written acceptance of an  
 3373 in-kind contribution to a state or county political party  
 3374 constitutes a refusal of the contribution.

3375 d. A copy of each prior written acceptance required under  
 3376 sub-subparagraph c. must be filed ~~with the division~~ at the time  
 3377 the regular reports of contributions and expenditures required  
 3378 under s. 106.29 are filed by the state executive committee and  
 3379 county executive committee. A state executive committee must  
 3380 file with the division. A county executive committee must file  
 3381 with the county's supervisor of elections.

3382 e. An in-kind contribution may not be given to a state or  
 3383 county political party unless the in-kind contribution is made  
 3384 as provided in this subparagraph.

3385 Section 57. Section 106.09, Florida Statutes, is amended  
 3386 to read:

3387 106.09 Cash contributions and contribution by cashier's  
 3388 checks.—

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3389           (1) (a) A person may not make an aggregate ~~or accept~~ a cash  
 3390 contribution or contribution by means of a cashier's check to  
 3391 the same candidate or committee in excess of \$50 per election.

3392           (b) A person may not accept an aggregate cash contribution  
 3393 or contribution by means of a cashier's check from the same  
 3394 contributor in excess of \$50 per election.

3395           (2) (a) Any person who makes or accepts a contribution in  
 3396 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~  
 3397 commits a misdemeanor of the first degree, punishable as  
 3398 provided in s. 775.082 or s. 775.083.

3399           (b) Any person who knowingly and willfully makes or  
 3400 accepts a contribution in excess of \$5,000 in violation of  
 3401 subsection (1) ~~this section~~ commits a felony of the third  
 3402 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 3403 775.084.

3404           Section 58. Paragraph (b) of subsection (1) and paragraph  
 3405 (a) of subsection (2) of section 106.11, Florida Statutes, are  
 3406 amended, and subsection (6) is added to that section, to read:

3407           106.11 Expenses of and expenditures by candidates and  
 3408 political committees.—Each candidate and each political  
 3409 committee which designates a primary campaign depository  
 3410 pursuant to s. 106.021(1) shall make expenditures from funds on  
 3411 deposit in such primary campaign depository only in the  
 3412 following manner, with the exception of expenditures made from  
 3413 petty cash funds provided by s. 106.12:

3414           (1)

3415           (b) The checks for such account shall contain, as a  
 3416 minimum, the following information:

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- 3417 1. The statement ~~"Campaign Account of ... (name of~~  
 3418 candidate or political committee) Campaign Account...."
- 3419 2. The account number and the name of the bank.
- 3420 3. The exact amount of the expenditure.
- 3421 4. The signature of the campaign treasurer or deputy  
 3422 treasurer.
- 3423 5. The exact purpose for which the expenditure is  
 3424 authorized.
- 3425 6. The name of the payee.
- 3426 (2) (a) For purposes of this section, debit cards are  
 3427 considered bank checks, if:
- 3428 1. Debit cards are obtained from the same bank that has  
 3429 been designated as the candidate's or political committee's  
 3430 primary campaign depository.
- 3431 2. Debit cards are issued in the name of the treasurer,  
 3432 deputy treasurer, or authorized user and state ~~"Campaign Account~~  
 3433 of ... (name of candidate or political committee) Campaign  
 3434 Account...."
- 3435 3. No more than three debit cards are requested and  
 3436 issued.
- 3437 ~~4. Before a debit card is used, a list of all persons~~  
 3438 ~~authorized to use the card is filed with the division.~~
- 3439 ~~5. All debit cards issued to a candidate's campaign or a~~  
 3440 ~~political committee expire no later than midnight of the last~~  
 3441 ~~day of the month of the general election.~~
- 3442 4.6. The person using the debit card does not receive cash  
 3443 as part of, or independent of, any transaction for goods or  
 3444 services.

3445 | ~~5.7.~~ All receipts for debit card transactions contain:

3446 | a. The last four digits of the debit card number.

3447 | b. The exact amount of the expenditure.

3448 | c. The name of the payee.

3449 | d. The signature of the campaign treasurer, deputy  
3450 | treasurer, or authorized user.

3451 | e. The exact purpose for which the expenditure is  
3452 | authorized.

3453 |  
3454 | Any information required by this subparagraph but not included  
3455 | on the debit card transaction receipt may be handwritten on, or  
3456 | attached to, the receipt by the authorized user before  
3457 | submission to the treasurer.

3458 | (6) A candidate who made a loan to his or her campaign and  
3459 | reported the loan as required by s. 106.07 may be reimbursed for  
3460 | the loan at any time the campaign account has sufficient funds  
3461 | to repay the loan and satisfy its other obligations.

3462 | Section 59. Subsection (4) of section 106.141, Florida  
3463 | Statutes, is amended to read:

3464 | 106.141 Disposition of surplus funds by candidates.—

3465 | (4) (a) Except as provided in paragraph (b), any candidate  
3466 | required to dispose of funds pursuant to this section shall, at  
3467 | the option of the candidate, dispose of such funds by any of the  
3468 | following means, or any combination thereof:

3469 | 1. Return pro rata to each contributor the funds that have  
3470 | not been spent or obligated.

