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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/28/2011	.	
Floor: 1/RS/2R	.	
05/04/2011 01:38 PM	.	
	.	

The Committee on Budget (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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

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

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

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

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



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

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

49 97.0575 Third-party voter registrations.-

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

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

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

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

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

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



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72 registration forms assigned to the third-party voter
73 registration organization. Each supervisor of elections shall
74 provide to the division information on voter registration forms
75 assigned to and received from third-party voter registration
76 organizations. The information must be provided in a format and
77 at times as required by the division by rule. The division must
78 update information on third-party voter registrations daily and
79 make the information publicly available.

80 ~~(1) Prior to engaging in any voter registration activities,~~
81 ~~a third-party voter registration organization shall name a~~
82 ~~registered agent in the state and submit to the division, in a~~
83 ~~form adopted by the division, the name of the registered agent~~
84 ~~and the name of those individuals responsible for the day-to-day~~
85 ~~operation of the third-party voter registration organization,~~
86 ~~including, if applicable, the names of the entity's board of~~
87 ~~directors, president, vice president, managing partner, or such~~
88 ~~other individuals engaged in similar duties or functions. On or~~
89 ~~before the 15th day after the end of each calendar quarter, each~~
90 ~~third-party voter registration organization shall submit to the~~
91 ~~division a report providing the date and location of any~~
92 ~~organized voter registration drives conducted by the~~
93 ~~organization in the prior calendar quarter.~~

94 ~~(2) The failure to submit the information required by~~
95 ~~subsection (1) does not subject the third-party voter~~
96 ~~registration organization to any civil or criminal penalties for~~
97 ~~such failure, and the failure to submit such information is not~~
98 ~~a basis for denying such third-party voter registration~~
99 ~~organization with copies of voter registration application~~
100 ~~forms.~~



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101 (3) (a) A third-party voter registration organization that
102 collects voter registration applications serves as a fiduciary
103 to the applicant, ensuring that any voter registration
104 application entrusted to the ~~third-party voter registration~~
105 organization, irrespective of party affiliation, race,
106 ethnicity, or gender, shall be promptly delivered to the
107 division or the supervisor of elections within 48 hours after
108 the applicant completes it or the next business day if the
109 appropriate office is closed for that 48-hour period. If a voter
110 registration application collected by any third-party voter
111 registration organization is not promptly delivered to the
112 division or supervisor of elections, the third-party voter
113 registration organization is ~~shall be~~ liable for the following
114 fines:

115 1.(a) A fine in the amount of \$50 for each application
116 received by the division or the supervisor of elections more
117 than 48 hours ~~10 days~~ after the applicant delivered the
118 completed voter registration application to the third-party
119 voter registration organization or any person, entity, or agent
120 acting on its behalf or the next business day, if the office is
121 closed. A fine in the amount of \$250 for each application
122 received if the third-party voter registration organization or
123 person, entity, or agency acting on its behalf acted willfully.

124 2.(b) A fine in the amount of \$100 for each application
125 collected by a third-party voter registration organization or
126 any person, entity, or agent acting on its behalf, before ~~prior~~
127 ~~to~~ book closing for any given election for federal or state
128 office and received by the division or the supervisor of
129 elections after the book-closing ~~book-closing~~ deadline for such



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130 election. A fine in the amount of \$500 for each application
131 received if the third-party registration organization or person,
132 entity, or agency acting on its behalf acted willfully.

133 3.(e) A fine in the amount of \$500 for each application
134 collected by a third-party voter registration organization or
135 any person, entity, or agent acting on its behalf, which is not
136 submitted to the division or supervisor of elections. A fine in
137 the amount of \$1,000 for any application not submitted if the
138 third-party voter registration organization or person, entity,
139 or agency acting on its behalf acted willfully.

140
141 The aggregate fine pursuant to this paragraph subsection which
142 may be assessed against a third-party voter registration
143 organization, including affiliate organizations, for violations
144 committed in a calendar year is shall be \$1,000.

145 (b) A showing by the fines provided in this subsection
146 shall be reduced by three-fourths in cases in which the third-
147 party voter registration organization that the failure to
148 deliver the voter registration application within the required
149 timeframe is based upon force majeure or impossibility of
150 performance shall be an affirmative defense to a violation of
151 this subsection has complied with subsection (1). The secretary
152 may shall waive the fines described in this subsection upon a
153 showing that the failure to deliver the voter registration
154 application promptly is based upon force majeure or
155 impossibility of performance.

156 (4) If the Secretary of State reasonably believes that a
157 person has committed a violation of this section, the secretary
158 may refer the matter to the Attorney General for enforcement.



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159 The Attorney General may institute a civil action for a
160 violation of this section or to prevent a violation of this
161 section. An action for relief may include a permanent or
162 temporary injunction, a restraining order, or any other
163 appropriate order.

164 (5)(4)(a) The division shall adopt by rule a form to elicit
165 specific information concerning the facts and circumstances from
166 a person who claims to have been registered to vote by a third-
167 party voter registration organization but who does not appear as
168 an active voter on the voter registration rolls. The division
169 shall also adopt rules to ensure the integrity of the
170 registration process, including rules requiring third-party
171 voter registration organizations to account for all state and
172 federal registration forms used by their registration agents.
173 Such rules may require an organization to provide organization
174 and form specific identification information on each form as
175 determined by the department as needed to assist in the
176 accounting of state and federal registration forms.

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

180 (6)(5) The date on which an applicant signs a voter
181 registration application is presumed to be the date on which the
182 third-party voter registration organization received or
183 collected the voter registration application.

184 (7) The requirements of this section are retroactive for
185 any third-party voter registration organization registered with
186 the department on July 1, 2011, and must be complied with within
187 90 days after the department provides notice to the third-party



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188 voter registration organization of the requirements contained in
189 this section. Failure of the third-party voter registration
190 organization to comply with the requirements within 90 days
191 after receipt of the notice shall automatically result in the
192 cancellation of the third-party voter registration
193 organization's registration.

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

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

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

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

203 97.071 Voter information card.—

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

207 (a) Voter's registration number.

208 (b) Date of registration.

209 (c) Full name.

210 (d) Party affiliation.

211 (e) Date of birth.

212 (f) Address of legal residence.

213 (g) Precinct number.

214 (h) Polling place address.

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



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217 (j)~~(i)~~ Other information deemed necessary by the
218 supervisor.

219 (2) A voter may receive a replacement voter information
220 card by providing a signed, written request for a replacement
221 card to a voter registration official. Upon verification of
222 registration, the supervisor shall issue the voter a duplicate
223 card without charge.

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

227 Section 6. The supervisor must meet the requirements of
228 section 5 of this act for any elector who registers to vote or
229 who is issued a new voter information card pursuant to s.
230 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

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

233 97.073 Disposition of voter registration applications;
234 cancellation notice.—

235 (1) The supervisor must notify each applicant of the
236 disposition of the applicant's voter registration application
237 within 5 business days after voter registration information is
238 entered into the statewide voter registration system. The notice
239 must inform the applicant that the application has been
240 approved, is incomplete, has been denied, or is a duplicate of a
241 current registration. A voter information card sent to an
242 applicant constitutes notice of approval of registration. If the
243 application is incomplete, the supervisor must request that the
244 applicant supply the missing information using a voter
245 registration application signed by the applicant. A notice of



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246 denial must inform the applicant of the reason the application
247 was denied.

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

250 97.1031 Notice of change of residence, change of name, or
251 change of party affiliation.—

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

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

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

262 2. Submitting the change on a voter registration
263 application or other signed written notice. ~~moves from the~~
264 ~~address named on that person's voter registration record to~~
265 ~~another address within the same county, the elector must provide~~
266 ~~notification of such move to the supervisor of elections of that~~
267 ~~county. The elector may provide the supervisor a signed, written~~
268 ~~notice or may notify the supervisor by telephone or electronic~~
269 ~~means. However, notification of such move other than by signed,~~
270 ~~written notice must include the elector's date of birth. An~~
271 ~~elector may also provide notification to other voter~~
272 ~~registration officials as provided in subsection (2). A voter~~
273 ~~information card reflecting the new information shall be issued~~
274 ~~to the elector as provided in subsection (3).~~



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275 (2) When an elector ~~moves from the address named on that~~
276 ~~person's voter registration record to another address in a~~
277 ~~different county but within the state, the elector seeks to~~
278 ~~change party affiliation, or the name of an elector is changed~~
279 ~~by marriage or other legal process, the elector shall notify his~~
280 ~~or her supervisor of elections or other provide notice of such~~
281 ~~change to a voter registration official by using a voter~~
282 ~~registration application signed written notice that contains the~~
283 ~~elector's date of birth or voter registration number by the~~
284 ~~elector. When an elector changes his or her name by marriage or~~
285 ~~other legal process, the elector shall notify his or her~~
286 ~~supervisor of elections or other voter registration official by~~
287 ~~using a signed written notice that contains the elector's date~~
288 ~~of birth or voter's registration number. A voter information~~
289 ~~card reflecting the new information shall be issued to the~~
290 ~~elector as provided in subsection (3).~~

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

293 98.075 Registration records maintenance activities;
294 ineligibility determinations.—

295 (3) DECEASED PERSONS.—

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

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

300 b. The United States Social Security Administration,
301 including, but not limited to, any master death file or index
302 compiled by the United States Social Security Administration.

303 2. Within 7 days after ~~Upon~~ receipt of such information



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304 through the statewide voter registration system, the supervisor
305 shall remove the name of the registered voter.

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

310 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
311 supervisor receives information ~~other than~~ from the sources
312 other than those identified in subsections (2)-(5) that a
313 registered voter is ineligible because he or she is deceased,
314 adjudicated a convicted felon without having had his or her
315 civil rights restored, adjudicated mentally incapacitated
316 without having had his or her voting rights restored, does not
317 meet the age requirement pursuant to s. 97.041, is not a United
318 States citizen, is a fictitious person, or has listed a
319 residence that is not his or her legal residence, the supervisor
320 must ~~shall~~ adhere to the procedures set forth in subsection (7)
321 prior to the removal of a registered voter's name from the
322 statewide voter registration system.

323 Section 10. Section 98.093, Florida Statutes, is amended to
324 read:

325 98.093 Duty of officials to furnish information relating to
326 ~~lists of~~ deceased persons, persons adjudicated mentally
327 incapacitated, and persons convicted of a felony.—

328 (1) In order to identify ineligible registered voters and
329 maintain ~~ensure the maintenance of~~ accurate and current voter
330 registration records in the statewide voter registration system
331 pursuant to procedures in s. 98.065 or s. 98.075, it is
332 necessary for the department and supervisors of elections to



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333 receive or access certain information from state and federal
334 officials and entities in the format prescribed. ~~The department~~
335 ~~and supervisors of elections shall use the information provided~~
336 ~~from the sources in subsection (2) to maintain the voter~~
337 ~~registration records.~~

338 (2) To the maximum extent feasible, state and local
339 government agencies shall facilitate provision of information
340 and access to data to the department, including, but not limited
341 to, databases that contain reliable criminal records and records
342 of deceased persons. State and local government agencies that
343 provide such data shall do so without charge if the direct cost
344 incurred by those agencies is not significant.

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

349 (b) Each clerk of the circuit court shall furnish monthly
350 to the department a list of those persons who have been
351 adjudicated mentally incapacitated with respect to voting during
352 the preceding calendar month, a list of those persons whose
353 mental capacity with respect to voting has been restored during
354 the preceding calendar month, and a list of those persons who
355 have returned signed jury notices during the preceding months to
356 the clerk of the circuit court indicating a change of address.
357 Each list shall include the name, address, date of birth, race,
358 sex, and, whichever is available, the Florida driver's license
359 number, Florida identification card number, or social security
360 number of each such person.

361 (c) Upon receipt of information from the United States



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362 Attorney, listing persons convicted of a felony in federal
363 court, the department shall use such information to identify
364 registered voters or applicants for voter registration who may
365 be potentially ineligible based on information provided in
366 accordance with s. 98.075.

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

372 (e) The Florida Parole Commission ~~Board of Executive~~
373 ~~Clemency~~ shall furnish at least bimonthly ~~monthly~~ to the
374 department data, including the identity ~~a list~~ of those persons
375 granted clemency in the preceding month or any updates to prior
376 records which have occurred in the preceding month. The data
377 ~~list~~ shall contain the commission's ~~Board of Executive Clemency~~
378 case number and the person's ~~7~~ name, address, date of birth,
379 race, gender ~~sex~~, Florida driver's license number, Florida
380 identification card number, or the last four digits of the
381 social security number, if available, and references to record
382 identifiers assigned by the Department of Corrections and the
383 Department of Law Enforcement, a unique identifier of each
384 clemency case, and the effective date of clemency of each
385 person.

386 (f) The Department of Corrections shall identify those
387 persons who have been convicted of a felony and committed to its
388 custody or placed on community supervision. The information must
389 be provided to the department at a time and in manner that
390 enables the department to identify registered voters who are



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391 convicted felons and to meet its obligations under state and
392 federal law. ~~furnish monthly to the department a list of those~~
393 persons transferred to the Department of Corrections in the
394 preceding month or any updates to prior records which have
395 occurred in the preceding month. The list shall contain the
396 name, address, date of birth, race, sex, social security number,
397 Department of Corrections record identification number, and
398 associated Department of Law Enforcement felony conviction
399 record number of each person.

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

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

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

413 98.0981 Reports; voting history; statewide voter
414 registration system information; precinct-level election
415 results; book closing statistics.-

416 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
417 INFORMATION.-

418 (a) Within 30 ~~45~~ days after certification by the Elections
419 Canvassing Commission of a presidential preference primary,



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420 special election, primary election, or a general election,
421 supervisors of elections shall transmit to the department, in a
422 uniform electronic format specified in paragraph (d) by the
423 ~~department,~~ completely updated voting history information for
424 each qualified voter who voted.

425 (b) After receipt of the information in paragraph (a), the
426 department shall prepare a report in electronic format which
427 contains the following information, separately compiled for the
428 primary and general election for all voters qualified to vote in
429 either election:

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

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

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

437 4. Each qualified voter's current state representative
438 district, state senatorial district, and congressional district,
439 assigned by the supervisor of elections;

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

441 6. Voting history as transmitted under paragraph (a) to
442 include whether the qualified voter voted at a precinct
443 location, voted during the early voting period, voted by
444 absentee ballot, attempted to vote by absentee ballot that was
445 not counted, attempted to vote by provisional ballot that was
446 not counted, or did not vote.

447 (c) Within 45 ~~60~~ days after certification by the Elections
448 Canvassing Commission of a presidential preference primary,



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449 special election, primary election, or a general election, the
450 department shall send to the President of the Senate, the
451 Speaker of the House of Representatives, the Senate Minority
452 Leader, and the House Minority Leader a report in electronic
453 format that includes all information set forth in paragraph (b).

454 (d) File specifications are as follows:

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

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

461 b. Voted at a precinct location using a provisional ballot
462 that was subsequently counted.

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

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

466 e. Voted by absentee ballot.

467 f. Attempted to vote by absentee ballot, but the ballot was
468 not counted.

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

471 2. Each file shall be created or converted into a tab-
472 delimited format.

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

474 a. Three-character county identifier as established by the
475 department followed by an underscore.

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



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

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

480 e. Date format is YYYYMMDD.

481 f. Followed by Time Created - HHMMSS.

482 g. Followed by ".txt".

483 4. Each record shall contain the following columns: Record
484 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
485 Date, Vote History Code, Precinct, Congressional District, House
486 District, Senate District, County Commission District, and
487 School Board District.

488 (e) Each supervisor of elections shall reconcile, before
489 submission, the aggregate total of ballots cast in each precinct
490 as reported in the precinct-level election results to the
491 aggregate total number of voters with voter history for the
492 election for each district.

493 (f) Each supervisor of elections shall submit the results
494 of the data reconciliation as described in paragraph (e) to the
495 department in an electronic format and give a written
496 explanation for any precincts where the reconciliation as
497 described in paragraph (e) results in a discrepancy between the
498 voter history and the election results.

499 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within ~~25~~ 45 days
500 after the date of a presidential preference primary election, a
501 special election, primary election, or a general election, the
502 supervisors of elections shall collect and submit to the
503 department precinct-level election results for the election in a
504 uniform electronic format specified by paragraph (c) ~~the~~
505 department. The precinct-level election results shall be
506 compiled separately for the primary or special primary election



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507 that preceded the general or special general election,
508 respectively. The results shall specifically include for each
509 precinct the ~~aggregate~~ total of all ballots cast for each
510 candidate or nominee to fill a national, state, county, or
511 district office or proposed constitutional amendment, with
512 subtotals for each candidate and ballot type. "All ballots cast"
513 means ballots cast by voters who cast a ballot whether at a
514 precinct location, by absentee ballot including overseas
515 absentee ballots, during the early voting period, or by
516 provisional ballot.

517 (b) The department shall make such information available on
518 a searchable, sortable, and downloadable database via its
519 website that also includes the file layout and codes. The
520 database shall be searchable and sortable by county, precinct,
521 and candidate. The database shall be downloadable in a tab-
522 delimited format. The database shall be available for download
523 county-by-county and also as a statewide file. Such report shall
524 also be made available upon request.

525 (c) The files containing the precinct-level election
526 results shall be created in accordance with the applicable file
527 specification:

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

530 2. The row immediately before the first data record shall
531 contain the column names of the data elements that make up the
532 data records. There shall be one header record followed by
533 multiple data records.

534 3. The data records shall include the following columns:
535 County Name, Election Number, Election Date, Unique Precinct



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536 Identifier, Precinct Polling Location, Total Registered Voters,
537 Total Registered Republicans, Total Registered Democrats, Total
538 Registered All Other Parties, Contest Name,
539 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of
540 Elections Unique Candidate Identifying Number, Candidate Party,
541 District, Undervote Total, Overvote Total, Write-in Total, and
542 Vote Total.

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

545 99.012 Restrictions on individuals qualifying for public
546 office.—

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

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

556 99.021 Form of candidate oath.—

557 (1) (a) 1. Each candidate, whether a party candidate, a
558 candidate with no party affiliation, or a write-in candidate, in
559 order to qualify for nomination or election to any office other
560 than a judicial office as defined in chapter 105 or a federal
561 office, shall take and subscribe to an oath or affirmation in
562 writing. A ~~printed~~ copy of the oath or affirmation shall be made
563 available ~~furnished~~ to the candidate by the officer before whom
564 such candidate seeks to qualify and shall be substantially in



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565 the following form:

566

567 State of Florida

568 County of....

569 Before me, an officer authorized to administer oaths,
570 personally appeared ...(please print name as you wish it to
571 appear on the ballot)..., to me well known, who, being sworn,
572 says that he or she is a candidate for the office of; that
573 he or she is a qualified elector of County, Florida; that
574 he or she is qualified under the Constitution and the laws of
575 Florida to hold the office to which he or she desires to be
576 nominated or elected; ~~that he or she has taken the oath required~~
577 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
578 qualified for no other public office in the state, the term of
579 which office or any part thereof runs concurrent with that of
580 the office he or she seeks; ~~and~~ that he or she has resigned from
581 any office from which he or she is required to resign pursuant
582 to s. 99.012, Florida Statutes; and that he or she will support
583 the Constitution of the United States and the Constitution of
584 the State of Florida.

585 ... (Signature of candidate)...

586 ... (Address)...

587 Sworn to and subscribed before me this day of,

588 ... (year)..., at County, Florida.

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

590

591 2. Each candidate for federal office, whether a party
592 candidate, a candidate with no party affiliation, or a write-in
593 candidate, in order to qualify for nomination or election to



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594 office shall take and subscribe to an oath or affirmation in
595 writing. A ~~printed~~ copy of the oath or affirmation shall be made
596 available ~~furnished~~ to the candidate by the officer before whom
597 such candidate seeks to qualify and shall be substantially in
598 the following form:

599
600 State of Florida
601 County of

602 Before me, an officer authorized to administer oaths,
603 personally appeared ...(please print name as you wish it to
604 appear on the ballot)..., to me well known, who, being sworn,
605 says that he or she is a candidate for the office of; that
606 he or she is qualified under the Constitution and laws of the
607 United States to hold the office to which he or she desires to
608 be nominated or elected; ~~and~~ that he or she has qualified for no
609 other public office in the state, the term of which office or
610 any part thereof runs concurrent with that of the office he or
611 she seeks; and that he or she will support the Constitution of
612 the United States.

613 ... (Signature of candidate) ...
614 ... (Address) ...

615
616 Sworn to and subscribed before me this day of,
617 ... (year) ..., at County, Florida.
618 ... (Signature and title of officer administering oath) ...

619
620 (b) In addition, any person seeking to qualify for
621 nomination as a candidate of any political party shall, at the
622 time of subscribing to the oath or affirmation, state in



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623 writing:

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

625 2. That the person ~~is not a registered member of any other~~
626 ~~political party and~~ has not been a registered member of
627 ~~candidate for nomination for~~ any other political party for 365
628 days before the beginning of qualifying ~~for a period of 6 months~~
629 preceding the general election for which the person seeks to
630 qualify.

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

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

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

639 99.061 Method of qualifying for nomination or election to
640 federal, state, county, or district office.—

641 (5) At the time of qualifying for office, each candidate
642 for a constitutional office shall file a full and public
643 disclosure of financial interests pursuant to s. 8, Art. II of
644 the State Constitution, which must be verified under oath or
645 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
646 other office, including local elective office, shall file a
647 statement of financial interests pursuant to s. 112.3145.

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

651 1. A properly executed check drawn upon the candidate's



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652 campaign account payable to the person or entity as prescribed
653 by the filing officer in an amount not less than the fee
654 required by s. 99.092, unless the candidate obtained the
655 required number of signatures on petitions ~~or, in lieu thereof,~~
656 ~~as applicable, the copy of the notice of obtaining ballot~~
657 ~~position~~ pursuant to s. 99.095. The filing fee for a special
658 district candidate is not required to be drawn upon the
659 candidate's campaign account. If a candidate's check is returned
660 by the bank for any reason, the filing officer shall immediately
661 notify the candidate and the candidate shall have until, the end
662 of qualifying ~~notwithstanding, have 48 hours from the time such~~
663 ~~notification is received, excluding Saturdays, Sundays, and~~
664 ~~legal holidays,~~ to pay the fee with a cashier's check purchased
665 from funds of the campaign account. Failure to pay the fee as
666 provided in this subparagraph shall disqualify the candidate.

