

By the Committees on Rules; Rules Subcommittee on Ethics and Elections; and Rules Subcommittee on Ethics and Elections

595-04676B-11

20112086c2

1 A bill to be entitled
2 An act relating to elections; amending s. 97.012,
3 F.S.; expanding the list of responsibilities of the
4 Secretary of State when acting in his or her capacity
5 as chief election officer; amending s. 97.021, F.S.;
6 redefining the term "minor political party"; amending
7 s. 97.025, F.S.; replacing a requirement for the
8 Department of State to print copies of a pamphlet
9 containing the Election Code with a requirement that
10 the pamphlet be made available; amending s. 97.0575,
11 F.S.; requiring that third-party voter registration
12 organizations register with the Division of Elections;
13 requiring such organizations to provide the division
14 with certain information; requiring that the division
15 or a supervisor of elections make voter registration
16 forms available to third-party voter registration
17 organizations; requiring that such forms contain
18 certain information; requiring that the division and
19 supervisors of elections maintain a database of
20 certain information; requiring that such information
21 be provided in electronic format; requiring that such
22 information be updated and made public daily at a
23 certain time; providing that a third-party voter
24 registration organization that collects voter
25 registration applications serves as a fiduciary to the
26 applicant; specifying duties of such an organization;
27 specifying an affirmative defense to certain
28 violations of state law; providing penalties for
29 violations of certain provisions of state law;

595-04676B-11

20112086c2

30 providing circumstances under which a third-party
31 voter registration organization is subject to
32 specified civil penalties; providing for the referral
33 of violations to the Attorney General; authorizing the
34 Attorney General to initiate a civil action; providing
35 that an action for relief may include a permanent or
36 temporary injunction, a restraining order, or any
37 other appropriate order; requiring that the division
38 adopt rules for specified purposes; amending s.
39 97.071, F.S.; requiring that voter information cards
40 contain the address of the polling place of the
41 registered voter; requiring a supervisor of elections
42 to issue a new voter information card to a voter upon
43 a change in a voter's address of legal residence or a
44 change in a voter's polling place address; providing
45 instructions for implementation by the supervisors of
46 elections; amending s. 97.073, F.S.; revising
47 procedures that a supervisor of elections must follow
48 to dispose of a voter registration application;
49 amending s. 97.1031, F.S.; revising the methods by
50 which a person must update his or her voter
51 registration due to a change of address; revising
52 procedures for an elector to change his or her party
53 affiliation; requiring an elector to notify the
54 supervisor of elections when the elector changes his
55 or her name; amending s. 98.075, F.S.; revising
56 procedures for the removal of deceased persons and
57 other potentially ineligible persons from the
58 statewide voter registration system; amending s.

595-04676B-11

20112086c2

59 98.093, F.S.; revising requirements for the Department
60 of Corrections to provide the Department of State with
61 information relating to convicted felons; requiring
62 the Florida Parole Commission to regularly furnish
63 data to the Department of State relating to persons
64 who have been granted clemency; amending s. 98.0981,
65 F.S.; providing timeframes and formats for voting
66 history information to be sent by the supervisors of
67 elections to the department; providing timeframes and
68 formats for voting history information to be sent by
69 the department to the President of the Senate, the
70 Speaker of the House of Representatives, and the
71 respective minority leaders; providing for the
72 imposition of fines on a supervisor of elections for
73 failure to comply in a timely manner; providing for
74 the deposit of fines into the General Revenue Fund;
75 requiring submission of precinct-level information in
76 a certain format by a time certain; providing for
77 imposition of a fine on a supervisor of elections for
78 failure to comply and for deposit of the fine into the
79 General Revenue Fund; amending s. 99.012, F.S.;

80 providing that a person may not be qualified as a
81 candidate for an election or appear on the ballot
82 unless the person complies with certain requirements;
83 amending s. 99.021, F.S.; revising the candidate oath
84 requirement for a person seeking to qualify for
85 nomination or election or as a candidate of a
86 political party; removing a requirement for the
87 qualifying officer to provide a printed copy of the

595-04676B-11

20112086c2

88 candidate oath; removing a requirement for taking the
89 public employee oath; clarifying that candidates for
90 Unites States President and Vice President need not
91 subscribe certain oaths; correcting references for
92 other oaths; amending s. 99.061, F.S.; revising the
93 timeframe for a candidate to pay a qualifying fee
94 under certain circumstances; requiring checks to be
95 payable as prescribed by the filing officer; requiring
96 signatures on certain oaths to be verified; removing a
97 requirement for a public employee oath; requiring the
98 filing of a verified notarized financial disclosure
99 statement; clarifying the time for qualifying papers
100 to be received; providing that the qualifying officer
101 performs a ministerial duty only; exempting a decision
102 by the qualifying officer from the Administrative
103 Procedure Act; amending s. 99.063, F.S.; requiring a
104 candidate's oath to be verified; deleting a
105 requirement for a candidate to file a loyalty oath
106 with the Department of State by a certain date;
107 amending s. 99.092, F.S.; providing for the transfer
108 of the election assessment to the Elections Commission
109 Trust Fund; amending s. 99.093, F.S.; providing for
110 the election assessments paid by a person seeking to
111 qualify for a municipal office to be forwarded by the
112 qualifying officer to the Florida Elections
113 Commission; amending s. 99.095, F.S.; allowing a
114 candidate to obtain the required number of signatures
115 from any registered voter regardless of district
116 boundaries in a year of apportionment; amending s.

595-04676B-11

20112086c2

117 99.097, F.S.; providing for the Department of State to
118 adopt rules to verify petitions through random
119 sampling; creating exceptions for certain petitions
120 from the authorization to use random sampling to
121 verify petitions; revising criteria that a supervisor
122 of elections must use to determine whether a petition
123 may be counted as valid; providing that an exemption
124 from paying fees to verify petitions does not apply if
125 a person has been paid to solicit signatures;
126 providing that contributions received after the filing
127 of an undue burden oath must first be used to pay fees
128 for verifying petitions; amending s. 100.061, F.S.;
129 decreasing the time period between a primary election
130 and a general election; amending s. 100.111, F.S.;
131 deleting provisions relating to vacancies in a state
132 or county office because an incumbent qualified as a
133 candidate for federal office; providing for a filing
134 officer, rather than the Department of State, to
135 notify a political party that it may nominate a person
136 for office if certain events cause the party to have a
137 vacancy in nomination; revising provisions relating to
138 the filling of a vacancy in a nomination; deleting a
139 defined term; providing that a vacancy in nomination
140 is not created as the result of certain court orders;
141 amending s. 100.371, F.S.; deleting provisions
142 relating to a right to revoke a signature on an
143 initiative petition; reducing the time period for
144 which a signed and dated initiative petition form is
145 valid; requiring an initiative sponsor to submit an

595-04676B-11

20112086c2

146 initiative form to the supervisor of elections for the
147 county of residence of the person signing the form for
148 verification; providing procedures for misfiled
149 petitions; revising criteria for a supervisor of
150 elections to verify a signature on an initiative
151 petition form; deleting provisions relating to
152 petition signature revocations; amending s. 101.043,
153 F.S.; replacing references to the word "voter" with
154 "elector"; providing that the address on a elector's
155 identification is not to be used to confirm or
156 challenge an elector's legal residence; amending s.
157 101.045, F.S.; prohibiting a person from voting in a
158 precinct or district outside his or her legal
159 residence; providing an exception; removing a voter's
160 ability to file a name change or legal residence
161 change affidavit at the polls and vote a regular
162 ballot; authorizing a person whose eligibility to vote
163 cannot be determined to use a provisional ballot;
164 amending s. 101.131, F.S.; revising procedures for the
165 designation of poll watchers; requiring that the
166 Division of Elections prescribe a form for the
167 designation of poll watchers; providing conditions
168 under which poll watchers are authorized to enter
169 polling areas and watch polls; requiring that a
170 supervisor of elections provide identification to poll
171 watchers by a specified period before early voting
172 begins; requiring that poll watchers display such
173 identification while in a polling place; amending s.
174 101.151, F.S.; authorizing the use of ballot-on-demand

595-04676B-11

20112086c2

175 technology to produce election-day ballots; deleting a
176 requirement that the use of such technology be
177 authorized in writing by the Secretary of State;
178 revising provisions relating to ballot headings and
179 the order of candidates appearing on a ballot;
180 amending s. 101.161, F.S.; specifying a time period to
181 initiate an action to challenge an amendment to the
182 State Constitution proposed by the Legislature;
183 requiring the court, including an appellate court, to
184 accord the case priority over other cases; requiring
185 the Attorney General to revise a ballot title or
186 ballot summary for an amendment proposed by the
187 Legislature under certain circumstances; requiring the
188 Department of State to furnish a designating number
189 and the revised ballot title and substance to the
190 supervisors of elections; providing that a defect in a
191 ballot title or ballot summary in an amendment
192 proposed by the Legislature is not grounds to remove
193 the amendment from the ballot; amending s. 101.5605,
194 F.S.; requiring an electromechanical voting system to
195 satisfy the standards for certification adopted by
196 rule of the Department of State; amending s. 101.5606,
197 F.S.; deleting requirements for electromechanical
198 voting systems to have the capability to produce
199 precinct totals in marked or punched form; amending s.
200 101.5612, F.S.; revising the sample size of
201 electromechanical voting systems that include the
202 electronic or electromechanical tabulation devices to
203 be tested; amending s. 101.5614, F.S.; deleting

595-04676B-11

20112086c2

204 provisions relating to the use of ballot cards and
205 write-in ballots or envelopes; amending s. 101.591,
206 F.S.; removing the audit requirement by the canvassing
207 board if a manual recount is undertaken; amending s.
208 101.62, F.S.; extending the validity of an absentee
209 ballot request to include all elections to the end of
210 the calendar year of the second ensuing regularly
211 scheduled general election; revising the timeframe for
212 supervisors to electronically update absentee ballot
213 request information; specifying types of elections for
214 which a supervisor of elections must send an absentee
215 ballot to uniformed services voters and overseas
216 voters; specifying a time period during which a
217 supervisor of elections must begin mailing absentee
218 ballots; removing requirements that an elector provide
219 certain information when requesting an absentee ballot
220 from the county supervisor of elections; amending s.
221 101.65, F.S.; revising the form of the instructions to
222 absent electors; stating that an absentee ballot is
223 considered illegal if the signature on the voter's
224 certificate does not match the signature on record;
225 providing instructions for updating a signature on a
226 voter registration application; amending s. 101.657,
227 F.S.; reducing the early voting period for elections
228 with state or federal races; removing timetables with
229 respect to early voting in special elections; removing
230 restrictions with respect to daily hours of operation
231 of early voting sites; authorizing a supervisor of
232 elections to provide early voting for elections not

595-04676B-11

20112086c2

233 held in conjunction with a state or federal election;
234 amending s. 101.68, F.S.; extending the time for
235 canvassing and processing absentee ballots to 15 days
236 before the election; amending s. 101.6923, F.S.;
237 revising the form of the special absentee ballot
238 instructions for certain first-time voters; stating
239 that an absentee ballot is considered illegal if the
240 signature on the voter's certificate does not match
241 the signature on record; providing instructions for
242 updating a signature on a voter registration
243 application; amending s. 101.75, F.S.; deleting a
244 requirement for the dates of the qualifying period for
245 certain municipal elections to run for no less than 14
246 days; amending s. 102.168, F.S.; revising provisions
247 specifying indispensable parties in a contest of an
248 election; providing that in an election contest
249 involving the review of a signature on an absentee
250 ballot by a canvassing board, a circuit court may not
251 review or consider evidence other than the signature
252 on the voter's certificate and the elector's
253 signatures in the registration records; providing for
254 the reversal of the determination by the canvassing
255 board if the court determines that the board abused
256 its discretion; amending s. 103.021, F.S.; revising a
257 definition; revising requirements for a minor
258 political party to have candidates for President and
259 Vice-President placed on the general election ballot;
260 creating s. 103.095, F.S.; providing a procedure for
261 the registration of a minor political party; requiring

595-04676B-11

20112086c2

262 the Division of Elections to adopt rules to prescribe
263 the manner in which political parties may have their
264 filings cancelled; amending s. 103.101, F.S.; deleting
265 provisions relating to a Presidential Candidate
266 Selection Committee; specifying a deadline by which
267 the Secretary of State must prepare and publish a list
268 of presidential candidates selected by political
269 parties; amending s. 103.141, F.S.; revising
270 procedures for the removal of an officer, county
271 committeeman, county committeewoman, precinct
272 committeeman, precinct committeewoman, or member of a
273 county executive committee; repealing s. 103.161,
274 F.S., which relates to the removal or suspension of
275 officers or members of a state or county executive
276 committee; amending s. 104.29, F.S.; revising
277 provisions authorizing persons to view whether ballots
278 are being correctly reconciled; amending s. 106.011,
279 F.S.; revising the definitions of the terms
280 "contribution," "independent expenditure," "unopposed
281 candidate," and "candidate"; conforming a cross-
282 reference to changes made by the act; amending s.
283 106.021, F.S.; deleting requirements to report the
284 address of certain persons receiving a reimbursement
285 by a check drawn on a campaign account; amending s.
286 106.022, F.S.; requiring a political committee,
287 committee of continuous existence, or electioneering
288 communications organization to file a statement of
289 appointment with the filing officer rather than with
290 the Division of Elections; authorizing an entity to

595-04676B-11

20112086c2

291 change its appointment of registered agent or
292 registered office by filing a written statement with
293 the filing officer; requiring a registered agent who
294 resigns to execute a written statement of resignation
295 and file it with the filing officer; amending s.
296 106.023, F.S.; revising the form of the statement of
297 candidate to require a candidate to acknowledge that
298 he or she has been provided access to and understands
299 the requirements of ch. 106, F.S.; amending s.
300 106.025, F.S.; creating an exception from requirements
301 for tickets or advertising for a campaign fund raiser
302 to contain a specified disclosure statement; amending
303 s. 106.03, F.S.; revising requirements for groups
304 making expenditures for electioneering communications
305 to file a statement of organization; amending s.
306 106.04, F.S.; transferring a requirement that certain
307 committees of continuous existence file campaign
308 finance reports in special elections; requiring a
309 committee of continuous existence that makes a
310 contribution or expenditure to influence the results
311 of certain county or municipal elections to file
312 specified reports; subjecting a committee of
313 continuous existence that fails to file a report or to
314 timely file a report with the Division of Elections or
315 a county or municipal filing officer to a fine;
316 requiring a committee of continuous existence to
317 include transaction information from credit card
318 purchases in a report filed with the Division of
319 Elections; requiring a committee of continuous

595-04676B-11

20112086c2

320 existence to report changes in information previously
321 reported to the Division of Elections within 10 days
322 after the change; requiring the Division of Elections
323 to revoke the certification of a committee of
324 continuous existence that fails to file or report
325 certain information; requiring the division to adopt
326 rules to prescribe the manner in which the
327 certification is revoked; increasing the amount of a
328 fine to be levied on a committee of continuous
329 existence that fails to timely file certain reports;
330 providing for the deposit of the proceeds of the
331 fines; including the registered agent of a committee
332 of continuous existence as a person whom the filing
333 officer may notify that a report has not been filed;
334 providing criteria for deeming delivery complete of a
335 notice of fine; requiring a committee of continuous
336 existence that appeals a fine to file a copy of the
337 appeal with the filing officer; defining the term
338 "repeated late filing"; requiring the Elections
339 Commission to treat the late filings addressed in a
340 single notice of repeated late filings as a single
341 violation; amending s. 106.07, F.S.; creating an
342 exception for reports due in the third calendar
343 quarter immediately preceding a general election from
344 a requirement that the campaign treasurer report
345 contributions received and expenditures made on the
346 10th day following the end of each calendar quarter;
347 revising reporting requirements for a statewide
348 candidate who receives funding under the Florida

595-04676B-11

20112086c2

349 Election Campaign Financing Act and candidates in a
350 race with a candidate who has requested funding under
351 that act; deleting a requirement for a committee of
352 continuous existence to file a campaign treasurer's
353 report relating to contributions or expenditures to
354 influence the results of a special election; revising
355 the methods by which a campaign treasurer may be
356 notified of the determination that a report is
357 incomplete to include certified mail and other methods
358 using a common carrier that provides proof of delivery
359 of the notice; extending the time the campaign
360 treasurer has to file an addendum to the report after
361 receipt of notice of why the report is incomplete;
362 providing criteria for deeming delivery complete of a
363 notice of incomplete report; deleting a provision
364 allowing for notification by telephone of an
365 incomplete report; requiring political committees that
366 make a contribution or expenditure to influence the
367 results of certain county or municipal elections to
368 file campaign finance reports with the county or
369 municipal filing officer and to include its
370 contributions and expenditures in a report to the
371 Division of Elections; revising the information that
372 must be included in a report to include transaction
373 information for credit card purchases; deleting a
374 requirement for a campaign depository to return checks
375 drawn on the account to the campaign treasurer;
376 deleting a provision providing that the failure to
377 file a copy of a report is not subject to a separate

595-04676B-11

20112086c2

378 fine; specifying the amount of a fine for the failure
379 to timely file reports after a special primary
380 election or special election; specifying that the
381 registered agent of a political committee is a person
382 whom a filing officer may notify of the amount of the
383 fine for filing a late report; providing criteria for
384 deeming delivery complete of a notice of late report
385 and resulting fine; defining the term "repeated late
386 filing"; requiring the Elections Commission to treat
387 the late filings addressed in a single notice of
388 repeated late filings as a single violation; amending
389 s. 106.0703, F.S.; defining the term "repeated late
390 filing"; requiring the Elections Commission to treat
391 the late filings addressed in a single notice of
392 repeated late filings as a single violation; modifying
393 campaign finance filing requirements for an
394 electioneering communications organization's initial
395 filing; amending s. 106.0705, F.S.; requiring certain
396 individuals to electronically file certain reports
397 with the Division of Elections; conforming a cross-
398 reference to changes made by the act; requiring the
399 division to amend its electronic filing system to
400 provide for the filing of an electioneering
401 communications organization's initial campaign finance
402 report; deleting an obsolete provision; amending s.
403 106.08, F.S.; deleting a requirement for the
404 Department of State to notify candidates as to whether
405 an independent or minor party candidate has obtained
406 the required number of petition signatures; deleting a

595-04676B-11

20112086c2

407 requirement for certain unopposed candidates to return
408 contributions; specifying the entities with which a
409 political party's state executive committee and county
410 executive committees and affiliated party committees
411 must file a written acceptance of an in-kind
412 contribution; amending s. 106.09, F.S.; specifying
413 that the limitations on contributions by cash or
414 cashier's check apply to the aggregate amount of
415 contributions to a candidate or committee per
416 election; amending s. 106.11, F.S.; revising the
417 statement that must be contained on checks from a
418 campaign account; deleting requirements relating to
419 the use of debit cards; authorizing a campaign for a
420 candidate to reimburse the candidate's loan to the
421 campaign when the campaign account has sufficient
422 funds; amending s. 106.141, F.S.; deleting a limit on
423 the amount of surplus funds that a candidate may give
424 to his or her political party; requiring candidates
425 receiving public financing to return all surplus funds
426 to the General Revenue Fund after paying certain
427 monetary obligations and expenses; amending s.
428 106.143, F.S.; specifying disclosure statements that
429 must be included in political advertisements paid for
430 by a write-in candidate; revising the disclosure
431 statements that must be included in certain political
432 advertisements; prohibiting the inclusion of a
433 person's political affiliation in advertisements for a
434 nonpartisan office; clarifying the type of political
435 advertisements that must be approved in advance by a

595-04676B-11

20112086c2

436 candidate; deleting an exemption from the requirement
437 to obtain a candidate's approval for messages designed
438 to be worn; amending s. 106.17, F.S.; providing that
439 the cost of certain polls are not contributions to a
440 candidate; amending s. 106.18, F.S.; deleting a
441 provision providing that a candidate will not be
442 prevented from receiving a certificate of election for
443 failing to file a report; amending s. 106.19, F.S.;
444 providing that a candidate's failure to comply with
445 ch. 106, F.S., has no effect on whether the candidate
446 has qualified for office; amending s. 106.25, F.S.;
447 authorizing a person who is the subject of a complaint
448 filed with the Florida Elections Commission to file a
449 response before the executive director of the
450 commission determines whether the complaint is legally
451 sufficient; prohibiting the commission from
452 determining by rule what constitutes willfulness or
453 defining the term "willful"; authorizing the
454 commission to enter into consent orders without
455 requiring the respondent to admit to a violation of
456 law; authorizing an administrative law judge to impose
457 civil penalties for violations of ch. 104 or ch. 106,
458 F.S.; amending s. 106.26, F.S.; requiring the
459 commission to enforce certain witness subpoenas in the
460 circuit court where the witness resides; amending s.
461 106.265, F.S.; authorizing an administrative law judge
462 to assess civil penalties upon a finding of a
463 violation of the election code or campaign financing
464 laws; providing for civil penalties to be assessed

595-04676B-11

20112086c2

465 against an electioneering communications organization;
466 removing reference to the expired Election Campaign
467 Financing Trust Fund; directing that moneys from
468 penalties and fines be deposited into the General
469 Revenue Fund; amending s. 106.29, F.S.; requiring
470 state and county executive committees and affiliated
471 party committees that make contributions or
472 expenditures to influence the results of a special
473 election or special primary election to file campaign
474 treasurer's reports; amending campaign finance
475 reporting dates, to conform; deleting a requirement
476 that each state executive committee file the original
477 and one copy of its reports with the Division of
478 Elections; deleting a provision prohibiting the
479 assessment of a separate fine for failing to file a
480 copy of a report, to conform; revising the due date
481 for filing a report; providing criteria for deeming
482 delivery complete of a notice of fine; defining the
483 term "repeated late filing"; requiring the Elections
484 Commission to treat the late filings addressed in a
485 single notice of repeated late filings as a single
486 violation; amending s. 106.35, F.S.; deleting a
487 requirement that the Division of Election adopt rules
488 relating to the format and filing of certain printed
489 campaign treasurer's reports; amending s. 876.05,
490 F.S.; deleting a requirement for all candidates for
491 public office to record an oath to support the
492 Constitution of the United States and of the State of
493 Florida; repealing s. 876.07, F.S., relating to a

595-04676B-11

20112086c2

494 requirement that a person make an oath to support the
495 Constitution of the United States and of the State of
496 Florida to be qualified as a candidate for office;
497 providing for severability of the act; providing
498 effective dates.
499

500 Be It Enacted by the Legislature of the State of Florida:
501

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

504 97.012 Secretary of State as chief election officer.—The
505 Secretary of State is the chief election officer of the state,
506 and it is his or her responsibility to:

507 (16) Provide direction and opinions to the supervisors of
508 elections on the performance of their official duties with
509 respect to the Florida Election Code or rules adopted by the
510 Department of State.

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

513 97.021 Definitions.—For the purposes of this code, except
514 where the context clearly indicates otherwise, the term:

515 (18) "Minor political party" is any group as specified
516 ~~defined in s. 103.095 this subsection~~ which on January 1
517 preceding a primary election does not have registered as members
518 5 percent of the total registered electors of the state. ~~Any~~
519 ~~group of citizens organized for the general purposes of electing~~
520 ~~to office qualified persons and determining public issues under~~
521 ~~the democratic processes of the United States may become a minor~~
522 ~~political party of this state by filing with the department a~~

595-04676B-11

20112086c2

523 ~~certificate showing the name of the organization, the names of~~
524 ~~its current officers, including the members of its executive~~
525 ~~committee, and a copy of its constitution or bylaws. It shall be~~
526 ~~the duty of the minor political party to notify the department~~
527 ~~of any changes in the filing certificate within 5 days of such~~
528 ~~changes.~~

529 Section 3. Section 97.025, Florida Statutes, is amended to
530 read:

531 97.025 Election Code; copies thereof.—A pamphlet of a
532 reprint of the Election Code, adequately indexed, shall be
533 prepared by the Department of State. The pamphlet shall be made
534 available ~~It shall have a sufficient number of these pamphlets~~
535 ~~printed so that one may be given, upon request, to each~~
536 ~~candidate who qualifies with the department. The pamphlet shall~~
537 ~~be made available~~ A sufficient number may be sent to each
538 supervisor, prior to the first day of qualifying, so that ~~for~~
539 ~~distribution, upon request, to each candidate who qualifies with~~
540 ~~the supervisor and to each clerk of elections~~ have access to the
541 pamphlet. The cost of making ~~printing~~ the pamphlets available
542 shall be paid out of funds appropriated for conducting
543 elections.

