



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2011	.	
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The Committee on Rules (Thrasher) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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

7 97.012 Secretary of State as chief election officer.—The
8 Secretary of State is the chief election officer of the state,
9 and it is his or her responsibility to:

10 (16) Provide direction and opinions to the supervisors of
11 elections on the performance of their official duties with
12 respect to the Florida Election Code or rules adopted by the
13 Department of State.



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

16 97.021 Definitions.—For the purposes of this code, except
17 where the context clearly indicates otherwise, the term:

18 (18) "Minor political party" is any group as specified
19 ~~defined in s. 103.095 this subsection~~ which on January 1
20 preceding a primary election does not have registered as members
21 5 percent of the total registered electors of the state. ~~Any~~
22 ~~group of citizens organized for the general purposes of electing~~
23 ~~to office qualified persons and determining public issues under~~
24 ~~the democratic processes of the United States may become a minor~~
25 ~~political party of this state by filing with the department a~~
26 ~~certificate showing the name of the organization, the names of~~
27 ~~its current officers, including the members of its executive~~
28 ~~committee, and a copy of its constitution or bylaws. It shall be~~
29 ~~the duty of the minor political party to notify the department~~
30 ~~of any changes in the filing certificate within 5 days of such~~
31 ~~changes.~~

32 Section 3. Section 97.025, Florida Statutes, is amended to
33 read:

34 97.025 Election Code; copies thereof.—A pamphlet of a
35 reprint of the Election Code, adequately indexed, shall be
36 prepared by the Department of State. The pamphlet shall be made
37 available ~~It shall have a sufficient number of these pamphlets~~
38 ~~printed so that one may be given, upon request, to each~~
39 candidate who qualifies with the department. The pamphlet shall
40 be made available ~~A sufficient number may be sent to each~~
41 supervisor, prior to the first day of qualifying, so that for
42 ~~distribution, upon request, to each candidate who qualifies with~~



43 the supervisor and ~~to~~ each clerk of elections have access to the
44 pamphlet. The cost of making printing the pamphlets available
45 shall be paid out of funds appropriated for conducting
46 elections.

47 Section 4. Section 97.0575, Florida Statutes, is amended to
48 read:

49 97.0575 Third-party voter registrations.—

50 (1) Before engaging in any voter registration activities, a
51 third-party voter registration organization must register and
52 provide to the division, in an electronic format, the following
53 information:

54 (a) The names of the officers of the organization and the
55 name and permanent address of the organization.

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

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

61 (d) A sworn statement from each registration agent employed
62 by or volunteering for the organization stating that the agent
63 will obey all state laws and rules regarding the registration of
64 voters. Such statement must be on a form containing notice of
65 applicable criminal penalties for false registration.

66 (2) The division or the supervisor of elections shall make
67 voter registration forms available to third-party voter
68 registration organizations. All such forms must contain
69 information identifying the organization to which the forms are
70 provided. The division and each supervisor of elections shall
71 maintain a database of all third-party registration



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72 organizations and the voter registration forms assigned to the
73 third-party registration organizations. Such information must be
74 provided in an electronic format as provided by division rule.
75 By noon of each day, such information must also be updated, made
76 publicly available, and, with respect to records in each
77 supervisor's database, contemporaneously provided to the
78 division.

79 (3) (a) A third-party voter registration organization that
80 collects voter registration applications serves as a fiduciary
81 to the applicant, ensuring that any voter registration
82 application entrusted to the organization, irrespective of party
83 affiliation, race, ethnicity, or gender, shall be promptly
84 delivered to the division or the supervisor of elections within
85 48 hours after the applicant completes it or the next business
86 day if the appropriate office is closed for that 48-hour period.
87 If a voter registration application collected by any third-party
88 voter registration organization is not promptly delivered to the
89 division or supervisor of elections, the third-party voter
90 registration organization is liable for the following fines:

91 1. A fine in the amount of \$50 for each application
92 received by the division or the supervisor of elections more
93 than 10 days after the applicant delivered the completed voter
94 registration application to the third-party voter registration
95 organization or any person, entity, or agent acting on its
96 behalf. A fine in the amount of \$250 for each application
97 received if the third-party registration organization or person,
98 entity, or agency acting on its behalf acted willfully.

99 2. A fine in the amount of \$100 for each application
100 collected by a third-party voter registration organization or



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101 any person, entity, or agent acting on its behalf, before book
102 closing for any given election for federal or state office and
103 received by the division or the supervisor of elections after
104 the book-closing deadline for such election. A fine in the
105 amount of \$500 for each application received if the third-party
106 registration organization or person, entity, or agency acting on
107 its behalf acted willfully.

108 3. A fine in the amount of \$500 for each application
109 collected by a third-party voter registration organization or
110 any person, entity, or agent acting on its behalf, which is not
111 submitted to the division or supervisor of elections. A fine in
112 the amount of \$1,000 for any application not submitted if the
113 third-party registration organization or person, entity, or
114 agency acting on its behalf acted willfully.

115
116 The aggregate fine pursuant to this paragraph which may be
117 assessed against a third-party voter registration organization,
118 including affiliate organizations, for violations committed in a
119 calendar year is \$1,000. The fines provided in this subsection
120 shall be reduced by three-fourths in cases in which the third-
121 party voter registration organization has complied with
122 subsection (1).

123 (b) A showing by the organization that the failure to
124 deliver the voter registration application within the required
125 timeframe is based upon force majeure or impossibility of
126 performance shall be an affirmative defense to a violation of
127 this subsection. The Secretary of State may waive the fines
128 described in this subsection upon a showing that the failure to
129 deliver the voter registration application promptly is based



130 upon force majeure or impossibility of performance.

131 (4) If the Secretary of State reasonably believes that a
132 person has committed a violation of any provision of this
133 section, the secretary shall refer the matter to the Attorney
134 General for enforcement. The Attorney General may institute a
135 civil action for a violation of this section or to prevent a
136 violation of this section. An action for relief may include a
137 permanent or temporary injunction, a restraining order, or any
138 other appropriate order.

139 (1) Prior to engaging in any voter registration activities,
140 a third-party voter registration organization shall name a
141 registered agent in the state and submit to the division, in a
142 form adopted by the division, the name of the registered agent
143 and the name of those individuals responsible for the day-to-day
144 operation of the third-party voter registration organization,
145 including, if applicable, the names of the entity's board of
146 directors, president, vice president, managing partner, or such
147 other individuals engaged in similar duties or functions. On or
148 before the 15th day after the end of each calendar quarter, each
149 third-party voter registration organization shall submit to the
150 division a report providing the date and location of any
151 organized voter registration drives conducted by the
152 organization in the prior calendar quarter.

153 (2) The failure to submit the information required by
154 subsection (1) does not subject the third-party voter
155 registration organization to any civil or criminal penalties for
156 such failure, and the failure to submit such information is not
157 a basis for denying such third-party voter registration
158 organization with copies of voter registration application



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159 forms.

160 (3) A third-party voter registration organization that
161 collects voter registration applications serves as a fiduciary
162 to the applicant, ensuring that any voter registration
163 application entrusted to the third-party voter registration
164 organization, irrespective of party affiliation, race,
165 ethnicity, or gender shall be promptly delivered to the division
166 or the supervisor of elections. If a voter registration
167 application collected by any third-party voter registration
168 organization is not promptly delivered to the division or
169 supervisor of elections, the third-party voter registration
170 organization shall be liable for the following fines:

171 (a) A fine in the amount of \$50 for each application
172 received by the division or the supervisor of elections more
173 than 10 days after the applicant delivered the completed voter
174 registration application to the third-party voter registration
175 organization or any person, entity, or agent acting on its
176 behalf. A fine in the amount of \$250 for each application
177 received if the third-party registration organization or person,
178 entity, or agency acting on its behalf acted willfully.

179 (b) A fine in the amount of \$100 for each application
180 collected by a third-party voter registration organization or
181 any person, entity, or agent acting on its behalf, prior to book
182 closing for any given election for federal or state office and
183 received by the division or the supervisor of elections after
184 the book closing deadline for such election. A fine in the
185 amount of \$500 for each application received if the third-party
186 registration organization or person, entity, or agency acting on
187 its behalf acted willfully.



188 (e) A fine in the amount of \$500 for each application
189 collected by a third-party voter registration organization or
190 any person, entity, or agent acting on its behalf, which is not
191 submitted to the division or supervisor of elections. A fine in
192 the amount of \$1,000 for any application not submitted if the
193 third-party registration organization or person, entity, or
194 agency acting on its behalf acted willfully.

195
196 The aggregate fine pursuant to this subsection which may be
197 assessed against a third-party voter registration organization,
198 including affiliate organizations, for violations committed in a
199 calendar year shall be \$1,000. The fines provided in this
200 subsection shall be reduced by three fourths in cases in which
201 the third-party voter registration organization has complied
202 with subsection (1). The secretary shall waive the fines
203 described in this subsection upon a showing that the failure to
204 deliver the voter registration application promptly is based
205 upon force majeure or impossibility of performance.

206 (5)(4)(a) The division shall adopt by rule a form to elicit
207 specific information concerning the facts and circumstances from
208 a person who claims to have been registered to vote by a third-
209 party voter registration organization but who does not appear as
210 an active voter on the voter registration rolls. The division
211 shall also adopt rules to ensure the integrity of the
212 registration process, including rules requiring that third-party
213 voter registration organizations account for all state and
214 federal registration forms used by their registration agents.

215 (b) The division may investigate any violation of this
216 section. Civil fines shall be assessed by the division and



enforced through any appropriate legal proceedings.

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

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

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

(8) The division may adopt rules to administer this section.

Section 5. Section 97.071, Florida Statutes, is amended to read:

97.071 Voter information card.—

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

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

(f) Address of legal residence.

(g) Precinct number.

(h) Polling place address.

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

(j) ~~(i)~~ Other information deemed necessary by the



246 supervisor.

247 (2) A voter may receive a replacement voter information
248 card by providing a signed, written request for a replacement
249 card to a voter registration official. Upon verification of
250 registration, the supervisor shall issue the voter a duplicate
251 card without charge.

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

255 Section 6. The supervisor must meet the requirements of
256 section 5 of this act for any elector who registers to vote or
257 who is issued a new voter information card pursuant to s.
258 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

259 Section 7. Subsection (1) of section 97.073, Florida
260 Statutes, is amended to read:

261 97.073 Disposition of voter registration applications;
262 cancellation notice.—

263 (1) The supervisor must notify each applicant of the
264 disposition of the applicant's voter registration application as
265 follows within 5 business days after the voter registration
266 information is entered into the statewide voter registration
267 system:

268 (a) If an application is approved, the supervisor shall
269 mail a voter information card. A voter information card sent to
270 an applicant constitutes a notice of registration.

271 (b) If an application is incomplete for failure to provide
272 any of the information required by s. 97.053(5), the supervisor
273 shall mail a notice requesting the missing information.

274 (c) If an application is a duplicate of a current



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275 registration record, the supervisor shall process the
276 application as if it were an update, including a signature
277 update, to the record and send a new voter information card.

278 (d) If an application is denied, the supervisor shall mail-
279 The notice must inform the applicant that the application has
280 been approved, is incomplete, has been denied, or is a duplicate
281 of a current registration. A voter information card sent to an
282 applicant constitutes notice of approval of registration. If the
283 application is incomplete, the supervisor must request that the
284 applicant supply the missing information using a voter
285 registration application signed by the applicant. a notice of
286 denial informing must inform the applicant of the reason the
287 application was denied.

288 Section 8. Subsections (1) and (2) of section 97.1031,
289 Florida Statutes, are amended to read:

290 97.1031 Notice of change of residence, change of name, or
291 change of party affiliation.—

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

296 (b) If the address change is within the state and notice is
297 provided to the supervisor of elections of the county where the
298 elector has moved, the elector may do so by:

299 1. Contacting the supervisor of elections via telephone or
300 electronic means, in which case the elector must provide his or
301 her date of birth; or

302 2. Submitting the change on a voter registration
303 application or other signed written notice. moves from the



304 address named on that person's voter registration record to
305 another address within the same county, the elector must provide
306 notification of such move to the supervisor of elections of that
307 county. The elector may provide the supervisor a signed, written
308 notice or may notify the supervisor by telephone or electronic
309 means. However, notification of such move other than by signed,
310 written notice must include the elector's date of birth. An
311 elector may also provide notification to other voter
312 registration officials as provided in subsection (2). A voter
313 information card reflecting the new information shall be issued
314 to the elector as provided in subsection (3).

315 (2) When an elector moves from the address named on that
316 person's voter registration record to another address in a
317 different county but within the state, the elector seeks to
318 change party affiliation, or the name of an elector is changed
319 by marriage or other legal process, the elector shall notify his
320 or her supervisor of elections or other provide notice of such
321 change to a voter registration official by using a voter
322 registration application signed written notice that contains the
323 elector's date of birth by the elector. When an elector changes
324 his or her name by marriage or other legal process, the elector
325 shall notify his or her supervisor of elections or other voter
326 registration official by using a signed written notice that
327 contains the elector's date of birth or voter's registration
328 number. A voter information card reflecting the new information
329 shall be issued to the elector as provided in subsection (3).

330 Section 9. Subsections (3) and (6) of section 98.075,
331 Florida Statutes, are amended to read:

332 98.075 Registration records maintenance activities;



333 ineligibility determinations.—

334 (3) DECEASED PERSONS.—

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

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

339 b. The United States Social Security Administration,
340 including, but not limited to, any master death file or index
341 compiled by the United States Social Security Administration.

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

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

349 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
350 supervisor receives information ~~other than~~ from ~~the~~ sources
351 other than those identified in subsections (2)-(5) that a
352 registered voter is ineligible because he or she is deceased,
353 adjudicated a convicted felon without having had his or her
354 civil rights restored, adjudicated mentally incapacitated
355 without having had his or her voting rights restored, does not
356 meet the age requirement pursuant to s. 97.041, is not a United
357 States citizen, is a fictitious person, or has listed a
358 residence that is not his or her legal residence, the supervisor
359 must shall adhere to the procedures set forth in subsection (7)
360 prior to the removal of a registered voter's name from the
361 statewide voter registration system.



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362 Section 10. Section 98.093, Florida Statutes, is amended to
363 read:

364 98.093 Duty of officials to furnish information relating to
365 ~~lists of~~ deceased persons, persons adjudicated mentally
366 incapacitated, and persons convicted of a felony.—

367 (1) In order to identify ineligible registered voters and
368 maintain ensure the maintenance of accurate and current voter
369 registration records in the statewide voter registration system
370 pursuant to procedures in s. 98.065 or s. 98.075, it is
371 necessary for the department and supervisors of elections to
372 receive or access certain information from state and federal
373 officials and entities in the format prescribed. The ~~department~~
374 ~~and supervisors of elections~~ shall use the information provided
375 ~~from the sources in subsection (2) to maintain the voter~~
376 ~~registration records~~.

377 (2) To the maximum extent feasible, state and local
378 government agencies shall facilitate provision of information
379 and access to data to the department, including, but not limited
380 to, databases that contain reliable criminal records and records
381 of deceased persons. State and local government agencies that
382 provide such data shall do so without charge if the direct cost
383 incurred by those agencies is not significant.

384 (a) The Department of Health shall furnish monthly to the
385 department a list containing the name, address, date of birth,
386 date of death, social security number, race, and sex of each
387 deceased person 17 years of age or older.

388 (b) Each clerk of the circuit court shall furnish monthly
389 to the department a list of those persons who have been
390 adjudicated mentally incapacitated with respect to voting during



391 the preceding calendar month, a list of those persons whose
392 mental capacity with respect to voting has been restored during
393 the preceding calendar month, and a list of those persons who
394 have returned signed jury notices during the preceding months to
395 the clerk of the circuit court indicating a change of address.
396 Each list shall include the name, address, date of birth, race,
397 sex, and, whichever is available, the Florida driver's license
398 number, Florida identification card number, or social security
399 number of each such person.

400 (c) Upon receipt of information from the United States
401 Attorney, listing persons convicted of a felony in federal
402 court, the department shall use such information to identify
403 registered voters or applicants for voter registration who may
404 be potentially ineligible based on information provided in
405 accordance with s. 98.075.

406 (d) The Department of Law Enforcement shall identify those
407 persons who have been convicted of a felony who appear in the
408 voter registration records supplied by the statewide voter
409 registration system, in a time and manner that enables the
410 department to meet its obligations under state and federal law.

411 (e) The Florida Parole Commission Board of Executive
412 ~~Clemency~~ shall furnish at least bimonthly monthly to the
413 department data, including the identity ~~a list~~ of those persons
414 granted clemency in the preceding month or any updates to prior
415 records which have occurred in the preceding month. The data
416 ~~list~~ shall contain the commission's Board of Executive ~~Clemency~~
417 case number and the person's ~~s~~ name, address, date of birth,
418 race, gender ~~sex~~, Florida driver's license number, Florida
419 identification card number, or the last four digits of the



420 social security number, if available, and references to record
421 identifiers assigned by the Department of Corrections and the
422 Department of Law Enforcement, a unique identifier of each
423 clemency case, and the effective date of clemency of each
424 person.

425 (f) The Department of Corrections shall identify those
426 persons who have been convicted of a felony and committed to its
427 custody or placed on community supervision. The information must
428 be provided to the department at a time and in manner that
429 enables the department to identify registered voters who are
430 convicted felons and to meet its obligations under state and
431 federal law. furnish monthly to the department a list of those
432 persons transferred to the Department of Corrections in the
433 preceding month or any updates to prior records which have
434 occurred in the preceding month. The list shall contain the
435 name, address, date of birth, race, sex, social security number,
436 Department of Corrections record identification number, and
437 associated Department of Law Enforcement felony conviction
438 record number of each person.

439 (g) The Department of Highway Safety and Motor Vehicles
440 shall furnish monthly to the department a list of those persons
441 whose names have been removed from the driver's license database
442 because they have been licensed in another state. The list shall
443 contain the name, address, date of birth, sex, social security
444 number, and driver's license number of each such person.

445 (3) Nothing in This section does not shall limit or
446 restrict the supervisor in his or her duty to remove the names
447 of persons from the statewide voter registration system pursuant
448 to s. 98.075(7) based upon information received from other



449 sources.

450 Section 11. Effective July 1, 2012, subsections (1) and (2)
451 of section 98.0981, Florida Statutes, are amended to read:

452 98.0981 Reports; voting history; statewide voter
453 registration system information; precinct-level election
454 results; book closing statistics.—

455 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
456 INFORMATION.—

457 (a) Within 30 45 days after certification by the Elections
458 Canvassing Commission of a presidential preference primary,
459 special election, primary election, or a general election,
460 supervisors of elections shall transmit to the department, in a
461 uniform electronic format specified in paragraph (d) by the
462 ~~department~~, completely updated voting history information for
463 each qualified voter who voted.

464 (b) After receipt of the information in paragraph (a), the
465 department shall prepare a report in electronic format which
466 contains the following information, separately compiled for the
467 primary and general election for all voters qualified to vote in
468 either election:

469 1. The unique identifier assigned to each qualified voter
470 within the statewide voter registration system;

471 2. All information provided by each qualified voter on his
472 or her voter registration application pursuant to s. 97.052(2),
473 except that which is confidential or exempt from public records
474 requirements;

475 3. Each qualified voter's date of registration;

476 4. Each qualified voter's current state representative
477 district, state senatorial district, and congressional district,



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478 assigned by the supervisor of elections;
479 5. Each qualified voter's current precinct; and
480 6. Voting history as transmitted under paragraph (a) to
481 include whether the qualified voter voted at a precinct
482 location, voted during the early voting period, voted by
483 absentee ballot, attempted to vote by absentee ballot that was
484 not counted, attempted to vote by provisional ballot that was
485 not counted, or did not vote.

486 (c) Within 15 ~~60~~ days after certification by the Elections
487 Canvassing Commission of a presidential preference primary,
488 special election, primary election, or a general election, the
489 department shall send to the President of the Senate, the
490 Speaker of the House of Representatives, the Senate Minority
491 Leader, and the House Minority Leader a report in electronic
492 format that includes all information set forth in paragraph (b).

493 (d) File specifications are as follows:

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

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

500 b. Voted at a precinct location using a provisional ballot
501 that was subsequently counted.

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

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

505 e. Voted by absentee ballot.

506 f. Attempted to vote by absentee ballot, but the ballot was



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507 not counted.

508 g. Attempted to vote by provisional ballot, but the ballot
509 was not counted in that election.

510 2. Each file shall be created or converted into a tab-
511 delimited format.

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

513 a. Three-character county identifier as established by the
514 department followed by an underscore.

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

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

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

519 e. Date format is YYYYMMDD.

520 f. Followed by Time Created - HHMMSS.

521 g. Followed by ".txt".

522 4. Each record shall contain the following columns: Record
523 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
524 Date, Vote History Code, Precinct, Congressional District, House
525 District, Senate District, County Commission District, and
526 School Board District.

527 (e) Each supervisor of elections shall reconcile the voting
528 data within 25 days after a presidential preference primary,
529 special election, primary election, or general election to
530 compare the aggregate total of ballots cast in each precinct as
531 reported in the precinct-level election results to the aggregate
532 total number of voters with voter history for the election for
533 each district.

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



536 department in an electronic format and give a written
537 explanation for any precincts where the reconciliation as
538 described in paragraph (e) results in a discrepancy between the
539 voter history and the election results.

540 (g) A supervisor of elections shall be required to pay \$50
541 per day for each day the required reports are late or not
542 complete. Fines must be paid from a supervisor of elections'
543 personal funds. Fines shall be remitted to the department, which
544 shall transmit the remitted fines for deposit into the General
545 Revenue Fund.

546 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 25 45 days
547 after the date of a presidential preference primary election, a
548 special election, primary election, or a general election, the
549 supervisors of elections shall collect and submit to the
550 department precinct-level election results for the election in a
551 uniform electronic format specified by paragraph (c) the
552 department. The precinct-level election results shall be
553 compiled separately for the primary or special primary election
554 that preceded the general or special general election,
555 respectively. The results shall specifically include for each
556 precinct the aggregate total of all ballots cast for each
557 candidate or nominee to fill a national, state, county, or
558 district office or proposed constitutional amendment, with
559 subtotals for each candidate and ballot type. "All ballots cast"
560 means ballots cast by voters who cast a ballot whether at a
561 precinct location, by absentee ballot including overseas
562 absentee ballots, during the early voting period, or by
563 provisional ballot.