667 2. The candidate's oath required by s. 99.021, which must
668 contain the name of the candidate as it is to appear on the
669 ballot; the office sought, including the district or group
670 number if applicable; and the signature of the candidate, which
671 must be verified under oath or affirmation pursuant to s.
672 92.525(1)(a) duly acknowledged.

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

675 ~~3.4.~~ If the office sought is partisan, the written
676 statement of political party affiliation required by s.
677 99.021(1)(b).

678 ~~4.5.~~ The completed form for the appointment of campaign
679 treasurer and designation of campaign depository, as required by
680 s. 106.021.



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681 5.6. The full and public disclosure or statement of
682 financial interests required by subsection (5). A public officer
683 who has filed the full and public disclosure or statement of
684 financial interests with the Commission on Ethics or the
685 supervisor of elections prior to qualifying for office may file
686 a copy of that disclosure at the time of qualifying.

687 (b) If the filing officer receives qualifying papers during
688 the qualifying period prescribed in this section which ~~that~~ do
689 not include all items as required by paragraph (a) prior to the
690 last day of qualifying, the filing officer shall make a
691 reasonable effort to notify the candidate of the missing or
692 incomplete items and shall inform the candidate that all
693 required items must be received by the close of qualifying. A
694 candidate's name as it is to appear on the ballot may not be
695 changed after the end of qualifying.

696 (c) The filing officer performs a ministerial function in
697 reviewing qualifying papers. In determining whether a candidate
698 is qualified, the filing officer shall review the qualifying
699 papers to determine whether all items required by paragraph (a)
700 have been properly filed and whether each item is complete on
701 its face, including whether items that must be verified have
702 been properly verified pursuant to s. 92.525(1)(a). The filing
703 officer may not determine whether the contents of the qualifying
704 papers are accurate.

705 (11) The decision of the filing officer concerning whether
706 a candidate is qualified is exempt from the provisions of
707 chapter 120.

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



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710 99.063 Candidates for Governor and Lieutenant Governor.—

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

714 (a) The candidate's oath required by s. 99.021, which must
715 contain the name of the candidate as it is to appear on the
716 ballot; the office sought; and the signature of the candidate,
717 which must be verified under oath or affirmation pursuant to s.
718 92.525(1) (a) duly acknowledged.

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

721 ~~(b)(e)~~ If the office sought is partisan, the written
722 statement of political party affiliation required by s.
723 99.021(1) (b) .

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

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

731 99.092 Qualifying fee of candidate; notification of
732 Department of State.—

733 (1) Each person seeking to qualify for nomination or
734 election to any office, except a person seeking to qualify by
735 the petition process pursuant to s. 99.095 and except a person
736 seeking to qualify as a write-in candidate, shall pay a
737 qualifying fee, which shall consist of a filing fee and election
738 assessment, to the officer with whom the person qualifies, and



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739 any party assessment levied, and shall attach the original or
740 signed duplicate of the receipt for his or her party assessment
741 or pay the same, in accordance with the provisions of s.
742 103.121, at the time of filing his or her other qualifying
743 papers. The amount of the filing fee is 3 percent of the annual
744 salary of the office. The amount of the election assessment is 1
745 percent of the annual salary of the office sought. The election
746 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~
747 ~~and~~ transferred to the Elections Commission Trust Fund ~~within~~
748 ~~the Department of Legal Affairs~~. The amount of the party
749 assessment is 2 percent of the annual salary. The annual salary
750 of the office for purposes of computing the filing fee, election
751 assessment, and party assessment shall be computed by
752 multiplying 12 times the monthly salary, excluding any special
753 qualification pay, authorized for such office as of July 1
754 immediately preceding the first day of qualifying. No qualifying
755 fee shall be returned to the candidate unless the candidate
756 withdraws his or her candidacy before the last date to qualify.
757 If a candidate dies prior to an election and has not withdrawn
758 his or her candidacy before the last date to qualify, the
759 candidate's qualifying fee shall be returned to his or her
760 designated beneficiary, and, if the filing fee or any portion
761 thereof has been transferred to the political party of the
762 candidate, the Secretary of State shall direct the party to
763 return that portion to the designated beneficiary of the
764 candidate.

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

767 99.093 Municipal candidates; election assessment.—



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768 (1) Each person seeking to qualify for nomination or
769 election to a municipal office shall pay, at the time of
770 qualifying for office, an election assessment. The election
771 assessment shall be an amount equal to 1 percent of the annual
772 salary of the office sought. Within 30 days after the close of
773 qualifying, the qualifying officer shall forward all assessments
774 collected pursuant to this section to the Florida Elections
775 Commission ~~Department of State~~ for deposit in ~~transfer to~~ the
776 Elections Commission Trust Fund ~~within the Department of Legal~~
777 ~~Affairs~~.

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

780 99.095 Petition process in lieu of a qualifying fee and
781 party assessment.-

782 (2)

783 (d) In a year of apportionment, any candidate for county or
784 district office seeking ballot position by the petition process
785 may obtain the required number of signatures from any registered
786 voter in the respective county, regardless of district
787 boundaries. The candidate shall obtain at least the number of
788 signatures equal to 1 percent of the total number of registered
789 voters, as shown by a compilation by the department for the
790 immediately preceding general election, divided by the total
791 number of districts of the office involved.

792 Section 19. Subsections (1), (3), and (5) of section
793 99.097, Florida Statutes, are amended, and subsection (6) is
794 added to that section, to read:

795 99.097 Verification of signatures on petitions.-

796 (1) (a) As determined by each supervisor, based upon local



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797 conditions, the checking of names on petitions may be based on
798 the most inexpensive and administratively feasible of either of
799 the following methods of verification:

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

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

808 (b) Rules and guidelines for ~~this method of~~ petition
809 verification shall be adopted ~~promulgated~~ by the Department of
810 State. Rules and guidelines for a random sample method of
811 verification, which may include a requirement that petitions
812 bear an additional number of names and signatures, not to exceed
813 15 percent of the names and signatures otherwise required. If
814 the petitions do not meet such criteria or if the petitions are
815 prescribed by s. 100.371, then the use of the random sample
816 method of verification is ~~method described in this paragraph~~
817 ~~shall not be~~ available to supervisors.

818 (3) (a) If all other requirements for the petition are met,
819 a signature on a petition shall be verified and counted as valid
820 for a registered voter if, after comparing the signature on the
821 petition and the signature of the registered voter in the voter
822 registration system, the supervisor is able to determine that
823 the petition signer is the same as the registered voter, even if
824 the name on the petition is not in substantially the same form
825 as in the voter registration system. A name on a petition, which



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826 ~~name is not in substantially the same form as a name on the~~
827 ~~voter registration books, shall be counted as a valid signature~~
828 ~~if, after comparing the signature on the petition with the~~
829 ~~signature of the alleged signer as shown on the registration~~
830 ~~books, the supervisor determines that the person signing the~~
831 ~~petition and the person who registered to vote are one and the~~
832 ~~same.~~

833 **(b)** In any situation in which this code requires the form
834 of the petition to be prescribed by the division, no signature
835 shall be counted toward the number of signatures required unless
836 it is on a petition form prescribed by the division.

837 **(c)** ~~(b)~~ If a voter signs a petition and lists an address
838 other than the legal residence where the voter is registered,
839 the supervisor shall treat the signature as if the voter had
840 listed the address where the voter is registered.

841 (5) The results of a verification pursuant to subparagraph
842 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court
843 by the candidate; an announced opponent; a representative of a
844 designated political committee; or a person, party, or other
845 organization submitting the petition. The contestant shall file
846 a complaint, together with the fees prescribed in chapter 28,
847 with the clerk of the circuit court in the county in which the
848 petition is certified or in Leon County if the petition covers
849 more than one county within 10 days after midnight of the date
850 the petition is certified; and the complaint shall set forth the
851 grounds on which the contestant intends to establish his or her
852 right to require a complete check of the petition names and
853 signatures pursuant to subparagraph (1) (a) 1. ~~paragraph (1) (a).~~
854 In the event the court orders a complete check of the petition



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855 and the result is not changed as to the success or lack of
856 success of the petitioner in obtaining the requisite number of
857 valid signatures, then such candidate, unless the candidate has
858 filed the oath stating that he or she is unable to pay such
859 charges; announced opponent; representative of a designated
860 political committee; or party, person, or organization
861 submitting the petition, unless such person or organization has
862 filed the oath stating inability to pay such charges, shall pay
863 to the supervisor of elections of each affected county for the
864 complete check an amount calculated at the rate of 10 cents for
865 each additional signature checked or the actual cost of checking
866 such additional signatures, whichever is less.

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

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

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



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884 100.061 Primary election.—In each year in which a general
885 election is held, a primary election for nomination of
886 candidates of political parties shall be held on the Tuesday 12
887 ~~10~~ weeks prior to the general election. The candidate receiving
888 the highest number of votes cast in each contest in the primary
889 election shall be declared nominated for such office. If two or
890 more candidates receive an equal and highest number of votes for
891 the same office, such candidates shall draw lots to determine
892 which candidate is nominated.

893 Section 21. Section 100.101, Florida Statutes, is amended
894 to read:

895 100.101 Special elections and special primary elections.—
896 ~~Except as provided in s. 100.111(2),~~ A special election or
897 special primary election shall be held in the following cases:

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

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

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

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

908 Section 22. Section 100.111, Florida Statutes, is amended
909 to read:

910 100.111 Filling vacancy.—

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



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913 Constitution and the remainder of the term of such office is 28
914 months or longer, then at the next general election a person
915 shall be elected to fill the unexpired portion of such term,
916 commencing on the first Tuesday after the first Monday following
917 such general election.

918 (b) If such a vacancy occurs prior to the first day set by
919 law for qualifying for election to office at such general
920 election, any person seeking nomination or election to the
921 unexpired portion of the term shall qualify within the time
922 prescribed by law for qualifying for other offices to be filled
923 by election at such general election.

924 (c) If such a vacancy occurs prior to the primary election
925 but on or after the first day set by law for qualifying, the
926 Secretary of State shall set dates for qualifying for the
927 unexpired portion of the term of such office. Any person seeking
928 nomination or election to the unexpired portion of the term
929 shall qualify within the time set by the Secretary of State. If
930 time does not permit party nominations to be made in conjunction
931 with the primary election, the Governor may call a special
932 primary election to select party nominees for the unexpired
933 portion of such term.

934 ~~(2)(a) If, in any state or county office required to be~~
935 ~~filled by election, a vacancy occurs during an election year by~~
936 ~~reason of the incumbent having qualified as a candidate for~~
937 ~~federal office pursuant to s. 99.061, no special election is~~
938 ~~required. Any person seeking nomination or election to the~~
939 ~~office so vacated shall qualify within the time prescribed by s.~~
940 ~~99.061 for qualifying for state or county offices to be filled~~
941 ~~by election.~~



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942 ~~(b) If such a vacancy occurs in an election year other than~~
943 ~~the one immediately preceding expiration of the present term,~~
944 ~~the Secretary of State shall notify the supervisor of elections~~
945 ~~in each county served by the office that a vacancy has been~~
946 ~~created. Such notice shall be provided to the supervisor of~~
947 ~~elections not later than the close of the first day set for~~
948 ~~qualifying for state or county office. The supervisor shall~~
949 ~~provide public notice of the vacancy in any manner the Secretary~~
950 ~~of State deems appropriate.~~

951 (2)~~(3)~~ Whenever there is a vacancy for which a special
952 election is required pursuant to s. 100.101, the Governor, after
953 consultation with the Secretary of State, shall fix the dates of
954 a special primary election and a special election. Nominees of
955 political parties shall be chosen under the primary laws of this
956 state in the special primary election to become candidates in
957 the special election. Prior to setting the special election
958 dates, the Governor shall consider any upcoming elections in the
959 jurisdiction where the special election will be held. The dates
960 fixed by the Governor shall be specific days certain and shall
961 not be established by the happening of a condition or stated in
962 the alternative. The dates fixed shall provide a minimum of 2
963 weeks between each election. In the event a vacancy occurs in
964 the office of state senator or member of the House of
965 Representatives when the Legislature is in regular legislative
966 session, the minimum times prescribed by this subsection may be
967 waived upon concurrence of the Governor, the Speaker of the
968 House of Representatives, and the President of the Senate. If a
969 vacancy occurs in the office of state senator and no session of
970 the Legislature is scheduled to be held prior to the next



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971 general election, the Governor may fix the dates for the special
972 primary election and for the special election to coincide with
973 the dates of the primary election and general election. If a
974 vacancy in office occurs in any district in the state Senate or
975 House of Representatives or in any congressional district, and
976 no session of the Legislature, or session of Congress if the
977 vacancy is in a congressional district, is scheduled to be held
978 during the unexpired portion of the term, the Governor is not
979 required to call a special election to fill such vacancy.

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

986 (b) The filing of campaign expense statements by candidates
987 in such special elections or special primaries and by committees
988 making contributions or expenditures to influence the results of
989 such special primaries or special elections shall be not later
990 than such dates as shall be fixed by the Department of State,
991 and in fixing such dates the Department of State shall take into
992 consideration and be governed by the practical time limitations.

993 (c) The dates for a candidate to qualify by the petition
994 process pursuant to s. 99.095 in such special primary or special
995 election shall be fixed by the Department of State. In fixing
996 such dates the Department of State shall take into consideration
997 and be governed by the practical time limitations. Any candidate
998 seeking to qualify by the petition process in a special primary
999 election shall obtain 25 percent of the signatures required by



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1000 s. 99.095.

1001 (d) The qualifying fees and party assessments of such
1002 candidates as may qualify shall be the same as collected for the
1003 same office at the last previous primary for that office. The
1004 party assessment shall be paid to the appropriate executive
1005 committee of the political party to which the candidate belongs.

1006 (e) Each county canvassing board shall make as speedy a
1007 return of the result of such special primary elections and
1008 special elections as time will permit, and the Elections
1009 Canvassing Commission likewise shall make as speedy a canvass
1010 and declaration of the nominees as time will permit.

1011 ~~(3)-(4)~~ (a) In the event that death, resignation, withdrawal,
1012 or removal, ~~or any other cause or event~~ should cause a party to
1013 have a vacancy in nomination which leaves no candidate for an
1014 office from such party, the filing officer before whom the
1015 candidate qualified ~~Department of State~~ shall notify the chair
1016 of the ~~appropriate state and, district, or~~ county political
1017 party executive committee of such party; ~~and:~~

1018 1. If the vacancy in nomination is for a statewide office,
1019 the state party chair shall, within 5 days, ~~the chair shall~~ call
1020 a meeting of his or her executive board ~~committee~~ to consider
1021 designation of a nominee to fill the vacancy.

1022 2. If the vacancy in nomination is for the office of United
1023 States Representative, state senator, state representative,
1024 state attorney, or public defender, the state party chair shall
1025 notify the appropriate county chair or chairs and, within 5
1026 days, the appropriate county chair or chairs shall call a
1027 meeting of the members of the executive committee in the
1028 affected county or counties to consider designation of a nominee



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1029 to fill the vacancy.

1030 3. If the vacancy in nomination is for a county office, the
1031 state party chair shall notify the appropriate county chair and,
1032 within 5 days, the appropriate county chair shall call a meeting
1033 of his or her executive committee to consider designation of a
1034 nominee to fill the vacancy.

1035
1036 The name of any person so designated shall be submitted to the
1037 filing officer before whom the candidate qualified ~~Department of~~
1038 ~~State~~ within 7 days after notice to the chair in order that the
1039 person designated may have his or her name on the ballot of the
1040 ensuing general election. If the name of the new nominee is
1041 submitted after the certification of results of the preceding
1042 primary election, however, the ballots shall not be changed and
1043 the former party nominee's name will appear on the ballot. Any
1044 ballots cast for the former party nominee will be counted for
1045 the person designated by the political party to replace the
1046 former party nominee. If there is no opposition to the party
1047 nominee, the person designated by the political party to replace
1048 the former party nominee will be elected to office at the
1049 general election. ~~For purposes of this paragraph, the term~~
1050 ~~"district political party executive committee" means the members~~
1051 ~~of the state executive committee of a political party from those~~
1052 ~~counties comprising the area involving a district office.~~

1053 (b) When, under the circumstances set forth in the
1054 preceding paragraph, vacancies in nomination are required to be
1055 filled by committee nominations, such vacancies shall be filled
1056 by party rule. In any instance in which a nominee is selected by
1057 a committee to fill a vacancy in nomination, such nominee shall



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1058 pay the same filing fee and take the same oath as the nominee
1059 would have taken had he or she regularly qualified for election
1060 to such office.

1061 (c) Any person who, at the close of qualifying as
1062 prescribed in ss. 99.061 and 105.031, was qualified for
1063 nomination or election to or retention in a public office to be
1064 filled at the ensuing general election or who attempted to
1065 qualify and failed to qualify is prohibited from qualifying as a
1066 candidate to fill a vacancy in nomination for any other office
1067 to be filled at that general election, even if such person has
1068 withdrawn or been eliminated as a candidate for the original
1069 office sought. However, this paragraph does not apply to a
1070 candidate for the office of Lieutenant Governor who applies to
1071 fill a vacancy in nomination for the office of Governor on the
1072 same ticket or to a person who has withdrawn or been eliminated
1073 as a candidate and who is subsequently designated as a candidate
1074 for Lieutenant Governor under s. 99.063.

1075 (4) A vacancy in nomination is not created if an order of a
1076 court that has become final determines that a nominee did not
1077 properly qualify or did not meet the necessary qualifications to
1078 hold the office for which he or she sought to qualify.

1079 (5) In the event of unforeseeable circumstances not
1080 contemplated in these general election laws concerning the
1081 calling and holding of special primary elections and special
1082 elections resulting from court order or other unpredictable
1083 circumstances, the Department of State shall have the authority
1084 to provide for the conduct of orderly elections.

1085 Section 23. Subsections (1), (3), (6), (7), and (8) of
1086 section 100.371, Florida Statutes, are amended to read:



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1087 100.371 Initiatives; procedure for placement on ballot.-
1088 (1) Constitutional amendments proposed by initiative shall
1089 be placed on the ballot for the general election, provided the
1090 initiative petition has been filed with the Secretary of State
1091 no later than February 1 of the year the general election is
1092 held. A petition shall be deemed to be filed with the Secretary
1093 of State upon the date the secretary determines that valid and
1094 verified petition forms have been signed by the constitutionally
1095 required number and distribution of electors under this code,
1096 ~~subject to the right of revocation established in this section.~~
1097 (3) An initiative petition form circulated for signature
1098 may not be bundled with or attached to any other petition. Each
1099 signature shall be dated when made and shall be valid for a
1100 period of 2 4 years following such date, provided all other
1101 requirements of law are met. The sponsor shall submit signed and
1102 dated forms to the ~~appropriate~~ supervisor of elections for the
1103 county of residence listed by the person signing the form for
1104 verification of ~~as to~~ the number of ~~registered electors whose~~
1105 valid signatures obtained appear thereon. If a signature on a
1106 petition is from a registered voter in another county, the
1107 supervisor shall notify the petition sponsor of the misfiled
1108 petition. The supervisor shall promptly verify the signatures
1109 within 30 days after ~~of~~ receipt of the petition forms and
1110 payment of the fee required by s. 99.097. The supervisor shall
1111 promptly record, in the manner prescribed by the Secretary of
1112 State, the date each form is received by the supervisor, and the
1113 date the signature on the form is verified as valid. The
1114 supervisor may verify that the signature on a form is valid only
1115 if:



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- 1116 (a) The form contains the original signature of the
1117 purported elector.
- 1118 (b) The purported elector has accurately recorded on the
1119 form the date on which he or she signed the form.
- 1120 (c) The form ~~accurately~~ sets forth the purported elector's
1121 name, ~~street~~ address, city, county, and voter registration
1122 number or date of birth.
- 1123 (d) The purported elector is, at the time he or she signs
1124 the form and at the time the form is verified, a duly qualified
1125 and registered elector ~~authorized to vote in the~~ state county in
1126 ~~which his or her signature is submitted.~~

1127

1128 The supervisor shall retain the signature forms for at least 1
1129 year following the election in which the issue appeared on the
1130 ballot or until the Division of Elections notifies the
1131 supervisors of elections that the committee that ~~which~~
1132 circulated the petition is no longer seeking to obtain ballot
1133 position.

1134 ~~(6) (a) An elector's signature on a petition form may be~~
1135 ~~revoked within 150 days of the date on which he or she signed~~
1136 ~~the petition form by submitting to the appropriate supervisor of~~
1137 ~~elections a signed petition revocation form.~~

1138 ~~(b) The petition revocation form and the manner in which~~
1139 ~~signatures are obtained, submitted, and verified shall be~~
1140 ~~subject to the same relevant requirements and timeframes as the~~
1141 ~~corresponding petition form and processes under this code and~~
1142 ~~shall be approved by the Secretary of State before any signature~~
1143 ~~on a petition revocation form is obtained.~~

1144 ~~(c) In those circumstances in which a petition revocation~~



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1145 ~~form for a corresponding initiative petition has not been~~
1146 ~~submitted and approved, an elector may complete and submit a~~
1147 ~~standard petition revocation form directly to the supervisor of~~
1148 ~~elections. All other requirements and processes apply for the~~
1149 ~~submission and verification of the signatures as for initiative~~
1150 ~~petitions.~~

1151 ~~(d) Supervisors of elections shall provide petition~~
1152 ~~revocation forms to the public at all main and branch offices.~~

1153 ~~(e) The petition revocation form shall be filed with the~~
1154 ~~supervisor of elections by February 1 preceding the next general~~
1155 ~~election or, if the initiative amendment is not certified for~~
1156 ~~ballot position in that election, by February 1 preceding the~~
1157 ~~next successive general election. The supervisor of elections~~
1158 ~~shall promptly verify the signature on the petition revocation~~
1159 ~~form and process such revocation upon payment, in advance, of a~~
1160 ~~fee of 10 cents or the actual cost of verifying such signature,~~
1161 ~~whichever is less. The supervisor shall promptly record each~~
1162 ~~valid and verified signature on a petition revocation form in~~
1163 ~~the manner prescribed by the Secretary of State.~~

1164 ~~(f) The division shall adopt by rule the petition~~
1165 ~~revocation forms to be used under this subsection.~~

1166 ~~(6)-(7)~~ The Department of State may adopt rules in
1167 accordance with s. 120.54 to carry out the provisions of
1168 subsections (1)-(5) ~~(1)-(6)~~.