3471 | 2. Donate the funds that have not been spent or obligated  
3472 | to a charitable organization or organizations that meet the

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3473 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3474 3. Give ~~not more than \$10,000~~ of the funds that have not  
 3475 been spent or obligated to the political party of which such  
 3476 candidate is a member, ~~except that a candidate for the Florida~~  
 3477 ~~Senate may give not more than \$30,000 of such funds to the~~  
 3478 ~~political party of which the candidate is a member.~~

3479 4. Give the funds that have not been spent or obligated:

3480 a. In the case of a candidate for state office, to the  
 3481 state, to be deposited in either the Election Campaign Financing  
 3482 Trust Fund or the General Revenue Fund, as designated by the  
 3483 candidate; or

3484 b. In the case of a candidate for an office of a political  
 3485 subdivision, to such political subdivision, to be deposited in  
 3486 the general fund thereof.

3487 (b) Any candidate required to dispose of funds pursuant to  
 3488 this section who has received contributions pursuant to the  
 3489 Florida Election Campaign Financing Act ~~from the Election~~  
 3490 ~~Campaign Financing Trust Fund~~ shall, after all monetary  
 3491 commitments pursuant to s. 106.11(5)(b) and (c) have been met,  
 3492 return all surplus campaign funds to the General Revenue Fund  
 3493 ~~Election Campaign Financing Trust Fund.~~

3494 Section 60. Section 106.143, Florida Statutes, is amended  
 3495 to read:

3496 106.143 Political advertisements circulated prior to  
 3497 election; requirements.—

3498 (1)(a) Any political advertisement that is paid for by a  
 3499 candidate, other than a write-in candidate, and that is  
 3500 published, displayed, or circulated before, or on the day of,

3501 any election must prominently state:

3502 1. "Political advertisement paid for and approved by  
 3503 ...(name of candidate)..., ...(party affiliation)..., for  
 3504 ...(office sought)..."; or

3505 2. "Paid by ...(name of candidate)..., ...(party  
 3506 affiliation)..., for ...(office sought)...."

3507 (b) Any political advertisement that is paid for by a  
 3508 write-in candidate and that is published, displayed, or  
 3509 circulated before, or on the day of, any election must  
 3510 prominently state:

3511 1. "Political advertisement paid for and approved by  
 3512 ...(name of candidate)..., write-in candidate, for ...(office  
 3513 sought)..."; or

3514 2. "Paid by ...(name of candidate)..., write-in candidate,  
 3515 for ...(office sought)...."

3516 (c) ~~(b)~~ Any other political advertisement published,  
 3517 displayed, or circulated before, or on the day of, any election  
 3518 must prominently:

3519 1. Be marked "paid political advertisement" or with the  
 3520 abbreviation "pd. pol. adv."

3521 2. State the name and address of the persons paying for  
 3522 ~~sponsoring~~ the advertisement.

3523 3.a. ~~(I)~~ State whether the advertisement and the cost of  
 3524 production is paid for or provided in kind by or at the expense  
 3525 of the entity publishing, displaying, broadcasting, or  
 3526 circulating the political advertisement; ~~or~~

3527 ~~(II) State who provided or paid for the advertisement and~~  
 3528 ~~cost of production, if different from the source of sponsorship.~~

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3529 ~~b. This subparagraph does not apply if the source of the~~  
3530 ~~sponsorship is patently clear from the content or format of the~~  
3531 ~~political advertisement.~~

3532 (d)~~(e)~~ Any political advertisement made pursuant to s.  
3533 106.021(3)(d) must be marked "paid political advertisement" or  
3534 with the abbreviation "pd. pol. adv." and must prominently state  
3535 the name and address of the political party paying for the  
3536 advertisement., ~~"Paid for and sponsored by ... (name of person~~  
3537 ~~paying for political advertisement).... Approved by ... (names of~~  
3538 ~~persons, party affiliation, and offices sought in the political~~  
3539 ~~advertisement)...."~~

3540 (2) Political advertisements made as in-kind contributions  
3541 from a political party must prominently state: "Paid political  
3542 advertisement paid for in-kind by ... (name of political  
3543 party).... Approved by ... (name of person, party affiliation,  
3544 and office sought in the political advertisement)...."

3545 (3)~~(2)~~ Any political advertisement of a candidate running  
3546 for partisan office shall express the name of the political  
3547 party of which the candidate is seeking nomination or is the  
3548 nominee. If the candidate for partisan office is running as a  
3549 candidate with no party affiliation, any political advertisement  
3550 of the candidate must state that the candidate has no party  
3551 affiliation. A candidate for nonpartisan office is prohibited  
3552 from campaigning based on party affiliation.

3553 (4)~~(3)~~ It is unlawful for any candidate or person on  
3554 behalf of a candidate to represent that any person or  
3555 organization supports such candidate, unless the person or  
3556 organization so represented has given specific approval in

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3557 writing to the candidate to make such representation. However,  
 3558 this subsection does not apply to:

3559 (a) Editorial endorsement by any newspaper, radio or  
 3560 television station, or other recognized news medium.

3561 (b) Publication by a party committee advocating the  
 3562 candidacy of its nominees.

