

By the Committee on Ethics and Elections; and Senator Alexander

582-05338B-09

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1 A bill to be entitled
2 An act relating to elections; creating s. 97.0115,
3 F.S.; providing for the preemption of certain matters
4 to the state; providing exceptions; amending s.
5 97.012, F.S.; expanding the list of responsibilities
6 of the Secretary of State when acting in his or her
7 capacity as chief election officer; prohibiting the
8 secretary from performing certain actions; amending s.
9 97.0535, F.S.; requiring that certain first-time
10 voters provide identification before election day;
11 removing certain types of identification from the list
12 of acceptable forms of identification for certain
13 first-time voters; requiring that the supervisor
14 validate registrations before election day for certain
15 first-time voters; requiring that certain applicants
16 vote a provisional ballot; amending s. 97.0575, F.S.;
17 requiring that third-party voter registration
18 organizations register with the division; requiring
19 such organizations provide the division with certain
20 information; requiring that the Division of Elections
21 of the Department of State or a supervisor of
22 elections make voter registration forms available to
23 third-party voter registration organizations;
24 requiring that such forms contain certain information;
25 requiring that the division and supervisors of
26 elections maintain a database of certain information;
27 requiring that such information be provided in
28 electronic format; requiring that such information be
29 updated and made public daily at a certain time;

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30 providing that a third-party voter registration
31 organization that collects voter registration
32 applications serves as a fiduciary to the applicant;
33 specifying duties of such an organization; specifying
34 an affirmative defense to certain violations of state
35 law; providing criminal penalties for violations of
36 certain provisions of state law; providing
37 circumstances under which a third-party voter
38 registration organization is subject to specified
39 civil penalties; providing for the referral of
40 violations to the Attorney General and state attorney;
41 authorizing the Attorney General to initiate a civil
42 action; providing that an action for relief may
43 include a permanent or temporary injunction, a
44 restraining order, or any other appropriate order;
45 requiring that the division adopt rules for specified
46 purposes; deleting certain requirements for third-
47 party voter registration organizations; deleting
48 certain fines; amending s. 98.065, F.S.; clarifying a
49 requirement that a supervisor of election incorporate
50 certain procedures into his or her registration list
51 maintenance program to reflect that such programs are
52 not conducted biennially; requiring that a
53 registration list maintenance program be conducted by
54 each supervisor of elections at specified intervals
55 during odd-numbered and even-numbered years; amending
56 s. 99.012, F.S.; providing that a person who fails to
57 meet certain requirements of state law does not
58 qualify as a candidate for election; requiring that

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59 such a person be removed from the ballot; amending s.
60 100.111, F.S.; providing that a candidate for a
61 legislative or county office is deemed elected after
62 winning an open primary; providing that a vacancy in
63 nomination is not created if a nominee did not
64 properly qualify or does not meet the necessary
65 qualifications to hold the office sought; amending s.
66 100.371, F.S.; revising the number of years that an
67 initiative petition is valid; requiring that a
68 petition form be submitted within a specified period
69 after the date on which the petition was signed in
70 order to be valid; deleting a limitation on the period
71 for revoking a signature on a petition form; amending
72 s. 101.043, F.S.; removing certain forms of
73 identification from the list of forms of
74 identification used to identify voters at a polling
75 place; amending s. 101.045, F.S.; providing
76 circumstances under which an elector is eligible for a
77 provisional ballot; amending s. 101.131, F.S.;
78 providing procedures for the designation of poll
79 watchers; requiring that the division prescribe a form
80 for the designation of poll watchers; providing
81 conditions under which poll watchers are authorized to
82 enter polling areas and watch polls; requiring that a
83 supervisor of elections provide identification to poll
84 watchers a specified period before early voting
85 begins; requiring that poll watchers display such
86 identification at all times while in a polling place;
87 amending s. 101.62, F.S.; requiring that certain

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88 information regarding absentee ballots be made
89 available during a specified period; requiring that a
90 supervisor mail absentee ballots during specified
91 periods before primary and general elections, or a
92 specified period after receiving a request for an
93 absentee ballot under certain circumstances; amending
94 s. 101.64, F.S.; prohibiting a supervisor from placing
95 certain information on a mailing envelope containing
96 an absentee ballot; requiring that a supervisor
97 establish and maintain a prepaid account with the
98 United State Postal Service for specified purposes;
99 amending s. 101.6923, F.S.; revising the form for
100 absentee ballot instructions for certain first-time
101 voters; amending s. 102.031, F.S.; prohibiting certain
102 persons and organizations from soliciting a voter
103 while the voter is standing in line to enter any
104 polling place or early voting site; expanding the
105 definition of the terms "solicit" and "solicitation";
106 amending s. 103.091, F.S.; authorizing a political
107 party to adopt additional qualifying requirements for
108 certain offices; revising membership of a state
109 executive committee; authorizing certain members of a
110 political party to vote by proxy if proxy voting is
111 permitted by party rule; amending s. 103.121, F.S.;
112 specifying a venue for any action involving the
113 constitution, rules, or bylaws of a political party;
114 amending s. 106.011, F.S.; expanding the list of
115 entities not considered political committees for
116 specified purposes; providing that certain

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117 expenditures are not contributions or expenditures for
118 the purpose of certain provisions of state law;
119 amending s. 106.08, F.S.; deleting provisions limiting
120 the amount of contributions certain candidates may
121 accept during a specified period preceding a general
122 election; revising the list of nonallocable items that
123 a political party may provide to candidates; amending
124 s. 106.141, F.S.; requiring that a qualifying officer
125 notify a candidate of certain amounts owed no later
126 than a specified period after the candidate becomes
127 unopposed or withdraws; amending s. 106.143, F.S.;
128 requiring that certain political advertisements
129 prominently state certain information; authorizing
130 certain political advertisements to use names and
131 abbreviations in the advertisement's disclaimer;
132 amending s. 106.17, F.S.; authorizing state and county
133 executive committees of a political party to conduct
134 political polls for specified purposes; authorizing
135 the sharing of the results of such polls under certain
136 conditions; providing that expenditures incurred by
137 state and county executive committees for such polls
138 do not constitute contributions to potential
139 candidates; amending s. 106.24, F.S.; specifying a
140 term of appointment for the executive director of the
141 Florida Elections Commission; requiring that the
142 Senate confirm such appointment; limiting the number
143 of consecutive terms that a director may serve;
144 conforming a cross-reference; amending s. 106.29,
145 F.S.; authorizing the reporting of expenditures for

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146 salaries in the aggregate in certain reports; amending
147 s. 106.295, F.S.; eliminating a prohibition on
148 leadership funds; repealing s. 97.052(6), F.S.,
149 relating to notification and correction subsequent to
150 the failure of a voter registration applicant to
151 provide required information on a voter registration
152 application form; amending s. 97.073, F.S.; revising
153 the responsibilities of a supervisor of elections
154 regarding notification of applicants of the
155 disposition of voter registration applications;
156 amending s. 98.075, F.S.; providing methods for
157 removing the names of deceased persons from the
158 statewide voter registration system; amending s.
159 99.021, F.S.; revising a requirement for a qualifying
160 officer to furnish a printed copy of the candidate
161 oath to candidates; revising oath requirements;
162 amending s. 99.061, F.S.; requiring that
163 constitutional office candidates file notarized
164 financial disclosure statements; requiring that
165 candidates file certain original documentation when
166 qualifying for office; amending s. 99.063, F.S.;
167 deleting a requirement that candidates for Governor
168 and Lieutenant Governor sign and acknowledge a
169 specified loyalty oath; amending s. 101.151, F.S.;
170 deleting a provision requiring that the title
171 "supervisor of elections" and the names of candidates
172 running for such office appear under the heading
173 entitled "County" on election ballots; requiring that
174 marksense ballots be printed by precinct; revising

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175 ballot layout specifications; clarifying the order of
176 candidate offices on a ballot title; amending s.
177 101.5612, F.S.; requiring the use of certain ballots
178 and technology for preelection testing of tabulating
179 equipment; amending s. 101.591, F.S.; revising
180 provisions relating to voting system audits; requiring
181 postelection, random audits of voting systems;
182 providing audit procedures; requiring the publication
183 of an audit notice; prescribing requirements for audit
184 reports; providing procedures for requesting an audit;
185 requiring that the Department of State adopt rules;
186 amending s. 101.6952, F.S.; revising procedures for
187 processing absentee ballot requests and communicating
188 by electronic mail with overseas voters; amending s.
189 101.697, F.S.; requiring that the Department of State
190 determine whether secure electronic means can be
191 established for requesting, sending, or receiving
192 absentee ballots and ballot materials to and from
193 overseas voters; requiring that the department adopt
194 rules for specified purposes if such security can be
195 established; amending s. 102.111, F.S.; clarifying
196 that the Governor and Cabinet members shall serve ex
197 officio on the Elections Canvassing Commission;
198 establishing meeting times for the commission;
199 amending s. 102.112, F.S.; conforming a cross-
200 reference; amending s. 102.141, F.S.; providing
201 circumstances under which the Secretary of State,
202 county canvassing board, or local board is responsible
203 for ordering recounts in elections; amending s.

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204 102.166, F.S.; creating and modifying manual recount
205 exemptions; revising the procedures for ordering a
206 manual recount; amending s. 102.168, F.S.; revising
207 the time to submit a complaint contesting an election;
208 identifying indispensable parties in actions to
209 contest an election; amending s. 105.031, F.S.;
210 requiring that candidates for the office of supervisor
211 of elections pay a specified qualifying fee, subscribe
212 to an oath, and file certain items with the supervisor
213 of elections before the end of the qualifying period;
214 requiring that a candidate's oath for candidates for
215 certain nonpartisan offices to be made available to
216 each candidate by the qualifying officer; deleting a
217 requirement that the candidate take a certain oath;
218 requiring that the candidate attest in the oath that
219 he or she will support the federal and state
220 constitutions; specifying items required to be filed
221 in order to qualify for office; amending s. 98.015,
222 F.S.; requiring that a supervisor of elections in each
223 county be elected in a nonpartisan election; amending
224 s. 105.035, F.S.; including candidates for the office
225 of supervisor of elections among the list of
226 candidates who may qualify for election by a specified
227 petition process; amending s. 105.041, F.S.; requiring
228 that space be made available on a general election
229 ballot for an elector to write in the name of a write-
230 in candidate for the office of supervisor of elections
231 if such candidate has qualified as a write-in
232 candidate pursuant to state law; amending s. 105.051,

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233 F.S.; prohibiting the name of an unopposed candidate
234 for the office of supervisor of elections from
235 appearing on any ballot; amending s. 105.061, F.S.;
236 requiring that the election of a supervisor of
237 elections be by vote of the qualified electors of a
238 county; amending s. 105.08, F.S.; limiting the
239 contributions that may be accepted and the expenses
240 that may be incurred by a candidate for the office of
241 supervisor of elections; requiring such candidates to
242 keep an accurate record of such contributions and
243 expenses; requiring that such information be reported
244 in accordance with state law; amending s. 105.09,
245 F.S.; prohibiting a political party or partisan
246 political organization from endorsing, supporting, or
247 assisting any candidate in a campaign for election to
248 the office of supervisor of elections; providing that
249 it is a second-degree misdemeanor to knowingly commit
250 such acts; creating s. 106.113, F.S.; defining the
251 terms "local government" and "public funds";
252 prohibiting a local government from expending, and a
253 person or group from accepting, public funds for a
254 political advertisement or electioneering
255 communication concerning an issue, referendum, or
256 amendment that is subject to the vote of the electors;
257 providing an exception for certain electioneering
258 communications; clarifying restrictions with respect
259 to local officials; amending s. 876.05, F.S.; deleting
260 a requirement that candidates for public office take
261 the public employee oath; repealing s. 101.5911, F.S.,

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262 relating to rulemaking authority for voting system
263 audit procedures; repealing s. 876.07, F.S., relating
264 to a requirement that a candidate file the public
265 employees' oath as a prerequisite to qualifying for
266 public office; creating s. 100.372, F.S.; defining the
267 terms "department," "petition circulator," "paid
268 petition circulator," and "registrant"; prohibiting a
269 person from engaging in any activities as a paid
270 petition circulator without first registering as such
271 with the department; prohibiting a person or entity
272 from providing compensation to a person for engaging
273 in activities as a petition circulator if that person
274 is not registered with the department; providing
275 requirements for eligibility to engage in activities
276 as a paid petition circulator; authorizing application
277 to the department for registration and requiring
278 certain information; requiring that the department
279 register eligible applicants within a specified period
280 after its receipt of the application; requiring that a
281 registrant notify the department in writing of any
282 change in the information submitted within a specified
283 period after such change; requiring that certain
284 individuals who submit an initiative petition form
285 collected by a paid petition circulator to a
286 supervisor of elections for verification
287 simultaneously submit a signed, written affirmation
288 that the initiative petition signatures on the form
289 were collected in compliance with certain requirements
290 of state law; requiring that the department adopt a

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291 form for such affirmation; requiring that such form
292 identify potential criminal and civil penalties for
293 submitting a false affirmation; requiring that the
294 department issue evidence of registration; requiring
295 that every petition form presented by a registrant to
296 a person for his or her possible signature contain
297 certain information; providing conditions under which
298 a signature shall be deemed invalid and ineligible to
299 be verified or counted; requiring that the supervisor
300 of elections return, at the expense of the political
301 committee sponsoring the initiative petition, the
302 invalid initiative petition form within a specified
303 period after invalidation; requiring that such
304 political committee provide written notice to an
305 elector whose signature was invalidated within a
306 specified period after receipt of an invalid form from
307 a supervisor; requiring that the notice contain
308 certain information and provide the elector an
309 opportunity to sign a replacement initiative petition
310 form; providing that certain electors are exempt from
311 certain provisions of state law for specified
312 purposes; providing for the applicability of certain
313 provisions of state law to initiative petition forms;
314 providing for circumstances in which a registrant's
315 registration is rendered invalid; requiring
316 notification of such circumstances; requiring that the
317 department create a training program for applicants;
318 providing requirements for the program; authorizing
319 the department to conduct training through a secure

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320 website and to contract with a third-party vendor for
321 the administration of the program; requiring that the
322 department adopt rules; requiring that the department
323 establish a registration fee; providing for the
324 deposit of funds collected from the administration of
325 such fee; providing that certain signatures gathered
326 before a specified date may be verified and counted if
327 otherwise valid; providing that signatures gathered on
328 or after such date may be verified and counted only if
329 gathered in compliance with the act; providing for
330 severability; providing an effective date.