1169 ~~(7)-(8)~~ No provision of this code shall be deemed to
1170 prohibit a private person exercising lawful control over
1171 privately owned property, including property held open to the
1172 public for the purposes of a commercial enterprise, from
1173 excluding from such property persons seeking to engage in



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1174 activity supporting or opposing initiative amendments.

1175 Section 24. Effective July 1, 2012, subsections (3) and (4)
1176 of section 101.001, Florida Statutes, are amended to read:

1177 101.001 Precincts and polling places; boundaries.—

1178 (3) (a) Each supervisor of elections shall maintain a
1179 suitable map drawn to a scale no smaller than 3 miles to the
1180 inch and clearly delineating all major observable features such
1181 as roads, streams, and railway lines and showing the current
1182 geographical boundaries of each precinct, representative
1183 district, and senatorial district, and other type of district in
1184 the county subject to the elections process in this code.

1185 (b) The supervisor shall provide to the department data on
1186 all precincts in the county associated with the most recent
1187 decennial census blocks within each precinct.

1188 (c) The department shall maintain a searchable database
1189 that contains the precincts and the corresponding most recent
1190 decennial census blocks within the precincts for each county,
1191 including a historical file that allows the census blocks to be
1192 traced through the prior decade.

1193 (d) ~~(b)~~ The supervisor of elections shall notify the
1194 Secretary of State in writing within 10 ~~30~~ days after any
1195 reorganization of precincts and shall furnish a copy of the map
1196 showing the current geographical boundaries and designation of
1197 each new precinct. However, if precincts are composed of whole
1198 census blocks, the supervisor may furnish, in lieu of a copy of
1199 the map, a list, in an electronic format prescribed by the
1200 Department of State, associating each census block in the county
1201 with its precinct.

1202 (e) ~~(e)~~ Any precinct established or altered under the



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1203 provisions of this section shall consist of areas bounded on all
1204 sides only by census block boundaries from the most recent
1205 United States Census. If the census block boundaries split or
1206 conflict with another political boundary listed below, the
1207 boundary listed below may be used:

1208 ~~1. Census block boundaries from the most recent United~~
1209 ~~States Census;~~

1210 ~~1.2.~~ Governmental unit boundaries reported in the most
1211 recent Boundary and Annexation Survey published by the United
1212 States Census Bureau;

1213 ~~2.3.~~ Visible features that are readily distinguishable upon
1214 the ground, such as streets, railroads, tracks, streams, and
1215 lakes, and that are indicated upon current census maps, official
1216 Department of Transportation maps, official municipal maps,
1217 official county maps, or a combination of such maps;

1218 ~~3.4.~~ Boundaries of public parks, public school grounds, or
1219 churches; or

1220 ~~4.5.~~ Boundaries of counties, incorporated municipalities,
1221 or other political subdivisions that meet criteria established
1222 by the United States Census Bureau for block boundaries.

1223 ~~(d) Until July 1, 2012, a supervisor may apply for and~~
1224 ~~obtain from the Secretary of State a waiver of the requirement~~
1225 ~~in paragraph (c).~~

1226 (4) (a) Within 10 days after there is any change in the
1227 division, number, or boundaries of the precincts, or the
1228 location of the polling places, the supervisor of elections
1229 shall make in writing an accurate description of any new or
1230 altered precincts, setting forth the boundary lines and shall
1231 identify the location of each new or altered polling place. A



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1232 copy of the document describing such changes shall be posted at
1233 the supervisor's office.

1234 (b) Any changes in the county precinct data shall be
1235 provided to the department within 10 days after a change.

1236 (c) Precinct data shall include all precincts for which
1237 precinct-level election results and voting history results are
1238 reported.

1239 Section 25. Section 101.043, Florida Statutes, is amended
1240 to read:

1241 101.043 Identification required at polls.—

1242 (1) (a) The precinct register, as prescribed in s. 98.461,
1243 shall be used at the polls for the purpose of identifying the
1244 elector at the polls before ~~prior to~~ allowing him or her to
1245 vote. The clerk or inspector shall require each elector, upon
1246 entering the polling place, to present one of the following
1247 current and valid picture identifications:

1248 1. ~~(a)~~ Florida driver's license.

1249 2. ~~(b)~~ Florida identification card issued by the Department
1250 of Highway Safety and Motor Vehicles.

1251 3. ~~(c)~~ United States passport.

1252 4. ~~(d)~~ Debit or credit card.

1253 5. ~~(e)~~ Military identification.

1254 6. ~~(f)~~ Student identification.

1255 7. ~~(g)~~ Retirement center identification.

1256 8. ~~(h)~~ Neighborhood association identification.

1257 9. ~~(i)~~ Public assistance identification.

1258 (b) If the picture identification does not contain the
1259 signature of the elector ~~voter~~, an additional identification
1260 that provides the elector's ~~voter's~~ signature shall be required.



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1261 The address appearing on the identification presented by the
1262 elector may not be used as the basis to confirm an elector's
1263 legal residence or otherwise challenge an elector's legal
1264 residence. The elector shall sign his or her name in the space
1265 provided on the precinct register or on an electronic device
1266 provided for recording the elector's ~~voter's~~ signature. The
1267 clerk or inspector shall compare the signature with that on the
1268 identification provided by the elector and enter his or her
1269 initials in the space provided on the precinct register or on an
1270 electronic device provided for that purpose and allow the
1271 elector to vote if the clerk or inspector is satisfied as to the
1272 identity of the elector.

1273 (c) Once a person has presented his or her picture
1274 identification to the clerk or inspector, the person may not be
1275 asked to provide additional information or recite his or her
1276 home address.

1277 (2) If the elector fails to furnish the required
1278 identification, the elector shall be allowed to vote a
1279 provisional ballot. The canvassing board shall determine the
1280 validity of the ballot pursuant to s. 101.048(2).

1281 Section 26. Section 101.045, Florida Statutes, is amended
1282 to read:

1283 101.045 Electors must be registered in precinct; provisions
1284 for change of residence or name.-

1285 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any
1286 election precinct or district other than the one in which the
1287 person has his or her legal residence and in which the person is
1288 registered. However, a person temporarily residing outside the
1289 county shall be registered in the precinct in which the main



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1290 office of the supervisor, as designated by the supervisor, is
1291 located when the person has no permanent address in the county
1292 and it is the person's intention to remain a resident of Florida
1293 and of the county in which he or she is registered to vote. Such
1294 persons who are registered in the precinct in which the main
1295 office of the supervisor, as designated by the supervisor, is
1296 located and who are residing outside the county with no
1297 permanent address in the county shall not be registered electors
1298 of a municipality and therefore shall not be permitted to vote
1299 in any municipal election.

1300 (2) (a) An elector who moves from the precinct in which the
1301 elector is registered may be permitted to vote in the precinct
1302 to which he or she has moved his or her legal residence, if the
1303 change of residence is within the same county and the ~~provided~~
1304 ~~such~~ elector completes an affirmation in substantially the
1305 following form:

1306 Change of Legal Residence of Registered
1307 Voter

1308 Under penalties for false swearing, I, ...(Name of voter)...,
1309 swear (or affirm) that the former address of my legal residence
1310 was ...(Address of legal residence)... in the municipality of
1311, in County, Florida, and I was registered to vote in
1312 the precinct of County, Florida; that I have not voted
1313 in the precinct of my former registration in this election; that
1314 I now reside at ...(Address of legal residence)... in the
1315 Municipality of, in County, Florida, and am therefore
1316 eligible to vote in the precinct of County, Florida;
1317 and I further swear (or affirm) that I am otherwise legally
1318 registered and entitled to vote.



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1348 and I further swear (or affirm) that I am otherwise legally
1349 registered and entitled to vote.

1350 ... (Signature of voter whose name has changed) ...

1351 (d) ~~(e)~~ Instead of the affirmation contained in paragraph
1352 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter
1353 registration application that indicates the change of name or
1354 change of address of legal residence.

1355 (e) ~~(d)~~ Such affirmation or application, when completed and
1356 presented at the precinct in which such elector is entitled to
1357 vote, and upon verification of the elector's registration, shall
1358 entitle such elector to vote as provided in this subsection. If
1359 the elector's eligibility to vote cannot be determined, he or
1360 she shall be entitled to vote a provisional ballot, subject to
1361 the requirements and procedures in s. 101.048. Upon receipt of
1362 an affirmation or application certifying a change in address of
1363 legal residence or name, the supervisor shall as soon as
1364 practicable make the necessary changes in the statewide voter
1365 registration system to indicate the change in address of legal
1366 residence or name of such elector.

1367 Section 27. Subsection (2) of section 101.131, Florida
1368 Statutes, is amended, and subsections (4) and (5) are added to
1369 that section, to read:

1370 101.131 Watchers at polls.—

1371 (2) Each party, each political committee, and each
1372 candidate requesting to have poll watchers shall designate, in
1373 writing to the supervisors of elections, on a form prescribed by
1374 the division, before ~~prior to~~ noon of the second Tuesday
1375 preceding the election poll watchers for each polling room on
1376 election day. Designations of poll watchers for early voting



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1377 areas shall be submitted in writing to the supervisor of
1378 elections, on a form prescribed by the division, before noon at
1379 least 14 days before early voting begins. The poll watchers for
1380 each polling rooms room shall be approved by the supervisor of
1381 elections on or before the Tuesday before the election. Poll
1382 watchers for early voting areas shall be approved by the
1383 supervisor of elections no later than 7 days before early voting
1384 begins. The supervisor shall furnish to each election board a
1385 list of the poll watchers designated and approved for such
1386 polling rooms room or early voting areas area. Designation of
1387 poll watchers shall be made by the chair of the county executive
1388 committee of a political party, the chair of a political
1389 committee, or the candidate requesting to have poll watchers.

1390 (4) All poll watchers shall be allowed to enter and watch
1391 polls in all polling rooms and early voting areas within the
1392 county in which they have been designated if the number of poll
1393 watchers at any particular polling place does not exceed the
1394 number provided in this section.

1395 (5) The supervisor of elections shall provide to each
1396 designated poll watcher, no later than 7 days before early
1397 voting begins, a poll watcher identification badge that
1398 identifies the poll watcher by name. Each poll watcher must wear
1399 his or her identification badge while in the polling room or
1400 early voting area.

1401 Section 28. Subsections (1), (2), and (3) of section
1402 101.151, Florida Statutes, are amended to read:

1403 101.151 Specifications for ballots.—

1404 (1) (a) Marksense ballots shall be printed on paper of such
1405 thickness that the printing cannot be distinguished from the



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1406 back and shall meet the specifications of the voting system that
1407 will be used to tabulate the ballots.

1408 (b) Early voting sites may employ a ballot-on-demand
1409 production system to print individual marksense ballots,
1410 including provisional ballots, for eligible electors pursuant to
1411 s. 101.657. Ballot-on-demand technology may be used to produce
1412 marksense absentee and election-day ballots. ~~Not later than 30~~
1413 ~~days before an election, the Secretary of State may also~~
1414 ~~authorize in writing the use of ballot-on-demand technology for~~
1415 ~~the production of election-day ballots.~~

1416 (2) (a) The ballot shall have the following office titles
1417 ~~headings~~ under which shall appear ~~the names of the offices and~~
1418 the names of the candidates for the respective offices in the
1419 following order:

1420 1. The office titles of heading "President and Vice
1421 President" and thereunder the names of the candidates for
1422 President and Vice President of the United States nominated by
1423 the political party that received the highest vote for Governor
1424 in the last general election of the Governor in this state. Then
1425 shall appear the names of other candidates for President and
1426 Vice President of the United States who have been properly
1427 nominated.

1428 2. The office titles ~~Then shall follow the heading~~
1429 ~~"Congressional"~~ and thereunder the offices of United States
1430 Senator and Representative in Congress.†

1431 3. The office titles ~~then the heading "State" and~~
1432 ~~thereunder the offices~~ of Governor and Lieutenant Governor;†
1433 Attorney General;† Chief Financial Officer;† Commissioner of
1434 Agriculture;† State Attorney, with the applicable judicial



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1435 circuit; and Public Defender, with the applicable judicial
1436 circuit.

1437 ~~4. together with the names of the candidates for each~~
1438 ~~office and the title of the office which they seek; then the~~
1439 ~~heading "Legislative" and thereunder The office titles offices~~
1440 ~~of State Senator and State Representative, with the applicable~~
1441 ~~district for the office printed beneath.; then the heading~~
1442 ~~"County" and thereunder~~

1443 5. The office titles of Clerk of the Circuit Court, or
1444 Clerk of the Circuit Court and Comptroller (whichever is
1445 applicable and when authorized by law), Clerk of the County
1446 Court (when authorized by law), Sheriff, Property Appraiser, Tax
1447 Collector, District Superintendent of Schools, and Supervisor of
1448 Elections.

1449 6. The office titles ~~Thereafter follows: members of the~~
1450 ~~Board of County Commissioners, with the applicable district~~
1451 ~~printed beneath each office, and such other county and district~~
1452 ~~offices as are involved in the election, in the order fixed by~~
1453 ~~the Department of State, followed, in the year of their~~
1454 ~~election, by "Party Offices," and thereunder the offices of~~
1455 ~~state and county party executive committee members.~~

1456 (b) In a general election, in addition to the names printed
1457 on the ballot, a blank space shall be provided under each
1458 ~~heading for an~~ office for which a write-in candidate has
1459 qualified. With respect to write-in candidates, if two or more
1460 candidates are seeking election to one office, only one blank
1461 space shall be provided.

1462 (c) ~~(b)~~ When more than one candidate is nominated for
1463 office, the candidates for such office shall qualify and run in



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1464 a group or district, and the group or district number shall be
1465 printed beneath the name of the office. Each nominee of a
1466 political party chosen in a primary shall appear on the general
1467 election ballot in the same numbered group or district as on the
1468 primary election ballot.

1469 (d)~~(e)~~ If in any election all the offices as set forth in
1470 paragraph (a) are not involved, those offices not to be filled
1471 shall be omitted and the remaining offices shall be arranged on
1472 the ballot in the order named.

1473 (3) (a) The names of the candidates of the party that
1474 received the highest number of votes for Governor in the last
1475 election in which a Governor was elected shall be placed first
1476 ~~under the heading~~ for each office on the general election
1477 ballot, together with an appropriate abbreviation of the party
1478 name; the names of the candidates of the party that received the
1479 second highest vote for Governor shall be placed second ~~under~~
1480 ~~the heading~~ for each office, together with an appropriate
1481 abbreviation of the party name.

1482 (b) Minor political party candidates ~~and candidates with no~~
1483 ~~party affiliation~~ shall have their names appear on the general
1484 election ballot following the names of recognized political
1485 parties, in the same order as they were qualified, certified
1486 followed by the names of candidates with no party affiliation,
1487 in the order as they were qualified.

1488 Section 29. Subsection (2) of section 101.161, Florida
1489 Statutes, is amended to read:

1490 101.161 Referenda; ballots.—

1491 (2) (a) The substance and ballot title of a constitutional
1492 amendment proposed by initiative shall be prepared by the



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1493 sponsor and approved by the Secretary of State in accordance
1494 with rules adopted pursuant to s. 120.54. The Department of
1495 State shall give each proposed constitutional amendment a
1496 designating number for convenient reference. This number
1497 designation shall appear on the ballot. Designating numbers
1498 shall be assigned in the order of filing or certification and in
1499 accordance with rules adopted by the Department of State. The
1500 Department of State shall furnish the designating number, the
1501 ballot title, and the substance of each amendment to the
1502 supervisor of elections of each county in which such amendment
1503 is to be voted on.

1504 (b) Any action for a judicial determination that the ballot
1505 title or substance embodied in a joint resolution is inaccurate,
1506 misleading, or otherwise defective must be commenced within 30
1507 days after the joint resolution is filed with the Secretary of
1508 State or at least 150 days before the election at which the
1509 amendment will appear on the ballot, whichever occurs later. The
1510 court, including any appellate court, shall accord the case
1511 priority over other pending cases and render a decision as
1512 expeditiously as possible. If the court determines that the
1513 ballot title or substance embodied in the joint resolution is
1514 defective and further appeals are declined, abandoned, or
1515 exhausted, the Attorney General shall promptly prepare a revised
1516 ballot title and substance that correct the deficiencies
1517 identified by the court, and the Department of State shall
1518 furnish a designating number and the revised ballot title and
1519 substance to the supervisors of elections for placement on the
1520 ballot. A defect in the ballot title or substance embodied in
1521 the joint resolution is not grounds to remove the proposed



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1522 amendment from the ballot.

1523 Section 30. Paragraph (a) of subsection (2) of section
1524 101.5605, Florida Statutes, is amended to read:

1525 101.5605 Examination and approval of equipment.—

1526 (2) (a) Any person owning or interested in an electronic or
1527 electromechanical voting system may submit it to the Department
1528 of State for examination. The vote counting segment shall be
1529 certified after a satisfactory evaluation testing has been
1530 performed according to the standards adopted under s. 101.015(1)
1531 ~~electronic industry standards~~. This testing shall include, but
1532 is not limited to, testing of all software required for the
1533 voting system's operation; the ballot reader; the rote
1534 processor, especially in its logic and memory components; the
1535 digital printer; the fail-safe operations; the counting center
1536 environmental requirements; and the equipment reliability
1537 estimate. For the purpose of assisting in examining the system,
1538 the department shall employ or contract for services of at least
1539 one individual who is expert in one or more fields of data
1540 processing, mechanical engineering, and public administration
1541 and shall require from the individual a written report of his or
1542 her examination.

1543 Section 31. Subsection (11) of section 101.5606, Florida
1544 Statutes, is amended to read

1545 101.5606 Requirements for approval of systems.—No
1546 electronic or electromechanical voting system shall be approved
1547 by the Department of State unless it is so constructed that:

1548 (11) It is capable of automatically producing precinct
1549 totals in printed, ~~marked, or punched form, or a combination~~
1550 ~~thereof~~.



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1551 Section 32. Paragraph (a) of subsection (4) of section
1552 101.5612, Florida Statutes, is amended to read:

1553 101.5612 Testing of tabulating equipment.—

1554 (4) (a) 1. For electronic or electromechanical voting systems
1555 configured to include electronic or electromechanical tabulation
1556 devices which are distributed to the precincts, all or a sample
1557 of the devices to be used in the election shall be publicly
1558 tested. If a sample is to be tested, the sample shall consist of
1559 a random selection of at least 5 percent or 10 of the devices
1560 for an optical scan system ~~or 2 percent of the devices for a~~
1561 ~~touchscreen system or 10 of the devices for either system, as~~
1562 ~~applicable~~, whichever is greater. For touchscreen systems used
1563 for voters having a disability, a sample of at least 2 percent
1564 of the devices must be tested. The test shall be conducted by
1565 processing a group of ballots, causing the device to output
1566 results for the ballots processed, and comparing the output of
1567 results to the results expected for the ballots processed. The
1568 group of ballots shall be produced so as to record a
1569 predetermined number of valid votes for each candidate and on
1570 each measure and to include for each office one or more ballots
1571 which have activated voting positions in excess of the number
1572 allowed by law in order to test the ability of the tabulating
1573 device to reject such votes.

1574 2. If any tested tabulating device is found to have an
1575 error in tabulation, it shall be deemed unsatisfactory. For each
1576 device deemed unsatisfactory, the canvassing board shall take
1577 steps to determine the cause of the error, shall attempt to
1578 identify and test other devices that could reasonably be
1579 expected to have the same error, and shall test a number of



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1580 additional devices sufficient to determine that all devices are
1581 satisfactory. Upon deeming any device unsatisfactory, the
1582 canvassing board may require all devices to be tested or may
1583 declare that all devices are unsatisfactory.

1584 3. If the operation or output of any tested tabulation
1585 device, such as spelling or the order of candidates on a report,
1586 is in error, such problem shall be reported to the canvassing
1587 board. The canvassing board shall then determine if the reported
1588 problem warrants its deeming the device unsatisfactory.

1589 Section 33. Subsection (4) of section 101.5614, Florida
1590 Statutes, is amended to read:

1591 101.5614 Canvass of returns.—

1592 ~~(4) If ballot cards are used, and separate write-in ballots~~
1593 ~~or envelopes for casting write-in votes are used, write-in~~
1594 ~~ballots or the envelopes on which write-in ballots have been~~
1595 ~~cast shall be serially numbered, starting with the number one,~~
1596 ~~and the same number shall be placed on the ballot card of the~~
1597 ~~voter. This process may be completed at either the precinct by~~
1598 ~~the election board or at the central counting location. For each~~
1599 ~~ballot or ballot image and ballot envelope on which write-in~~
1600 ~~votes have been cast, the canvassing board shall compare the~~
1601 ~~write-in votes with the votes cast on the ballot card; if the~~
1602 ~~total number of votes for any office exceeds the number allowed~~
1603 ~~by law, a notation to that effect, specifying the office~~
1604 ~~involved, shall be entered on the back of the ballot card or in~~
1605 ~~a margin if voting areas are printed on both sides of the ballot~~
1606 ~~card. such votes shall not be counted. All valid votes shall be~~
1607 ~~tallied by the canvassing board.~~

1608 Section 34. Subsection (6) is added to section 101.591,



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1609 Florida Statutes, to read:

1610 101.591 Voting system audit.—

1611 (6) If a manual recount is undertaken pursuant to s.
1612 102.166, the canvassing board is not required to perform the
1613 audit provided for in this section.