3563 (5)~~(4)~~(a) Any political advertisement not paid for by a  
 3564 candidate, including those paid for by a political party, other  
 3565 than an independent expenditure, offered ~~by or~~ on behalf of a  
 3566 candidate must be approved in advance by the candidate. Such  
 3567 political advertisement must expressly state that the content of  
 3568 the advertisement was approved by the candidate and must state  
 3569 who paid for the advertisement. The candidate shall provide a  
 3570 written statement of authorization to the newspaper, radio  
 3571 station, television station, or other medium for each such  
 3572 advertisement submitted for publication, display, broadcast, or  
 3573 other distribution.

3574 (b) Any person who makes an independent expenditure for a  
 3575 political advertisement shall provide a written statement that  
 3576 no candidate has approved the advertisement to the newspaper,  
 3577 radio station, television station, or other medium for each such  
 3578 advertisement submitted for publication, display, broadcast, or  
 3579 other distribution. The advertisement must also contain a  
 3580 statement that no candidate has approved the advertisement.

3581 ~~(c) This subsection does not apply to campaign messages~~  
 3582 ~~used by a candidate and his or her supporters if those messages~~  
 3583 ~~are designed to be worn by a person.~~

3584 (6)~~(5)~~ No political advertisement of a candidate who is

3585 not an incumbent of the office for which the candidate is  
 3586 running shall use the word "re-elect." Additionally, such  
 3587 advertisement must include the word "for" between the  
 3588 candidate's name and the office for which the candidate is  
 3589 running, in order that incumbency is not implied. This  
 3590 subsection does not apply to bumper stickers or items designed  
 3591 to be worn by a person.

3592 (7) Political advertisements paid for by a political party  
 3593 or an affiliated party committee may use names and abbreviations  
 3594 as registered under s. 103.081 in the disclaimer.

3595 (8)~~(6)~~ This section does not apply to novelty items having  
 3596 a retail value of \$10 or less which support, but do not oppose,  
 3597 a candidate or issue.

3598 (9)~~(7)~~ Any political advertisement which is published,  
 3599 displayed, or produced in a language other than English may  
 3600 provide the information required by this section in the language  
 3601 used in the advertisement.

3602 (10)~~(8)~~ This section does not apply to any campaign  
 3603 message or political advertisement used by a candidate and the  
 3604 candidate's supporters or by a political committee if the  
 3605 message or advertisement is:

3606 (a) Designed to be worn by a person.

3607 (b) Placed as a paid link on an Internet website, provided  
 3608 the message or advertisement is no more than 200 characters in  
 3609 length and the link directs the user to another Internet website  
 3610 that complies with subsection (1).

3611 (c) Placed as a graphic or picture link where compliance  
 3612 with the requirements of this section is not reasonably

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3613 practical due to the size of the graphic or picture link and the  
3614 link directs the user to another Internet website that complies  
3615 with subsection (1).

3616 (d) Placed at no cost on an Internet website for which  
3617 there is no cost to post content for public users.

3618 (e) Placed or distributed on an unpaid profile or account  
3619 which is available to the public without charge or on a social  
3620 networking Internet website, as long as the source of the  
3621 message or advertisement is patently clear from the content or  
3622 format of the message or advertisement. A candidate or political  
3623 committee may prominently display a statement indicating that  
3624 the website or account is an official website or account of the  
3625 candidate or political committee and is approved by the  
3626 candidate or political committee. A website or account may not  
3627 be marked as official without prior approval by the candidate or  
3628 political committee.

3629 (f) Distributed as a text message or other message via  
3630 Short Message Service, provided the message is no more than 200  
3631 characters in length or requires the recipient to sign up or opt  
3632 in to receive it.

3633 (g) Connected with or included in any software application  
3634 or accompanying function, provided that the user signs up, opts  
3635 in, downloads, or otherwise accesses the application from or  
3636 through a website that complies with subsection (1).

3637 (h) Sent by a third-party user from or through a campaign  
3638 or committee's website, provided the website complies with  
3639 subsection (1).

3640 (i) Contained in or distributed through any other

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3641 technology-related item, service, or device for which compliance  
 3642 with subsection (1) is not reasonably practical due to the size  
 3643 or nature of such item, service, or device as available, or the  
 3644 means of displaying the message or advertisement makes  
 3645 compliance with subsection (1) impracticable.

3646 ~~(11)-(9)~~ Any person who willfully violates any provision of  
 3647 this section is subject to the civil penalties prescribed in s.  
 3648 106.265.

3649 Section 61. Subsection (4) of section 106.15, Florida  
 3650 Statutes, is amended to read:

3651 106.15 Certain acts prohibited.—

3652 (4) (a) No person shall make and no person shall solicit or  
 3653 knowingly accept any political contribution in a government-  
 3654 occupied room or building space ~~building owned by a governmental~~  
 3655 ~~entity.~~

3656 (b) For purposes of this subsection, the term:

3657 1. "Accept" means to receive a contribution by personal  
 3658 hand delivery from a contributor or the contributor's agent.

3659 2. "Government-occupied room or building space" means the  
 3660 building, or in the case of a partial occupancy that portion of  
 3661 a building, owned or leased and being used by a governmental  
 3662 entity. However, in the case of a partial occupancy where other  
 3663 tenants or owners simultaneously occupy a different portion of  
 3664 the building, the term excludes common areas not under the  
 3665 exclusive control of the governmental entity, including, but not  
 3666 limited to, break rooms, hallways, elevators, stairwells, and  
 3667 conference rooms.