544 Section 4. Section 97.0575, Florida Statutes, is amended to
545 read:

546 97.0575 Third-party voter registrations.—

547 (1) Before engaging in any voter registration activities, a
548 third-party voter registration organization must register and
549 provide to the division, in an electronic format, the following
550 information:

551 (a) The names of the officers of the organization and the

595-04676B-11

20112086c2

552 name and permanent address of the organization.

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

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

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

563 (2) The division or the supervisor of elections shall make
564 voter registration forms available to third-party voter
565 registration organizations. All such forms must contain
566 information identifying the organization to which the forms are
567 provided. The division and each supervisor of elections shall
568 maintain a database of all third-party registration
569 organizations and the voter registration forms assigned to the
570 third-party registration organizations. Such information must be
571 provided in an electronic format as provided by division rule.
572 By noon of each day, such information must also be updated, made
573 publicly available, and, with respect to records in each
574 supervisor's database, contemporaneously provided to the
575 division.

576 (3) (a) A third-party voter registration organization that
577 collects voter registration applications serves as a fiduciary
578 to the applicant, ensuring that any voter registration
579 application entrusted to the organization, irrespective of party
580 affiliation, race, ethnicity, or gender, shall be promptly

595-04676B-11

20112086c2

581 delivered to the division or the supervisor of elections within
582 48 hours after the applicant completes it or the next business
583 day if the appropriate office is closed for that 48-hour period.
584 If a voter registration application collected by any third-party
585 voter registration organization is not promptly delivered to the
586 division or supervisor of elections, the third-party voter
587 registration organization is liable for the following fines:

588 1. A fine in the amount of \$50 for each application
589 received by the division or the supervisor of elections more
590 than 10 days after the applicant delivered the completed voter
591 registration application to the third-party voter registration
592 organization or any person, entity, or agent acting on its
593 behalf. A fine in the amount of \$250 for each application
594 received if the third-party registration organization or person,
595 entity, or agency acting on its behalf acted willfully.

596 2. A fine in the amount of \$100 for each application
597 collected by a third-party voter registration organization or
598 any person, entity, or agent acting on its behalf, before book
599 closing for any given election for federal or state office and
600 received by the division or the supervisor of elections after
601 the book-closing deadline for such election. A fine in the
602 amount of \$500 for each application received if the third-party
603 registration organization or person, entity, or agency acting on
604 its behalf acted willfully.

605 3. A fine in the amount of \$500 for each application
606 collected by a third-party voter registration organization or
607 any person, entity, or agent acting on its behalf, which is not
608 submitted to the division or supervisor of elections. A fine in
609 the amount of \$1,000 for any application not submitted if the

595-04676B-11

20112086c2

610 third-party registration organization or person, entity, or
611 agency acting on its behalf acted willfully.

612
613 The aggregate fine pursuant to this paragraph which may be
614 assessed against a third-party voter registration organization,
615 including affiliate organizations, for violations committed in a
616 calendar year is \$1,000. The fines provided in this subsection
617 shall be reduced by three-fourths in cases in which the third-
618 party voter registration organization has complied with
619 subsection (1).

620 (b) A showing by the organization that the failure to
621 deliver the voter registration application within the required
622 timeframe is based upon force majeure or impossibility of
623 performance shall be an affirmative defense to a violation of
624 this subsection. The Secretary of State may waive the fines
625 described in this subsection upon a showing that the failure to
626 deliver the voter registration application promptly is based
627 upon force majeure or impossibility of performance.

628 (4) If the Secretary of State reasonably believes that a
629 person has committed a violation of any provision of this
630 section, the secretary shall refer the matter to the Attorney
631 General for enforcement. The Attorney General may institute a
632 civil action for a violation of this section or to prevent a
633 violation of this section. An action for relief may include a
634 permanent or temporary injunction, a restraining order, or any
635 other appropriate order.

636 ~~(1) Prior to engaging in any voter registration activities,~~
637 ~~a third-party voter registration organization shall name a~~
638 ~~registered agent in the state and submit to the division, in a~~

595-04676B-11

20112086c2

639 ~~form adopted by the division, the name of the registered agent~~
640 ~~and the name of those individuals responsible for the day-to-day~~
641 ~~operation of the third-party voter registration organization,~~
642 ~~including, if applicable, the names of the entity's board of~~
643 ~~directors, president, vice president, managing partner, or such~~
644 ~~other individuals engaged in similar duties or functions. On or~~
645 ~~before the 15th day after the end of each calendar quarter, each~~
646 ~~third-party voter registration organization shall submit to the~~
647 ~~division a report providing the date and location of any~~
648 ~~organized voter registration drives conducted by the~~
649 ~~organization in the prior calendar quarter.~~

650 ~~(2) The failure to submit the information required by~~
651 ~~subsection (1) does not subject the third-party voter~~
652 ~~registration organization to any civil or criminal penalties for~~
653 ~~such failure, and the failure to submit such information is not~~
654 ~~a basis for denying such third-party voter registration~~
655 ~~organization with copies of voter registration application~~
656 ~~forms.~~

657 ~~(3) A third-party voter registration organization that~~
658 ~~collects voter registration applications serves as a fiduciary~~
659 ~~to the applicant, ensuring that any voter registration~~
660 ~~application entrusted to the third-party voter registration~~
661 ~~organization, irrespective of party affiliation, race,~~
662 ~~ethnicity, or gender shall be promptly delivered to the division~~
663 ~~or the supervisor of elections. If a voter registration~~
664 ~~application collected by any third-party voter registration~~
665 ~~organization is not promptly delivered to the division or~~
666 ~~supervisor of elections, the third-party voter registration~~
667 ~~organization shall be liable for the following fines:~~

595-04676B-11

20112086c2

668 ~~(a) A fine in the amount of \$50 for each application~~
669 ~~received by the division or the supervisor of elections more~~
670 ~~than 10 days after the applicant delivered the completed voter~~
671 ~~registration application to the third-party voter registration~~
672 ~~organization or any person, entity, or agent acting on its~~
673 ~~behalf. A fine in the amount of \$250 for each application~~
674 ~~received if the third-party registration organization or person,~~
675 ~~entity, or agency acting on its behalf acted willfully.~~

676 ~~(b) A fine in the amount of \$100 for each application~~
677 ~~collected by a third-party voter registration organization or~~
678 ~~any person, entity, or agent acting on its behalf, prior to book~~
679 ~~closing for any given election for federal or state office and~~
680 ~~received by the division or the supervisor of elections after~~
681 ~~the book closing deadline for such election. A fine in the~~
682 ~~amount of \$500 for each application received if the third-party~~
683 ~~registration organization or person, entity, or agency acting on~~
684 ~~its behalf acted willfully.~~

685 ~~(c) A fine in the amount of \$500 for each application~~
686 ~~collected by a third-party voter registration organization or~~
687 ~~any person, entity, or agent acting on its behalf, which is not~~
688 ~~submitted to the division or supervisor of elections. A fine in~~
689 ~~the amount of \$1,000 for any application not submitted if the~~
690 ~~third-party registration organization or person, entity, or~~
691 ~~agency acting on its behalf acted willfully.~~

692
693 ~~The aggregate fine pursuant to this subsection which may be~~
694 ~~assessed against a third-party voter registration organization,~~
695 ~~including affiliate organizations, for violations committed in a~~
696 ~~calendar year shall be \$1,000. The fines provided in this~~

595-04676B-11

20112086c2

697 ~~subsection shall be reduced by three fourths in cases in which~~
698 ~~the third party voter registration organization has complied~~
699 ~~with subsection (1). The secretary shall waive the fines~~
700 ~~described in this subsection upon a showing that the failure to~~
701 ~~deliver the voter registration application promptly is based~~
702 ~~upon force majeure or impossibility of performance.~~

703 (5)(4)(a) The division shall adopt by rule a form to elicit
704 specific information concerning the facts and circumstances from
705 a person who claims to have been registered to vote by a third-
706 party voter registration organization but who does not appear as
707 an active voter on the voter registration rolls. The division
708 shall also adopt rules to ensure the integrity of the
709 registration process, including rules requiring that third-party
710 voter registration organizations account for all state and
711 federal registration forms used by their registration agents.

712 ~~(b) The division may investigate any violation of this~~
713 ~~section. Civil fines shall be assessed by the division and~~
714 ~~enforced through any appropriate legal proceedings.~~

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

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

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

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

595-04676B-11

20112086c2

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

728 97.071 Voter information card.—

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

732 (a) Voter's registration number.

733 (b) Date of registration.

734 (c) Full name.

735 (d) Party affiliation.

736 (e) Date of birth.

737 (f) Address of legal residence.

738 (g) Precinct number.

739 (h) Polling place address.

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

742 (j) ~~(i)~~ Other information deemed necessary by the
743 supervisor.

744 (2) A voter may receive a replacement voter information
745 card by providing a signed, written request for a replacement
746 card to a voter registration official. Upon verification of
747 registration, the supervisor shall issue the voter a duplicate
748 card without charge.

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

752 Section 6. The supervisor must meet the requirements of
753 section 5 of this act for any elector who registers to vote or
754 who is issued a new voter information card pursuant to s.

595-04676B-11

20112086c2

755 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

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

758 97.073 Disposition of voter registration applications;
759 cancellation notice.—

760 (1) The supervisor must notify each applicant of the
761 disposition of the applicant's voter registration application as
762 follows within 5 business days after the voter registration
763 information is entered into the statewide voter registration
764 system:

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

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

771 (c) If an application is a duplicate of a current
772 registration record, the supervisor shall process the
773 application as if it were an update, including a signature
774 update, to the record and send a new voter information card.

775 (d) If an application is denied, the supervisor shall mail-
776 ~~The notice must inform the applicant that the application has~~
777 ~~been approved, is incomplete, has been denied, or is a duplicate~~
778 ~~of a current registration. A voter information card sent to an~~
779 ~~applicant constitutes notice of approval of registration. If the~~
780 ~~application is incomplete, the supervisor must request that the~~
781 ~~applicant supply the missing information using a voter~~
782 ~~registration application signed by the applicant. a notice of~~
783 ~~denial informing must inform~~ the applicant of the reason the

595-04676B-11

20112086c2

784 application was denied.

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

787 97.1031 Notice of change of residence, change of name, or
788 change of party affiliation.—

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

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

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

799 2. Submitting the change on a voter registration
800 application or other signed written notice. ~~moves from the~~
801 ~~address named on that person's voter registration record to~~
802 ~~another address within the same county, the elector must provide~~
803 ~~notification of such move to the supervisor of elections of that~~
804 ~~county. The elector may provide the supervisor a signed, written~~
805 ~~notice or may notify the supervisor by telephone or electronic~~
806 ~~means. However, notification of such move other than by signed,~~
807 ~~written notice must include the elector's date of birth. An~~
808 ~~elector may also provide notification to other voter~~
809 ~~registration officials as provided in subsection (2). A voter~~
810 ~~information card reflecting the new information shall be issued~~
811 ~~to the elector as provided in subsection (3).~~

812 (2) When an elector ~~moves from the address named on that~~

595-04676B-11

20112086c2

813 ~~person's voter registration record to another address in a~~
814 ~~different county but within the state, the elector~~ seeks to
815 change party affiliation, ~~or the name of an elector is changed~~
816 ~~by marriage or other legal process,~~ the elector shall notify his
817 or her supervisor of elections or other ~~provide notice of such~~
818 ~~change to a voter registration official~~ by using a ~~voter~~
819 ~~registration application~~ signed written notice that contains the
820 elector's date of birth ~~by the elector.~~ When an elector changes
821 his or her name by marriage or other legal process, the elector
822 shall notify his or her supervisor of elections or other voter
823 registration official by using a signed written notice that
824 contains the elector's date of birth or voter's registration
825 number. ~~A voter information card reflecting the new information~~
826 ~~shall be issued to the elector as provided in subsection (3).~~

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

829 98.075 Registration records maintenance activities;
830 ineligibility determinations.—

831 (3) DECEASED PERSONS.—

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

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

836 b. The United States Social Security Administration,
837 including, but not limited to, any master death file or index
838 compiled by the United States Social Security Administration.

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

595-04676B-11

20112086c2

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

846 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
847 supervisor receives information ~~other than~~ from ~~the~~ sources
848 other than those identified in subsections (2)-(5) that a
849 registered voter is ineligible because he or she is deceased,
850 adjudicated a convicted felon without having had his or her
851 civil rights restored, adjudicated mentally incapacitated
852 without having had his or her voting rights restored, does not
853 meet the age requirement pursuant to s. 97.041, is not a United
854 States citizen, is a fictitious person, or has listed a
855 residence that is not his or her legal residence, the supervisor
856 must ~~shall~~ adhere to the procedures set forth in subsection (7)
857 prior to the removal of a registered voter's name from the
858 statewide voter registration system.

859 Section 10. Section 98.093, Florida Statutes, is amended to
860 read:

861 98.093 Duty of officials to furnish information relating to
862 ~~lists of~~ deceased persons, persons adjudicated mentally
863 incapacitated, and persons convicted of a felony.—

864 (1) In order to identify ineligible registered voters and
865 maintain ~~ensure the maintenance of~~ accurate and current voter
866 registration records in the statewide voter registration system
867 pursuant to procedures in s. 98.065 or s. 98.075, it is
868 necessary for the department and supervisors of elections to
869 receive or access certain information from state and federal
870 officials and entities in the format prescribed. ~~The department~~

595-04676B-11

20112086c2

871 ~~and supervisors of elections shall use the information provided~~
872 ~~from the sources in subsection (2) to maintain the voter~~
873 ~~registration records.~~

874 (2) To the maximum extent feasible, state and local
875 government agencies shall facilitate provision of information
876 and access to data to the department, including, but not limited
877 to, databases that contain reliable criminal records and records
878 of deceased persons. State and local government agencies that
879 provide such data shall do so without charge if the direct cost
880 incurred by those agencies is not significant.

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

885 (b) Each clerk of the circuit court shall furnish monthly
886 to the department a list of those persons who have been
887 adjudicated mentally incapacitated with respect to voting during
888 the preceding calendar month, a list of those persons whose
889 mental capacity with respect to voting has been restored during
890 the preceding calendar month, and a list of those persons who
891 have returned signed jury notices during the preceding months to
892 the clerk of the circuit court indicating a change of address.
893 Each list shall include the name, address, date of birth, race,
894 sex, and, whichever is available, the Florida driver's license
895 number, Florida identification card number, or social security
896 number of each such person.

897 (c) Upon receipt of information from the United States
898 Attorney, listing persons convicted of a felony in federal
899 court, the department shall use such information to identify

595-04676B-11

20112086c2

900 registered voters or applicants for voter registration who may
901 be potentially ineligible based on information provided in
902 accordance with s. 98.075.

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

908 (e) The Florida Parole Commission ~~Board of Executive~~
909 ~~Clemency~~ shall furnish at least bimonthly ~~monthly~~ to the
910 department data, including the identity ~~a list~~ of those persons
911 granted clemency in the preceding month or any updates to prior
912 records which have occurred in the preceding month. The data
913 ~~list~~ shall contain the commission's ~~Board of Executive Clemency~~
914 case number and the person's ~~name, address, date of birth,~~
915 race, gender ~~sex,~~ Florida driver's license number, Florida
916 identification card number, or the last four digits of the
917 social security number, if available, and references to record
918 identifiers assigned by the Department of Corrections and the
919 Department of Law Enforcement, a unique identifier of each
920 clemency case, and the effective date of clemency of each
921 person.

922 (f) The Department of Corrections shall identify those
923 persons who have been convicted of a felony and committed to its
924 custody or placed on community supervision. The information must
925 be provided to the department at a time and in manner that
926 enables the department to identify registered voters who are
927 convicted felons and to meet its obligations under state and
928 federal law. ~~furnish monthly to the department a list of those~~

595-04676B-11

20112086c2

929 ~~persons transferred to the Department of Corrections in the~~
930 ~~preceding month or any updates to prior records which have~~
931 ~~occurred in the preceding month. The list shall contain the~~
932 ~~name, address, date of birth, race, sex, social security number,~~
933 ~~Department of Corrections record identification number, and~~
934 ~~associated Department of Law Enforcement felony conviction~~
935 ~~record number of each person.~~

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

942 (3) ~~Nothing in~~ This section does not ~~shall~~ limit or
943 restrict the supervisor in his or her duty to remove the names
944 of persons from the statewide voter registration system pursuant
945 to s. 98.075(7) based upon information received from other
946 sources.

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

949 98.0981 Reports; voting history; statewide voter
950 registration system information; precinct-level election
951 results; book closing statistics.—

952 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
953 INFORMATION.—

954 (a) Within 30 ~~45~~ days after certification by the Elections
955 Canvassing Commission of a presidential preference primary,
956 special election, primary election, or a general election,
957 supervisors of elections shall transmit to the department, in a

595-04676B-11

20112086c2

958 uniform electronic format specified in paragraph (d) ~~by the~~
959 ~~department~~, completely updated voting history information for
960 each qualified voter who voted.

961 (b) After receipt of the information in paragraph (a), the
962 department shall prepare a report in electronic format which
963 contains the following information, separately compiled for the
964 primary and general election for all voters qualified to vote in
965 either election:

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

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

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

973 4. Each qualified voter's current state representative
974 district, state senatorial district, and congressional district,
975 assigned by the supervisor of elections;

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

977 6. Voting history as transmitted under paragraph (a) to
978 include whether the qualified voter voted at a precinct
979 location, voted during the early voting period, voted by
980 absentee ballot, attempted to vote by absentee ballot that was
981 not counted, attempted to vote by provisional ballot that was
982 not counted, or did not vote.

983 (c) Within 15 ~~60~~ days after certification by the Elections
984 Canvassing Commission of a presidential preference primary,
985 special election, primary election, or a general election, the
986 department shall send to the President of the Senate, the

595-04676B-11

20112086c2

987 Speaker of the House of Representatives, the Senate Minority
988 Leader, and the House Minority Leader a report in electronic
989 format that includes all information set forth in paragraph (b).

990 (d) File specifications are as follows:

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

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

997 b. Voted at a precinct location using a provisional ballot
998 that was subsequently counted.

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

1000 d. Voted during the early voting period using a provisional
1001 ballot that was subsequently counted.

1002 e. Voted by absentee ballot.

1003 f. Attempted to vote by absentee ballot, but the ballot was
1004 not counted.

1005 g. Attempted to vote by provisional ballot, but the ballot
1006 was not counted in that election.

1007 2. Each file shall be created or converted into a tab-
1008 delimited format.

1009 3. File names shall adhere to the following convention:

1010 a. Three-character county identifier as established by the
1011 department followed by an underscore.

1012 b. Followed by four-character file type identifier of
1013 'VH03' followed by an underscore.

1014 c. Followed by FVRS election ID followed by an underscore.

1015 d. Followed by Date Created followed by an underscore.

595-04676B-11

20112086c2

- 1016 e. Date format is YYYYMMDD.
- 1017 f. Followed by Time Created - HHMMSS.
- 1018 g. Followed by ".txt".
- 1019 4. Each record shall contain the following columns: Record
1020 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
1021 Date, Vote History Code, Precinct, Congressional District, House
1022 District, Senate District, County Commission District, and
1023 School Board District.
- 1024 (e) Each supervisor of elections shall reconcile the voting
1025 data within 25 days after a presidential preference primary,
1026 special election, primary election, or general election to
1027 compare the aggregate total of ballots cast in each precinct as
1028 reported in the precinct-level election results to the aggregate
1029 total number of voters with voter history for the election for
1030 each district.
- 1031 (f) Each supervisor of elections shall submit the results
1032 of the data reconciliation as described in paragraph (e) to the
1033 department in an electronic format and give a written
1034 explanation for any precincts where the reconciliation as
1035 described in paragraph (e) results in a discrepancy between the
1036 voter history and the election results.
- 1037 (g) A supervisor of elections shall be required to pay \$50
1038 per day for each day the required reports are late or not
1039 complete. Fines must be paid from a supervisor of elections'
1040 personal funds. Fines shall be remitted to the department, which
1041 shall transmit the remitted fines for deposit into the General
1042 Revenue Fund.
- 1043 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 25 ~~45~~ days
1044 after the date of a presidential preference primary election, a

595-04676B-11

20112086c2

1045 special election, primary election, or a general election, the
1046 supervisors of elections shall collect and submit to the
1047 department precinct-level election results for the election in a
1048 uniform electronic format specified by paragraph (c) ~~the~~
1049 ~~department~~. The precinct-level election results shall be
1050 compiled separately for the primary or special primary election
1051 that preceded the general or special general election,
1052 respectively. The results shall specifically include for each
1053 precinct the ~~aggregate~~ total of all ballots cast for each
1054 candidate or nominee to fill a national, state, county, or
1055 district office or proposed constitutional amendment, with
1056 subtotals for each candidate and ballot type. "All ballots cast"
1057 means ballots cast by voters who cast a ballot whether at a
1058 precinct location, by absentee ballot including overseas
1059 absentee ballots, during the early voting period, or by
1060 provisional ballot.

1061 (b) The department shall make such information available on
1062 a searchable, sortable, and downloadable database via its
1063 website that also includes the file layout and codes. The
1064 database shall be searchable and sortable by county, precinct,
1065 and candidate. The database shall be downloadable in a tab-
1066 delimited format. The database shall be available for download
1067 county-by-county and also as a statewide file. Such report shall
1068 also be made available upon request.

1069 (c) The files containing the precinct-level election
1070 results shall be created in accordance with the applicable file
1071 specification:

1072 1. The precinct-level results file shall be created or
1073 converted into a tab-delimited text file.

595-04676B-11

20112086c2

1074 2. The row immediately before the first data record shall
1075 contain the column names of the data elements that make up the
1076 data records. There shall be one header record followed by
1077 multiple data records.

1078 3. The data records shall include the following columns:
1079 County Name, Election Number, Election Date, Unique Precinct
1080 Identifier, Precinct Polling Location, Total Registered Voters,
1081 Total Registered Republicans, Total Registered Democrats, Total
1082 Registered All Other Parties, Contest Name,
1083 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of
1084 Elections Unique Candidate Identifying Number, Candidate Party,
1085 District, Undervote Total, Overvote Total, Write-in Total, and
1086 Vote Total.

1087 (d) A supervisor of elections shall be required to pay \$50
1088 per day for each day the required reports are late or not
1089 complete. Fines must be paid from a supervisor of elections'
1090 personal funds. Fines shall be remitted to the department, which
1091 shall transmit the remitted fines for deposit into the General
1092 Revenue Fund.

1093 Section 12. Subsection (5) of section 99.012, Florida
1094 Statutes, is amended to read:

1095 99.012 Restrictions on individuals qualifying for public
1096 office.—

1097 (5) A person may not be qualified as a candidate for an
1098 election or appear on the ballot unless the person complies with
1099 this section. ~~The name of any person who does not comply with~~
1100 ~~this section may be removed from every ballot on which it~~
1101 ~~appears when ordered by a circuit court upon the petition of an~~
1102 ~~elector or the Department of State.~~

595-04676B-11

20112086c2

1103 Section 13. Paragraphs (a) and (b) of subsection (1) of
1104 section 99.021, Florida Statutes, are amended, and subsection
1105 (3) is added to that section, to read:

1106 99.021 Form of candidate oath.—

1107 (1) (a) 1. Each candidate, whether a party candidate, a
1108 candidate with no party affiliation, or a write-in candidate, in
1109 order to qualify for nomination or election to any office other
1110 than a judicial office as defined in chapter 105 or a federal
1111 office, shall take and subscribe to an oath or affirmation in
1112 writing. A ~~printed~~ copy of the oath or affirmation shall be made
1113 available ~~furnished~~ to the candidate by the officer before whom
1114 such candidate seeks to qualify and shall be substantially in
1115 the following form:

1116
1117 State of Florida
1118 County of....

1119 Before me, an officer authorized to administer oaths,
1120 personally appeared ... (please print name as you wish it to
1121 appear on the ballot) ..., to me well known, who, being sworn,
1122 says that he or she is a candidate for the office of; that
1123 he or she is a qualified elector of County, Florida; that
1124 he or she is qualified under the Constitution and the laws of
1125 Florida to hold the office to which he or she desires to be
1126 nominated or elected; ~~that he or she has taken the oath required~~
1127 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
1128 qualified for no other public office in the state, the term of
1129 which office or any part thereof runs concurrent with that of
1130 the office he or she seeks; ~~and~~ that he or she has resigned from
1131 any office from which he or she is required to resign pursuant

595-04676B-11

20112086c2

1132 to s. 99.012, Florida Statutes; and that he or she will support
 1133 the Constitution of the United States and the Constitution of
 1134 the State of Florida.

1135 ... (Signature of candidate)...
 1136 ... (Address)...

1138 Sworn to and subscribed before me this day of,
 1139 ... (year)..., at County, Florida.

1140 ... (Signature and title of officer administering oath)...