1614 Section 35. Paragraphs (a) and (b) of subsection (1) and
1615 subsections (3) and (4) of section 101.62, Florida Statutes, are
1616 amended to read:

1617 101.62 Request for absentee ballots.—

1618 (1) (a) The supervisor shall accept a request for an
1619 absentee ballot from an elector in person or in writing. One
1620 request shall be deemed sufficient to receive an absentee ballot
1621 for all elections through the end of the calendar year of the
1622 second ensuing ~~next~~ regularly scheduled general election, unless
1623 the elector or the elector's designee indicates at the time the
1624 request is made the elections for which the elector desires to
1625 receive an absentee ballot. Such request may be considered
1626 canceled when any first-class mail sent by the supervisor to the
1627 elector is returned as undeliverable.

1628 (b) The supervisor may accept a written or telephonic
1629 request for an absentee ballot from the elector, or, if directly
1630 instructed by the elector, a member of the elector's immediate
1631 family, or the elector's legal guardian. For purposes of this
1632 section, the term "immediate family" has the same meaning as
1633 specified in paragraph (4) (c) ~~(4) (b)~~. The person making the
1634 request must disclose:

1635 1. The name of the elector for whom the ballot is
1636 requested.

1637 2. The elector's address.



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1638 3. The elector's date of birth.
1639 4. The requester's name.
1640 5. The requester's address.
1641 6. The requester's driver's license number, if available.
1642 7. The requester's relationship to the elector.
1643 8. The requester's signature (written requests only).
1644 (3) For each request for an absentee ballot received, the
1645 supervisor shall record the date the request was made, the date
1646 the absentee ballot was delivered to the voter or the voter's
1647 designee or the date the absentee ballot was delivered to the
1648 post office or other carrier, the date the ballot was received
1649 by the supervisor, and such other information he or she may deem
1650 necessary. This information shall be provided in electronic
1651 format as provided by rule adopted by the division. The
1652 information shall be updated and made available no later than 8
1653 a.m. ~~noon~~ of each day, including weekends, beginning 60 days
1654 before the primary until 15 days after the general election and
1655 shall be contemporaneously provided to the division. This
1656 information shall be confidential and exempt from the provisions
1657 of s. 119.07(1) and shall be made available to or reproduced
1658 only for the voter requesting the ballot, a canvassing board, an
1659 election official, a political party or official thereof, a
1660 candidate who has filed qualification papers and is opposed in
1661 an upcoming election, and registered political committees or
1662 registered committees of continuous existence, for political
1663 purposes only.
1664 (4) (a) No later than 45 days before each presidential
1665 preference primary election, primary election, and general
1666 election, the supervisor of elections shall send an absentee



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1667 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent
1668 uniformed services voter and to each overseas voter who has
1669 requested an absentee ballot.

1670 (b) The supervisor of elections shall mail an absentee
1671 ballot to each absent qualified voter, other than those listed
1672 in paragraph (a), who has requested such a ballot, between the
1673 35th and 28th days before the presidential preference primary
1674 election, primary election, and general election. Except as
1675 otherwise provided in subsection (2) and after the period
1676 described in this paragraph, the supervisor shall mail absentee
1677 ballots within 2 business days after receiving a request for
1678 such a ballot.

1679 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
1680 each elector by whom a request for that ballot has been made by
1681 one of the following means:

1682 1. By nonforwardable, return-if-undeliverable mail to the
1683 elector's current mailing address on file with the supervisor
1684 ~~or, unless the elector specifies in the request that:~~

1685 ~~a. The elector is absent from the county and does not plan~~
1686 ~~to return before the day of the election;~~

1687 ~~b. The elector is temporarily unable to occupy the~~
1688 ~~residence because of hurricane, tornado, flood, fire, or other~~
1689 ~~emergency or natural disaster; or~~

1690 ~~c. The elector is in a hospital, assisted living facility,~~
1691 ~~nursing home, short term medical or rehabilitation facility, or~~
1692 ~~correctional facility,~~

1693
1694 ~~in which case the supervisor shall mail the ballot by~~
1695 ~~nonforwardable, return-if-undeliverable mail to any other~~



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1696 address the elector specifies in the request.

1697 2. By forwardable mail, e-mail, or facsimile machine
1698 transmission to absent uniformed services voters and overseas
1699 voters. The absent uniformed services voter or overseas voter
1700 may designate in the absentee ballot request the preferred
1701 method of transmission. If the voter does not designate the
1702 method of transmission, the absentee ballot shall be mailed.

1703 3. By personal delivery before 7 p.m. on election day to
1704 the elector, upon presentation of the identification required in
1705 s. 101.043.

1706 4. By delivery to a designee on election day or up to 5
1707 days prior to the day of an election. Any elector may designate
1708 in writing a person to pick up the ballot for the elector;
1709 however, the person designated may not pick up more than two
1710 absentee ballots per election, other than the designee's own
1711 ballot, except that additional ballots may be picked up for
1712 members of the designee's immediate family. For purposes of this
1713 section, "immediate family" means the designee's spouse or the
1714 parent, child, grandparent, or sibling of the designee or of the
1715 designee's spouse. The designee shall provide to the supervisor
1716 the written authorization by the elector and a picture
1717 identification of the designee and must complete an affidavit.
1718 The designee shall state in the affidavit that the designee is
1719 authorized by the elector to pick up that ballot and shall
1720 indicate if the elector is a member of the designee's immediate
1721 family and, if so, the relationship. The department shall
1722 prescribe the form of the affidavit. If the supervisor is
1723 satisfied that the designee is authorized to pick up the ballot
1724 and that the signature of the elector on the written



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1725 authorization matches the signature of the elector on file, the
1726 supervisor shall give the ballot to that designee for delivery
1727 to the elector.

1728 Section 36. Section 101.65, Florida Statutes, is amended to
1729 read:

1730 101.65 Instructions to absent electors.—The supervisor
1731 shall enclose with each absentee ballot separate printed
1732 instructions in substantially the following form:

1733
1734 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1735 1. VERY IMPORTANT. In order to ensure that your absentee
1736 ballot will be counted, it should be completed and returned as
1737 soon as possible so that it can reach the supervisor of
1738 elections of the county in which your precinct is located no
1739 later than 7 p.m. on the day of the election.

1740 2. Mark your ballot in secret as instructed on the ballot.
1741 You must mark your own ballot unless you are unable to do so
1742 because of blindness, disability, or inability to read or write.

1743 3. Mark only the number of candidates or issue choices for
1744 a race as indicated on the ballot. If you are allowed to "Vote
1745 for One" candidate and you vote for more than one candidate,
1746 your vote in that race will not be counted.

1747 4. Place your marked ballot in the enclosed secrecy
1748 envelope.

1749 5. Insert the secrecy envelope into the enclosed mailing
1750 envelope which is addressed to the supervisor.

1751 6. Seal the mailing envelope and completely fill out the
1752 Voter's Certificate on the back of the mailing envelope.

1753 7. VERY IMPORTANT. In order for your absentee ballot to be



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1754 counted, you must sign your name on the line above (Voter's
1755 Signature). An absentee ballot will be considered illegal and
1756 not be counted if the signature on the voter's certificate does
1757 not match the signature on record. The signature on file at the
1758 start of the canvass of the absentee ballots is the signature
1759 that will be used to verify your signature on the voter's
1760 certificate. If you need to update your signature for this
1761 election, send your signature update on a voter registration
1762 application to your supervisor of elections so that it is
1763 received no later than the start of the canvassing of absentee
1764 ballots, which occurs no earlier than the 15th day before
1765 election day.

1766 8. VERY IMPORTANT. If you are an overseas voter, you must
1767 include the date you signed the Voter's Certificate on the line
1768 above (Date) or your ballot may not be counted.

1769 9. Mail, deliver, or have delivered the completed mailing
1770 envelope. Be sure there is sufficient postage if mailed.

1771 10. FELONY NOTICE. It is a felony under Florida law to
1772 accept any gift, payment, or gratuity in exchange for your vote
1773 for a candidate. It is also a felony under Florida law to vote
1774 in an election using a false identity or false address, or under
1775 any other circumstances making your ballot false or fraudulent.

1776 Section 37. Subsection (1) of section 101.657, Florida
1777 Statutes, is amended to read:

1778 101.657 Early voting.—

1779 (1) (a) As a convenience to the voter, the supervisor of
1780 elections shall allow an elector to vote early in the main or
1781 branch office of the supervisor. The supervisor shall mark,
1782 code, indicate on, or otherwise track the voter's precinct for



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1783 each early voted ballot. In order for a branch office to be used
1784 for early voting, it shall be a permanent facility of the
1785 supervisor and shall have been designated and used as such for
1786 at least 1 year prior to the election. The supervisor may also
1787 designate any city hall or permanent public library facility as
1788 early voting sites; however, if so designated, the sites must be
1789 geographically located so as to provide all voters in the county
1790 an equal opportunity to cast a ballot, insofar as is
1791 practicable. The results or tabulation of votes cast during
1792 early voting may not be made before the close of the polls on
1793 election day. Results shall be reported by precinct.

1794 (b) The supervisor shall designate each early voting site
1795 by no later than the 30th day prior to an election and shall
1796 designate an early voting area, as defined in s. 97.021, at each
1797 early voting site.

1798 (c) All early voting sites in a county shall be open on the
1799 same days for the same amount of time and shall allow any person
1800 in line at the closing of an early voting site to vote.

1801 (d) Early voting shall begin on the 7th ~~15th~~ day before an
1802 election which contains state or federal races and end on the
1803 2nd day before the an election and. ~~For purposes of a special~~
1804 ~~election held pursuant to s. 100.101, early voting shall begin~~
1805 ~~on the 8th day before an election and end on the 2nd day before~~
1806 ~~an election. Early voting~~ shall be provided for 8 hours per
1807 weekday and 8 hours in the aggregate each weekend at each site
1808 during the applicable periods. The supervisor of elections may
1809 provide early voting for elections that are not held in
1810 conjunction with a state or federal election. However, the
1811 supervisor has the discretion to determine the hours of



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1812 operation of early voting sites in those elections. ~~Early voting~~
1813 ~~sites shall open no sooner than 7 a.m. and close no later than 7~~
1814 ~~p.m. on each applicable day.~~

1815 (e) Notwithstanding the requirements of s. 100.3605,
1816 municipalities may provide early voting in municipal elections
1817 that are not held in conjunction with county or state elections.
1818 If a municipality provides early voting, it may designate as
1819 many sites as necessary and shall conduct its activities in
1820 accordance with the provisions of paragraphs (a)-(c). The
1821 supervisor is not required to conduct early voting if it is
1822 provided pursuant to this subsection.

1823 (f) Notwithstanding the requirements of s. 189.405, special
1824 districts may provide early voting in any district election not
1825 held in conjunction with county or state elections. If a special
1826 district provides early voting, it may designate as many sites
1827 as necessary and shall conduct its activities in accordance with
1828 the provisions of paragraphs (a)-(c). The supervisor is not
1829 required to conduct early voting if it is provided pursuant to
1830 this subsection.

1831 Section 38. Paragraph (a) of subsection (2) of section
1832 101.68, Florida Statutes, is amended to read:

1833 101.68 Canvassing of absentee ballot.—

1834 (2) (a) The county canvassing board may begin the canvassing
1835 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
1836 election, but not later than noon on the day following the
1837 election. In addition, for any county using electronic
1838 tabulating equipment, the processing of absentee ballots through
1839 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
1840 day before the election. However, notwithstanding any such



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1841 authorization to begin canvassing or otherwise processing
1842 absentee ballots early, no result shall be released until after
1843 the closing of the polls in that county on election day. Any
1844 supervisor of elections, deputy supervisor of elections,
1845 canvassing board member, election board member, or election
1846 employee who releases the results of a canvassing or processing
1847 of absentee ballots prior to the closing of the polls in that
1848 county on election day commits a felony of the third degree,
1849 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1850 Section 39. Subsection (2) of section 101.6923, Florida
1851 Statutes, is amended to read:

1852 101.6923 Special absentee ballot instructions for certain
1853 first-time voters.—

1854 (2) A voter covered by this section shall be provided with
1855 printed instructions with his or her absentee ballot in
1856 substantially the following form:

1857

1858 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
1859 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
1860 TO COUNT.

1861

1862 1. In order to ensure that your absentee ballot will be
1863 counted, it should be completed and returned as soon as possible
1864 so that it can reach the supervisor of elections of the county
1865 in which your precinct is located no later than 7 p.m. on the
1866 date of the election.

1867 2. Mark your ballot in secret as instructed on the ballot.
1868 You must mark your own ballot unless you are unable to do so
1869 because of blindness, disability, or inability to read or write.



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1870 3. Mark only the number of candidates or issue choices for
1871 a race as indicated on the ballot. If you are allowed to "Vote
1872 for One" candidate and you vote for more than one, your vote in
1873 that race will not be counted.

1874 4. Place your marked ballot in the enclosed secrecy
1875 envelope and seal the envelope.

1876 5. Insert the secrecy envelope into the enclosed envelope
1877 bearing the Voter's Certificate. Seal the envelope and
1878 completely fill out the Voter's Certificate on the back of the
1879 envelope.

1880 a. You must sign your name on the line above (Voter's
1881 Signature).

1882 b. If you are an overseas voter, you must include the date
1883 you signed the Voter's Certificate on the line above (Date) or
1884 your ballot may not be counted.

1885 c. An absentee ballot will be considered illegal and will
1886 not be counted if the signature on the Voter's Certificate does
1887 not match the signature on record. The signature on file at the
1888 start of the canvass of the absentee ballots is the signature
1889 that will be used to verify your signature on the Voter's
1890 Certificate. If you need to update your signature for this
1891 election, send your signature update on a voter registration
1892 application to your supervisor of elections so that it is
1893 received no later than the start of canvassing of absentee
1894 ballots, which occurs no earlier than the 15th day before
1895 election day.

1896 6. Unless you meet one of the exemptions in Item 7., you
1897 must make a copy of one of the following forms of
1898 identification:



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1899 a. Identification which must include your name and
1900 photograph: United States passport; debit or credit card;
1901 military identification; student identification; retirement
1902 center identification; neighborhood association identification;
1903 or public assistance identification; or
1904 b. Identification which shows your name and current
1905 residence address: current utility bill, bank statement,
1906 government check, paycheck, or government document (excluding
1907 voter identification card).
1908 7. The identification requirements of Item 6. do not apply
1909 if you meet one of the following requirements:
1910 a. You are 65 years of age or older.
1911 b. You have a temporary or permanent physical disability.
1912 c. You are a member of a uniformed service on active duty
1913 who, by reason of such active duty, will be absent from the
1914 county on election day.
1915 d. You are a member of the Merchant Marine who, by reason
1916 of service in the Merchant Marine, will be absent from the
1917 county on election day.
1918 e. You are the spouse or dependent of a member referred to
1919 in paragraph c. or paragraph d. who, by reason of the active
1920 duty or service of the member, will be absent from the county on
1921 election day.
1922 f. You are currently residing outside the United States.
1923 8. Place the envelope bearing the Voter's Certificate into
1924 the mailing envelope addressed to the supervisor. Insert a copy
1925 of your identification in the mailing envelope. DO NOT PUT YOUR
1926 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1927 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR



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1928 BALLOT WILL NOT COUNT.

1929 9. Mail, deliver, or have delivered the completed mailing
1930 envelope. Be sure there is sufficient postage if mailed.

1931 10. FELONY NOTICE. It is a felony under Florida law to
1932 accept any gift, payment, or gratuity in exchange for your vote
1933 for a candidate. It is also a felony under Florida law to vote
1934 in an election using a false identity or false address, or under
1935 any other circumstances making your ballot false or fraudulent.

1936 Section 40. Subsection (3) of section 101.75, Florida
1937 Statutes, is amended to read:

1938 101.75 Municipal elections; change of dates for cause.—

1939 (3) Notwithstanding any provision of local law or municipal
1940 charter, the governing body of a municipality may, by ordinance,
1941 move the date of any municipal election to a date concurrent
1942 with any statewide or countywide election. The dates for
1943 qualifying for the election moved by the passage of such
1944 ordinance shall be specifically provided for in the ordinance
1945 ~~and shall run for no less than 14 days.~~ The term of office for
1946 any elected municipal official shall commence as provided by the
1947 relevant municipal charter or ordinance.

1948 Section 41. Subsection (4) of section 102.141, Florida
1949 Statutes, is amended to read:

1950 102.141 County canvassing board; duties.—

1951 (4) The canvassing board shall report all early voting and
1952 all tabulated absentee results to the Department of State within
1953 30 minutes after the polls close. Thereafter, the canvassing
1954 board shall report, with the exception of provisional ballot
1955 results, updated precinct election results to the department at
1956 least every 45 minutes until all results are completely



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1957 reported. The supervisor of elections shall notify the
1958 department immediately of any circumstances that do not permit
1959 periodic updates as required. Results shall be submitted in a
1960 format prescribed by the department ~~submit by 11:59 p.m. on~~
1961 ~~election night the preliminary returns it has received to the~~
1962 ~~Department of State in a format provided by the department.~~

1963 Section 42. Subsection (4) of section 102.168, Florida
1964 Statutes, is amended, and subsection (8) is added to that
1965 section, to read:

1966 102.168 Contest of election.—

1967 (4) The ~~county~~ canvassing board responsible for canvassing
1968 the election is an indispensable ~~and proper~~ party defendant in
1969 county and local elections. ~~+~~ The Elections Canvassing Commission
1970 is an indispensable ~~and proper~~ party defendant in federal,
1971 state, and multicounty elections and in elections for justice of
1972 the Supreme Court, judge of a district court of appeal, and
1973 judge of a circuit court. ~~aces; and~~ The successful candidate is
1974 an indispensable party to any action brought to contest the
1975 election or nomination of a candidate.

1976 (8) In any contest that requires a review of the canvassing
1977 board's decision on the legality of an absentee ballot pursuant
1978 to s. 101.68 based upon a comparison of the signature on the
1979 voter's certificate and the signature of the elector in the
1980 registration records, the circuit court may not review or
1981 consider any evidence other than the signatures on the voter's
1982 certificate and the signature of the elector in the registration
1983 records. The court's review of such issue shall be to determine
1984 only if the canvassing board abused its discretion in making its
1985 decision.



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1986 Section 43. Paragraph (a) of subsection (4) of section
1987 103.021, Florida Statutes, is amended to read:
1988 103.021 Nomination for presidential electors.—Candidates
1989 for presidential electors shall be nominated in the following
1990 manner:
1991 (4) (a) A minor political party that is affiliated with a
1992 national party holding a national convention to nominate
1993 candidates for President and Vice President of the United States
1994 may have the names of its candidates for President and Vice
1995 President of the United States printed on the general election
1996 ballot by filing with the Department of State a certificate
1997 naming the candidates for President and Vice President and
1998 listing the required number of persons to serve as electors.
1999 Notification to the Department of State under this subsection
2000 shall be made by September 1 of the year in which the election
2001 is held. When the Department of State has been so notified, it
2002 shall order the names of the candidates nominated by the minor
2003 political party to be included on the ballot and shall permit
2004 the required number of persons to be certified as electors in
2005 the same manner as other party candidates. As used in this
2006 section, the term "national party" means a political party that
2007 is registered with and recognized as a qualified national
2008 committee of a political party by the Federal Election
2009 Commission established and admitted to the ballot in at least
2010 one state other than Florida.
2011 Section 44. Section 103.095, Florida Statutes, is created
2012 to read:
2013 103.095 Minor political parties.—
2014 (1) Any group of citizens organized for the general



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2015 purposes of electing to office qualified persons and determining
2016 public issues under the democratic processes of the United
2017 States may become a minor political party of this state by
2018 filing with the department a certificate showing the name of the
2019 organization, the names and addresses of its current officers,
2020 including the members of its executive committee, accompanied by
2021 a completed uniform statewide voter registration application as
2022 specified in s. 97.052 for each of its current officers and
2023 members of its executive committee which reflect their
2024 affiliation with the proposed minor political party, and a copy
2025 of its constitution, bylaws, and rules and regulations.

2026 (2) Each elector registered to vote in the minor political
2027 party in which he or she has so designated has a fundamental
2028 right to fully and meaningfully participate in the business and
2029 affairs of the minor political party without any monetary
2030 encumbrance. The constitution, bylaws, rules, regulations, or
2031 other equivalent documents must reflect this fundamental right
2032 and must provide for and contain reasonable provisions that, at
2033 a minimum, prescribe procedures to: prescribe its membership;
2034 conduct its meetings according to generally accepted
2035 parliamentary practices; timely notify its members as to the
2036 time, date, and place of all of its meetings; timely publish
2037 notice on its public and functioning website as to the time,
2038 date, and place of all of its meetings; elect its officers;
2039 remove its officers; make party nominations when required by
2040 law; conduct campaigns for party nominees; raise and expend
2041 party funds; select delegates to its national convention, if
2042 applicable; select presidential electors, if applicable; and
2043 alter or amend all of its governing documents.



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2044 (3) The members of the executive committee must elect a
2045 chair, vice chair, secretary, and treasurer, all of whom shall
2046 be members of the minor political party and no member may hold
2047 more than one office, except that one person may hold the
2048 offices of secretary and treasurer.

2049 (4) Upon approval of the minor political party's filing,
2050 the department shall process the voter registration applications
2051 submitted by the minor political party's officers and members of
2052 its executive committee. It shall be the duty of the minor
2053 political party to notify the department of any changes in the
2054 filing certificate within 5 days after such changes.

2055 (5) The Division of Elections shall adopt rules to
2056 prescribe the manner in which political parties, including minor
2057 political parties, may have their filings with the Department of
2058 State canceled. Such rules shall, at a minimum, provide for:

2059 (a) Notice, which must contain the facts and conduct that
2060 warrant the intended action, including, but not limited to, the
2061 failure to have any voters registered in the party, the failure
2062 to notify the department of replacement officers, the failure to
2063 file campaign finance reports, the failure to adopt and file
2064 with the department all governing documents containing the
2065 provisions specified in subsection (2), and limited activity.

2066 (b) Adequate opportunity to respond.

2067 (c) Appeal of the decision to the Florida Elections
2068 Commission. Such appeals are exempt from the confidentiality
2069 provisions of s. 106.25.