3668 (c) This subsection does ~~shall~~ not apply when a

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3669 government-occupied room or building space ~~government-owned~~  
 3670 ~~building~~ or any portion thereof is rented for the specific  
 3671 purpose of holding a campaign fund raiser.

3672 Section 62. Section 106.17, Florida Statutes, is amended  
 3673 to read:

3674 106.17 Polls and surveys relating to candidacies.—Any  
 3675 candidate, political committee, committee of continuous  
 3676 existence, electioneering communication organization, ~~or~~ state  
 3677 or county executive committee of a political party, or an  
 3678 affiliated party committee may authorize or conduct a political  
 3679 poll, survey, index, or measurement of any kind relating to  
 3680 candidacy for public office so long as the candidate, political  
 3681 committee, committee of continuous existence, electioneering  
 3682 communication organization, affiliated party committee, or  
 3683 political party maintains complete jurisdiction over the poll in  
 3684 all its aspects. State and county executive committees of a  
 3685 political party or an affiliated party committee may authorize  
 3686 and conduct political polls for the purpose of determining the  
 3687 viability of potential candidates. Such poll results may be  
 3688 shared with potential candidates and expenditures incurred by  
 3689 state and county executive committees or an affiliated party  
 3690 committee for potential candidate polls are not contributions to  
 3691 the potential candidates.

3692 Section 63. Subsection (4) is added to section 106.19,  
 3693 Florida Statutes, to read:

3694 106.19 Violations by candidates, persons connected with  
 3695 campaigns, and political committees.—

3696 (4) Except as otherwise expressly stated, the failure by a

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3697 candidate to comply with the requirements of this chapter has no  
3698 effect upon whether the candidate has qualified for the office  
3699 the candidate is seeking.

3700 Section 64. Subsections (2) and (3), paragraph (i) of  
3701 subsection (4), and subsection (5) of section 106.25, Florida  
3702 Statutes, are amended to read:

3703 106.25 Reports of alleged violations to Florida Elections  
3704 Commission; disposition of findings.—

3705 (2) The commission shall investigate all violations of  
3706 this chapter and chapter 104, but only after having received  
3707 either a sworn complaint or information reported to it under  
3708 this subsection by the Division of Elections. Such sworn  
3709 complaint must be based upon personal information or information  
3710 other than hearsay. Any person, other than the division, having  
3711 information of any violation of this chapter or chapter 104  
3712 shall file a sworn complaint with the commission. The commission  
3713 shall investigate only those alleged violations specifically  
3714 contained within the sworn complaint. If any complainant fails  
3715 to allege all violations that arise from the facts or  
3716 allegations alleged in a complaint, the commission shall be  
3717 barred from investigating a subsequent complaint from such  
3718 complainant that is based upon such facts or allegations that  
3719 were raised or could have been raised in the first complaint. If  
3720 the complaint includes allegations of violations relating to  
3721 expense items reimbursed by a candidate, committee, or  
3722 organization to the campaign account before a sworn complaint is  
3723 filed, the commission shall be barred from investigating such  
3724 allegations. Such sworn complaint shall state whether a

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3725 | complaint of the same violation has been made to any state  
3726 | attorney. Within 5 days after receipt of a sworn complaint, the  
3727 | commission shall transmit a copy of the complaint to the alleged  
3728 | violator. The respondent shall have 14 days after receipt of the  
3729 | complainant to file an initial response prior to the executive  
3730 | director's determination of legal sufficiency. If the executive  
3731 | director finds that the complaint is legally sufficient, the  
3732 | respondent shall be notified of such finding by letter, which  
3733 | sets forth the statutory provisions alleged to have been  
3734 | violated and the alleged factual basis that supports the  
3735 | finding. All sworn complaints alleging violations of the Florida  
3736 | Election Code over which the commission has jurisdiction shall  
3737 | be filed with the commission within 2 years after the alleged  
3738 | violations. The period of limitations is tolled on the day a  
3739 | sworn complaint is filed with the commission. The complainant  
3740 | may withdraw the sworn complaint at any time prior to a probable  
3741 | cause hearing if good cause is shown. Withdrawal shall be  
3742 | requested in writing, signed by the complainant, and witnessed  
3743 | by a notary public, stating the facts and circumstances  
3744 | constituting good cause. The executive director shall prepare a  
3745 | written recommendation regarding disposition of the request  
3746 | which shall be given to the commission together with the  
3747 | request. "Good cause" shall be determined based upon the legal  
3748 | sufficiency or insufficiency of the complaint to allege a  
3749 | violation and the reasons given by the complainant for wishing  
3750 | to withdraw the complaint. If withdrawal is permitted, the  
3751 | commission must close the investigation and the case. No further  
3752 | action may be taken. The complaint will become a public record

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3753 at the time of withdrawal.