331

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

333

334 Section 1. Section 97.0115, Florida Statutes, is created to
335 read:

336 97.0115 Preemption.—All matters set forth in chapters 97-
337 105 are preempted to the state, except as otherwise specifically
338 provided by law.

339 Section 2. Present subsections (14) and (15) of section
340 97.012, Florida Statutes, are renumbered as subsections (15) and
341 (16), respectively, and new subsections (14) and (17) are added
342 to that section, to read:

343 97.012 Secretary of State as chief election officer.—The
344 Secretary of State is the chief election officer of the state,
345 and it is his or her responsibility to:

346 (14) Provide direction and opinions to the supervisors of
347 elections on the performance of their official duties with
348 respect to chapters 97-102 and chapter 105 or rules adopted by

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349 the Department of State.

350 (15)~~(14)~~ Bring and maintain such actions at law or in
351 equity by mandamus or injunction to enforce the performance of
352 any duties of a county supervisor of elections or any official
353 performing duties with respect to chapters 97-102 and chapter
354 105 or to enforce compliance with a rule of the Department of
355 State adopted to interpret or implement any of those chapters.

356 (a) Venue for such actions shall be in the Circuit Court of
357 Leon County.

358 (b) When the secretary files an action under this section
359 and not more than 60 days remain before an election as defined
360 in s. 97.021, or during the time period after the election and
361 before certification of the election pursuant to s. 102.112 or
362 s. 102.121, the court, including an appellate court, shall set
363 an immediate hearing, giving the case priority over other
364 pending cases.

365 (c) Prior to filing an action to enforce performance of the
366 duties of the supervisor of elections or any official described
367 in this subsection, the secretary or his or her designee first
368 must confer, or must make a good faith attempt to confer, with
369 the supervisor of elections or the official to ensure compliance
370 with chapters 97-102 and chapter 105 or the rules of the
371 Department of State adopted under any of those chapters.

372 (16)~~(15)~~ Conduct preliminary investigations into any
373 irregularities or fraud involving voter registration, voting,
374 candidate petition, or issue petition activities and report his
375 or her findings to the statewide prosecutor or the state
376 attorney for the judicial circuit in which the alleged violation
377 occurred for prosecution, if warranted. The Department of State

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378 may prescribe by rule requirements for filing an elections-fraud
379 complaint and for investigating any such complaint.

380 (17) Be nonpartisan in all decisions and statements. The
381 secretary may not:

382 (a) Hold an office in or take an active role in any
383 function of a political organization;

384 (b) Publicly endorse or publicly oppose a candidate for
385 public office or partisan organization;

386 (c) Take a public position for or against, or participate
387 in, a campaign to support or oppose the merits of any ballot
388 initiative or ballot measure, except to act in his or her
389 official capacity;

390 (d) Make speeches on behalf of a candidate or political
391 organization;

392 (e) Attend political party functions, except to act in his
393 or her official capacity; or

394 (f) Solicit funds for, pay an assessment to, or make a
395 contribution to a political organization or candidate, or
396 purchase, accept, or distribute tickets for any political party
397 function.

398
399 A person who violates the provisions of this subsection commits
400 a misdemeanor of the second degree, punishable as provided in s.
401 775.082 or s. 775.083.

402 Section 3. Subsections (1) and (2) and paragraph (a) of
403 subsection (3) of section 97.0535, Florida Statutes, are
404 amended, and subsection (5) is added to that section, to read:

405 97.0535 Special requirements for certain applicants.—

406 (1) Each applicant who registers by mail and who has never

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407 previously voted in the state and who the department has
408 verified has not been issued a current and valid Florida
409 driver's license, Florida identification card, or social
410 security number shall be required to provide a copy of a current
411 and valid identification, as provided in subsection (3), or
412 indicate that he or she is exempt from the requirements ~~prior to~~
413 ~~voting~~. Such identification or indication may be provided at the
414 time of registering, or at any time before election day ~~prior to~~
415 ~~voting for the first time in the state~~. If the voter
416 registration application clearly provides information from which
417 a voter registration official can determine that the applicant
418 meets at least one of the exemptions in subsection (4), the
419 voter registration official shall make the notation on the
420 registration records of the statewide voter registration system
421 and the applicant shall not be required to provide the
422 identification required by this section.

423 (2) The voter registration official shall, upon accepting
424 the voter registration application submitted pursuant to
425 subsection (1), determine if the applicant provided the required
426 identification at the time of registering. If the required
427 identification was not provided, the supervisor shall notify the
428 applicant that he or she must provide the identification before
429 election day ~~prior to voting the first time in the state~~.

430 (3) (a) The following forms of identification shall be
431 considered current and valid if they contain the name and
432 photograph of the applicant and have not expired:

- 433 1. United States passport.
- 434 2. Debit or credit card.
- 435 3. Military identification.

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- 436 4. Student identification.
437 ~~5. Retirement center identification.~~
438 ~~6. Neighborhood association identification.~~
439 5.7. Public assistance identification.

440 (5) The supervisor of elections must validate the
441 registration before election day. An applicant whose
442 registration has not been validated in accordance with this
443 section must vote a provisional ballot subject to the
444 requirements and procedures set forth in s. 101.048.

445 Section 4. Section 97.0575, Florida Statutes, is amended to
446 read:

447 97.0575 Third-party voter registrations.—

448 (1) A third-party voter registration organization shall
449 register and provide to the division the following information:

450 (a) The names of the officers of the organization and the
451 name and permanent address of the organization;

452 (b) The names, permanent addresses, temporary addresses, if
453 any, and dates of birth of each registration agent registering
454 persons to vote in this state on behalf of the organization; and

455 (c) A sworn statement from each registration agent employed
456 by or volunteering for the organization stating that the agent
457 will obey all state laws and rules regarding the registration of
458 voters. Such statement must be on a form containing notice of
459 applicable criminal penalties for false registration.

460 (2) The division or the supervisor of elections shall make
461 voter registration forms available to third-party voter
462 registration organizations. All such forms must contain
463 information identifying the organization to which the forms are
464 provided. The division and the supervisor of elections shall

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465 maintain a database of all third-party registration
466 organizations and the voter registration forms assigned to the
467 third-party registration organizations. Such information must be
468 provided in electronic format as provided by division rule. By
469 noon of each day, such information must also be updated, made
470 publicly available, and, with respect to records in the
471 supervisor's database, provided to the division.

472 (3) (a) A third-party voter registration organization that
473 collects voter registration applications serves as a fiduciary
474 to the applicant, ensuring that any voter registration
475 application entrusted to the organization, irrespective of party
476 affiliation, race, ethnicity, or gender, shall be promptly
477 delivered to the division or the supervisor of elections within
478 48 hours after the applicant completes it or the next business
479 day if the appropriate office is closed for that 48-hour period.

480 (b) A showing by the organization that the failure to
481 deliver the voter registration application within the required
482 timeframe is based upon force majeure or impossibility of
483 performance shall be an affirmative defense to a violation of
484 this subsection.

485 (4) A person who willfully violates this section commits a
486 misdemeanor of the first degree, punishable as provided in s.
487 775.082 or s. 775.083, and such person's status as a
488 registration agent shall be revoked. If the person who violates
489 this subsection is an officer of an organization or an employee
490 who has decision-making authority involving the organization's
491 voter registration activities, such organization is subject to a
492 civil penalty of \$250 for each violation.

493 (5) If the Secretary of State reasonably believes that a

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494 person has committed a violation of any provision of this
495 section, the secretary shall refer the matter to the Attorney
496 General or the state attorney for enforcement. The Attorney
497 General may institute a civil action for a violation of the
498 provisions of this section or to prevent a violation of the
499 provisions of this section. An action for relief may include a
500 permanent or temporary injunction, a restraining order, or any
501 other appropriate order.

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

516 ~~(2) The failure to submit the information required by~~
517 ~~subsection (1) does not subject the third-party voter~~
518 ~~registration organization to any civil or criminal penalties for~~
519 ~~such failure, and the failure to submit such information is not~~
520 ~~a basis for denying such third-party voter registration~~
521 ~~organization with copies of voter registration application~~
522 ~~forms.~~

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523 ~~(3) A third-party voter registration organization that~~
524 ~~collects voter registration applications serves as a fiduciary~~
525 ~~to the applicant, ensuring that any voter registration~~
526 ~~application entrusted to the third-party voter registration~~
527 ~~organization, irrespective of party affiliation, race,~~
528 ~~ethnicity, or gender shall be promptly delivered to the division~~
529 ~~or the supervisor of elections. If a voter registration~~
530 ~~application collected by any third-party voter registration~~
531 ~~organization is not promptly delivered to the division or~~
532 ~~supervisor of elections, the third-party voter registration~~
533 ~~organization shall be liable for the following fines:~~

534 ~~(a) A fine in the amount of \$50 for each application~~
535 ~~received by the division or the supervisor of elections more~~
536 ~~than 10 days after the applicant delivered the completed voter~~
537 ~~registration application to the third-party voter registration~~
538 ~~organization or any person, entity, or agent acting on its~~
539 ~~behalf. A fine in the amount of \$250 for each application~~
540 ~~received if the third-party registration organization or person,~~
541 ~~entity, or agency acting on its behalf acted willfully.~~

542 ~~(b) A fine in the amount of \$100 for each application~~
543 ~~collected by a third-party voter registration organization or~~
544 ~~any person, entity, or agent acting on its behalf, prior to book~~
545 ~~closing for any given election for federal or state office and~~
546 ~~received by the division or the supervisor of elections after~~
547 ~~the book closing deadline for such election. A fine in the~~
548 ~~amount of \$500 for each application received if the third-party~~
549 ~~registration organization or person, entity, or agency acting on~~
550 ~~its behalf acted willfully.~~

551 ~~(c) A fine in the amount of \$500 for each application~~

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552 ~~collected by a third-party voter registration organization or~~
553 ~~any person, entity, or agent acting on its behalf, which is not~~
554 ~~submitted to the division or supervisor of elections. A fine in~~
555 ~~the amount of \$1,000 for any application not submitted if the~~
556 ~~third-party registration organization or person, entity, or~~
557 ~~agency acting on its behalf acted willfully.~~

558
559 ~~The aggregate fine pursuant to this subsection which may be~~
560 ~~assessed against a third-party voter registration organization,~~
561 ~~including affiliate organizations, for violations committed in a~~
562 ~~calendar year shall be \$1,000. The fines provided in this~~
563 ~~subsection shall be reduced by three-fourths in cases in which~~
564 ~~the third-party voter registration organization has complied~~
565 ~~with subsection (1). The secretary shall waive the fines~~
566 ~~described in this subsection upon a showing that the failure to~~
567 ~~deliver the voter registration application promptly is based~~
568 ~~upon force majeure or impossibility of performance.~~

569 (6)(4)(a) ~~The division shall adopt by rule a form to elicit~~
570 ~~specific information concerning the facts and circumstances from~~
571 ~~a person who claims to have been registered to vote by a third-~~
572 ~~party voter registration organization but who does not appear as~~
573 ~~an active voter on the voter registration rolls. The division~~
574 ~~shall also adopt rules to ensure the integrity of the~~
575 ~~registration process, including rules requiring that third-party~~
576 ~~voter registration organizations account for all state and~~
577 ~~federal registration forms used by their registration agents.~~

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

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

585 (7)~~(6)~~ The civil fines provided in this section are in
586 addition to any applicable criminal penalties.

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

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

592 Section 5. Subsections (2) and (3) of section 98.065,
593 Florida Statutes, are amended to read:

594 98.065 Registration list maintenance programs.-

595 (2) A supervisor must incorporate one or more of the
596 following procedures in the supervisor's ~~biennial~~ registration
597 list maintenance program under which:

598 (a) Change-of-address information supplied by the United
599 States Postal Service through its licensees is used to identify
600 registered voters whose addresses might have changed;

601 (b) Change-of-address information is identified from
602 returned nonforwardable return-if-undeliverable mail sent to all
603 registered voters in the county; or

604 (c) Change-of-address information is identified from
605 returned nonforwardable return-if-undeliverable address
606 confirmation requests mailed to all registered voters who have
607 not voted in the last 2 years and who did not make a written
608 request that their registration records be updated during that
609 time.

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610 (3) A registration list maintenance program must be
611 conducted by each supervisor, at a minimum, quarterly in each
612 odd-numbered year and monthly during each even-numbered year,
613 except that the program must be completed no ~~not~~ later than 90
614 days before ~~prior to~~ the date of any federal election. All list
615 maintenance actions associated with each voter must be entered,
616 tracked, and maintained in the statewide voter registration
617 system.

618 Section 6. Subsection (8) is added to section 99.012,
619 Florida Statutes, to read:

620 99.012 Restrictions on individuals qualifying for public
621 office.—

622 (8) Any person who does not comply with this section shall
623 not be qualified as a candidate for election and shall be
624 removed from the ballot by the qualifying officer.

625 Section 7. Paragraph (d) is added to subsection (4) of
626 section 100.111, Florida Statutes, present subsection (5) of
627 that section is redesignated as subsection (6), and a new
628 subsection (5) is added to that section, to read:

629 100.111 Filling vacancy.—

630 (4)

631 (d) A candidate for any state legislative or county office
632 who wins an open primary shall be deemed elected at that time.