564 (b) The department shall make such information available on



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565 a searchable, sortable, and downloadable database via its
566 website that also includes the file layout and codes. The
567 database shall be searchable and sortable by county, precinct,
568 and candidate. The database shall be downloadable in a tab-
569 delimited format. The database shall be available for download
570 county-by-county and also as a statewide file. Such report shall
571 also be made available upon request.

572 (c) The files containing the precinct-level election
573 results shall be created in accordance with the applicable file
574 specification:

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

577 2. The row immediately before the first data record shall
578 contain the column names of the data elements that make up the
579 data records. There shall be one header record followed by
580 multiple data records.

581 3. The data records shall include the following columns:
582 County Name, Election Number, Election Date, Unique Precinct
583 Identifier, Precinct Polling Location, Total Registered Voters,
584 Total Registered Republicans, Total Registered Democrats, Total
585 Registered All Other Parties, Contest Name,
586 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of
587 Elections Unique Candidate Identifying Number, Candidate Party,
588 District, Undervote Total, Overvote Total, Write-in Total, and
589 Vote Total.

590 (d) A supervisor of elections shall be required to pay \$50
591 per day for each day the required reports are late or not
592 complete. Fines must be paid from a supervisor of elections'
593 personal funds. Fines shall be remitted to the department, which



594 shall transmit the remitted fines for deposit into the General
595 Revenue Fund.

596 Section 12. Subsection (5) of section 99.012, Florida
597 Statutes, is amended to read:

598 99.012 Restrictions on individuals qualifying for public
599 office.—

600 (5) A person may not be qualified as a candidate for an
601 election or appear on the ballot unless the person complies with
602 this section. The name of any person who does not comply with
603 this section may be removed from every ballot on which it
604 appears when ordered by a circuit court upon the petition of an
605 elector or the Department of State.

606 Section 13. Paragraphs (a) and (b) of subsection (1) of
607 section 99.021, Florida Statutes, are amended, and subsection
608 (3) is added to that section, to read:

609 99.021 Form of candidate oath.—

610 (1) (a)1. Each candidate, whether a party candidate, a
611 candidate with no party affiliation, or a write-in candidate, in
612 order to qualify for nomination or election to any office other
613 than a judicial office as defined in chapter 105 or a federal
614 office, shall take and subscribe to an oath or affirmation in
615 writing. A printed copy of the oath or affirmation shall be made
616 available furnished to the candidate by the officer before whom
617 such candidate seeks to qualify and shall be substantially in
618 the following form:

619

620 State of Florida

621 County of....

622 Before me, an officer authorized to administer oaths,



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623 personally appeared ... (please print name as you wish it to
624 appear on the ballot), to me well known, who, being sworn,
625 says that he or she is a candidate for the office of; that
626 he or she is a qualified elector of County, Florida; that
627 he or she is qualified under the Constitution and the laws of
628 Florida to hold the office to which he or she desires to be
629 nominated or elected; ~~that he or she has taken the oath required~~
630 by ss. 876.05-876.10, Florida Statutes; that he or she has
631 qualified for no other public office in the state, the term of
632 which office or any part thereof runs concurrent with that of
633 the office he or she seeks; ~~and~~ that he or she has resigned from
634 any office from which he or she is required to resign pursuant
635 to s. 99.012, Florida Statutes; and that he or she will support
636 the Constitution of the United States and the Constitution of
637 the State of Florida.

... (Signature of candidate) ...

... (Address) ...

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

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

645 2. Each candidate for federal office, whether a party
646 candidate, a candidate with no party affiliation, or a write-in
647 candidate, in order to qualify for nomination or election to
648 office shall take and subscribe to an oath or affirmation in
649 writing. A ~~printed~~ copy of the oath or affirmation shall be made
650 available ~~furnished~~ to the candidate by the officer before whom
651 such candidate seeks to qualify and shall be substantially in



652 the following form:

653

654 State of Florida

655 County of

656 Before me, an officer authorized to administer oaths,
657 personally appeared ... (please print name as you wish it to
658 appear on the ballot) ..., to me well known, who, being sworn,
659 says that he or she is a candidate for the office of; that
660 he or she is qualified under the Constitution and laws of the
661 United States to hold the office to which he or she desires to
662 be nominated or elected; and that he or she has qualified for no
663 other public office in the state, the term of which office or
664 any part thereof runs concurrent with that of the office he or
665 she seeks; and that he or she will support the Constitution of
666 the United States.

667 ... (Signature of candidate) ...

668 ... (Address) ...

669

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

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

673

674 (b) In addition, any person seeking to qualify for
675 nomination as a candidate of any political party shall, at the
676 time of subscribing to the oath or affirmation, state in
677 writing:

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

679 2. That the person ~~is not a registered member of any other~~
680 ~~political party and has not been a registered member of~~



681 ~~candidate for nomination for any other political party in the~~
682 ~~calendar year leading up to the general election for a period of~~
683 ~~6 months preceding the general election~~ for which the person
684 seeks to qualify.

685 3. That the person has paid the assessment levied against
686 him or her, if any, as a candidate for said office by the
687 executive committee of the party of which he or she is a member.

688 (3) This section does not apply to a person who seeks to
689 qualify for election pursuant to ss. 103.021 and 103.101.

690 Section 14. Subsections (5) and (7) of section 99.061,
691 Florida Statutes, are amended, and subsection (11) is added to
692 that section, to read:

693 99.061 Method of qualifying for nomination or election to
694 federal, state, county, or district office.—

695 (5) At the time of qualifying for office, each candidate
696 for a constitutional office shall file a full and public
697 disclosure of financial interests pursuant to s. 8, Art. II of
698 the State Constitution, which must be verified under oath or
699 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
700 other office, including local elective office, shall file a
701 statement of financial interests pursuant to s. 112.3145.

702 (7) (a) In order for a candidate to be qualified, the
703 original of the following items must be received by the filing
704 officer by the end of the qualifying period:

705 1. A properly executed check drawn upon the candidate's
706 campaign account payable to the person or entity as prescribed
707 by the filing officer in an amount not less than the fee
708 required by s. 99.092, unless the candidate obtained the
709 required number of signatures on petitions or, in lieu thereof,



as applicable, the copy of the notice of obtaining ballot position pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a) duly acknowledged.

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

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

4.5. Unless the original is filed with the qualifying officer before the beginning of the qualifying period for the office sought, the completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5.6. The full and public disclosure or statement of financial interests required by subsection (5). A public officer



739 who has filed the full and public disclosure or statement of
740 financial interests with the Commission on Ethics or the
741 supervisor of elections prior to qualifying for office may file
742 a copy of that disclosure at the time of qualifying.

743 (b) If the filing officer receives qualifying papers during
744 the qualifying period prescribed in this section which ~~that~~ do
745 not include all items as required by paragraph (a) prior to the
746 last day of qualifying, the filing officer shall make a
747 reasonable effort to notify the candidate of the missing or
748 incomplete items and shall inform the candidate that all
749 required items must be received by the close of qualifying. A
750 candidate's name as it is to appear on the ballot may not be
751 changed after the end of qualifying.

752 (c) The filing officer performs a ministerial function in
753 reviewing qualifying papers. In determining whether a candidate
754 is qualified, the filing officer shall review the qualifying
755 papers to determine whether all items required by paragraph (a)
756 have been properly filed and whether each item is complete on
757 its face, including whether items that must be verified have
758 been properly verified pursuant to s. 92.525(1)(a). The filing
759 officer may not determine whether the contents of the qualifying
760 papers are accurate.

761 (11) The decision of the filing officer concerning whether
762 a candidate is qualified is exempt from the provisions of
763 chapter 120.

764 Section 15. Subsection (2) of section 99.063, Florida
765 Statutes, is amended to read:

766 99.063 Candidates for Governor and Lieutenant Governor.—

767 (2) No later than 5 p.m. of the 9th day following the



768 primary election, each designated candidate for Lieutenant
769 Governor shall file with the Department of State:

770 (a) The candidate's oath required by s. 99.021, which must
771 contain the name of the candidate as it is to appear on the
772 ballot; the office sought; and the signature of the candidate,
773 which must be verified under oath or affirmation pursuant to s.
774 92.525(1)(a) duly acknowledged.

775 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
776 ~~candidate and duly acknowledged.~~

777 (b) If the office sought is partisan, the written
778 statement of political party affiliation required by s.
779 99.021(1)(b).

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

785 Section 16. Subsection (1) of section 99.092, Florida
786 Statutes, is amended to read:

787 99.092 Qualifying fee of candidate; notification of
788 Department of State.—

789 (1) Each person seeking to qualify for nomination or
790 election to any office, except a person seeking to qualify by
791 the petition process pursuant to s. 99.095 and except a person
792 seeking to qualify as a write-in candidate, shall pay a
793 qualifying fee, which shall consist of a filing fee and election
794 assessment, to the officer with whom the person qualifies, and
795 any party assessment levied, and shall attach the original or
796 signed duplicate of the receipt for his or her party assessment



797 or pay the same, in accordance with the provisions of s.
798 103.121, at the time of filing his or her other qualifying
799 papers. The amount of the filing fee is 3 percent of the annual
800 salary of the office. The amount of the election assessment is 1
801 percent of the annual salary of the office sought. The election
802 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~
803 and transferred to the Elections Commission Trust Fund ~~within~~
804 ~~the Department of Legal Affairs~~. The amount of the party
805 assessment is 2 percent of the annual salary. The annual salary
806 of the office for purposes of computing the filing fee, election
807 assessment, and party assessment shall be computed by
808 multiplying 12 times the monthly salary, excluding any special
809 qualification pay, authorized for such office as of July 1
810 immediately preceding the first day of qualifying. No qualifying
811 fee shall be returned to the candidate unless the candidate
812 withdraws his or her candidacy before the last date to qualify.
813 If a candidate dies prior to an election and has not withdrawn
814 his or her candidacy before the last date to qualify, the
815 candidate's qualifying fee shall be returned to his or her
816 designated beneficiary, and, if the filing fee or any portion
817 thereof has been transferred to the political party of the
818 candidate, the Secretary of State shall direct the party to
819 return that portion to the designated beneficiary of the
820 candidate.

821 Section 17. Subsection (1) of section 99.093, Florida
822 Statutes, is amended to read:

823 99.093 Municipal candidates; election assessment.—

824 (1) Each person seeking to qualify for nomination or
825 election to a municipal office shall pay, at the time of



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826 qualifying for office, an election assessment. The election
827 assessment shall be an amount equal to 1 percent of the annual
828 salary of the office sought. Within 30 days after the close of
829 qualifying, the qualifying officer shall forward all assessments
830 collected pursuant to this section to the Florida Elections
831 Commission Department of State for deposit in transfer to the
832 Elections Commission Trust Fund ~~within the Department of Legal~~
833 ~~Affairs~~.

834 Section 18. Paragraph (d) is added to subsection (2) of
835 section 99.095, Florida Statutes, to read:

836 99.095 Petition process in lieu of a qualifying fee and
837 party assessment.—

838 (2)

839 (d) In a year of apportionment, any candidate for county or
840 district office seeking ballot position by the petition process
841 may obtain the required number of signatures from any registered
842 voter in the respective county, regardless of district
843 boundaries. The candidate shall obtain at least the number of
844 signatures equal to 1 percent of the total number of registered
845 voters, as shown by a compilation by the department for the
846 immediately preceding general election, divided by the total
847 number of districts of the office involved.

848 Section 19. Subsections (1), (3), and (5) of section
849 99.097, Florida Statutes, are amended, and subsection (6) is
850 added to that section, to read:

851 99.097 Verification of signatures on petitions.—

852 (1) (a) As determined by each supervisor, based upon local
853 conditions, the checking of names on petitions may be based on
854 the most inexpensive and administratively feasible of either of



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855 the following methods of verification:

856 1.(a) A name-by-name, signature-by-signature check of each
857 petition the number of authorized signatures on the petitions;
858 or

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

864 (b) Rules and guidelines for this method of petition
865 verification shall be adopted promulgated by the Department of
866 State. Rules and guidelines for a random sample method of
867 verification, which may include a requirement that petitions
868 bear an additional number of names and signatures, not to exceed
869 15 percent of the names and signatures otherwise required. If
870 the petitions do not meet such criteria or if the petitions are
871 prescribed by s. 100.371, then the use of the random sample
872 method of verification is method described in this paragraph
873 shall not be available to supervisors.

874 (3) (a) If all other requirements for the petition are met,
875 a signature on a petition shall be verified and counted as valid
876 for a registered voter if, after comparing the signature on the
877 petition and the signature of the registered voter in the voter
878 registration system, the supervisor is able to determine that
879 the petition signer is the same as the registered voter, even if
880 the name on the petition is not in substantially the same form
881 as in the voter registration system. A name on a petition, which
882 name is not in substantially the same form as a name on the
883 voter registration books, shall be counted as a valid signature



884 if, after comparing the signature on the petition with the
885 signature of the alleged signer as shown on the registration
886 books, the supervisor determines that the person signing the
887 petition and the person who registered to vote are one and the
888 same.

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

893 (c) If a voter signs a petition and lists an address
894 other than the legal residence where the voter is registered,
895 the supervisor shall treat the signature as if the voter had
896 listed the address where the voter is registered.

897 (5) The results of a verification pursuant to subparagraph
898 (1) (a) 2. paragraph (1) (b) may be contested in the circuit court
899 by the candidate; an announced opponent; a representative of a
900 designated political committee; or a person, party, or other
901 organization submitting the petition. The contestant shall file
902 a complaint, together with the fees prescribed in chapter 28,
903 with the clerk of the circuit court in the county in which the
904 petition is certified or in Leon County if the petition covers
905 more than one county within 10 days after midnight of the date
906 the petition is certified; and the complaint shall set forth the
907 grounds on which the contestant intends to establish his or her
908 right to require a complete check of the petition names and
909 signatures pursuant to subparagraph (1) (a) 1. paragraph (1) (a).
910 In the event the court orders a complete check of the petition
911 and the result is not changed as to the success or lack of
912 success of the petitioner in obtaining the requisite number of



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valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

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

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

Section 20. Section 100.061, Florida Statutes, is amended to read:

100.061 Primary election.—In each year in which a general election is held, a primary election for nomination of



942 candidates of political parties shall be held on the Tuesday 9
943 10 weeks prior to the general election. The candidate receiving
944 the highest number of votes cast in each contest in the primary
945 election shall be declared nominated for such office. If two or
946 more candidates receive an equal and highest number of votes for
947 the same office, such candidates shall draw lots to determine
948 which candidate is nominated.

949 Section 21. Section 100.111, Florida Statutes, is amended
950 to read:

951 100.111 Filling vacancy.—

952 (1) (a) If any vacancy occurs in any office which is
953 required to be filled pursuant to s. 1(f), Art. IV of the State
954 Constitution and the remainder of the term of such office is 28
955 months or longer, then at the next general election a person
956 shall be elected to fill the unexpired portion of such term,
957 commencing on the first Tuesday after the first Monday following
958 such general election.

959 (b) If such a vacancy occurs prior to the first day set by
960 law for qualifying for election to office at such general
961 election, any person seeking nomination or election to the
962 unexpired portion of the term shall qualify within the time
963 prescribed by law for qualifying for other offices to be filled
964 by election at such general election.

965 (c) If such a vacancy occurs prior to the primary election
966 but on or after the first day set by law for qualifying, the
967 Secretary of State shall set dates for qualifying for the
968 unexpired portion of the term of such office. Any person seeking
969 nomination or election to the unexpired portion of the term
970 shall qualify within the time set by the Secretary of State. If



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971 time does not permit party nominations to be made in conjunction
972 with the primary election, the Governor may call a special
973 primary election to select party nominees for the unexpired
974 portion of such term.

975 ~~(2) (a) If, in any state or county office required to be~~
976 ~~filled by election, a vacancy occurs during an election year by~~
977 ~~reason of the incumbent having qualified as a candidate for~~
978 ~~federal office pursuant to s. 99.061, no special election is~~
979 ~~required. Any person seeking nomination or election to the~~
980 ~~office so vacated shall qualify within the time prescribed by s.~~
981 ~~99.061 for qualifying for state or county offices to be filled~~
982 ~~by election.~~

983 ~~(b) If such a vacancy occurs in an election year other than~~
984 ~~the one immediately preceding expiration of the present term,~~
985 ~~the Secretary of State shall notify the supervisor of elections~~
986 ~~in each county served by the office that a vacancy has been~~
987 ~~created. Such notice shall be provided to the supervisor of~~
988 ~~elections not later than the close of the first day set for~~
989 ~~qualifying for state or county office. The supervisor shall~~
990 ~~provide public notice of the vacancy in any manner the Secretary~~
991 ~~of State deems appropriate.~~

992 ~~(2) (3) Whenever there is a vacancy for which a special~~
993 ~~election is required pursuant to s. 100.101, the Governor, after~~
994 ~~consultation with the Secretary of State, shall fix the dates of~~
995 ~~a special primary election and a special election. Nominees of~~
996 ~~political parties shall be chosen under the primary laws of this~~
997 ~~state in the special primary election to become candidates in~~
998 ~~the special election. Prior to setting the special election~~
999 ~~dates, the Governor shall consider any upcoming elections in the~~



jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the special primary election and for the special election to coincide with the dates of the primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

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

(b) The filing of campaign expense statements by candidates in such special elections or special primaries and by committees



1029 making contributions or expenditures to influence the results of
1030 such special primaries or special elections shall be not later
1031 than such dates as shall be fixed by the Department of State,
1032 and in fixing such dates the Department of State shall take into
1033 consideration and be governed by the practical time limitations.

1034 (c) The dates for a candidate to qualify by the petition
1035 process pursuant to s. 99.095 in such special primary or special
1036 election shall be fixed by the Department of State. In fixing
1037 such dates the Department of State shall take into consideration
1038 and be governed by the practical time limitations. Any candidate
1039 seeking to qualify by the petition process in a special primary
1040 election shall obtain 25 percent of the signatures required by
1041 s. 99.095.

1042 (d) The qualifying fees and party assessments of such
1043 candidates as may qualify shall be the same as collected for the
1044 same office at the last previous primary for that office. The
1045 party assessment shall be paid to the appropriate executive
1046 committee of the political party to which the candidate belongs.

1047 (e) Each county canvassing board shall make as speedy a
1048 return of the result of such special primary elections and
1049 special elections as time will permit, and the Elections
1050 Canvassing Commission likewise shall make as speedy a canvass
1051 and declaration of the nominees as time will permit.

1052 (3)(4)(a) In the event that death, resignation, withdrawal,
1053 removal, or any other cause or event should cause a party to
1054 have a vacancy in nomination which leaves no candidate for an
1055 office from such party, the filing officer before whom the
1056 candidate qualified ~~Department of State~~ shall notify the chair
1057 of the ~~appropriate state and county, district, or county~~



1058 political party executive committee of such party, and,
1059 1. If the vacancy in nomination is for a statewide office,
1060 the state party chair shall, within 5 days, the chair shall call
1061 a meeting of his or her executive board committee to consider
1062 designation of a nominee to fill the vacancy.
1063 2. If the vacancy in nomination is for a legislative or
1064 multicounty office, the state party chair shall notify the
1065 appropriate county chair or chairs and, within 5 days, the
1066 appropriate county chair or chairs shall call a meeting of the
1067 members of the executive committee in the affected county or
1068 counties to consider designation of a nominee to fill the
1069 vacancy.
1070 3. If the vacancy in nomination is for a county office, the
1071 state party chair shall notify the appropriate county chair and,
1072 within 5 days, the appropriate county chair shall call a meeting
1073 of his or her executive committee to consider designation of a
1074 nominee to fill the vacancy.
1075
1076 The name of any person so designated shall be submitted to the
1077 filing officer before whom the candidate qualified Department of
1078 State within 7 days after notice to the chair in order that the
1079 person designated may have his or her name on the ballot of the
1080 ensuing general election. If the name of the new nominee is
1081 submitted after the certification of results of the preceding
1082 primary election, however, the ballots shall not be changed and
1083 the former party nominee's name will appear on the ballot. Any
1084 ballots cast for the former party nominee will be counted for
1085 the person designated by the political party to replace the
1086 former party nominee. If there is no opposition to the party



nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. ~~For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.~~

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

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

(4) A vacancy in nomination is not created if an order of a



court that has become final determines that a nominee did not properly qualify or did not meet the necessary qualifications to hold the office for which he or she sought to qualify.

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

Section 22. Subsections (1), (3), (6), (7), and (8) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

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

(3) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid for a period of 2 4 years following such date, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for the county of residence listed by the person signing the form for verification of as to the number of registered electors whose



1145 valid signatures obtained appear thereon. If a signature on a
1146 petition is from a registered voter in another county, the
1147 supervisor shall notify the petition sponsor of the misfiled
1148 petition. The supervisor shall promptly verify the signatures
1149 within 30 days after of receipt of the petition forms and
1150 payment of the fee required by s. 99.097. The supervisor shall
1151 promptly record, in the manner prescribed by the Secretary of
1152 State, the date each form is received by the supervisor, and the
1153 date the signature on the form is verified as valid. The
1154 supervisor may verify that the signature on a form is valid only
1155 if:

1156 (a) The form contains the original signature of the
1157 purported elector.

1158 (b) The purported elector has accurately recorded on the
1159 form the date on which he or she signed the form.

1160 (c) The form accurately sets forth the purported elector's
1161 name, street address, city, county, and voter registration
1162 number or date of birth.

1163 (d) The purported elector is, at the time he or she signs
1164 the form and at the time the form is verified, a duly qualified
1165 and registered elector authorized to vote in the state county in
1166 which his or her signature is submitted.