2070 (6) The requirements of this section are retroactive for
2071 any minor political party registered with the department on July
2072 1, 2011, and must be complied with within 180 days after the



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2073 department provides notice to the minor political party of the
2074 requirements contained in this section. Failure of the minor
2075 political party to comply with the requirements within 180 days
2076 after receipt of the notice shall automatically result in the
2077 cancellation of the minor political party's registration.

2078 Section 45. Subsections (1) and (2) of section 103.101,
2079 Florida Statutes, are amended to read:

2080 103.101 Presidential preference primary.—

2081 (1) (a) There shall be a Presidential Preference Primary
2082 Date Selection Committee composed of the Secretary of State, who
2083 shall be a nonvoting chair; three members, no more than two of
2084 whom may be from the same political party, appointed by the
2085 Governor; three members, no more than two of whom may be from
2086 the same political party, appointed by the Speaker of the House
2087 of Representatives; and three members, no more than two of whom
2088 may be from the same political party, appointed by the President
2089 of the Senate. No later than October 1 of the year preceding the
2090 presidential preference primary, the committee shall meet and
2091 set a date for the presidential preference primary. The date
2092 selected may be no earlier than the first Tuesday in January and
2093 no later than the first Tuesday in March in the year of the
2094 presidential preference primary. The presidential preference
2095 primary shall be held in each year the number of which is a
2096 multiple of four.

2097 (b) Each political party other than a minor political party
2098 shall, on the date selected by the Presidential Preference
2099 Primary Date Selection Committee ~~last Tuesday in January~~ in each
2100 year the number of which is a multiple of 4, elect one person to
2101 be the candidate for nomination of such party for President of



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2102 the United States or select delegates to the national nominating
2103 convention, as provided by party rule. Any party rule directing
2104 the vote of delegates at a national nominating convention shall
2105 reasonably reflect the results of the presidential preference
2106 primary, if one is held.

2107 ~~(2) (a) There shall be a Presidential Candidate Selection~~
2108 ~~Committee composed of the Secretary of State, who shall be a~~
2109 ~~nonvoting chair; the Speaker of the House of Representatives;~~
2110 ~~the President of the Senate; the minority leader of each house~~
2111 ~~of the Legislature; and the chair of each political party~~
2112 ~~required to have a presidential preference primary under this~~
2113 ~~section.~~

2114 ~~(b) By October 31 of the year preceding the presidential~~
2115 ~~preference primary, each political party shall submit to the~~
2116 ~~Secretary of State a list of its presidential candidates to be~~
2117 ~~placed on the presidential preference primary ballot or~~
2118 ~~candidates entitled to have delegates appear on the presidential~~
2119 ~~preference primary ballot. The Secretary of State shall prepare~~
2120 ~~and publish a list of the names of the presidential candidates~~
2121 ~~submitted not later than on the first Tuesday after the first~~
2122 ~~Monday in November of the year preceding the presidential~~
2123 ~~preference primary. The Secretary of State shall submit such~~
2124 ~~list of names of presidential candidates to the selection~~
2125 ~~committee on the first Tuesday after the first Monday in~~
2126 ~~November of the year preceding the presidential preference~~
2127 ~~primary. Each person designated as a presidential candidate~~
2128 ~~shall have his or her name appear, or have his or her delegates'~~
2129 ~~names appear, on the presidential preference primary ballot~~
2130 ~~unless all committee members of the same political party as the~~



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2131 ~~candidate agree to delete such candidate's name from the ballot.~~

2132 ~~(c) The selection committee shall meet in Tallahassee on~~
2133 ~~the first Tuesday after the first Monday in November of the year~~
2134 ~~preceding the presidential preference primary. The selection~~
2135 ~~committee shall publicly announce and submit to the Department~~
2136 ~~of State no later than 5 p.m. on the following day the names of~~
2137 ~~presidential candidates who shall have their names appear, or~~
2138 ~~who are entitled to have their delegates' names appear, on the~~
2139 ~~presidential preference primary ballot. The Department of State~~
2140 ~~shall immediately notify each presidential candidate listed~~
2141 ~~designated by the Secretary of State committee. Such~~
2142 ~~notification shall be in writing, by registered mail, with~~
2143 ~~return receipt requested.~~

2144 Section 46. Section 103.141, Florida Statutes, is amended
2145 to read:

2146 103.141 Removal of county executive committee member for
2147 violation of oath.-

2148 ~~(1) If~~ Where the county executive committee by at least a
2149 two-thirds majority vote of the members of the committee,
2150 attending a meeting held after due notice has been given and at
2151 which meeting a quorum is present, determines an incumbent
2152 county executive committee member is ~~to be~~ guilty of an offense
2153 involving a violation of the member's oath of office, the said
2154 ~~member so violating his or her oath~~ shall be removed from office
2155 and the office shall be deemed vacant. ~~Provided,~~ However, if the
2156 county committee wrongfully removes a county committee member
2157 and the committee member ~~so~~ wrongfully removed files suit in the
2158 circuit court alleging his or her removal was wrongful and wins
2159 the said suit, the committee member shall be restored to office



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2160 and the county committee shall pay the costs incurred by the
2161 wrongfully removed committee member in bringing the suit,
2162 including reasonable attorney's fees.

2163 ~~(2) Any officer, county committeeman, county~~
2164 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2165 ~~or member of a county executive committee may be removed from~~
2166 ~~office pursuant to s. 103.161.~~

2167 Section 47. Section 103.161, Florida Statutes, is repealed.

2168 Section 48. Section 104.29, Florida Statutes, is amended to
2169 read:

2170 104.29 Inspectors refusing to allow watchers while ballots
2171 are counted.—The inspectors or other election officials at the
2172 polling place shall, after the polls close ~~at all times while~~
2173 ~~the ballots are being counted~~, allow as many as three persons
2174 near to them to see whether the ballots are being reconciled
2175 correctly. ~~read and called and the votes correctly tallied, and~~
2176 Any official who denies this privilege or interferes therewith
2177 commits ~~is guilty of~~ a misdemeanor of the first degree,
2178 punishable as provided in s. 775.082 or s. 775.083.

2179 Section 49. Paragraph (b) of subsection (4) of section
2180 105.031, Florida Statutes, is amended to read:

2181 105.031 Qualification; filing fee; candidate's oath; items
2182 required to be filed.—

2183 (4) CANDIDATE'S OATH.—

2184 (b) All candidates for judicial office shall subscribe to
2185 an oath or affirmation in writing to be filed with the
2186 appropriate qualifying officer upon qualifying. A printed copy
2187 of the oath or affirmation shall be furnished to the candidate
2188 by the qualifying officer and shall be in substantially the



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2189 following form:

2190

2191 State of Florida

2192 County of

2193 Before me, an officer authorized to administer oaths,
2194 personally appeared ... (please print name as you wish it to
2195 appear on the ballot) ..., to me well known, who, being sworn,
2196 says he or she: is a candidate for the judicial office of;
2197 that his or her legal residence is County, Florida; that he
2198 or she is a qualified elector of the state and of the
2199 territorial jurisdiction of the court to which he or she seeks
2200 election; that he or she is qualified under the constitution and
2201 laws of Florida to hold the judicial office to which he or she
2202 desires to be elected or in which he or she desires to be
2203 retained; ~~that he or she has taken the oath required by ss.~~
2204 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
2205 for no other public office in the state, the term of which
2206 office or any part thereof runs concurrent to the office he or
2207 she seeks; ~~and~~ that he or she has resigned from any office which
2208 he or she is required to resign pursuant to s. 99.012, Florida
2209 Statutes; and that he or she will support the Constitution of
2210 the United States and the Constitution of the State of Florida.

2211

2212 ... (Signature of candidate) ...

2213 ... (Address) ...

2214

2215 Sworn to and subscribed before me this day of,

2216 ... (year) ..., at County, Florida.

2217



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2218 ...(Signature and title of officer administering oath)...

2219 Section 50. Subsection (3), paragraph (b) of subsection
2220 (5), subsection (15), and paragraph (c) of subsection (16) of
2221 section 106.011, Florida Statutes, are amended to read:

2222 106.011 Definitions.—As used in this chapter, the following
2223 terms have the following meanings unless the context clearly
2224 indicates otherwise:

2225 (3) "Contribution" means:

2226 (a) A gift, subscription, conveyance, deposit, loan,
2227 payment, or distribution of money or anything of value,
2228 including contributions in kind having an attributable monetary
2229 value in any form, made for the purpose of influencing the
2230 results of an election or making an electioneering
2231 communication.

2232 (b) A transfer of funds between political committees,
2233 between committees of continuous existence, between
2234 electioneering communications organizations, or between any
2235 combination of these groups.

2236 (c) The payment, by any person other than a candidate or
2237 political committee, of compensation for the personal services
2238 of another person which are rendered to a candidate or political
2239 committee without charge to the candidate or committee for such
2240 services.

2241 (d) The transfer of funds by a campaign treasurer or deputy
2242 campaign treasurer between a primary depository and a separate
2243 interest-bearing account or certificate of deposit, and the term
2244 includes any interest earned on such account or certificate.

2245
2246 Notwithstanding the foregoing meanings of "contribution," the



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2247 ~~term may word shall~~ not be construed to include services,
2248 including, but not limited to, legal and accounting services,
2249 provided without compensation by individuals volunteering a
2250 portion or all of their time on behalf of a candidate or
2251 political committee. ~~This definition shall not be construed to~~
2252 ~~include~~ editorial endorsements.

2253 (5)

2254 (b) An expenditure for the purpose of expressly advocating
2255 the election or defeat of a candidate which is made by the
2256 national, state, or county executive committee of a political
2257 party, including any subordinate committee of a national, state,
2258 or county committee of a political party, or by any political
2259 committee or committee of continuous existence, or any other
2260 person, shall not be considered an independent expenditure if
2261 the committee or person:

2262 1. Communicates with the candidate, the candidate's
2263 campaign, or an agent of the candidate acting on behalf of the
2264 candidate, including any pollster, media consultant, advertising
2265 agency, vendor, advisor, or staff member, concerning the
2266 preparation of, use of, or payment for, the specific expenditure
2267 or advertising campaign at issue; or

2268 2. Makes a payment in cooperation, consultation, or concert
2269 with, at the request or suggestion of, or pursuant to any
2270 general or particular understanding with the candidate, the
2271 candidate's campaign, a political committee supporting the
2272 candidate, or an agent of the candidate relating to the specific
2273 expenditure or advertising campaign at issue; or

2274 3. Makes a payment for the dissemination, distribution, or
2275 republication, in whole or in part, of any broadcast or any



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2276 written, graphic, or other form of campaign material prepared by
2277 the candidate, the candidate's campaign, or an agent of the
2278 candidate, including any pollster, media consultant, advertising
2279 agency, vendor, advisor, or staff member; or

2280 4. Makes a payment based on information about the
2281 candidate's plans, projects, or needs communicated to a member
2282 of the committee or person by the candidate or an agent of the
2283 candidate, provided the committee or person uses the information
2284 in any way, in whole or in part, either directly or indirectly,
2285 to design, prepare, or pay for the specific expenditure or
2286 advertising campaign at issue; or

2287 5. After the last day of the qualifying period prescribed
2288 for the candidate ~~for statewide or legislative office~~, consults
2289 about the candidate's plans, projects, or needs in connection
2290 with the candidate's pursuit of election to office and the
2291 information is used in any way to plan, create, design, or
2292 prepare an independent expenditure or advertising campaign,
2293 with:

2294 a. Any officer, director, employee, or agent of a national,
2295 state, or county executive committee of a political party that
2296 has made or intends to make expenditures in connection with or
2297 contributions to the candidate; or

2298 b. Any person whose professional services have been
2299 retained by a national, state, or county executive committee of
2300 a political party that has made or intends to make expenditures
2301 in connection with or contributions to the candidate; or

2302 6. After the last day of the qualifying period prescribed
2303 for the candidate ~~for statewide or legislative office~~, retains
2304 the professional services of any person also providing those



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2305 services to the candidate in connection with the candidate's
2306 pursuit of election to office; or

2307 7. Arranges, coordinates, or directs the expenditure, in
2308 any way, with the candidate or an agent of the candidate.

2309 (15) "Unopposed candidate" means a candidate for nomination
2310 or election to an office who, after the last day on which any
2311 person, including a write-in candidate, may qualify, is without
2312 opposition in the election at which the office is to be filled
2313 or who is without such opposition after such date as a result of
2314 any primary election or of withdrawal by other candidates
2315 seeking the same office. A candidate is not an unopposed
2316 candidate if there is a vacancy to be filled under s. 100.111(3)
2317 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding
2318 the right to a ballot position for the office sought by the
2319 candidate, or if the candidate is seeking retention as a justice
2320 or judge.

2321 (16) "Candidate" means any person to whom any one or more
2322 of the following apply:

2323 (c) Any person who receives contributions or makes
2324 expenditures, or consents for any other person to receive
2325 contributions or make expenditures, with a view to bring about
2326 his or her nomination or election to, or retention in, public
2327 office. However, this definition does not include any candidate
2328 for a political party executive committee. Expenditures related
2329 to potential candidate polls as provided in s. 106.17 are not
2330 contributions or expenditures for purposes of this subsection.

2331 Section 51. Subsection (3) of section 106.021, Florida
2332 Statutes, is amended to read:

2333 106.021 Campaign treasurers; deputies; primary and



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2334 secondary depositories.-

2335 (3) No contribution or expenditure, including contributions
2336 or expenditures of a candidate or of the candidate's family,
2337 shall be directly or indirectly made or received in furtherance
2338 of the candidacy of any person for nomination or election to
2339 political office in the state or on behalf of any political
2340 committee except through the duly appointed campaign treasurer
2341 of the candidate or political committee, subject to the
2342 following exceptions:

2343 (a) Independent expenditures;

2344 (b) Reimbursements to a candidate or any other individual
2345 for expenses incurred in connection with the campaign or
2346 activities of the political committee by a check drawn upon the
2347 campaign account and reported pursuant to s. 106.07(4). ~~After~~
2348 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom
2349 the candidate or other individual made payment for which
2350 reimbursement was made by check drawn upon the campaign account
2351 shall be reported pursuant to s. 106.07(4), together with the
2352 purpose of such payment;

2353 (c) Expenditures made indirectly through a treasurer for
2354 goods or services, such as communications media placement or
2355 procurement services, campaign signs, insurance, or other
2356 expenditures that include multiple integral components as part
2357 of the expenditure and reported pursuant to s. 106.07(4)(a)13. ;
2358 or

2359 (d) Expenditures made directly by any political committee
2360 or political party regulated by chapter 103 for obtaining time,
2361 space, or services in or by any communications medium for the
2362 purpose of jointly endorsing three or more candidates, and any



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2363 such expenditure shall not be considered a contribution or
2364 expenditure to or on behalf of any such candidates for the
2365 purposes of this chapter.

2366 Section 52. Section 106.022, Florida Statutes, is amended
2367 to read:

2368 106.022 Appointment of a registered agent; duties.—

2369 (1) Each political committee, committee of continuous
2370 existence, or electioneering communications organization shall
2371 have and continuously maintain in this state a registered office
2372 and a registered agent and must file with the filing officer
2373 ~~division~~ a statement of appointment for the registered office
2374 and registered agent. The statement of appointment must:

2375 (a) Provide the name of the registered agent and the street
2376 address and phone number for the registered office;

2377 (b) Identify the entity for whom the registered agent
2378 serves;

2379 (c) Designate the address the registered agent wishes to
2380 use to receive mail;

2381 (d) Include the entity's undertaking to inform the filing
2382 officer ~~division~~ of any change in such designated address;

2383 (e) Provide for the registered agent's acceptance of the
2384 appointment, which must confirm that the registered agent is
2385 familiar with and accepts the obligations of the position as set
2386 forth in this section; and

2387 (f) Contain the signature of the registered agent and the
2388 entity engaging the registered agent.

2389 (2) An entity may change its appointment of registered
2390 agent and registered office under this section by executing a
2391 written statement of change and filing it with the filing



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2392 officer. The statement must satisfy that identifies the former
2393 registered agent and registered address and also satisfies all
2394 of the requirements of subsection (1).

2395 (3) A registered agent may resign his or her appointment as
2396 registered agent by executing a written statement of resignation
2397 and filing it with the filing officer ~~division~~. An entity
2398 without a registered agent may not make expenditures or accept
2399 contributions until it files a written statement of change as
2400 required in subsection (2).

2401 Section 53. Subsection (1) of section 106.023, Florida
2402 Statutes, is amended to read:

2403 106.023 Statement of candidate.—

2404 (1) Each candidate must file a statement with the
2405 qualifying officer within 10 days after filing the appointment
2406 of campaign treasurer and designation of campaign depository,
2407 stating that the candidate has read and understands the
2408 requirements of this chapter. Such statement shall be provided
2409 by the filing officer and shall be in substantially the
2410 following form:

2411

2412 STATEMENT OF CANDIDATE

2413

2414 I,, candidate for the office of, have been
2415 provided access to ~~received~~, read, and understand the
2416 requirements of Chapter 106, Florida Statutes.

2417

2418 . . . (Signature of candidate) (Date)

2419

2420 Willful failure to file this form is a violation of ss.



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2421 106.19(1)(c) and 106.25(3), F.S.

2422 Section 54. Paragraph (c) of subsection (1) of section
2423 106.025, Florida Statutes, is amended to read:

2424 106.025 Campaign fund raisers.—

2425 (1)

2426 (c) Any tickets or advertising for such a campaign fund
2427 raiser is exempt from the requirements of s. 106.143 shall
2428 ~~contain the following statement: "The purchase of a ticket for,~~
2429 ~~or a contribution to, the campaign fund raiser is a contribution~~
2430 ~~to the campaign of ... (name of the candidate for whose benefit~~
2431 ~~the campaign fund raiser is held)...."~~ Such tickets or
2432 ~~advertising shall also comply with other provisions of this~~
2433 ~~chapter relating to political advertising.~~

2434 Section 55. Subsection (1) and paragraph (d) of subsection
2435 (3) of section 106.03, Florida Statutes, are amended to read:

2436 106.03 Registration of political committees and
2437 electioneering communications organizations.—

2438 (1)(a) Each political committee that receives ~~anticipates~~
2439 ~~receiving~~ contributions or makes ~~making~~ expenditures during a
2440 calendar year in an aggregate amount exceeding \$500 or that
2441 seeks ~~is seeking~~ the signatures of registered electors in
2442 support of an initiative shall file a statement of organization
2443 as provided in subsection (3) within 10 days after its
2444 organization ~~or, if later, within 10 days after the date on~~
2445 ~~which it has information that causes the committee to anticipate~~
2446 ~~that it will receive contributions or make expenditures in~~
2447 ~~excess of \$500.~~ If a political committee is organized within 10
2448 days of any election, it shall immediately file the statement of
2449 organization required by this section.



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2450 (b)1. Each group ~~electioneering communications organization~~
2451 ~~that receives contributions or makes expenditures during a~~
2452 ~~calendar year in an aggregate amount exceeding \$5,000 shall file~~
2453 a statement of organization as an electioneering communications
2454 organization provided in subparagraph 2. by expedited delivery
2455 ~~within 24 hours after its organization or, if later, within 24~~
2456 hours after the date on which it ~~receives contributions or makes~~
2457 expenditures for an electioneering communication in excess of
2458 \$5,000, if such expenditures are made within the timeframes
2459 specified in s. 106.011(18)(a)2. If the group makes expenditures
2460 for an electioneering communication in excess of \$5,000 before
2461 the timeframes specified in s. 106.011(18)(a)2., it shall file
2462 the statement of organization within 24 hours after the 30th day
2463 before a primary or special primary election, or within 24 hours
2464 after the 60th day before any other election, whichever is
2465 applicable.

2466 2.a. In a statewide, legislative, or multicounty election,
2467 an electioneering communications organization shall file a
2468 statement of organization with the Division of Elections.

2469 b. In a countywide election or any election held on less
2470 than a countywide basis, except as described in sub-subparagraph
2471 c., an electioneering communications organization shall file a
2472 statement of organization with the supervisor of elections of
2473 the county in which the election is being held.

2474 c. In a municipal election, an electioneering
2475 communications organization shall file a statement of
2476 organization with the officer before whom municipal candidates
2477 qualify.

2478 d. Any electioneering communications organization that



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2479 would be required to file a statement of organization in two or
2480 more locations ~~by reason of the organization's intention to~~
2481 ~~support or oppose candidates at state or multicounty and local~~
2482 ~~levels of government~~ need only file a statement of organization
2483 with the Division of Elections.

2484 (3)

2485 (d) Any political committee which would be required under
2486 this subsection to file a statement of organization in two or
2487 more locations ~~by reason of the committee's intention to support~~
2488 ~~or oppose candidates or issues at state or multicounty and local~~
2489 ~~levels of government~~ need file only with the Division of
2490 Elections.

2491 Section 56. Subsection (4) of section 106.04, Florida
2492 Statutes, is amended, present subsections (7) and (8) of that
2493 section are amended and renumbered as subsections (8) and (9),
2494 respectively, and a new subsection (7) is added to that section,
2495 to read:

2496 106.04 Committees of continuous existence.-

2497 (4) (a) Each committee of continuous existence shall file an
2498 annual report with the Division of Elections during the month of
2499 January. Such annual reports shall contain the same information
2500 and shall be accompanied by the same materials as original
2501 applications filed pursuant to subsection (2). However, the
2502 charter or bylaws need not be filed if the annual report is
2503 accompanied by a sworn statement by the chair that no changes
2504 have been made to such charter or bylaws since the last filing.

2505 (b)1. Each committee of continuous existence shall file
2506 regular reports with the Division of Elections at the same times
2507 and subject to the same filing conditions as are established by



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2508 s. 106.07(1) and (2) for candidates' reports. In addition, when
2509 a special election is called to fill a vacancy in office, a
2510 committee of continuous existence that makes a contribution or
2511 expenditure to influence the results of such special election or
2512 the preceding special primary election must file campaign
2513 finance reports with the filing officer on the dates set by the
2514 Department of State pursuant to s. 100.111.