633 (5) A vacancy in nomination is not created if it is
634 determined that a nominee did not properly qualify or does not
635 meet the necessary qualifications to hold the office for which
636 he or she sought to qualify.

637 Section 8. Subsection (3) and paragraph (a) of subsection
638 (6) of section 100.371, Florida Statutes, are amended to read:

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639 100.371 Initiatives; procedure for placement on ballot.—

640 (3) An initiative petition form circulated for signature
641 may not be bundled with or attached to any other petition. Each
642 signature shall be dated when made and shall be valid for a
643 period of 2 4 years following such date, provided all other
644 requirements of law are met. The sponsor shall submit signed and
645 dated forms to the appropriate supervisor of elections for
646 verification as to the number of registered electors whose valid
647 signatures appear thereon. Petition forms must be submitted to
648 the supervisor of elections within 45 days after the date on
649 which the petition was signed to be valid. The supervisor shall
650 promptly verify the signatures within 30 days of receipt of the
651 petition forms and payment of the fee required by s. 99.097. The
652 supervisor shall promptly record, in the manner prescribed by
653 the Secretary of State, the date each form is received by the
654 supervisor, and the date the signature on the form is verified
655 as valid. The supervisor may verify that the signature on a form
656 is valid only if:

657 (a) The form contains the original signature of the
658 purported elector.

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

661 (c) The form accurately sets forth the purported elector's
662 name, street address, county, and voter registration number or
663 date of birth.

664 (d) The purported elector is, at the time he or she signs
665 the form, a duly qualified and registered elector authorized to
666 vote in the county in which his or her signature is submitted.

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668 The supervisor shall retain the signature forms for at least 1
669 year following the election in which the issue appeared on the
670 ballot or until the Division of Elections notifies the
671 supervisors of elections that the committee which circulated the
672 petition is no longer seeking to obtain ballot position.

673 (6) (a) An elector's signature on a petition form may be
674 revoked ~~within 150 days of the date on which he or she signed~~
675 ~~the petition form~~ by submitting to the appropriate supervisor of
676 elections a signed petition-revocation form.

677 Section 9. Subsection (1) of section 101.043, Florida
678 Statutes, is amended to read:

679 101.043 Identification required at polls.—

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

686 (a) Florida driver's license.

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

689 (c) United States passport.

690 (d) Debit or credit card.

691 (e) Military identification.

692 (f) Student identification.

693 ~~(g) Retirement center identification.~~

694 ~~(h) Neighborhood association identification.~~

695 (g) ~~(i)~~ Public assistance identification.

696

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697 If the picture identification does not contain the signature of
698 the voter, an additional identification that provides the
699 voter's signature shall be required. The elector shall sign his
700 or her name in the space provided on the precinct register or on
701 an electronic device provided for recording the voter's
702 signature. The clerk or inspector shall compare the signature
703 with that on the identification provided by the elector and
704 enter his or her initials in the space provided on the precinct
705 register or on an electronic device provided for that purpose
706 and allow the elector to vote if the clerk or inspector is
707 satisfied as to the identity of the elector.

708 Section 10. Paragraph (d) of subsection (2) of section
709 101.045, Florida Statutes, is amended to read:

710 101.045 Electors must be registered in precinct; provisions
711 for change of residence or name.-

712 (2)

713 (d) Such affirmation or application, when completed and
714 presented at the precinct in which such elector is entitled to
715 vote, and upon verification of the elector's registration, shall
716 entitle such elector to vote as provided in this subsection. If
717 the elector's eligibility to vote cannot be determined or the
718 elector presents the affirmation or application to change his or
719 her address less than 29 days before an election, he or she
720 shall be required ~~entitled~~ to vote a provisional ballot, subject
721 to the requirements and procedures in s. 101.048. Upon receipt
722 of an affirmation or application certifying a change in address
723 of legal residence or name, the supervisor shall as soon as
724 practicable make the necessary changes in the statewide voter
725 registration system to indicate the change in address of legal

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726 residence or name of such elector.

727 Section 11. Subsection (2) of section 101.131, Florida
728 Statutes, is amended, and subsections (4), (5), and (6) are
729 added to that section, to read:

730 101.131 Watchers at polls.—

731 (2) Each party, each political committee, and each
732 candidate requesting to have poll watchers shall designate, in
733 writing to the supervisor of elections, on a form prescribed by
734 the division, before ~~prior to~~ noon of the second Tuesday
735 preceding the election poll watchers for each polling room on
736 election day. Designations of poll watchers for early voting
737 areas shall be submitted in writing to the supervisor of
738 elections, on a form prescribed by the division, before noon at
739 least 14 days before early voting begins. The poll watchers for
740 ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of
741 elections on or before the Tuesday before the election. Poll
742 watchers for early voting areas shall be approved by the
743 supervisor of elections no later than 7 days before early voting
744 begins. The supervisor shall furnish to each election board a
745 list of the poll watchers designated and approved for such
746 polling rooms ~~room~~ or early voting areas ~~area~~. Poll watchers
747 shall be designated by the chairman of the county executive
748 committee of a political party, the chairman of a political
749 committee, or the candidate requesting the presence of poll
750 watchers.

751 (4) All poll watchers shall be allowed to enter and watch
752 polls at all polling rooms and early voting areas within the
753 county in which they have been designated if the number of poll
754 watchers at any particular polling place does not exceed the

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755 number provided in this section.

756 (5) The supervisor of elections shall provide to each
757 designated poll watcher no later than 7 days before early voting
758 begins a poll watcher identification badge, identifying the poll
759 watcher by name. Each poll watcher shall display his or her
760 identification badge while in the polling room or early voting
761 area.

762 (6) The division shall adopt by rule the style and
763 requirements for the poll watcher form required in subsection
764 (2).

765 Section 12. Subsections (3) and (4) of section 101.62,
766 Florida Statutes, are amended to read:

767 101.62 Request for absentee ballots.—

768 (3) For each request for an absentee ballot received, the
769 supervisor shall record the date the request was made, the date
770 the absentee ballot was delivered to the voter or the voter's
771 designee or the date the absentee ballot was delivered to the
772 post office or other carrier, the date the ballot was received
773 by the supervisor, and such other information he or she may deem
774 necessary. This information shall be provided in electronic
775 format as provided by rule adopted by the division. This
776 information shall be made available during the period beginning
777 60 days before a primary election and ending 15 days after the
778 general election. The information shall be updated and made
779 available no later than noon of each day and shall be
780 contemporaneously provided to the division. This information
781 shall be confidential and exempt from the provisions of s.
782 119.07(1) and shall be made available to or reproduced only for
783 the voter requesting the ballot, a canvassing board, an election

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784 official, a political party or official thereof, a candidate who
785 has filed qualification papers and is opposed in an upcoming
786 election, and registered political committees or registered
787 committees of continuous existence, for political purposes only.

788 (4) (a) To each absent qualified elector overseas who has
789 requested an absentee ballot, the supervisor of elections shall
790 mail an absentee ballot not less than 35 days before the primary
791 election and not less than 45 days before the general election.

792 (b) The supervisor of elections shall begin mailing
793 absentee ballots 40 days before the primary election and 50 days
794 before the general election to each absent qualified elector,
795 including any absent qualified elector overseas, who has
796 requested such a ballot. Except as otherwise provided in
797 subsection (2) and after the period described in this paragraph,
798 the supervisor shall mail absentee ballots within 48 hours after
799 receiving a request for such ballot.

800 (c) The supervisor shall provide an absentee ballot to each
801 elector by whom a request for that ballot has been made by one
802 of the following means:

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

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

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

811 c. The elector is in a hospital, assisted living facility,
812 nursing home, short-term medical or rehabilitation facility, or

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813 correctional facility,

814

815 in which case the supervisor shall mail the ballot by
816 nonforwardable, return-if-undeliverable mail to any other
817 address the elector specifies in the request.

818 2. By forwardable mail to voters who are entitled to vote
819 by absentee ballot under the Uniformed and Overseas Citizens
820 Absentee Voting Act.

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

824 4. By delivery to a designee on election day or up to 5
825 days before ~~prior to~~ the day of an election. Any elector may
826 designate in writing a person to pick up the ballot for the
827 elector; however, the person designated may not pick up more
828 than two absentee ballots per election, other than the
829 designee's own ballot, except that additional ballots may be
830 picked up for members of the designee's immediate family. For
831 purposes of this section, "immediate family" means the
832 designee's spouse or the parent, child, grandparent, or sibling
833 of the designee or of the designee's spouse. The designee shall
834 provide to the supervisor the written authorization by the
835 elector and a picture identification of the designee and must
836 complete an affidavit. The designee shall state in the affidavit
837 that the designee is authorized by the elector to pick up that
838 ballot and shall indicate if the elector is a member of the
839 designee's immediate family and, if so, the relationship. The
840 department shall prescribe the form of the affidavit. If the
841 supervisor is satisfied that the designee is authorized to pick

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842 up the ballot and that the signature of the elector on the
843 written authorization matches the signature of the elector on
844 file, the supervisor shall give the ballot to that designee for
845 delivery to the elector.

846 Section 13. Subsection (2) of section 101.64, Florida
847 Statutes, is amended, and subsection (5) is added to that
848 section, to read:

849 101.64 Delivery of absentee ballots; envelopes; form.—

850 (2) The certificate shall be arranged on the back of the
851 mailing envelope so that the line for the signature of the
852 absent elector is across the seal of the envelope; however, no
853 statement shall appear on the envelope which indicates that a
854 signature of the voter must cross the seal of the envelope. The
855 absent elector shall execute the certificate on the envelope.
856 The supervisor of elections may not place on the mailing
857 envelope any information indicating the voter's party
858 affiliation or no-party-affiliation status.

859 (5) The supervisor shall establish and maintain a prepaid
860 account with the United States Postal Service for the purpose of
861 paying postage on absentee ballots returned to the supervisor
862 with insufficient postage.

863 Section 14. Subsection (2) of section 101.6923, Florida
864 Statutes, is amended to read:

865 101.6923 Special absentee ballot instructions for certain
866 first-time voters.—

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

870

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871 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
872 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
873 BALLOT NOT TO COUNT.

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

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

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

886 4. Place your marked ballot in the enclosed secrecy
887 envelope and seal the envelope.

888 5. Insert the secrecy envelope into the enclosed envelope
889 bearing the Voter's Certificate. Seal the envelope and
890 completely fill out the Voter's Certificate on the back of the
891 envelope.

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

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

897 6. Unless you meet one of the exemptions in Item 7., you
898 must make a copy of one of the following forms of
899 identification:

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900 a. Identification which must include your name and
901 photograph: United States passport; debit or credit card;
902 military identification; student identification; ~~retirement~~
903 ~~center identification; neighborhood association identification;~~
904 or public assistance identification; or

905 b. Identification which shows your name and current
906 residence address: current utility bill, bank statement,
907 government check, paycheck, or government document (excluding
908 voter identification card).

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

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

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

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

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

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

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

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

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929 BALLOT WILL NOT COUNT.

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

932 10. FELONY NOTICE. It is a felony under Florida law to
933 accept any gift, payment, or gratuity in exchange for your vote
934 for a candidate. It is also a felony under Florida law to vote
935 in an election using a false identity or false address, or under
936 any other circumstances making your ballot false or fraudulent.

937 Section 15. Paragraphs (a) and (b) of subsection (4) of
938 section 102.031, Florida Statutes, are amended to read:

939 102.031 Maintenance of good order at polls; authorities;
940 persons allowed in polling rooms and early voting areas;
941 unlawful solicitation of voters.-

942 (4) (a) A ~~No~~ person, political committee, committee of
943 continuous existence, or other group or organization may not
944 solicit voters inside the polling place or within 100 feet of:

945 1. The entrance to any polling place;~~or~~

946 2. The entrance to any polling room, where the polling
947 place is also a polling room;~~or~~

948 3. The entrance to any early voting site; or

949 4. The line in which voters are standing to enter any
950 polling place or early voting site.

951
952 Before the opening of the polling place or early voting site,
953 the clerk or supervisor shall designate the no-solicitation zone
954 and mark the boundaries.

955 (b) For the purpose of this subsection, whether in person
956 or by means of audio or visual equipment, the terms "solicit" or
957 "solicitation" shall include, but not be limited to, seeking or

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958 attempting to seek any vote, fact, opinion, or contribution;
959 distributing or attempting to distribute any political or
960 campaign material, leaflet, or handout; conducting a poll except
961 as specified in this paragraph; seeking or attempting to seek a
962 signature on any petition; offering legal advice regarding
963 voting or ballots; and selling or attempting to sell any item.
964 The terms "solicit" or "solicitation" shall not be construed to
965 prohibit exit polling.

966 Section 16. Subsection (4), paragraphs (b) and (c) of
967 subsection (6), and subsection (7) of section 103.091, Florida
968 Statutes, are amended, present subsection (8) of that section is
969 redesignated as subsection (9), and a new subsection (8) is
970 added to that section, to read:

971 103.091 Political parties.—

972 (4) Any political party other than a minor political party
973 may by rule provide for the membership of its state or county
974 executive committee to be elected for 4-year terms at the
975 primary election in each year a presidential election is held.
976 Such political party may adopt any additional requirements for
977 qualifying for the office of state or county executive committee
978 in addition to any other requirements imposed by law. The terms
979 shall commence on the first day of the month following each
980 presidential general election; but the names of candidates for
981 political party offices shall not be placed on the ballot at any
982 other election. The results of such election shall be determined
983 by a plurality of the votes cast. In such event, electors
984 seeking to qualify for such office shall do so with the
985 Department of State or supervisor of elections not earlier than
986 noon of the 71st day, or later than noon of the 67th day,

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987 preceding the primary election. The outgoing chair of each
988 county executive committee shall, within 30 days after the
989 committee members take office, hold an organizational meeting of
990 all newly elected members for the purpose of electing officers.
991 The chair of each state executive committee shall, within 60
992 days after the committee members take office, hold an
993 organizational meeting of all newly elected members for the
994 purpose of electing officers.