1142 2. Each candidate for federal office, whether a party
 1143 candidate, a candidate with no party affiliation, or a write-in
 1144 candidate, in order to qualify for nomination or election to
 1145 office shall take and subscribe to an oath or affirmation in
 1146 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1147 available ~~furnished~~ to the candidate by the officer before whom
 1148 such candidate seeks to qualify and shall be substantially in
 1149 the following form:

1150
 1151 State of Florida
 1152 County of

1153 Before me, an officer authorized to administer oaths,
 1154 personally appeared ... (please print name as you wish it to
 1155 appear on the ballot)..., to me well known, who, being sworn,
 1156 says that he or she is a candidate for the office of; that
 1157 he or she is qualified under the Constitution and laws of the
 1158 United States to hold the office to which he or she desires to
 1159 be nominated or elected; ~~and~~ that he or she has qualified for no
 1160 other public office in the state, the term of which office or

595-04676B-11

20112086c2

1161 any part thereof runs concurrent with that of the office he or
1162 she seeks; and that he or she will support the Constitution of
1163 the United States.

1164 ... (Signature of candidate)...

1165 ... (Address)...

1166

1167 Sworn to and subscribed before me this day of,
1168 ... (year) ..., at County, Florida.

1169 ... (Signature and title of officer administering oath)...

1170

1171 (b) In addition, any person seeking to qualify for
1172 nomination as a candidate of any political party shall, at the
1173 time of subscribing to the oath or affirmation, state in
1174 writing:

1175 1. The party of which the person is a member.

1176 2. That the person ~~is not a registered member of any other~~
1177 ~~political party and~~ has not been a registered member of
1178 candidate for nomination for any other political party in the
1179 calendar year leading up to the general election for a period of
1180 ~~6 months preceding the general election~~ for which the person
1181 seeks to qualify.

1182 3. That the person has paid the assessment levied against
1183 him or her, if any, as a candidate for said office by the
1184 executive committee of the party of which he or she is a member.

1185 (3) This section does not apply to a person who seeks to
1186 qualify for election pursuant to ss. 103.021 and 103.101.

1187 Section 14. Subsections (5) and (7) of section 99.061,
1188 Florida Statutes, are amended, and subsection (11) is added to
1189 that section, to read:

595-04676B-11

20112086c2

1190 99.061 Method of qualifying for nomination or election to
1191 federal, state, county, or district office.—

1192 (5) At the time of qualifying for office, each candidate
1193 for a constitutional office shall file a full and public
1194 disclosure of financial interests pursuant to s. 8, Art. II of
1195 the State Constitution, which must be verified under oath or
1196 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
1197 other office, including local elective office, shall file a
1198 statement of financial interests pursuant to s. 112.3145.

1199 (7) (a) In order for a candidate to be qualified, the
1200 original of the following items must be received by the filing
1201 officer by the end of the qualifying period:

1202 1. A properly executed check drawn upon the candidate's
1203 campaign account payable to the person or entity as prescribed
1204 by the filing officer in an amount not less than the fee
1205 required by s. 99.092, unless the candidate obtained the
1206 required number of signatures on petitions ~~or, in lieu thereof,~~
1207 ~~as applicable, the copy of the notice of obtaining ballot~~
1208 ~~position~~ pursuant to s. 99.095. The filing fee for a special
1209 district candidate is not required to be drawn upon the
1210 candidate's campaign account. If a candidate's check is returned
1211 by the bank for any reason, the filing officer shall immediately
1212 notify the candidate and the candidate shall have until, the end
1213 of qualifying ~~notwithstanding, have 48 hours from the time such~~
1214 ~~notification is received, excluding Saturdays, Sundays, and~~
1215 ~~legal holidays~~, to pay the fee with a cashier's check purchased
1216 from funds of the campaign account. Failure to pay the fee as
1217 provided in this subparagraph shall disqualify the candidate.

1218 2. The candidate's oath required by s. 99.021, which must

595-04676B-11

20112086c2

1219 contain the name of the candidate as it is to appear on the
1220 ballot; the office sought, including the district or group
1221 number if applicable; and the signature of the candidate, which
1222 must be verified under oath or affirmation pursuant to s.
1223 92.525(1) (a) ~~duly acknowledged.~~

1224 ~~3. The loyalty oath required by s. 876.05, signed by the~~
1225 ~~candidate and duly acknowledged.~~

1226 ~~3.4.~~ If the office sought is partisan, the written
1227 statement of political party affiliation required by s.
1228 99.021(1) (b) .

1229 ~~4.5.~~ Unless the original is filed with the qualifying
1230 officer before the beginning of the qualifying period for the
1231 office sought, the completed form for the appointment of
1232 campaign treasurer and designation of campaign depository, as
1233 required by s. 106.021.

1234 ~~5.6.~~ The full and public disclosure or statement of
1235 financial interests required by subsection (5). A public officer
1236 who has filed the full and public disclosure or statement of
1237 financial interests with the Commission on Ethics or the
1238 supervisor of elections prior to qualifying for office may file
1239 a copy of that disclosure at the time of qualifying.

1240 (b) If the filing officer receives qualifying papers during
1241 the qualifying period prescribed in this section which ~~that~~ do
1242 not include all items as required by paragraph (a) prior to the
1243 last day of qualifying, the filing officer shall make a
1244 reasonable effort to notify the candidate of the missing or
1245 incomplete items and shall inform the candidate that all
1246 required items must be received by the close of qualifying. A
1247 candidate's name as it is to appear on the ballot may not be

595-04676B-11

20112086c2

1248 changed after the end of qualifying.

1249 (c) The filing officer performs a ministerial function in
1250 reviewing qualifying papers. In determining whether a candidate
1251 is qualified, the filing officer shall review the qualifying
1252 papers to determine whether all items required by paragraph (a)
1253 have been properly filed and whether each item is complete on
1254 its face, including whether items that must be verified have
1255 been properly verified pursuant to s. 92.525(1)(a). The filing
1256 officer may not determine whether the contents of the qualifying
1257 papers are accurate.

1258 (11) The decision of the filing officer concerning whether
1259 a candidate is qualified is exempt from the provisions of
1260 chapter 120.

1261 Section 15. Subsection (2) of section 99.063, Florida
1262 Statutes, is amended to read:

1263 99.063 Candidates for Governor and Lieutenant Governor.—

1264 (2) No later than 5 p.m. of the 9th day following the
1265 primary election, each designated candidate for Lieutenant
1266 Governor shall file with the Department of State:

1267 (a) The candidate's oath required by s. 99.021, which must
1268 contain the name of the candidate as it is to appear on the
1269 ballot; the office sought; and the signature of the candidate,
1270 which must be verified under oath or affirmation pursuant to s.
1271 92.525(1)(a) duly acknowledged.

1272 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
1273 ~~candidate and duly acknowledged.~~

1274 ~~(b)(c)~~ (b) If the office sought is partisan, the written
1275 statement of political party affiliation required by s.
1276 99.021(1)(b).

595-04676B-11

20112086c2

1277 (c)~~(d)~~ The full and public disclosure of financial
1278 interests pursuant to s. 8, Art. II of the State Constitution. A
1279 public officer who has filed the full and public disclosure with
1280 the Commission on Ethics prior to qualifying for office may file
1281 a copy of that disclosure at the time of qualifying.

1282 Section 16. Subsection (1) of section 99.092, Florida
1283 Statutes, is amended to read:

1284 99.092 Qualifying fee of candidate; notification of
1285 Department of State.—

1286 (1) Each person seeking to qualify for nomination or
1287 election to any office, except a person seeking to qualify by
1288 the petition process pursuant to s. 99.095 and except a person
1289 seeking to qualify as a write-in candidate, shall pay a
1290 qualifying fee, which shall consist of a filing fee and election
1291 assessment, to the officer with whom the person qualifies, and
1292 any party assessment levied, and shall attach the original or
1293 signed duplicate of the receipt for his or her party assessment
1294 or pay the same, in accordance with the provisions of s.
1295 103.121, at the time of filing his or her other qualifying
1296 papers. The amount of the filing fee is 3 percent of the annual
1297 salary of the office. The amount of the election assessment is 1
1298 percent of the annual salary of the office sought. The election
1299 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~
1300 ~~and~~ transferred to the Elections Commission Trust Fund ~~within~~
1301 ~~the Department of Legal Affairs~~. The amount of the party
1302 assessment is 2 percent of the annual salary. The annual salary
1303 of the office for purposes of computing the filing fee, election
1304 assessment, and party assessment shall be computed by
1305 multiplying 12 times the monthly salary, excluding any special

595-04676B-11

20112086c2

1306 qualification pay, authorized for such office as of July 1
1307 immediately preceding the first day of qualifying. No qualifying
1308 fee shall be returned to the candidate unless the candidate
1309 withdraws his or her candidacy before the last date to qualify.
1310 If a candidate dies prior to an election and has not withdrawn
1311 his or her candidacy before the last date to qualify, the
1312 candidate's qualifying fee shall be returned to his or her
1313 designated beneficiary, and, if the filing fee or any portion
1314 thereof has been transferred to the political party of the
1315 candidate, the Secretary of State shall direct the party to
1316 return that portion to the designated beneficiary of the
1317 candidate.

1318 Section 17. Subsection (1) of section 99.093, Florida
1319 Statutes, is amended to read:

1320 99.093 Municipal candidates; election assessment.—

1321 (1) Each person seeking to qualify for nomination or
1322 election to a municipal office shall pay, at the time of
1323 qualifying for office, an election assessment. The election
1324 assessment shall be an amount equal to 1 percent of the annual
1325 salary of the office sought. Within 30 days after the close of
1326 qualifying, the qualifying officer shall forward all assessments
1327 collected pursuant to this section to the Florida Elections
1328 Commission ~~Department of State~~ for deposit in ~~transfer to~~ the
1329 Elections Commission Trust Fund ~~within the Department of Legal~~
1330 ~~Affairs~~.

1331 Section 18. Paragraph (d) is added to subsection (2) of
1332 section 99.095, Florida Statutes, to read:

1333 99.095 Petition process in lieu of a qualifying fee and
1334 party assessment.—

595-04676B-11

20112086c2

1335 (2)

1336 (d) In a year of apportionment, any candidate for county or
1337 district office seeking ballot position by the petition process
1338 may obtain the required number of signatures from any registered
1339 voter in the respective county, regardless of district
1340 boundaries. The candidate shall obtain at least the number of
1341 signatures equal to 1 percent of the total number of registered
1342 voters, as shown by a compilation by the department for the
1343 immediately preceding general election, divided by the total
1344 number of districts of the office involved.

1345 Section 19. Subsections (1), (3), and (5) of section
1346 99.097, Florida Statutes, are amended, and subsection (6) is
1347 added to that section, to read:

1348 99.097 Verification of signatures on petitions.-

1349 (1) (a) As determined by each supervisor, based upon local
1350 conditions, the checking of names on petitions may be based on
1351 the most inexpensive and administratively feasible of either of
1352 the following methods of verification:

1353 1. (a) A name-by-name, signature-by-signature check of each
1354 petition the number of authorized signatures on the petitions;

1355 or

1356 2. (b) A check of a random sample, as provided by the
1357 Department of State, of names and signatures on the petitions.
1358 The sample must be such that a determination can be made as to
1359 whether or not the required number of signatures has ~~have~~ been
1360 obtained with a reliability of at least 99.5 percent.

1361 (b) Rules and guidelines for ~~this method of~~ petition
1362 verification shall be adopted ~~promulgated~~ by the Department of
1363 State. Rules and guidelines for a random sample method of

595-04676B-11

20112086c2

1364 verification, ~~which~~ may include a requirement that petitions
1365 bear an additional number of names and signatures, not to exceed
1366 15 percent of the names and signatures otherwise required. If
1367 the petitions do not meet such criteria or if the petitions are
1368 prescribed by s. 100.371, ~~then~~ the use of the random sample
1369 method of verification is ~~method described in this paragraph~~
1370 ~~shall not be~~ available to supervisors.

1371 (3) (a) If all other requirements for the petition are met,
1372 a signature on a petition shall be verified and counted as valid
1373 for a registered voter if, after comparing the signature on the
1374 petition and the signature of the registered voter in the voter
1375 registration system, the supervisor is able to determine that
1376 the petition signer is the same as the registered voter, even if
1377 the name on the petition is not in substantially the same form
1378 as in the voter registration system. ~~A name on a petition, which~~
1379 ~~name is not in substantially the same form as a name on the~~
1380 ~~voter registration books, shall be counted as a valid signature~~
1381 ~~if, after comparing the signature on the petition with the~~
1382 ~~signature of the alleged signer as shown on the registration~~
1383 ~~books, the supervisor determines that the person signing the~~
1384 ~~petition and the person who registered to vote are one and the~~
1385 ~~same.~~

1386 (b) In any situation in which this code requires the form
1387 of the petition to be prescribed by the division, no signature
1388 shall be counted toward the number of signatures required unless
1389 it is on a petition form prescribed by the division.

1390 (c) ~~(b)~~ If a voter signs a petition and lists an address
1391 other than the legal residence where the voter is registered,
1392 the supervisor shall treat the signature as if the voter had

595-04676B-11

20112086c2

1393 listed the address where the voter is registered.

1394 (5) The results of a verification pursuant to subparagraph
1395 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court
1396 by the candidate; an announced opponent; a representative of a
1397 designated political committee; or a person, party, or other
1398 organization submitting the petition. The contestant shall file
1399 a complaint, together with the fees prescribed in chapter 28,
1400 with the clerk of the circuit court in the county in which the
1401 petition is certified or in Leon County if the petition covers
1402 more than one county within 10 days after midnight of the date
1403 the petition is certified; and the complaint shall set forth the
1404 grounds on which the contestant intends to establish his or her
1405 right to require a complete check of the petition names and
1406 ~~signatures~~ pursuant to subparagraph (1) (a) 1. ~~paragraph (1) (a).~~
1407 In the event the court orders a complete check of the petition
1408 and the result is not changed as to the success or lack of
1409 success of the petitioner in obtaining the requisite number of
1410 valid signatures, then such candidate, unless the candidate has
1411 filed the oath stating that he or she is unable to pay such
1412 charges; announced opponent; representative of a designated
1413 political committee; or party, person, or organization
1414 submitting the petition, unless such person or organization has
1415 filed the oath stating inability to pay such charges, shall pay
1416 to the supervisor of elections of each affected county for the
1417 complete check an amount calculated at the rate of 10 cents for
1418 each additional signature checked or the actual cost of checking
1419 such additional signatures, whichever is less.

1420 (6) (a) If any person is paid to solicit signatures on a
1421 petition, an undue burden oath may not subsequently be filed in

595-04676B-11

20112086c2

1422 lieu of paying the fee to have signatures verified for that
1423 petition.

1424 (b) If an undue burden oath has been filed and payment is
1425 subsequently made to any person to solicit signatures on a
1426 petition, the undue burden oath is no longer valid and a fee for
1427 all signatures previously submitted to the supervisor of
1428 elections and any that are submitted thereafter shall be paid by
1429 the candidate, person, or organization that submitted the undue
1430 burden oath. If contributions as defined in s. 106.011 are
1431 received, any monetary contributions must first be used to
1432 reimburse the supervisor of elections for any signature
1433 verification fees that were not paid because of the filing of an
1434 undue burden oath.

1435 Section 20. Section 100.061, Florida Statutes, is amended
1436 to read:

1437 100.061 Primary election.—In each year in which a general
1438 election is held, a primary election for nomination of
1439 candidates of political parties shall be held on the Tuesday 9
1440 ~~10~~ weeks prior to the general election. The candidate receiving
1441 the highest number of votes cast in each contest in the primary
1442 election shall be declared nominated for such office. If two or
1443 more candidates receive an equal and highest number of votes for
1444 the same office, such candidates shall draw lots to determine
1445 which candidate is nominated.

1446 Section 21. Section 100.111, Florida Statutes, is amended
1447 to read:

1448 100.111 Filling vacancy.—

1449 (1) (a) If any vacancy occurs in any office which is
1450 required to be filled pursuant to s. 1(f), Art. IV of the State

595-04676B-11

20112086c2

1451 Constitution and the remainder of the term of such office is 28
1452 months or longer, then at the next general election a person
1453 shall be elected to fill the unexpired portion of such term,
1454 commencing on the first Tuesday after the first Monday following
1455 such general election.

1456 (b) If such a vacancy occurs prior to the first day set by
1457 law for qualifying for election to office at such general
1458 election, any person seeking nomination or election to the
1459 unexpired portion of the term shall qualify within the time
1460 prescribed by law for qualifying for other offices to be filled
1461 by election at such general election.

1462 (c) If such a vacancy occurs prior to the primary election
1463 but on or after the first day set by law for qualifying, the
1464 Secretary of State shall set dates for qualifying for the
1465 unexpired portion of the term of such office. Any person seeking
1466 nomination or election to the unexpired portion of the term
1467 shall qualify within the time set by the Secretary of State. If
1468 time does not permit party nominations to be made in conjunction
1469 with the primary election, the Governor may call a special
1470 primary election to select party nominees for the unexpired
1471 portion of such term.

1472 ~~(2) (a) If, in any state or county office required to be~~
1473 ~~filled by election, a vacancy occurs during an election year by~~
1474 ~~reason of the incumbent having qualified as a candidate for~~
1475 ~~federal office pursuant to s. 99.061, no special election is~~
1476 ~~required. Any person seeking nomination or election to the~~
1477 ~~office so vacated shall qualify within the time prescribed by s.~~
1478 ~~99.061 for qualifying for state or county offices to be filled~~
1479 ~~by election.~~

595-04676B-11

20112086c2

1480 ~~(b) If such a vacancy occurs in an election year other than~~
1481 ~~the one immediately preceding expiration of the present term,~~
1482 ~~the Secretary of State shall notify the supervisor of elections~~
1483 ~~in each county served by the office that a vacancy has been~~
1484 ~~created. Such notice shall be provided to the supervisor of~~
1485 ~~elections not later than the close of the first day set for~~
1486 ~~qualifying for state or county office. The supervisor shall~~
1487 ~~provide public notice of the vacancy in any manner the Secretary~~
1488 ~~of State deems appropriate.~~

1489 (2)~~(3)~~ Whenever there is a vacancy for which a special
1490 election is required pursuant to s. 100.101, the Governor, after
1491 consultation with the Secretary of State, shall fix the dates of
1492 a special primary election and a special election. Nominees of
1493 political parties shall be chosen under the primary laws of this
1494 state in the special primary election to become candidates in
1495 the special election. Prior to setting the special election
1496 dates, the Governor shall consider any upcoming elections in the
1497 jurisdiction where the special election will be held. The dates
1498 fixed by the Governor shall be specific days certain and shall
1499 not be established by the happening of a condition or stated in
1500 the alternative. The dates fixed shall provide a minimum of 2
1501 weeks between each election. In the event a vacancy occurs in
1502 the office of state senator or member of the House of
1503 Representatives when the Legislature is in regular legislative
1504 session, the minimum times prescribed by this subsection may be
1505 waived upon concurrence of the Governor, the Speaker of the
1506 House of Representatives, and the President of the Senate. If a
1507 vacancy occurs in the office of state senator and no session of
1508 the Legislature is scheduled to be held prior to the next

595-04676B-11

20112086c2

1509 general election, the Governor may fix the dates for the special
1510 primary election and for the special election to coincide with
1511 the dates of the primary election and general election. If a
1512 vacancy in office occurs in any district in the state Senate or
1513 House of Representatives or in any congressional district, and
1514 no session of the Legislature, or session of Congress if the
1515 vacancy is in a congressional district, is scheduled to be held
1516 during the unexpired portion of the term, the Governor is not
1517 required to call a special election to fill such vacancy.

1518 (a) The dates for candidates to qualify in such special
1519 election or special primary election shall be fixed by the
1520 Department of State, and candidates shall qualify not later than
1521 noon of the last day so fixed. The dates fixed for qualifying
1522 shall allow a minimum of 14 days between the last day of
1523 qualifying and the special primary election.

1524 (b) The filing of campaign expense statements by candidates
1525 in such special elections or special primaries and by committees
1526 making contributions or expenditures to influence the results of
1527 such special primaries or special elections shall be not later
1528 than such dates as shall be fixed by the Department of State,
1529 and in fixing such dates the Department of State shall take into
1530 consideration and be governed by the practical time limitations.

1531 (c) The dates for a candidate to qualify by the petition
1532 process pursuant to s. 99.095 in such special primary or special
1533 election shall be fixed by the Department of State. In fixing
1534 such dates the Department of State shall take into consideration
1535 and be governed by the practical time limitations. Any candidate
1536 seeking to qualify by the petition process in a special primary
1537 election shall obtain 25 percent of the signatures required by

595-04676B-11

20112086c2

1538 s. 99.095.

1539 (d) The qualifying fees and party assessments of such
1540 candidates as may qualify shall be the same as collected for the
1541 same office at the last previous primary for that office. The
1542 party assessment shall be paid to the appropriate executive
1543 committee of the political party to which the candidate belongs.

1544 (e) Each county canvassing board shall make as speedy a
1545 return of the result of such special primary elections and
1546 special elections as time will permit, and the Elections
1547 Canvassing Commission likewise shall make as speedy a canvass
1548 and declaration of the nominees as time will permit.

1549 ~~(3)(4)~~(a) In the event that death, resignation, withdrawal,
1550 removal, or any other cause or event should cause a party to
1551 have a vacancy in nomination which leaves no candidate for an
1552 office from such party, the filing officer before whom the
1553 candidate qualified ~~Department of State~~ shall notify the chair
1554 of the ~~appropriate state and, district, or~~ county political
1555 party executive committee of such party~~;~~ and,

1556 1. If the vacancy in nomination is for a statewide office,
1557 the state party chair shall, within 5 days, the chair shall call
1558 a meeting of his or her executive board committee to consider
1559 designation of a nominee to fill the vacancy.

1560 2. If the vacancy in nomination is for a legislative or
1561 multicounty office, the state party chair shall notify the
1562 appropriate county chair or chairs and, within 5 days, the
1563 appropriate county chair or chairs shall call a meeting of the
1564 members of the executive committee in the affected county or
1565 counties to consider designation of a nominee to fill the
1566 vacancy.

595-04676B-11

20112086c2

1567 3. If the vacancy in nomination is for a county office, the
1568 state party chair shall notify the appropriate county chair and,
1569 within 5 days, the appropriate county chair shall call a meeting
1570 of his or her executive committee to consider designation of a
1571 nominee to fill the vacancy.

1572
1573 The name of any person so designated shall be submitted to the
1574 filing officer before whom the candidate qualified ~~Department of~~
1575 ~~State~~ within 7 days after notice to the chair in order that the
1576 person designated may have his or her name on the ballot of the
1577 ensuing general election. If the name of the new nominee is
1578 submitted after the certification of results of the preceding
1579 primary election, however, the ballots shall not be changed and
1580 the former party nominee's name will appear on the ballot. Any
1581 ballots cast for the former party nominee will be counted for
1582 the person designated by the political party to replace the
1583 former party nominee. If there is no opposition to the party
1584 nominee, the person designated by the political party to replace
1585 the former party nominee will be elected to office at the
1586 general election. ~~For purposes of this paragraph, the term~~
1587 ~~"district political party executive committee" means the members~~
1588 ~~of the state executive committee of a political party from those~~
1589 ~~counties comprising the area involving a district office.~~

1590 (b) When, under the circumstances set forth in the
1591 preceding paragraph, vacancies in nomination are required to be
1592 filled by committee nominations, such vacancies shall be filled
1593 by party rule. In any instance in which a nominee is selected by
1594 a committee to fill a vacancy in nomination, such nominee shall
1595 pay the same filing fee and take the same oath as the nominee

595-04676B-11

20112086c2

1596 would have taken had he or she regularly qualified for election
1597 to such office.

1598 (c) Any person who, at the close of qualifying as
1599 prescribed in ss. 99.061 and 105.031, was qualified for
1600 nomination or election to or retention in a public office to be
1601 filled at the ensuing general election or who attempted to
1602 qualify and failed to qualify is prohibited from qualifying as a
1603 candidate to fill a vacancy in nomination for any other office
1604 to be filled at that general election, even if such person has
1605 withdrawn or been eliminated as a candidate for the original
1606 office sought. However, this paragraph does not apply to a
1607 candidate for the office of Lieutenant Governor who applies to
1608 fill a vacancy in nomination for the office of Governor on the
1609 same ticket or to a person who has withdrawn or been eliminated
1610 as a candidate and who is subsequently designated as a candidate
1611 for Lieutenant Governor under s. 99.063.

1612 (4) A vacancy in nomination is not created if an order of a
1613 court that has become final determines that a nominee did not
1614 properly qualify or did not meet the necessary qualifications to
1615 hold the office for which he or she sought to qualify.