3754 (3) For the purposes of commission jurisdiction, a  
3755 violation shall mean the willful performance of an act  
3756 prohibited by this chapter or chapter 104 or the willful failure  
3757 to perform an act required by this chapter or chapter 104. The  
3758 commission may not by rule determine what constitutes  
3759 willfulness or further define the term as provided in this  
3760 chapter or chapter 104. Willfulness is a determination of fact;  
3761 however, at the request of the respondent at any time after  
3762 probable cause is found, willfulness may be considered and  
3763 determined in an informal hearing before the commission.

3764 (4) The commission shall undertake a preliminary  
3765 investigation to determine if the facts alleged in a sworn  
3766 complaint or a matter initiated by the division constitute  
3767 probable cause to believe that a violation has occurred.

3768 (i)1. Upon a commission finding of probable cause, the  
3769 counsel for the commission shall attempt to reach a consent  
3770 agreement with the respondent. At any time, the commission may  
3771 enter into a consent order with a respondent without requiring  
3772 the respondent to admit to having violated a section for which  
3773 the commission has jurisdiction.

3774 2. A consent agreement is not binding upon either party  
3775 unless and until it is signed by the respondent and by counsel  
3776 for the commission upon approval by the commission.

3777 3. Nothing herein shall be construed to prevent the  
3778 commission from entering into a consent agreement with a  
3779 respondent prior to a commission finding of probable cause if a  
3780 respondent indicates in writing a desire to enter into

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3781 negotiations directed towards reaching such a consent agreement.  
 3782 Any consent agreement reached under this subparagraph is subject  
 3783 to the provisions of subparagraph 2. and shall have the same  
 3784 force and effect as a consent agreement reached after the  
 3785 commission finding of probable cause.

3786  
 3787 In a case where probable cause is found, the commission shall  
 3788 make a preliminary determination to consider the matter or to  
 3789 refer the matter to the state attorney for the judicial circuit  
 3790 in which the alleged violation occurred. Notwithstanding any  
 3791 other provisions of this section, the commission may, at its  
 3792 discretion, dismiss any complaint at any stage of disposition if  
 3793 it determines that the public interest would not be served by  
 3794 proceeding further, in which case the commission shall issue a  
 3795 public report stating with particularity its reasons for the  
 3796 dismissal.

3797 (5) ~~Unless~~ A person alleged by the Elections Commission to  
 3798 have committed a violation of this chapter or chapter 104 may  
 3799 elect, as a matter of right elects, within 30 days after the  
 3800 date of the filing of the commission's allegations, to have a  
 3801 formal administrative hearing conducted by an administrative law  
 3802 judge in the Division of Administrative Hearings. The  
 3803 administrative law judge in such proceedings shall enter a final  
 3804 order, which may include the imposition of civil penalties, and  
 3805 ~~the formal or informal hearing conducted before the commission,~~  
 3806 ~~or elects to resolve the complaint by consent order, such person~~  
 3807 ~~shall be entitled to a formal administrative hearing conducted~~  
 3808 ~~by an administrative law judge in the Division of Administrative~~

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3809 ~~Hearings. The administrative law judge in such proceedings shall~~  
 3810 ~~enter a final order~~ is subject to appeal as provided in s.  
 3811 120.68.

3812 Section 65. Subsection (1) of section 106.26, Florida  
 3813 Statutes, is amended to read:

3814 106.26 Powers of commission; rights and responsibilities  
 3815 of parties; findings by commission.—

3816 (1) The commission shall, pursuant to rules adopted and  
 3817 published in accordance with chapter 120, consider all sworn  
 3818 complaints filed with it and all matters reported to it by the  
 3819 Division of Elections. In order to carry out the  
 3820 responsibilities prescribed by this chapter, the commission is  
 3821 empowered to subpoena and bring before it, or its duly  
 3822 authorized representatives, any person in the state, or any  
 3823 person doing business in the state, or any person who has filed  
 3824 or is required to have filed any application, document, papers,  
 3825 or other information with an office or agency of this state or a  
 3826 political subdivision thereof and to require the production of  
 3827 any papers, books, or other records relevant to any  
 3828 investigation, including the records and accounts of any bank or  
 3829 trust company doing business in this state. Duly authorized  
 3830 representatives of the commission are empowered to administer  
 3831 all oaths and affirmations in the manner prescribed by law to  
 3832 witnesses who shall appear before them concerning any relevant  
 3833 matter. Should any witness fail to respond to the lawful  
 3834 subpoena of the commission or, having responded, fail to answer  
 3835 all lawful inquiries or to turn over evidence that has been  
 3836 subpoenaed, the commission may file a complaint in the ~~before~~

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3837 ~~any~~ circuit court where the witness resides ~~of the state~~ setting  
 3838 up such failure on the part of the witness. On the filing of  
 3839 such complaint, the court shall take jurisdiction of the witness  
 3840 and the subject matter of said complaint and shall direct the  
 3841 witness to respond to all lawful questions and to produce all  
 3842 documentary evidence in the witness's possession which is  
 3843 lawfully demanded. The failure of any witness to comply with  
 3844 such order of the court shall constitute a direct and criminal  
 3845 contempt of court, and the court shall punish said witness  
 3846 accordingly. However, the refusal by a witness to answer  
 3847 inquiries or turn over evidence on the basis that such testimony  
 3848 or material will tend to incriminate such witness shall not be  
 3849 deemed refusal to comply with the provisions of this chapter.  
 3850 The sheriffs in the several counties shall make such service and  
 3851 execute all process or orders when required by the commission.  
 3852 Sheriffs shall be paid for these services by the commission as  
 3853 provided for in s. 30.231. Any person who is served with a  
 3854 subpoena to attend a hearing of the commission also shall be  
 3855 served with a general statement informing him or her of the  
 3856 subject matter of the commission's investigation or inquiry and  
 3857 a notice that he or she may be accompanied at the hearing by  
 3858 counsel of his or her own choosing.