1167

1168 The supervisor shall retain the signature forms for at least 1
1169 year following the election in which the issue appeared on the
1170 ballot or until the Division of Elections notifies the
1171 supervisors of elections that the committee that which
1172 circulated the petition is no longer seeking to obtain ballot
1173 position.



1174 (6) (a) An elector's signature on a petition form may be
1175 revoked within 150 days of the date on which he or she signed
1176 the petition form by submitting to the appropriate supervisor of
1177 elections a signed petition revocation form.

1178 (b) The petition revocation form and the manner in which
1179 signatures are obtained, submitted, and verified shall be
1180 subject to the same relevant requirements and timeframes as the
1181 corresponding petition form and processes under this code and
1182 shall be approved by the Secretary of State before any signature
1183 on a petition revocation form is obtained.

1184 (c) In those circumstances in which a petition revocation
1185 form for a corresponding initiative petition has not been
1186 submitted and approved, an elector may complete and submit a
1187 standard petition revocation form directly to the supervisor of
1188 elections. All other requirements and processes apply for the
1189 submission and verification of the signatures as for initiative
1190 petitions.

1191 (d) Supervisors of elections shall provide petition
1192 revocation forms to the public at all main and branch offices.

1193 (e) The petition revocation form shall be filed with the
1194 supervisor of elections by February 1 preceding the next general
1195 election or, if the initiative amendment is not certified for
1196 ballot position in that election, by February 1 preceding the
1197 next successive general election. The supervisor of elections
1198 shall promptly verify the signature on the petition revocation
1199 form and process such revocation upon payment, in advance, of a
1200 fee of 10 cents or the actual cost of verifying such signature,
1201 whichever is less. The supervisor shall promptly record each
1202 valid and verified signature on a petition revocation form in



the manner prescribed by the Secretary of State.

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

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

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

Section 23. Subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

~~(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present one of the following current and valid picture identifications:~~

~~(a) Florida driver's license.~~

~~(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~

~~(c) United States passport.~~

~~(d) Debit or credit card.~~

~~(e) Military identification.~~

~~(f) Student identification.~~

~~(g) Retirement center identification.~~



1232 (h) Neighborhood association identification.

1233 (i) Public assistance identification.

1235 If the picture identification does not contain the signature of
1236 the elector voter, an additional identification that provides
1237 the elector's voter's signature shall be required. The address
1238 appearing on the identification presented by the elector may not
1239 be used as the basis to confirm an elector's legal residence or
1240 otherwise challenge an elector's legal residence. The elector
1241 shall sign his or her name in the space provided on the precinct
1242 register or on an electronic device provided for recording the
1243 elector's voter's signature. The clerk or inspector shall
1244 compare the signature with that on the identification provided
1245 by the elector and enter his or her initials in the space
1246 provided on the precinct register or on an electronic device
1247 provided for that purpose and allow the elector to vote if the
1248 clerk or inspector is satisfied as to the identity of the
1249 elector.

1250 Section 24. Section 101.045, Florida Statutes, is amended
1251 to read:

1252 (Substantial rewording of section. See
1253 s. 101.045, F.S., for present text.)

1254 101.045 Electors must be registered in precinct.—

1255 (1) A person is not permitted to vote in any election
1256 precinct or district other than the one in which the person has
1257 his or her legal residence and in which the person is
1258 registered. However, a person temporarily residing outside the
1259 county shall be registered in the precinct in which the main
1260 office of the supervisor, as designated by the supervisor, is



1261 located when the person has no permanent address in the county
1262 and it is the person's intention to remain a resident of Florida
1263 and of the county in which he or she is registered to vote. Such
1264 persons who are registered in the precinct in which the main
1265 office of the supervisor, as designated by the supervisor, is
1266 located and who are residing outside the county with no
1267 permanent address in the county may not be registered electors
1268 of a municipality and therefore are not permitted to vote in any
1269 municipal elections.

1270 (2) If the elector's eligibility to vote cannot be
1271 determined, he or she is entitled to vote using a provisional
1272 ballot, subject to the requirements and procedures in s.
1273 101.048.

1274 Section 25. Subsection (2) of section 101.131, Florida
1275 Statutes, is amended, and subsections (4) and (5) are added to
1276 that section, to read:

1277 101.131 Watchers at polls.—

1278 (2) Each party, each political committee, and each
1279 candidate requesting to have poll watchers shall designate, in
1280 writing to the supervisors of elections, on a form prescribed by
1281 the division, before prior to noon of the second Tuesday
1282 preceding the election poll watchers for each polling room on
1283 election day. Designations of poll watchers for early voting
1284 areas shall be submitted in writing to the supervisor of
1285 elections, on a form prescribed by the division, before noon at
1286 least 14 days before early voting begins. The poll watchers for
1287 each polling rooms room shall be approved by the supervisor of
1288 elections on or before the Tuesday before the election. Poll
1289 watchers for early voting areas shall be approved by the



1290 supervisor of elections no later than 7 days before early voting
1291 begins. The supervisor shall furnish to each election board a
1292 list of the poll watchers designated and approved for such
1293 polling rooms room or early voting areas area. Designation of
1294 poll watchers shall be made by the chair of the county executive
1295 committee of a political party, the chair of a political
1296 committee, or the candidate requesting to have poll watchers.

1297 (4) All poll watchers shall be allowed to enter and watch
1298 polls in all polling rooms and early voting areas within the
1299 county in which they have been designated if the number of poll
1300 watchers at any particular polling place does not exceed the
1301 number provided in this section.

1302 (5) The supervisor of elections shall provide to each
1303 designated poll watcher, no later than 7 days before early
1304 voting begins, a poll watcher identification badge that
1305 identifies the poll watcher by name. Each poll watcher must wear
1306 his or her identification badge while in the polling room or
1307 early voting area.

1308 Section 26. Subsections (1), (2), and (3) of section
1309 101.151, Florida Statutes, are amended to read:

1310 101.151 Specifications for ballots.—

1311 (1) (a) Marksense ballots shall be printed on paper of such
1312 thickness that the printing cannot be distinguished from the
1313 back and shall meet the specifications of the voting system that
1314 will be used to tabulate the ballots.

1315 (b) Early voting sites may employ a ballot-on-demand
1316 production system to print individual marksense ballots,
1317 including provisional ballots, for eligible electors pursuant to
1318 s. 101.657. Ballot-on-demand technology may be used to produce



1319 marksense absentee and election-day ballots. Not later than 30
1320 days before an election, the Secretary of State may also
1321 authorize in writing the use of ballot-on-demand technology for
1322 the production of election-day ballots.

1323 (2) (a) The ballot shall have the following office titles
1324 headings under which shall appear the names of the offices and
1325 the names of the candidates for the respective offices in the
1326 following order:

1327 1. The office titles of ~~heading~~ "President and Vice
1328 President of the United States" and thereunder the names of the
1329 candidates for President and Vice President of the United States
1330 nominated by the political party that received the highest vote
1331 for Governor in the last general election of the Governor in
1332 this state. Then shall appear the names of other candidates for
1333 President and Vice President of the United States who have been
1334 properly nominated.

1335 2. The office titles Then shall follow the heading
1336 "Congressional" and thereunder the offices of United States
1337 Senator and Representative in Congress.†

1338 3. The office titles then the heading "State" and
1339 thereunder the offices of Governor and Lieutenant Governor,
1340 Attorney General, Chief Financial Officer, Commissioner of
1341 Agriculture, State Attorney, with the applicable judicial
1342 circuit printed beneath the office, and Public Defender, with
1343 the applicable judicial circuit printed beneath the office.
1344 together with the names of the candidates for each office and
1345 the title of the office which they seek; then the heading
1346 "Legislative" and thereunder

1347 4. The office titles offices of State Senator and State



1348 Representative, with the applicable district for the office
1349 printed beneath.; then the heading "County" and thereunder
1350 5. The office titles of County Clerk of the Circuit Court,
1351 or Clerk of the Circuit Court and Comptroller, whichever is
1352 applicable and when authorized by law, Clerk of the County
1353 Court, (when authorized by law), County Sheriff, County Property
1354 Appraiser, County Tax Collector, District Superintendent of
1355 Schools, and County Supervisor of Elections.

1356 6. The office titles ~~Thereafter follows: members of the~~
1357 Board of County Commissioners, with the applicable district
1358 printed beneath each office, and such other county and district
1359 offices as are involved in the election, in the order fixed by
1360 the Department of State, followed, in the year of their
1361 election, by "Party Offices," and thereunder the offices of
1362 state and county party executive committee members.

1363 (b) In a general election, in addition to the names printed
1364 on the ballot, a blank space shall be provided under each
1365 heading for an office for which a write-in candidate has
1366 qualified. With respect to write-in candidates, if two or more
1367 candidates are seeking election to one office, only one blank
1368 space shall be provided.

1369 (c) When more than one candidate is nominated for
1370 office, the candidates for such office shall qualify and run in
1371 a group or district, and the group or district number shall be
1372 printed beneath the name of the office. Each nominee of a
1373 political party chosen in a primary shall appear on the general
1374 election ballot in the same numbered group or district as on the
1375 primary election ballot.

1376 (d) If in any election all the offices as set forth in



1377 paragraph (a) are not involved, those offices not to be filled
1378 shall be omitted and the remaining offices shall be arranged on
1379 the ballot in the order named.

1380 (3) (a) The names of the candidates of the party that
1381 received the highest number of votes for Governor in the last
1382 election in which a Governor was elected shall be placed first
~~under the heading~~ for each office on the general election
1383 ballot, together with an appropriate abbreviation of the party
1384 name; the names of the candidates of the party that received the
1385 second highest vote for Governor shall be placed second ~~under~~
1386 ~~the heading~~ for each office, together with an appropriate
1387 abbreviation of the party name.
1388

1389 (b) Minor political party candidates ~~and candidates with no~~
1390 ~~party affiliation~~ shall have their names appear on the general
1391 election ballot following the names of recognized political
1392 parties, in the same order as they were qualified, certified
1393 followed by the names of candidates with no party affiliation,
1394 in the order as they were qualified.

1395 Section 27. Subsection (2) of section 101.161, Florida
1396 Statutes, is amended to read:

1397 101.161 Referenda; ballots.—

1398 (2) (a) The substance and ballot title of a constitutional
1399 amendment proposed by initiative shall be prepared by the
1400 sponsor and approved by the Secretary of State in accordance
1401 with rules adopted pursuant to s. 120.54. The Department of
1402 State shall give each proposed constitutional amendment a
1403 designating number for convenient reference. This number
1404 designation shall appear on the ballot. Designating numbers
1405 shall be assigned in the order of filing or certification and in



1406 accordance with rules adopted by the Department of State. The
1407 Department of State shall furnish the designating number, the
1408 ballot title, and the substance of each amendment to the
1409 supervisor of elections of each county in which such amendment
1410 is to be voted on.

1411 (b) Any action for a judicial determination that the ballot
1412 title or substance embodied in a joint resolution is inaccurate,
1413 misleading, or otherwise defective must be commenced within 30
1414 days after the joint resolution is filed with the Secretary of
1415 State or at least 150 days before the election at which the
1416 amendment will appear on the ballot, whichever occurs later. The
1417 court, including any appellate court, shall accord the case
1418 priority over other pending cases and render a decision as
1419 expeditiously as possible. If the court determines that the
1420 ballot title or substance embodied in the joint resolution is
1421 defective and further appeals are declined, abandoned, or
1422 exhausted, the Attorney General shall promptly prepare a revised
1423 ballot title and substance that correct the deficiencies
1424 identified by the court, and the Department of State shall
1425 furnish a designating number and the revised ballot title and
1426 substance to the supervisors of elections for placement on the
1427 ballot. A defect in the ballot title or substance embodied in
1428 the joint resolution is not grounds to remove the proposed
1429 amendment from the ballot.

1430 Section 28. Paragraph (a) of subsection (2) of section
1431 101.5605, Florida Statutes, is amended to read:

1432 101.5605 Examination and approval of equipment.—

1433 (2) (a) Any person owning or interested in an electronic or
1434 electromechanical voting system may submit it to the Department



1435 of State for examination. The vote counting segment shall be
1436 certified after a satisfactory evaluation testing has been
1437 performed according to the standards adopted under s. 101.015(1)
1438 ~~electronic industry standards~~. This testing shall include, but
1439 is not limited to, testing of all software required for the
1440 voting system's operation; the ballot reader; the rote
1441 processor, especially in its logic and memory components; the
1442 digital printer; the fail-safe operations; the counting center
1443 environmental requirements; and the equipment reliability
1444 estimate. For the purpose of assisting in examining the system,
1445 the department shall employ or contract for services of at least
1446 one individual who is expert in one or more fields of data
1447 processing, mechanical engineering, and public administration
1448 and shall require from the individual a written report of his or
1449 her examination.

1450 Section 29. Subsection (11) of section 101.5606, Florida
1451 Statutes, is amended to read

1452 101.5606 Requirements for approval of systems.—No
1453 electronic or electromechanical voting system shall be approved
1454 by the Department of State unless it is so constructed that:

1455 (11) It is capable of automatically producing precinct
1456 totals in ~~printed, marked, or punched form, or a combination~~
1457 ~~thereof.~~

1458 Section 30. Paragraph (a) of subsection (4) of section
1459 101.5612, Florida Statutes, is amended to read:

1460 101.5612 Testing of tabulating equipment.—

1461 (4)(a)1. For electronic or electromechanical voting systems
1462 configured to include electronic or electromechanical tabulation
1463 devices which are distributed to the precincts, all or a sample



1464 of the devices to be used in the election shall be publicly
1465 tested. If a sample is to be tested, the sample shall consist of
1466 a random selection of at least 5 percent or 10 of the devices
1467 for an optical scan system ~~or 2 percent of the devices for a~~
~~touchscreen system or 10 of the devices for either system, as~~
1468 ~~applicable~~, whichever is greater. For touchscreen systems used
1469 for voters having a disability, a sample of at least 2 percent
1470 of the devices must be tested. The test shall be conducted by
1471 processing a group of ballots, causing the device to output
1472 results for the ballots processed, and comparing the output of
1473 results to the results expected for the ballots processed. The
1474 group of ballots shall be produced so as to record a
1475 predetermined number of valid votes for each candidate and on
1476 each measure and to include for each office one or more ballots
1477 which have activated voting positions in excess of the number
1478 allowed by law in order to test the ability of the tabulating
1479 device to reject such votes.
1480

1481 2. If any tested tabulating device is found to have an
1482 error in tabulation, it shall be deemed unsatisfactory. For each
1483 device deemed unsatisfactory, the canvassing board shall take
1484 steps to determine the cause of the error, shall attempt to
1485 identify and test other devices that could reasonably be
1486 expected to have the same error, and shall test a number of
1487 additional devices sufficient to determine that all devices are
1488 satisfactory. Upon deeming any device unsatisfactory, the
1489 canvassing board may require all devices to be tested or may
1490 declare that all devices are unsatisfactory.

1491 3. If the operation or output of any tested tabulation
1492 device, such as spelling or the order of candidates on a report,



1493 is in error, such problem shall be reported to the canvassing
1494 board. The canvassing board shall then determine if the reported
1495 problem warrants its deeming the device unsatisfactory.

1496 Section 31. Subsection (4) of section 101.5614, Florida
1497 Statutes, is amended to read:

1498 101.5614 Canvass of returns.—

1499 ~~(4) If ballot cards are used, and separate write-in ballots~~
1500 ~~or envelopes for casting write-in votes are used, write-in~~
1501 ~~ballots or the envelopes on which write-in ballots have been~~
1502 ~~cast shall be serially numbered, starting with the number one,~~
1503 ~~and the same number shall be placed on the ballot card of the~~
1504 ~~voter. This process may be completed at either the precinct by~~
1505 ~~the election board or at the central counting location. For each~~
1506 ~~ballot or ballot image and ballot envelope on which write-in~~
1507 ~~votes have been cast, the canvassing board shall compare the~~
1508 ~~write-in votes with the votes cast on the ballot card; if the~~
1509 ~~total number of votes for any office exceeds the number allowed~~
1510 ~~by law, a notation to that effect, specifying the office~~
1511 ~~involved, shall be entered on the back of the ballot card or in~~
1512 ~~a margin if voting areas are printed on both sides of the ballot~~
1513 ~~card. such votes shall not be counted. All valid votes shall be~~
1514 ~~tallied by the canvassing board.~~

1515 Section 32. Subsection (6) is added to section 101.591,
1516 Florida Statutes, to read:

1517 101.591 Voting system audit.—

1518 (6) If a manual recount is undertaken pursuant to s.
1519 102.166, the canvassing board is not required to perform the
1520 audit provided for in this section.

1521 Section 33. Paragraphs (a) and (b) of subsection (1), and



1522 subsections (3) and (4) of section 101.62, Florida Statutes, are
1523 amended to read:

1524 101.62 Request for absentee ballots.—

1525 (1) (a) The supervisor shall accept a request for an
1526 absentee ballot from an elector in person or in writing. One
1527 request shall be deemed sufficient to receive an absentee ballot
1528 for all elections through the end of the calendar year of the
1529 next two regularly scheduled general elections election, unless
1530 the elector or the elector's designee indicates at the time the
1531 request is made the elections for which the elector desires to
1532 receive an absentee ballot. Such request may be considered
1533 canceled when any first-class mail sent by the supervisor to the
1534 elector is returned as undeliverable.

1535 (b) The supervisor may accept a written or telephonic
1536 request for an absentee ballot from the elector, or, if directly
1537 instructed by the elector, a member of the elector's immediate
1538 family, or the elector's legal guardian. For purposes of this
1539 section, the term "immediate family" has the same meaning as
1540 specified in paragraph (4) (c) ~~paragraph (4) (b)~~. The person
1541 making the request must disclose:

- 1542 1. The name of the elector for whom the ballot is
1543 requested.
- 1544 2. The elector's address.
- 1545 3. The elector's date of birth.
- 1546 4. The requester's name.
- 1547 5. The requester's address.
- 1548 6. The requester's driver's license number, if available.
- 1549 7. The requester's relationship to the elector.
- 1550 8. The requester's signature (written requests only).



1551 (3) For each request for an absentee ballot received, the
1552 supervisor shall record the date the request was made, the date
1553 the absentee ballot was delivered to the voter or the voter's
1554 designee or the date the absentee ballot was delivered to the
1555 post office or other carrier, the date the ballot was received
1556 by the supervisor, and such other information he or she may deem
1557 necessary. This information shall be provided in electronic
1558 format as provided by rule adopted by the division. The
1559 information shall be updated and made available no later than 8
1560 a.m. noon of each day, including weekends, beginning 60 days
1561 before the primary until 15 days after the general election and
1562 shall be contemporaneously provided to the division. This
1563 information shall be confidential and exempt from the provisions
1564 of s. 119.07(1) and shall be made available to or reproduced
1565 only for the voter requesting the ballot, a canvassing board, an
1566 election official, a political party or official thereof, a
1567 candidate who has filed qualification papers and is opposed in
1568 an upcoming election, and registered political committees or
1569 registered committees of continuous existence, for political
1570 purposes only.

1571 (4) (a) No later than 45 days before each presidential
1572 preference primary election, primary election, and general
1573 election, the supervisor of elections shall send an absentee
1574 ballot as provided in subparagraph (c)2. subparagraph (b)2. to
1575 each absent uniformed services voter and to each overseas voter
1576 who has requested an absentee ballot.

1577 (b) The supervisor shall begin mailing absentee ballots
1578 between the 35th and 30th day before the presidential preference
1579 primary election, special election, primary election, and



1580 general election to each absent qualified voter, other than
1581 those listed in paragraph (a), who has requested such a ballot.
1582 Except as otherwise provided in subsection (2) and after the
1583 period described in this paragraph, the supervisor shall mail
1584 absentee ballots within 48 hours after receiving a request for
1585 such a ballot.

1586 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
1587 each elector by whom a request for that ballot has been made by
1588 one of the following means:

1589 1. By nonforwardable, return-if-undeliverable mail to the
1590 elector's current mailing address on file with the supervisor
1591 or, unless the elector specifies in the request that:

1592 a. The elector is absent from the county and does not plan
1593 to return before the day of the election;

1594 b. The elector is temporarily unable to occupy the
1595 residence because of hurricane, tornado, flood, fire, or other
1596 emergency or natural disaster; or

1597 c. The elector is in a hospital, assisted living facility,
1598 nursing home, short term medical or rehabilitation facility, or
1599 correctional facility,

1600 in which case the supervisor shall mail the ballot by
1601 nonforwardable, return-if-undeliverable mail to any other
1602 address the elector specifies in the request.

1603 2. By forwardable mail, e-mail, or facsimile machine
1604 transmission to absent uniformed services voters and overseas
1605 voters. The absent uniformed services voter or overseas voter
1606 may designate in the absentee ballot request the preferred
1607 method of transmission. If the voter does not designate the
1608



1609 method of transmission, the absentee ballot shall be mailed.

1610 3. By personal delivery before 7 p.m. on election day to
1611 the elector, upon presentation of the identification required in
1612 s. 101.043.

1613 4. By delivery to a designee on election day or up to 5
1614 days prior to the day of an election. Any elector may designate
1615 in writing a person to pick up the ballot for the elector;
1616 however, the person designated may not pick up more than two
1617 absentee ballots per election, other than the designee's own
1618 ballot, except that additional ballots may be picked up for
1619 members of the designee's immediate family. For purposes of this
1620 section, "immediate family" means the designee's spouse or the
1621 parent, child, grandparent, or sibling of the designee or of the
1622 designee's spouse. The designee shall provide to the supervisor
1623 the written authorization by the elector and a picture
1624 identification of the designee and must complete an affidavit.
1625 The designee shall state in the affidavit that the designee is
1626 authorized by the elector to pick up that ballot and shall
1627 indicate if the elector is a member of the designee's immediate
1628 family and, if so, the relationship. The department shall
1629 prescribe the form of the affidavit. If the supervisor is
1630 satisfied that the designee is authorized to pick up the ballot
1631 and that the signature of the elector on the written
1632 authorization matches the signature of the elector on file, the
1633 supervisor shall give the ballot to that designee for delivery
1634 to the elector.