2515 2. Any committee of continuous existence failing to so file
2516 a report with the Division of Elections or applicable filing
2517 officer pursuant to this paragraph on the designated due date
2518 shall be subject to a fine for late filing as provided by this
2519 section.

2520 (c) All committees of continuous existence shall file their
2521 reports with the Division of Elections. Reports shall be filed
2522 in accordance with s. 106.0705 and shall contain the following
2523 information:

2524 1. The full name, address, and occupation of each person
2525 who has made one or more contributions, including contributions
2526 that represent the payment of membership dues, to the committee
2527 during the reporting period, together with the amounts and dates
2528 of such contributions. For corporations, the report must provide
2529 as clear a description as practicable of the principal type of
2530 business conducted by the corporation. However, if the
2531 contribution is \$100 or less, the occupation of the contributor
2532 or principal type of business need not be listed. However, for
2533 any contributions that represent the payment of dues by members
2534 in a fixed amount aggregating no more than \$250 per calendar
2535 year, pursuant to the schedule on file with the Division of
2536 Elections, only the aggregate amount of such contributions need



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2537 be listed, together with the number of members paying such dues
2538 and the amount of the membership dues.

2539 2. The name and address of each political committee or
2540 committee of continuous existence from which the reporting
2541 committee received, or the name and address of each political
2542 committee, committee of continuous existence, or political party
2543 to which it made, any transfer of funds, together with the
2544 amounts and dates of all transfers.

2545 3. Any other receipt of funds not listed pursuant to
2546 subparagraph 1. or subparagraph 2., including the sources and
2547 amounts of all such funds.

2548 4. The name and address of, and office sought by, each
2549 candidate to whom the committee has made a contribution during
2550 the reporting period, together with the amount and date of each
2551 contribution.

2552 5. The full name and address of each person to whom
2553 expenditures have been made by or on behalf of the committee
2554 within the reporting period; the amount, date, and purpose of
2555 each such expenditure; and the name and address, and office
2556 sought by, each candidate on whose behalf such expenditure was
2557 made.

2558 6. The full name and address of each person to whom an
2559 expenditure for personal services, salary, or reimbursement for
2560 authorized expenses has been made, including the full name and
2561 address of each entity to whom the person made payment for which
2562 reimbursement was made by check drawn upon the committee
2563 account, together with the amount and purpose of such payment.

2564 7. Transaction information from each credit card purchase
2565 ~~statement that will be included in the next report following~~



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2566 ~~receipt thereof by the committee.~~ Receipts for each credit card
2567 purchase shall be retained by the treasurer with the records for
2568 the committee account.

2569 8. The total sum of expenditures made by the committee
2570 during the reporting period.

2571 (d) The treasurer of each committee shall certify as to the
2572 correctness of each report and shall bear the responsibility for
2573 its accuracy and veracity. Any treasurer who willfully certifies
2574 to the correctness of a report while knowing that such report is
2575 incorrect, false, or incomplete commits a misdemeanor of the
2576 first degree, punishable as provided in s. 775.082 or s.
2577 775.083.

2578 (7) Any change in information previously submitted to the
2579 division shall be reported within 10 days following the change.

2580 (8)~~(7)~~ If a committee of continuous existence ceases to
2581 meet the criteria prescribed by subsection (1), the Division of
2582 Elections shall revoke its certification ~~until such time as the~~
2583 ~~criteria are again met.~~ The Division of Elections shall adopt
2584 ~~promulgate~~ rules to prescribe the manner in which the such
2585 certification of a committee of continuous existence shall be
2586 revoked. Such rules shall, at a minimum, provide for:

2587 (a) Notice, which must ~~shall~~ contain the facts and conduct
2588 that warrant the intended action.

2589 (b) Adequate opportunity to respond.

2590 (c) Appeal of the decision to the Florida Elections
2591 Commission. Such appeals are ~~shall be~~ exempt from the
2592 confidentiality provisions of s. 106.25.

2593 (9)~~(8)~~ (a) Any committee of continuous existence failing to
2594 file a report on the designated due date is ~~shall be~~ subject to



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2595 a fine. The fine shall be \$50 per day for the first 3 days late
2596 and, thereafter, \$500 per day for each late day, not to exceed
2597 25 percent of the total receipts or expenditures, whichever is
2598 greater, for the period covered by the late report. However, for
2599 the reports immediately preceding each primary and general
2600 election, including a special primary election and a special
2601 general election, the fine shall be \$500 per day for each late
2602 day, not to exceed 25 percent of the total receipts or
2603 expenditures, whichever is greater, for the period covered by
2604 the late report. The fine shall be assessed by the filing
2605 officer, and the moneys collected shall be deposited into:

2606 1. ~~In~~ The General Revenue Fund, in the case of fines
2607 collected by the Division of Elections.

2608 2. The general revenue fund of the political subdivision,
2609 in the case of fines collected by a county or municipal filing
2610 officer. No separate fine shall be assessed for failure to file
2611 a copy of any report required by this section.

2612 (b) Upon determining that a report is late, the filing
2613 officer shall immediately notify the treasurer of the committee
2614 or the committee's registered agent as to the failure to file a
2615 report by the designated due date and that a fine is being
2616 assessed for each late day. Upon receipt of the report, the
2617 filing officer shall determine the amount of fine which is due
2618 and shall notify the treasurer of the committee. Notice is
2619 deemed complete upon proof of delivery of written notice to the
2620 mailing or street address on record with the filing officer. The
2621 filing officer shall determine the amount of the fine due based
2622 upon the earliest of the following:

2623 1. When the report is actually received by such officer.



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- 2624 2. When the report is postmarked.
2625 3. When the certificate of mailing is dated.
2626 4. When the receipt from an established courier company is
2627 dated.

2628

2629 Such fine shall be paid to the filing officer within 20 days
2630 after receipt of the notice of payment due, unless appeal is
2631 made to the Florida Elections Commission pursuant to paragraph
2632 (c). An officer or member of a committee is ~~shall~~ not be
2633 personally liable for such fine.

2634 (c) Any treasurer of a committee may appeal or dispute the
2635 fine, based upon unusual circumstances surrounding the failure
2636 to file on the designated due date, and may request and is ~~shall~~
2637 ~~be~~ entitled to a hearing before the Florida Elections
2638 Commission, which may ~~shall~~ have the authority to waive the fine
2639 in whole or in part. Any such request must ~~shall~~ be made within
2640 20 days after receipt of the notice of payment due. ~~In such~~
2641 ~~case, the treasurer of~~ The committee shall file the appeal with
2642 , within the 20-day period, notify the filing officer in writing
2643 of his or her intention to bring the matter before the
2644 commission, with a copy provided to the filing officer.

2645 (d) The filing officer shall notify the Florida Elections
2646 Commission of the repeated late filing by a committee of
2647 continuous existence, the failure of a committee of continuous
2648 existence to file a report after notice, or the failure to pay
2649 the fine imposed.

2650 Section 57. Section 106.07, Florida Statutes, is amended to
2651 read:

2652 106.07 Reports; certification and filing.—



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2653 (1) Each campaign treasurer designated by a candidate or
2654 political committee pursuant to s. 106.021 shall file regular
2655 reports of all contributions received, and all expenditures
2656 made, by or on behalf of such candidate or political committee.
2657 Except for the third calendar quarter immediately preceding a
2658 general election, reports shall be filed on the 10th day
2659 following the end of each calendar quarter from the time the
2660 campaign treasurer is appointed, except that, if the 10th day
2661 following the end of a calendar quarter occurs on a Saturday,
2662 Sunday, or legal holiday, the report shall be filed on the next
2663 following day which is not a Saturday, Sunday, or legal holiday.
2664 Quarterly reports shall include all contributions received and
2665 expenditures made during the calendar quarter which have not
2666 otherwise been reported pursuant to this section.

2667 (a) Except as provided in paragraph (b), ~~following the last~~
2668 ~~day of qualifying for office,~~ the reports shall also be filed on
2669 the 32nd, 18th, and 4th days immediately preceding the primary
2670 and on the 46th, 32nd, 18th, and 4th days immediately preceding
2671 the election, for a candidate who is opposed in seeking
2672 nomination or election to any office, for a political committee,
2673 or for a committee of continuous existence.

2674 (b) ~~Following the last day of qualifying for office,~~ Any
2675 statewide candidate who has requested to receive contributions
2676 pursuant to ~~from~~ the Florida Election Campaign Financing Act
2677 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
2678 who has requested to receive contributions pursuant to ~~from~~ the
2679 act trust fund shall also file reports on the 4th, 11th, 18th,
2680 25th, and 32nd days prior to the primary election, and on the
2681 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to



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2682 the general election.

2683 (c) Following the last day of qualifying for office, any
2684 unopposed candidate need only file a report within 90 days after
2685 the date such candidate became unopposed. Such report shall
2686 contain all previously unreported contributions and expenditures
2687 as required by this section and shall reflect disposition of
2688 funds as required by s. 106.141.

2689 (d)1. When a special election is called to fill a vacancy
2690 in office, all political committees ~~and committees of continuous~~
2691 ~~existence~~ making contributions or expenditures to influence the
2692 results of such special election or the preceding special
2693 primary election shall file campaign treasurers' reports with
2694 the filing officer on the dates set by the Department of State
2695 pursuant to s. 100.111.

2696 2. When an election is called for an issue to appear on the
2697 ballot at a time when no candidates are scheduled to appear on
2698 the ballot, all political committees making contributions or
2699 expenditures in support of or in opposition to such issue shall
2700 file reports on the 18th and 4th days prior to such election.

2701 (e) The filing officer shall provide each candidate with a
2702 schedule designating the beginning and end of reporting periods
2703 as well as the corresponding designated due dates.

2704 (2) (a)1. All reports required of a candidate by this
2705 section shall be filed with the officer before whom the
2706 candidate is required by law to qualify. All candidates who file
2707 with the Department of State shall file their reports pursuant
2708 to s. 106.0705. Except as provided in s. 106.0705, reports shall
2709 be filed not later than 5 p.m. of the day designated; however,
2710 any report postmarked by the United States Postal Service no



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2711 later than midnight of the day designated shall be deemed to
2712 have been filed in a timely manner. Any report received by the
2713 filing officer within 5 days after the designated due date that
2714 was delivered by the United States Postal Service shall be
2715 deemed timely filed unless it has a postmark that indicates that
2716 the report was mailed after the designated due date. A
2717 certificate of mailing obtained from and dated by the United
2718 States Postal Service at the time of mailing, or a receipt from
2719 an established courier company, which bears a date on or before
2720 the date on which the report is due, shall be proof of mailing
2721 in a timely manner. Reports shall contain information of all
2722 previously unreported contributions received and expenditures
2723 made as of the preceding Friday, except that the report filed on
2724 the Friday immediately preceding the election shall contain
2725 information of all previously unreported contributions received
2726 and expenditures made as of the day preceding that designated
2727 due date. All such reports shall be open to public inspection.

2728 2. This subsection does not prohibit the governing body of
2729 a political subdivision, by ordinance or resolution, from
2730 imposing upon its own officers and candidates electronic filing
2731 requirements not in conflict with s. 106.0705. Expenditure of
2732 public funds for such purpose is deemed to be for a valid public
2733 purpose.

2734 (b)1. Any report that ~~which~~ is deemed to be incomplete by
2735 the officer with whom the candidate qualifies shall be accepted
2736 on a conditional basis. ~~and~~ The campaign treasurer shall be
2737 notified by certified registered mail or by another method using
2738 a common carrier that provides a proof of delivery of the notice
2739 as to why the report is incomplete and within 7 ~~be given 3~~ days



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2740 ~~after from~~ receipt of such notice must ~~to~~ file an addendum to
2741 the report providing all information necessary to complete the
2742 report in compliance with this section. Failure to file a
2743 complete report after such notice constitutes a violation of
2744 this chapter.

2745 2. Notice is deemed complete upon proof of delivery of a
2746 written notice to the mailing or street address of the campaign
2747 treasurer or registered agent of record with the filing officer.

2748 ~~In lieu of the notice by registered mail as required in~~
2749 ~~subparagraph 1., the qualifying officer may notify the campaign~~
2750 ~~treasurer by telephone that the report is incomplete and request~~
2751 ~~the information necessary to complete the report. If, however,~~
2752 ~~such information is not received by the qualifying officer~~
2753 ~~within 3 days after the telephone request therefor, notice shall~~
2754 ~~be sent by registered mail as provided in subparagraph 1.~~

2755 (3) Reports required of a political committee shall be
2756 filed with the agency or officer before whom such committee
2757 registers pursuant to s. 106.03(3) and shall be subject to the
2758 same filing conditions as established for candidates' reports.
2759 Incomplete reports by political committees shall be treated in
2760 the manner provided for incomplete reports by candidates in
2761 subsection (2).

2762 (4) (a) Each report required by this section must ~~shall~~
2763 contain:

2764 1. The full name, address, and occupation, if any of each
2765 person who has made one or more contributions to or for such
2766 committee or candidate within the reporting period, together
2767 with the amount and date of such contributions. For
2768 corporations, the report must provide as clear a description as



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2769 practicable of the principal type of business conducted by the
2770 corporation. However, if the contribution is \$100 or less or is
2771 from a relative, as defined in s. 112.312, provided that the
2772 relationship is reported, the occupation of the contributor or
2773 the principal type of business need not be listed.

2774 2. The name and address of each political committee from
2775 which the reporting committee or the candidate received, or to
2776 which the reporting committee or candidate made, any transfer of
2777 funds, together with the amounts and dates of all transfers.

2778 3. Each loan for campaign purposes to or from any person or
2779 political committee within the reporting period, together with
2780 the full names, addresses, and occupations, and principal places
2781 of business, if any, of the lender and endorsers, if any, and
2782 the date and amount of such loans.

2783 4. A statement of each contribution, rebate, refund, or
2784 other receipt not otherwise listed under subparagraphs 1.
2785 through 3.

2786 5. The total sums of all loans, in-kind contributions, and
2787 other receipts by or for such committee or candidate during the
2788 reporting period. The reporting forms shall be designed to
2789 elicit separate totals for in-kind contributions, loans, and
2790 other receipts.

2791 6. The full name and address of each person to whom
2792 expenditures have been made by or on behalf of the committee or
2793 candidate within the reporting period; the amount, date, and
2794 purpose of each such expenditure; and the name and address of,
2795 and office sought by, each candidate on whose behalf such
2796 expenditure was made. However, expenditures made from the petty
2797 cash fund provided by s. 106.12 need not be reported



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2798 individually.

2799 7. The full name and address of each person to whom an
2800 expenditure for personal services, salary, or reimbursement for
2801 authorized expenses as provided in s. 106.021(3) has been made
2802 and which is not otherwise reported, including the amount, date,
2803 and purpose of such expenditure. However, expenditures made from
2804 the petty cash fund provided for in s. 106.12 need not be
2805 reported individually. Receipts for reimbursement for authorized
2806 expenditures shall be retained by the treasurer along with the
2807 records for the campaign account.

2808 8. The total amount withdrawn and the total amount spent
2809 for petty cash purposes pursuant to this chapter during the
2810 reporting period.

2811 9. The total sum of expenditures made by such committee or
2812 candidate during the reporting period.

2813 10. The amount and nature of debts and obligations owed by
2814 or to the committee or candidate, which relate to the conduct of
2815 any political campaign.

2816 11. Transaction information for each credit card purchase.
2817 ~~A copy of each credit card statement which shall be included in~~
2818 ~~the next report following receipt thereof by the candidate or~~
2819 ~~political committee.~~ Receipts for each credit card purchase
2820 shall be retained by the treasurer with the records for the
2821 campaign account.

2822 12. The amount and nature of any separate interest-bearing
2823 accounts or certificates of deposit and identification of the
2824 financial institution in which such accounts or certificates of
2825 deposit are located.

2826 13. The primary purposes of an expenditure made indirectly



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2827 through a campaign treasurer pursuant to s. 106.021(3) for goods
2828 and services such as communications media placement or
2829 procurement services, campaign signs, insurance, and other
2830 expenditures that include multiple components as part of the
2831 expenditure. The primary purpose of an expenditure shall be that
2832 purpose, including integral and directly related components,
2833 that comprises 80 percent of such expenditure.

2834 (b) The filing officer shall make available to any
2835 candidate or committee a reporting form which the candidate or
2836 committee may use to indicate contributions received by the
2837 candidate or committee but returned to the contributor before
2838 deposit.

2839 (5) The candidate and his or her campaign treasurer, in the
2840 case of a candidate, or the political committee chair and
2841 campaign treasurer of the committee, in the case of a political
2842 committee, shall certify as to the correctness of each report;
2843 and each person so certifying shall bear the responsibility for
2844 the accuracy and veracity of each report. Any campaign
2845 treasurer, candidate, or political committee chair who willfully
2846 certifies the correctness of any report while knowing that such
2847 report is incorrect, false, or incomplete commits a misdemeanor
2848 of the first degree, punishable as provided in s. 775.082 or s.
2849 775.083.

2850 ~~(6) The campaign depository shall return all checks drawn~~
2851 ~~on the account to the campaign treasurer who shall retain the~~
2852 ~~records pursuant to s. 106.06.~~ The records maintained by the
2853 campaign depository with respect to any campaign account
2854 regulated by this chapter are ~~such account shall be~~ subject to
2855 inspection by an agent of the Division of Elections or the



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2856 Florida Elections Commission at any time during normal banking
2857 hours, and such depository shall furnish certified copies of any
2858 of such records to the Division of Elections or Florida
2859 Elections Commission upon request.

2860 (7) Notwithstanding any other provisions of this chapter,
2861 in any reporting period during which a candidate, political
2862 committee, or committee of continuous existence has not received
2863 funds, made any contributions, or expended any reportable funds,
2864 the filing of the required report for that period is waived.
2865 However, the next report filed must specify that the report
2866 covers the entire period between the last submitted report and
2867 the report being filed, and any candidate, political committee,
2868 or committee of continuous existence not reporting by virtue of
2869 this subsection on dates prescribed elsewhere in this chapter
2870 shall notify the filing officer in writing on the prescribed
2871 reporting date that no report is being filed on that date.

2872 (8) (a) Any candidate or political committee failing to file
2873 a report on the designated due date is ~~shall be~~ subject to a
2874 fine as provided in paragraph (b) for each late day, and, in the
2875 case of a candidate, such fine shall be paid only from personal
2876 funds of the candidate. The fine shall be assessed by the filing
2877 officer and the moneys collected shall be deposited:

2878 1. In the General Revenue Fund, in the case of a candidate
2879 for state office or a political committee that registers with
2880 the Division of Elections; or

2881 2. In the general revenue fund of the political
2882 subdivision, in the case of a candidate for an office of a
2883 political subdivision or a political committee that registers
2884 with an officer of a political subdivision.



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2885
2886 No separate fine shall be assessed for failure to file a copy of
2887 any report required by this section.

2888 (b) Upon determining that a report is late, the filing
2889 officer shall immediately notify the candidate or chair of the
2890 political committee as to the failure to file a report by the
2891 designated due date and that a fine is being assessed for each
2892 late day. The fine shall be \$50 per day for the first 3 days
2893 late and, thereafter, \$500 per day for each late day, not to
2894 exceed 25 percent of the total receipts or expenditures,
2895 whichever is greater, for the period covered by the late report.
2896 However, for the reports immediately preceding each special
2897 primary election, special election, primary election, and
2898 general election, the fine shall be \$500 per day for each late
2899 day, not to exceed 25 percent of the total receipts or
2900 expenditures, whichever is greater, for the period covered by
2901 the late report. For reports required under s. 106.141(7), the
2902 fine is \$50 per day for each late day, not to exceed 25 percent
2903 of the total receipts or expenditures, whichever is greater, for
2904 the period covered by the late report. Upon receipt of the
2905 report, the filing officer shall determine the amount of the
2906 fine which is due and shall notify the candidate or chair or
2907 registered agent of the political committee. The filing officer
2908 shall determine the amount of the fine due based upon the
2909 earliest of the following:

- 2910 1. When the report is actually received by such officer.
2911 2. When the report is postmarked.
2912 3. When the certificate of mailing is dated.
2913 4. When the receipt from an established courier company is



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2914 dated.

2915 5. When the electronic receipt issued pursuant to s.
2916 106.0705 or other electronic filing system authorized in this
2917 section is dated.

2918

2919 Such fine shall be paid to the filing officer within 20 days
2920 after receipt of the notice of payment due, unless appeal is
2921 made to the Florida Elections Commission pursuant to paragraph
2922 (c). Notice is deemed complete upon proof of delivery of written
2923 notice to the mailing or street address on record with the
2924 filing officer. In the case of a candidate, such fine shall not
2925 be an allowable campaign expenditure and shall be paid only from
2926 personal funds of the candidate. An officer or member of a
2927 political committee shall not be personally liable for such
2928 fine.

2929 (c) Any candidate or chair of a political committee may
2930 appeal or dispute the fine, based upon, but not limited to,
2931 unusual circumstances surrounding the failure to file on the
2932 designated due date, and may request and shall be entitled to a
2933 hearing before the Florida Elections Commission, which shall
2934 have the authority to waive the fine in whole or in part. The
2935 Florida Elections Commission must consider the mitigating and
2936 aggravating circumstances contained in s. 106.265(1) when
2937 determining the amount of a fine, if any, to be waived. Any such
2938 request shall be made within 20 days after receipt of the notice
2939 of payment due. In such case, the candidate or chair of the
2940 political committee shall, within the 20-day period, notify the
2941 filing officer in writing of his or her intention to bring the
2942 matter before the commission.



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2943 (d) The appropriate filing officer shall notify the Florida
2944 Elections Commission of the repeated late filing by a candidate
2945 or political committee, the failure of a candidate or political
2946 committee to file a report after notice, or the failure to pay
2947 the fine imposed. The commission shall investigate only those
2948 alleged late filing violations specifically identified by the
2949 filing officer and as set forth in the notification. Any other
2950 alleged violations must be separately stated and reported by the
2951 division to the commission under s. 106.25(2).

2952 (9) The Department of State may prescribe by rule the
2953 requirements for filing campaign treasurers' reports as set
2954 forth in this chapter.