1616 (5) In the event of unforeseeable circumstances not
1617 contemplated in these general election laws concerning the
1618 calling and holding of special primary elections and special
1619 elections resulting from court order or other unpredictable
1620 circumstances, the Department of State shall have the authority
1621 to provide for the conduct of orderly elections.

1622 Section 22. Subsections (1), (3), (6), (7), and (8) of
1623 section 100.371, Florida Statutes, are amended to read:

1624 100.371 Initiatives; procedure for placement on ballot.—

595-04676B-11

20112086c2

1625 (1) Constitutional amendments proposed by initiative shall
1626 be placed on the ballot for the general election, provided the
1627 initiative petition has been filed with the Secretary of State
1628 no later than February 1 of the year the general election is
1629 held. A petition shall be deemed to be filed with the Secretary
1630 of State upon the date the secretary determines that valid and
1631 verified petition forms have been signed by the constitutionally
1632 required number and distribution of electors under this code,
1633 ~~subject to the right of revocation established in this section.~~

1634 (3) An initiative petition form circulated for signature
1635 may not be bundled with or attached to any other petition. Each
1636 signature shall be dated when made and shall be valid for a
1637 period of 2 4 years following such date, provided all other
1638 requirements of law are met. The sponsor shall submit signed and
1639 dated forms to the ~~appropriate~~ supervisor of elections for the
1640 county of residence listed by the person signing the form for
1641 verification of ~~as to~~ the number of ~~registered electors whose~~
1642 valid signatures obtained appear thereon. If a signature on a
1643 petition is from a registered voter in another county, the
1644 supervisor shall notify the petition sponsor of the misfiled
1645 petition. The supervisor shall promptly verify the signatures
1646 within 30 days after ~~of~~ receipt of the petition forms and
1647 payment of the fee required by s. 99.097. The supervisor shall
1648 promptly record, in the manner prescribed by the Secretary of
1649 State, the date each form is received by the supervisor, and the
1650 date the signature on the form is verified as valid. The
1651 supervisor may verify that the signature on a form is valid only
1652 if:

1653 (a) The form contains the original signature of the

595-04676B-11

20112086c2

1654 purported elector.

1655 (b) The purported elector has accurately recorded on the
1656 form the date on which he or she signed the form.

1657 (c) The form ~~accurately~~ sets forth the purported elector's
1658 name, ~~street~~ address, city, county, and voter registration
1659 number or date of birth.

1660 (d) The purported elector is, at the time he or she signs
1661 the form and at the time the form is verified, a duly qualified
1662 and registered elector ~~authorized to vote in the state county in~~
1663 ~~which his or her signature is submitted~~.

1664
1665 The supervisor shall retain the signature forms for at least 1
1666 year following the election in which the issue appeared on the
1667 ballot or until the Division of Elections notifies the
1668 supervisors of elections that the committee that ~~which~~
1669 circulated the petition is no longer seeking to obtain ballot
1670 position.

1671 ~~(6) (a) An elector's signature on a petition form may be~~
1672 ~~revoked within 150 days of the date on which he or she signed~~
1673 ~~the petition form by submitting to the appropriate supervisor of~~
1674 ~~elections a signed petition revocation form.~~

1675 ~~(b) The petition revocation form and the manner in which~~
1676 ~~signatures are obtained, submitted, and verified shall be~~
1677 ~~subject to the same relevant requirements and timeframes as the~~
1678 ~~corresponding petition form and processes under this code and~~
1679 ~~shall be approved by the Secretary of State before any signature~~
1680 ~~on a petition revocation form is obtained.~~

1681 ~~(c) In those circumstances in which a petition revocation~~
1682 ~~form for a corresponding initiative petition has not been~~

595-04676B-11

20112086c2

1683 ~~submitted and approved, an elector may complete and submit a~~
1684 ~~standard petition revocation form directly to the supervisor of~~
1685 ~~elections. All other requirements and processes apply for the~~
1686 ~~submission and verification of the signatures as for initiative~~
1687 ~~petitions.~~

1688 ~~(d) Supervisors of elections shall provide petition-~~
1689 ~~revocation forms to the public at all main and branch offices.~~

1690 ~~(e) The petition revocation form shall be filed with the~~
1691 ~~supervisor of elections by February 1 preceding the next general~~
1692 ~~election or, if the initiative amendment is not certified for~~
1693 ~~ballot position in that election, by February 1 preceding the~~
1694 ~~next successive general election. The supervisor of elections~~
1695 ~~shall promptly verify the signature on the petition revocation~~
1696 ~~form and process such revocation upon payment, in advance, of a~~
1697 ~~fee of 10 cents or the actual cost of verifying such signature,~~
1698 ~~whichever is less. The supervisor shall promptly record each~~
1699 ~~valid and verified signature on a petition revocation form in~~
1700 ~~the manner prescribed by the Secretary of State.~~

1701 ~~(f) The division shall adopt by rule the petition-~~
1702 ~~revocation forms to be used under this subsection.~~

1703 ~~(6)~~(7) The Department of State may adopt rules in
1704 accordance with s. 120.54 to carry out the provisions of
1705 subsections (1)-(5) ~~(1)-(6)~~.

1706 ~~(7)~~(8) No provision of this code shall be deemed to
1707 prohibit a private person exercising lawful control over
1708 privately owned property, including property held open to the
1709 public for the purposes of a commercial enterprise, from
1710 excluding from such property persons seeking to engage in
1711 activity supporting or opposing initiative amendments.

595-04676B-11

20112086c2

1712 Section 23. Subsection (1) of section 101.043, Florida
1713 Statutes, is amended to read:

1714 101.043 Identification required at polls.—

1715 (1) The precinct register, as prescribed in s. 98.461,
1716 shall be used at the polls for the purpose of identifying the
1717 elector at the polls prior to allowing him or her to vote. The
1718 clerk or inspector shall require each elector, upon entering the
1719 polling place, to present one of the following current and valid
1720 picture identifications:

1721 (a) Florida driver's license.

1722 (b) Florida identification card issued by the Department of
1723 Highway Safety and Motor Vehicles.

1724 (c) United States passport.

1725 (d) Debit or credit card.

1726 (e) Military identification.

1727 (f) Student identification.

1728 (g) Retirement center identification.

1729 (h) Neighborhood association identification.

1730 (i) Public assistance identification.

1731

1732 If the picture identification does not contain the signature of
1733 the elector ~~voter~~, an additional identification that provides
1734 the elector's ~~voter's~~ signature shall be required. The address
1735 appearing on the identification presented by the elector may not
1736 be used as the basis to confirm an elector's legal residence or
1737 otherwise challenge an elector's legal residence. The elector
1738 shall sign his or her name in the space provided on the precinct
1739 register or on an electronic device provided for recording the
1740 elector's ~~voter's~~ signature. The clerk or inspector shall

595-04676B-11

20112086c2

1741 compare the signature with that on the identification provided
1742 by the elector and enter his or her initials in the space
1743 provided on the precinct register or on an electronic device
1744 provided for that purpose and allow the elector to vote if the
1745 clerk or inspector is satisfied as to the identity of the
1746 elector.

1747 Section 24. Section 101.045, Florida Statutes, is amended
1748 to read:

1749 (Substantial rewording of section. See
1750 s. 101.045, F.S., for present text.)

1751 101.045 Electors must be registered in precinct.-

1752 (1) A person is not permitted to vote in any election
1753 precinct or district other than the one in which the person has
1754 his or her legal residence and in which the person is
1755 registered. However, a person temporarily residing outside the
1756 county shall be registered in the precinct in which the main
1757 office of the supervisor, as designated by the supervisor, is
1758 located when the person has no permanent address in the county
1759 and it is the person's intention to remain a resident of Florida
1760 and of the county in which he or she is registered to vote. Such
1761 persons who are registered in the precinct in which the main
1762 office of the supervisor, as designated by the supervisor, is
1763 located and who are residing outside the county with no
1764 permanent address in the county may not be registered electors
1765 of a municipality and therefore are not permitted to vote in any
1766 municipal elections.

1767 (2) If the elector's eligibility to vote cannot be
1768 determined, he or she is entitled to vote using a provisional
1769 ballot, subject to the requirements and procedures in s.

595-04676B-11

20112086c2

1770 101.048.

1771 Section 25. Subsection (2) of section 101.131, Florida
1772 Statutes, is amended, and subsections (4) and (5) are added to
1773 that section, to read:

1774 101.131 Watchers at polls.—

1775 (2) Each party, each political committee, and each
1776 candidate requesting to have poll watchers shall designate, in
1777 writing to the supervisors of elections, on a form prescribed by
1778 the division, before ~~prior to~~ noon of the second Tuesday
1779 preceding the election poll watchers for each polling room on
1780 election day. Designations of poll watchers for early voting
1781 areas shall be submitted in writing to the supervisor of
1782 elections, on a form prescribed by the division, before noon at
1783 least 14 days before early voting begins. The poll watchers for
1784 each polling rooms ~~room~~ shall be approved by the supervisor of
1785 elections on or before the Tuesday before the election. Poll
1786 watchers for early voting areas shall be approved by the
1787 supervisor of elections no later than 7 days before early voting
1788 begins. The supervisor shall furnish to each election board a
1789 list of the poll watchers designated and approved for such
1790 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of
1791 poll watchers shall be made by the chair of the county executive
1792 committee of a political party, the chair of a political
1793 committee, or the candidate requesting to have poll watchers.

1794 (4) All poll watchers shall be allowed to enter and watch
1795 polls in all polling rooms and early voting areas within the
1796 county in which they have been designated if the number of poll
1797 watchers at any particular polling place does not exceed the
1798 number provided in this section.

595-04676B-11

20112086c2

1799 (5) The supervisor of elections shall provide to each
1800 designated poll watcher, no later than 7 days before early
1801 voting begins, a poll watcher identification badge that
1802 identifies the poll watcher by name. Each poll watcher must wear
1803 his or her identification badge while in the polling room or
1804 early voting area.

1805 Section 26. Subsections (1), (2), and (3) of section
1806 101.151, Florida Statutes, are amended to read:

1807 101.151 Specifications for ballots.—

1808 (1) (a) Marksense ballots shall be printed on paper of such
1809 thickness that the printing cannot be distinguished from the
1810 back and shall meet the specifications of the voting system that
1811 will be used to tabulate the ballots.

1812 (b) Early voting sites may employ a ballot-on-demand
1813 production system to print individual marksense ballots,
1814 including provisional ballots, for eligible electors pursuant to
1815 s. 101.657. Ballot-on-demand technology may be used to produce
1816 marksense absentee and election-day ballots. ~~Not later than 30~~
1817 ~~days before an election, the Secretary of State may also~~
1818 ~~authorize in writing the use of ballot-on-demand technology for~~
1819 ~~the production of election-day ballots.~~

1820 (2) (a) The ballot shall have the following office titles
1821 ~~headings~~ under which shall appear ~~the names of the offices and~~
1822 the names of the candidates for the respective offices in the
1823 following order:

1824 1. The office titles of heading “President and Vice
1825 President of the United States” and thereunder the names of the
1826 candidates for President and Vice President of the United States
1827 nominated by the political party that received the highest vote

595-04676B-11

20112086c2

1828 for Governor in the last general election of the Governor in
1829 this state. Then shall appear the names of other candidates for
1830 President and Vice President of the United States who have been
1831 properly nominated.

1832 2. The office titles ~~Then shall follow the heading~~
1833 ~~"Congressional" and thereunder the offices~~ of United States
1834 Senator and Representative in Congress.†

1835 3. The office titles ~~then the heading "State" and~~
1836 ~~thereunder the offices~~ of Governor and Lieutenant Governor,
1837 Attorney General, Chief Financial Officer, Commissioner of
1838 Agriculture, State Attorney, with the applicable judicial
1839 circuit printed beneath the office, and Public Defender, with
1840 the applicable judicial circuit printed beneath the office.
1841 ~~together with the names of the candidates for each office and~~
1842 ~~the title of the office which they seek; then the heading~~
1843 ~~"Legislative" and thereunder~~

1844 4. The office titles ~~offices~~ of State Senator and State
1845 Representative, with the applicable district for the office
1846 printed beneath.† ~~then the heading "County" and thereunder~~

1847 5. The office titles of County Clerk of the Circuit Court,
1848 or Clerk of the Circuit Court and Comptroller, whichever is
1849 applicable and when authorized by law, Clerk of the County
1850 Court, ~~(when authorized by law),~~ County Sheriff, County Property
1851 Appraiser, County Tax Collector, District Superintendent of
1852 Schools, and County Supervisor of Elections.

1853 6. The office titles ~~Thereafter follows: members of the~~
1854 Board of County Commissioners, with the applicable district
1855 printed beneath each office, and such other county and district
1856 offices as are involved in the election, in the order fixed by

595-04676B-11

20112086c2

1857 the Department of State, followed, in the year of their
1858 election, by "Party Offices," and thereunder the offices of
1859 state and county party executive committee members.

1860 (b) In a general election, in addition to the names printed
1861 on the ballot, a blank space shall be provided under each
1862 ~~heading for an~~ office for which a write-in candidate has
1863 qualified. With respect to write-in candidates, if two or more
1864 candidates are seeking election to one office, only one blank
1865 space shall be provided.

1866 (c) ~~(b)~~ When more than one candidate is nominated for
1867 office, the candidates for such office shall qualify and run in
1868 a group or district, and the group or district number shall be
1869 printed beneath the name of the office. Each nominee of a
1870 political party chosen in a primary shall appear on the general
1871 election ballot in the same numbered group or district as on the
1872 primary election ballot.

1873 (d) ~~(e)~~ If in any election all the offices as set forth in
1874 paragraph (a) are not involved, those offices not to be filled
1875 shall be omitted and the remaining offices shall be arranged on
1876 the ballot in the order named.

1877 (3) (a) The names of the candidates of the party that
1878 received the highest number of votes for Governor in the last
1879 election in which a Governor was elected shall be placed first
1880 ~~under the heading~~ for each office on the general election
1881 ballot, together with an appropriate abbreviation of the party
1882 name; the names of the candidates of the party that received the
1883 second highest vote for Governor shall be placed second ~~under~~
1884 ~~the heading~~ for each office, together with an appropriate
1885 abbreviation of the party name.

595-04676B-11

20112086c2

1886 (b) Minor political party candidates ~~and candidates with no~~
1887 ~~party affiliation~~ shall have their names appear on the general
1888 election ballot following the names of recognized political
1889 parties, in the same order as they were qualified, certified
1890 followed by the names of candidates with no party affiliation,
1891 in the order as they were qualified.

1892 Section 27. Subsection (2) of section 101.161, Florida
1893 Statutes, is amended to read:

1894 101.161 Referenda; ballots.—

1895 (2) (a) The substance and ballot title of a constitutional
1896 amendment proposed by initiative shall be prepared by the
1897 sponsor and approved by the Secretary of State in accordance
1898 with rules adopted pursuant to s. 120.54. The Department of
1899 State shall give each proposed constitutional amendment a
1900 designating number for convenient reference. This number
1901 designation shall appear on the ballot. Designating numbers
1902 shall be assigned in the order of filing or certification and in
1903 accordance with rules adopted by the Department of State. The
1904 Department of State shall furnish the designating number, the
1905 ballot title, and the substance of each amendment to the
1906 supervisor of elections of each county in which such amendment
1907 is to be voted on.

1908 (b) Any action for a judicial determination that the ballot
1909 title or substance embodied in a joint resolution is inaccurate,
1910 misleading, or otherwise defective must be commenced within 30
1911 days after the joint resolution is filed with the Secretary of
1912 State or at least 150 days before the election at which the
1913 amendment will appear on the ballot, whichever occurs later. The
1914 court, including any appellate court, shall accord the case

595-04676B-11

20112086c2

1915 priority over other pending cases and render a decision as
1916 expeditiously as possible. If the court determines that the
1917 ballot title or substance embodied in the joint resolution is
1918 defective and further appeals are declined, abandoned, or
1919 exhausted, the Attorney General shall promptly prepare a revised
1920 ballot title and substance that correct the deficiencies
1921 identified by the court, and the Department of State shall
1922 furnish a designating number and the revised ballot title and
1923 substance to the supervisors of elections for placement on the
1924 ballot. A defect in the ballot title or substance embodied in
1925 the joint resolution is not grounds to remove the proposed
1926 amendment from the ballot.

1927 Section 28. Paragraph (a) of subsection (2) of section
1928 101.5605, Florida Statutes, is amended to read:

1929 101.5605 Examination and approval of equipment.-

1930 (2) (a) Any person owning or interested in an electronic or
1931 electromechanical voting system may submit it to the Department
1932 of State for examination. The vote counting segment shall be
1933 certified after a satisfactory evaluation testing has been
1934 performed according to the standards adopted under s. 101.015(1)
1935 ~~electronic industry standards~~. This testing shall include, but
1936 is not limited to, testing of all software required for the
1937 voting system's operation; the ballot reader; the rote
1938 processor, especially in its logic and memory components; the
1939 digital printer; the fail-safe operations; the counting center
1940 environmental requirements; and the equipment reliability
1941 estimate. For the purpose of assisting in examining the system,
1942 the department shall employ or contract for services of at least
1943 one individual who is expert in one or more fields of data

595-04676B-11

20112086c2

1944 processing, mechanical engineering, and public administration
1945 and shall require from the individual a written report of his or
1946 her examination.

1947 Section 29. Subsection (11) of section 101.5606, Florida
1948 Statutes, is amended to read

1949 101.5606 Requirements for approval of systems.—No
1950 electronic or electromechanical voting system shall be approved
1951 by the Department of State unless it is so constructed that:

1952 (11) It is capable of automatically producing precinct
1953 totals in printed, ~~marked, or punched form, or a combination~~
1954 ~~thereof.~~

1955 Section 30. Paragraph (a) of subsection (4) of section
1956 101.5612, Florida Statutes, is amended to read:

1957 101.5612 Testing of tabulating equipment.—

1958 (4) (a) 1. For electronic or electromechanical voting systems
1959 configured to include electronic or electromechanical tabulation
1960 devices which are distributed to the precincts, all or a sample
1961 of the devices to be used in the election shall be publicly
1962 tested. If a sample is to be tested, the sample shall consist of
1963 a random selection of at least 5 percent or 10 of the devices
1964 for an optical scan system ~~or 2 percent of the devices for a~~
1965 ~~touchscreen system or 10 of the devices for either system, as~~
1966 ~~applicable, whichever is greater. For touchscreen systems used~~
1967 for voters having a disability, a sample of at least 2 percent
1968 of the devices must be tested. The test shall be conducted by
1969 processing a group of ballots, causing the device to output
1970 results for the ballots processed, and comparing the output of
1971 results to the results expected for the ballots processed. The
1972 group of ballots shall be produced so as to record a

595-04676B-11

20112086c2

1973 predetermined number of valid votes for each candidate and on
1974 each measure and to include for each office one or more ballots
1975 which have activated voting positions in excess of the number
1976 allowed by law in order to test the ability of the tabulating
1977 device to reject such votes.

1978 2. If any tested tabulating device is found to have an
1979 error in tabulation, it shall be deemed unsatisfactory. For each
1980 device deemed unsatisfactory, the canvassing board shall take
1981 steps to determine the cause of the error, shall attempt to
1982 identify and test other devices that could reasonably be
1983 expected to have the same error, and shall test a number of
1984 additional devices sufficient to determine that all devices are
1985 satisfactory. Upon deeming any device unsatisfactory, the
1986 canvassing board may require all devices to be tested or may
1987 declare that all devices are unsatisfactory.

1988 3. If the operation or output of any tested tabulation
1989 device, such as spelling or the order of candidates on a report,
1990 is in error, such problem shall be reported to the canvassing
1991 board. The canvassing board shall then determine if the reported
1992 problem warrants its deeming the device unsatisfactory.

1993 Section 31. Subsection (4) of section 101.5614, Florida
1994 Statutes, is amended to read:

1995 101.5614 Canvass of returns.—

1996 (4) ~~If ballot cards are used, and separate write-in ballots~~
1997 ~~or envelopes for casting write-in votes are used, write-in~~
1998 ~~ballots or the envelopes on which write-in ballots have been~~
1999 ~~cast shall be serially numbered, starting with the number one,~~
2000 ~~and the same number shall be placed on the ballot card of the~~
2001 ~~voter. This process may be completed at either the precinct by~~

595-04676B-11

20112086c2

2002 ~~the election board or at the central counting location.~~ For each
2003 ballot or ballot image ~~and ballot envelope~~ on which write-in
2004 votes have been cast, the canvassing board shall compare the
2005 write-in votes with the votes cast on the ballot ~~card~~; if the
2006 total number of votes for any office exceeds the number allowed
2007 by law, ~~a notation to that effect, specifying the office~~
2008 ~~involved, shall be entered on the back of the ballot card or in~~
2009 ~~a margin if voting areas are printed on both sides of the ballot~~
2010 ~~card.~~ such votes shall not be counted. All valid votes shall be
2011 tallied by the canvassing board.

2012 Section 32. Subsection (6) is added to section 101.591,
2013 Florida Statutes, to read:

2014 101.591 Voting system audit.—

2015 (6) If a manual recount is undertaken pursuant to s.
2016 102.166, the canvassing board is not required to perform the
2017 audit provided for in this section.

2018 Section 33. Paragraphs (a) and (b) of subsection (1) and
2019 subsections (3) and (4) of section 101.62, Florida Statutes, are
2020 amended to read:

2021 101.62 Request for absentee ballots.—

2022 (1) (a) The supervisor shall accept a request for an
2023 absentee ballot from an elector in person or in writing. One
2024 request shall be deemed sufficient to receive an absentee ballot
2025 for all elections through the end of the calendar year of the
2026 second ensuing ~~next~~ regularly scheduled general election, unless
2027 the elector or the elector's designee indicates at the time the
2028 request is made the elections for which the elector desires to
2029 receive an absentee ballot. Such request may be considered
2030 canceled when any first-class mail sent by the supervisor to the

595-04676B-11

20112086c2

2031 elector is returned as undeliverable.

2032 (b) The supervisor may accept a written or telephonic
2033 request for an absentee ballot from the elector, or, if directly
2034 instructed by the elector, a member of the elector's immediate
2035 family, or the elector's legal guardian. For purposes of this
2036 section, the term "immediate family" has the same meaning as
2037 specified in paragraph (4) (c) ~~(4) (b)~~. The person making the
2038 request must disclose:

2039 1. The name of the elector for whom the ballot is
2040 requested.

2041 2. The elector's address.

2042 3. The elector's date of birth.

2043 4. The requester's name.

2044 5. The requester's address.

2045 6. The requester's driver's license number, if available.

2046 7. The requester's relationship to the elector.

2047 8. The requester's signature (written requests only).

2048 (3) For each request for an absentee ballot received, the
2049 supervisor shall record the date the request was made, the date
2050 the absentee ballot was delivered to the voter or the voter's
2051 designee or the date the absentee ballot was delivered to the
2052 post office or other carrier, the date the ballot was received
2053 by the supervisor, and such other information he or she may deem
2054 necessary. This information shall be provided in electronic
2055 format as provided by rule adopted by the division. The
2056 information shall be updated and made available no later than 8
2057 a.m. noon ~~noon~~ of each day, including weekends, beginning 60 days
2058 before the primary until 15 days after the general election and
2059 shall be contemporaneously provided to the division. This

595-04676B-11

20112086c2

2060 information shall be confidential and exempt from the provisions
2061 of s. 119.07(1) and shall be made available to or reproduced
2062 only for the voter requesting the ballot, a canvassing board, an
2063 election official, a political party or official thereof, a
2064 candidate who has filed qualification papers and is opposed in
2065 an upcoming election, and registered political committees or
2066 registered committees of continuous existence, for political
2067 purposes only.

2068 (4) (a) No later than 45 days before each presidential
2069 preference primary election, primary election, and general
2070 election, the supervisor of elections shall send an absentee
2071 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent
2072 uniformed services voter and to each overseas voter who has
2073 requested an absentee ballot.

2074 (b) The supervisor shall begin mailing absentee ballots
2075 between the 35th and 30th day before the presidential preference
2076 primary election, special election, primary election, and
2077 general election to each absent qualified voter, other than
2078 those listed in paragraph (a), who has requested such a ballot.
2079 Except as otherwise provided in subsection (2) and after the
2080 period described in this paragraph, the supervisor shall mail
2081 absentee ballots within 48 hours after receiving a request for
2082 such a ballot.