1635 Section 34. Section 101.65, Florida Statutes, is amended to
1636 read:

1637 101.65 Instructions to absent electors.—The supervisor



1638 shall enclose with each absentee ballot separate printed
1639 instructions in substantially the following form:

1640

1641 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1642 1. VERY IMPORTANT. In order to ensure that your absentee
1643 ballot will be counted, it should be completed and returned as
1644 soon as possible so that it can reach the supervisor of
1645 elections of the county in which your precinct is located no
1646 later than 7 p.m. on the day of the election.

1647 2. Mark your ballot in secret as instructed on the ballot.
1648 You must mark your own ballot unless you are unable to do so
1649 because of blindness, disability, or inability to read or write.

1650 3. Mark only the number of candidates or issue choices for
1651 a race as indicated on the ballot. If you are allowed to "Vote
1652 for One" candidate and you vote for more than one candidate,
1653 your vote in that race will not be counted.

1654 4. Place your marked ballot in the enclosed secrecy
1655 envelope.

1656 5. Insert the secrecy envelope into the enclosed mailing
1657 envelope which is addressed to the supervisor.

1658 6. Seal the mailing envelope and completely fill out the
1659 Voter's Certificate on the back of the mailing envelope.

1660 7. VERY IMPORTANT. In order for your absentee ballot to be
1661 counted, you must sign your name on the line above (Voter's
1662 Signature). An absentee ballot will be considered illegal and
1663 not be counted if the signature on the voter's certificate does
1664 not match the signature on record. The signature on file at the
1665 start of the canvass of the absentee ballots is the signature
1666 that will be used to verify your signature on the voter's



1667 certificate. If you need to update your signature for this
1668 election, send your signature update on a voter registration
1669 application to your supervisor of elections so that it is
1670 received no later than the start of the canvassing of absentee
1671 ballots, which occurs no earlier than the Wednesday before
1672 election day.

1673 8. VERY IMPORTANT. If you are an overseas voter, you must
1674 include the date you signed the Voter's Certificate on the line
1675 above (Date) or your ballot may not be counted.

1676 9. Mail, deliver, or have delivered the completed mailing
1677 envelope. Be sure there is sufficient postage if mailed.

1678 10. FELONY NOTICE. It is a felony under Florida law to
1679 accept any gift, payment, or gratuity in exchange for your vote
1680 for a candidate. It is also a felony under Florida law to vote
1681 in an election using a false identity or false address, or under
1682 any other circumstances making your ballot false or fraudulent.

1683 Section 35. Subsection (1) of section 101.657, Florida
1684 Statutes, is amended to read:

1685 101.657 Early voting.—

1686 (1) (a) As a convenience to the voter, the supervisor of
1687 elections shall allow an elector to vote early in the main or
1688 branch office of the supervisor. The supervisor shall mark,
1689 code, indicate on, or otherwise track the voter's precinct for
1690 each early voted ballot. In order for a branch office to be used
1691 for early voting, it shall be a permanent facility of the
1692 supervisor and shall have been designated and used as such for
1693 at least 1 year prior to the election. The supervisor may also
1694 designate any city hall or permanent public library facility as
1695 early voting sites; however, if so designated, the sites must be



1696 geographically located so as to provide all voters in the county
1697 an equal opportunity to cast a ballot, insofar as is
1698 practicable. The results or tabulation of votes cast during
1699 early voting may not be made before the close of the polls on
1700 election day. Results shall be reported by precinct.

1701 (b) The supervisor shall designate each early voting site
1702 by no later than the 30th day prior to an election and shall
1703 designate an early voting area, as defined in s. 97.021, at each
1704 early voting site.

1705 (c) All early voting sites in a county shall be open on the
1706 same days for the same amount of time and shall allow any person
1707 in line at the closing of an early voting site to vote.

1708 (d) Early voting shall begin on the 7th ~~15th~~ day before an
1709 election which contains state or federal races and end on the
1710 2nd day before the an election and. ~~For purposes of a special~~
1711 ~~election held pursuant to s. 100.101, early voting shall begin~~
1712 ~~on the 8th day before an election and end on the 2nd day before~~
1713 ~~an election. Early voting shall be provided for 8 hours per~~
1714 ~~weekday and 8 hours in the aggregate each weekend at each site~~
1715 ~~during the applicable periods. The supervisor of elections may~~
1716 ~~provide early voting for elections that are not held in~~
1717 ~~conjunction with a state or federal election. However, the~~
1718 ~~supervisor has the discretion to determine the hours of~~
1719 ~~operation of early voting sites in those elections~~ ~~Early voting~~
1720 ~~sites shall open no sooner than 7 a.m. and close no later than 7~~
1721 ~~p.m. on each applicable day.~~

1722 (e) Notwithstanding the requirements of s. 100.3605,
1723 municipalities may provide early voting in municipal elections
1724 that are not held in conjunction with county or state elections.



1725 If a municipality provides early voting, it may designate as
1726 many sites as necessary and shall conduct its activities in
1727 accordance with the provisions of paragraphs (a)-(c). The
1728 supervisor is not required to conduct early voting if it is
1729 provided pursuant to this subsection.

1730 (f) Notwithstanding the requirements of s. 189.405, special
1731 districts may provide early voting in any district election not
1732 held in conjunction with county or state elections. If a special
1733 district provides early voting, it may designate as many sites
1734 as necessary and shall conduct its activities in accordance with
1735 the provisions of paragraphs (a)-(c). The supervisor is not
1736 required to conduct early voting if it is provided pursuant to
1737 this subsection.

1738 Section 36. Paragraph (a) of subsection (2) of section
1739 101.68, Florida Statutes, is amended to read:

1740 101.68 Canvassing of absentee ballot.—

1741 (2) (a) The county canvassing board may begin the canvassing
1742 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
1743 election, but not later than noon on the day following the
1744 election. In addition, for any county using electronic
1745 tabulating equipment, the processing of absentee ballots through
1746 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
1747 day before the election. However, notwithstanding any such
1748 authorization to begin canvassing or otherwise processing
1749 absentee ballots early, no result shall be released until after
1750 the closing of the polls in that county on election day. Any
1751 supervisor of elections, deputy supervisor of elections,
1752 canvassing board member, election board member, or election
1753 employee who releases the results of a canvassing or processing



1754 of absentee ballots prior to the closing of the polls in that
1755 county on election day commits a felony of the third degree,
1756 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1757 Section 37. Subsection (2) of section 101.6923, Florida
1758 Statutes, is amended to read:

1759 101.6923 Special absentee ballot instructions for certain
1760 first-time voters.—

1761 (2) A voter covered by this section shall be provided with
1762 printed instructions with his or her absentee ballot in
1763 substantially the following form:

1764

1765 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
1766 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
1767 TO COUNT.

1768

1769 1. In order to ensure that your absentee ballot will be
1770 counted, it should be completed and returned as soon as possible
1771 so that it can reach the supervisor of elections of the county
1772 in which your precinct is located no later than 7 p.m. on the
1773 date of the election.

1774 2. Mark your ballot in secret as instructed on the ballot.
1775 You must mark your own ballot unless you are unable to do so
1776 because of blindness, disability, or inability to read or write.

1777 3. Mark only the number of candidates or issue choices for
1778 a race as indicated on the ballot. If you are allowed to "Vote
1779 for One" candidate and you vote for more than one, your vote in
1780 that race will not be counted.

1781 4. Place your marked ballot in the enclosed secrecy
1782 envelope and seal the envelope.



1783 5. Insert the secrecy envelope into the enclosed envelope
1784 bearing the Voter's Certificate. Seal the envelope and
1785 completely fill out the Voter's Certificate on the back of the
1786 envelope.

1787 a. You must sign your name on the line above (Voter's
1788 Signature).

1789 b. If you are an overseas voter, you must include the date
1790 you signed the Voter's Certificate on the line above (Date) or
1791 your ballot may not be counted.

1792 c. An absentee ballot will be considered illegal and will
1793 not be counted if the signature on the Voter's Certificate does
1794 not match the signature on record. The signature on file at the
1795 start of the canvass of the absentee ballots is the signature
1796 that will be used to verify your signature on the Voter's
1797 Certificate. If you need to update your signature for this
1798 election, send your signature update on a voter registration
1799 application to your supervisor of elections so that it is
1800 received no later than the start of canvassing of absentee
1801 ballots, which occurs no earlier than the Wednesday before
1802 election day.

1803 6. Unless you meet one of the exemptions in Item 7., you
1804 must make a copy of one of the following forms of
1805 identification:

1806 a. Identification which must include your name and
1807 photograph: United States passport; debit or credit card;
1808 military identification; student identification; retirement
1809 center identification; neighborhood association identification;
1810 or public assistance identification; or

1811 b. Identification which shows your name and current



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

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

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

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

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

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

f. You are currently residing outside the United States.

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

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

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



1841 in an election using a false identity or false address, or under
1842 any other circumstances making your ballot false or fraudulent.

1843 Section 38. Subsection (3) of section 101.75, Florida
1844 Statutes, is amended to read:

1845 101.75 Municipal elections; change of dates for cause.—

1846 (3) Notwithstanding any provision of local law or municipal
1847 charter, the governing body of a municipality may, by ordinance,
1848 move the date of any municipal election to a date concurrent
1849 with any statewide or countywide election. The dates for
1850 qualifying for the election moved by the passage of such
1851 ordinance shall be specifically provided for in the ordinance
1852 ~~and shall run for no less than 14 days.~~ The term of office for
1853 any elected municipal official shall commence as provided by the
1854 relevant municipal charter or ordinance.

1855 Section 39. Subsection (4) of section 102.168, Florida
1856 Statutes, is amended, and subsection (8) is added to that
1857 section, to read:

1858 102.168 Contest of election.—

1859 (4) The ~~county~~ canvassing board responsible for canvassing
1860 the election is an indispensable ~~and proper~~ party defendant in
1861 county and local elections.~~;~~ The Elections Canvassing Commission
1862 is an indispensable ~~and proper~~ party defendant in federal,
1863 state, and multiconty elections and in elections for justice of
1864 the Supreme Court, judge of a district court of appeal, and
1865 judge of a circuit court. ~~raees;~~ and The successful candidate is
1866 an indispensable party to any action brought to contest the
1867 election or nomination of a candidate.

1868 (8) In any contest that requires a review of the canvassing
1869 board's decision on the legality of an absentee ballot pursuant



1870 to s. 101.68 based upon a comparison of the signature on the
1871 voter's certificate and the signature of the elector in the
1872 registration records, the circuit court may not review or
1873 consider any evidence other than the signatures on the voter's
1874 certificate and the signature of the elector in the registration
1875 records. The court's review of such issue shall be to determine
1876 only if the canvassing board abused its discretion in making its
1877 decision.

1878 Section 40. Subsection (4) of section 103.021, Florida
1879 Statutes, is amended to read:

1880 103.021 Nomination for presidential electors.—Candidates
1881 for presidential electors shall be nominated in the following
1882 manner:

1883 (4) (a) A minor political party that is affiliated with a
1884 national party holding a national convention to nominate
1885 candidates for President and Vice President of the United States
1886 may have the names of its candidates for President and Vice
1887 President of the United States printed on the general election
1888 ballot by filing with the Department of State a certificate
1889 naming the candidates for President and Vice President and
1890 listing the required number of persons to serve as electors.
1891 Notification to the Department of State under this subsection
1892 shall be made by September 1 of the year in which the election
1893 is held. When the Department of State has been so notified, it
1894 shall order the names of the candidates nominated by the minor
1895 political party to be included on the ballot and shall permit
1896 the required number of persons to be certified as electors in
1897 the same manner as other party candidates. As used in this
1898 section, the term "national party" means a political party that



1899 is registered with and recognized as a qualified national
1900 committee of a political party by the Federal Election
1901 Commission established and admitted to the ballot in at least
1902 one state other than Florida.

1903 (b) A minor political party that is not affiliated with a
1904 national party holding a national convention to nominate
1905 candidates for President and Vice President of the United States
1906 may have the names of its candidates for President and Vice
1907 President printed on the general election ballot if a petition
1908 is signed by a number of electors in each of one-half of the
1909 congressional districts of the state, and of the state as a
1910 whole, equal to 2 percent of the votes cast in each of such
1911 districts respectively and in the state as a whole in the last
1912 preceding election in which presidential electors were chosen +
1913 percent of the registered electors of this state, as shown by
1914 the compilation by the Department of State for the preceding
1915 general election. A separate petition from each county for which
1916 signatures are solicited shall be submitted to the supervisors
1917 of elections of the respective county no later than July 15 of
1918 each presidential election year. The supervisor shall check the
1919 names and, on or before the date of the primary election, shall
1920 certify the number shown as registered electors of the county.
1921 The supervisor shall be paid by the person requesting the
1922 certification the cost of checking the petitions as prescribed
1923 in s. 99.097. The supervisor shall then forward the certificate
1924 to the Department of State, which shall determine whether or not
1925 the percentage factor required in this section has been met.
1926 When the percentage factor required in this section has been
1927 met, the Department of State shall order the names of the



1928 candidates for whom the petition was circulated to be included
1929 on the ballot and shall permit the required number of persons to
1930 be certified as electors in the same manner as other party
1931 candidates.

1932 Section 41. Section 103.095, Florida Statutes, is created
1933 to read:

1934 103.095 Minor political parties.—

1935 (1) Any group of citizens organized for the general
1936 purposes of electing to office qualified persons and determining
1937 public issues under the democratic processes of the United
1938 States may become a minor political party of this state by
1939 filing with the department a certificate showing the name of the
1940 organization, the names and addresses of its current officers,
1941 including the members of its executive committee, accompanied by
1942 a completed uniform statewide voter registration application as
1943 specified in s. 97.052 for each of its current officers and
1944 members of its executive committee which reflect their
1945 affiliation with the proposed minor political party, and a copy
1946 of its constitution, bylaws, and rules and regulations.

1947 (2) All electors registered to vote in the minor political
1948 party in which he or she has so designated has a fundamental
1949 right to fully and meaningfully participate in the business and
1950 affairs of the minor political party without any monetary
1951 encumbrance. The constitution, bylaws, rules, regulations, or
1952 other equivalent documents must reflect this fundamental right
1953 and must provide for and contain reasonable provisions which at
1954 a minimum must prescribe procedures to: prescribe its
1955 membership, conduct its meetings according to generally accepted
1956 parliamentary practices, timely notify its members as to the



1957 time, date, and place of all of its meetings, timely publish
1958 notice on its public and functioning website as to the time,
1959 date, and place of all of its meetings, elect its officers,
1960 remove its officers, make party nominations when required by
1961 law, conduct campaigns for party nominees, raise and expend
1962 party funds, select delegates to its national convention, select
1963 presidential electors, and alter or amend all of its governing
1964 documents.

1965 (3) The members of the executive committee must elect a
1966 chair, vice chair, secretary, and treasurer, all of whom shall
1967 be members of the minor political party and no member may hold
1968 more than one office, except that one person may hold the
1969 offices of secretary and treasurer.

1970 (4) Upon approval of the minor political party's filing,
1971 the department shall process the voter registration applications
1972 submitted by the minor political party's officers and members of
1973 its executive committee. It shall be the duty of the minor
1974 political party to notify the department of any changes in the
1975 filing certificate within 5 days after such changes.

1976 (5) The Division of Elections shall adopt rules to
1977 prescribe the manner in which political parties, including minor
1978 political parties, may have their filings with the Department of
1979 State canceled. Such rules shall, at a minimum, provide for:

1980 (a) Notice, which must contain the facts and conduct that
1981 warrant the intended action, including, but not limited to, the
1982 failure to have any voters registered in the party, the failure
1983 to notify the department of replacement officers, and the
1984 failure to file campaign finance reports, the failure to adopt
1985 or file with the department all governing documents containing



1986 the provisions specified in subsection (2), and limited
1987 activity.
1988 (b) Adequate opportunity to respond.
1989 (c) Appeal of the decision to the Florida Elections
1990 Commission. Such appeals are exempt from the confidentiality
1991 provisions of s. 106.25.
1992 (6) The requirements of this section are retroactive for
1993 any minor political party registered with the department on July
1994 1, 2011, and must be complied with within 180 days after the
1995 department provides notice to the minor political party of the
1996 requirements contained in this section. Failure of the minor
1997 political party to comply with the requirements within 180 days
1998 after receipt of the notice shall automatically result in the
1999 cancellation of the minor political party's registration.

2000 Section 42. Subsection (2) of section 103.101, Florida
2001 Statutes, is amended to read:

2002 103.101 Presidential preference primary.—
2003 (2)(a) There shall be a Presidential Candidate Selection
2004 Committee composed of the Secretary of State, who shall be a
2005 nonvoting chair; the Speaker of the House of Representatives;
2006 the President of the Senate; the minority leader of each house
2007 of the Legislature; and the chair of each political party
2008 required to have a presidential preference primary under this
2009 section.

2010 (b) By October 31 of the year preceding the presidential
2011 preference primary, each political party shall submit to the
2012 Secretary of State a list of its presidential candidates to be
2013 placed on the presidential preference primary ballot or
2014 candidates entitled to have delegates appear on the presidential



2015 preference primary ballot. The Secretary of State shall prepare
2016 and publish a list of the names of the presidential candidates
2017 submitted not later than on the first Tuesday after the first
2018 Monday in November of the year preceding the presidential
2019 preference primary. The Secretary of State shall submit such
2020 list of names of presidential candidates to the selection
2021 committee on the first Tuesday after the first Monday in
2022 November of the year preceding the presidential preference
2023 primary. Each person designated as a presidential candidate
2024 shall have his or her name appear, or have his or her delegates'
2025 names appear, on the presidential preference primary ballot
2026 unless all committee members of the same political party as the
2027 candidate agree to delete such candidate's name from the ballot.
2028 (c) The selection committee shall meet in Tallahassee on
2029 the first Tuesday after the first Monday in November of the year
2030 preceding the presidential preference primary. The selection
2031 committee shall publicly announce and submit to the Department
2032 of State no later than 5 p.m. on the following day the names of
2033 presidential candidates who shall have their names appear, or
2034 who are entitled to have their delegates' names appear, on the
2035 presidential preference primary ballot. The Department of State
2036 shall immediately notify each presidential candidate listed
2037 designated by the Secretary of State committee. Such
2038 notification shall be in writing, by registered mail, with
2039 return receipt requested.

2040 Section 43. Section 103.141, Florida Statutes, is amended
2041 to read:

2042 103.141 Removal of county executive committee member for
2043 violation of oath.—



2044 (1) If ~~Where~~ the county executive committee by at least a
2045 two-thirds majority vote of the members of the committee,
2046 attending a meeting held after due notice has been given and at
2047 which meeting a quorum is present, determines an incumbent
2048 county executive committee member is to be guilty of an offense
2049 involving a violation of the member's oath of office, the said
2050 ~~member so violating his or her oath~~ shall be removed from office
2051 and the office shall be deemed vacant. Provided, However, if the
2052 county committee wrongfully removes a county committee member
2053 and the committee member ~~so~~ wrongfully removed files suit in the
2054 circuit court alleging his or her removal was wrongful and wins
2055 the said suit, the committee member shall be restored to office
2056 and the county committee shall pay the costs incurred by the
2057 wrongfully removed committee member in bringing the suit,
2058 including reasonable attorney's fees.

2059 (2) ~~Any officer, county committeeman, county~~
2060 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2061 ~~or member of a county executive committee may be removed from~~
2062 ~~office pursuant to s. 103.161.~~

2063 Section 44. Section 103.161, Florida Statutes, is repealed.

2064 Section 45. Section 104.29, Florida Statutes, is amended to
2065 read:

2066 104.29 Inspectors refusing to allow watchers while ballots
2067 are counted.—The inspectors or other election officials at the
2068 polling place shall, after the polls close at all times while
2069 ~~the ballots are being counted, allow as many as three persons~~
2070 ~~near to them to see whether the ballots are being reconciled~~
2071 ~~correctly. read and called and the votes correctly tallied, and~~
2072 Any official who denies this privilege or interferes therewith



2073 ~~commits is guilty of~~ a misdemeanor of the first degree,
2074 punishable as provided in s. 775.082 or s. 775.083.

2075 Section 46. Subsection (3), paragraph (b) of subsection
2076 (5), subsection (15), and paragraph (c) of subsection (16) of
2077 section 106.011, Florida Statutes, are amended to read:

2078 106.011 Definitions.—As used in this chapter, the following
2079 terms have the following meanings unless the context clearly
2080 indicates otherwise:

2081 (3) "Contribution" means:

2082 (a) A gift, subscription, conveyance, deposit, loan,
2083 payment, or distribution of money or anything of value,
2084 including contributions in kind having an attributable monetary
2085 value in any form, made for the purpose of influencing the
2086 results of an election or making an electioneering
2087 communication.

2088 (b) A transfer of funds between political committees,
2089 between committees of continuous existence, between
2090 electioneering communications organizations, or between any
2091 combination of these groups.

2092 (c) The payment, by any person other than a candidate or
2093 political committee, of compensation for the personal services
2094 of another person which are rendered to a candidate or political
2095 committee without charge to the candidate or committee for such
2096 services.

2097 (d) The transfer of funds by a campaign treasurer or deputy
2098 campaign treasurer between a primary depository and a separate
2099 interest-bearing account or certificate of deposit, and the term
2100 includes any interest earned on such account or certificate.



2102 Notwithstanding the foregoing meanings of "contribution," the
2103 term may word shall not be construed to include services,
2104 including, but not limited to, legal and accounting services,
2105 provided without compensation by individuals volunteering a
2106 portion or all of their time on behalf of a candidate or
2107 political committee. ~~This definition shall not be construed to~~
2108 ~~include~~ editorial endorsements.