995 (6)

996 (b) Each state executive committee shall include, as at-
997 large committeemen and committeewomen, all members of the United
998 States Congress representing the State of Florida who are
999 members of the political party, all statewide elected officials
1000 who are members of the party, ~~10 Florida registered voters who~~
1001 ~~are members of the party as appointed by the Governor if the~~
1002 ~~Governor is a member of the party,~~ and the President of the
1003 Senate or the Minority Leader in the Senate, and the Speaker of
1004 the House of Representatives or the Minority Leader in the House
1005 of Representatives, whichever is a member of the political
1006 party. The state executive committee shall also include members
1007 of the political party equal to the number of elected senators
1008 who are members of the political party, only half of whom must
1009 be senators as appointed by the President of the Senate or the
1010 Minority Leader in the Senate, whichever is a member of the
1011 political party; members of the political party equal to the
1012 number of elected senators who are members of the political
1013 party, only half of whom must be representatives as appointed by
1014 the Speaker of the House of Representatives, or the Minority
1015 Leader of the House of Representatives, whichever is a member of

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1016 the political party; and members of the political party equal to
1017 the number of elected senators who are members of the political
1018 party as appointed by the Governor if the Governor is a member
1019 of the political party. If the Governor is not a member of the
1020 political party, the senior Florida United States Senator who is
1021 a member of the political party shall appoint such members. If
1022 there is no United States Senator who is a member of the
1023 political party, the appointments that would otherwise be made
1024 by the Governor or the United States Senator may not be made.~~7~~
1025 ~~and 20 members of the Legislature who are members of the~~
1026 ~~political party. Ten of the legislators shall be appointed with~~
1027 ~~the concurrence of the state chair of the respective party, as~~
1028 ~~follows: five to be appointed by the President of the Senate;~~
1029 ~~five by the Minority Leader in the Senate; five by the Speaker~~
1030 ~~of the House of Representatives; and five by the Minority Leader~~
1031 ~~in the House.~~

1032 (c) When a political party allows any member of the state
1033 executive committee to have more than one vote per person, other
1034 than by proxy, in a matter coming before the state executive
1035 committee, the ~~20~~ members of the Legislature appointed under
1036 paragraph (b) shall not be appointed to the state executive
1037 committee and the following elected officials who are members of
1038 that political party shall be appointed and shall have the
1039 following votes:

- 1040 1. Governor: a number equal to 15 percent of votes cast by
1041 state executive committeemen and committeewomen;
- 1042 2. Lieutenant Governor: a number equal to 5 percent of the
1043 votes cast by state executive committeemen and committeewomen;
- 1044 3. Each member of the United States Senate representing the

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1045 state: a number equal to 10 percent of the votes cast by state
1046 executive committeemen and committeewomen;

1047 4. Attorney General: a number equal to 5 percent of the
1048 votes cast by state executive committeemen and committeewomen;

1049 5. Chief Financial Officer: a number equal to 5 percent of
1050 the votes cast by state executive committeemen and
1051 committeewomen;

1052 6. Commissioner of Agriculture: a number equal to 5 percent
1053 of the votes cast by state executive committeemen and
1054 committeewomen;

1055 7. President of the Senate: a number equal to 10 percent of
1056 the votes cast by state executive committeemen and
1057 committeewomen;

1058 8. Minority leader of the Senate: a number equal to 10
1059 percent of the votes cast by state executive committeemen and
1060 committeewomen;

1061 9. Speaker of the House of Representatives: a number equal
1062 to 10 percent of the votes cast by state executive committeemen
1063 and committeewomen;

1064 10. Minority leader of the House of Representatives: a
1065 number equal to 10 percent of the votes cast by state executive
1066 committeemen and committeewomen; and

1067 11. Each member of the United States House of
1068 Representatives representing the state: a number equal to 1
1069 percent of the votes cast by state executive committeemen and
1070 committeewomen.

1071 (7) Members of the state executive committee or governing
1072 body may vote by proxy if proxy voting is permitted by party
1073 rule.

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1074 (8) Each member of a state executive committee, whether
1075 elected or appointed, shall be considered a full member with all
1076 rights and privileges of that office.

1077 Section 17. Paragraph (c) is added to subsection (1) of
1078 section 103.121, Florida Statutes, to read:

1079 103.121 Powers and duties of executive committees.—

1080 (1)

1081 (c) Venue for any action involving a political party's
1082 constitution, rules, or bylaws shall be in the Circuit Court of
1083 Leon County.

1084 Section 18. Subsections (1) and (16) of section 106.011,
1085 Florida Statutes, are amended to read:

1086 106.011 Definitions.—As used in this chapter, the following
1087 terms have the following meanings unless the context clearly
1088 indicates otherwise:

1089 (1) (a) "Political committee" means:

1090 1. A combination of two or more individuals, or a person
1091 other than an individual, that, in an aggregate amount in excess
1092 of \$500 during a single calendar year:

1093 a. Accepts contributions for the purpose of making
1094 contributions to any candidate, political committee, committee
1095 of continuous existence, or political party;

1096 b. Accepts contributions for the purpose of expressly
1097 advocating the election or defeat of a candidate or the passage
1098 or defeat of an issue;

1099 c. Makes expenditures that expressly advocate the election
1100 or defeat of a candidate or the passage or defeat of an issue;

1101 or

1102 d. Makes contributions to a common fund, other than a joint

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1103 checking account between spouses, from which contributions are
1104 made to any candidate, political committee, committee of
1105 continuous existence, or political party;

1106 2. The sponsor of a proposed constitutional amendment by
1107 initiative who intends to seek the signatures of registered
1108 electors.

1109 (b) Notwithstanding paragraph (a), the following entities
1110 are not considered political committees for purposes of this
1111 chapter:

1112 1. Organizations which are certified by the Department of
1113 State as committees of continuous existence pursuant to s.
1114 106.04, national political parties, and the state and county
1115 executive committees of political parties regulated by chapter
1116 103.

1117 2. Corporations regulated by chapter 607 or chapter 617 or
1118 other business entities formed for purposes other than to
1119 support or oppose issues or candidates, if their political
1120 activities are limited to contributions to candidates, political
1121 parties, or political committees or expenditures in support of
1122 or opposition to an issue from corporate or business funds and
1123 if no contributions are received by such corporations or
1124 business entities.

1125 3. Electioneering communications organizations as defined
1126 in subsection (19); however, such organizations shall be
1127 required to register with and report expenditures and
1128 contributions, including contributions received from committees
1129 of continuous existence, to the Division of Elections in the
1130 same manner, at the same time, and subject to the same penalties
1131 as a political committee supporting or opposing an issue or a

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1132 legislative candidate, except as otherwise specifically provided
1133 in this chapter.

1134 4. Organizations registered as political committees or
1135 other such similar entities with another state.

1136 (16) "Candidate" means any person to whom any one or more
1137 of the following apply:

1138 (a) Any person who seeks to qualify for nomination or
1139 election by means of the petitioning process.

1140 (b) Any person who seeks to qualify for election as a
1141 write-in candidate.

1142 (c) Any person who receives contributions or makes
1143 expenditures, or consents for any other person to receive
1144 contributions or make expenditures, with a view to bring about
1145 his or her nomination or election to, or retention in, public
1146 office. Expenditures related to potential candidate polls as
1147 defined in s. 106.17 are not contributions or expenditures for
1148 purposes of this subsection.

1149 (d) Any person who appoints a treasurer and designates a
1150 primary depository.

1151 (e) Any person who files qualification papers and
1152 subscribes to a candidate's oath as required by law.

1153

1154 However, this definition does not include any candidate for a
1155 political party executive committee.

1156 Section 19. Subsection (2) of section 106.08, Florida
1157 Statutes, is amended to read:

1158 106.08 Contributions; limitations on.-

1159 (2) (a) A candidate may not accept contributions from
1160 national, state, including any subordinate committee of a

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1161 national, state, or county committee of a political party, and
1162 county executive committees of a political party, which
1163 contributions in the aggregate exceed \$50,000, ~~no more than~~
1164 ~~\$25,000 of which may be accepted prior to the 28-day period~~
1165 ~~immediately preceding the date of the general election.~~

1166 (b) A candidate for statewide office may not accept
1167 contributions from national, state, or county executive
1168 committees of a political party, including any subordinate
1169 committee of a national, state, or county committee of a
1170 political party, which contributions in the aggregate exceed
1171 ~~\$250,000, no more than \$125,000 of which may be accepted prior~~
1172 ~~to the 28-day period immediately preceding the date of the~~
1173 ~~general election.~~ Polling services, research services, costs for
1174 campaign staff including office expenses, professional
1175 consulting services, communications media, and telephone calls
1176 are not contributions to be counted toward the contribution
1177 limits of paragraph (a) or this paragraph. Any item not
1178 expressly identified in this paragraph as nonallocable is a
1179 contribution in an amount equal to the fair market value of the
1180 item and must be counted as allocable toward the contribution
1181 limits of paragraph (a) or this paragraph. Nonallocable, in-kind
1182 contributions must be reported by the candidate under s. 106.07
1183 and by the political party under s. 106.29.

1184 Section 20. Subsection (6) of section 106.141, Florida
1185 Statutes, is amended to read:

1186 106.141 Disposition of surplus funds by candidates.—

1187 (6) Before ~~Prior to~~ disposing of funds pursuant to
1188 subsection (4) or transferring funds into an office account
1189 pursuant to subsection (5), any candidate who filed an oath

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1190 stating that he or she was unable to pay the election assessment
1191 or fee for verification of petition signatures without imposing
1192 an undue burden on his or her personal resources or on resources
1193 otherwise available to him or her, or who filed both such oaths,
1194 or who qualified by the petition process and was not required to
1195 pay an election assessment, shall reimburse the state or local
1196 governmental entity, whichever is applicable, for such waived
1197 assessment or fee or both. Such reimbursement shall be made
1198 first for the cost of petition verification and then, if funds
1199 are remaining, for the amount of the election assessment. If
1200 there are insufficient funds in the account to pay the full
1201 amount of either the assessment or the fee or both, the
1202 remaining funds shall be disbursed in the above manner until no
1203 funds remain. All funds disbursed pursuant to this subsection
1204 shall be remitted to the qualifying officer. Any reimbursement
1205 for petition verification costs which are reimbursable by the
1206 state shall be forwarded by the qualifying officer to the state
1207 for deposit in the General Revenue Fund. All reimbursements for
1208 the amount of the election assessment shall be forwarded by the
1209 qualifying officer to the Department of State for deposit in the
1210 General Revenue Fund. The qualifying officer shall notify the
1211 candidate of any amounts owed for the election assessment or
1212 petition verification fee no later than 7 days after the
1213 candidate becomes unopposed or withdraws.

1214 Section 21. Subsection (2) of section 106.143, Florida
1215 Statutes, is amended, and subsection (9) is added to that
1216 section, to read:

1217 106.143 Political advertisements circulated prior to
1218 election; requirements.-

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1219 (2) (a) Any political advertisement of a candidate running
1220 for partisan office shall express the name of the political
1221 party of which the candidate is seeking nomination or is the
1222 nominee. If the candidate for partisan office is running as a
1223 candidate with no party affiliation, any political advertisement
1224 of the candidate must state that the candidate has no party
1225 affiliation.

1226 (b) Political advertisements made pursuant to s. 106.08
1227 must prominently state: "Paid political advertisement paid for
1228 in kind by (name of political party). Approved by (name of
1229 person, party affiliation and office sought in the political
1230 advertisement).

1231 (9) Political advertisements paid for by political parties
1232 may use names and abbreviations as registered pursuant to s.
1233 103.081 in the disclaimer.

1234 Section 22. Section 106.17, Florida Statutes, is amended to
1235 read:

1236 106.17 Polls and surveys relating to candidacies.—Any
1237 candidate, political committee, committee of continuous
1238 existence, electioneering communication organization, or state
1239 or county executive committee of a political party may authorize
1240 or conduct a political poll, survey, index, or measurement of
1241 any kind relating to candidacy for public office so long as the
1242 candidate, political committee, committee of continuous
1243 existence, electioneering communication organization, or
1244 political party maintains complete jurisdiction over the poll in
1245 all its aspects. A state or county executive committee of a
1246 political party may authorize and conduct political polls for
1247 the purpose of determining the viability of a potential

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1248 candidate. Such poll results may be shared with the potential
1249 candidate if the potential candidate has not filed as a
1250 candidate or write-in candidate or sought to qualify for
1251 elective office by the petition process before the results of
1252 the poll are shared. Expenditures incurred by state and county
1253 executive committees for potential candidate polls do not
1254 constitute contributions to potential candidates.

1255 Section 23. Subsections (4) and (6) of section 106.24,
1256 Florida Statutes, are amended to read:

1257 106.24 Florida Elections Commission; membership; powers;
1258 duties.—

1259 (4) The commission shall appoint an executive director,
1260 subject to confirmation by the Senate. The executive director
1261 ~~who~~ shall serve under the direction, supervision, and control of
1262 the commission. The executive director shall be appointed for a
1263 term of 2 years. An executive director may not serve for more
1264 than four consecutive 2-year terms. The executive director, with
1265 the consent of the commission, shall employ such staff as are
1266 necessary to adequately perform the functions of the commission,
1267 within budgetary limitations. All employees, except the
1268 executive director and attorneys, are subject to part II of
1269 chapter 110. The executive director shall serve at the pleasure
1270 of the commission and be subject to part III of chapter 110,
1271 except that the commission shall have complete authority for
1272 setting the executive director's salary. Attorneys employed by
1273 the commission shall be subject to part V of chapter 110.