2083 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
2084 each elector by whom a request for that ballot has been made by
2085 one of the following means:

2086 1. By nonforwardable, return-if-undeliverable mail to the
2087 elector's current mailing address on file with the supervisor
2088 or, unless the elector specifies in the request that:

595-04676B-11

20112086c2

2089 ~~a. The elector is absent from the county and does not plan~~
2090 ~~to return before the day of the election;~~

2091 ~~b. The elector is temporarily unable to occupy the~~
2092 ~~residence because of hurricane, tornado, flood, fire, or other~~
2093 ~~emergency or natural disaster; or~~

2094 ~~e. The elector is in a hospital, assisted living facility,~~
2095 ~~nursing home, short-term medical or rehabilitation facility, or~~
2096 ~~correctional facility,~~

2097
2098 ~~in which case the supervisor shall mail the ballot by~~
2099 ~~nonforwardable, return-if-undeliverable mail to any other~~
2100 ~~address the elector specifies in the request.~~

2101 2. By forwardable mail, e-mail, or facsimile machine
2102 transmission to absent uniformed services voters and overseas
2103 voters. The absent uniformed services voter or overseas voter
2104 may designate in the absentee ballot request the preferred
2105 method of transmission. If the voter does not designate the
2106 method of transmission, the absentee ballot shall be mailed.

2107 3. By personal delivery before 7 p.m. on election day to
2108 the elector, upon presentation of the identification required in
2109 s. 101.043.

2110 4. By delivery to a designee on election day or up to 5
2111 days prior to the day of an election. Any elector may designate
2112 in writing a person to pick up the ballot for the elector;
2113 however, the person designated may not pick up more than two
2114 absentee ballots per election, other than the designee's own
2115 ballot, except that additional ballots may be picked up for
2116 members of the designee's immediate family. For purposes of this
2117 section, "immediate family" means the designee's spouse or the

595-04676B-11

20112086c2

2118 parent, child, grandparent, or sibling of the designee or of the
2119 designee's spouse. The designee shall provide to the supervisor
2120 the written authorization by the elector and a picture
2121 identification of the designee and must complete an affidavit.
2122 The designee shall state in the affidavit that the designee is
2123 authorized by the elector to pick up that ballot and shall
2124 indicate if the elector is a member of the designee's immediate
2125 family and, if so, the relationship. The department shall
2126 prescribe the form of the affidavit. If the supervisor is
2127 satisfied that the designee is authorized to pick up the ballot
2128 and that the signature of the elector on the written
2129 authorization matches the signature of the elector on file, the
2130 supervisor shall give the ballot to that designee for delivery
2131 to the elector.

2132 Section 34. Section 101.65, Florida Statutes, is amended to
2133 read:

2134 101.65 Instructions to absent electors.—The supervisor
2135 shall enclose with each absentee ballot separate printed
2136 instructions in substantially the following form:

2137
2138 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

2139 1. VERY IMPORTANT. In order to ensure that your absentee
2140 ballot will be counted, it should be completed and returned as
2141 soon as possible so that it can reach the supervisor of
2142 elections of the county in which your precinct is located no
2143 later than 7 p.m. on the day of the election.

2144 2. Mark your ballot in secret as instructed on the ballot.
2145 You must mark your own ballot unless you are unable to do so
2146 because of blindness, disability, or inability to read or write.

595-04676B-11

20112086c2

2147 3. Mark only the number of candidates or issue choices for
2148 a race as indicated on the ballot. If you are allowed to "Vote
2149 for One" candidate and you vote for more than one candidate,
2150 your vote in that race will not be counted.

2151 4. Place your marked ballot in the enclosed secrecy
2152 envelope.

2153 5. Insert the secrecy envelope into the enclosed mailing
2154 envelope which is addressed to the supervisor.

2155 6. Seal the mailing envelope and completely fill out the
2156 Voter's Certificate on the back of the mailing envelope.

2157 7. VERY IMPORTANT. In order for your absentee ballot to be
2158 counted, you must sign your name on the line above (Voter's
2159 Signature). An absentee ballot will be considered illegal and
2160 not be counted if the signature on the voter's certificate does
2161 not match the signature on record. The signature on file at the
2162 start of the canvass of the absentee ballots is the signature
2163 that will be used to verify your signature on the voter's
2164 certificate. If you need to update your signature for this
2165 election, send your signature update on a voter registration
2166 application to your supervisor of elections so that it is
2167 received no later than the start of the canvassing of absentee
2168 ballots, which occurs no earlier than the 15th day before
2169 election day.

2170 8. VERY IMPORTANT. If you are an overseas voter, you must
2171 include the date you signed the Voter's Certificate on the line
2172 above (Date) or your ballot may not be counted.

2173 9. Mail, deliver, or have delivered the completed mailing
2174 envelope. Be sure there is sufficient postage if mailed.

2175 10. FELONY NOTICE. It is a felony under Florida law to

595-04676B-11

20112086c2

2176 accept any gift, payment, or gratuity in exchange for your vote
2177 for a candidate. It is also a felony under Florida law to vote
2178 in an election using a false identity or false address, or under
2179 any other circumstances making your ballot false or fraudulent.

2180 Section 35. Subsection (1) of section 101.657, Florida
2181 Statutes, is amended to read:

2182 101.657 Early voting.—

2183 (1) (a) As a convenience to the voter, the supervisor of
2184 elections shall allow an elector to vote early in the main or
2185 branch office of the supervisor. The supervisor shall mark,
2186 code, indicate on, or otherwise track the voter's precinct for
2187 each early voted ballot. In order for a branch office to be used
2188 for early voting, it shall be a permanent facility of the
2189 supervisor and shall have been designated and used as such for
2190 at least 1 year prior to the election. The supervisor may also
2191 designate any city hall or permanent public library facility as
2192 early voting sites; however, if so designated, the sites must be
2193 geographically located so as to provide all voters in the county
2194 an equal opportunity to cast a ballot, insofar as is
2195 practicable. The results or tabulation of votes cast during
2196 early voting may not be made before the close of the polls on
2197 election day. Results shall be reported by precinct.

2198 (b) The supervisor shall designate each early voting site
2199 by no later than the 30th day prior to an election and shall
2200 designate an early voting area, as defined in s. 97.021, at each
2201 early voting site.

2202 (c) All early voting sites in a county shall be open on the
2203 same days for the same amount of time and shall allow any person
2204 in line at the closing of an early voting site to vote.

595-04676B-11

20112086c2

2205 (d) Early voting shall begin on the 7th ~~15th~~ day before an
2206 election which contains state or federal races and end on the
2207 2nd day before the an election and. ~~For purposes of a special~~
2208 ~~election held pursuant to s. 100.101, early voting shall begin~~
2209 ~~on the 8th day before an election and end on the 2nd day before~~
2210 ~~an election. Early voting shall be provided for 8 hours per~~
2211 ~~weekday and 8 hours in the aggregate each weekend at each site~~
2212 ~~during the applicable periods. The supervisor of elections may~~
2213 provide early voting for elections that are not held in
2214 conjunction with a state or federal election. However, the
2215 supervisor has the discretion to determine the hours of
2216 operation of early voting sites in those elections. Early voting
2217 ~~sites shall open no sooner than 7 a.m. and close no later than 7~~
2218 ~~p.m. on each applicable day.~~

2219 (e) Notwithstanding the requirements of s. 100.3605,
2220 municipalities may provide early voting in municipal elections
2221 that are not held in conjunction with county or state elections.
2222 If a municipality provides early voting, it may designate as
2223 many sites as necessary and shall conduct its activities in
2224 accordance with the provisions of paragraphs (a)-(c). The
2225 supervisor is not required to conduct early voting if it is
2226 provided pursuant to this subsection.

2227 (f) Notwithstanding the requirements of s. 189.405, special
2228 districts may provide early voting in any district election not
2229 held in conjunction with county or state elections. If a special
2230 district provides early voting, it may designate as many sites
2231 as necessary and shall conduct its activities in accordance with
2232 the provisions of paragraphs (a)-(c). The supervisor is not
2233 required to conduct early voting if it is provided pursuant to

595-04676B-11

20112086c2

2234 this subsection.

2235 Section 36. Paragraph (a) of subsection (2) of section
2236 101.68, Florida Statutes, is amended to read:

2237 101.68 Canvassing of absentee ballot.-

2238 (2) (a) The county canvassing board may begin the canvassing
2239 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
2240 election, but not later than noon on the day following the
2241 election. In addition, for any county using electronic
2242 tabulating equipment, the processing of absentee ballots through
2243 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
2244 day before the election. However, notwithstanding any such
2245 authorization to begin canvassing or otherwise processing
2246 absentee ballots early, no result shall be released until after
2247 the closing of the polls in that county on election day. Any
2248 supervisor of elections, deputy supervisor of elections,
2249 canvassing board member, election board member, or election
2250 employee who releases the results of a canvassing or processing
2251 of absentee ballots prior to the closing of the polls in that
2252 county on election day commits a felony of the third degree,
2253 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2254 Section 37. Subsection (2) of section 101.6923, Florida
2255 Statutes, is amended to read:

2256 101.6923 Special absentee ballot instructions for certain
2257 first-time voters.-

2258 (2) A voter covered by this section shall be provided with
2259 printed instructions with his or her absentee ballot in
2260 substantially the following form:

2261

2262 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

595-04676B-11

20112086c2

2263 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
2264 TO COUNT.

2265

2266 1. In order to ensure that your absentee ballot will be
2267 counted, it should be completed and returned as soon as possible
2268 so that it can reach the supervisor of elections of the county
2269 in which your precinct is located no later than 7 p.m. on the
2270 date of the election.

2271 2. Mark your ballot in secret as instructed on the ballot.
2272 You must mark your own ballot unless you are unable to do so
2273 because of blindness, disability, or inability to read or write.

2274 3. Mark only the number of candidates or issue choices for
2275 a race as indicated on the ballot. If you are allowed to "Vote
2276 for One" candidate and you vote for more than one, your vote in
2277 that race will not be counted.

2278 4. Place your marked ballot in the enclosed secrecy
2279 envelope and seal the envelope.

2280 5. Insert the secrecy envelope into the enclosed envelope
2281 bearing the Voter's Certificate. Seal the envelope and
2282 completely fill out the Voter's Certificate on the back of the
2283 envelope.

2284 a. You must sign your name on the line above (Voter's
2285 Signature).

2286 b. If you are an overseas voter, you must include the date
2287 you signed the Voter's Certificate on the line above (Date) or
2288 your ballot may not be counted.

2289 c. An absentee ballot will be considered illegal and will
2290 not be counted if the signature on the Voter's Certificate does
2291 not match the signature on record. The signature on file at the

595-04676B-11

20112086c2

2292 start of the canvass of the absentee ballots is the signature
2293 that will be used to verify your signature on the Voter's
2294 Certificate. If you need to update your signature for this
2295 election, send your signature update on a voter registration
2296 application to your supervisor of elections so that it is
2297 received no later than the start of canvassing of absentee
2298 ballots, which occurs no earlier than the 15th day before
2299 election day.

2300 6. Unless you meet one of the exemptions in Item 7., you
2301 must make a copy of one of the following forms of
2302 identification:

2303 a. Identification which must include your name and
2304 photograph: United States passport; debit or credit card;
2305 military identification; student identification; retirement
2306 center identification; neighborhood association identification;
2307 or public assistance identification; or

2308 b. Identification which shows your name and current
2309 residence address: current utility bill, bank statement,
2310 government check, paycheck, or government document (excluding
2311 voter identification card).

2312 7. The identification requirements of Item 6. do not apply
2313 if you meet one of the following requirements:

2314 a. You are 65 years of age or older.

2315 b. You have a temporary or permanent physical disability.

2316 c. You are a member of a uniformed service on active duty
2317 who, by reason of such active duty, will be absent from the
2318 county on election day.

2319 d. You are a member of the Merchant Marine who, by reason
2320 of service in the Merchant Marine, will be absent from the

595-04676B-11

20112086c2

2321 county on election day.

2322 e. You are the spouse or dependent of a member referred to
2323 in paragraph c. or paragraph d. who, by reason of the active
2324 duty or service of the member, will be absent from the county on
2325 election day.

2326 f. You are currently residing outside the United States.

2327 8. Place the envelope bearing the Voter's Certificate into
2328 the mailing envelope addressed to the supervisor. Insert a copy
2329 of your identification in the mailing envelope. DO NOT PUT YOUR
2330 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
2331 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
2332 BALLOT WILL NOT COUNT.

2333 9. Mail, deliver, or have delivered the completed mailing
2334 envelope. Be sure there is sufficient postage if mailed.

2335 10. FELONY NOTICE. It is a felony under Florida law to
2336 accept any gift, payment, or gratuity in exchange for your vote
2337 for a candidate. It is also a felony under Florida law to vote
2338 in an election using a false identity or false address, or under
2339 any other circumstances making your ballot false or fraudulent.

2340 Section 38. Subsection (3) of section 101.75, Florida
2341 Statutes, is amended to read:

2342 101.75 Municipal elections; change of dates for cause.—

2343 (3) Notwithstanding any provision of local law or municipal
2344 charter, the governing body of a municipality may, by ordinance,
2345 move the date of any municipal election to a date concurrent
2346 with any statewide or countywide election. The dates for
2347 qualifying for the election moved by the passage of such
2348 ordinance shall be specifically provided for in the ordinance
2349 ~~and shall run for no less than 14 days.~~ The term of office for

595-04676B-11

20112086c2

2350 any elected municipal official shall commence as provided by the
2351 relevant municipal charter or ordinance.

2352 Section 39. Subsection (4) of section 102.168, Florida
2353 Statutes, is amended, and subsection (8) is added to that
2354 section, to read:

2355 102.168 Contest of election.—

2356 (4) The ~~county~~ canvassing board responsible for canvassing
2357 the election is an indispensable ~~and proper~~ party defendant in
2358 county and local elections. ~~+~~ The Elections Canvassing Commission
2359 is an indispensable ~~and proper~~ party defendant in federal,
2360 state, and multicounty elections and in elections for justice of
2361 the Supreme Court, judge of a district court of appeal, and
2362 judge of a circuit court. races; ~~and~~ The successful candidate is
2363 an indispensable party to any action brought to contest the
2364 election or nomination of a candidate.

2365 (8) In any contest that requires a review of the canvassing
2366 board's decision on the legality of an absentee ballot pursuant
2367 to s. 101.68 based upon a comparison of the signature on the
2368 voter's certificate and the signature of the elector in the
2369 registration records, the circuit court may not review or
2370 consider any evidence other than the signatures on the voter's
2371 certificate and the signature of the elector in the registration
2372 records. The court's review of such issue shall be to determine
2373 only if the canvassing board abused its discretion in making its
2374 decision.

2375 Section 40. Subsection (4) of section 103.021, Florida
2376 Statutes, is amended to read:

2377 103.021 Nomination for presidential electors.—Candidates
2378 for presidential electors shall be nominated in the following

595-04676B-11

20112086c2

2379 manner:

2380 (4) (a) A minor political party that is affiliated with a
2381 national party holding a national convention to nominate
2382 candidates for President and Vice President of the United States
2383 may have the names of its candidates for President and Vice
2384 President of the United States printed on the general election
2385 ballot by filing with the Department of State a certificate
2386 naming the candidates for President and Vice President and
2387 listing the required number of persons to serve as electors.
2388 Notification to the Department of State under this subsection
2389 shall be made by September 1 of the year in which the election
2390 is held. When the Department of State has been so notified, it
2391 shall order the names of the candidates nominated by the minor
2392 political party to be included on the ballot and shall permit
2393 the required number of persons to be certified as electors in
2394 the same manner as other party candidates. As used in this
2395 section, the term "national party" means a political party that
2396 is registered with and recognized as a qualified national
2397 committee of a political party by the Federal Election
2398 Commission established and admitted to the ballot in at least
2399 one state other than Florida.

2400 (b) A minor political party that is not affiliated with a
2401 national party holding a national convention to nominate
2402 candidates for President and Vice President of the United States
2403 may have the names of its candidates for President and Vice
2404 President printed on the general election ballot if a petition
2405 is signed by a number of electors in each of one-half of the
2406 congressional districts of the state, and of the state as a
2407 whole, equal to 2 percent of the votes cast in each of such

595-04676B-11

20112086c2

2408 districts respectively and in the state as a whole in the last
2409 preceding election in which presidential electors were chosen ±
2410 ~~percent of the registered electors of this state,~~ as shown by
2411 the compilation by the Department of State ~~for the preceding~~
2412 ~~general election.~~ A separate petition from each county for which
2413 signatures are solicited shall be submitted to the supervisors
2414 of elections of the respective county no later than July 15 of
2415 each presidential election year. The supervisor shall check the
2416 names and, on or before the date of the primary election, shall
2417 certify the number shown as registered electors of the county.
2418 The supervisor shall be paid by the person requesting the
2419 certification the cost of checking the petitions as prescribed
2420 in s. 99.097. The supervisor shall then forward the certificate
2421 to the Department of State, which shall determine whether or not
2422 the percentage factor required in this section has been met.
2423 When the percentage factor required in this section has been
2424 met, the Department of State shall order the names of the
2425 candidates for whom the petition was circulated to be included
2426 on the ballot and shall permit the required number of persons to
2427 be certified as electors in the same manner as other party
2428 candidates.

2429 Section 41. Section 103.095, Florida Statutes, is created
2430 to read:

2431 103.095 Minor political parties.-

2432 (1) Any group of citizens organized for the general
2433 purposes of electing to office qualified persons and determining
2434 public issues under the democratic processes of the United
2435 States may become a minor political party of this state by
2436 filing with the department a certificate showing the name of the

595-04676B-11

20112086c2

2437 organization, the names and addresses of its current officers,
2438 including the members of its executive committee, accompanied by
2439 a completed uniform statewide voter registration application as
2440 specified in s. 97.052 for each of its current officers and
2441 members of its executive committee which reflect their
2442 affiliation with the proposed minor political party, and a copy
2443 of its constitution, bylaws, and rules and regulations.

2444 (2) All electors registered to vote in the minor political
2445 party in which he or she has so designated has a fundamental
2446 right to fully and meaningfully participate in the business and
2447 affairs of the minor political party without any monetary
2448 encumbrance. The constitution, bylaws, rules, regulations, or
2449 other equivalent documents must reflect this fundamental right
2450 and must provide for and contain reasonable provisions which at
2451 a minimum must prescribe procedures to: prescribe its
2452 membership, conduct its meetings according to generally accepted
2453 parliamentary practices, timely notify its members as to the
2454 time, date, and place of all of its meetings, timely publish
2455 notice on its public and functioning website as to the time,
2456 date, and place of all of its meetings, elect its officers,
2457 remove its officers, make party nominations when required by
2458 law, conduct campaigns for party nominees, raise and expend
2459 party funds, select delegates to its national convention, select
2460 presidential electors, and alter or amend all of its governing
2461 documents.

2462 (3) The members of the executive committee must elect a
2463 chair, vice chair, secretary, and treasurer, all of whom shall
2464 be members of the minor political party and no member may hold
2465 more than one office, except that one person may hold the

595-04676B-11

20112086c2

2466 offices of secretary and treasurer.

2467 (4) Upon approval of the minor political party's filing,
2468 the department shall process the voter registration applications
2469 submitted by the minor political party's officers and members of
2470 its executive committee. It shall be the duty of the minor
2471 political party to notify the department of any changes in the
2472 filing certificate within 5 days after such changes.

2473 (5) The Division of Elections shall adopt rules to
2474 prescribe the manner in which political parties, including minor
2475 political parties, may have their filings with the Department of
2476 State canceled. Such rules shall, at a minimum, provide for:

2477 (a) Notice, which must contain the facts and conduct that
2478 warrant the intended action, including, but not limited to, the
2479 failure to have any voters registered in the party, the failure
2480 to notify the department of replacement officers, and the
2481 failure to file campaign finance reports, the failure to adopt
2482 or file with the department all governing documents containing
2483 the provisions specified in subsection (2), and limited
2484 activity.

2485 (b) Adequate opportunity to respond.

2486 (c) Appeal of the decision to the Florida Elections
2487 Commission. Such appeals are exempt from the confidentiality
2488 provisions of s. 106.25.

2489 (6) The requirements of this section are retroactive for
2490 any minor political party registered with the department on July
2491 1, 2011, and must be complied with within 180 days after the
2492 department provides notice to the minor political party of the
2493 requirements contained in this section. Failure of the minor
2494 political party to comply with the requirements within 180 days

595-04676B-11

20112086c2

2495 after receipt of the notice shall automatically result in the
2496 cancellation of the minor political party's registration.

2497 Section 42. Subsection (2) of section 103.101, Florida
2498 Statutes, is amended to read:

2499 103.101 Presidential preference primary.—

2500 ~~(2) (a) There shall be a Presidential Candidate Selection~~
2501 ~~Committee composed of the Secretary of State, who shall be a~~
2502 ~~nonvoting chair; the Speaker of the House of Representatives;~~
2503 ~~the President of the Senate; the minority leader of each house~~
2504 ~~of the Legislature; and the chair of each political party~~
2505 ~~required to have a presidential preference primary under this~~
2506 ~~section.~~

2507 ~~(b)~~ By October 31 of the year preceding the presidential
2508 preference primary, each political party shall submit to the
2509 Secretary of State a list of its presidential candidates to be
2510 placed on the presidential preference primary ballot or
2511 candidates entitled to have delegates appear on the presidential
2512 preference primary ballot. The Secretary of State shall prepare
2513 and publish a list of the names of the presidential candidates
2514 submitted not later than on the first Tuesday after the first
2515 Monday in November of the year preceding the presidential
2516 preference primary. ~~The Secretary of State shall submit such~~
2517 ~~list of names of presidential candidates to the selection~~
2518 ~~committee on the first Tuesday after the first Monday in~~
2519 ~~November of the year preceding the presidential preference~~
2520 ~~primary. Each person designated as a presidential candidate~~
2521 ~~shall have his or her name appear, or have his or her delegates'~~
2522 ~~names appear, on the presidential preference primary ballot~~
2523 ~~unless all committee members of the same political party as the~~

595-04676B-11

20112086c2

2524 ~~candidate agree to delete such candidate's name from the ballot.~~

2525 ~~(c) The selection committee shall meet in Tallahassee on~~
2526 ~~the first Tuesday after the first Monday in November of the year~~
2527 ~~preceding the presidential preference primary. The selection~~
2528 ~~committee shall publicly announce and submit to the Department~~
2529 ~~of State no later than 5 p.m. on the following day the names of~~
2530 ~~presidential candidates who shall have their names appear, or~~
2531 ~~who are entitled to have their delegates' names appear, on the~~
2532 ~~presidential preference primary ballot. The Department of State~~
2533 ~~shall immediately notify each presidential candidate listed~~
2534 ~~designated by the Secretary of State committee. Such~~
2535 ~~notification shall be in writing, by registered mail, with~~
2536 ~~return receipt requested.~~

2537 Section 43. Section 103.141, Florida Statutes, is amended
2538 to read:

2539 103.141 Removal of county executive committee member for
2540 violation of oath.-

2541 ~~(1) If~~ Where the county executive committee by at least a
2542 two-thirds majority vote of the members of the committee,
2543 attending a meeting held after due notice has been given and at
2544 which meeting a quorum is present, determines an incumbent
2545 county executive committee member is ~~to be~~ guilty of an offense
2546 involving a violation of the member's oath of office, the said
2547 ~~member so violating his or her oath~~ shall be removed from office
2548 and the office shall be deemed vacant. ~~Provided,~~ However, if the
2549 county committee wrongfully removes a county committee member
2550 and the committee member ~~se~~ wrongfully removed files suit in the
2551 circuit court alleging his or her removal was wrongful and wins
2552 the said suit, the committee member shall be restored to office

595-04676B-11

20112086c2

2553 and the county committee shall pay the costs incurred by the
2554 wrongfully removed committee member in bringing the suit,
2555 including reasonable attorney's fees.

2556 ~~(2) Any officer, county committeeman, county~~
2557 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2558 ~~or member of a county executive committee may be removed from~~
2559 ~~office pursuant to s. 103.161.~~

2560 Section 44. Section 103.161, Florida Statutes, is repealed.

2561 Section 45. Section 104.29, Florida Statutes, is amended to
2562 read:

2563 104.29 Inspectors refusing to allow watchers while ballots
2564 are counted.—The inspectors or other election officials at the
2565 polling place shall, after the polls close ~~at all times while~~
2566 ~~the ballots are being counted~~, allow as many as three persons
2567 near to them to see whether the ballots are being reconciled
2568 correctly. ~~read and called and the votes correctly tallied, and~~
2569 Any official who denies this privilege or interferes therewith
2570 commits ~~is guilty of~~ a misdemeanor of the first degree,
2571 punishable as provided in s. 775.082 or s. 775.083.