3859 Section 66. Section 106.265, Florida Statutes, is amended  
 3860 to read:

3861 106.265 Civil penalties.—

3862 (1) The commission or, in cases referred to the Division  
 3863 of Administrative Hearings pursuant to s. 106.25(5), an  
 3864 administrative law judge is authorized upon the finding of a

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3865 violation of this chapter or chapter 104 to impose civil  
 3866 penalties in the form of fines not to exceed \$1,000 per count  
 3867 or, if applicable, to impose a civil penalty as provided in s.  
 3868 106.19.

3869 (2) In determining the amount of such civil penalties, the  
 3870 commission or the administrative law judge shall consider, among  
 3871 other mitigating and aggravating circumstances:

3872 (a) The gravity of the act or omission;

3873 (b) Any previous history of similar acts or omissions;

3874 (c) The appropriateness of such penalty to the financial  
 3875 resources of the person, political committee, committee of  
 3876 continuous existence, electioneering communications  
 3877 organization, or political party; and

3878 (d) Whether the person, political committee, committee of  
 3879 continuous existence, electioneering communications  
 3880 organization, or political party has shown good faith in  
 3881 attempting to comply with the provisions of this chapter or  
 3882 chapter 104.

3883 (3)~~(2)~~ If any person, political committee, committee of  
 3884 continuous existence, electioneering communications  
 3885 organization, or political party fails or refuses to pay to the  
 3886 commission any civil penalties assessed pursuant to the  
 3887 provisions of this section, the commission shall be responsible  
 3888 for collecting the civil penalties resulting from such action.

3889 (4)~~(3)~~ Any civil penalty collected pursuant to the  
 3890 provisions of this section shall be deposited into the General  
 3891 Revenue Fund ~~Election Campaign Financing Trust Fund.~~

3892 (5)~~(4)~~ ~~Notwithstanding any other provisions of this~~

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3893 ~~chapter,~~ Any fine assessed pursuant to the provisions of this  
 3894 chapter shall, ~~which fine is designated to be deposited or which~~  
 3895 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~  
 3896 ~~the state, shall be deposited into the Election Campaign~~  
 3897 ~~Financing Trust Fund.~~

3898 (6) ~~(5)~~ In any case in which the commission determines that  
 3899 a person has filed a complaint against another person with a  
 3900 malicious intent to injure the reputation of the person  
 3901 complained against by filing the complaint with knowledge that  
 3902 the complaint contains one or more false allegations or with  
 3903 reckless disregard for whether the complaint contains false  
 3904 allegations of fact material to a violation of this chapter or  
 3905 chapter 104, the complainant shall be liable for costs and  
 3906 reasonable attorney's fees incurred in the defense of the person  
 3907 complained against, including the costs and reasonable  
 3908 attorney's fees incurred in proving entitlement to and the  
 3909 amount of costs and fees. If the complainant fails to pay such  
 3910 costs and fees voluntarily within 30 days following such finding  
 3911 by the commission, the commission shall forward such information  
 3912 to the Department of Legal Affairs, which shall bring a civil  
 3913 action in a court of competent jurisdiction to recover the  
 3914 amount of such costs and fees awarded by the commission.

3915 Section 67. Subsection (1) and paragraph (b) of subsection  
 3916 (3) of section 106.29, Florida Statutes, are amended to read:

3917 106.29 Reports by political parties; restrictions on  
 3918 contributions and expenditures; penalties.-

3919 (1) The state executive committee and each county  
 3920 executive committee of each political party regulated by chapter

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3921 | 103 shall file regular reports of all contributions received and  
 3922 | all expenditures made by such committee. In addition, when a  
 3923 | special election is called to fill a vacancy in office, each  
 3924 | state executive committee and each county executive committee  
 3925 | making contributions or expenditures to influence the results of  
 3926 | the special election or the preceding special primary election  
 3927 | must file a campaign treasurer's report on the dates set by the  
 3928 | Department of State pursuant to s. 100.111. Such reports shall  
 3929 | contain the same information as do reports required of  
 3930 | candidates by s. 106.07 and shall be filed on the 10th day  
 3931 | following the end of each calendar quarter, except that, during  
 3932 | the period from the last day for candidate qualifying until the  
 3933 | general election, such reports shall be filed on the Friday  
 3934 | immediately preceding each special primary election, special  
 3935 | election, and both the primary election and the general  
 3936 | election. In addition to the reports filed under this section,  
 3937 | the state executive committee and each county executive  
 3938 | committee shall file a copy of each prior written acceptance of  
 3939 | an in-kind contribution given by the committee during the  
 3940 | preceding calendar quarter as required under s. 106.08(6). Each  
 3941 | state executive committee shall file ~~the original and one copy~~  
 3942 | ~~of~~ its reports with the Division of Elections. Each county  
 3943 | executive committee shall file its reports with the supervisor  
 3944 | of elections in the county in which such committee exists. Any  
 3945 | state or county executive committee failing to file a report on  
 3946 | the designated due date shall be subject to a fine as provided  
 3947 | in subsection (3). A ~~No~~ separate fine may not ~~shall~~ be assessed  
 3948 | for failure to file a copy of any report required by this

3949 section.