2109 (5)

2110 (b) An expenditure for the purpose of expressly advocating
2111 the election or defeat of a candidate which is made by the
2112 national, state, or county executive committee of a political
2113 party, including any subordinate committee of a national, state,
2114 or county committee of a political party, or by any political
2115 committee or committee of continuous existence, or any other
2116 person, shall not be considered an independent expenditure if
2117 the committee or person:

2118 1. Communicates with the candidate, the candidate's
2119 campaign, or an agent of the candidate acting on behalf of the
2120 candidate, including any pollster, media consultant, advertising
2121 agency, vendor, advisor, or staff member, concerning the
2122 preparation of, use of, or payment for, the specific expenditure
2123 or advertising campaign at issue; or

2124 2. Makes a payment in cooperation, consultation, or concert
2125 with, at the request or suggestion of, or pursuant to any
2126 general or particular understanding with the candidate, the
2127 candidate's campaign, a political committee supporting the
2128 candidate, or an agent of the candidate relating to the specific
2129 expenditure or advertising campaign at issue; or

2130 3. Makes a payment for the dissemination, distribution, or



2131 republication, in whole or in part, of any broadcast or any
2132 written, graphic, or other form of campaign material prepared by
2133 the candidate, the candidate's campaign, or an agent of the
2134 candidate, including any pollster, media consultant, advertising
2135 agency, vendor, advisor, or staff member; or

2136 4. Makes a payment based on information about the
2137 candidate's plans, projects, or needs communicated to a member
2138 of the committee or person by the candidate or an agent of the
2139 candidate, provided the committee or person uses the information
2140 in any way, in whole or in part, either directly or indirectly,
2141 to design, prepare, or pay for the specific expenditure or
2142 advertising campaign at issue; or

2143 5. After the last day of the qualifying period prescribed
2144 for the candidate for statewide or legislative office, consults
2145 about the candidate's plans, projects, or needs in connection
2146 with the candidate's pursuit of election to office and the
2147 information is used in any way to plan, create, design, or
2148 prepare an independent expenditure or advertising campaign,
2149 with:

2150 a. Any officer, director, employee, or agent of a national,
2151 state, or county executive committee of a political party that
2152 has made or intends to make expenditures in connection with or
2153 contributions to the candidate; or

2154 b. Any person whose professional services have been
2155 retained by a national, state, or county executive committee of
2156 a political party that has made or intends to make expenditures
2157 in connection with or contributions to the candidate; or

2158 6. After the last day of the qualifying period prescribed
2159 for the candidate for statewide or legislative office, retains



2160 the professional services of any person also providing those
2161 services to the candidate in connection with the candidate's
2162 pursuit of election to office; or

2163 7. Arranges, coordinates, or directs the expenditure, in
2164 any way, with the candidate or an agent of the candidate.

2165 (15) "Unopposed candidate" means a candidate for nomination
2166 or election to an office who, after the last day on which any
2167 person, including a write-in candidate, may qualify, is without
2168 opposition in the election at which the office is to be filled
2169 or who is without such opposition after such date as a result of
2170 any primary election or of withdrawal by other candidates
2171 seeking the same office. A candidate is not an unopposed
2172 candidate if there is a vacancy to be filled under s. 100.111(3)
2173 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding
2174 the right to a ballot position for the office sought by the
2175 candidate, or if the candidate is seeking retention as a justice
2176 or judge.

2177 (16) "Candidate" means any person to whom any one or more
2178 of the following apply:

2179 (c) Any person who receives contributions or makes
2180 expenditures, or consents for any other person to receive
2181 contributions or make expenditures, with a view to bring about
2182 his or her nomination or election to, or retention in, public
2183 office. However, this definition does not include any candidate
2184 for a political party executive committee. Expenditures related
2185 to potential candidate polls as provided in s. 106.17 are not
2186 contributions or expenditures for purposes of this subsection.

2187 Section 47. Subsection (3) of section 106.021, Florida
2188 Statutes, is amended to read:



2189 106.021 Campaign treasurers; deputies; primary and
2190 secondary depositories.—

2191 (3) No contribution or expenditure, including contributions
2192 or expenditures of a candidate or of the candidate's family,
2193 shall be directly or indirectly made or received in furtherance
2194 of the candidacy of any person for nomination or election to
2195 political office in the state or on behalf of any political
2196 committee except through the duly appointed campaign treasurer
2197 of the candidate or political committee, subject to the
2198 following exceptions:

2199 (a) Independent expenditures;

2200 (b) Reimbursements to a candidate or any other individual
2201 for expenses incurred in connection with the campaign or
2202 activities of the political committee by a check drawn upon the
2203 campaign account and reported pursuant to s. 106.07(4). ~~After~~
2204 ~~July 1, 2004,~~ The full name and address of each person to whom
2205 the candidate or other individual made payment for which
2206 reimbursement was made by check drawn upon the campaign account
2207 shall be reported pursuant to s. 106.07(4), together with the
2208 purpose of such payment;

2209 (c) Expenditures made indirectly through a treasurer for
2210 goods or services, such as communications media placement or
2211 procurement services, campaign signs, insurance, or other
2212 expenditures that include multiple integral components as part
2213 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
2214 or

2215 (d) Expenditures made directly by any political committee
2216 or political party regulated by chapter 103 for obtaining time,
2217 space, or services in or by any communications medium for the



2218 purpose of jointly endorsing three or more candidates, and any
2219 such expenditure shall not be considered a contribution or
2220 expenditure to or on behalf of any such candidates for the
2221 purposes of this chapter.

2222 Section 48. Section 106.022, Florida Statutes, is amended
2223 to read:

2224 106.022 Appointment of a registered agent; duties.—

2225 (1) Each political committee, committee of continuous
2226 existence, or electioneering communications organization shall
2227 have and continuously maintain in this state a registered office
2228 and a registered agent and must file with the filing officer
2229 division a statement of appointment for the registered office
2230 and registered agent. The statement of appointment must:

2231 (a) Provide the name of the registered agent and the street
2232 address and phone number for the registered office;

2233 (b) Identify the entity for whom the registered agent
2234 serves;

2235 (c) Designate the address the registered agent wishes to
2236 use to receive mail;

2237 (d) Include the entity's undertaking to inform the filing
2238 officer division of any change in such designated address;

2239 (e) Provide for the registered agent's acceptance of the
2240 appointment, which must confirm that the registered agent is
2241 familiar with and accepts the obligations of the position as set
2242 forth in this section; and

2243 (f) Contain the signature of the registered agent and the
2244 entity engaging the registered agent.

2245 (2) An entity may change its appointment of registered
2246 agent and registered office under this section by executing a



2247 written statement of change and filing it with the filing
2248 officer. The statement must satisfy that identifies the former
2249 registered agent and registered address and also satisfies all
2250 of the requirements of subsection (1).

2251 (3) A registered agent may resign his or her appointment as
2252 registered agent by executing a written statement of resignation
2253 and filing it with the filing officer division. An entity
2254 without a registered agent may not make expenditures or accept
2255 contributions until it files a written statement of change as
2256 required in subsection (2).

2257 Section 49. Subsection (1) of section 106.023, Florida
2258 Statutes, is amended to read:

2259 106.023 Statement of candidate.—

2260 (1) Each candidate must file a statement with the
2261 qualifying officer within 10 days after filing the appointment
2262 of campaign treasurer and designation of campaign depository,
2263 stating that the candidate has read and understands the
2264 requirements of this chapter. Such statement shall be provided
2265 by the filing officer and shall be in substantially the
2266 following form:

2267

2268 STATEMENT OF CANDIDATE

2269

2270 I,, candidate for the office of, have been
2271 provided access to received, read, and understand the
2272 requirements of Chapter 106, Florida Statutes.

2273

2274 ... (Signature of candidate) ...

... (Date) ...

2275



2276 Willful failure to file this form is a violation of ss.
2277 106.19(1)(c) and 106.25(3), F.S.

2278 Section 50. Paragraph (c) of subsection (1) of section
2279 106.025, Florida Statutes, is amended to read:

2280 106.025 Campaign fund raisers.—

2281 (1)

2282 (c) Any tickets or advertising for such a campaign fund
2283 raiser shall contain the following statement: "The purchase of a
2284 ticket for, or a contribution to, the campaign fund raiser is a
2285 contribution to the campaign of ... (name of the candidate for
2286 whose benefit the campaign fund raiser is held)...." However,
2287 this paragraph does not apply to any campaign message or
2288 political advertisement that satisfies the requirements of s.
2289 106.143(8). Such tickets or advertising shall also comply with
2290 other provisions of this chapter relating to political
2291 advertising.

2292 Section 51. Subsection (1) and paragraph (d) of subsection
2293 (3) of section 106.03, Florida Statutes, are amended to read:

2294 106.03 Registration of political committees and
2295 electioneering communications organizations.—

2296 (1) (a) Each political committee that anticipates receiving
2297 contributions or making expenditures during a calendar year in
2298 an aggregate amount exceeding \$500 or that is seeking the
2299 signatures of registered electors in support of an initiative
2300 shall file a statement of organization as provided in subsection
2301 (3) within 10 days after its organization or, if later, within
2302 10 days after the date on which it has information that causes
2303 the committee to anticipate that it will receive contributions
2304 or make expenditures in excess of \$500. If a political committee



2305 is organized within 10 days of any election, it shall
2306 immediately file the statement of organization required by this
2307 section.

2308 (b)1. Each group that electioneering communications
2309 ~~organization that receives contributions or makes expenditures~~
2310 during a calendar year in an aggregate amount exceeding \$5,000
2311 shall file a statement of organization as provided in
2312 subparagraph 2. ~~by expedited delivery within 24 hours after its~~
2313 ~~organization or, if later,~~ within 24 hours after the date on
2314 which it ~~receives contributions or~~ makes expenditures for an
2315 electioneering communication in excess of \$5,000, if such
2316 expenditures are made within the time frames specified in s.

2317 106.011(18)(a)2. If the group makes expenditures for an
2318 electioneering communication in excess of \$5,000 before the time
2319 frames specified in s. 106.011(18)(a)2., it shall file the
2320 statement of organization within 24 hours of the 30th day before
2321 a primary or special primary election, or within 24 hours of the
2322 60th day before any other election, whichever is applicable.

2323 2.a. In a statewide, legislative, or multicounty election,
2324 an electioneering communications organization shall file a
2325 statement of organization with the Division of Elections.

2326 b. In a countywide election or any election held on less
2327 than a countywide basis, except as described in sub-subparagraph
2328 c., an electioneering communications organization shall file a
2329 statement of organization with the supervisor of elections of
2330 the county in which the election is being held.

2331 c. In a municipal election, an electioneering
2332 communications organization shall file a statement of
2333 organization with the officer before whom municipal candidates



2334 qualify.

2335 d. Any electioneering communications organization that
2336 would be required to file a statement of organization in two or
2337 more locations ~~by reason of the organization's intention to~~
2338 ~~support or oppose candidates at state or multicounty and local~~
2339 ~~levels of government~~ need only file a statement of organization
2340 with the Division of Elections.

2341 (3)

2342 (d) Any political committee which would be required under
2343 this subsection to file a statement of organization in two or
2344 more locations ~~by reason of the committee's intention to support~~
2345 ~~or oppose candidates or issues at state or multicounty and local~~
2346 ~~levels of government~~ need file only with the Division of
2347 Elections.

2348 Section 52. Subsection (4) of section 106.04, Florida
2349 Statutes, is amended, present subsections (7) and (8) of that
2350 section are amended and renumbered as subsections (8) and (9),
2351 respectively, and a new subsection (7) is added to that section,
2352 to read:

2353 106.04 Committees of continuous existence.—

2354 (4) (a) Each committee of continuous existence shall file an
2355 annual report with the Division of Elections during the month of
2356 January. Such annual reports shall contain the same information
2357 and shall be accompanied by the same materials as original
2358 applications filed pursuant to subsection (2). However, the
2359 charter or bylaws need not be filed if the annual report is
2360 accompanied by a sworn statement by the chair that no changes
2361 have been made to such charter or bylaws since the last filing.

2362 (b) 1. Each committee of continuous existence shall file



2363 regular reports with the Division of Elections at the same times
2364 and subject to the same filing conditions as are established by
2365 s. 106.07(1) and (2) for candidates' reports. In addition, when
2366 a special election is called to fill a vacancy in office, a
2367 committee of continuous existence that makes a contribution or
2368 expenditure to influence the results of such special election or
2369 the preceding special primary election must file campaign
2370 finance reports with the filing officer on the dates set by the
2371 Department of State pursuant to s. 100.111.

2372 2. A committee of continuous existence that makes a
2373 contribution or an expenditure to influence the results of a
2374 county or municipal election that is not being held at the same
2375 time as a state or federal election must also file campaign
2376 finance reports with the county or municipal filing officer on
2377 the same dates as county or municipal candidates or committees
2378 for that election. The committee of continuous existence must
2379 also include the contribution or expenditure in the next report
2380 filed with the Division of Elections pursuant to this section
2381 following the county or municipal election.

2382 3.2. Any committee of continuous existence failing to so
2383 file a report with the Division of Elections or applicable
2384 filing officer pursuant to this paragraph on the designated due
2385 date shall be subject to a fine for late filing as provided by
2386 this section.

2387 (c) All committees of continuous existence shall file their
2388 reports with the Division of Elections. Reports shall be filed
2389 in accordance with s. 106.0705 and shall contain the following
2390 information:

2391 1. The full name, address, and occupation of each person



2392 who has made one or more contributions, including contributions
2393 that represent the payment of membership dues, to the committee
2394 during the reporting period, together with the amounts and dates
2395 of such contributions. For corporations, the report must provide
2396 as clear a description as practicable of the principal type of
2397 business conducted by the corporation. However, if the
2398 contribution is \$100 or less, the occupation of the contributor
2399 or principal type of business need not be listed. However, for
2400 any contributions that represent the payment of dues by members
2401 in a fixed amount aggregating no more than \$250 per calendar
2402 year, pursuant to the schedule on file with the Division of
2403 Elections, only the aggregate amount of such contributions need
2404 be listed, together with the number of members paying such dues
2405 and the amount of the membership dues.

2406 2. The name and address of each political committee or
2407 committee of continuous existence from which the reporting
2408 committee received, or the name and address of each political
2409 committee, committee of continuous existence, or political party
2410 to which it made, any transfer of funds, together with the
2411 amounts and dates of all transfers.

2412 3. Any other receipt of funds not listed pursuant to
2413 subparagraph 1. or subparagraph 2., including the sources and
2414 amounts of all such funds.

2415 4. The name and address of, and office sought by, each
2416 candidate to whom the committee has made a contribution during
2417 the reporting period, together with the amount and date of each
2418 contribution.

2419 5. The full name and address of each person to whom
2420 expenditures have been made by or on behalf of the committee



2421 within the reporting period; the amount, date, and purpose of
2422 each such expenditure; and the name and address, and office
2423 sought by, each candidate on whose behalf such expenditure was
2424 made.

2425 6. The full name and address of each person to whom an
2426 expenditure for personal services, salary, or reimbursement for
2427 authorized expenses has been made, including the full name and
2428 address of each entity to whom the person made payment for which
2429 reimbursement was made by check drawn upon the committee
2430 account, together with the amount and purpose of such payment.

2431 7. Transaction information from each credit card purchase
2432 ~~statement that will be included in the next report following~~
2433 ~~receipt thereof by the committee~~. Receipts for each credit card
2434 purchase shall be retained by the treasurer with the records for
2435 the committee account.

2436 8. The total sum of expenditures made by the committee
2437 during the reporting period.

2438 (d) The treasurer of each committee shall certify as to the
2439 correctness of each report and shall bear the responsibility for
2440 its accuracy and veracity. Any treasurer who willfully certifies
2441 to the correctness of a report while knowing that such report is
2442 incorrect, false, or incomplete commits a misdemeanor of the
2443 first degree, punishable as provided in s. 775.082 or s.
2444 775.083.

2445 (7) Any change in information previously submitted to the
2446 division shall be reported within 10 days following the change.

2447 (8) If a committee of continuous existence ceases to
2448 meet the criteria prescribed by subsection (1) or fails to file
2449 a report or information required pursuant to this chapter, the



2450 Division of Elections shall revoke its certification ~~until such~~
2451 ~~time as the criteria are again met.~~ The Division of Elections
2452 shall adopt ~~promulgate~~ rules to prescribe the manner in which
2453 the such certification of a committee of continuous existence
2454 shall be revoked. Such rules shall, at a minimum, provide for:

2455 (a) Notice, which must ~~shall~~ contain the facts and conduct
2456 that warrant the intended action.

2457 (b) Adequate opportunity to respond.

2458 (c) Appeal of the decision to the Florida Elections
2459 Commission. Such appeals are ~~shall~~ be exempt from the
2460 confidentiality provisions of s. 106.25.

2461 (9)-(8)(a) Any committee of continuous existence failing to
2462 file a report on the designated due date is ~~shall~~ be subject to
2463 a fine. The fine shall be \$50 per day for the first 3 days late
2464 and, thereafter, \$500 per day for each late day, not to exceed
2465 25 percent of the total receipts or expenditures, whichever is
2466 greater, for the period covered by the late report. However, for
2467 the reports immediately preceding each primary and general
2468 election, including a special primary election and a special
2469 general election, the fine shall be \$500 per day for each late
2470 day, not to exceed 25 percent of the total receipts or
2471 expenditures, whichever is greater, for the period covered by
2472 the late report. The fine shall be assessed by the filing
2473 officer, and the moneys collected shall be deposited into:

2474 1. In The General Revenue Fund, in the case of fines
2475 collected by the Division of Elections.

2476 2. The general revenue fund of the political subdivision,
2477 in the case of fines collected by a county or municipal filing
2478 officer. No separate fine shall be assessed for failure to file



2479 ~~a copy of any report required by this section.~~

2480 (b) Upon determining that a report is late, the filing
2481 officer shall immediately notify the treasurer of the committee
or the committee's registered agent as to the failure to file a
2482 report by the designated due date and that a fine is being
2483 assessed for each late day. Upon receipt of the report, the
2484 filing officer shall determine the amount of fine which is due
2485 and shall notify the treasurer of the committee. Notice is
2486 deemed complete upon proof of delivery of written notice to the
2487 mailing or street address on record with the filing officer. The
2488 filing officer shall determine the amount of the fine due based
2489 upon the earliest of the following:
2490

- 2491 1. When the report is actually received by such officer.
- 2492 2. When the report is postmarked.
- 2493 3. When the certificate of mailing is dated.
- 2494 4. When the receipt from an established courier company is
2495 dated.

2496
2497 Such fine shall be paid to the filing officer within 20 days
2498 after receipt of the notice of payment due, unless appeal is
2499 made to the Florida Elections Commission pursuant to paragraph
2500 (c). An officer or member of a committee is ~~shall~~ not be
2501 personally liable for such fine.

2502 (c) Any treasurer of a committee may appeal or dispute the
2503 fine, based upon unusual circumstances surrounding the failure
2504 to file on the designated due date, and may request and is ~~shall~~
2505 be entitled to a hearing before the Florida Elections
2506 Commission, which may ~~shall~~ have the authority to waive the fine
2507 in whole or in part. Any such request must ~~shall~~ be made within



2508 20 days after receipt of the notice of payment due. ~~In such~~
2509 ~~case, the treasurer of~~ The committee shall file a copy of the
2510 appeal with, within the 20-day period, notify the filing officer
2511 ~~in writing of his or her intention to bring the matter before~~
2512 ~~the commission.~~

2513 (d) The filing officer shall notify the Florida Elections
2514 Commission of the repeated late filing by a committee of
2515 continuous existence, the failure of a committee of continuous
2516 existence to file a report after notice, or the failure to pay
2517 the fine imposed. As used in this paragraph, the term "repeated
2518 late filing" means at least three late filings occurring within
2519 any 2-year period. The commission shall treat notification of
2520 each repeated late filing as a separate violation of this
2521 section.

2522 Section 53. Section 106.07, Florida Statutes, is amended to
2523 read:

2524 106.07 Reports; certification and filing.—

2525 (1) Each campaign treasurer designated by a candidate or
2526 political committee pursuant to s. 106.021 shall file regular
2527 reports of all contributions received, and all expenditures
2528 made, by or on behalf of such candidate or political committee.
2529 Except for the third calendar quarter immediately preceding a
2530 general election, reports shall be filed on the 10th day
2531 following the end of each calendar quarter from the time the
2532 campaign treasurer is appointed, except that, if the 10th day
2533 following the end of a calendar quarter occurs on a Saturday,
2534 Sunday, or legal holiday, the report shall be filed on the next
2535 following day which is not a Saturday, Sunday, or legal holiday.
2536 Quarterly reports shall include all contributions received and



2537 expenditures made during the calendar quarter which have not
2538 otherwise been reported pursuant to this section.

2539 (a) Except as provided in paragraph (b), ~~following the last~~
2540 ~~day of qualifying for office,~~ the reports shall also be filed on
2541 the 32nd, 18th, and 4th days immediately preceding the primary
2542 and on the 46th, 32nd, 18th, and 4th days immediately preceding
2543 the election, for a candidate who is opposed in seeking
2544 nomination or election to any office, for a political committee,
2545 or for a committee of continuous existence.

2546 (b) ~~Following the last day of qualifying for office,~~ Any
2547 statewide candidate who has requested to receive contributions
2548 pursuant to ~~from~~ the Florida Election Campaign Financing Act
2549 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
2550 who has requested to receive contributions pursuant to ~~from~~ the
2551 act trust fund shall also file reports on the 4th, 11th, 18th,
2552 25th, and 32nd days prior to the primary election, and on the
2553 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
2554 the general election.

2555 (c) Following the last day of qualifying for office, any
2556 unopposed candidate need only file a report within 90 days after
2557 the date such candidate became unopposed. Such report shall
2558 contain all previously unreported contributions and expenditures
2559 as required by this section and shall reflect disposition of
2560 funds as required by s. 106.141.

2561 (d) 1. When a special election is called to fill a vacancy
2562 in office, all political committees ~~and committees of continuous~~
2563 ~~existence~~ making contributions or expenditures to influence the
2564 results of such special election or the preceding special
2565 primary election shall file campaign treasurers' reports with



2566 the filing officer on the dates set by the Department of State
2567 pursuant to s. 100.111.

2568 2. When an election is called for an issue to appear on the
2569 ballot at a time when no candidates are scheduled to appear on
2570 the ballot, all political committees making contributions or
2571 expenditures in support of or in opposition to such issue shall
2572 file reports on the 18th and 4th days prior to such election.