2955 Section 58. Subsections (8) and (9) of section 106.0703,
2956 Florida Statutes, are amended to read:

2957 106.0703 Electioneering communications organizations;
2958 reporting requirements; certification and filing; penalties.—

2959 ~~(8) An electioneering communications organization shall,~~
2960 ~~within 2 days after receiving its initial password or secure~~
2961 ~~sign on from the Department of State allowing confidential~~
2962 ~~access to the department's electronic campaign finance filing~~
2963 ~~system, electronically file the periodic reports that would have~~
2964 ~~been required pursuant to this section for reportable activities~~
2965 ~~that occurred since the date of the last general election.~~

2966 (8) ~~(9)~~ Electioneering communications organizations shall
2967 not use credit cards.

2968 Section 59. Paragraphs (a) and (c) of subsection (2) and
2969 subsections (3) and (7) of section 106.0705, Florida Statutes,
2970 are amended to read:

2971 106.0705 Electronic filing of campaign treasurer's



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2972 reports.-

2973 (2) (a) Each individual candidate who is required to file
2974 reports with the division pursuant to s. 106.07 or s. 106.141
2975 ~~with the division~~ must file such reports ~~with the division~~ by
2976 means of the division's electronic filing system.

2977 (c) Each person or organization that is required to file
2978 reports with the division under s. 106.071 must file such
2979 reports ~~with the division~~ by means of the division's electronic
2980 filing system.

2981 (3) Reports filed pursuant to this section shall be
2982 completed and filed through the electronic filing system not
2983 later than midnight of the day designated. Reports not filed by
2984 midnight of the day designated are late filed and are subject to
2985 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
2986 106.0703(7), or s. 106.29(3), as applicable.

2987 ~~(7) Notwithstanding anything in law to the contrary, any~~
2988 ~~report required to have been filed under this section for the~~
2989 ~~period ended March 31, 2005, shall be deemed to have been timely~~
2990 ~~filed if the report is filed under this section on or before~~
2991 ~~June 1, 2005.~~

2992 Section 60. Subsections (3) and (6) of section 106.08,
2993 Florida Statutes, are amended to read:

2994 106.08 Contributions; limitations on.-

2995 (3) (a) Any contribution received by a candidate with
2996 opposition in an election or by the campaign treasurer or a
2997 deputy campaign treasurer of such a candidate on the day of that
2998 election or less than 5 days prior to the day of that election
2999 must be returned by him or her to the person or committee
3000 contributing it and may not be used or expended by or on behalf



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3001 of the candidate.

3002 (b) Except as otherwise provided in paragraph (c), any
3003 contribution received by a candidate or by the campaign
3004 treasurer or a deputy campaign treasurer of a candidate after
3005 the date at which the candidate withdraws his or her candidacy,
3006 or after the date the candidate is defeated, becomes unopposed,
3007 or is elected to office must be returned to the person or
3008 committee contributing it and may not be used or expended by or
3009 on behalf of the candidate.

3010 ~~(c) With respect to any campaign for an office in which an~~
3011 ~~independent or minor party candidate has filed as required in s.~~
3012 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
3013 ~~determination by the Department of State or supervisor of~~
3014 ~~elections as to whether or not the required number of petition~~
3015 ~~signatures was obtained:~~

3016 ~~1. The department or supervisor shall, no later than 3 days~~
3017 ~~after that determination has been made, notify in writing all~~
3018 ~~other candidates for that office of that determination.~~

3019 ~~2. Any contribution received by a candidate or the campaign~~
3020 ~~treasurer or deputy campaign treasurer of a candidate after the~~
3021 ~~candidate has been notified in writing by the department or~~
3022 ~~supervisor that he or she has become unopposed as a result of an~~
3023 ~~independent or minor party candidate failing to obtain the~~
3024 ~~required number of petition signatures shall be returned to the~~
3025 ~~person, political committee, or committee of continuous~~
3026 ~~existence contributing it and shall not be used or expended by~~
3027 ~~or on behalf of the candidate.~~

3028 (6) (a) A political party may not accept any contribution
3029 that has been specifically designated for the partial or



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3030 exclusive use of a particular candidate. Any contribution so
3031 designated must be returned to the contributor and may not be
3032 used or expended by or on behalf of the candidate.

3033 (b)1. A political party may not accept any in-kind
3034 contribution that fails to provide a direct benefit to the
3035 political party. A "direct benefit" includes, but is not limited
3036 to, fundraising or furthering the objectives of the political
3037 party.

3038 2.a. An in-kind contribution to a state political party may
3039 be accepted only by the chairperson of the state political party
3040 or by the chairperson's designee or designees whose names are on
3041 file with the division in a form acceptable to the division
3042 prior to the date of the written notice required in sub-
3043 subparagraph b. An in-kind contribution to a county political
3044 party may be accepted only by the chairperson of the county
3045 political party or by the county chairperson's designee or
3046 designees whose names are on file with the supervisor of
3047 elections of the respective county prior to the date of the
3048 written notice required in sub-subparagraph b.

3049 b. A person making an in-kind contribution to a state
3050 political party or county political party must provide prior
3051 written notice of the contribution to a person described in sub-
3052 subparagraph a. The prior written notice must be signed and
3053 dated and may be provided by an electronic or facsimile message.
3054 However, prior written notice is not required for an in-kind
3055 contribution that consists of food and beverage in an aggregate
3056 amount not exceeding \$1,500 which is consumed at a single
3057 sitting or event if such in-kind contribution is accepted in
3058 advance by a person specified in sub-subparagraph a.



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3059 c. A person described in sub-subparagraph a. may accept an
3060 in-kind contribution requiring prior written notice only in a
3061 writing that is ~~signed and~~ dated before the in-kind contribution
3062 is made. Failure to obtain the required written acceptance of an
3063 in-kind contribution to a state or county political party
3064 constitutes a refusal of the contribution.

3065 d. A copy of each prior written acceptance required under
3066 sub-subparagraph c. must be filed ~~with the division~~ at the time
3067 the regular reports of contributions and expenditures required
3068 under s. 106.29 are filed by the state executive committee and
3069 county executive committee. A state executive committee and an
3070 affiliated party committee must file with the division. A county
3071 executive committee must file with the county's supervisor of
3072 elections.

3073 e. An in-kind contribution may not be given to a state or
3074 county political party unless the in-kind contribution is made
3075 as provided in this subparagraph.

3076 Section 61. Section 106.09, Florida Statutes, is amended to
3077 read:

3078 106.09 Cash contributions and contribution by cashier's
3079 checks.—

3080 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
3081 contribution or contribution by means of a cashier's check to
3082 the same candidate or committee in excess of \$50 per election.

3083 (b) A person may not accept an aggregate cash contribution
3084 or contribution by means of a cashier's check from the same
3085 contributor in excess of \$50 per election.

3086 (2) (a) Any person who makes or accepts a contribution in
3087 ~~excess of \$50 in violation of subsection (1) this section~~



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3088 commits a misdemeanor of the first degree, punishable as
3089 provided in s. 775.082 or s. 775.083.

3090 (b) Any person who knowingly and willfully makes or accepts
3091 a contribution in excess of \$5,000 in violation of subsection
3092 (1) ~~this section~~ commits a felony of the third degree,
3093 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3094 Section 62. Paragraph (b) of subsection (1) and paragraph
3095 (a) of subsection (2) of section 106.11, Florida Statutes, are
3096 amended, and subsection (6) is added to that section, to read:

3097 106.11 Expenses of and expenditures by candidates and
3098 political committees.—Each candidate and each political
3099 committee which designates a primary campaign depository
3100 pursuant to s. 106.021(1) shall make expenditures from funds on
3101 deposit in such primary campaign depository only in the
3102 following manner, with the exception of expenditures made from
3103 petty cash funds provided by s. 106.12:

3104 (1)

3105 (b) The checks for such account shall contain, as a
3106 minimum, the following information:

3107 1. The statement "~~Campaign Account of~~ ... (name of candidate
3108 or political committee)... Campaign Account."

3109 2. The account number and the name of the bank.

3110 3. The exact amount of the expenditure.

3111 4. The signature of the campaign treasurer or deputy
3112 treasurer.

3113 5. The exact purpose for which the expenditure is
3114 authorized.

3115 6. The name of the payee.

3116 (2) (a) For purposes of this section, debit cards are



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3117 considered bank checks, if:

3118 1. Debit cards are obtained from the same bank that has
3119 been designated as the candidate's or political committee's
3120 primary campaign depository.

3121 2. Debit cards are issued in the name of the treasurer,
3122 deputy treasurer, or authorized user and state "~~Campaign Account~~
3123 ~~of ... (name of candidate or political committee)...~~ Campaign
3124 Account."

3125 3. No more than three debit cards are requested and issued.

3126 ~~4. Before a debit card is used, a list of all persons~~
3127 ~~authorized to use the card is filed with the division.~~

3128 ~~5. All debit cards issued to a candidate's campaign or a~~
3129 ~~political committee expire no later than midnight of the last~~
3130 ~~day of the month of the general election.~~

3131 ~~4.6.~~ The person using the debit card does not receive cash
3132 as part of, or independent of, any transaction for goods or
3133 services.

3134 ~~5.7.~~ All receipts for debit card transactions contain:

3135 a. The last four digits of the debit card number.

3136 b. The exact amount of the expenditure.

3137 c. The name of the payee.

3138 d. The signature of the campaign treasurer, deputy
3139 treasurer, or authorized user.

3140 e. The exact purpose for which the expenditure is
3141 authorized.

3142

3143 Any information required by this subparagraph but not included
3144 on the debit card transaction receipt may be handwritten on, or
3145 attached to, the receipt by the authorized user before



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3146 submission to the treasurer.

3147 (6) A candidate who makes a loan to his or her campaign and
3148 reports the loan as required by s. 106.07 may be reimbursed for
3149 the loan at any time the campaign account has sufficient funds
3150 to repay the loan and satisfy its other obligations.

3151 Section 63. Subsection (4) of section 106.141, Florida
3152 Statutes, is amended to read:

3153 106.141 Disposition of surplus funds by candidates.—

3154 (4) (a) Except as provided in paragraph (b), any candidate
3155 required to dispose of funds pursuant to this section shall, at
3156 the option of the candidate, dispose of such funds by any of the
3157 following means, or any combination thereof:

3158 1. Return pro rata to each contributor the funds that have
3159 not been spent or obligated.

3160 2. Donate the funds that have not been spent or obligated
3161 to a charitable organization or organizations that meet the
3162 qualifications of s. 501(c) (3) of the Internal Revenue Code.

3163 3. Give ~~not more than \$10,000 of~~ the funds that have not
3164 been spent or obligated to the political party of which such
3165 candidate is a member, ~~except that a candidate for the Florida~~
3166 ~~Senate may give not more than \$30,000 of such funds to the~~
3167 ~~political party of which the candidate is a member.~~

3168 4. Give the funds that have not been spent or obligated:

3169 a. In the case of a candidate for state office, to the
3170 state, to be deposited in either the Election Campaign Financing
3171 Trust Fund or the General Revenue Fund, as designated by the
3172 candidate; or

3173 b. In the case of a candidate for an office of a political
3174 subdivision, to such political subdivision, to be deposited in



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3175 the general fund thereof.

3176 (b) Any candidate required to dispose of funds pursuant to
3177 this section who has received contributions pursuant to ~~from~~ the
3178 Florida Election Campaign Financing Act Trust Fund shall, after
3179 all monetary commitments pursuant to s. 106.11(5)(b) and (c)
3180 have been met, return all surplus campaign funds to the General
3181 Revenue Election Campaign Financing Trust Fund.

3182 Section 64. Section 106.143, Florida Statutes, is amended
3183 to read:

3184 106.143 Political advertisements circulated prior to
3185 election; requirements.-

3186 (1) (a) Any political advertisement that is paid for by a
3187 candidate, except a write-in candidate, and that is published,
3188 displayed, or circulated before, or on the day of, any election
3189 must prominently state:

3190 1. "Political advertisement paid for and approved by
3191 ... (name of candidate) ..., ... (party affiliation) ..., for
3192 ... (office sought) ..."; or

3193 2. "Paid by ... (name of candidate) ..., ... (party
3194 affiliation) ..., for ... (office sought)"

3195 (b) Any political advertisement that is paid for by a
3196 write-in candidate and that is published, displayed, or
3197 circulated before, or on the day of, any election must
3198 prominently state:

3199 1. "Political advertisement paid for and approved by
3200 ... (name of candidate) ..., write-in candidate, for ... (office
3201 sought) ..."; or

3202 2. "Paid by ... (name of candidate) ..., write-in candidate,
3203 for ... (office sought)"



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3204 (c)~~(b)~~ Any other political advertisement published,
3205 displayed, or circulated before, or on the day of, any election
3206 must prominently:

3207 1. Be marked "paid political advertisement" or with the
3208 abbreviation "pd. pol. adv."

3209 2. State the name and address of the persons paying for
3210 ~~sponsoring~~ the advertisement.

3211 3.~~a.~~ ~~(I)~~ State whether the advertisement and the cost of
3212 production is paid for or provided in kind by or at the expense
3213 of the entity publishing, displaying, broadcasting, or
3214 circulating the political advertisement.~~;~~ ~~or~~

3215 ~~(II) State who provided or paid for the advertisement and~~
3216 ~~cost of production, if different from the source of sponsorship.~~

3217 ~~b. This subparagraph does not apply if the source of the~~
3218 ~~sponsorship is patently clear from the content or format of the~~
3219 ~~political advertisement.~~

3220 (d)~~(e)~~ Any political advertisement made pursuant to s.
3221 106.021(3) ~~(d) must be marked "paid political advertisement" or~~
3222 ~~with the abbreviation "pd. pol. adv." and must prominently state~~
3223 ~~the name and address of the political committee or political~~
3224 ~~party paying for the advertisement., "Paid for and sponsored by~~
3225 ~~...(name of person paying for political advertisement)....~~
3226 ~~Approved by ...(names of persons, party affiliation, and offices~~
3227 ~~sought in the political advertisement)...."~~

3228 (2) Political advertisements made as in-kind contributions
3229 from a political party must prominently state: "Paid political
3230 advertisement paid for by in-kind by ...(name of political
3231 party).... Approved by ...(name of person, party affiliation,
3232 and office sought in the political advertisement)...."



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3233 ~~(3)-(2)~~ Any political advertisement of a candidate running
3234 for partisan office shall express the name of the political
3235 party of which the candidate is seeking nomination or is the
3236 nominee. If the candidate for partisan office is running as a
3237 candidate with no party affiliation, any political advertisement
3238 of the candidate must state that the candidate has no party
3239 affiliation. A political advertisement of a candidate running
3240 for nonpartisan office may not state the candidate's political
3241 party affiliation. This section does not prohibit a political
3242 advertisement from stating the candidate's partisan-related
3243 experience. A candidate for nonpartisan office is prohibited
3244 from campaigning based on party affiliation.

3245 ~~(4)-(3)~~ It is unlawful for any candidate or person on behalf
3246 of a candidate to represent that any person or organization
3247 supports such candidate, unless the person or organization so
3248 represented has given specific approval in writing to the
3249 candidate to make such representation. However, this subsection
3250 does not apply to:

3251 (a) Editorial endorsement by any newspaper, radio or
3252 television station, or other recognized news medium.

3253 (b) Publication by a party committee advocating the
3254 candidacy of its nominees.

3255 ~~(5)-(4)~~(a) Any political advertisement not paid for by a
3256 candidate, including those paid for by a political party, other
3257 than an independent expenditure, offered by or on behalf of a
3258 candidate must be approved in advance by the candidate. Such
3259 political advertisement must expressly state that the content of
3260 the advertisement was approved by the candidate, unless the
3261 political advertisement is published, displayed, or circulated



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3262 in compliance with subparagraph (1)(a)2., and must state who
3263 paid for the advertisement. The candidate shall provide a
3264 written statement of authorization to the newspaper, radio
3265 station, television station, or other medium for each such
3266 advertisement submitted for publication, display, broadcast, or
3267 other distribution.

3268 (b) Any person who makes an independent expenditure for a
3269 political advertisement shall provide a written statement that
3270 no candidate has approved the advertisement to the newspaper,
3271 radio station, television station, or other medium for each such
3272 advertisement submitted for publication, display, broadcast, or
3273 other distribution. The advertisement must also contain a
3274 statement that no candidate has approved the advertisement.

3275 ~~(c) This subsection does not apply to campaign messages~~
3276 ~~used by a candidate and his or her supporters if those messages~~
3277 ~~are designed to be worn by a person.~~

3278 (6)(5) No political advertisement of a candidate who is not
3279 an incumbent of the office for which the candidate is running
3280 shall use the word "re-elect." Additionally, such advertisement
3281 must include the word "for" between the candidate's name and the
3282 office for which the candidate is running, in order that
3283 incumbency is not implied. This subsection does not apply to
3284 bumper stickers or items designed to be worn by a person.

3285 (7) Political advertisements paid for by a political party
3286 or an affiliated party committee may use names and abbreviations
3287 as registered under s. 103.081 in the disclaimer.

3288 (8)(6) This section does not apply to novelty items having
3289 a retail value of \$10 or less which support, but do not oppose,
3290 a candidate or issue.



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3291 (9)~~(7)~~ Any political advertisement which is published,
3292 displayed, or produced in a language other than English may
3293 provide the information required by this section in the language
3294 used in the advertisement.

3295 (10)~~(8)~~ This section does not apply to any campaign message
3296 or political advertisement used by a candidate and the
3297 candidate's supporters or by a political committee if the
3298 message or advertisement is:

3299 (a) Designed to be worn by a person.

3300 (b) Placed as a paid link on an Internet website, provided
3301 the message or advertisement is no more than 200 characters in
3302 length and the link directs the user to another Internet website
3303 that complies with subsection (1).

3304 (c) Placed as a graphic or picture link where compliance
3305 with the requirements of this section is not reasonably
3306 practical due to the size of the graphic or picture link and the
3307 link directs the user to another Internet website that complies
3308 with subsection (1).

3309 (d) Placed at no cost on an Internet website for which
3310 there is no cost to post content for public users.

3311 (e) Placed or distributed on an unpaid profile or account
3312 which is available to the public without charge or on a social
3313 networking Internet website, as long as the source of the
3314 message or advertisement is patently clear from the content or
3315 format of the message or advertisement. A candidate or political
3316 committee may prominently display a statement indicating that
3317 the website or account is an official website or account of the
3318 candidate or political committee and is approved by the
3319 candidate or political committee. A website or account may not



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3320 be marked as official without prior approval by the candidate or
3321 political committee.

3322 (f) Distributed as a text message or other message via
3323 Short Message Service, provided the message is no more than 200
3324 characters in length or requires the recipient to sign up or opt
3325 in to receive it.

3326 (g) Connected with or included in any software application
3327 or accompanying function, provided that the user signs up, opts
3328 in, downloads, or otherwise accesses the application from or
3329 through a website that complies with subsection (1).

3330 (h) Sent by a third-party user from or through a campaign
3331 or committee's website, provided the website complies with
3332 subsection (1).

3333 (i) Contained in or distributed through any other
3334 technology-related item, service, or device for which compliance
3335 with subsection (1) is not reasonably practical due to the size
3336 or nature of such item, service, or device as available, or the
3337 means of displaying the message or advertisement makes
3338 compliance with subsection (1) impracticable.

3339 ~~(11)-(9)~~ Any person who willfully violates any provision of
3340 this section is subject to the civil penalties prescribed in s.
3341 106.265.

3342 Section 65. Section 106.1437, Florida Statutes, is amended
3343 to read:

3344 106.1437 Miscellaneous advertisements.—Any advertisement,
3345 other than a political advertisement, independent expenditure,
3346 or electioneering communication, on billboards, bumper stickers,
3347 radio, or television, or in a newspaper, a magazine, or a
3348 periodical, intended to influence public policy or the vote of a



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3349 public official, shall clearly designate the sponsor of such
3350 advertisement by including a clearly readable statement of
3351 sponsorship. If the advertisement is broadcast on television,
3352 the advertisement shall also contain a verbal statement of
3353 sponsorship. This section does ~~shall~~ not apply to an editorial
3354 endorsement. For purposes of this chapter, an expenditure made
3355 for, or in furtherance of, a miscellaneous advertisement is not
3356 considered to be a contribution to or on behalf of a candidate,
3357 and does not constitute an independent expenditure. Such
3358 expenditures are not subject to the limitations applicable to
3359 independent expenditures.

3360 Section 66. Section 106.17, Florida Statutes, is amended to
3361 read:

3362 106.17 Polls and surveys relating to candidacies.—Any
3363 candidate, political committee, committee of continuous
3364 existence, electioneering communication organization, or state
3365 or county executive committee of a political party may authorize
3366 or conduct a political poll, survey, index, or measurement of
3367 any kind relating to candidacy for public office so long as the
3368 candidate, political committee, committee of continuous
3369 existence, electioneering communication organization, or
3370 political party maintains complete jurisdiction over the poll in
3371 all its aspects. State and county executive committees of a
3372 political party or an affiliated party committee may authorize
3373 and conduct political polls for the purpose of determining the
3374 viability of potential candidates. Such poll results may be
3375 shared with potential candidates, and expenditures incurred by
3376 state and county executive committees or an affiliated party
3377 committee for potential candidate polls are not contributions to



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3378 the potential candidates.

3379 Section 67. Subsection (4) is added to section 106.19,
3380 Florida Statutes, to read:

3381 106.19 Violations by candidates, persons connected with
3382 campaigns, and political committees.—

3383 (4) Except as otherwise expressly stated, the failure by a
3384 candidate to comply with the requirements of this chapter has no
3385 effect upon whether the candidate has qualified for the office
3386 the candidate is seeking.