3950 (3)

3951 (b) Upon determining that a report is late, the filing

3952 officer shall immediately notify the chair of the executive

3953 committee as to the failure to file a report by the designated

3954 due date and that a fine is being assessed for each late day.

3955 The fine shall be \$1,000 for a state executive committee, and

3956 \$50 for a county executive committee, per day for each late day,

3957 not to exceed 25 percent of the total receipts or expenditures,

3958 whichever is greater, for the period covered by the late report.

3959 However, if an executive committee fails to file a report on the

3960 Friday immediately preceding the special election or general

3961 election, the fine shall be \$10,000 per day for each day a state

3962 executive committee is late and \$500 per day for each day a

3963 county executive committee is late. Upon receipt of the report,

3964 the filing officer shall determine the amount of the fine which

3965 is due and shall notify the chair. Notice is deemed sufficient

3966 upon proof of delivery of written notice to the mailing or

3967 street address on record with the filing officer. The filing

3968 officer shall determine the amount of the fine due based upon

3969 the earliest of the following:

3970 1. When the report is actually received by such officer.

3971 2. When the report is postmarked.

3972 3. When the certificate of mailing is dated.

3973 4. When the receipt from an established courier company is

3974 dated.

3975 5. When the electronic receipt issued pursuant to s.

3976 106.0705 is dated.

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3977  
 3978 Such fine shall be paid to the filing officer within 20 days  
 3979 after receipt of the notice of payment due, unless appeal is  
 3980 made to the Florida Elections Commission pursuant to paragraph  
 3981 (c). An officer or member of an executive committee shall not be  
 3982 personally liable for such fine.

3983 Section 68. Subsection (5) of section 106.35, Florida  
 3984 Statutes, is amended to read:

3985 106.35 Distribution of funds.—

3986 (5) The division shall adopt rules providing for the  
 3987 weekly reports and certification and distribution of funds  
 3988 pursuant thereto required by this section. Such rules shall, at  
 3989 a minimum, provide ~~for~~:

3990 ~~(a) Specifications for printed campaign treasurer's~~  
 3991 ~~reports outlining the format for such reports, including size of~~  
 3992 ~~paper, typeface, color of print, and placement of required~~  
 3993 ~~information on the form.~~

3994 ~~(b)1.~~ specifications for electronically transmitted  
 3995 campaign treasurer's reports outlining communication parameters  
 3996 and protocol, data record formats, and provisions for ensuring  
 3997 security of data and transmission.

3998 ~~2. All electronically transmitted campaign treasurer's~~  
 3999 ~~reports must also be filed in printed format. Printed format~~  
 4000 ~~shall not include campaign treasurer's reports submitted by~~  
 4001 ~~electronic facsimile transmission.~~

4002 Section 69. Section 106.355, Florida Statutes, is amended  
 4003 to read:

4004 106.355 Nonparticipating candidate exceeding limits.—

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4005 Whenever a candidate for the office of Governor or member of the  
 4006 Cabinet who has elected not to participate in election campaign  
 4007 financing under the provisions of ss. 106.30-106.36 exceeds the  
 4008 applicable expenditure limit provided in s. 106.34, all opposing  
 4009 candidates participating in such election campaign financing  
 4010 are, notwithstanding the provisions of s. 106.33 or any other  
 4011 provision requiring adherence to such limit, released from such  
 4012 expenditure limit to the extent the nonparticipating candidate  
 4013 exceeded the limit, are still eligible for matching  
 4014 contributions up to such limit, and shall not be required to  
 4015 reimburse any matching funds provided pursuant thereto. ~~In~~  
 4016 ~~addition, the Department of State shall, within 7 days after a~~  
 4017 ~~request by a participating candidate, provide such candidate~~  
 4018 ~~with funds from the Election Campaign Financing Trust Fund equal~~  
 4019 ~~to the amount by which the nonparticipating candidate exceeded~~  
 4020 ~~the expenditure limit, not to exceed twice the amount of the~~  
 4021 ~~maximum expenditure limits specified in s. 106.34(1)(a) and (b),~~  
 4022 ~~which funds shall not be considered matching funds.~~

4023 Section 70. Paragraph (d) of subsection (1) of section  
 4024 11.045, Florida Statutes, is amended to read:

4025 11.045 Lobbying before the Legislature; registration and  
 4026 reporting; exemptions; penalties.—

4027 (1) As used in this section, unless the context otherwise  
 4028 requires:

4029 (d) "Expenditure" means a payment, distribution, loan,  
 4030 advance, reimbursement, deposit, or anything of value made by a  
 4031 lobbyist or principal for the purpose of lobbying. The term  
 4032 "expenditure" does not include contributions or expenditures

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4033 reported pursuant to chapter 106 or federal election law, funds  
 4034 received or spent under s. 106.012, campaign-related personal  
 4035 services provided without compensation by individuals  
 4036 volunteering their time, any other contribution or expenditure  
 4037 made by or to a political party, or any other contribution or  
 4038 expenditure made by an organization that is exempt from taxation  
 4039 under 26 U.S.C. s. 527 or s. 501(c)(4).