1274 (6) There is ~~hereby~~ established in the State Treasury an
1275 Elections Commission Trust Fund to be utilized by the Division
1276 of Elections and the Florida Elections Commission in order to

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1277 carry out their duties pursuant to ss. 106.24-106.28. The trust
1278 fund may also be used by the Secretary of State, pursuant to his
1279 or her authority under s. 97.012(15) ~~s. 97.012(14)~~, to provide
1280 rewards for information leading to criminal convictions related
1281 to voter registration fraud, voter fraud, and vote scams.

1282 Section 24. Subsection (1) of section 106.29, Florida
1283 Statutes, is amended to read:

1284 106.29 Reports by political parties; restrictions on
1285 contributions and expenditures; penalties.-

1286 (1) The state executive committee and each county executive
1287 committee of each political party regulated by chapter 103 shall
1288 file regular reports of all contributions received and all
1289 expenditures made by such committee. Such reports shall contain
1290 the same information as do reports required of candidates by s.
1291 106.07, except that expenditures for salaries may be reported in
1292 the aggregate. Such reports ~~and~~ shall be filed on the 10th day
1293 following the end of each calendar quarter, except that, during
1294 the period from the last day for candidate qualifying until the
1295 general election, such reports shall be filed on the Friday
1296 immediately preceding both the primary election and the general
1297 election. In addition to the reports filed under this section,
1298 the state executive committee and each county executive
1299 committee shall file a copy of each prior written acceptance of
1300 an in-kind contribution given by the committee during the
1301 preceding calendar quarter as required under s. 106.08(6). Each
1302 state executive committee shall file the original and one copy
1303 of its reports with the Division of Elections. Each county
1304 executive committee shall file its reports with the supervisor
1305 of elections in the county in which such committee exists. Any

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1306 state or county executive committee failing to file a report on
 1307 the designated due date shall be subject to a fine as provided
 1308 in subsection (3). No separate fine shall be assessed for
 1309 failure to file a copy of any report required by this section.

1310 Section 25. Section 106.295, Florida Statutes, is amended
 1311 to read:

1312 (1) For purposes of this section:

1313 (a) "Leadership fund" means accounts comprised of any
 1314 moneys contributed to a political party, directly or indirectly,
 1315 which are designated to be used at the partial or total
 1316 discretion of a leader.

1317 (b) "Leader" means the President of the Senate, the Speaker
 1318 of the House of Representatives, the majority leader and the
 1319 minority leader of each house, and any person designated by a
 1320 political caucus of members of either house to succeed to any
 1321 such position.

1322 (2) Notwithstanding any other provision of law, leadership
 1323 funds are authorized ~~prohibited~~ in this state. ~~No leader shall~~
 1324 ~~accept any leadership funds.~~

1325 ~~(3) This section applies to leadership funds in existence~~
 1326 ~~on or after January 1, 1990.~~

1327 Section 26. Subsection (6) of section 97.052, Florida
 1328 Statutes, is repealed.

1329 Section 27. Subsection (1) of section 97.073, Florida
 1330 Statutes, is amended to read:

1331 97.073 Disposition of voter registration applications;
 1332 cancellation notice.—

1333 (1) The supervisor must notify each applicant whether ~~of~~
 1334 ~~the disposition of~~ the applicant's voter registration

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1335 application. ~~The notice must inform the applicant that the~~
1336 ~~application~~ has been approved, is incomplete, has been denied,
1337 or is a duplicate of a current registration. ~~A voter information~~
1338 ~~card sent to an applicant constitutes notice of approval of~~
1339 ~~registration.~~

1340 (a) If the application is approved, the supervisor shall
1341 send the voter information card to the applicant no later than 2
1342 weeks after approval. A voter information card sent to an
1343 applicant constitutes notice of approval of registration.

1344 (b) If the application is incomplete because it fails to
1345 provide any of the information required by s. 97.053(5), the
1346 supervisor must request that the applicant supply the missing
1347 information using a voter registration application signed by the
1348 applicant. The notice must be sent by mail within 5 business
1349 days after the supervisor has the information available in the
1350 voter registration system. If the applicant does not respond
1351 within 1 year after the date notice is sent, the application
1352 record will be closed and the applicant shall be required to
1353 submit another application.

1354 (c) If the application is denied, the supervisor shall
1355 include in the A notice of denial ~~must inform the applicant of~~
1356 the reason the application was denied. The notice must be sent
1357 by mail within 5 business days after the supervisor has the
1358 information available in the voter registration system.

1359 (d) If the application is a duplicate of a current
1360 registration record, the supervisor shall process the
1361 application as an update and enter updated information,
1362 including the signature, into the current registration record.
1363 The voter shall be notified that his or her voter registration

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1364 record has been updated and shall be issued a new voter
1365 information card.

1366 Section 28. Subsection (3) of section 98.075, Florida
1367 Statutes, is amended to read:

1368 98.075 Registration records maintenance activities;
1369 ineligibility determinations.—

1370 (3) DECEASED PERSONS.—

1371 (a)1. The department shall identify those registered voters
1372 who are deceased by comparing information on the lists of
1373 deceased persons received or obtained from:

1374 a. The Department of Health as provided in s. 98.093.

1375 b. The United States Social Security Administration,
1376 including, but not limited to, any master death file or index
1377 compiled by the administration.

1378 2. Within 7 days after ~~Upon~~ receipt of such information
1379 through the statewide voter registration system, the supervisor
1380 shall remove the name of the registered voter.

1381 (b) The supervisor shall remove the name of a deceased
1382 registered voter from the statewide voter registration system
1383 upon receipt of a copy of a death certificate issued by a
1384 governmental agency authorized to issue death certificates.

1385 Section 29. Paragraph (a) of subsection (1) of section
1386 99.021, Florida Statutes, is amended to read:

1387 99.021 Form of candidate oath.—

1388 (1) (a)1. Each candidate, whether a party candidate, a
1389 candidate with no party affiliation, or a write-in candidate, in
1390 order to qualify for nomination or election to any office other
1391 than a judicial office as defined in chapter 105 or a federal
1392 office, shall take and subscribe to an oath or affirmation in

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1393 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1394 available ~~furnished~~ to the candidate by the officer before whom
 1395 such candidate seeks to qualify and shall be substantially in
 1396 the following form:

1397
 1398 State of Florida
 1399 County of....

1400 Before me, an officer authorized to administer oaths,
 1401 personally appeared ... (please print name as you wish it to
 1402 appear on the ballot) ..., to me well known, who, being sworn,
 1403 says that he or she is a candidate for the office of; that
 1404 he or she is a qualified elector of County, Florida; that
 1405 he or she is qualified under the Constitution and the laws of
 1406 Florida to hold the office to which he or she desires to be
 1407 nominated or elected; ~~that he or she has taken the oath required~~
 1408 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 1409 qualified for no other public office in the state, the term of
 1410 which office or any part thereof runs concurrent with that of
 1411 the office he or she seeks; ~~and~~ that he or she has resigned from
 1412 any office from which he or she is required to resign pursuant
 1413 to s. 99.012, Florida Statutes; and that he or she will support
 1414 the Constitution of the United States and the Constitution of
 1415 the State of Florida.

1416 ... (Signature of candidate) ...
 1417 ... (Address) ...

1418
 1419 Sworn to and subscribed before me this day of,
 1420 ... (year) ..., at County, Florida.
 1421 (Signature and title of officer administering oath)

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1451 Florida Statutes, are amended to read:

1452 99.061 Method of qualifying for nomination or election to
1453 federal, state, county, or district office.-

1454 (5) At the time of qualifying for office, each candidate
1455 for a constitutional office shall file a full and public
1456 disclosure of financial interests pursuant to s. 8, Art. II of
1457 the State Constitution, duly notarized pursuant to s. 117.05,
1458 and a candidate for any other office, including local elective
1459 office, shall file a statement of financial interests pursuant
1460 to s. 112.3145.

1461 (7) (a) In order for a candidate to be qualified, the
1462 original of the following items must be received by the filing
1463 officer by the end of the qualifying period:

1464 1. A properly executed check drawn upon the candidate's
1465 campaign account payable to the person or entity as prescribed
1466 by the filing officer in an amount not less than the fee
1467 required by s. 99.092, unless the candidate obtained the
1468 required number of signatures on petitions ~~or, in lieu thereof,~~
1469 ~~as applicable, the copy of the notice of obtaining ballot~~
1470 ~~position~~ pursuant to s. 99.095. The filing fee for a special
1471 district candidate is not required to be drawn upon the
1472 candidate's campaign account. If a candidate's check is returned
1473 by the bank for any reason, the filing officer shall immediately
1474 notify the candidate and the candidate shall, the end of
1475 qualifying notwithstanding, have 48 hours from the time such
1476 notification is received, excluding Saturdays, Sundays, and
1477 legal holidays, to pay the fee with a cashier's check purchased
1478 from funds of the campaign account. Failure to pay the fee as
1479 provided in this subparagraph shall disqualify the candidate.

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1480 2. The candidate's oath required by s. 99.021, which must
1481 contain the name of the candidate as it is to appear on the
1482 ballot; the office sought, including the district or group
1483 number if applicable; and the signature of the candidate, duly
1484 notarized pursuant to s. 117.05 ~~acknowledged~~.

1485 ~~3. The loyalty oath required by s. 876.05, signed by the~~
1486 ~~candidate and duly acknowledged.~~

1487 ~~3.4.~~ If the office sought is partisan, the written
1488 statement of political party affiliation required by s.
1489 99.021(1)(b).

1490 ~~4.5.~~ The ~~completed form for the~~ appointment of campaign
1491 treasurer and designation of campaign depository, as required by
1492 s. 106.021, to include the name, address, and telephone number
1493 of the candidate; the office sought, with district, circuit, or
1494 group designation, as applicable; the party affiliation, as
1495 applicable; the name, address, and telephone number of the
1496 campaign treasurer; the name and address of the primary campaign
1497 depository; the dated signatures of the candidate and the
1498 campaign treasurer; and the acceptance of the appointment by the
1499 campaign treasurer.

1500 ~~5.6.~~ The full and public disclosure or statement of
1501 financial interests required by subsection (5). A public officer
1502 who has filed the full and public disclosure or statement of
1503 financial interests with the Commission on Ethics or the
1504 supervisor of elections prior to qualifying for office may file
1505 a copy of that disclosure at the time of qualifying.

1506 (b) If the filing officer receives qualifying papers during
1507 the qualifying period prescribed in this section that do not
1508 include all items ~~as~~ required by paragraph (a) prior to the last

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1509 day of qualifying, the filing officer shall make a reasonable
1510 effort to notify the candidate of the missing or incomplete
1511 items and shall inform the candidate that all required items
1512 must be received by the close of qualifying. A candidate's name
1513 as it is to appear on the ballot may not be changed after the
1514 end of qualifying.

1515 Section 31. Subsection (2) of section 99.063, Florida
1516 Statutes, is amended to read:

1517 99.063 Candidates for Governor and Lieutenant Governor.—

1518 (2) No later than 5 p.m. of the 9th day following the
1519 primary election, each designated candidate for Lieutenant
1520 Governor shall file with the Department of State:

1521 (a) The candidate's oath required by s. 99.021, which must
1522 contain the name of the candidate as it is to appear on the
1523 ballot; the office sought; and the signature of the candidate,
1524 duly acknowledged.

1525 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
1526 ~~candidate and duly acknowledged.~~

1527 (b)(e) If the office sought is partisan, the written
1528 statement of political party affiliation required by s.
1529 99.021(1)(b).

1530 (c)(d) The full and public disclosure of financial
1531 interests pursuant to s. 8, Art. II of the State Constitution. A
1532 public officer who has filed the full and public disclosure with
1533 the Commission on Ethics prior to qualifying for office may file
1534 a copy of that disclosure at the time of qualifying.

1535 Section 32. Paragraph (c) is added to subsection (1) of
1536 section 101.151, Florida Statutes, and subsections (2) and (3)
1537 of that section are amended, to read:

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1538 101.151 Specifications for ballots.—

1539 (1)

1540 (c) Marksense ballots shall be printed by precinct.

1541 (2) (a) The ballot shall have the following office titles
1542 ~~headings~~ under which shall appear ~~the names of the offices and~~
1543 the names of the candidates for the respective offices in the
1544 following order:

1545 1. The official titles of heading “President and Vice
1546 President of the United States” and thereunder the names of the
1547 candidates for President and Vice President of the United States
1548 nominated by the political party that received the highest vote
1549 for Governor in the last general election of the Governor in
1550 this state. Then shall appear the names of other candidates for
1551 President and Vice President of the United States who have been
1552 properly nominated.

1553 2. The official titles ~~Then shall follow the heading~~
1554 “Congressional” and thereunder ~~the offices~~ of United States
1555 Senator and Representative in Congress. ~~†~~

1556 3. The official titles ~~then the heading “State” and~~
1557 ~~thereunder the offices~~ of Governor and Lieutenant Governor,
1558 Attorney General, Chief Financial Officer, Commissioner of
1559 Agriculture, State Attorney, followed by the applicable judicial
1560 circuit for the office, and Public Defender, followed by the
1561 applicable judicial circuit for the office. ~~together with the~~
1562 ~~names of the candidates for each office and the title of the~~
1563 ~~office which they seek; then the heading “Legislative” and~~
1564 ~~thereunder~~

1565 4. The official titles ~~offices~~ of State Senator and State
1566 Representative, each followed by the applicable district for the

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1567 ~~office.; then the heading "County" and thereunder~~

1568 5. The official titles of County Clerk of the Circuit Court, or
1569 Clerk of the Circuit Court and Comptroller (whichever is
1570 applicable and when authorized by law), Clerk of the County
1571 Court (when authorized by law), County Sheriff, County Property
1572 Appraiser, County Tax Collector, and District Superintendent of
1573 Schools, and Supervisor of Elections.