2572 Section 46. Subsection (3), paragraph (b) of subsection
2573 (5), subsection (15), and paragraph (c) of subsection (16) of
2574 section 106.011, Florida Statutes, are amended to read:

2575 106.011 Definitions.—As used in this chapter, the following
2576 terms have the following meanings unless the context clearly
2577 indicates otherwise:

2578 (3) "Contribution" means:

2579 (a) A gift, subscription, conveyance, deposit, loan,
2580 payment, or distribution of money or anything of value,
2581 including contributions in kind having an attributable monetary

595-04676B-11

20112086c2

2582 value in any form, made for the purpose of influencing the
2583 results of an election or making an electioneering
2584 communication.

2585 (b) A transfer of funds between political committees,
2586 between committees of continuous existence, between
2587 electioneering communications organizations, or between any
2588 combination of these groups.

2589 (c) The payment, by any person other than a candidate or
2590 political committee, of compensation for the personal services
2591 of another person which are rendered to a candidate or political
2592 committee without charge to the candidate or committee for such
2593 services.

2594 (d) The transfer of funds by a campaign treasurer or deputy
2595 campaign treasurer between a primary depository and a separate
2596 interest-bearing account or certificate of deposit, and the term
2597 includes any interest earned on such account or certificate.

2598
2599 Notwithstanding the foregoing meanings of "contribution," the
2600 term may ~~word shall~~ not be construed to include services,
2601 including, but not limited to, legal and accounting services,
2602 provided without compensation by individuals volunteering a
2603 portion or all of their time on behalf of a candidate or
2604 political committee. ~~This definition shall not be construed to~~
2605 ~~include~~ editorial endorsements.

2606 (5)

2607 (b) An expenditure for the purpose of expressly advocating
2608 the election or defeat of a candidate which is made by the
2609 national, state, or county executive committee of a political
2610 party, including any subordinate committee of a national, state,

595-04676B-11

20112086c2

2611 or county committee of a political party, or by any political
2612 committee or committee of continuous existence, or any other
2613 person, shall not be considered an independent expenditure if
2614 the committee or person:

2615 1. Communicates with the candidate, the candidate's
2616 campaign, or an agent of the candidate acting on behalf of the
2617 candidate, including any pollster, media consultant, advertising
2618 agency, vendor, advisor, or staff member, concerning the
2619 preparation of, use of, or payment for, the specific expenditure
2620 or advertising campaign at issue; or

2621 2. Makes a payment in cooperation, consultation, or concert
2622 with, at the request or suggestion of, or pursuant to any
2623 general or particular understanding with the candidate, the
2624 candidate's campaign, a political committee supporting the
2625 candidate, or an agent of the candidate relating to the specific
2626 expenditure or advertising campaign at issue; or

2627 3. Makes a payment for the dissemination, distribution, or
2628 republication, in whole or in part, of any broadcast or any
2629 written, graphic, or other form of campaign material prepared by
2630 the candidate, the candidate's campaign, or an agent of the
2631 candidate, including any pollster, media consultant, advertising
2632 agency, vendor, advisor, or staff member; or

2633 4. Makes a payment based on information about the
2634 candidate's plans, projects, or needs communicated to a member
2635 of the committee or person by the candidate or an agent of the
2636 candidate, provided the committee or person uses the information
2637 in any way, in whole or in part, either directly or indirectly,
2638 to design, prepare, or pay for the specific expenditure or
2639 advertising campaign at issue; or

595-04676B-11

20112086c2

2640 5. After the last day of the qualifying period prescribed
2641 for the candidate ~~for statewide or legislative office~~, consults
2642 about the candidate's plans, projects, or needs in connection
2643 with the candidate's pursuit of election to office and the
2644 information is used in any way to plan, create, design, or
2645 prepare an independent expenditure or advertising campaign,
2646 with:

2647 a. Any officer, director, employee, or agent of a national,
2648 state, or county executive committee of a political party that
2649 has made or intends to make expenditures in connection with or
2650 contributions to the candidate; or

2651 b. Any person whose professional services have been
2652 retained by a national, state, or county executive committee of
2653 a political party that has made or intends to make expenditures
2654 in connection with or contributions to the candidate; or

2655 6. After the last day of the qualifying period prescribed
2656 for the candidate ~~for statewide or legislative office~~, retains
2657 the professional services of any person also providing those
2658 services to the candidate in connection with the candidate's
2659 pursuit of election to office; or

2660 7. Arranges, coordinates, or directs the expenditure, in
2661 any way, with the candidate or an agent of the candidate.

2662 (15) "Unopposed candidate" means a candidate for nomination
2663 or election to an office who, after the last day on which any
2664 person, including a write-in candidate, may qualify, is without
2665 opposition in the election at which the office is to be filled
2666 or who is without such opposition after such date as a result of
2667 any primary election or of withdrawal by other candidates
2668 seeking the same office. A candidate is not an unopposed

595-04676B-11

20112086c2

2669 candidate if there is a vacancy to be filled under s. 100.111(3)
2670 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding
2671 the right to a ballot position for the office sought by the
2672 candidate, or if the candidate is seeking retention as a justice
2673 or judge.

2674 (16) "Candidate" means any person to whom any one or more
2675 of the following apply:

2676 (c) Any person who receives contributions or makes
2677 expenditures, or consents for any other person to receive
2678 contributions or make expenditures, with a view to bring about
2679 his or her nomination or election to, or retention in, public
2680 office. However, this definition does not include any candidate
2681 for a political party executive committee. Expenditures related
2682 to potential candidate polls as provided in s. 106.17 are not
2683 contributions or expenditures for purposes of this subsection.

2684 Section 47. Subsection (3) of section 106.021, Florida
2685 Statutes, is amended to read:

2686 106.021 Campaign treasurers; deputies; primary and
2687 secondary depositories.—

2688 (3) No contribution or expenditure, including contributions
2689 or expenditures of a candidate or of the candidate's family,
2690 shall be directly or indirectly made or received in furtherance
2691 of the candidacy of any person for nomination or election to
2692 political office in the state or on behalf of any political
2693 committee except through the duly appointed campaign treasurer
2694 of the candidate or political committee, subject to the
2695 following exceptions:

2696 (a) Independent expenditures;

2697 (b) Reimbursements to a candidate or any other individual

595-04676B-11

20112086c2

2698 for expenses incurred in connection with the campaign or
2699 activities of the political committee by a check drawn upon the
2700 campaign account and reported pursuant to s. 106.07(4). ~~After~~
2701 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom
2702 the candidate or other individual made payment for which
2703 reimbursement was made by check drawn upon the campaign account
2704 shall be reported pursuant to s. 106.07(4), together with the
2705 purpose of such payment;

2706 (c) Expenditures made indirectly through a treasurer for
2707 goods or services, such as communications media placement or
2708 procurement services, campaign signs, insurance, or other
2709 expenditures that include multiple integral components as part
2710 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;;
2711 or

2712 (d) Expenditures made directly by any political committee
2713 or political party regulated by chapter 103 for obtaining time,
2714 space, or services in or by any communications medium for the
2715 purpose of jointly endorsing three or more candidates, and any
2716 such expenditure shall not be considered a contribution or
2717 expenditure to or on behalf of any such candidates for the
2718 purposes of this chapter.

2719 Section 48. Section 106.022, Florida Statutes, is amended
2720 to read:

2721 106.022 Appointment of a registered agent; duties.—

2722 (1) Each political committee, committee of continuous
2723 existence, or electioneering communications organization shall
2724 have and continuously maintain in this state a registered office
2725 and a registered agent and must file with the filing officer
2726 ~~division~~ a statement of appointment for the registered office

595-04676B-11

20112086c2

2727 and registered agent. The statement of appointment must:

2728 (a) Provide the name of the registered agent and the street
2729 address and phone number for the registered office;

2730 (b) Identify the entity for whom the registered agent
2731 serves;

2732 (c) Designate the address the registered agent wishes to
2733 use to receive mail;

2734 (d) Include the entity's undertaking to inform the filing
2735 officer ~~division~~ of any change in such designated address;

2736 (e) Provide for the registered agent's acceptance of the
2737 appointment, which must confirm that the registered agent is
2738 familiar with and accepts the obligations of the position as set
2739 forth in this section; and

2740 (f) Contain the signature of the registered agent and the
2741 entity engaging the registered agent.

2742 (2) An entity may change its appointment of registered
2743 agent and registered office under this section by executing a
2744 written statement of change and filing it with the filing
2745 officer. The statement must satisfy ~~that identifies the former~~
2746 ~~registered agent and registered address and also satisfies~~ all
2747 of the requirements of subsection (1).

2748 (3) A registered agent may resign his or her appointment as
2749 registered agent by executing a written statement of resignation
2750 and filing it with the filing officer ~~division~~. An entity
2751 without a registered agent may not make expenditures or accept
2752 contributions until it files a written statement of change as
2753 required in subsection (2).

2754 Section 49. Subsection (1) of section 106.023, Florida
2755 Statutes, is amended to read:

595-04676B-11

20112086c2

2756 106.023 Statement of candidate.—

2757 (1) Each candidate must file a statement with the
2758 qualifying officer within 10 days after filing the appointment
2759 of campaign treasurer and designation of campaign depository,
2760 stating that the candidate has read and understands the
2761 requirements of this chapter. Such statement shall be provided
2762 by the filing officer and shall be in substantially the
2763 following form:

2764
2765 STATEMENT OF CANDIDATE
2766

2767 I,, candidate for the office of, have been
2768 provided access to ~~received~~, read, and understand the
2769 requirements of Chapter 106, Florida Statutes.

2770
2771 ... (Signature of candidate) ... (Date) ...

2772
2773 Willful failure to file this form is a violation of ss.
2774 106.19(1)(c) and 106.25(3), F.S.

2775 Section 50. Paragraph (c) of subsection (1) of section
2776 106.025, Florida Statutes, is amended to read:

2777 106.025 Campaign fund raisers.—

2778 (1)

2779 (c) Any tickets or advertising for such a campaign fund
2780 raiser shall contain the following statement: "The purchase of a
2781 ticket for, or a contribution to, the campaign fund raiser is a
2782 contribution to the campaign of ...(name of the candidate for
2783 whose benefit the campaign fund raiser is held)...." However,
2784 this paragraph does not apply to any campaign message or

595-04676B-11

20112086c2

2785 political advertisement that satisfies the requirements of s.
2786 106.143(8). Such tickets or advertising shall also comply with
2787 other provisions of this chapter relating to political
2788 advertising.

2789 Section 51. Subsection (1) and paragraph (d) of subsection
2790 (3) of section 106.03, Florida Statutes, are amended to read:

2791 106.03 Registration of political committees and
2792 electioneering communications organizations.—

2793 (1) (a) Each political committee that anticipates receiving
2794 contributions or making expenditures during a calendar year in
2795 an aggregate amount exceeding \$500 or that is seeking the
2796 signatures of registered electors in support of an initiative
2797 shall file a statement of organization as provided in subsection
2798 (3) within 10 days after its organization or, if later, within
2799 10 days after the date on which it has information that causes
2800 the committee to anticipate that it will receive contributions
2801 or make expenditures in excess of \$500. If a political committee
2802 is organized within 10 days of any election, it shall
2803 immediately file the statement of organization required by this
2804 section.

2805 (b)1. Each group that ~~electioneering communications~~
2806 ~~organization that receives contributions or makes expenditures~~
2807 during a calendar year in an aggregate amount exceeding \$5,000
2808 shall file a statement of organization as provided in
2809 subparagraph 2. ~~by expedited delivery within 24 hours after its~~
2810 ~~organization or, if later,~~ within 24 hours after the date on
2811 which it ~~receives contributions or~~ makes expenditures for an
2812 electioneering communication in excess of \$5,000, if such
2813 expenditures are made within the time frames specified in s.

595-04676B-11

20112086c2

2814 106.011(18)(a)2. If the group makes expenditures for an
2815 electioneering communication in excess of \$5,000 before the time
2816 frames specified in s. 106.011(18)(a)2., it shall file the
2817 statement of organization within 24 hours of the 30th day before
2818 a primary or special primary election, or within 24 hours of the
2819 60th day before any other election, whichever is applicable.

2820 2.a. In a statewide, legislative, or multicounty election,
2821 an electioneering communications organization shall file a
2822 statement of organization with the Division of Elections.

2823 b. In a countywide election or any election held on less
2824 than a countywide basis, except as described in sub-subparagraph
2825 c., an electioneering communications organization shall file a
2826 statement of organization with the supervisor of elections of
2827 the county in which the election is being held.

2828 c. In a municipal election, an electioneering
2829 communications organization shall file a statement of
2830 organization with the officer before whom municipal candidates
2831 qualify.

2832 d. Any electioneering communications organization that
2833 would be required to file a statement of organization in two or
2834 more locations ~~by reason of the organization's intention to~~
2835 ~~support or oppose candidates at state or multicounty and local~~
2836 ~~levels of government~~ need only file a statement of organization
2837 with the Division of Elections.

2838 (3)

2839 (d) Any political committee which would be required under
2840 this subsection to file a statement of organization in two or
2841 more locations ~~by reason of the committee's intention to support~~
2842 ~~or oppose candidates or issues at state or multicounty and local~~

595-04676B-11

20112086c2

2843 ~~levels of government~~ need file only with the Division of
2844 Elections.

2845 Section 52. Subsection (4) of section 106.04, Florida
2846 Statutes, is amended, present subsections (7) and (8) of that
2847 section are amended and renumbered as subsections (8) and (9),
2848 respectively, and a new subsection (7) is added to that section,
2849 to read:

2850 106.04 Committees of continuous existence.—

2851 (4) (a) Each committee of continuous existence shall file an
2852 annual report with the Division of Elections during the month of
2853 January. Such annual reports shall contain the same information
2854 and shall be accompanied by the same materials as original
2855 applications filed pursuant to subsection (2). However, the
2856 charter or bylaws need not be filed if the annual report is
2857 accompanied by a sworn statement by the chair that no changes
2858 have been made to such charter or bylaws since the last filing.

2859 (b)1. Each committee of continuous existence shall file
2860 regular reports with the Division of Elections at the same times
2861 and subject to the same filing conditions as are established by
2862 s. 106.07(1) and (2) for candidates' reports. In addition, when
2863 a special election is called to fill a vacancy in office, a
2864 committee of continuous existence that makes a contribution or
2865 expenditure to influence the results of such special election or
2866 the preceding special primary election must file campaign
2867 finance reports with the filing officer on the dates set by the
2868 Department of State pursuant to s. 100.111.

2869 2. A committee of continuous existence that makes a
2870 contribution or an expenditure to influence the results of a
2871 county or municipal election that is not being held at the same

595-04676B-11

20112086c2

2872 time as a state or federal election must also file campaign
2873 finance reports with the county or municipal filing officer on
2874 the same dates as county or municipal candidates or committees
2875 for that election. The committee of continuous existence must
2876 also include the contribution or expenditure in the next report
2877 filed with the Division of Elections pursuant to this section
2878 following the county or municipal election.

2879 3.2- Any committee of continuous existence failing to so
2880 file a report with the Division of Elections or applicable
2881 filing officer pursuant to this paragraph on the designated due
2882 date shall be subject to a fine for late filing as provided by
2883 this section.

2884 (c) All committees of continuous existence shall file their
2885 reports with the Division of Elections. Reports shall be filed
2886 in accordance with s. 106.0705 and shall contain the following
2887 information:

2888 1. The full name, address, and occupation of each person
2889 who has made one or more contributions, including contributions
2890 that represent the payment of membership dues, to the committee
2891 during the reporting period, together with the amounts and dates
2892 of such contributions. For corporations, the report must provide
2893 as clear a description as practicable of the principal type of
2894 business conducted by the corporation. However, if the
2895 contribution is \$100 or less, the occupation of the contributor
2896 or principal type of business need not be listed. However, for
2897 any contributions that represent the payment of dues by members
2898 in a fixed amount aggregating no more than \$250 per calendar
2899 year, pursuant to the schedule on file with the Division of
2900 Elections, only the aggregate amount of such contributions need

595-04676B-11

20112086c2

2901 be listed, together with the number of members paying such dues
2902 and the amount of the membership dues.

2903 2. The name and address of each political committee or
2904 committee of continuous existence from which the reporting
2905 committee received, or the name and address of each political
2906 committee, committee of continuous existence, or political party
2907 to which it made, any transfer of funds, together with the
2908 amounts and dates of all transfers.

2909 3. Any other receipt of funds not listed pursuant to
2910 subparagraph 1. or subparagraph 2., including the sources and
2911 amounts of all such funds.

2912 4. The name and address of, and office sought by, each
2913 candidate to whom the committee has made a contribution during
2914 the reporting period, together with the amount and date of each
2915 contribution.

2916 5. The full name and address of each person to whom
2917 expenditures have been made by or on behalf of the committee
2918 within the reporting period; the amount, date, and purpose of
2919 each such expenditure; and the name and address, and office
2920 sought by, each candidate on whose behalf such expenditure was
2921 made.

2922 6. The full name and address of each person to whom an
2923 expenditure for personal services, salary, or reimbursement for
2924 authorized expenses has been made, including the full name and
2925 address of each entity to whom the person made payment for which
2926 reimbursement was made by check drawn upon the committee
2927 account, together with the amount and purpose of such payment.

2928 7. Transaction information from each credit card purchase
2929 ~~statement that will be included in the next report following~~

595-04676B-11

20112086c2

2930 ~~receipt thereof by the committee.~~ Receipts for each credit card
2931 purchase shall be retained by the treasurer with the records for
2932 the committee account.

2933 8. The total sum of expenditures made by the committee
2934 during the reporting period.

2935 (d) The treasurer of each committee shall certify as to the
2936 correctness of each report and shall bear the responsibility for
2937 its accuracy and veracity. Any treasurer who willfully certifies
2938 to the correctness of a report while knowing that such report is
2939 incorrect, false, or incomplete commits a misdemeanor of the
2940 first degree, punishable as provided in s. 775.082 or s.
2941 775.083.

2942 (7) Any change in information previously submitted to the
2943 division shall be reported within 10 days following the change.

2944 (8) ~~(7)~~ If a committee of continuous existence ceases to
2945 meet the criteria prescribed by subsection (1) or fails to file
2946 a report or information required pursuant to this chapter, the
2947 Division of Elections shall revoke its certification ~~until such~~
2948 ~~time as the criteria are again met.~~ The Division of Elections
2949 shall ~~adopt~~ promulgate rules to prescribe the manner in which
2950 the ~~such~~ certification of a committee of continuous existence
2951 shall be revoked. Such rules shall, at a minimum, provide for:

2952 (a) Notice, which must ~~shall~~ contain the facts and conduct
2953 that warrant the intended action.

2954 (b) Adequate opportunity to respond.

2955 (c) Appeal of the decision to the Florida Elections
2956 Commission. Such appeals are ~~shall be~~ exempt from the
2957 confidentiality provisions of s. 106.25.

2958 (9) ~~(8)~~ (a) Any committee of continuous existence failing to

595-04676B-11

20112086c2

2959 file a report on the designated due date ~~is shall be~~ subject to
2960 a fine. The fine shall be \$50 per day for the first 3 days late
2961 and, thereafter, \$500 per day for each late day, not to exceed
2962 25 percent of the total receipts or expenditures, whichever is
2963 greater, for the period covered by the late report. However, for
2964 the reports immediately preceding each primary and general
2965 election, including a special primary election and a special
2966 general election, the fine shall be \$500 per day for each late
2967 day, not to exceed 25 percent of the total receipts or
2968 expenditures, whichever is greater, for the period covered by
2969 the late report. The fine shall be assessed by the filing
2970 officer, and the moneys collected shall be deposited into:

2971 1. ~~In~~ The General Revenue Fund, in the case of fines
2972 collected by the Division of Elections.

2973 2. The general revenue fund of the political subdivision,
2974 in the case of fines collected by a county or municipal filing
2975 officer. ~~No separate fine shall be assessed for failure to file~~
2976 a copy of any report required by this section.

2977 (b) Upon determining that a report is late, the filing
2978 officer shall immediately notify the treasurer of the committee
2979 or the committee's registered agent as to the failure to file a
2980 report by the designated due date and that a fine is being
2981 assessed for each late day. Upon receipt of the report, the
2982 filing officer shall determine the amount of fine which is due
2983 and shall notify the treasurer of the committee. Notice is
2984 deemed complete upon proof of delivery of written notice to the
2985 mailing or street address on record with the filing officer. The
2986 filing officer shall determine the amount of the fine due based
2987 upon the earliest of the following:

595-04676B-11

20112086c2

- 2988 1. When the report is actually received by such officer.
2989 2. When the report is postmarked.
2990 3. When the certificate of mailing is dated.
2991 4. When the receipt from an established courier company is
2992 dated.

2993

2994 Such fine shall be paid to the filing officer within 20 days
2995 after receipt of the notice of payment due, unless appeal is
2996 made to the Florida Elections Commission pursuant to paragraph
2997 (c). An officer or member of a committee is ~~shall~~ not be
2998 personally liable for such fine.

2999 (c) Any treasurer of a committee may appeal or dispute the
3000 fine, based upon unusual circumstances surrounding the failure
3001 to file on the designated due date, and may request and is ~~shall~~
3002 ~~be~~ entitled to a hearing before the Florida Elections
3003 Commission, which may ~~shall have the authority to~~ waive the fine
3004 in whole or in part. Any such request must ~~shall~~ be made within
3005 20 days after receipt of the notice of payment due. ~~In such~~
3006 ~~case, the treasurer of~~ The committee shall file a copy of the
3007 appeal with, ~~within the 20-day period,~~ notify the filing officer
3008 ~~in writing of his or her intention to bring the matter before~~
3009 ~~the commission.~~

3010 (d) The filing officer shall notify the Florida Elections
3011 Commission of the repeated late filing by a committee of
3012 continuous existence, the failure of a committee of continuous
3013 existence to file a report after notice, or the failure to pay
3014 the fine imposed. As used in this paragraph, the term "repeated
3015 late filing" means at least three late filings occurring within
3016 any 2-year period. The commission shall treat notification of

595-04676B-11

20112086c2

3017 each repeated late filing as a separate violation of this
3018 section.

3019 Section 53. Section 106.07, Florida Statutes, is amended to
3020 read:

3021 106.07 Reports; certification and filing.—

3022 (1) Each campaign treasurer designated by a candidate or
3023 political committee pursuant to s. 106.021 shall file regular
3024 reports of all contributions received, and all expenditures
3025 made, by or on behalf of such candidate or political committee.
3026 Except for the third calendar quarter immediately preceding a
3027 general election, reports shall be filed on the 10th day
3028 following the end of each calendar quarter from the time the
3029 campaign treasurer is appointed, except that, if the 10th day
3030 following the end of a calendar quarter occurs on a Saturday,
3031 Sunday, or legal holiday, the report shall be filed on the next
3032 following day which is not a Saturday, Sunday, or legal holiday.
3033 Quarterly reports shall include all contributions received and
3034 expenditures made during the calendar quarter which have not
3035 otherwise been reported pursuant to this section.

3036 (a) Except as provided in paragraph (b), ~~following the last~~
3037 ~~day of qualifying for office,~~ the reports shall also be filed on
3038 the 32nd, 18th, and 4th days immediately preceding the primary
3039 and on the 46th, 32nd, 18th, and 4th days immediately preceding
3040 the election, for a candidate who is opposed in seeking
3041 nomination or election to any office, for a political committee,
3042 or for a committee of continuous existence.

3043 (b) ~~Following the last day of qualifying for office,~~ Any
3044 statewide candidate who has requested to receive contributions
3045 pursuant to ~~from~~ the Florida Election Campaign Financing Act

595-04676B-11

20112086c2

3046 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
3047 who has requested to receive contributions pursuant to ~~from~~ the
3048 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,
3049 25th, and 32nd days prior to the primary election, and on the
3050 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
3051 the general election.

3052 (c) Following the last day of qualifying for office, any
3053 unopposed candidate need only file a report within 90 days after
3054 the date such candidate became unopposed. Such report shall
3055 contain all previously unreported contributions and expenditures
3056 as required by this section and shall reflect disposition of
3057 funds as required by s. 106.141.

3058 (d)1. When a special election is called to fill a vacancy
3059 in office, all political committees ~~and committees of continuous~~
3060 ~~existence~~ making contributions or expenditures to influence the
3061 results of such special election or the preceding special
3062 primary election shall file campaign treasurers' reports with
3063 the filing officer on the dates set by the Department of State
3064 pursuant to s. 100.111.

3065 2. When an election is called for an issue to appear on the
3066 ballot at a time when no candidates are scheduled to appear on
3067 the ballot, all political committees making contributions or
3068 expenditures in support of or in opposition to such issue shall
3069 file reports on the 18th and 4th days prior to such election.

3070 (e) The filing officer shall provide each candidate with a
3071 schedule designating the beginning and end of reporting periods
3072 as well as the corresponding designated due dates.