4040 Section 71. Paragraph (b) of subsection (12) of section  
 4041 112.312, Florida Statutes, is amended to read:

4042 112.312 Definitions.—As used in this part and for purposes  
 4043 of the provisions of s. 8, Art. II of the State Constitution,  
 4044 unless the context otherwise requires:

4045 (12)

4046 (b) "Gift" does not include:

4047 1. Salary, benefits, services, fees, commissions, gifts,  
 4048 or expenses associated primarily with the donee's employment,  
 4049 business, or service as an officer or director of a corporation  
 4050 or organization.

4051 2. Contributions or expenditures reported pursuant to  
 4052 chapter 106, funds received or spent under s. 106.012,  
 4053 contributions or expenditures reported pursuant to federal  
 4054 election law, campaign-related personal services provided  
 4055 without compensation by individuals volunteering their time, or  
 4056 any other contribution or expenditure by a political party.

4057 3. An honorarium or an expense related to an honorarium  
 4058 event paid to a person or the person's spouse.

4059 4. An award, plaque, certificate, or similar personalized  
 4060 item given in recognition of the donee's public, civic,

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4061 charitable, or professional service.

4062 5. An honorary membership in a service or fraternal  
 4063 organization presented merely as a courtesy by such  
 4064 organization.

4065 6. The use of a public facility or public property, made  
 4066 available by a governmental agency, for a public purpose.

4067 7. Transportation provided to a public officer or employee  
 4068 by an agency in relation to officially approved governmental  
 4069 business.

4070 8. Gifts provided directly or indirectly by a state,  
 4071 regional, or national organization which promotes the exchange  
 4072 of ideas between, or the professional development of,  
 4073 governmental officials or employees, and whose membership is  
 4074 primarily composed of elected or appointed public officials or  
 4075 staff, to members of that organization or officials or staff of  
 4076 a governmental agency that is a member of that organization.

4077 Section 72. Paragraph (d) of subsection (1) of section  
 4078 112.3215, Florida Statutes, is amended to read:

4079 112.3215 Lobbying before the executive branch or the  
 4080 Constitution Revision Commission; registration and reporting;  
 4081 investigation by commission.—

4082 (1) For the purposes of this section:

4083 (d) "Expenditure" means a payment, distribution, loan,  
 4084 advance, reimbursement, deposit, or anything of value made by a  
 4085 lobbyist or principal for the purpose of lobbying. The term  
 4086 "expenditure" does not include contributions or expenditures  
 4087 reported pursuant to chapter 106, funds received or spent under  
 4088 s. 106.012, or contributions or expenditures reported pursuant

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4089 to federal election law, campaign-related personal services  
 4090 provided without compensation by individuals volunteering their  
 4091 time, any other contribution or expenditure made by or to a  
 4092 political party, or any other contribution or expenditure made  
 4093 by an organization that is exempt from taxation under 26 U.S.C.  
 4094 s. 527 or s. 501(c)(4).

4095 Section 73. Subsection (1) of section 876.05, Florida  
 4096 Statutes, is amended to read:

4097 876.05 Public employees; oath.—

4098 (1) All persons who now or hereafter are employed by or  
 4099 who now or hereafter are on the payroll of the state, or any of  
 4100 its departments and agencies, subdivisions, counties, cities,  
 4101 school boards and districts of the free public school system of  
 4102 the state or counties, or institutions of higher learning, ~~and~~  
 4103 ~~all candidates for public office,~~ except candidates for federal  
 4104 office, are required to take an oath before any person duly  
 4105 authorized to take acknowledgments of instruments for public  
 4106 record in the state in the following form:

4107 I, ....., a citizen of the State of Florida and of the  
 4108 United States of America, and being employed by or an officer of  
 4109 .... and a recipient of public funds as such employee or  
 4110 officer, do hereby solemnly swear or affirm that I will support  
 4111 the Constitution of the United States and of the State of  
 4112 Florida.

4113 Section 74. Section 100.101, Florida Statutes, is amended  
 4114 to read:

4115 100.101 Special elections and special primary elections.—  
 4116 ~~Except as provided in s. 100.111(2),~~ A special election or

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4117 special primary election shall be held in the following cases:

4118 (1) If no person has been elected at a general election to  
 4119 fill an office which was required to be filled by election at  
 4120 such general election.

4121 (2) If a vacancy occurs in the office of state senator or  
 4122 member of the state house of representatives.

4123 (3) If it is necessary to elect presidential electors, by  
 4124 reason of the offices of President and Vice President both  
 4125 having become vacant.

4126 (4) If a vacancy occurs in the office of member from  
 4127 Florida of the House of Representatives of Congress.

4128 Section 75. Section 103.161, Florida Statutes, is  
 4129 repealed.

4130 Section 76. Section 876.07, Florida Statutes, is repealed.

4131 Section 77. Except as otherwise expressly provided in this  
 4132 act, this act shall take effect July 1, 2011.