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LEGISLATIVE ACTION

Senate

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House

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Floor: 1p/RE/2R

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04/16/2013 06:11 PM

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Senator Diaz de la Portilla moved the following:

1 **Senate Amendment to Amendment (301346) (with title**
2 **amendment)**

3
4 Delete lines 5 - 50
5 and insert:

6 Section 1. Subsection (17) is added to section 97.012,
7 Florida Statutes, to read:

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

11 (17) When warranted, place a supervisor of elections in
12 noncompliant status pursuant to s. 98.025.

13 Section 2. Section 97.0555, Florida Statutes, is amended to



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14 read:

15 97.0555 Late registration.—An individual or accompanying
16 family member who has been discharged or separated from the
17 uniformed services or the United States Merchant Marine, has
18 returned from a combat zone or forward-deployed area, or has
19 separated from employment outside the territorial limits of the
20 United States, after the book-closing date for an election
21 pursuant to s. 97.055 and who is otherwise qualified may
22 register to vote in such election until 5 p.m. on the Friday
23 before that election in the office of the supervisor of
24 elections. Such persons must produce sufficient documentation
25 showing evidence of qualifying for late registration pursuant to
26 this section.

27 Section 3. Subsection (3) of section 97.061, Florida
28 Statutes, is amended to read:

29 97.061 Special registration for electors requiring
30 assistance.—

31 (3) The precinct register generated by the supervisor shall
32 contain a notation that such person is eligible for assistance
33 in voting, and the supervisor may make a notation on the voter
34 information card that such person is eligible for assistance in
35 voting. Such person shall be entitled to receive the assistance
36 of two election officials or some other person of his or her own
37 choice, other than the person's employer, an ~~the~~ agent of the
38 person's employer, or an officer or agent of the person's union,
39 without the necessity of executing the "Declaration to Secure
40 Assistance" prescribed in s. 101.051, so long as the person is
41 known to the elector before election day. Such person shall
42 notify the supervisor of any change in his or her condition



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43 which makes it unnecessary for him or her to receive assistance
44 in voting. An individual may not provide assistance to more than
45 10 electors during any election.

46 Section 4. Section 98.025, Florida Statutes, is created to
47 read:

48 98.025 Supervisors of elections; noncompliant status.-

49 (1) The Secretary of State may place a supervisor of
50 elections in noncompliant status whenever that supervisor does
51 not perform one or more of the following:

52 (a) Timely file any report required by the Florida Election
53 Code.

54 (b) Ensure that ballots are distributed, collected,
55 counted, and reported in accordance with applicable law.

56 (c) Safeguard and account for voted ballots.

57 (d) Follow any statute that imposes a duty or
58 responsibility on a supervisor of elections.

59 (e) Follow rules adopted by the Department of State
60 concerning the implementation of any provision of the Florida
61 Election Code.

62 (2) The Secretary of State shall submit the written
63 decision to place or remove a supervisor of elections in
64 noncompliant status to the affected supervisor and provide a
65 copy of the decision to the Governor and the chair of the board
66 of county commissioners in the supervisor's county.

67 (3) While a supervisor of elections is in noncompliant
68 status, the supervisor is not entitled to receive the special
69 qualification salary available pursuant to s. 145.09. When
70 removed from noncompliant status, if otherwise eligible to
71 receive the special qualification salary, the supervisor is



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72 entitled to a pro rata share of the special qualification salary
73 based on the remaining period of the year.

74 (4) The Secretary of State may remove a supervisor from
75 noncompliant status after 1 year of being placed in such status,
76 provided that:

77 (a) The supervisor has complied with any of the duties
78 identified in subsection (1) while in a noncompliant status.

79 (b) The supervisor has completed during each year while in
80 noncompliant status a course of continuing education pursuant to
81 s. 145.09 as prescribed by the Division of Elections; and

82 (c) The supervisor has taken and received while in
83 noncompliant status a grade of 90 percent or greater on a
84 uniform statewide open-book examination testing the supervisor's
85 knowledge of the Florida Election Code. The Florida State
86 Association of Supervisors of Elections shall annually develop
87 the examination, but the examination shall be approved and
88 administered by the Division of Elections.

89 (5) If a supervisor has been in noncompliant status for 3
90 consecutive years, the Secretary of State shall provide written
91 notice of such event to the Governor for consideration of
92 exercising the Governor's authority to suspend the supervisor
93 pursuant to s. 7, Art. IV of the State Constitution.

94 (6) The decision of the Secretary of State to place a
95 supervisor of elections in noncompliant status or remove a
96 supervisor of elections from noncompliant status is exempt from
97 the provisions of chapter 120.

98 (7) This section is in addition to, and not exclusive of,
99 the authority of the Governor to suspend and remove a supervisor
100 of elections pursuant to s. 7, Art. IV of the State



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101 Constitution.

102

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

104 And the title is amended as follows:

105 Delete lines 1159 - 1168

106 and insert:

107 An act relating to elections; amending s. 97.012,
108 F.S.; expanding the list of responsibilities of the
109 Secretary of State when acting in his or her capacity
110 as chief election officer; amending s. 97.0555, F.S.;
111 revising qualifications for late voter registration;
112 amending s. 97.061, F.S.; revising restrictions
113 relating to electors requiring assistance; prohibiting
114 an individual from providing assistance to more than
115 10 electors during any election; creating s. 98.025,
116 F.S.; authorizing the Secretary of State to place a
117 supervisor of elections in noncompliant status under
118 specified conditions; requiring the secretary to
119 submit a written decision of placing or removing a
120 supervisor in noncompliant status with specified
121 persons; providing that a supervisor in noncompliant
122 status is not entitled to receive the special
123 qualification salary; providing requirements to remove
124 a supervisor from noncompliant status; requiring the
125 secretary to provide written notice to the Governor if
126 a supervisor has been in noncompliant status for 3
127 consecutive years;