1574 6. The official titles ~~Thereafter follows: members of the~~
1575 Board of County Commissioner Commissioners, followed by the
1576 applicable district, and such other county and district offices
1577 as are involved in the election, in the order fixed by the
1578 Department of State, followed, in the year of their election, by
1579 "Party Offices," and thereunder the offices of state and county
1580 party executive committee members.

1581 (b) In a general election, in addition to the names printed
1582 on the ballot, a blank space shall be provided under each
1583 ~~heading for an~~ office for which a write-in candidate has
1584 qualified. With respect to write-in candidates, if two or more
1585 candidates are seeking election to one office, only one blank
1586 space shall be provided.

1587 (c) ~~(b)~~ When more than one candidate is nominated for
1588 office, the candidates for such office shall qualify and run in
1589 a group or district, and the group or district number shall be
1590 printed beneath the name of the office. Each nominee of a
1591 political party chosen in a primary shall appear on the general
1592 election ballot in the same numbered group or district as on the
1593 primary election ballot.

1594 (d) ~~(e)~~ If in any election all the offices as set forth in
1595 paragraph (a) are not involved, those offices not to be filled

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1596 shall be omitted and the remaining offices shall be arranged on
1597 the ballot in the order named.

1598 (3) (a) The names of the candidates of the party that
1599 received the highest number of votes for Governor in the last
1600 election in which a Governor was elected shall be placed first
1601 ~~under the heading~~ for each office on the general election
1602 ballot, together with an appropriate abbreviation of the party
1603 name; the names of the candidates of the party that received the
1604 second highest vote for Governor shall be placed second ~~under~~
1605 ~~the heading~~ for each office, together with an appropriate
1606 abbreviation of the party name.

1607 (b) Minor political party candidates and candidates with no
1608 party affiliation shall have their names appear on the general
1609 election ballot following the names of recognized political
1610 parties, in the same order as they were qualified ~~certified~~.

1611 Section 33. Subsection (5) of section 101.5612, Florida
1612 Statutes, is amended to read:

1613 101.5612 Testing of tabulating equipment.—

1614 (5) Any tests involving marksense ballots pursuant to this
1615 section shall employ test ~~preprinted~~ ballots created by the
1616 supervisor of elections using actual ballots that have been
1617 printed for the election. ~~If preprinted ballots will be used in~~
1618 ~~the election,~~ and ballot-on-demand ballots will be used in the
1619 election, the supervisor shall also create test ballots using
1620 the, ~~if~~ ballot-on-demand technology that will be used to produce
1621 ballots in the election, using the same paper stock as will be
1622 used for ballots in the election ~~or both.~~

1623 Section 34. Section 101.591, Florida Statutes, is amended
1624 to read:

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1625 (Substantial rewording of section. See
1626 s. 101.591, F.S., for present text.)
1627 101.591 Postcertification manual audit.—

1628 (1) The county canvassing board or the local board
1629 responsible for certifying the election shall conduct a manual
1630 audit of the voting system used in the election. The audit shall
1631 be conducted by performing manual counts of votes on marksense
1632 ballots and of ballot images on direct recording electronic
1633 machines in randomly selected precincts and comparing them to
1634 the corresponding certification for the purpose of ensuring that
1635 the voting system used in the election properly accounted for
1636 all votes.

1637 (2) Except as otherwise provided in this section, the audit
1638 shall consist of a public manual count of the votes cast in
1639 three randomly selected races appearing on the ballot in 3
1640 percent of the precincts in which those races were conducted. If
1641 3 percent of the precincts equals less than a whole number, the
1642 number of precincts to be audited shall be rounded up to the
1643 next whole number. The races and the precincts shall be selected
1644 at a publicly noticed canvassing board meeting. The random
1645 selection of the races and precincts shall be conducted at 3
1646 p.m. on the 9th day after a primary election and at 3 p.m. on
1647 the 14th day after a general election.

1648 (3) The audit shall begin as soon as practicable after the
1649 selection of races and precincts. The canvassing board shall
1650 publish a notice of the audit, including the date, time, and
1651 place thereof, in a newspaper of general circulation in the
1652 county and post the notice on the home page of the supervisor of
1653 elections' Internet website at least 48 hours before the

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1654 beginning of the audit.

1655 (4) The audit must be completed and the results made public
1656 no later than 11:59 p.m. on the 7th day after selection of the
1657 races and precincts. Within 7 days after completion of the
1658 audit, the county canvassing board or local board responsible
1659 for conducting the audit shall provide a report with the results
1660 of the audit to the Department of State in a standard format as
1661 prescribed by the department.

1662 (5) In any election in which a candidate or issue was
1663 entitled to a manual recount of overvotes or undervotes pursuant
1664 to s. 102.166, such candidate or committee chair may request in
1665 writing that a manual audit be conducted in that race. For
1666 federal, state, or multicounty candidates, the request shall be
1667 made to the Secretary of State, who shall immediately notify all
1668 counties affected by the request. For all other candidates, the
1669 request shall be made to the canvassing board responsible for
1670 certifying the election. The request must be received no later
1671 than 1 p.m. on the 9th day following a primary election or no
1672 later than 1 p.m. on the 14th day following a general election.
1673 If a request is made pursuant to this subsection, that race will
1674 replace one of the races randomly selected under subsection (2).
1675 If there are more than three such requests, the county
1676 canvassing board shall decide by lot the three races to be
1677 audited.

1678 (6) The Department of State shall adopt rules to administer
1679 this section.

1680 Section 35. Subsection (1) of section 101.6952, Florida
1681 Statutes, is amended to read:

1682 101.6952 Absentee ballots for overseas voters.—

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1683 (1) If an overseas voter's request for an absentee ballot
1684 includes an e-mail address, the supervisor of elections shall:

1685 (a) Record the voter's e-mail address in the absentee
1686 ballot record;

1687 (b) Confirm via e-mail that the absentee request was
1688 received and inform the voter of the estimated date that the
1689 ballot will be sent to the voter;

1690 (c) Inform the voter of the names of candidates who will be
1691 on the ballots via electronic transmission. The supervisor of
1692 elections shall e-mail to the voter the list of candidates for
1693 the primary and general election not later than 30 days before
1694 each election; and

1695 (d) Notify the voter via e-mail when the voted absentee
1696 ballot is received by the supervisor of elections.

1697 Section 36. Section 101.697, Florida Statutes, is amended
1698 to read:

1699 101.697 Electronic transmission of election materials.—The
1700 Department of State shall determine whether secure electronic
1701 means can be established for requesting, sending, or receiving
1702 absentee ballots and ballot materials to and from overseas
1703 voters. Such means may include e-mails, facsimiles, or other
1704 forms of electronic transmission. If such security can be
1705 established, the department shall adopt rules to authorize such
1706 activities that, at a minimum, provide for ~~a supervisor of~~
1707 ~~elections to accept from an overseas voter a request for an~~
1708 ~~absentee ballot or a voted absentee ballot by secure facsimile~~
1709 ~~machine transmission or other secure electronic means. The rules~~
1710 ~~must provide that in order to accept a voted ballot, the~~
1711 verification of the voter's identity, secrecy of the ballot,

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1712 unless explicitly waived by the voter, ~~voter must be~~
1713 ~~established,~~ the security of the transmission ~~must be~~
1714 ~~established,~~ and the recording of each ballot received by the
1715 supervisor must be recorded.

1716 Section 37. Section 102.111, Florida Statutes, is amended
1717 to read:

1718 102.111 Elections Canvassing Commission.—

1719 (1) The Elections Canvassing Commission shall consist of
1720 the Governor and two members of the Cabinet selected by the
1721 Governor, all of whom shall serve ex officio. If a member of the
1722 ~~Elections Canvassing~~ commission is unable to serve for any
1723 reason, the Governor shall appoint a remaining member of the
1724 Cabinet. If there is a further vacancy, the remaining members of
1725 the commission shall agree on another elected official to fill
1726 the vacancy.

1727 (2) The Elections Canvassing Commission shall meet at 9
1728 a.m. on the 9th day after a primary election and at 9 a.m. on
1729 the 14th day after a general election to, ~~as soon as the~~
1730 ~~official results are compiled from all counties,~~ certify the
1731 returns of the election ~~and determine and declare who has been~~
1732 ~~elected~~ for each federal, state, and multicounty office. If a
1733 member of a county canvassing board that was constituted
1734 pursuant to s. 102.141 determines, within 5 days after the
1735 certification by the Elections Canvassing Commission, that a
1736 typographical error occurred in the official returns of the
1737 county, the correction of which could result in a change in the
1738 outcome of an election, the county canvassing board must certify
1739 corrected returns to the Department of State within 24 hours,
1740 and the Elections Canvassing Commission must correct and

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1741 recertify the election returns as soon as practicable.

1742 ~~(3)-(2)~~ The Division of Elections shall provide the staff
1743 services required by the Elections Canvassing Commission.

1744 Section 38. Subsection (2) of section 102.112, Florida
1745 Statutes, is amended to read:

1746 102.112 Deadline for submission of county returns to the
1747 Department of State.—

1748 (2) Returns must be filed by 5 p.m. on the 7th day
1749 following a primary election and by noon on the 12th day
1750 following the general election. However, the Department of State
1751 may correct typographical errors, including the transposition of
1752 numbers, in any returns submitted to the Department of State
1753 pursuant to s. 102.111~~(2)~~(1).

1754 Section 39. Subsection (7) of section 102.141, Florida
1755 Statutes, is amended to read:

1756 102.141 County canvassing board; duties.—

1757 (7) If the unofficial returns reflect that a candidate for
1758 any office was defeated or eliminated by one-half of a percent
1759 or less of the votes cast for such office, that a candidate for
1760 retention to a judicial office was retained or not retained by
1761 one-half of a percent or less of the votes cast on the question
1762 of retention, or that a measure appearing on the ballot was
1763 approved or rejected by one-half of a percent or less of the
1764 votes cast on such measure, ~~the board responsible for certifying~~
1765 ~~the results of the vote on such race or measure shall order a~~
1766 ~~recount~~ shall be ordered of the votes cast with respect to such
1767 office or measure. The Secretary of State Elections Canvassing
1768 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in
1769 federal, state, and multicounty races ~~recounts~~. The county

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1770 canvassing board or the local board responsible for certifying
1771 the election is responsible for ordering recounts in all other
1772 races. A recount need not be ordered with respect to the returns
1773 for any office, however, if the candidate or candidates defeated
1774 or eliminated from contention for such office by one-half of a
1775 percent or less of the votes cast for such office request in
1776 writing that a recount not be made.

1777 (a) Each canvassing board responsible for conducting a
1778 recount shall put each marksense ballot through automatic
1779 tabulating equipment and determine whether the returns correctly
1780 reflect the votes cast. If any marksense ballot is physically
1781 damaged so that it cannot be properly counted by the automatic
1782 tabulating equipment during the recount, a true duplicate shall
1783 be made of the damaged ballot pursuant to the procedures in s.
1784 101.5614(5). Immediately before the start of the recount, a test
1785 of the tabulating equipment shall be conducted as provided in s.
1786 101.5612. If the test indicates no error, the recount tabulation
1787 of the ballots cast shall be presumed correct and such votes
1788 shall be canvassed accordingly. If an error is detected, the
1789 cause therefor shall be ascertained and corrected and the
1790 recount repeated, as necessary. The canvassing board shall
1791 immediately report the error, along with the cause of the error
1792 and the corrective measures being taken, to the Department of
1793 State. No later than 11 days after the election, the canvassing
1794 board shall file a separate incident report with the Department
1795 of State, detailing the resolution of the matter and identifying
1796 any measures that will avoid a future recurrence of the error.

1797 (b) Each canvassing board responsible for conducting a
1798 recount where touchscreen ballots were used shall examine the

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1799 counters on the precinct tabulators to ensure that the total of
1800 the returns on the precinct tabulators equals the overall
1801 election return. If there is a discrepancy between the overall
1802 election return and the counters of the precinct tabulators, the
1803 counters of the precinct tabulators shall be presumed correct
1804 and such votes shall be canvassed accordingly.

1805 (c) The canvassing board shall submit on forms or in
1806 formats provided by the division a second set of unofficial
1807 returns to the Department of State for each federal, statewide,
1808 state, or multicounty office or ballot measure. Such returns
1809 shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after
1810 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
1811 day after any general election in which a recount was ordered by
1812 the Secretary of State ~~conducted pursuant to this subsection~~. If
1813 the canvassing board is unable to complete the recount
1814 prescribed in this subsection by the deadline, the second set of
1815 unofficial returns submitted by the canvassing board shall be
1816 identical to the initial unofficial returns and the submission
1817 shall also include a detailed explanation of why it was unable
1818 to timely complete the recount. However, the canvassing board
1819 shall complete the recount prescribed in this subsection, along
1820 with any manual recount prescribed in s. 102.166, and certify
1821 election returns in accordance with the requirements of this
1822 chapter.

1823 (d) The Department of State shall adopt detailed rules
1824 prescribing additional recount procedures for each certified
1825 voting system, which shall be uniform to the extent practicable.