3073 (2) (a)1. All reports required of a candidate by this
3074 section shall be filed with the officer before whom the

595-04676B-11

20112086c2

3075 candidate is required by law to qualify. All candidates who file
3076 with the Department of State shall file their reports pursuant
3077 to s. 106.0705. Except as provided in s. 106.0705, reports shall
3078 be filed not later than 5 p.m. of the day designated; however,
3079 any report postmarked by the United States Postal Service no
3080 later than midnight of the day designated shall be deemed to
3081 have been filed in a timely manner. Any report received by the
3082 filing officer within 5 days after the designated due date that
3083 was delivered by the United States Postal Service shall be
3084 deemed timely filed unless it has a postmark that indicates that
3085 the report was mailed after the designated due date. A
3086 certificate of mailing obtained from and dated by the United
3087 States Postal Service at the time of mailing, or a receipt from
3088 an established courier company, which bears a date on or before
3089 the date on which the report is due, shall be proof of mailing
3090 in a timely manner. Reports shall contain information of all
3091 previously unreported contributions received and expenditures
3092 made as of the preceding Friday, except that the report filed on
3093 the Friday immediately preceding the election shall contain
3094 information of all previously unreported contributions received
3095 and expenditures made as of the day preceding that designated
3096 due date. All such reports shall be open to public inspection.

3097 2. This subsection does not prohibit the governing body of
3098 a political subdivision, by ordinance or resolution, from
3099 imposing upon its own officers and candidates electronic filing
3100 requirements not in conflict with s. 106.0705. Expenditure of
3101 public funds for such purpose is deemed to be for a valid public
3102 purpose.

3103 (b)1. Any report that ~~which~~ is deemed to be incomplete by

595-04676B-11

20112086c2

3104 the officer with whom the candidate qualifies shall be accepted
3105 on a conditional basis. ~~and~~ The campaign treasurer shall be
3106 notified by certified registered mail or by another method using
3107 a common carrier that provides a proof of delivery of the notice
3108 as to why the report is incomplete and within 7 ~~be given 3~~ days
3109 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
3110 the report providing all information necessary to complete the
3111 report in compliance with this section. Failure to file a
3112 complete report after such notice constitutes a violation of
3113 this chapter.

3114 2. Notice is deemed complete upon proof of delivery of a
3115 written notice to the mailing or street address of the campaign
3116 treasurer or registered agent of record with the filing officer.
3117 ~~In lieu of the notice by registered mail as required in~~
3118 ~~subparagraph 1., the qualifying officer may notify the campaign~~
3119 ~~treasurer by telephone that the report is incomplete and request~~
3120 ~~the information necessary to complete the report. If, however,~~
3121 ~~such information is not received by the qualifying officer~~
3122 ~~within 3 days after the telephone request therefor, notice shall~~
3123 ~~be sent by registered mail as provided in subparagraph 1.~~

3124 (3) (a) Reports required of a political committee shall be
3125 filed with the agency or officer before whom such committee
3126 registers pursuant to s. 106.03(3) and shall be subject to the
3127 same filing conditions as established for candidates' reports.
3128 Incomplete reports by political committees shall be treated in
3129 the manner provided for incomplete reports by candidates in
3130 subsection (2).

3131 (b) In addition to the reports required by paragraph (a), a
3132 political committee that is registered with the Department of

595-04676B-11

20112086c2

3133 State and that makes a contribution or expenditure to influence
3134 the results of a county or municipal election that is not being
3135 held at the same time as a state or federal election must file
3136 campaign finance reports with the county or municipal filing
3137 officer on the same dates as county or municipal candidates or
3138 committees for that election. The political committee must also
3139 include such contribution or expenditure in the next report
3140 filed with the Division of Elections pursuant to this section
3141 following the county or municipal election.

3142 (4) (a) Each report required by this section must ~~shall~~
3143 contain:

3144 1. The full name, address, and occupation, if any of each
3145 person who has made one or more contributions to or for such
3146 committee or candidate within the reporting period, together
3147 with the amount and date of such contributions. For
3148 corporations, the report must provide as clear a description as
3149 practicable of the principal type of business conducted by the
3150 corporation. However, if the contribution is \$100 or less or is
3151 from a relative, as defined in s. 112.312, provided that the
3152 relationship is reported, the occupation of the contributor or
3153 the principal type of business need not be listed.

3154 2. The name and address of each political committee from
3155 which the reporting committee or the candidate received, or to
3156 which the reporting committee or candidate made, any transfer of
3157 funds, together with the amounts and dates of all transfers.

3158 3. Each loan for campaign purposes to or from any person or
3159 political committee within the reporting period, together with
3160 the full names, addresses, and occupations, and principal places
3161 of business, if any, of the lender and endorsers, if any, and

595-04676B-11

20112086c2

3162 the date and amount of such loans.

3163 4. A statement of each contribution, rebate, refund, or
3164 other receipt not otherwise listed under subparagraphs 1.
3165 through 3.

3166 5. The total sums of all loans, in-kind contributions, and
3167 other receipts by or for such committee or candidate during the
3168 reporting period. The reporting forms shall be designed to
3169 elicit separate totals for in-kind contributions, loans, and
3170 other receipts.

3171 6. The full name and address of each person to whom
3172 expenditures have been made by or on behalf of the committee or
3173 candidate within the reporting period; the amount, date, and
3174 purpose of each such expenditure; and the name and address of,
3175 and office sought by, each candidate on whose behalf such
3176 expenditure was made. However, expenditures made from the petty
3177 cash fund provided by s. 106.12 need not be reported
3178 individually.

3179 7. The full name and address of each person to whom an
3180 expenditure for personal services, salary, or reimbursement for
3181 authorized expenses as provided in s. 106.021(3) has been made
3182 and which is not otherwise reported, including the amount, date,
3183 and purpose of such expenditure. However, expenditures made from
3184 the petty cash fund provided for in s. 106.12 need not be
3185 reported individually. Receipts for reimbursement for authorized
3186 expenditures shall be retained by the treasurer along with the
3187 records for the campaign account.

3188 8. The total amount withdrawn and the total amount spent
3189 for petty cash purposes pursuant to this chapter during the
3190 reporting period.

595-04676B-11

20112086c2

3191 9. The total sum of expenditures made by such committee or
3192 candidate during the reporting period.

3193 10. The amount and nature of debts and obligations owed by
3194 or to the committee or candidate, which relate to the conduct of
3195 any political campaign.

3196 11. Transaction information for each credit card purchase.
3197 ~~A copy of each credit card statement which shall be included in~~
3198 ~~the next report following receipt thereof by the candidate or~~
3199 ~~political committee.~~ Receipts for each credit card purchase
3200 shall be retained by the treasurer with the records for the
3201 campaign account.

3202 12. The amount and nature of any separate interest-bearing
3203 accounts or certificates of deposit and identification of the
3204 financial institution in which such accounts or certificates of
3205 deposit are located.

3206 13. The primary purposes of an expenditure made indirectly
3207 through a campaign treasurer pursuant to s. 106.021(3) for goods
3208 and services such as communications media placement or
3209 procurement services, campaign signs, insurance, and other
3210 expenditures that include multiple components as part of the
3211 expenditure. The primary purpose of an expenditure shall be that
3212 purpose, including integral and directly related components,
3213 that comprises 80 percent of such expenditure.

3214 (b) The filing officer shall make available to any
3215 candidate or committee a reporting form which the candidate or
3216 committee may use to indicate contributions received by the
3217 candidate or committee but returned to the contributor before
3218 deposit.

3219 (5) The candidate and his or her campaign treasurer, in the

595-04676B-11

20112086c2

3220 case of a candidate, or the political committee chair and
3221 campaign treasurer of the committee, in the case of a political
3222 committee, shall certify as to the correctness of each report;
3223 and each person so certifying shall bear the responsibility for
3224 the accuracy and veracity of each report. Any campaign
3225 treasurer, candidate, or political committee chair who willfully
3226 certifies the correctness of any report while knowing that such
3227 report is incorrect, false, or incomplete commits a misdemeanor
3228 of the first degree, punishable as provided in s. 775.082 or s.
3229 775.083.

3230 (6) ~~The campaign depository shall return all checks drawn~~
3231 ~~on the account to the campaign treasurer who shall retain the~~
3232 ~~records pursuant to s. 106.06.~~ The records maintained by the
3233 campaign depository with respect to any campaign account
3234 regulated by this chapter are such account shall be subject to
3235 inspection by an agent of the Division of Elections or the
3236 Florida Elections Commission at any time during normal banking
3237 hours, and such depository shall furnish certified copies of any
3238 of such records to the Division of Elections or Florida
3239 Elections Commission upon request.

3240 (7) Notwithstanding any other provisions of this chapter,
3241 in any reporting period during which a candidate, political
3242 committee, or committee of continuous existence has not received
3243 funds, made any contributions, or expended any reportable funds,
3244 the filing of the required report for that period is waived.
3245 However, the next report filed must specify that the report
3246 covers the entire period between the last submitted report and
3247 the report being filed, and any candidate, political committee,
3248 or committee of continuous existence not reporting by virtue of

595-04676B-11

20112086c2

3249 this subsection on dates prescribed elsewhere in this chapter
3250 shall notify the filing officer in writing on the prescribed
3251 reporting date that no report is being filed on that date.

3252 (8) (a) Any candidate or political committee failing to file
3253 a report on the designated due date is ~~shall be~~ subject to a
3254 fine as provided in paragraph (b) for each late day, and, in the
3255 case of a candidate, such fine shall be paid only from personal
3256 funds of the candidate. The fine shall be assessed by the filing
3257 officer and the moneys collected shall be deposited:

3258 1. In the General Revenue Fund, in the case of a candidate
3259 for state office or a political committee that registers with
3260 the Division of Elections; or

3261 2. In the general revenue fund of the political
3262 subdivision, in the case of a candidate for an office of a
3263 political subdivision or a political committee that registers
3264 with an officer of a political subdivision.

3265
3266 ~~No separate fine shall be assessed for failure to file a copy of~~
3267 ~~any report required by this section.~~

3268 (b) Upon determining that a report is late, the filing
3269 officer shall immediately notify the candidate or chair of the
3270 political committee as to the failure to file a report by the
3271 designated due date and that a fine is being assessed for each
3272 late day. The fine shall be \$50 per day for the first 3 days
3273 late and, thereafter, \$500 per day for each late day, not to
3274 exceed 25 percent of the total receipts or expenditures,
3275 whichever is greater, for the period covered by the late report.
3276 However, for the reports immediately preceding each special
3277 primary election, special election, primary election, and

595-04676B-11

20112086c2

3278 general election, the fine shall be \$500 per day for each late
3279 day, not to exceed 25 percent of the total receipts or
3280 expenditures, whichever is greater, for the period covered by
3281 the late report. For reports required under s. 106.141(7), the
3282 fine is \$50 per day for each late day, not to exceed 25 percent
3283 of the total receipts or expenditures, whichever is greater, for
3284 the period covered by the late report. Upon receipt of the
3285 report, the filing officer shall determine the amount of the
3286 fine which is due and shall notify the candidate or chair or
3287 registered agent of the political committee. The filing officer
3288 shall determine the amount of the fine due based upon the
3289 earliest of the following:

- 3290 1. When the report is actually received by such officer.
- 3291 2. When the report is postmarked.
- 3292 3. When the certificate of mailing is dated.
- 3293 4. When the receipt from an established courier company is
3294 dated.
- 3295 5. When the electronic receipt issued pursuant to s.
3296 106.0705 or other electronic filing system authorized in this
3297 section is dated.

3298
3299 Such fine shall be paid to the filing officer within 20 days
3300 after receipt of the notice of payment due, unless appeal is
3301 made to the Florida Elections Commission pursuant to paragraph
3302 (c). Notice is deemed complete upon proof of delivery of written
3303 notice to the mailing or street address on record with the
3304 filing officer. In the case of a candidate, such fine shall not
3305 be an allowable campaign expenditure and shall be paid only from
3306 personal funds of the candidate. An officer or member of a

595-04676B-11

20112086c2

3307 political committee shall not be personally liable for such
3308 fine.

3309 (c) Any candidate or chair of a political committee may
3310 appeal or dispute the fine, based upon, but not limited to,
3311 unusual circumstances surrounding the failure to file on the
3312 designated due date, and may request and shall be entitled to a
3313 hearing before the Florida Elections Commission, which shall
3314 have the authority to waive the fine in whole or in part. The
3315 Florida Elections Commission must consider the mitigating and
3316 aggravating circumstances contained in s. 106.265(1) when
3317 determining the amount of a fine, if any, to be waived. Any such
3318 request shall be made within 20 days after receipt of the notice
3319 of payment due. In such case, the candidate or chair of the
3320 political committee shall, within the 20-day period, notify the
3321 filing officer in writing of his or her intention to bring the
3322 matter before the commission.

3323 (d) The appropriate filing officer shall notify the Florida
3324 Elections Commission of the repeated late filing by a candidate
3325 or political committee, the failure of a candidate or political
3326 committee to file a report after notice, or the failure to pay
3327 the fine imposed. The commission shall investigate only those
3328 alleged late filing violations specifically identified by the
3329 filing officer and as set forth in the notification. Any other
3330 alleged violations must be separately stated and reported by the
3331 division to the commission under s. 106.25(2). As used in this
3332 paragraph, the term "repeated late filing" means at least three
3333 late filings occurring within any 2-year period. The commission
3334 shall treat notification of each repeated late filing as a
3335 separate violation of this section.

595-04676B-11

20112086c2

3336 (9) The Department of State may prescribe by rule the
3337 requirements for filing campaign treasurers' reports as set
3338 forth in this chapter.

3339 Section 54. Paragraph (d) of subsection (7) and subsection
3340 (8) of section 106.0703, Florida Statutes, are amended to read:

3341 106.0703 Electioneering communications organizations;
3342 reporting requirements; certification and filing; penalties.—

3343 (7)

3344 (d) The appropriate filing officer shall notify the Florida
3345 Elections Commission of the repeated late filing by an
3346 electioneering communications organization, the failure of an
3347 electioneering communications organization to file a report
3348 after notice, or the failure to pay the fine imposed. The
3349 commission shall investigate only those alleged late filing
3350 violations specifically identified by the filing officer and as
3351 set forth in the notification. Any other alleged violations must
3352 be stated separately and reported by the division to the
3353 commission under s. 106.25(2). As used in this paragraph, the
3354 term "repeated late filing" means at least three late filings
3355 occurring within any 2-year period. The commission shall treat
3356 notification of each repeated late filing as a separate
3357 violation of this section.

3358 (8) An electioneering communications organization shall,
3359 within 2 business days after receiving written notice of its
3360 initial password or secure sign-on from the Department of State
3361 allowing confidential access to the department's electronic
3362 campaign finance filing system, electronically file a single
3363 retroactive report of receipts and disbursements made ~~the~~
3364 periodic reports that would have been required pursuant to this

595-04676B-11

20112086c2

3365 ~~section for reportable activities that occurred~~ since the date
3366 of the last general election.

3367 Section 55. Paragraphs (a) and (c) of subsection (2) and
3368 subsections (3), (5), and (7) of section 106.0705, Florida
3369 Statutes, are amended to read:

3370 106.0705 Electronic filing of campaign treasurer's
3371 reports.—

3372 (2) (a) Each individual candidate who is required to file
3373 reports with the division pursuant to s. 106.07 or s. 106.141
3374 ~~with the division~~ must file such reports ~~with the division~~ by
3375 means of the division's electronic filing system.

3376 (c) Each person or organization that is required to file
3377 reports with the division under s. 106.071 must file such
3378 reports ~~with the division~~ by means of the division's electronic
3379 filing system.

3380 (3) Reports filed pursuant to this section shall be
3381 completed and filed through the electronic filing system not
3382 later than midnight of the day designated. Reports not filed by
3383 midnight of the day designated are late filed and are subject to
3384 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
3385 106.0703(7), or s. 106.29(3), as applicable.

3386 (5) The electronic filing system developed by the division
3387 must:

3388 (a) Be based on access by means of the Internet.

3389 (b) Be accessible by anyone with Internet access using
3390 standard web-browsing software.

3391 (c) Provide for direct entry of campaign finance
3392 information as well as upload of such information from campaign
3393 finance software certified by the division.

595-04676B-11

20112086c2

3394 (d) Provide a method that prevents unauthorized access to
3395 electronic filing system functions.

3396 (e) Provide a method for filing the retroactive report of
3397 receipts and disbursements required by s. 106.0703(8).

3398 ~~(7) Notwithstanding anything in law to the contrary, any~~
3399 ~~report required to have been filed under this section for the~~
3400 ~~period ended March 31, 2005, shall be deemed to have been timely~~
3401 ~~filed if the report is filed under this section on or before~~
3402 ~~June 1, 2005.~~

3403 Section 56. Subsections (3) and (6) of section 106.08,
3404 Florida Statutes, are amended to read:

3405 106.08 Contributions; limitations on.-

3406 (3) (a) Any contribution received by a candidate with
3407 opposition in an election or by the campaign treasurer or a
3408 deputy campaign treasurer of such a candidate on the day of that
3409 election or less than 5 days prior to the day of that election
3410 must be returned by him or her to the person or committee
3411 contributing it and may not be used or expended by or on behalf
3412 of the candidate.

3413 (b) Except as otherwise provided in paragraph (c), any
3414 contribution received by a candidate or by the campaign
3415 treasurer or a deputy campaign treasurer of a candidate after
3416 the date at which the candidate withdraws his or her candidacy,
3417 or after the date the candidate is defeated, becomes unopposed,
3418 or is elected to office must be returned to the person or
3419 committee contributing it and may not be used or expended by or
3420 on behalf of the candidate.

3421 ~~(c) With respect to any campaign for an office in which an~~
3422 ~~independent or minor party candidate has filed as required in s.~~

595-04676B-11

20112086c2

3423 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
3424 ~~determination by the Department of State or supervisor of~~
3425 ~~elections as to whether or not the required number of petition~~
3426 ~~signatures was obtained:~~

3427 ~~1. The department or supervisor shall, no later than 3 days~~
3428 ~~after that determination has been made, notify in writing all~~
3429 ~~other candidates for that office of that determination.~~

3430 ~~2. Any contribution received by a candidate or the campaign~~
3431 ~~treasurer or deputy campaign treasurer of a candidate after the~~
3432 ~~candidate has been notified in writing by the department or~~
3433 ~~supervisor that he or she has become unopposed as a result of an~~
3434 ~~independent or minor party candidate failing to obtain the~~
3435 ~~required number of petition signatures shall be returned to the~~
3436 ~~person, political committee, or committee of continuous~~
3437 ~~existence contributing it and shall not be used or expended by~~
3438 ~~or on behalf of the candidate.~~

3439 (6) (a) A political party may not accept any contribution
3440 that has been specifically designated for the partial or
3441 exclusive use of a particular candidate. Any contribution so
3442 designated must be returned to the contributor and may not be
3443 used or expended by or on behalf of the candidate.

3444 (b)1. A political party may not accept any in-kind
3445 contribution that fails to provide a direct benefit to the
3446 political party. A "direct benefit" includes, but is not limited
3447 to, fundraising or furthering the objectives of the political
3448 party.

3449 2.a. An in-kind contribution to a state political party may
3450 be accepted only by the chairperson of the state political party
3451 or by the chairperson's designee or designees whose names are on

595-04676B-11

20112086c2

3452 file with the division in a form acceptable to the division
3453 prior to the date of the written notice required in sub-
3454 subparagraph b. An in-kind contribution to a county political
3455 party may be accepted only by the chairperson of the county
3456 political party or by the county chairperson's designee or
3457 designees whose names are on file with the supervisor of
3458 elections of the respective county prior to the date of the
3459 written notice required in sub-subparagraph b.

3460 b. A person making an in-kind contribution to a state
3461 political party or county political party must provide prior
3462 written notice of the contribution to a person described in sub-
3463 subparagraph a. The prior written notice must be signed and
3464 dated and may be provided by an electronic or facsimile message.
3465 However, prior written notice is not required for an in-kind
3466 contribution that consists of food and beverage in an aggregate
3467 amount not exceeding \$1,500 which is consumed at a single
3468 sitting or event if such in-kind contribution is accepted in
3469 advance by a person specified in sub-subparagraph a.

3470 c. A person described in sub-subparagraph a. may accept an
3471 in-kind contribution requiring prior written notice only in a
3472 writing that is ~~signed and~~ dated before the in-kind contribution
3473 is made. Failure to obtain the required written acceptance of an
3474 in-kind contribution to a state or county political party
3475 constitutes a refusal of the contribution.

3476 d. A copy of each prior written acceptance required under
3477 sub-subparagraph c. must be filed ~~with the division~~ at the time
3478 the regular reports of contributions and expenditures required
3479 under s. 106.29 are filed by the state executive committee and
3480 county executive committee. A state executive committee and an

595-04676B-11

20112086c2

3481 affiliated party committee must file with the division. A county
3482 executive committee must file with the county's supervisor of
3483 elections.

3484 e. An in-kind contribution may not be given to a state or
3485 county political party unless the in-kind contribution is made
3486 as provided in this subparagraph.

3487 Section 57. Section 106.09, Florida Statutes, is amended to
3488 read:

3489 106.09 Cash contributions and contribution by cashier's
3490 checks.—

3491 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
3492 contribution or contribution by means of a cashier's check to
3493 the same candidate or committee in excess of \$50 per election.

3494 (b) A person may not accept an aggregate cash contribution
3495 or contribution by means of a cashier's check from the same
3496 contributor in excess of \$50 per election.

3497 (2) (a) Any person who makes or accepts a contribution in
3498 ~~excess of \$50 in violation of subsection (1) this section~~
3499 commits a misdemeanor of the first degree, punishable as
3500 provided in s. 775.082 or s. 775.083.

3501 (b) Any person who knowingly and willfully makes or accepts
3502 a contribution in excess of \$5,000 in violation of subsection
3503 (1) this section commits a felony of the third degree,
3504 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3505 Section 58. Paragraph (b) of subsection (1) and paragraph
3506 (a) of subsection (2) of section 106.11, Florida Statutes, are
3507 amended, and subsection (6) is added to that section, to read:

3508 106.11 Expenses of and expenditures by candidates and
3509 political committees.—Each candidate and each political

595-04676B-11

20112086c2

3510 committee which designates a primary campaign depository
3511 pursuant to s. 106.021(1) shall make expenditures from funds on
3512 deposit in such primary campaign depository only in the
3513 following manner, with the exception of expenditures made from
3514 petty cash funds provided by s. 106.12:

3515 (1)

3516 (b) The checks for such account shall contain, as a
3517 minimum, the following information:

3518 1. The statement "~~Campaign Account of~~ ... (name of candidate
3519 or political committee)... Campaign Account."

3520 2. The account number and the name of the bank.

3521 3. The exact amount of the expenditure.

3522 4. The signature of the campaign treasurer or deputy
3523 treasurer.

3524 5. The exact purpose for which the expenditure is
3525 authorized.

3526 6. The name of the payee.

3527 (2) (a) For purposes of this section, debit cards are
3528 considered bank checks, if:

3529 1. Debit cards are obtained from the same bank that has
3530 been designated as the candidate's or political committee's
3531 primary campaign depository.

3532 2. Debit cards are issued in the name of the treasurer,
3533 deputy treasurer, or authorized user and state "~~Campaign Account~~
3534 ~~of~~ ... (name of candidate or political committee)... Campaign
3535 Account."

3536 3. No more than three debit cards are requested and issued.

3537 ~~4. Before a debit card is used, a list of all persons~~
3538 ~~authorized to use the card is filed with the division.~~

595-04676B-11

20112086c2

3539 ~~5. All debit cards issued to a candidate's campaign or a~~
3540 ~~political committee expire no later than midnight of the last~~
3541 ~~day of the month of the general election.~~

3542 4.6. The person using the debit card does not receive cash
3543 as part of, or independent of, any transaction for goods or
3544 services.

3545 5.7. All receipts for debit card transactions contain:

- 3546 a. The last four digits of the debit card number.
3547 b. The exact amount of the expenditure.
3548 c. The name of the payee.
3549 d. The signature of the campaign treasurer, deputy
3550 treasurer, or authorized user.
3551 e. The exact purpose for which the expenditure is
3552 authorized.

3553
3554 Any information required by this subparagraph but not included
3555 on the debit card transaction receipt may be handwritten on, or
3556 attached to, the receipt by the authorized user before
3557 submission to the treasurer.

3558 (6) A candidate who makes a loan to his or her campaign and
3559 reports the loan as required by s. 106.07 may be reimbursed for
3560 the loan at any time the campaign account has sufficient funds
3561 to repay the loan and satisfy its other obligations.