2573 (e) The filing officer shall provide each candidate with a
2574 schedule designating the beginning and end of reporting periods
2575 as well as the corresponding designated due dates.

2576 (2) (a)1. All reports required of a candidate by this
2577 section shall be filed with the officer before whom the
2578 candidate is required by law to qualify. All candidates who file
2579 with the Department of State shall file their reports pursuant
2580 to s. 106.0705. Except as provided in s. 106.0705, reports shall
2581 be filed not later than 5 p.m. of the day designated; however,
2582 any report postmarked by the United States Postal Service no
2583 later than midnight of the day designated shall be deemed to
2584 have been filed in a timely manner. Any report received by the
2585 filing officer within 5 days after the designated due date that
2586 was delivered by the United States Postal Service shall be
2587 deemed timely filed unless it has a postmark that indicates that
2588 the report was mailed after the designated due date. A
2589 certificate of mailing obtained from and dated by the United
2590 States Postal Service at the time of mailing, or a receipt from
2591 an established courier company, which bears a date on or before
2592 the date on which the report is due, shall be proof of mailing
2593 in a timely manner. Reports shall contain information of all
2594 previously unreported contributions received and expenditures



2595 made as of the preceding Friday, except that the report filed on
2596 the Friday immediately preceding the election shall contain
2597 information of all previously unreported contributions received
2598 and expenditures made as of the day preceding that designated
2599 due date. All such reports shall be open to public inspection.

2600 2. This subsection does not prohibit the governing body of
2601 a political subdivision, by ordinance or resolution, from
2602 imposing upon its own officers and candidates electronic filing
2603 requirements not in conflict with s. 106.0705. Expenditure of
2604 public funds for such purpose is deemed to be for a valid public
2605 purpose.

2606 (b)1. Any report that which is deemed to be incomplete by
2607 the officer with whom the candidate qualifies shall be accepted
2608 on a conditional basis., and The campaign treasurer shall be
2609 notified by certified registered mail or by another method using
2610 a common carrier that provides a proof of delivery of the notice
2611 as to why the report is incomplete and within 7 be given 3 days
2612 after from receipt of such notice must to file an addendum to
2613 the report providing all information necessary to complete the
2614 report in compliance with this section. Failure to file a
2615 complete report after such notice constitutes a violation of
2616 this chapter.

2617 2. Notice is deemed complete upon proof of delivery of a
2618 written notice to the mailing or street address of the campaign
2619 treasurer or registered agent of record with the filing officer.
2620 ~~In lieu of the notice by registered mail as required in~~
2621 ~~subparagraph 1., the qualifying officer may notify the campaign~~
2622 ~~treasurer by telephone that the report is incomplete and request~~
2623 ~~the information necessary to complete the report. If, however,~~



such information is not received by the qualifying officer within 3 days after the telephone request therefor, notice shall be sent by registered mail as provided in subparagraph 1.

(3) (a) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(b) In addition to the reports required by paragraph (a), a political committee that is registered with the Department of State and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file campaign finance reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The political committee must also include such contribution or expenditure in the next report filed with the Division of Elections pursuant to this section following the county or municipal election.

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

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the



2653 corporation. However, if the contribution is \$100 or less or is
2654 from a relative, as defined in s. 112.312, provided that the
2655 relationship is reported, the occupation of the contributor or
2656 the principal type of business need not be listed.

2657 2. The name and address of each political committee from
2658 which the reporting committee or the candidate received, or to
2659 which the reporting committee or candidate made, any transfer of
2660 funds, together with the amounts and dates of all transfers.

2661 3. Each loan for campaign purposes to or from any person or
2662 political committee within the reporting period, together with
2663 the full names, addresses, and occupations, and principal places
2664 of business, if any, of the lender and endorsers, if any, and
2665 the date and amount of such loans.

2666 4. A statement of each contribution, rebate, refund, or
2667 other receipt not otherwise listed under subparagraphs 1.
2668 through 3.

2669 5. The total sums of all loans, in-kind contributions, and
2670 other receipts by or for such committee or candidate during the
2671 reporting period. The reporting forms shall be designed to
2672 elicit separate totals for in-kind contributions, loans, and
2673 other receipts.

2674 6. The full name and address of each person to whom
2675 expenditures have been made by or on behalf of the committee or
2676 candidate within the reporting period; the amount, date, and
2677 purpose of each such expenditure; and the name and address of,
2678 and office sought by, each candidate on whose behalf such
2679 expenditure was made. However, expenditures made from the petty
2680 cash fund provided by s. 106.12 need not be reported
2681 individually.



2682 7. The full name and address of each person to whom an
2683 expenditure for personal services, salary, or reimbursement for
2684 authorized expenses as provided in s. 106.021(3) has been made
2685 and which is not otherwise reported, including the amount, date,
2686 and purpose of such expenditure. However, expenditures made from
2687 the petty cash fund provided for in s. 106.12 need not be
2688 reported individually. Receipts for reimbursement for authorized
2689 expenditures shall be retained by the treasurer along with the
2690 records for the campaign account.

2691 8. The total amount withdrawn and the total amount spent
2692 for petty cash purposes pursuant to this chapter during the
2693 reporting period.

2694 9. The total sum of expenditures made by such committee or
2695 candidate during the reporting period.

2696 10. The amount and nature of debts and obligations owed by
2697 or to the committee or candidate, which relate to the conduct of
2698 any political campaign.

2699 11. Transaction information for each credit card purchase.
2700 ~~A copy of each credit card statement which shall be included in~~
2701 ~~the next report following receipt thereof by the candidate or~~
2702 ~~political committee.~~ Receipts for each credit card purchase
2703 shall be retained by the treasurer with the records for the
2704 campaign account.

2705 12. The amount and nature of any separate interest-bearing
2706 accounts or certificates of deposit and identification of the
2707 financial institution in which such accounts or certificates of
2708 deposit are located.

2709 13. The primary purposes of an expenditure made indirectly
2710 through a campaign treasurer pursuant to s. 106.021(3) for goods



2711 and services such as communications media placement or
2712 procurement services, campaign signs, insurance, and other
2713 expenditures that include multiple components as part of the
2714 expenditure. The primary purpose of an expenditure shall be that
2715 purpose, including integral and directly related components,
2716 that comprises 80 percent of such expenditure.

2717 (b) The filing officer shall make available to any
2718 candidate or committee a reporting form which the candidate or
2719 committee may use to indicate contributions received by the
2720 candidate or committee but returned to the contributor before
2721 deposit.

2722 (5) The candidate and his or her campaign treasurer, in the
2723 case of a candidate, or the political committee chair and
2724 campaign treasurer of the committee, in the case of a political
2725 committee, shall certify as to the correctness of each report;
2726 and each person so certifying shall bear the responsibility for
2727 the accuracy and veracity of each report. Any campaign
2728 treasurer, candidate, or political committee chair who willfully
2729 certifies the correctness of any report while knowing that such
2730 report is incorrect, false, or incomplete commits a misdemeanor
2731 of the first degree, punishable as provided in s. 775.082 or s.
2732 775.083.

2733 (6) ~~The campaign depository shall return all checks drawn~~
2734 ~~on the account to the campaign treasurer who shall retain the~~
2735 ~~records pursuant to s. 106.06.~~ The records maintained by the
2736 campaign depository with respect to any campaign account
2737 regulated by this chapter are ~~such account shall be~~ subject to
2738 inspection by an agent of the Division of Elections or the
2739 Florida Elections Commission at any time during normal banking



2740 hours, and such depository shall furnish certified copies of any
2741 of such records to the Division of Elections or Florida
2742 Elections Commission upon request.

2743 (7) Notwithstanding any other provisions of this chapter,
2744 in any reporting period during which a candidate, political
2745 committee, or committee of continuous existence has not received
2746 funds, made any contributions, or expended any reportable funds,
2747 the filing of the required report for that period is waived.
2748 However, the next report filed must specify that the report
2749 covers the entire period between the last submitted report and
2750 the report being filed, and any candidate, political committee,
2751 or committee of continuous existence not reporting by virtue of
2752 this subsection on dates prescribed elsewhere in this chapter
2753 shall notify the filing officer in writing on the prescribed
2754 reporting date that no report is being filed on that date.

2755 (8) (a) Any candidate or political committee failing to file
2756 a report on the designated due date is ~~shall~~ be subject to a
2757 fine as provided in paragraph (b) for each late day, and, in the
2758 case of a candidate, such fine shall be paid only from personal
2759 funds of the candidate. The fine shall be assessed by the filing
2760 officer and the moneys collected shall be deposited:

2761 1. In the General Revenue Fund, in the case of a candidate
2762 for state office or a political committee that registers with
2763 the Division of Elections; or

2764 2. In the general revenue fund of the political
2765 subdivision, in the case of a candidate for an office of a
2766 political subdivision or a political committee that registers
2767 with an officer of a political subdivision.



2769 ~~No separate fine shall be assessed for failure to file a copy of~~
2770 ~~any report required by this section.~~

2771 (b) Upon determining that a report is late, the filing
2772 officer shall immediately notify the candidate or chair of the
2773 political committee as to the failure to file a report by the
2774 designated due date and that a fine is being assessed for each
2775 late day. The fine shall be \$50 per day for the first 3 days
2776 late and, thereafter, \$500 per day for each late day, not to
2777 exceed 25 percent of the total receipts or expenditures,
2778 whichever is greater, for the period covered by the late report.
2779 However, for the reports immediately preceding each special
2780 primary election, special election, primary election, and
2781 general election, the fine shall be \$500 per day for each late
2782 day, not to exceed 25 percent of the total receipts or
2783 expenditures, whichever is greater, for the period covered by
2784 the late report. For reports required under s. 106.141(7), the
2785 fine is \$50 per day for each late day, not to exceed 25 percent
2786 of the total receipts or expenditures, whichever is greater, for
2787 the period covered by the late report. Upon receipt of the
2788 report, the filing officer shall determine the amount of the
2789 fine which is due and shall notify the candidate or chair or
2790 registered agent of the political committee. The filing officer
2791 shall determine the amount of the fine due based upon the
2792 earliest of the following:

- 2793 1. When the report is actually received by such officer.
2794 2. When the report is postmarked.
2795 3. When the certificate of mailing is dated.
2796 4. When the receipt from an established courier company is
2797 dated.



2798 5. When the electronic receipt issued pursuant to s.
2799 106.0705 or other electronic filing system authorized in this
2800 section is dated.
2801
2802 Such fine shall be paid to the filing officer within 20 days
2803 after receipt of the notice of payment due, unless appeal is
2804 made to the Florida Elections Commission pursuant to paragraph
2805 (c). Notice is deemed complete upon proof of delivery of written
2806 notice to the mailing or street address on record with the
2807 filing officer. In the case of a candidate, such fine shall not
2808 be an allowable campaign expenditure and shall be paid only from
2809 personal funds of the candidate. An officer or member of a
2810 political committee shall not be personally liable for such
2811 fine.
2812 (c) Any candidate or chair of a political committee may
2813 appeal or dispute the fine, based upon, but not limited to,
2814 unusual circumstances surrounding the failure to file on the
2815 designated due date, and may request and shall be entitled to a
2816 hearing before the Florida Elections Commission, which shall
2817 have the authority to waive the fine in whole or in part. The
2818 Florida Elections Commission must consider the mitigating and
2819 aggravating circumstances contained in s. 106.265(1) when
2820 determining the amount of a fine, if any, to be waived. Any such
2821 request shall be made within 20 days after receipt of the notice
2822 of payment due. In such case, the candidate or chair of the
2823 political committee shall, within the 20-day period, notify the
2824 filing officer in writing of his or her intention to bring the
2825 matter before the commission.
2826 (d) The appropriate filing officer shall notify the Florida



Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2). As used in this paragraph, the term "repeated late filing" means at least three late filings occurring within any 2-year period. The commission shall treat notification of each repeated late filing as a separate violation of this section.

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

Section 54. Paragraph (d) of subsection (7) and subsection (8) of section 106.0703, Florida Statutes, are amended to read:

106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.—

(7)

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an electioneering communications organization, the failure of an electioneering communications organization to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be stated separately and reported by the division to the



2856 commission under s. 106.25(2). As used in this paragraph, the
2857 term "repeated late filing" means at least three late filings
2858 occurring within any 2-year period. The commission shall treat
2859 notification of each repeated late filing as a separate
2860 violation of this section.

2861 (8) An electioneering communications organization shall,
2862 within 2 business days after receiving written notice of its
2863 initial password or secure sign-on from the Department of State
2864 allowing confidential access to the department's electronic
2865 campaign finance filing system, electronically file a single
2866 retroactive report of receipts and disbursements made the
2867 periodic reports that would have been required pursuant to this
2868 section for reportable activities that occurred since the date
2869 of the last general election.

2870 Section 55. Paragraphs (a) and (c) of subsection (2) and
2871 subsections (3), (5), and (7) of section 106.0705, Florida
2872 Statutes, are amended to read:

2873 106.0705 Electronic filing of campaign treasurer's
2874 reports.—

2875 (2) (a) Each individual candidate who is required to file
2876 reports with the division pursuant to s. 106.07 or s. 106.141
2877 with the division must file such reports with the division by
2878 means of the division's electronic filing system.

2879 (c) Each person or organization that is required to file
2880 reports with the division under s. 106.071 must file such
2881 reports with the division by means of the division's electronic
2882 filing system.

2883 (3) Reports filed pursuant to this section shall be
2884 completed and filed through the electronic filing system not



2885 later than midnight of the day designated. Reports not filed by
2886 midnight of the day designated are late filed and are subject to
2887 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
2888 106.0703(7), or s. 106.29(3), as applicable.

2889 (5) The electronic filing system developed by the division
2890 must:

2891 (a) Be based on access by means of the Internet.

2892 (b) Be accessible by anyone with Internet access using
2893 standard web-browsing software.

2894 (c) Provide for direct entry of campaign finance
2895 information as well as upload of such information from campaign
2896 finance software certified by the division.

2897 (d) Provide a method that prevents unauthorized access to
2898 electronic filing system functions.

2899 (e) Provide a method for filing the retroactive report of
2900 receipts and disbursements required by s. 106.0703(8).

2901 ~~(7) Notwithstanding anything in law to the contrary, any~~
2902 ~~report required to have been filed under this section for the~~
2903 ~~period ended March 31, 2005, shall be deemed to have been timely~~
2904 ~~filed if the report is filed under this section on or before~~
2905 ~~June 1, 2005.~~

2906 Section 56. Subsections (3) and (6) of section 106.08,
2907 Florida Statutes, are amended to read:

2908 106.08 Contributions; limitations on.—

2909 (3) (a) Any contribution received by a candidate with
2910 opposition in an election or by the campaign treasurer or a
2911 deputy campaign treasurer of such a candidate on the day of that
2912 election or less than 5 days prior to the day of that election
2913 must be returned by him or her to the person or committee



2914 contributing it and may not be used or expended by or on behalf
2915 of the candidate.

2916 (b) Except as otherwise provided in paragraph (c), any
2917 contribution received by a candidate or by the campaign
2918 treasurer or a deputy campaign treasurer of a candidate after
2919 the date at which the candidate withdraws his or her candidacy,
2920 or after the date the candidate is defeated, becomes unopposed,
2921 or is elected to office must be returned to the person or
2922 committee contributing it and may not be used or expended by or
2923 on behalf of the candidate.

2924 ~~(e) With respect to any campaign for an office in which an
2925 independent or minor party candidate has filed as required in s.
2926 99.0955 or s. 99.096, but whose qualification is pending a
2927 determination by the Department of State or supervisor of
2928 elections as to whether or not the required number of petition
2929 signatures was obtained:~~

2930 ~~1. The department or supervisor shall, no later than 3 days
2931 after that determination has been made, notify in writing all
2932 other candidates for that office of that determination.~~

2933 ~~2. Any contribution received by a candidate or the campaign
2934 treasurer or deputy campaign treasurer of a candidate after the
2935 candidate has been notified in writing by the department or
2936 supervisor that he or she has become unopposed as a result of an
2937 independent or minor party candidate failing to obtain the
2938 required number of petition signatures shall be returned to the
2939 person, political committee, or committee of continuous
2940 existence contributing it and shall not be used or expended by
2941 or on behalf of the candidate.~~

2942 (6) (a) A political party may not accept any contribution



2943 that has been specifically designated for the partial or
2944 exclusive use of a particular candidate. Any contribution so
2945 designated must be returned to the contributor and may not be
2946 used or expended by or on behalf of the candidate.

2947 (b)1. A political party may not accept any in-kind
2948 contribution that fails to provide a direct benefit to the
2949 political party. A "direct benefit" includes, but is not limited
2950 to, fundraising or furthering the objectives of the political
2951 party.

2952 2.a. An in-kind contribution to a state political party may
2953 be accepted only by the chairperson of the state political party
2954 or by the chairperson's designee or designees whose names are on
2955 file with the division in a form acceptable to the division
2956 prior to the date of the written notice required in sub-
2957 subparagraph b. An in-kind contribution to a county political
2958 party may be accepted only by the chairperson of the county
2959 political party or by the county chairperson's designee or
2960 designees whose names are on file with the supervisor of
2961 elections of the respective county prior to the date of the
2962 written notice required in sub-subparagraph b.

2963 b. A person making an in-kind contribution to a state
2964 political party or county political party must provide prior
2965 written notice of the contribution to a person described in sub-
2966 subparagraph a. The prior written notice must be signed and
2967 dated and may be provided by an electronic or facsimile message.
2968 However, prior written notice is not required for an in-kind
2969 contribution that consists of food and beverage in an aggregate
2970 amount not exceeding \$1,500 which is consumed at a single
2971 sitting or event if such in-kind contribution is accepted in



2972 advance by a person specified in sub-subparagraph a.

2973 c. A person described in sub-subparagraph a. may accept an
2974 in-kind contribution requiring prior written notice only in a
2975 writing that is ~~signed and~~ dated before the in-kind contribution
2976 is made. Failure to obtain the required written acceptance of an
2977 in-kind contribution to a state or county political party
2978 constitutes a refusal of the contribution.

2979 d. A copy of each prior written acceptance required under
2980 sub-subparagraph c. must be filed ~~with the division~~ at the time
2981 the regular reports of contributions and expenditures required
2982 under s. 106.29 are filed by the state executive committee and
2983 county executive committee. A state executive committee and an
2984 affiliated party committee must file with the division. A county
2985 executive committee must file with the county's supervisor of
2986 elections.

2987 e. An in-kind contribution may not be given to a state or
2988 county political party unless the in-kind contribution is made
2989 as provided in this subparagraph.

2990 Section 57. Section 106.09, Florida Statutes, is amended to
2991 read:

2992 106.09 Cash contributions and contribution by cashier's
2993 checks.—

2994 (1) (a) A person may not make an aggregate or accept a cash
2995 contribution or contribution by means of a cashier's check to
2996 the same candidate or committee in excess of \$50 per election.

2997 (b) A person may not accept an aggregate cash contribution
2998 or contribution by means of a cashier's check from the same
2999 contributor in excess of \$50 per election.

3000 (2) (a) Any person who makes or accepts a contribution in



3001 ~~excess of \$50 in violation of subsection (1) this section~~
3002 commits a misdemeanor of the first degree, punishable as
3003 provided in s. 775.082 or s. 775.083.
3004 (b) Any person who knowingly and willfully makes or accepts
3005 a contribution in excess of \$5,000 in violation of subsection
3006 (1) ~~this section~~ commits a felony of the third degree,
3007 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3008 Section 58. Paragraph (b) of subsection (1) and paragraph
3009 (a) of subsection (2) of section 106.11, Florida Statutes, are
3010 amended, and subsection (6) is added to that section, to read:
3011 106.11 Expenses of and expenditures by candidates and
3012 political committees.—Each candidate and each political
3013 committee which designates a primary campaign depository
3014 pursuant to s. 106.021(1) shall make expenditures from funds on
3015 deposit in such primary campaign depository only in the
3016 following manner, with the exception of expenditures made from
3017 petty cash funds provided by s. 106.12:
3018 (1)
3019 (b) The checks for such account shall contain, as a
3020 minimum, the following information:
3021 1. The statement "~~Campaign Account of~~ ... (name of candidate
3022 or political committee) ... Campaign Account."
3023 2. The account number and the name of the bank.
3024 3. The exact amount of the expenditure.
3025 4. The signature of the campaign treasurer or deputy
3026 treasurer.
3027 5. The exact purpose for which the expenditure is
3028 authorized.
3029 6. The name of the payee.



3030 (2) (a) For purposes of this section, debit cards are
3031 considered bank checks, if:
3032 1. Debit cards are obtained from the same bank that has
3033 been designated as the candidate's or political committee's
3034 primary campaign depository.
3035 2. Debit cards are issued in the name of the treasurer,
3036 deputy treasurer, or authorized user and state "~~Campaign Account~~
3037 ~~of ... (name of candidate or political committee) ... Campaign~~
3038 Account."
3039 3. No more than three debit cards are requested and issued.
3040 4. ~~Before a debit card is used, a list of all persons~~
3041 ~~authorized to use the card is filed with the division.~~
3042 5. ~~All debit cards issued to a candidate's campaign or a~~
3043 ~~political committee expire no later than midnight of the last~~
3044 ~~day of the month of the general election.~~
3045 4.6. The person using the debit card does not receive cash
3046 as part of, or independent of, any transaction for goods or
3047 services.
3048 5.7. All receipts for debit card transactions contain:
3049 a. The last four digits of the debit card number.
3050 b. The exact amount of the expenditure.
3051 c. The name of the payee.
3052 d. The signature of the campaign treasurer, deputy
3053 treasurer, or authorized user.
3054 e. The exact purpose for which the expenditure is
3055 authorized.
3056
3057 Any information required by this subparagraph but not included
3058 on the debit card transaction receipt may be handwritten on, or



3059 attached to, the receipt by the authorized user before
3060 submission to the treasurer.

3061 (6) A candidate who makes a loan to his or her campaign and
3062 reports the loan as required by s. 106.07 may be reimbursed for
3063 the loan at any time the campaign account has sufficient funds
3064 to repay the loan and satisfy its other obligations.