1826 Section 40. Section 102.166, Florida Statutes, is amended
1827 to read:

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1828 102.166 Manual recounts of overvotes and undervotes.-
1829 (1) If the second set of unofficial returns pursuant to s.
1830 102.141 indicates that a candidate for any office was defeated
1831 or eliminated by one-quarter of a percent or less of the votes
1832 cast for such office, that a candidate for retention to a
1833 judicial office was retained or not retained by one-quarter of a
1834 percent or less of the votes cast on the question of retention,
1835 or that a measure appearing on the ballot was approved or
1836 rejected by one-quarter of a percent or less of the votes cast
1837 on such measure, ~~the board responsible for certifying the~~
1838 ~~results of the vote on such race or measure shall order~~ a manual
1839 recount of the overvotes and undervotes cast in the entire
1840 geographic jurisdiction of such office or ballot measure shall
1841 be ordered unless: ~~A manual recount may not be ordered,~~
1842 ~~however, if~~
1843 (a) The candidate or candidates defeated or eliminated from
1844 contention by one-quarter of a percent or less of the votes cast
1845 for such office request in writing that a recount not be made;
1846 or
1847 (b) The number of overvotes and~~7~~ undervotes,~~and~~
1848 ~~provisional ballots~~ is fewer than the number of votes needed to
1849 change the outcome of the election.
1850
1851 The Secretary of State is responsible for ordering a manual
1852 recount for federal, state, and multi-county races. The county
1853 canvassing board or local board responsible for certifying the
1854 election is responsible for ordering a manual recount for all
1855 other races.
1856 (2) (a) Any hardware or software used to identify and sort

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1857 overvotes and undervotes for a given race or ballot measure must
1858 be certified by the Department of State as part of the voting
1859 system pursuant to s. 101.015. Any such hardware or software
1860 must be capable of simultaneously counting votes.

1861 (b) Overvotes and undervotes shall be identified and sorted
1862 while recounting ballots pursuant to s. 102.141, if the hardware
1863 or software for this purpose has been certified or the
1864 department's rules so provide.

1865 (3) Any manual recount shall be open to the public.

1866 (4) (a) A vote for a candidate or ballot measure shall be
1867 counted if there is a clear indication on the ballot that the
1868 voter has made a definite choice.

1869 (b) The Department of State shall adopt specific rules for
1870 each certified voting system prescribing what constitutes a
1871 "clear indication on the ballot that the voter has made a
1872 definite choice." The rules may not:

1873 1. Exclusively provide that the voter must properly mark or
1874 designate his or her choice on the ballot; or

1875 2. Contain a catch-all provision that fails to identify
1876 specific standards, such as "any other mark or indication
1877 clearly indicating that the voter has made a definite choice."

1878 (5) Procedures for a manual recount are as follows:

1879 (a) The county canvassing board shall appoint as many
1880 counting teams of at least two electors as is necessary to
1881 manually recount the ballots. A counting team must have, when
1882 possible, members of at least two political parties. A candidate
1883 involved in the race shall not be a member of the counting team.

1884 (b) Each duplicate ballot prepared pursuant to s.
1885 101.5614(5) or s. 102.141(7) shall be compared with the original

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1886 ballot to ensure the correctness of the duplicate.

1887 (c) If a counting team is unable to determine whether the
1888 ballot contains a clear indication that the voter has made a
1889 definite choice, the ballot shall be presented to the county
1890 canvassing board for a determination.

1891 (d) The Department of State shall adopt detailed rules
1892 prescribing additional recount procedures for each certified
1893 voting system which shall be uniform to the extent practicable.
1894 The rules shall address, at a minimum, the following areas:

- 1895 1. Security of ballots during the recount process;
- 1896 2. Time and place of recounts;
- 1897 3. Public observance of recounts;
- 1898 4. Objections to ballot determinations;
- 1899 5. Record of recount proceedings; and
- 1900 6. Procedures relating to candidate and petitioner
1901 representatives.

1902 Section 41. Subsections (2) and (4) of section 102.168,
1903 Florida Statutes, are amended to read:

1904 102.168 Contest of election.—

1905 (2) Such contestant shall file a complaint, together with
1906 the fees prescribed in chapter 28, with the clerk of the circuit
1907 court no later than 5 p.m. on the 22nd day after the date of
1908 ~~within 10 days after midnight of the date the last board~~
1909 ~~responsible for certifying the results officially certifies the~~
1910 ~~results of the election being contested.~~

1911 (4) The ~~county~~ canvassing board responsible for canvassing
1912 the election is an indispensable ~~and proper~~ party defendant in
1913 county and local elections. ~~;~~ The Elections Canvassing Commission
1914 is an indispensable ~~and proper~~ party defendant in federal,

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1915 state, and multicounty elections and in elections for justice of
1916 the Supreme Court, judge of a district court of appeal, and
1917 judge of a circuit court. ~~faces;~~ and The successful candidate is
1918 an indispensable party to any action brought to contest the
1919 election or nomination of a candidate.

1920 Section 42. Subsections (3), (4), and (5) of section
1921 105.031, Florida Statutes, are amended to read:

1922 105.031 Qualification; filing fee; candidate's oath; items
1923 required to be filed.-

1924 (3) QUALIFYING FEE.-Each candidate qualifying for election
1925 to a judicial office, the office of supervisor of elections, or
1926 the office of school board member, except write-in ~~judicial or~~
1927 ~~school board~~ candidates, shall, during the time for qualifying,
1928 pay to the officer with whom he or she qualifies a qualifying
1929 fee, which shall consist of a filing fee and an election
1930 assessment, or qualify by the petition process. The amount of
1931 the filing fee is 3 percent of the annual salary of the office
1932 sought. The amount of the election assessment is 1 percent of
1933 the annual salary of the office sought. The Department of State
1934 shall forward all filing fees to the Department of Revenue for
1935 deposit in the Elections Commission Trust Fund. The supervisor
1936 of elections shall forward all filing fees to the Elections
1937 Commission Trust Fund. The election assessment shall be
1938 deposited into the Elections Commission Trust Fund. The annual
1939 salary of the office for purposes of computing the qualifying
1940 fee shall be computed by multiplying 12 times the monthly salary
1941 authorized for such office as of July 1 immediately preceding
1942 the first day of qualifying. This subsection shall not apply to
1943 candidates qualifying for retention to judicial office.

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1944 (4) CANDIDATE'S OATH.—

1945 (a) All candidates for the office of supervisor of
 1946 elections or the office of school board member shall subscribe
 1947 to the oath as prescribed in s. 99.021.

1948 (b) All candidates for judicial office shall subscribe to
 1949 an oath or affirmation in writing to be filed with the
 1950 appropriate qualifying officer upon qualifying. A ~~printed~~ copy
 1951 of the oath or affirmation shall be made available ~~furnished~~ to
 1952 the candidate by the qualifying officer and shall be in
 1953 substantially the following form:

1954
 1955 State of Florida

1956 County of

1957 Before me, an officer authorized to administer oaths,
 1958 personally appeared ... (please print name as you wish it to
 1959 appear on the ballot) ..., to me well known, who, being sworn,
 1960 says he or she: is a candidate for the judicial office of;
 1961 that his or her legal residence is County, Florida; that he
 1962 or she is a qualified elector of the state and of the
 1963 territorial jurisdiction of the court to which he or she seeks
 1964 election; that he or she is qualified under the constitution and
 1965 laws of Florida to hold the judicial office to which he or she
 1966 desires to be elected or in which he or she desires to be
 1967 retained; ~~that he or she has taken the oath required by ss.~~
 1968 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
 1969 for no other public office in the state, the term of which
 1970 office or any part thereof runs concurrent to the office he or
 1971 she seeks; ~~and~~ that he or she has resigned from any office which
 1972 he or she is required to resign pursuant to s. 99.012, Florida

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1973 Statutes; and that he or she will support the Constitution of
 1974 the United States and the Constitution of the State of Florida.

1975 ... (Signature of candidate)...

1976 ... (Address)...

1977

1978 Sworn to and subscribed before me this day of,

1979 (year), at County, Florida.

1980 (Signature and title of officer administering oath).....

1981 (5) ITEMS REQUIRED TO BE FILED.-

1982 (a) In order for a candidate for judicial office, the
 1983 office of supervisor of elections, or the office of school board
 1984 member to be qualified, the original of the following items must
 1985 be received by the filing officer by the end of the qualifying
 1986 period:

1987 1. Except for candidates for retention to judicial office,
 1988 a properly executed check drawn upon the candidate's campaign
 1989 account payable to the person or entity as prescribed by the
 1990 filing officer in an amount not less than the fee required by
 1991 subsection (3), unless the candidate obtained the required
 1992 number of signatures on petitions ~~or, in lieu thereof, the copy~~
 1993 ~~of the notice of obtaining ballot position~~ pursuant to s.
 1994 105.035. If a candidate's check is returned by the bank for any
 1995 reason, the filing officer shall immediately notify the
 1996 candidate and the candidate shall, the end of qualifying
 1997 notwithstanding, have 48 hours from the time such notification
 1998 is received, excluding Saturdays, Sundays, and legal holidays,
 1999 to pay the fee with a cashier's check purchased from funds of
 2000 the campaign account. Failure to pay the fee as provided in this
 2001 subparagraph shall disqualify the candidate.

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2002 2. The candidate's oath required by subsection (4), which
 2003 must contain the name of the candidate as it is to appear on the
 2004 ballot; the office sought, including the district or group
 2005 number if applicable; and the signature of the candidate, duly
 2006 notarized pursuant to s. 117.05 ~~acknowledged~~.

2007 ~~3. The loyalty oath required by s. 876.05, signed by the~~
 2008 ~~candidate and duly acknowledged.~~

2009 3.4. The ~~completed form for the~~ appointment of campaign
 2010 treasurer and designation of campaign depository, as required by
 2011 s. 106.021, to include the name, address, and telephone number
 2012 of the candidate; the office sought, with district, circuit, or
 2013 group designation, as applicable; the name, address, and
 2014 telephone number of the campaign treasurer; the name and address
 2015 of the primary campaign depository; the dated signatures of the
 2016 candidate and the campaign treasurer; and the acceptance of the
 2017 appointment by the campaign treasurer. In addition, each
 2018 candidate for judicial office, including an incumbent judge,
 2019 shall file a statement with the qualifying officer, within 10
 2020 days after filing the appointment of campaign treasurer and
 2021 designation of campaign depository, stating that the candidate
 2022 has read and understands the requirements of the Florida Code of
 2023 Judicial Conduct. Such statement shall be in substantially the
 2024 following form:

2025 Statement of Candidate for Judicial Office

2026
 2027 I, ... (name of candidate) ..., a judicial candidate, have
 2028 been provided access to ~~received~~, read, and understand the
 2029 requirements of the Florida Code of Judicial Conduct.

2030 (Signature of candidate).....

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2031(Date).....

2032 ~~4.5.~~ The full and public disclosure of financial interests
 2033 required by s. 8, Art. II of the State Constitution, duly
 2034 notarized pursuant to s. 117.05, or the statement of financial
 2035 interests required by s. 112.3145, whichever is applicable. A
 2036 public officer who has filed the full and public disclosure or
 2037 statement of financial interests with the Commission on Ethics
 2038 or the supervisor of elections prior to qualifying for office
 2039 may file a copy of that disclosure at the time of qualifying.

2040 (b) If the filing officer receives qualifying papers during
 2041 the qualifying period prescribed in this section that do not
 2042 include all items ~~as~~ required by paragraph (a) prior to the last
 2043 day of qualifying, the filing officer shall make a reasonable
 2044 effort to notify the candidate of the missing or incomplete
 2045 items and shall inform the candidate that all required items
 2046 must be received by the close of qualifying. A candidate's name
 2047 as it is to appear on the ballot may not be changed after the
 2048 end of qualifying.

2049 Section 43. Subsection (1) of section 98.015, Florida
 2050 Statutes, is amended to read:

2051 98.015 Supervisor of elections; election, tenure of office,
 2052 compensation, custody of registration-related documents, office
 2053 hours, successor, seal; appointment of deputy supervisors;
 2054 duties.-

2055 (1) A supervisor of elections shall be elected in a
 2056 nonpartisan election in each county at the general election in
 2057 each year the number of which is a multiple of four for a 4-year
 2058 term commencing on the first Tuesday after the first Monday in
 2059 January succeeding his or her election. Each supervisor shall,

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2060 before performing any of his or her duties, take the oath
2061 prescribed in s. 5, Art. II of the State Constitution.

2062 Section 44. Section 105.035, Florida Statutes, is amended
2063 to read:

2064 105.035 Petition process of qualifying for certain judicial
2065 offices, the office of supervisor of elections, and the office
2066 of school board member.—

2067 (1) A person seeking to qualify for election to the office
2068 of circuit judge, ~~or~~ county court judge, supervisor of
2069 elections, or ~~the office of~~ school board member may qualify for
2070 election to such office by means of the petitioning process
2071 prescribed in this section. A person qualifying by this petition
2072 process is not required to pay the qualifying fee required by
2073 this chapter.

2074 (2) The petition format shall be prescribed by the Division
2075 of Elections and shall be used by the candidate to reproduce
2076 petitions for circulation. If the candidate is running for an
2077 office that will be grouped on the ballot with two or more
2078 similar offices to be filled at the same election, the
2079 candidate's petition must indicate, prior to the obtaining of
2080 registered electors' signatures, for which group or district
2081 office the candidate is running.

2082 (3) Each candidate for election to a judicial office, the
2083 office of supervisor of elections, or the office of school board
2084 member shall obtain the signature of a number of qualified
2085 electors equal to at least 1 percent of the total number of
2086 registered electors of the district, circuit, county, or other
2087 geographic entity represented by the office sought as shown by
2088 the compilation by the Department of State for the last

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2089 preceding general election. A separate petition shall be
2090 circulated for each candidate availing himself or herself of the
2091 provisions of this section. Signatures may not be obtained until
2092 the candidate has filed the appointment of campaign treasurer
2093 and designation of campaign depository pursuant to s. 106.021.