3562 Section 59. Subsection (4) of section 106.141, Florida
3563 Statutes, is amended to read:

3564 106.141 Disposition of surplus funds by candidates.—

3565 (4) (a) Except as provided in paragraph (b), any candidate
3566 required to dispose of funds pursuant to this section shall, at
3567 the option of the candidate, dispose of such funds by any of the

595-04676B-11

20112086c2

3568 following means, or any combination thereof:

3569 1. Return pro rata to each contributor the funds that have
3570 not been spent or obligated.

3571 2. Donate the funds that have not been spent or obligated
3572 to a charitable organization or organizations that meet the
3573 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3574 3. Give ~~not more than \$10,000 of~~ the funds that have not
3575 been spent or obligated to the political party of which such
3576 candidate is a member, ~~except that a candidate for the Florida~~
3577 ~~Senate may give not more than \$30,000 of such funds to the~~
3578 ~~political party of which the candidate is a member.~~

3579 4. Give the funds that have not been spent or obligated:

3580 a. In the case of a candidate for state office, to the
3581 state, to be deposited in either the Election Campaign Financing
3582 Trust Fund or the General Revenue Fund, as designated by the
3583 candidate; or

3584 b. In the case of a candidate for an office of a political
3585 subdivision, to such political subdivision, to be deposited in
3586 the general fund thereof.

3587 (b) Any candidate required to dispose of funds pursuant to
3588 this section who has received contributions pursuant to ~~from~~ the
3589 Florida Election Campaign Financing Act Trust Fund shall, after
3590 all monetary commitments pursuant to s. 106.11(5)(b) and (c)
3591 have been met, return all surplus campaign funds to the General
3592 Revenue Election Campaign Financing Trust Fund.

3593 Section 60. Subsections (1), (2), and (4) of section
3594 106.143, Florida Statutes, are amended, present subsections (2)
3595 through (9) of that section are renumbered as subsections (3)
3596 through (10), respectively, and a new subsection (2) is added to

595-04676B-11

20112086c2

3597 that section, to read:

3598 106.143 Political advertisements circulated prior to
3599 election; requirements.—

3600 (1) (a) Any political advertisement that is paid for by a
3601 candidate, except a write-in candidate, and that is published,
3602 displayed, or circulated before, or on the day of, any election
3603 must prominently state:

3604 1. "Political advertisement paid for and approved by
3605 ...(name of candidate)..., ...(party affiliation)..., for
3606 ...(office sought)..."; or

3607 2. "Paid by ...(name of candidate)..., ...(party
3608 affiliation)..., for ...(office sought)..."

3609 (b) Any political advertisement that is paid for by a
3610 write-in candidate and that is published, displayed, or
3611 circulated before, or on the day of, any election must
3612 prominently state:

3613 1. "Political advertisement paid for and approved by
3614 ...(name of candidate)..., write-in candidate, for ...(office
3615 sought)..."; or

3616 2. "Paid by ...(name of candidate)..., write-in candidate,
3617 for ...(office sought)..."

3618 (c) ~~(b)~~ Any other political advertisement published,
3619 displayed, or circulated before, or on the day of, any election
3620 must prominently:

3621 1. Be marked "paid political advertisement" or with the
3622 abbreviation "pd. pol. adv."

3623 2. State the name and address of the persons paying for
3624 sponsoring the advertisement.

3625 3. ~~a. (1)~~ State whether the advertisement and the cost of

595-04676B-11

20112086c2

3626 production is paid for or provided in kind by or at the expense
 3627 of the entity publishing, displaying, broadcasting, or
 3628 circulating the political advertisement.~~;~~ or

3629 ~~(II) State who provided or paid for the advertisement and~~
 3630 ~~cost of production, if different from the source of sponsorship.~~

3631 ~~b. This subparagraph does not apply if the source of the~~
 3632 ~~sponsorship is patently clear from the content or format of the~~
 3633 ~~political advertisement.~~

3634 ~~(d)~~ (e) Any political advertisement made pursuant to s.
 3635 106.021(3) (d) must be marked "paid political advertisement" or
 3636 with the abbreviation "pd. pol. adv." and must prominently state
 3637 the name and address of the political party paying for the
 3638 advertisement, and the names, party affiliations, and offices
 3639 sought by the persons in the advertisement, "Paid for and
 3640 sponsored by ... (name of person paying for political
 3641 advertisement).... Approved by ... (names of persons, party
 3642 affiliation, and offices sought in the political
 3643 advertisement)...."

3644 (2) Political advertisements made as in-kind contributions
 3645 from a political party must prominently state: "Paid political
 3646 advertisement paid for by in-kind by ... (name of political
 3647 party).... Approved by ... (name of person, party affiliation,
 3648 and office sought in the political advertisement)...."

3649 ~~(3)~~ (2) Any political advertisement of a candidate running
 3650 for partisan office shall express the name of the political
 3651 party of which the candidate is seeking nomination or is the
 3652 nominee. If the candidate for partisan office is running as a
 3653 candidate with no party affiliation, any political advertisement
 3654 of the candidate must state that the candidate has no party

595-04676B-11

20112086c2

3655 affiliation. Any political advertisement of a candidate running
3656 for nonpartisan office may not state the candidate's political
3657 party affiliation. A candidate for nonpartisan office is
3658 prohibited from campaigning based on party affiliation.

3659 (5) (4) (a) Any political advertisement not paid for by a
3660 candidate, including those paid for by a political party, other
3661 than an independent expenditure, offered by or on behalf of a
3662 candidate must be approved in advance by the candidate. Such
3663 political advertisement must expressly state that the content of
3664 the advertisement was approved by the candidate and must state
3665 who paid for the advertisement. The candidate shall provide a
3666 written statement of authorization to the newspaper, radio
3667 station, television station, or other medium for each such
3668 advertisement submitted for publication, display, broadcast, or
3669 other distribution.

3670 (b) Any person who makes an independent expenditure for a
3671 political advertisement shall provide a written statement that
3672 no candidate has approved the advertisement to the newspaper,
3673 radio station, television station, or other medium for each such
3674 advertisement submitted for publication, display, broadcast, or
3675 other distribution. The advertisement must also contain a
3676 statement that no candidate has approved the advertisement.

3677 ~~(c) This subsection does not apply to campaign messages~~
3678 ~~used by a candidate and his or her supporters if those messages~~
3679 ~~are designed to be worn by a person.~~

3680 Section 61. Section 106.17, Florida Statutes, is amended to
3681 read:

3682 106.17 Polls and surveys relating to candidacies.—Any
3683 candidate, political committee, committee of continuous

595-04676B-11

20112086c2

3684 existence, electioneering communication organization, or state
3685 or county executive committee of a political party may authorize
3686 or conduct a political poll, survey, index, or measurement of
3687 any kind relating to candidacy for public office so long as the
3688 candidate, political committee, committee of continuous
3689 existence, electioneering communication organization, or
3690 political party maintains complete jurisdiction over the poll in
3691 all its aspects. State and county executive committees of a
3692 political party or an affiliated party committee may authorize
3693 and conduct political polls for the purpose of determining the
3694 viability of potential candidates. Such poll results may be
3695 shared with potential candidates and expenditures incurred by
3696 state and county executive committees for potential candidate
3697 polls are not contributions to the potential candidates.

3698 Section 62. Subsection (3) of section 106.18, Florida
3699 Statutes, is amended to read:

3700 106.18 When a candidate's name to be omitted from ballot.-

3701 (3) No certificate of election shall be granted to any
3702 candidate until all preelection reports required by s. 106.07
3703 have been filed in accordance with the provisions of such
3704 section. ~~However, no candidate shall be prevented from receiving~~
3705 ~~a certificate of election for failure to file any copy of a~~
3706 ~~report required by this chapter.~~

3707 Section 63. Subsection (4) is added to section 106.19,
3708 Florida Statutes, to read:

3709 106.19 Violations by candidates, persons connected with
3710 campaigns, and political committees.-

3711 (4) Except as otherwise expressly stated, the failure by a
3712 candidate to comply with the requirements of this chapter has no

595-04676B-11

20112086c2

3713 effect upon whether the candidate has qualified for the office
3714 the candidate is seeking.

3715 Section 64. Subsections (2) and (3), paragraph (i) of
3716 subsection (4), and subsection (5) of section 106.25, Florida
3717 Statutes, are amended to read:

3718 106.25 Reports of alleged violations to Florida Elections
3719 Commission; disposition of findings.—

3720 (2) The commission shall investigate all violations of this
3721 chapter and chapter 104, but only after having received either a
3722 sworn complaint or information reported to it under this
3723 subsection by the Division of Elections. Such sworn complaint
3724 must be based upon personal information or information other
3725 than hearsay. Any person, other than the division, having
3726 information of any violation of this chapter or chapter 104
3727 shall file a sworn complaint with the commission. The commission
3728 shall investigate only those alleged violations specifically
3729 contained within the sworn complaint. If any complainant fails
3730 to allege all violations that arise from the facts or
3731 allegations alleged in a complaint, the commission shall be
3732 barred from investigating a subsequent complaint from such
3733 complainant that is based upon such facts or allegations that
3734 were raised or could have been raised in the first complaint. If
3735 the complaint includes allegations of violations relating to
3736 expense items reimbursed by a candidate, committee, or
3737 organization to the campaign account before a sworn complaint is
3738 filed, the commission shall be barred from investigating such
3739 allegations. Such sworn complaint shall state whether a
3740 complaint of the same violation has been made to any state
3741 attorney. Within 5 days after receipt of a sworn complaint, the

595-04676B-11

20112086c2

3742 commission shall transmit a copy of the complaint to the alleged
3743 violator. The respondent shall have 14 days after receipt of the
3744 complaint to file an initial response, and the executive
3745 director may not determine the legal sufficiency of the
3746 complaint during that time period. If the executive director
3747 finds that the complaint is legally sufficient, the respondent
3748 shall be notified of such finding by letter, which sets forth
3749 the statutory provisions alleged to have been violated and the
3750 alleged factual basis that supports the finding. All sworn
3751 complaints alleging violations of the Florida Election Code over
3752 which the commission has jurisdiction shall be filed with the
3753 commission within 2 years after the alleged violations. The
3754 period of limitations is tolled on the day a sworn complaint is
3755 filed with the commission. The complainant may withdraw the
3756 sworn complaint at any time prior to a probable cause hearing if
3757 good cause is shown. Withdrawal shall be requested in writing,
3758 signed by the complainant, and witnessed by a notary public,
3759 stating the facts and circumstances constituting good cause. The
3760 executive director shall prepare a written recommendation
3761 regarding disposition of the request which shall be given to the
3762 commission together with the request. "Good cause" shall be
3763 determined based upon the legal sufficiency or insufficiency of
3764 the complaint to allege a violation and the reasons given by the
3765 complainant for wishing to withdraw the complaint. If withdrawal
3766 is permitted, the commission must close the investigation and
3767 the case. No further action may be taken. The complaint will
3768 become a public record at the time of withdrawal.

3769 (3) For the purposes of commission jurisdiction, a
3770 violation shall mean the willful performance of an act

595-04676B-11

20112086c2

3771 prohibited by this chapter or chapter 104 or the willful failure
3772 to perform an act required by this chapter or chapter 104. The
3773 commission may not by rule determine what constitutes
3774 willfulness or further define the term "willful" for purposes of
3775 this chapter or chapter 104. Willfulness is a determination of
3776 fact; however, at the request of the respondent at any time
3777 after probable cause is found, willfulness may be considered and
3778 determined in an informal hearing before the commission.

3779 (4) The commission shall undertake a preliminary
3780 investigation to determine if the facts alleged in a sworn
3781 complaint or a matter initiated by the division constitute
3782 probable cause to believe that a violation has occurred.

3783 (i)1. Upon a commission finding of probable cause, the
3784 counsel for the commission shall attempt to reach a consent
3785 agreement with the respondent. At any time, the commission may
3786 enter into a consent order with a respondent without requiring
3787 the respondent to admit to a violation of law within the
3788 jurisdiction of the commission.

3789 2. A consent agreement is not binding upon either party
3790 unless and until it is signed by the respondent and by counsel
3791 for the commission upon approval by the commission.

3792 3. Nothing herein shall be construed to prevent the
3793 commission from entering into a consent agreement with a
3794 respondent prior to a commission finding of probable cause if a
3795 respondent indicates in writing a desire to enter into
3796 negotiations directed towards reaching such a consent agreement.
3797 Any consent agreement reached under this subparagraph is subject
3798 to the provisions of subparagraph 2. and shall have the same
3799 force and effect as a consent agreement reached after the

595-04676B-11

20112086c2

3800 commission finding of probable cause.

3801
3802 In a case where probable cause is found, the commission shall
3803 make a preliminary determination to consider the matter or to
3804 refer the matter to the state attorney for the judicial circuit
3805 in which the alleged violation occurred. Notwithstanding any
3806 other provisions of this section, the commission may, at its
3807 discretion, dismiss any complaint at any stage of disposition if
3808 it determines that the public interest would not be served by
3809 proceeding further, in which case the commission shall issue a
3810 public report stating with particularity its reasons for the
3811 dismissal.

3812 (5) ~~Unless~~ A person alleged by the Elections Commission to
3813 have committed a violation of this chapter or chapter 104 may
3814 elect, as a matter of right elects, within 30 days after the
3815 date of the filing of the commission's allegations, to have a
3816 formal administrative ~~or informal~~ hearing conducted ~~before the~~
3817 ~~commission, or elects to resolve the complaint by consent order,~~
3818 ~~such person shall be entitled to a formal administrative hearing~~
3819 ~~conducted~~ by an administrative law judge in the Division of
3820 Administrative Hearings. The administrative law judge in such
3821 proceedings shall enter a final order, which may include the
3822 imposition of civil penalties, subject to appeal as provided in
3823 s. 120.68. If the person does not elect to have a hearing by an
3824 administrative law judge and does not elect to resolve the
3825 complaint by a consent order, the person is entitled to a formal
3826 or informal hearing conducted before the commission.

3827 Section 65. Subsection (1) of section 106.26, Florida
3828 Statutes, is amended to read:

595-04676B-11

20112086c2

3829 106.26 Powers of commission; rights and responsibilities of
3830 parties; findings by commission.—

3831 (1) The commission shall, pursuant to rules adopted and
3832 published in accordance with chapter 120, consider all sworn
3833 complaints filed with it and all matters reported to it by the
3834 Division of Elections. In order to carry out the
3835 responsibilities prescribed by this chapter, the commission is
3836 empowered to subpoena and bring before it, or its duly
3837 authorized representatives, any person in the state, or any
3838 person doing business in the state, or any person who has filed
3839 or is required to have filed any application, document, papers,
3840 or other information with an office or agency of this state or a
3841 political subdivision thereof and to require the production of
3842 any papers, books, or other records relevant to any
3843 investigation, including the records and accounts of any bank or
3844 trust company doing business in this state. Duly authorized
3845 representatives of the commission are empowered to administer
3846 all oaths and affirmations in the manner prescribed by law to
3847 witnesses who shall appear before them concerning any relevant
3848 matter. Should any witness fail to respond to the lawful
3849 subpoena of the commission or, having responded, fail to answer
3850 all lawful inquiries or to turn over evidence that has been
3851 subpoenaed, the commission may file a complaint in the ~~before~~
3852 ~~any~~ circuit court where the witness resides ~~of the state~~ setting
3853 up such failure on the part of the witness. On the filing of
3854 such complaint, the court shall take jurisdiction of the witness
3855 and the subject matter of said complaint and shall direct the
3856 witness to respond to all lawful questions and to produce all
3857 documentary evidence in the witness's possession which is

595-04676B-11

20112086c2

3858 lawfully demanded. The failure of any witness to comply with
3859 such order of the court shall constitute a direct and criminal
3860 contempt of court, and the court shall punish said witness
3861 accordingly. However, the refusal by a witness to answer
3862 inquiries or turn over evidence on the basis that such testimony
3863 or material will tend to incriminate such witness shall not be
3864 deemed refusal to comply with the provisions of this chapter.
3865 The sheriffs in the several counties shall make such service and
3866 execute all process or orders when required by the commission.
3867 Sheriffs shall be paid for these services by the commission as
3868 provided for in s. 30.231. Any person who is served with a
3869 subpoena to attend a hearing of the commission also shall be
3870 served with a general statement informing him or her of the
3871 subject matter of the commission's investigation or inquiry and
3872 a notice that he or she may be accompanied at the hearing by
3873 counsel of his or her own choosing.

3874 Section 66. Subsections (1) through (4) of section 106.265,
3875 Florida Statutes, are amended and renumbered, and present
3876 subsection (5) of that section is renumbered as subsection (6),
3877 to read:

3878 106.265 Civil penalties.—

3879 (1) The commission or, in cases referred to the Division of
3880 Administrative Hearings pursuant to s. 106.25(5), the
3881 administrative law judge is authorized upon the finding of a
3882 violation of this chapter or chapter 104 to impose civil
3883 penalties in the form of fines not to exceed \$1,000 per count,
3884 or, if applicable, to impose a civil penalty as provided in s.
3885 104.271 or s. 106.19.

3886 (2) In determining the amount of such civil penalties, the

595-04676B-11

20112086c2

3887 commission or administrative law judge shall consider, among
3888 other mitigating and aggravating circumstances:

3889 (a) The gravity of the act or omission;

3890 (b) Any previous history of similar acts or omissions;

3891 (c) The appropriateness of such penalty to the financial
3892 resources of the person, political committee, committee of
3893 continuous existence, electioneering communications
3894 organization, or political party; and

3895 (d) Whether the person, political committee, committee of
3896 continuous existence, electioneering communications
3897 organization, or political party has shown good faith in
3898 attempting to comply with the provisions of this chapter or
3899 chapter 104.

3900 (3)~~(2)~~ If any person, political committee, committee of
3901 continuous existence, electioneering communications
3902 organization, or political party fails or refuses to pay to the
3903 commission any civil penalties assessed pursuant to the
3904 provisions of this section, the commission shall be responsible
3905 for collecting the civil penalties resulting from such action.

3906 (4)~~(3)~~ Any civil penalty collected pursuant to the
3907 provisions of this section shall be deposited into the General
3908 Revenue Fund ~~Election Campaign Financing Trust Fund~~.

3909 (5)~~(4)~~ ~~Notwithstanding any other provisions of this~~
3910 ~~chapter,~~ Any fine assessed pursuant to ~~the provisions of this~~
3911 ~~chapter shall,~~ which fine is designated to be deposited or which
3912 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~
3913 ~~the state,~~ shall be deposited into the Election Campaign
3914 Financing Trust Fund.

3915 Section 67. Subsection (1) and paragraphs (b) and (d) of

595-04676B-11

20112086c2

3916 subsection (3) of section 106.29, Florida Statutes, are amended
3917 to read:

3918 106.29 Reports by political parties; restrictions on
3919 contributions and expenditures; penalties.-

3920 (1) The state executive committee and each county executive
3921 committee of each political party regulated by chapter 103 shall
3922 file regular reports of all contributions received and all
3923 expenditures made by such committee. In addition, when a special
3924 election is called to fill a vacancy in office, each state
3925 executive committee, each affiliated party committee, and each
3926 county executive committee making contributions or expenditures
3927 to influence the results of the special election or the
3928 preceding special primary election must file campaign
3929 treasurers' reports on the dates set by the Department of State
3930 pursuant to s. 100.111. Such reports shall contain the same
3931 information as do reports required of candidates by s. 106.07
3932 and shall be filed on the 10th day following the end of each
3933 calendar quarter, except that, during the period from the last
3934 day for candidate qualifying until the general election, such
3935 reports shall be filed on the Friday immediately preceding each
3936 special primary election, special election, ~~both the primary~~
3937 election, and ~~the~~ general election. In addition to the reports
3938 filed under this section, the state executive committee and each
3939 county executive committee shall file a copy of each prior
3940 written acceptance of an in-kind contribution given by the
3941 committee during the preceding calendar quarter as required
3942 under s. 106.08(6). Each state executive committee shall file
3943 ~~the original and one copy of~~ its reports with the Division of
3944 Elections. Each county executive committee shall file its

595-04676B-11

20112086c2

3945 reports with the supervisor of elections in the county in which
3946 such committee exists. Any state or county executive committee
3947 failing to file a report on the designated due date shall be
3948 subject to a fine as provided in subsection (3). ~~No separate~~
3949 ~~fine shall be assessed for failure to file a copy of any report~~
3950 ~~required by this section.~~

3951 (3)

3952 (b) Upon determining that a report is late, the filing
3953 officer shall immediately notify the chair of the executive
3954 committee as to the failure to file a report by the designated
3955 due date and that a fine is being assessed for each late day.
3956 The fine shall be \$1,000 for a state executive committee, and
3957 \$50 for a county executive committee, per day for each late day,
3958 not to exceed 25 percent of the total receipts or expenditures,
3959 whichever is greater, for the period covered by the late report.
3960 However, if an executive committee fails to file a report on the
3961 Friday immediately preceding the special election or general
3962 election, the fine shall be \$10,000 per day for each day a state
3963 executive committee is late and \$500 per day for each day a
3964 county executive committee is late. Upon receipt of the report,
3965 the filing officer shall determine the amount of the fine which
3966 is due and shall notify the chair. Notice is deemed complete
3967 upon proof of delivery of written notice to the mailing or
3968 street address on record with the filing officer. The filing
3969 officer shall determine the amount of the fine due based upon
3970 the earliest of the following:

- 3971 1. When the report is actually received by such officer.
- 3972 2. When the report is postmarked.
- 3973 3. When the certificate of mailing is dated.

595-04676B-11

20112086c2

3974 4. When the receipt from an established courier company is
3975 dated.

3976 5. When the electronic receipt issued pursuant to s.
3977 106.0705 is dated.

3978
3979 Such fine shall be paid to the filing officer within 20 days
3980 after receipt of the notice of payment due, unless appeal is
3981 made to the Florida Elections Commission pursuant to paragraph
3982 (c). An officer or member of an executive committee shall not be
3983 personally liable for such fine.

3984 (d) The appropriate filing officer shall notify the Florida
3985 Elections Commission of the repeated late filing by an executive
3986 committee, the failure of an executive committee to file a
3987 report after notice, or the failure to pay the fine imposed. As
3988 used in this paragraph, the term "repeated late filing" means at
3989 least three late filings occurring within any 2-year period. The
3990 commission shall treat notification of each repeated late filing
3991 as a separate violation of this section.

3992 Section 68. Subsection (5) of section 106.35, Florida
3993 Statutes, is amended to read:

3994 106.35 Distribution of funds.—

3995 (5) The division shall adopt rules providing for the weekly
3996 reports and certification and distribution of funds pursuant
3997 thereto required by this section. Such rules shall, at a
3998 minimum, provide ~~for:~~

3999 ~~(a) Specifications for printed campaign treasurer's reports~~
4000 ~~outlining the format for such reports, including size of paper,~~
4001 ~~typeface, color of print, and placement of required information~~
4002 ~~on the form.~~

595-04676B-11

20112086c2

4003 ~~(b)1.~~ specifications for electronically transmitted
4004 campaign treasurer's reports outlining communication parameters
4005 and protocol, data record formats, and provisions for ensuring
4006 security of data and transmission.

4007 ~~2. All electronically transmitted campaign treasurer's~~
4008 ~~reports must also be filed in printed format. Printed format~~
4009 ~~shall not include campaign treasurer's reports submitted by~~
4010 ~~electronic facsimile transmission.~~

4011 Section 69. Subsection (1) of section 876.05, Florida
4012 Statutes, is amended to read:

4013 876.05 Public employees; oath.—

4014 (1) All persons who now or hereafter are employed by or who
4015 now or hereafter are on the payroll of the state, or any of its
4016 departments and agencies, subdivisions, counties, cities, school
4017 boards and districts of the free public school system of the
4018 state or counties, or institutions of higher learning, ~~and all~~
4019 ~~candidates for public office,~~ except candidates for federal
4020 office, are required to take an oath before any person duly
4021 authorized to take acknowledgments of instruments for public
4022 record in the state in the following form:

4023
4024 I,, a citizen of the State of Florida and of the
4025 United States of America, and being employed by or an officer of
4026 and a recipient of public funds as such employee or
4027 officer, do hereby solemnly swear or affirm that I will support
4028 the Constitution of the United States and of the State of
4029 Florida.

4030 Section 70. Section 876.07, Florida Statutes, is repealed.

4031 Section 71. If any provision of this act or its application

595-04676B-11

20112086c2

4032 to any person or circumstance is held invalid, the invalidity
4033 does not affect other provisions or applications of the act
4034 which can be given effect without the invalid provision or
4035 application, and to this end the provisions of this act are
4036 severable.

4037 Section 72. Except as otherwise expressly provided in this
4038 act, this act shall take effect upon becoming a law.