3065 Section 59. Subsection (4) of section 106.141, Florida
3066 Statutes, is amended to read:

3067 106.141 Disposition of surplus funds by candidates.—

3068 (4) (a) Except as provided in paragraph (b), any candidate
3069 required to dispose of funds pursuant to this section shall, at
3070 the option of the candidate, dispose of such funds by any of the
3071 following means, or any combination thereof:

3072 1. Return pro rata to each contributor the funds that have
3073 not been spent or obligated.

3074 2. Donate the funds that have not been spent or obligated
3075 to a charitable organization or organizations that meet the
3076 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3077 3. Give ~~not more than \$10,000 of~~ the funds that have not
3078 been spent or obligated to the political party of which such
3079 candidate is a member, ~~except that a candidate for the Florida~~
3080 ~~Senate may give not more than \$30,000 of such funds to the~~
3081 ~~political party of which the candidate is a member.~~

3082 4. Give the funds that have not been spent or obligated:

3083 a. In the case of a candidate for state office, to the
3084 state, to be deposited in either the Election Campaign Financing
3085 Trust Fund or the General Revenue Fund, as designated by the
3086 candidate; or

3087 b. In the case of a candidate for an office of a political



3088 subdivision, to such political subdivision, to be deposited in
3089 the general fund thereof.

3090 (b) Any candidate required to dispose of funds pursuant to
3091 this section who has received contributions pursuant to ~~from~~ the
3092 Florida Election Campaign Financing Act Trust Fund shall, after
3093 all monetary commitments pursuant to s. 106.11(5) (b) and (c)
3094 have been met, return all surplus campaign funds to the General
3095 Revenue Election Campaign Financing Trust Fund.

3096 Section 60. Subsections (1), (2), and (4) of section
3097 106.143, Florida Statutes, are amended, present subsections (2)
3098 through (9) of that section are renumbered as subsections (3)
3099 through (10), respectively, and a new subsection (2) is added to
3100 that section, to read:

3101 106.143 Political advertisements circulated prior to
3102 election; requirements.—

3103 (1) (a) Any political advertisement that is paid for by a
3104 candidate, except a write-in candidate, and that is published,
3105 displayed, or circulated before, or on the day of, any election
3106 must prominently state:

3107 1. "Political advertisement paid for and approved by
3108 ... (name of candidate) ..., ... (party affiliation) ..., for
3109 ... (office sought) ..."; or

3110 2. "Paid by ... (name of candidate) ..., ... (party
3111 affiliation) ..., for ... (office sought)"

3112 (b) Any political advertisement that is paid for by a
3113 write-in candidate and that is published, displayed, or
3114 circulated before, or on the day of, any election must
3115 prominently state:

3116 1. "Political advertisement paid for and approved by



3117 ... (name of candidate) ..., write-in candidate, for ... (office
3118 sought) ..."; or
3119 2. "Paid by ... (name of candidate) ..., write-in candidate,
3120 for ... (office sought)"
3121 (c) (b) Any other political advertisement published,
3122 displayed, or circulated before, or on the day of, any election
3123 must prominently:
3124 1. Be marked "paid political advertisement" or with the
3125 abbreviation "pd. pol. adv."
3126 2. State the name and address of the persons paying for
3127 sponsoring the advertisement.
3128 3.a.(I) State whether the advertisement and the cost of
3129 production is paid for or provided in kind by or at the expense
3130 of the entity publishing, displaying, broadcasting, or
3131 circulating the political advertisement.; or
3132 (I) State who provided or paid for the advertisement and
3133 cost of production, if different from the source of sponsorship.
3134 b. This subparagraph does not apply if the source of the
3135 sponsorship is patently clear from the content or format of the
3136 political advertisement.
3137 (d) (e) Any political advertisement made pursuant to s.
3138 106.021(3) (d) must be marked "paid political advertisement" or
3139 with the abbreviation "pd. pol. adv." and must prominently state
3140 the name and address of the political party paying for the
3141 advertisement, and the names, party affiliations, and offices
3142 sought by the persons in the advertisement, "Paid for and
3143 sponsored by ... (name of person paying for political
3144 advertisement) Approved by ... (names of persons, party
3145 affiliation, and offices sought in the political



3146 advertisement)...."

3147 (2) Political advertisements made as in-kind contributions
3148 from a political party must prominently state: "Paid political
3149 advertisement paid for by in-kind by ... (name of political
3150 party).... Approved by ... (name of person, party affiliation,
3151 and office sought in the political advertisement)...."

3152 (3) (2) Any political advertisement of a candidate running
3153 for partisan office shall express the name of the political
3154 party of which the candidate is seeking nomination or is the
3155 nominee. If the candidate for partisan office is running as a
3156 candidate with no party affiliation, any political advertisement
3157 of the candidate must state that the candidate has no party
3158 affiliation. Any political advertisement of a candidate running
3159 for nonpartisan office may not state the candidate's political
3160 party affiliation. A candidate for nonpartisan office is
3161 prohibited from campaigning based on party affiliation.

3162 (5) (4) (a) Any political advertisement not paid for by a
3163 candidate, including those paid for by a political party, other
3164 than an independent expenditure, offered by or on behalf of a
3165 candidate must be approved in advance by the candidate. Such
3166 political advertisement must expressly state that the content of
3167 the advertisement was approved by the candidate and must state
3168 who paid for the advertisement. The candidate shall provide a
3169 written statement of authorization to the newspaper, radio
3170 station, television station, or other medium for each such
3171 advertisement submitted for publication, display, broadcast, or
3172 other distribution.

3173 (b) Any person who makes an independent expenditure for a
3174 political advertisement shall provide a written statement that



3175 no candidate has approved the advertisement to the newspaper,
3176 radio station, television station, or other medium for each such
3177 advertisement submitted for publication, display, broadcast, or
3178 other distribution. The advertisement must also contain a
3179 statement that no candidate has approved the advertisement.

3180 ~~(e) This subsection does not apply to campaign messages
3181 used by a candidate and his or her supporters if those messages
3182 are designed to be worn by a person.~~

3183 Section 61. Section 106.17, Florida Statutes, is amended to
3184 read:

3185 106.17 Polls and surveys relating to candidacies.—Any
3186 candidate, political committee, committee of continuous
3187 existence, electioneering communication organization, or state
3188 or county executive committee of a political party may authorize
3189 or conduct a political poll, survey, index, or measurement of
3190 any kind relating to candidacy for public office so long as the
3191 candidate, political committee, committee of continuous
3192 existence, electioneering communication organization, or
3193 political party maintains complete jurisdiction over the poll in
3194 all its aspects. State and county executive committees of a
3195 political party or an affiliated party committee may authorize
3196 and conduct political polls for the purpose of determining the
3197 viability of potential candidates. Such poll results may be
3198 shared with potential candidates and expenditures incurred by
3199 state and county executive committees for potential candidate
3200 polls are not contributions to the potential candidates.

3201 Section 62. Subsection (3) of section 106.18, Florida
3202 Statutes, is amended to read:

3203 106.18 When a candidate's name to be omitted from ballot.—



3204 (3) No certificate of election shall be granted to any
3205 candidate until all preelection reports required by s. 106.07
3206 have been filed in accordance with the provisions of such
3207 section. ~~However, no candidate shall be prevented from receiving~~
3208 ~~a certificate of election for failure to file any copy of a~~
3209 ~~report required by this chapter.~~

3210 Section 63. Subsection (4) is added to section 106.19,
3211 Florida Statutes, to read:

3212 106.19 Violations by candidates, persons connected with
3213 campaigns, and political committees.—

3214 (4) Except as otherwise expressly stated, the failure by a
3215 candidate to comply with the requirements of this chapter has no
3216 effect upon whether the candidate has qualified for the office
3217 the candidate is seeking.

3218 Section 64. Subsections (2) and (3), paragraph (i) of
3219 subsection (4), and subsection (5) of section 106.25, Florida
3220 Statutes, are amended to read:

3221 106.25 Reports of alleged violations to Florida Elections
3222 Commission; disposition of findings.—

3223 (2) The commission shall investigate all violations of this
3224 chapter and chapter 104, but only after having received either a
3225 sworn complaint or information reported to it under this
3226 subsection by the Division of Elections. Such sworn complaint
3227 must be based upon personal information or information other
3228 than hearsay. Any person, other than the division, having
3229 information of any violation of this chapter or chapter 104
3230 shall file a sworn complaint with the commission. The commission
3231 shall investigate only those alleged violations specifically
3232 contained within the sworn complaint. If any complainant fails

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3233 to allege all violations that arise from the facts or
3234 allegations alleged in a complaint, the commission shall be
3235 barred from investigating a subsequent complaint from such
3236 complainant that is based upon such facts or allegations that
3237 were raised or could have been raised in the first complaint. If
3238 the complaint includes allegations of violations relating to
3239 expense items reimbursed by a candidate, committee, or
3240 organization to the campaign account before a sworn complaint is
3241 filed, the commission shall be barred from investigating such
3242 allegations. Such sworn complaint shall state whether a
3243 complaint of the same violation has been made to any state
3244 attorney. Within 5 days after receipt of a sworn complaint, the
3245 commission shall transmit a copy of the complaint to the alleged
3246 violator. The respondent shall have 14 days after receipt of the
3247 complaint to file an initial response, and the executive
3248 director may not determine the legal sufficiency of the
3249 complaint during that time period. If the executive director
3250 finds that the complaint is legally sufficient, the respondent
3251 shall be notified of such finding by letter, which sets forth
3252 the statutory provisions alleged to have been violated and the
3253 alleged factual basis that supports the finding. All sworn
3254 complaints alleging violations of the Florida Election Code over
3255 which the commission has jurisdiction shall be filed with the
3256 commission within 2 years after the alleged violations. The
3257 period of limitations is tolled on the day a sworn complaint is
3258 filed with the commission. The complainant may withdraw the
3259 sworn complaint at any time prior to a probable cause hearing if
3260 good cause is shown. Withdrawal shall be requested in writing,
3261 signed by the complainant, and witnessed by a notary public,



3262 stating the facts and circumstances constituting good cause. The
3263 executive director shall prepare a written recommendation
3264 regarding disposition of the request which shall be given to the
3265 commission together with the request. "Good cause" shall be
3266 determined based upon the legal sufficiency or insufficiency of
3267 the complaint to allege a violation and the reasons given by the
3268 complainant for wishing to withdraw the complaint. If withdrawal
3269 is permitted, the commission must close the investigation and
3270 the case. No further action may be taken. The complaint will
3271 become a public record at the time of withdrawal.

3272 (3) For the purposes of commission jurisdiction, a
3273 violation shall mean the willful performance of an act
3274 prohibited by this chapter or chapter 104 or the willful failure
3275 to perform an act required by this chapter or chapter 104. The
3276 commission may not by rule determine what constitutes
3277 willfulness or further define the term "willful" for purposes of
3278 this chapter or chapter 104. Willfulness is a determination of
3279 fact; however, at the request of the respondent at any time
3280 after probable cause is found, willfulness may be considered and
3281 determined in an informal hearing before the commission.

3282 (4) The commission shall undertake a preliminary
3283 investigation to determine if the facts alleged in a sworn
3284 complaint or a matter initiated by the division constitute
3285 probable cause to believe that a violation has occurred.

3286 (i)1. Upon a commission finding of probable cause, the
3287 counsel for the commission shall attempt to reach a consent
3288 agreement with the respondent. At any time, the commission may
3289 enter into a consent order with a respondent without requiring
3290 the respondent to admit to a violation of law within the



3291 jurisdiction of the commission.

3292 2. A consent agreement is not binding upon either party
3293 unless and until it is signed by the respondent and by counsel
3294 for the commission upon approval by the commission.

3295 3. Nothing herein shall be construed to prevent the
3296 commission from entering into a consent agreement with a
3297 respondent prior to a commission finding of probable cause if a
3298 respondent indicates in writing a desire to enter into
3299 negotiations directed towards reaching such a consent agreement.
3300 Any consent agreement reached under this subparagraph is subject
3301 to the provisions of subparagraph 2. and shall have the same
3302 force and effect as a consent agreement reached after the
3303 commission finding of probable cause.

3304

3305 In a case where probable cause is found, the commission shall
3306 make a preliminary determination to consider the matter or to
3307 refer the matter to the state attorney for the judicial circuit
3308 in which the alleged violation occurred. Notwithstanding any
3309 other provisions of this section, the commission may, at its
3310 discretion, dismiss any complaint at any stage of disposition if
3311 it determines that the public interest would not be served by
3312 proceeding further, in which case the commission shall issue a
3313 public report stating with particularity its reasons for the
3314 dismissal.

3315 (5) Unless A person alleged by the Elections Commission to
3316 have committed a violation of this chapter or chapter 104 may
3317 elect, as a matter of right elects, within 30 days after the
3318 date of the filing of the commission's allegations, to have a
3319 formal administrative or informal hearing conducted before the



3320 commission, or elects to resolve the complaint by consent order,
3321 such person shall be entitled to a formal administrative hearing
3322 conducted by an administrative law judge in the Division of
3323 Administrative Hearings. The administrative law judge in such
3324 proceedings shall enter a final order, which may include the
3325 imposition of civil penalties, subject to appeal as provided in
3326 s. 120.68. If the person does not elect to have a hearing by an
3327 administrative law judge and does not elect to resolve the
3328 complaint by a consent order, the person is entitled to a formal
3329 or informal hearing conducted before the commission.

3330 Section 65. Subsection (1) of section 106.26, Florida
3331 Statutes, is amended to read:

3332 106.26 Powers of commission; rights and responsibilities of
3333 parties; findings by commission.—

3334 (1) The commission shall, pursuant to rules adopted and
3335 published in accordance with chapter 120, consider all sworn
3336 complaints filed with it and all matters reported to it by the
3337 Division of Elections. In order to carry out the
3338 responsibilities prescribed by this chapter, the commission is
3339 empowered to subpoena and bring before it, or its duly
3340 authorized representatives, any person in the state, or any
3341 person doing business in the state, or any person who has filed
3342 or is required to have filed any application, document, papers,
3343 or other information with an office or agency of this state or a
3344 political subdivision thereof and to require the production of
3345 any papers, books, or other records relevant to any
3346 investigation, including the records and accounts of any bank or
3347 trust company doing business in this state. Duly authorized
3348 representatives of the commission are empowered to administer



3349 all oaths and affirmations in the manner prescribed by law to
3350 witnesses who shall appear before them concerning any relevant
3351 matter. Should any witness fail to respond to the lawful
3352 subpoena of the commission or, having responded, fail to answer
3353 all lawful inquiries or to turn over evidence that has been
3354 subpoenaed, the commission may file a complaint in the before
3355 any circuit court where the witness resides of the state setting
3356 up such failure on the part of the witness. On the filing of
3357 such complaint, the court shall take jurisdiction of the witness
3358 and the subject matter of said complaint and shall direct the
3359 witness to respond to all lawful questions and to produce all
3360 documentary evidence in the witness's possession which is
3361 lawfully demanded. The failure of any witness to comply with
3362 such order of the court shall constitute a direct and criminal
3363 contempt of court, and the court shall punish said witness
3364 accordingly. However, the refusal by a witness to answer
3365 inquiries or turn over evidence on the basis that such testimony
3366 or material will tend to incriminate such witness shall not be
3367 deemed refusal to comply with the provisions of this chapter.
3368 The sheriffs in the several counties shall make such service and
3369 execute all process or orders when required by the commission.
3370 Sheriffs shall be paid for these services by the commission as
3371 provided for in s. 30.231. Any person who is served with a
3372 subpoena to attend a hearing of the commission also shall be
3373 served with a general statement informing him or her of the
3374 subject matter of the commission's investigation or inquiry and
3375 a notice that he or she may be accompanied at the hearing by
3376 counsel of his or her own choosing.

3377 Section 66. Subsections (1) through (4) of section 106.265,



3378 Florida Statutes, are amended and renumbered, and present
3379 subsection (5) of that section is renumbered as subsection (6),
3380 to read:

3381 106.265 Civil penalties.—

3382 (1) The commission or, in cases referred to the Division of
3383 Administrative Hearings pursuant to s. 106.25(5), the
3384 administrative law judge is authorized upon the finding of a
3385 violation of this chapter or chapter 104 to impose civil
3386 penalties in the form of fines not to exceed \$1,000 per count,
3387 or, if applicable, to impose a civil penalty as provided in s.
3388 104.271 or s. 106.19.

3389 (2) In determining the amount of such civil penalties, the
3390 commission or administrative law judge shall consider, among
3391 other mitigating and aggravating circumstances:

3392 (a) The gravity of the act or omission;
3393 (b) Any previous history of similar acts or omissions;
3394 (c) The appropriateness of such penalty to the financial
3395 resources of the person, political committee, committee of
3396 continuous existence, electioneering communications
3397 organization, or political party; and

3398 (d) Whether the person, political committee, committee of
3399 continuous existence, electioneering communications
3400 organization, or political party has shown good faith in
3401 attempting to comply with the provisions of this chapter or
3402 chapter 104.

3403 (3)-(2) If any person, political committee, committee of
3404 continuous existence, electioneering communications
3405 organization, or political party fails or refuses to pay to the
3406 commission any civil penalties assessed pursuant to the



provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

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

(5)-(4) ~~Notwithstanding any other provisions of this chapter, Any fine assessed pursuant to the provisions of this chapter shall, which fine is designated to be deposited or which would otherwise be deposited into the General Revenue Fund of the state, shall be deposited into the Election Campaign Financing Trust Fund.~~

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

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. In addition, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of the special election or the preceding special primary election must file campaign treasurers' reports on the dates set by the Department of State pursuant to s. 100.111. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each



3436 calendar quarter, except that, during the period from the last
3437 day for candidate qualifying until the general election, such
3438 reports shall be filed on the Friday immediately preceding each
3439 special primary election, special election, both the primary
3440 election, and the general election. In addition to the reports
3441 filed under this section, the state executive committee and each
3442 county executive committee shall file a copy of each prior
3443 written acceptance of an in-kind contribution given by the
3444 committee during the preceding calendar quarter as required
3445 under s. 106.08(6). Each state executive committee shall file
3446 ~~the original and one copy of~~ its reports with the Division of
3447 Elections. Each county executive committee shall file its
3448 reports with the supervisor of elections in the county in which
3449 such committee exists. Any state or county executive committee
3450 failing to file a report on the designated due date shall be
3451 subject to a fine as provided in subsection (3). ~~No separate~~
3452 ~~fine shall be assessed for failure to file a copy of any report~~
3453 ~~required by this section.~~

3454 (3)

3455 (b) Upon determining that a report is late, the filing
3456 officer shall immediately notify the chair of the executive
3457 committee as to the failure to file a report by the designated
3458 due date and that a fine is being assessed for each late day.
3459 The fine shall be \$1,000 for a state executive committee, and
3460 \$50 for a county executive committee, per day for each late day,
3461 not to exceed 25 percent of the total receipts or expenditures,
3462 whichever is greater, for the period covered by the late report.
3463 However, if an executive committee fails to file a report on the
3464 Friday immediately preceding the special election or general



3465 election, the fine shall be \$10,000 per day for each day a state
3466 executive committee is late and \$500 per day for each day a
3467 county executive committee is late. Upon receipt of the report,
3468 the filing officer shall determine the amount of the fine which
3469 is due and shall notify the chair. Notice is deemed complete
3470 upon proof of delivery of written notice to the mailing or
3471 street address on record with the filing officer. The filing
3472 officer shall determine the amount of the fine due based upon
3473 the earliest of the following:

3474 1. When the report is actually received by such officer.

3475 2. When the report is postmarked.

3476 3. When the certificate of mailing is dated.

3477 4. When the receipt from an established courier company is
3478 dated.

3479 5. When the electronic receipt issued pursuant to s.

3480 106.0705 is dated.

3481
3482 Such fine shall be paid to the filing officer within 20 days
3483 after receipt of the notice of payment due, unless appeal is
3484 made to the Florida Elections Commission pursuant to paragraph
3485 (c). An officer or member of an executive committee shall not be
3486 personally liable for such fine.

3487 (d) The appropriate filing officer shall notify the Florida
3488 Elections Commission of the repeated late filing by an executive
3489 committee, the failure of an executive committee to file a
3490 report after notice, or the failure to pay the fine imposed. As
3491 used in this paragraph, the term "repeated late filing" means at
3492 least three late filings occurring within any 2-year period. The
3493 commission shall treat notification of each repeated late filing



3494 as a separate violation of this section.

3495 Section 68. Subsection (5) of section 106.35, Florida
3496 Statutes, is amended to read:

3497 106.35 Distribution of funds.—

3498 (5) The division shall adopt rules providing for the weekly
3499 reports and certification and distribution of funds pursuant
3500 thereto required by this section. Such rules shall, at a
3501 minimum, provide for:

3502 ~~(a) Specifications for printed campaign treasurer's reports
3503 outlining the format for such reports, including size of paper,
3504 typeface, color of print, and placement of required information
3505 on the form.~~

3506 ~~(b)~~1. specifications for electronically transmitted
3507 campaign treasurer's reports outlining communication parameters
3508 and protocol, data record formats, and provisions for ensuring
3509 security of data and transmission.

3510 ~~2. All electronically transmitted campaign treasurer's
3511 reports must also be filed in printed format. Printed format
3512 shall not include campaign treasurer's reports submitted by
3513 electronic facsimile transmission.~~

3514 Section 69. Subsection (1) of section 876.05, Florida
3515 Statutes, is amended to read:

3516 876.05 Public employees; oath.—

3517 (1) All persons who now or hereafter are employed by or who
3518 now or hereafter are on the payroll of the state, or any of its
3519 departments and agencies, subdivisions, counties, cities, school
3520 boards and districts of the free public school system of the
3521 state or counties, or institutions of higher learning, and all
3522 ~~candidates for public office,~~ except candidates for federal



3523 office, are required to take an oath before any person duly
3524 authorized to take acknowledgments of instruments for public
3525 record in the state in the following form:

3526

3527 I,, a citizen of the State of Florida and of the
3528 United States of America, and being employed by or an officer of
3529 and a recipient of public funds as such employee or
3530 officer, do hereby solemnly swear or affirm that I will support
3531 the Constitution of the United States and of the State of
3532 Florida.