2094 (4) (a) Each candidate seeking to qualify for election to
2095 the office of circuit judge or the office of school board member
2096 from a multicounty school district pursuant to this section
2097 shall file a separate petition from each county from which
2098 signatures are sought. Each petition shall be submitted, prior
2099 to noon of the 28th day preceding the first day of the
2100 qualifying period for the office sought, to the supervisor of
2101 elections of the county for which such petition was circulated.
2102 Each supervisor of elections to whom a petition is submitted
2103 shall check the signatures on the petition to verify their
2104 status as electors of that county and of the geographic area
2105 represented by the office sought. No later than the 7th day
2106 before the first date for qualifying, the supervisor shall
2107 certify the number shown as registered electors and submit such
2108 certification to the Division of Elections. The division shall
2109 determine whether the required number of signatures has been
2110 obtained for the name of the candidate to be placed on the
2111 ballot and shall notify the candidate. If the required number of
2112 signatures has been obtained, the candidate shall, during the
2113 time prescribed for qualifying for office, submit a copy of such
2114 notice and file his or her qualifying papers and oath prescribed
2115 in s. 105.031 with the Division of Elections. Upon receipt of
2116 the copy of such notice and qualifying papers, the division
2117 shall certify the name of the candidate to the appropriate

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2118 supervisor or supervisors of elections as having qualified for
2119 the office sought.

2120 (b) Each candidate seeking to qualify for election to the
2121 office of county court judge, the office of supervisor of
2122 elections, or the office of school board member from a single
2123 county school district pursuant to this section shall submit his
2124 or her petition, before ~~prior to~~ noon of the 28th day preceding
2125 the first day of the qualifying period for the office sought, to
2126 the supervisor of elections of the county for which such
2127 petition was circulated. The supervisor shall check the
2128 signatures on the petition to verify their status as electors of
2129 the county and of the geographic area represented by the office
2130 sought. No later than the 7th day before the first date for
2131 qualifying, the supervisor shall determine whether the required
2132 number of signatures has been obtained for the name of the
2133 candidate to be placed on the ballot and shall notify the
2134 candidate. If the required number of signatures has been
2135 obtained, the candidate shall, during the time prescribed for
2136 qualifying for office, submit a copy of such notice and file his
2137 or her qualifying papers and oath prescribed in s. 105.031 with
2138 the qualifying officer. Upon receipt of the copy of such notice
2139 and qualifying papers, such candidate shall be entitled to have
2140 his or her name printed on the ballot.

2141 Section 45. Subsection (4) of section 105.041, Florida
2142 Statutes, is amended to read:

2143 105.041 Form of ballot.—

2144 (4) WRITE-IN CANDIDATES.—Space shall be made available on
2145 the general election ballot for an elector to write in the name
2146 of a write-in candidate for judge of a circuit court or county

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2147 court, the office of supervisor of elections, or member of a
2148 school board if a candidate has qualified as a write-in
2149 candidate for such office pursuant to s. 105.031. This
2150 subsection shall not apply to the offices of justices and judges
2151 seeking retention.

2152 Section 46. Paragraph (a) of subsection (1) of section
2153 105.051, Florida Statutes, is amended to read:

2154 105.051 Determination of election or retention to office.-

2155 (1) ELECTION.—In circuits and counties holding elections:

2156 (a) The name of an unopposed candidate for the office of
2157 circuit judge, county court judge, supervisor of elections, or
2158 member of a school board shall not appear on any ballot, and
2159 such candidate shall be deemed to have voted for himself or
2160 herself at the general election.

2161 Section 47. Subsection (3) is added to section 105.061,
2162 Florida Statutes, to read:

2163 105.061 Electors qualified to vote.-

2164 (3) The election of the supervisor of elections shall be by
2165 vote of the qualified electors of the county.

2166 Section 48. Subsection (1) of section 105.08, Florida
2167 Statutes, is amended to read:

2168 105.08 Campaign contribution and expense; reporting.-

2169 (1) A candidate for judicial office, the office of
2170 supervisor of elections, or the office of school board member
2171 may accept contributions and may incur only such expenses as are
2172 authorized by law. Each such candidate shall keep an accurate
2173 record of his or her contributions and expenses, and shall file
2174 reports pursuant to chapter 106.

2175 Section 49. Section 105.09, Florida Statutes, is amended to

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2176 read:

2177 105.09 Political activity on ~~in~~ behalf of a candidate for
2178 judicial office or the office of supervisor of elections
2179 limited.-

2180 (1) A ~~No~~ political party or partisan political organization
2181 may not ~~shall~~ endorse, support, or assist any candidate in a
2182 campaign for election to judicial office or the office of
2183 supervisor of elections.

2184 (2) Any person who knowingly, in an individual capacity or
2185 as an officer of an organization, violates the provisions of
2186 this section commits ~~is guilty of~~ a misdemeanor of the second
2187 degree, punishable as provided in s. 775.082 or s. 775.083.

2188 Section 50. Section 106.113, Florida Statutes, is created
2189 to read:

2190 106.113 Expenditures by local governments.-

2191 (1) As used in this section, the term:

2192 (a) "Local government" means:

2193 1. A county, municipality, school district, or other
2194 political subdivision in this state; and

2195 2. Any department, agency, board, bureau, district,
2196 commission, authority, or similar body of a county,
2197 municipality, school district, or other political subdivision of
2198 this state.

2199 (b) "Public funds" means all moneys under the jurisdiction
2200 or control of the local government.

2201 (2) A local government or a person acting on behalf of
2202 local government may not expend or authorize the expenditure of,
2203 and a person or group may not accept, public funds for a
2204 political advertisement or electioneering communication

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2205 concerning an issue, referendum, or amendment that is subject to
2206 a vote of the electors. This subsection does not apply to an
2207 electioneering communication from a local government or a person
2208 acting on behalf of a local government which is limited to
2209 factual information.

2210 (3) With the exception of the prohibitions specified in
2211 subsection (2), this section does not preclude an elected
2212 official of the local government from expressing an opinion on
2213 any issue at any time.

2214 Section 51. Subsection (1) of section 876.05, Florida
2215 Statutes, is amended to read:

2216 876.05 Public employees; oath.—

2217 (1) All persons who now or hereafter are employed by or who
2218 now or hereafter are on the payroll of the state, or any of its
2219 departments and agencies, subdivisions, counties, cities, school
2220 boards and districts of the free public school system of the
2221 state or counties, or institutions of higher learning, ~~and all~~
2222 ~~candidates for public office, except candidates for federal~~
2223 ~~office,~~ are required to take an oath before any person duly
2224 authorized to take acknowledgments of instruments for public
2225 record in the state in the following form:

2226

2227 I,, a citizen of the State of Florida and of the
2228 United States of America, and being employed by or an officer of
2229 and a recipient of public funds as such employee or
2230 officer, do hereby solemnly swear or affirm that I will support
2231 the Constitution of the United States and of the State of
2232 Florida.

2233 Section 52. Section 101.5911, Florida Statutes, is

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2234 repealed.

2235 Section 53. Section 876.07, Florida Statutes, is repealed.

2236 Section 54. Section 100.372, Florida Statutes, is created
2237 to read:

2238 100.372 Paid petition circulators.—

2239 (1) DEFINITIONS.—As used in this section, the term:

2240 (a) "Department" means the Department of State.

2241 (b) "Paid petition circulator" means a petition circulator
2242 who receives compensation or other valuable consideration as a
2243 direct or indirect consequence of engaging in the activities
2244 described in paragraph (c), other than for the reimbursement of
2245 legitimate out-of-pocket expenses incurred by the petition
2246 circulator in the ordinary course of these activities, as
2247 specified by rule of the department.

2248 (c) "Petition circulator" means a person who, in the
2249 context of a direct, face-to-face interaction, presents to
2250 another person for his or her possible signature an initiative
2251 petition form.

2252 (d) "Registrant" means a person who is registered with the
2253 department as a paid petition circulator.

2254 (2) PROHIBITION ON UNREGISTERED PAID PETITION CIRCULATING.—
2255 A person may not engage in any activities as a paid petition
2256 circulator in this state without first registering with the
2257 department. A person or entity may not provide compensation or
2258 other valuable consideration as a direct or indirect consequence
2259 of the activities described in paragraph (1)(c) to a petition
2260 circulator who is not registered with the department as a paid
2261 petition circulator.

2262 (3) REGISTRATION FOR PAID PETITION CIRCULATORS;

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2263 REQUIREMENTS.—

2264 (a) A person may not engage in activities as a paid
2265 petition circulator unless the person:

2266 1. Has registered with the department;

2267 2. Submits a signed written affirmation to the department
2268 that he or she has not been convicted of a criminal offense in
2269 this state or any other state or under federal law involving
2270 fraud, forgery, perjury, or identity theft within the 4 years
2271 immediately preceding the date on which the application was
2272 submitted; and

2273 3. Does not receive compensation based upon the number of
2274 initiative petition signatures obtained.

2275 (b) A person may apply to the department for the
2276 registration required under paragraph (a). The application must
2277 include:

2278 1. The full name and any assumed name of the applicant.

2279 2. The residential street address of the applicant.

2280 3. The signature of the applicant.

2281 4. Identification of the initiative petitions that the
2282 applicant will be circulating.

2283 5. The name, street address, and telephone number of the
2284 person or entity from which the applicant will receive
2285 compensation as a direct or indirect consequence of the
2286 activities described in paragraph (1)(c).

2287 6. A statement signed by the applicant acknowledging that
2288 the applicant has read and understands state and federal law
2289 applicable to the gathering of signatures on initiative petition
2290 forms, as the law is summarized in the training program
2291 established by the department.

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2292 7. Evidence indicating that the applicant has completed the
2293 training program set forth in subsection (6).

2294 8. Two 2-inch by 2-inch passport-style photographs of the
2295 applicant.

2296 9. Such other information as the department deems necessary
2297 for the effective administration of the registration program.

2298 (c) If an applicant meets the requirements of paragraph
2299 (a), the department shall register the applicant and assign the
2300 applicant a registration number no later than 5 business days
2301 after the date on which the completed application is received.
2302 As a condition of registration, the registrant shall notify the
2303 department in writing of any change in the information submitted
2304 pursuant to this subsection within 10 business days after such
2305 change.

2306 (4) AFFIRMATION AND EVIDENCE OF REGISTRATION REQUIRED;
2307 EFFECTS OF NONCOMPLIANCE.—

2308 (a) A signed written affirmation from an authorized
2309 representative of the political committee sponsoring the
2310 initiative petition must accompany any initiative petition forms
2311 submitted for verification to a supervisor of elections if the
2312 forms were collected by a paid petition circulator. The
2313 affirmation must attest that the initiative petition forms were
2314 collected in compliance with the requirements of this section.
2315 The department shall adopt rules prescribing the form for such
2316 affirmation. The form shall identify the potential criminal and
2317 civil penalties for submitting a false affirmation.

2318 (b) The department shall issue to a registrant evidence of
2319 registration which shall include the registrant's photograph and
2320 registration number. Such evidence of registration shall

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2321 constitute valid proof of the registrant's compliance with this
2322 section. The department shall designate by rule the form of the
2323 evidence of registration.

2324 (c) Every initiative petition form presented by a
2325 registrant to a person for his or her possible signature must
2326 contain that registrant's registration number as issued by the
2327 department.

2328 (d) If a signature on a petition form regarding ballot
2329 placement for an initiative is not gathered in full compliance
2330 with this section, the signature is invalid and may not be
2331 verified and counted by the supervisor of elections. If a
2332 signature is invalidated under this section, the supervisor of
2333 elections shall return, at the expense of the political
2334 committee sponsoring the initiative petition, the invalid
2335 initiative petition form to the political committee within 30
2336 days after invalidation. The political committee shall, within
2337 30 days after receipt of an invalid initiative petition form
2338 from a supervisor of elections, provide written notice to an
2339 elector whose signature was invalidated. Such notice must inform
2340 the elector that his or her signature on the initiative petition
2341 form was invalidated due to the failure of the paid petition
2342 circulator who obtained the elector's signature on the
2343 initiative petition form to comply with Florida law, and provide
2344 the elector the opportunity to sign another initiative petition
2345 form as a replacement for the invalidated initiative petition.
2346 An elector whose signature on an initiative petition form is
2347 invalidated under this section and who signs another initiative
2348 petition form as a replacement for the invalidated initiative
2349 petition is not subject to s. 104.185(1) for purposes of this

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2350 paragraph. An initiative petition form submitted to a supervisor
2351 of elections under the conditions set forth in this section is
2352 subject to s. 100.371.

2353 (5) INVALID REGISTRATION.—If, at any time, a registered
2354 paid petition circulator no longer satisfies one or more of the
2355 requirements set forth in this section, the registration is
2356 immediately rendered invalid by operation of law and the person
2357 shall cease all activities as a paid petition circulator. The
2358 person shall also notify the department in writing of his or her
2359 failure to meet one or more of the requirements set forth in
2360 this section within 10 business days.

2361 (6) TRAINING.—The department shall create a training
2362 program to provide applicants with an overview and explanation
2363 of the state and federal laws governing the gathering of
2364 initiative petitions in Florida, including, but not limited to,
2365 all relevant statutes, rules, and court rulings. The department
2366 may conduct training programs through a secure website and may
2367 contract with a third-party vendor for the administration of the
2368 training program.

2369 (7) RULEMAKING.—The department shall adopt rules pursuant
2370 to ss. 120.536(1) and 120.54 to administer this section,
2371 including the adoption of a registration fee necessary to cover
2372 the department's cost of registration, training, and regulation.
2373 Funds collected from registrants shall be deposited into the
2374 department's Grants and Donations Trust Fund.

2375 Section 55. Any signature gathered on a previously approved
2376 initiative petition form that is submitted for verification
2377 before October 1, 2009, may be verified and counted if otherwise
2378 valid. However, any signature gathered on an initiative petition

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2379 form that is submitted for verification on or after October 1,
2380 2009, may be verified and counted only if such form complies
2381 with this act.

2382 Section 56. If any provision of this act or its application
2383 to any person or circumstance is held invalid, the invalidity
2384 does not affect other provisions or applications of the act
2385 which can be given effect without the invalid provision or
2386 application, and to this end the provisions of this act are
2387 severable.

2388 Section 57. This act shall take effect July 1, 2009.