3533 Section 70. Section 876.07, Florida Statutes, is repealed.

3534 Section 71. If any provision of this act or its application
3535 to any person or circumstance is held invalid, the invalidity
3536 does not affect other provisions or applications of the act
3537 which can be given effect without the invalid provision or
3538 application, and to this end the provisions of this act are
3539 severable.

3540 Section 72. Except as otherwise expressly provided in this
3541 act, this act shall take effect upon becoming a law.

3542

3543 ===== T I T L E A M E N D M E N T =====

3544 And the title is amended as follows:

3545 Delete everything before the enacting clause
3546 and insert:

3547 A bill to be entitled
3548 An act relating to elections; amending s. 97.012,
3549 F.S.; expanding the list of responsibilities of the
3550 Secretary of State when acting in his or her capacity
3551 as chief election officer; amending s. 97.021, F.S.;



3552 redefining the term "minor political party"; amending
3553 s. 97.025, F.S.; replacing a requirement for the
3554 Department of State to print copies of a pamphlet
3555 containing the Election Code with a requirement that
3556 the pamphlet be made available; amending s. 97.0575,
3557 F.S.; requiring that third-party voter registration
3558 organizations register with the Division of Elections;
3559 requiring such organizations provide the division with
3560 certain information; requiring that the division or a
3561 supervisor of elections make voter registration forms
3562 available to third-party voter registration
3563 organizations; requiring that such forms contain
3564 certain information; requiring that the division and
3565 supervisors of elections maintain a database of
3566 certain information; requiring that such information
3567 be provided in electronic format; requiring that such
3568 information be updated and made public daily at a
3569 certain time; providing that a third-party voter
3570 registration organization that collects voter
3571 registration applications serves as a fiduciary to the
3572 applicant; specifying duties of such an organization;
3573 specifying an affirmative defense to certain
3574 violations of state law; providing penalties for
3575 violations of certain provisions of state law;
3576 providing circumstances under which a third-party
3577 voter registration organization is subject to
3578 specified civil penalties; providing for the referral
3579 of violations to the Attorney General; authorizing the
3580 Attorney General to initiate a civil action; providing



3581 that an action for relief may include a permanent or
3582 temporary injunction, a restraining order, or any
3583 other appropriate order; requiring that the division
3584 adopt rules for specified purposes; amending s.
3585 97.071, F.S.; requiring that voter information cards
3586 contain the address of the polling place of the
3587 registered voter; requiring a supervisor of elections
3588 to issue a new voter information card to a voter upon
3589 a change in a voter's address of legal residence or a
3590 change in a voter's polling place address; providing
3591 instructions for implementation by the supervisors of
3592 elections; amending s. 97.073, F.S.; revising
3593 procedures that a supervisor of elections must follow
3594 to dispose of a voter registration application;
3595 amending s. 97.1031, F.S.; revising the methods by
3596 which a person must update his or her voter
3597 registration due to a change of address; revising
3598 procedures for an elector to change his or her party
3599 affiliation; requiring an elector to notify the
3600 supervisor of elections when the elector changes his
3601 or her name; amending s. 98.075, F.S.; revising
3602 procedures for the removal of deceased persons and
3603 other potentially ineligible persons from the
3604 statewide voter registration system; amending s.
3605 98.093, F.S.; revising requirements for the Department
3606 of Corrections to provide the Department of State with
3607 information relating to convicted felons; requiring
3608 the Florida Parole Commission to regularly furnish
3609 data to the Department of State relating to persons



3610 who have been granted clemency; amending s. 98.0981,
3611 F.S.; providing timeframes and formats for voting
3612 history information to be sent by the supervisors of
3613 elections to the department; providing timeframes and
3614 formats for voting history information to be sent by
3615 the department to the President of the Senate, the
3616 Speaker of the House of Representatives, and the
3617 respective minority leaders; providing for the
3618 imposition of fines on a supervisor of elections for
3619 failure to comply in a timely manner; providing for
3620 deposit of fines in the General Revenue Fund;
3621 requiring submission of precinct-level information in
3622 a certain format by a time certain; providing for
3623 imposition of a fine on a supervisor of elections for
3624 failure to comply and for depositing of the fine into
3625 the General Revenue Fund; amending s. 99.012, F.S.;
3626 providing that a person may not be qualified as a
3627 candidate for an election or appear on the ballot
3628 unless the person complies with certain requirements;
3629 amending s. 99.021, F.S.; revising the candidate oath
3630 requirement for a person seeking to qualify for
3631 nomination or election or as a candidate of a
3632 political party; removing requirement for qualifying
3633 officer to give printed copy of candidate oath;
3634 removing requirement for taking public employee oath;
3635 correcting references for other oaths; amending s.
3636 99.061, F.S.; revising timeframe for candidate to pay
3637 a qualifying fee under certain circumstances;
3638 requiring checks to be payable as prescribed by filing



3639 officer; requiring signatures on certain oaths to be
3640 verified; removing requirement for a public employee
3641 oath; requiring the filing of a verified notarized
3642 financial disclosure statement; clarifying the time
3643 for qualifying papers to be received; providing that
3644 qualifying officer performs ministerial duty only;
3645 exempting a decision by qualifying officer from the
3646 Administrative Procedure Act; amending s. 99.063,
3647 F.S.; requiring a candidate's oath to be verified;
3648 deleting a requirement for a candidate to file a
3649 loyalty oath with the Department of State by a certain
3650 date; amending s. 99.092, F.S.; providing for the
3651 transfer of the election assessment to the Elections
3652 Commission Trust Fund; amending s. 99.093, F.S.;
3653 providing for the election assessments paid by a
3654 person seeking to qualify for a municipal office to be
3655 forwarded by the qualifying officer to the Florida
3656 Elections Commission; amending s. 99.095, F.S.;
3657 allowing a candidate to obtain the required number of
3658 signatures from any registered voter regardless of
3659 district boundaries in a year of apportionment;
3660 amending s. 99.097, F.S.; providing for the Department
3661 of State to adopt rules to verify petitions through
3662 random sampling; creating exceptions for certain
3663 petitions from the authorization to use random
3664 sampling to verify petitions; revising criteria that a
3665 supervisor of elections must use to determine whether
3666 a petition may be counted as valid; providing that an
3667 exemption from paying fees to verify petitions does



3668 not apply if a person has been paid to solicit
3669 signatures; providing that contributions received
3670 after the filing of an undue burden oath must first be
3671 used to pay fees for verifying petitions; amending s.
3672 100.061, F.S.; decreasing the time period between a
3673 primary election and a general election; amending s.
3674 100.111, F.S.; deleting provisions relating to
3675 vacancies in a state or county office because an
3676 incumbent qualified as a candidate for federal office;
3677 providing for a filing officer, rather than the
3678 Department of State, to notify a political party that
3679 it may nominate a person for office if certain events
3680 cause the party to have a vacancy in nomination;
3681 revising provisions relating to the filling of a
3682 vacancy in a nomination; deleting a defined term;
3683 providing that a vacancy in nomination is not created
3684 as the result of certain court orders; amending s.
3685 100.371, F.S.; deleting provisions relating to a right
3686 to revoke a signature on an initiative petition;
3687 reducing the time period for which a signed and dated
3688 initiative petition form is valid; requiring an
3689 initiative sponsor to submit an initiative form to the
3690 supervisor of elections for the county of residence of
3691 the person signing the form for verification; revising
3692 criteria for a supervisor of elections to verify a
3693 signature on an initiative petition form; amending s.
3694 101.043, F.S.; replacing references to the word
3695 "voter" with "elector"; providing that the address on
3696 a elector's identification is not to be used to



3697 confirm or challenge an elector's legal residence;
3698 amending s. 101.045, F.S.; prohibiting a person from
3699 voting in a precinct or district outside his or her
3700 legal residence; providing an exception; authorizing a
3701 person whose eligibility to vote cannot be determined
3702 to use a provisional ballot; amending s. 101.131,
3703 F.S.; revising procedures for the designation of poll
3704 watchers; requiring that the Division of Elections
3705 prescribe a form for the designation of poll watchers;
3706 providing conditions under which poll watchers are
3707 authorized to enter polling areas and watch polls;
3708 requiring that a supervisor of elections provide
3709 identification to poll watchers by a specified period
3710 before early voting begins; requiring that poll
3711 watchers display such identification while in a
3712 polling place; amending s. 101.151, F.S.; authorizing
3713 the use of ballot-on-demand technology to produce
3714 election-day ballots; deleting a requirement that the
3715 use of such technology be authorized in writing by the
3716 Secretary of State; revising provisions relating to
3717 the order of candidates appearing on a ballot;
3718 amending s. 101.161, F.S.; specifying a time period to
3719 initiate an action to challenge an amendment to the
3720 State Constitution proposed by the Legislature;
3721 requiring the court, including an appellate court, to
3722 accord the case priority over other cases; requiring
3723 the Attorney General to revise a ballot title or
3724 ballot summary for an amendment proposed by the
3725 Legislature under certain circumstances; requiring the



3726 Department of State to furnish a designating number
3727 and the revised ballot title and substance to the
3728 supervisors of elections; providing that a defect in a
3729 ballot title or ballot summary in an amendment
3730 proposed by the Legislature is not grounds to remove
3731 the amendment from the ballot; amending s. 101.5605,
3732 F.S.; requiring an electromechanical voting system to
3733 satisfy the standards for certification adopted by
3734 rule of the Department of State; amending s. 101.5606,
3735 F.S.; deleting requirements for electromechanical
3736 voting systems to have the capability to produce
3737 precinct totals in marked or punched form; amending s.
3738 101.5612, F.S.; revising the sample size of
3739 electromechanical voting systems that include the
3740 electronic or electromechanical tabulation devices to
3741 be tested; amending s. 101.5614, F.S.; deleting
3742 provisions relating to the use of ballot cards and
3743 write-in ballots or envelopes; amending s. 101.591,
3744 F.S.; removing the audit requirement by the canvassing
3745 board if a manual recount is undertaken; amending s.
3746 101.62, F.S.; extending the time for requesting an
3747 absentee ballot to the end of the calendar year of the
3748 next regularly scheduled general election; specifying
3749 types of elections for which a supervisor of elections
3750 must send an absentee ballot to uniformed services
3751 voters and overseas voters; specifying a time period
3752 during which a supervisor of elections must begin
3753 mailing absentee ballots; removing requirements that
3754 an elector provide certain information when requesting



3755 an absentee ballot from the county supervisor of
3756 elections; amending s. 101.65, F.S.; revising the form
3757 of the instructions to absent electors; stating that
3758 an absentee ballot is considered illegal if the
3759 signature on the voter's certificate does not match
3760 the signature on record; providing instructions for
3761 updating a signature on a voter registration
3762 application; amending s. 101.657, F.S.; reducing the
3763 early voting period; authorizing a supervisor of
3764 election to provide early voting for elections not
3765 held in conjunction with a state or federal election;
3766 amending s. 101.68, F.S.; extending the time for
3767 canvassing and processing absentee ballots to 15 days
3768 before the election; amending s. 101.6923, F.S.;
3769 revising the form of the special absentee ballot
3770 instructions for certain first-time voters; stating
3771 that an absentee ballot is considered illegal if the
3772 signature on the voter's certificate does not match
3773 the signature on record; providing instructions for
3774 updating a signature on a voter registration
3775 application; amending s. 101.75, F.S.; deleting a
3776 requirement for the dates of the qualifying period for
3777 certain municipal elections to run for no less than 14
3778 days; amending s. 102.168, F.S.; revising provisions
3779 specifying indispensable parties in a contest of an
3780 election; providing that in an election contest
3781 involving the review of a signature on an absentee
3782 ballot by a canvassing board, a circuit court may not
3783 review or consider evidence other than the signature



3784 on the voter's certificate and the elector's
3785 signatures in the registration records; providing for
3786 the reversal of the determination by the canvassing
3787 board if the court determines that the board abused
3788 its discretion; amending s. 103.021, F.S.; revising a
3789 definition; revising requirements for a minor
3790 political party to have candidates for President and
3791 Vice-President placed on the general election ballot;
3792 creating s. 103.095, F.S.; providing a procedure for
3793 the registration of a minor political party; requiring
3794 the Division of Elections to adopt rules to prescribe
3795 the manner in which political parties may have their
3796 filings cancelled; amending s. 103.101, F.S.; deleting
3797 provisions relating to a Presidential Candidate
3798 Selection Committee; specifying a deadline by which
3799 the Secretary of State must prepare and publish a list
3800 of presidential candidates selected by political
3801 parties; amending s. 103.141, F.S.; revising
3802 procedures for the removal of an officer, county
3803 committeeman, county committeewoman, precinct
3804 committeeman, precinct committeewoman, or member of a
3805 county executive committee; repealing s. 103.161,
3806 F.S., which relates to the removal or suspension of
3807 officers or members of a state or county executive
3808 committee; amending s. 104.29, F.S.; revising
3809 provisions authorizing persons to view whether ballots
3810 are being correctly reconciled; amending s. 106.011,
3811 F.S.; revising the definitions of the terms
3812 "contribution," "independent expenditure," "unopposed"



3813 candidate," and "candidate"; conforming a cross-
3814 reference to changes made by the act; amending s.
3815 106.021, F.S.; deleting requirements to report the
3816 address of certain persons receiving a reimbursement
3817 by a check drawn on a campaign account; amending s.
3818 106.022, F.S.; requiring a political committee,
3819 committee of continuous existence, or electioneering
3820 communications organization to file a statement of
3821 appointment with the filing officer rather than with
3822 the Division of Elections; authorizing an entity to
3823 change its appointment of registered agent or
3824 registered office by filing a written statement with
3825 the filing officer; requiring a registered agent who
3826 resigns to execute a written statement of resignation
3827 and file it with the filing officer; amending s.
3828 106.023, F.S.; revising the form of the statement of
3829 candidate to require a candidate to acknowledge that
3830 he or she has been provided access to and understands
3831 the requirements of ch. 106, F.S.; amending s.
3832 106.025, F.S.; creating an exception from requirements
3833 for tickets or advertising for a campaign fund raiser
3834 to contain a specified disclosure statement; amending
3835 s. 106.03, F.S.; revising requirements for groups
3836 making expenditures for electioneering communications
3837 to file a statement of organization; amending s.
3838 106.04, F.S.; transferring a requirement that certain
3839 committees of continuous existence file campaign
3840 finance reports in special elections; requiring a
3841 committee of continuous existence that makes a



contribution or expenditure to influence the results of certain county or municipal elections to file specified reports; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the Division of Elections or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases in a report filed with the Division of Elections; requiring a committee of continuous existence to report changes in information previously reported to the Division of Elections within 10 days after the change; requiring the Division of Elections to revoke the certification of a committee of continuous existence that fails to file or report certain information; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as a person whom the filing officer may notify that a report has not been filed; providing criteria for deeming delivery complete of a notice of fine; requiring a committee of continuous existence that appeals a fine to file a copy of the appeal with the filing officer; defining the term "repeated late filing"; requiring the Elections



3871 Commission to treat the late filings addressed in a
3872 single notice of repeated late filings as a single
3873 violation; amending s. 106.07, F.S.; creating an
3874 exception for reports due in the third calendar
3875 quarter immediately preceding a general election from
3876 a requirement that the campaign treasurer report
3877 contributions received and expenditures made on the
3878 10th day following the end of each calendar quarter;
3879 revising reporting requirements for a statewide
3880 candidate who receives funding under the Florida
3881 Election Campaign Financing Act and candidates in a
3882 race with a candidate who has requested funding under
3883 that act; deleting a requirement for a committee of
3884 continuous existence to file a campaign treasurer's
3885 report relating to contributions or expenditures to
3886 influence the results of a special election; revising
3887 the methods by which a campaign treasurer may be
3888 notified of the determination that a report is
3889 incomplete to include certified mail and other methods
3890 using a common carrier that provides proof of delivery
3891 of the notice; extending the time the campaign
3892 treasurer has to file an addendum to the report after
3893 receipt of notice of why the report is incomplete;
3894 providing criteria for deeming delivery complete of a
3895 notice of incomplete report; deleting a provision
3896 allowing for notification by telephone of an
3897 incomplete report; requiring political committees that
3898 make a contribution or expenditure to influence the
3899 results of certain county or municipal elections to

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3900 file campaign finance reports with the county or
3901 municipal filing officer and to include its
3902 contributions and expenditures in a report to the
3903 Division of Elections; revising the information that
3904 must be included in a report to include transaction
3905 information for credit card purchases; deleting a
3906 requirement for a campaign depository to return checks
3907 drawn on the account to the campaign treasurer;
3908 deleting a provision providing that the failure to
3909 file a copy of a report is not subject to a separate
3910 fine; specifying the amount of a fine for the failure
3911 to timely file reports after a special primary
3912 election or special election; specifying that the
3913 registered agent of a political committee is a person
3914 whom a filing officer may notify of the amount of the
3915 fine for filing a late report; providing criteria for
3916 deeming delivery complete of a notice of late report
3917 and resulting fine; defining the term "repeated late
3918 filing"; requiring the Elections Commission to treat
3919 the late filings addressed in a single notice of
3920 repeated late filings as a single violation; amending
3921 s. 106.0703, F.S.; defining the term "repeated late
3922 filing"; requiring the Elections Commission to treat
3923 the late filings addressed in a single notice of
3924 repeated late filings as a single violation; amending
3925 s. 106.0705, F.S.; requiring certain individuals to
3926 electronically file certain reports with the Division
3927 of Elections; conforming a cross-reference to changes
3928 made by the act; deleting an obsolete provision;



3929 amending s. 106.08, F.S.; deleting a requirement for
3930 the Department of State to notify candidates as to
3931 whether an independent or minor party candidate has
3932 obtained the required number of petition signatures;
3933 deleting a requirement for certain unopposed
3934 candidates to return contributions; specifying the
3935 entities with which a political party's state
3936 executive committee and county executive committees
3937 and affiliated party committees must file a written
3938 acceptance of an in-kind contribution; amending s.
3939 106.09, F.S.; specifying that the limitations on
3940 contributions by cash or cashier's check apply to the
3941 aggregate amount of contributions to a candidate or
3942 committee per election; amending s. 106.11, F.S.;
3943 revising the statement that must be contained on
3944 checks from a campaign account; deleting requirements
3945 relating to the use of debit cards; authorizing a
3946 campaign for a candidate to reimburse the candidate's
3947 loan to the campaign when the campaign account has
3948 sufficient funds; amending s. 106.141, F.S.; deleting
3949 a limit on the amount of funds that a candidate may
3950 give to his or her political party; requiring
3951 candidates receiving public financing to return all
3952 surplus funds to the General Revenue Fund after paying
3953 certain monetary obligations and expenses; amending s.
3954 106.143, F.S.; specifying disclosure statements that
3955 must be included in political advertisements paid for
3956 by a write-in candidate; revising the disclosure
3957 statements that must be included in certain political



3958 avertisements; prohibiting the inclusion of a person's
3959 political affiliation in advertisements for a
3960 nonpartisan office; clarifying the type of political
3961 advertisements that must be approved in advance by a
3962 candidate; deleting an exemption from the requirement
3963 to obtain a candidate's approval for messages designed
3964 to be worn; amending s. 106.17, F.S.; providing that
3965 the cost of certain polls are not contributions to a
3966 candidate; amending s. 106.18, F.S.; deleting a
3967 provision providing that a candidate will not be
3968 prevented from receiving a certificate of election for
3969 failing to file a report; amending s. 106.19, F.S.;
3970 providing that a candidate's failure to comply with
3971 ch. 106, F.S., has no effect on whether the candidate
3972 has qualified for office; amending s. 106.25, F.S.;
3973 authorizing a person who is the subject of a complaint
3974 filed with the Florida Elections Commission to file a
3975 response before executive director of the commission
3976 determines whether the complaint is legally
3977 sufficient; prohibiting the commission from
3978 determining by rule what constitutes willfulness or
3979 define the term "willful"; authorizing the commission
3980 to enter into consent orders without requiring the
3981 respondent to admit to a violation of law; authorizing
3982 an administrative law judge to impose civil penalties
3983 for violations of ch. 104 or ch. 106, F.S.; amending
3984 s. 106.26, F.S.; requiring the commission to enforce
3985 certain witness subpoenas in the circuit court where
3986 the witness resides; amending s. 106.265, F.S.;

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3987 authorizing an administrative law judge to assess
3988 civil penalties upon a finding of a violation of the
3989 election code or campaign financing laws; providing
3990 for civil penalties to be assessed against an
3991 electioneering communications organization; removing
3992 reference to the expired Election Campaign Financing
3993 Trust Fund; directing that moneys from penalties and
3994 fines be deposited into the General Revenue Fund;
3995 amending s. 106.29, F.S.; requiring state and county
3996 executive committees and affiliated party committees
3997 that make contributions or expenditures to influence
3998 the results of a special election or special primary
3999 election to file campaign treasurer's reports;
4000 amending campaign finance reporting dates, to conform;
4001 deleting a requirement that each state executive
4002 committee file the original and one copy of its
4003 reports with the Division of Elections; deleting a
4004 provision prohibiting the assessment of a separate
4005 fine for failing to file a copy of a report, to
4006 conform; revising the due date for filing a report;
4007 providing criteria for deeming delivery complete of a
4008 notice of fine; defining the term "repeated late
4009 filing"; requiring the Elections Commission to treat
4010 the late filings addressed in a single notice of
4011 repeated late filings as a single violation; amending
4012 s. 106.35, F.S.; deleting a requirement that the
4013 Division of Election adopt rules relating to the
4014 format and filing of certain printed campaign
4015 treasurer's reports; amending s. 876.05, F.S.;



4016 deleting a requirement for all candidates for public
4017 office to record an oath to support the Constitution
4018 of the United States and of the State of Florida;
4019 repealing s. 876.07, F.S., relating to a requirement
4020 that a person make an oath to support the Constitution
4021 of the United States and of the State of Florida to be
4022 qualified as a candidate for office; providing for
4023 severability of the act; providing effective dates.