3387 Section 68. Subsections (2) and (3), paragraph (i) of
3388 subsection (4), and subsection (5) of section 106.25, Florida
3389 Statutes, are amended to read:

3390 106.25 Reports of alleged violations to Florida Elections
3391 Commission; disposition of findings.—

3392 (2) The commission shall investigate all violations of this
3393 chapter and chapter 104, but only after having received either a
3394 sworn complaint or information reported to it under this
3395 subsection by the Division of Elections. Such sworn complaint
3396 must be based upon personal information or information other
3397 than hearsay. Any person, other than the division, having
3398 information of any violation of this chapter or chapter 104
3399 shall file a sworn complaint with the commission. The commission
3400 shall investigate only those alleged violations specifically
3401 contained within the sworn complaint. If any complainant fails
3402 to allege all violations that arise from the facts or
3403 allegations alleged in a complaint, the commission shall be
3404 barred from investigating a subsequent complaint from such
3405 complainant that is based upon such facts or allegations that
3406 were raised or could have been raised in the first complaint. If



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3407 the complaint includes allegations of violations relating to
3408 expense items reimbursed by a candidate, committee, or
3409 organization to the campaign account before a sworn complaint is
3410 filed, the commission shall be barred from investigating such
3411 allegations. Such sworn complaint shall state whether a
3412 complaint of the same violation has been made to any state
3413 attorney. Within 5 days after receipt of a sworn complaint, the
3414 commission shall transmit a copy of the complaint to the alleged
3415 violator. The respondent shall have 14 days after receipt of the
3416 complaint to file an initial response, and the executive
3417 director may not determine the legal sufficiency of the
3418 complaint during that time period. If the executive director
3419 finds that the complaint is legally sufficient, the respondent
3420 shall be notified of such finding by letter, which sets forth
3421 the statutory provisions alleged to have been violated and the
3422 alleged factual basis that supports the finding. All sworn
3423 complaints alleging violations of the Florida Election Code over
3424 which the commission has jurisdiction shall be filed with the
3425 commission within 2 years after the alleged violations. The
3426 period of limitations is tolled on the day a sworn complaint is
3427 filed with the commission. The complainant may withdraw the
3428 sworn complaint at any time prior to a probable cause hearing if
3429 good cause is shown. Withdrawal shall be requested in writing,
3430 signed by the complainant, and witnessed by a notary public,
3431 stating the facts and circumstances constituting good cause. The
3432 executive director shall prepare a written recommendation
3433 regarding disposition of the request which shall be given to the
3434 commission together with the request. "Good cause" shall be
3435 determined based upon the legal sufficiency or insufficiency of



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3436 the complaint to allege a violation and the reasons given by the
3437 complainant for wishing to withdraw the complaint. If withdrawal
3438 is permitted, the commission must close the investigation and
3439 the case. No further action may be taken. The complaint will
3440 become a public record at the time of withdrawal.

3441 (3) For the purposes of commission jurisdiction, a
3442 violation shall mean the willful performance of an act
3443 prohibited by this chapter or chapter 104 or the willful failure
3444 to perform an act required by this chapter or chapter 104. The
3445 commission may not by rule determine what constitutes
3446 willfulness or further define the term "willful" for purposes of
3447 this chapter or chapter 104. Willfulness is a determination of
3448 fact; however, at the request of the respondent at any time
3449 after probable cause is found, willfulness may be considered and
3450 determined in an informal hearing before the commission.

3451 (4) The commission shall undertake a preliminary
3452 investigation to determine if the facts alleged in a sworn
3453 complaint or a matter initiated by the division constitute
3454 probable cause to believe that a violation has occurred.

3455 (i)1. Upon a commission finding of probable cause, the
3456 counsel for the commission shall attempt to reach a consent
3457 agreement with the respondent. At any time, the commission may
3458 enter into a consent order with a respondent without requiring
3459 the respondent to admit to a violation of law within the
3460 jurisdiction of the commission.

3461 2. A consent agreement is not binding upon either party
3462 unless and until it is signed by the respondent and by counsel
3463 for the commission upon approval by the commission.

3464 3. Nothing herein shall be construed to prevent the



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3465 commission from entering into a consent agreement with a
3466 respondent prior to a commission finding of probable cause if a
3467 respondent indicates in writing a desire to enter into
3468 negotiations directed towards reaching such a consent agreement.
3469 Any consent agreement reached under this subparagraph is subject
3470 to the provisions of subparagraph 2. and shall have the same
3471 force and effect as a consent agreement reached after the
3472 commission finding of probable cause.

3473

3474 In a case where probable cause is found, the commission shall
3475 make a preliminary determination to consider the matter or to
3476 refer the matter to the state attorney for the judicial circuit
3477 in which the alleged violation occurred. Notwithstanding any
3478 other provisions of this section, the commission may, at its
3479 discretion, dismiss any complaint at any stage of disposition if
3480 it determines that the public interest would not be served by
3481 proceeding further, in which case the commission shall issue a
3482 public report stating with particularity its reasons for the
3483 dismissal.

3484 (5) ~~Unless~~ A person alleged by the Elections Commission to
3485 have committed a violation of this chapter or chapter 104 may
3486 elect, as a matter of right elects, within 30 days after the
3487 date of the filing of the commission's allegations, to have a
3488 formal administrative ~~or informal~~ hearing conducted ~~before the~~
3489 ~~commission, or elects to resolve the complaint by consent order,~~
3490 ~~such person shall be entitled to a formal administrative hearing~~
3491 ~~conducted~~ by an administrative law judge in the Division of
3492 Administrative Hearings. The administrative law judge in such
3493 proceedings shall enter a final order, which may include the



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3494 imposition of civil penalties, subject to appeal as provided in
3495 s. 120.68. If the person does not elect to have a hearing by an
3496 administrative law judge and does not elect to resolve the
3497 complaint by a consent order, the person is entitled to a formal
3498 or informal hearing conducted before the commission.

3499 Section 69. Subsection (1) of section 106.26, Florida
3500 Statutes, is amended to read:

3501 106.26 Powers of commission; rights and responsibilities of
3502 parties; findings by commission.—

3503 (1) The commission shall, pursuant to rules adopted and
3504 published in accordance with chapter 120, consider all sworn
3505 complaints filed with it and all matters reported to it by the
3506 Division of Elections. In order to carry out the
3507 responsibilities prescribed by this chapter, the commission is
3508 empowered to subpoena and bring before it, or its duly
3509 authorized representatives, any person in the state, or any
3510 person doing business in the state, or any person who has filed
3511 or is required to have filed any application, document, papers,
3512 or other information with an office or agency of this state or a
3513 political subdivision thereof and to require the production of
3514 any papers, books, or other records relevant to any
3515 investigation, including the records and accounts of any bank or
3516 trust company doing business in this state. Duly authorized
3517 representatives of the commission are empowered to administer
3518 all oaths and affirmations in the manner prescribed by law to
3519 witnesses who shall appear before them concerning any relevant
3520 matter. Should any witness fail to respond to the lawful
3521 subpoena of the commission or, having responded, fail to answer
3522 all lawful inquiries or to turn over evidence that has been



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3523 subpoenaed, the commission may file a complaint in the ~~before~~
3524 ~~any~~ circuit court where the witness resides ~~of the state~~ setting
3525 up such failure on the part of the witness. On the filing of
3526 such complaint, the court shall take jurisdiction of the witness
3527 and the subject matter of said complaint and shall direct the
3528 witness to respond to all lawful questions and to produce all
3529 documentary evidence in the witness's possession which is
3530 lawfully demanded. The failure of any witness to comply with
3531 such order of the court shall constitute a direct and criminal
3532 contempt of court, and the court shall punish said witness
3533 accordingly. However, the refusal by a witness to answer
3534 inquiries or turn over evidence on the basis that such testimony
3535 or material will tend to incriminate such witness shall not be
3536 deemed refusal to comply with the provisions of this chapter.
3537 The sheriffs in the several counties shall make such service and
3538 execute all process or orders when required by the commission.
3539 Sheriffs shall be paid for these services by the commission as
3540 provided for in s. 30.231. Any person who is served with a
3541 subpoena to attend a hearing of the commission also shall be
3542 served with a general statement informing him or her of the
3543 subject matter of the commission's investigation or inquiry and
3544 a notice that he or she may be accompanied at the hearing by
3545 counsel of his or her own choosing.

3546 Section 70. Subsections (1) through (4) of section 106.265,
3547 Florida Statutes, are amended and renumbered, and present
3548 subsection (5) of that section is renumbered as subsection (6),
3549 to read:

3550 106.265 Civil penalties.—

3551 (1) The commission or, in cases referred to the Division of



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3552 Administrative Hearings pursuant to s. 106.25(5), the
3553 administrative law judge is authorized upon the finding of a
3554 violation of this chapter or chapter 104 to impose civil
3555 penalties in the form of fines not to exceed \$1,000 per count,
3556 or, if applicable, to impose a civil penalty as provided in s.
3557 104.271 or s. 106.19.

3558 (2) In determining the amount of such civil penalties, the
3559 commission or administrative law judge shall consider, among
3560 other mitigating and aggravating circumstances:

3561 (a) The gravity of the act or omission;

3562 (b) Any previous history of similar acts or omissions;

3563 (c) The appropriateness of such penalty to the financial
3564 resources of the person, political committee, committee of
3565 continuous existence, electioneering communications
3566 organization, or political party; and

3567 (d) Whether the person, political committee, committee of
3568 continuous existence, electioneering communications
3569 organization, or political party has shown good faith in
3570 attempting to comply with the provisions of this chapter or
3571 chapter 104.

3572 ~~(3)~~ (2) If any person, political committee, committee of
3573 continuous existence, electioneering communications
3574 organization, or political party fails or refuses to pay to the
3575 commission any civil penalties assessed pursuant to the
3576 provisions of this section, the commission shall be responsible
3577 for collecting the civil penalties resulting from such action.

3578 ~~(4)~~ (3) Any civil penalty collected pursuant to the
3579 provisions of this section shall be deposited into the General
3580 Revenue Fund ~~Election Campaign Financing Trust Fund.~~



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3581 ~~(5) (4) Notwithstanding any other provisions of this~~
3582 ~~chapter,~~ Any fine assessed pursuant to ~~the provisions of this~~
3583 ~~chapter shall,~~ which fine is designated to be deposited or which
3584 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~
3585 ~~the state,~~ shall be deposited into the Election Campaign
3586 ~~Financing Trust Fund.~~

3587 Section 71. Subsection (1) and paragraph (b) of subsection
3588 (3) of section 106.29, Florida Statutes, are amended to read:

3589 106.29 Reports by political parties; restrictions on
3590 contributions and expenditures; penalties.-

3591 (1) The state executive committee and each county executive
3592 committee of each political party regulated by chapter 103 shall
3593 file regular reports of all contributions received and all
3594 expenditures made by such committee. However, the reports need
3595 not include contributions and expenditures that are reported to
3596 the Federal Election Commission. In addition, when a special
3597 election is called to fill a vacancy in office, each state
3598 executive committee, each affiliated party committee, and each
3599 county executive committee making contributions or expenditures
3600 to influence the results of the special election or the
3601 preceding special primary election must file campaign
3602 treasurers' reports on the dates set by the Department of State
3603 pursuant to s. 100.111. Such reports shall contain the same
3604 information as do reports required of candidates by s. 106.07
3605 and shall be filed on the 10th day following the end of each
3606 calendar quarter, except that, during the period from the last
3607 day for candidate qualifying until the general election, such
3608 reports shall be filed on the Friday immediately preceding each
3609 special primary election, special election, ~~both the primary~~



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3610 election, and the general election. In addition to the reports
3611 filed under this section, the state executive committee and each
3612 county executive committee shall file a copy of each prior
3613 written acceptance of an in-kind contribution given by the
3614 committee during the preceding calendar quarter as required
3615 under s. 106.08(6). Each state executive committee shall file
3616 ~~the original and one copy of~~ its reports with the Division of
3617 Elections. Each county executive committee shall file its
3618 reports with the supervisor of elections in the county in which
3619 such committee exists. Any state or county executive committee
3620 failing to file a report on the designated due date shall be
3621 subject to a fine as provided in subsection (3). No separate
3622 fine shall be assessed for failure to file a copy of any report
3623 required by this section.

3624 (3)

3625 (b) Upon determining that a report is late, the filing
3626 officer shall immediately notify the chair of the executive
3627 committee as to the failure to file a report by the designated
3628 due date and that a fine is being assessed for each late day.
3629 The fine shall be \$1,000 for a state executive committee, and
3630 \$50 for a county executive committee, per day for each late day,
3631 not to exceed 25 percent of the total receipts or expenditures,
3632 whichever is greater, for the period covered by the late report.
3633 However, if an executive committee fails to file a report on the
3634 Friday immediately preceding the special election or general
3635 election, the fine shall be \$10,000 per day for each day a state
3636 executive committee is late and \$500 per day for each day a
3637 county executive committee is late. Upon receipt of the report,
3638 the filing officer shall determine the amount of the fine which



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3639 is due and shall notify the chair. Notice is deemed complete
3640 upon proof of delivery of written notice to the mailing or
3641 street address on record with the filing officer. The filing
3642 officer shall determine the amount of the fine due based upon
3643 the earliest of the following:

- 3644 1. When the report is actually received by such officer.
- 3645 2. When the report is postmarked.
- 3646 3. When the certificate of mailing is dated.
- 3647 4. When the receipt from an established courier company is
3648 dated.
- 3649 5. When the electronic receipt issued pursuant to s.
3650 106.0705 is dated.

3651
3652 Such fine shall be paid to the filing officer within 20 days
3653 after receipt of the notice of payment due, unless appeal is
3654 made to the Florida Elections Commission pursuant to paragraph
3655 (c). An officer or member of an executive committee shall not be
3656 personally liable for such fine.

3657 Section 72. Subsection (5) of section 106.35, Florida
3658 Statutes, is amended to read:

3659 106.35 Distribution of funds.—

3660 (5) The division shall adopt rules providing for the weekly
3661 reports and certification and distribution of funds pursuant
3662 thereto required by this section. Such rules shall, at a
3663 minimum, provide ~~for:~~

3664 ~~(a) Specifications for printed campaign treasurer's reports~~
3665 ~~outlining the format for such reports, including size of paper,~~
3666 ~~typeface, color of print, and placement of required information~~
3667 ~~on the form.~~



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3668 ~~(b)1.~~ specifications for electronically transmitted
3669 campaign treasurer's reports outlining communication parameters
3670 and protocol, data record formats, and provisions for ensuring
3671 security of data and transmission.

3672 ~~2. All electronically transmitted campaign treasurer's~~
3673 ~~reports must also be filed in printed format. Printed format~~
3674 ~~shall not include campaign treasurer's reports submitted by~~
3675 ~~electronic facsimile transmission.~~

3676 Section 73. Paragraph (b) of subsection (12) of section
3677 112.312, Florida Statutes, is amended to read:

3678 112.312 Definitions.—As used in this part and for purposes
3679 of the provisions of s. 8, Art. II of the State Constitution,
3680 unless the context otherwise requires:

3681 (12)

3682 (b) "Gift" does not include:

3683 1. Salary, benefits, services, fees, commissions, gifts, or
3684 expenses associated primarily with the donee's employment,
3685 business, or service as an officer or director of a corporation
3686 or organization.

3687 2. Contributions or expenditures reported pursuant to
3688 chapter 106, contributions or expenditures reported pursuant to
3689 federal election law, campaign-related personal services
3690 provided without compensation by individuals volunteering their
3691 time, or any other contribution or expenditure by a political
3692 party.

3693 3. An honorarium or an expense related to an honorarium
3694 event paid to a person or the person's spouse.

3695 4. An award, plaque, certificate, or similar personalized
3696 item given in recognition of the donee's public, civic,



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3697 charitable, or professional service.

3698 5. An honorary membership in a service or fraternal
3699 organization presented merely as a courtesy by such
3700 organization.

3701 6. The use of a public facility or public property, made
3702 available by a governmental agency, for a public purpose.

3703 7. Transportation provided to a public officer or employee
3704 by an agency in relation to officially approved governmental
3705 business.

3706 8. Gifts provided directly or indirectly by a state,
3707 regional, or national organization which promotes the exchange
3708 of ideas between, or the professional development of,
3709 governmental officials or employees, and whose membership is
3710 primarily composed of elected or appointed public officials or
3711 staff, to members of that organization or officials or staff of
3712 a governmental agency that is a member of that organization.

3713 Section 74. Paragraph (d) of subsection (1) of section
3714 112.3215, Florida Statutes, is amended to read:

3715 112.3215 Lobbying before the executive branch or the
3716 Constitution Revision Commission; registration and reporting;
3717 investigation by commission.—

3718 (1) For the purposes of this section:

3719 (d) "Expenditure" means a payment, distribution, loan,
3720 advance, reimbursement, deposit, or anything of value made by a
3721 lobbyist or principal for the purpose of lobbying. The term
3722 "expenditure" does not include contributions or expenditures
3723 reported pursuant to chapter 106 or contributions or
3724 expenditures reported pursuant to federal election law,
3725 campaign-related personal services provided without compensation



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3726 by individuals volunteering their time, any other contribution
3727 or expenditure made by or to a political party, or any other
3728 contribution or expenditure made by an organization that is
3729 exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

3730 Section 75. Subsection (1) of section 876.05, Florida
3731 Statutes, is amended to read:

3732 876.05 Public employees; oath.-

3733 (1) All persons who now or hereafter are employed by or who
3734 now or hereafter are on the payroll of the state, or any of its
3735 departments and agencies, subdivisions, counties, cities, school
3736 boards and districts of the free public school system of the
3737 state or counties, or institutions of higher learning, ~~and all~~
3738 ~~candidates for public office,~~ except candidates for federal
3739 office, are required to take an oath before any person duly
3740 authorized to take acknowledgments of instruments for public
3741 record in the state in the following form:

3742

3743 I,, a citizen of the State of Florida and of the
3744 United States of America, and being employed by or an officer of
3745 and a recipient of public funds as such employee or
3746 officer, do hereby solemnly swear or affirm that I will support
3747 the Constitution of the United States and of the State of
3748 Florida.

3749 Section 76. Section 876.07, Florida Statutes, is repealed.

3750 Section 77. If any provision of this act or its application
3751 to any person or circumstance is held invalid, the invalidity
3752 does not affect other provisions or applications of the act
3753 which can be given effect without the invalid provision or
3754 application, and to this end the provisions of this act are



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3755 severable.

3756 Section 78. Except as otherwise expressly provided in this
3757 act, this act shall take effect upon becoming a law.

3758

3759 ===== T I T L E A M E N D M E N T =====

3760 And the title is amended as follows:

3761 Delete everything before the enacting clause
3762 and insert:

3763 A bill to be entitled

3764 An act relating to elections; amending s. 97.012,
3765 F.S.; expanding the list of responsibilities of the
3766 Secretary of State when acting in his or her capacity
3767 as chief election officer; amending s. 97.021, F.S.;
3768 redefining the term "minor political party"; amending
3769 s. 97.025, F.S.; replacing a requirement for the
3770 Department of State to print copies of a pamphlet
3771 containing the Election Code with a requirement that
3772 the pamphlet be made available; amending s. 97.0575,
3773 F.S.; requiring that third-party voter registration
3774 organizations register with the Division of Elections
3775 and provide the division with certain information;
3776 requiring that the division or a supervisor of
3777 elections make voter registration forms available to
3778 third-party voter registration organizations;
3779 requiring that such forms contain certain information;
3780 requiring that the division maintain a database of
3781 certain information; requiring supervisors of
3782 elections to provide specified information to the
3783 division in a format and at times required by the



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3784 division; requiring that such information be updated
3785 and made public daily at a specified time; requiring
3786 third-party voter registration organizations to
3787 deliver collected voter registration applications
3788 within a specified period; revising penalty provisions
3789 to conform; specifying grounds for an affirmative
3790 defense to a violation of timely submission
3791 requirements; providing for the referral of violations
3792 to the Attorney General; authorizing the Attorney
3793 General to initiate a civil action; providing that an
3794 action for relief may include a permanent or temporary
3795 injunction, a restraining order, or any other
3796 appropriate order; requiring that the division adopt
3797 rules for specified purposes; providing for
3798 retroactive application of certain requirements
3799 applicable to third-party voter registration
3800 organizations; deleting provisions providing for fines
3801 to be in addition to criminal penalties; deleting
3802 provisions providing a continuing appropriation of the
3803 proceeds of fines; amending s. 97.071, F.S.; requiring
3804 that voter information cards contain the address of
3805 the polling place of the registered voter; requiring a
3806 supervisor of elections to issue a new voter
3807 information card to a voter upon a change in a voter's
3808 address of legal residence or a change in a voter's
3809 polling place address; providing instructions for
3810 implementation by the supervisors of elections;
3811 amending s. 97.073, F.S.; requiring a supervisor to
3812 notify an applicant within 5 business days regarding



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3813 disposition of the voter registration applications;
3814 amending s. 97.1031, F.S.; revising the methods by
3815 which a person must update his or her voter
3816 registration due to a change of address; revising
3817 procedures for an elector to change his or her party
3818 affiliation; requiring an elector to notify the
3819 supervisor of elections when the elector changes his
3820 or her name; amending s. 98.075, F.S.; revising
3821 procedures for the removal of deceased persons and
3822 other potentially ineligible persons from the
3823 statewide voter registration system; amending s.
3824 98.093, F.S.; revising requirements for the Department
3825 of Corrections to provide the Department of State with
3826 information relating to convicted felons; requiring
3827 the Florida Parole Commission to regularly furnish
3828 data to the Department of State relating to persons
3829 who have been granted clemency; amending s. 98.0981,
3830 F.S.; providing timeframes and formats for voting
3831 history information to be sent by the supervisors of
3832 elections to the department; providing timeframes and
3833 formats for voting history information to be sent by
3834 the department to the President of the Senate, the
3835 Speaker of the House of Representatives, and the
3836 respective minority leaders; requiring submission of
3837 precinct-level information in a certain format by a
3838 time certain; amending s. 99.012, F.S.; providing that
3839 a person may not be qualified as a candidate for an
3840 election or appear on the ballot unless the person
3841 complies with certain requirements; amending s.



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3842 99.021, F.S.; revising the candidate oath requirement
3843 for a person seeking to qualify for nomination or
3844 election or as a candidate of a political party;
3845 removing a requirement for the qualifying officer to
3846 provide a printed copy of the candidate oath; removing
3847 a requirement for taking the public employee oath;
3848 clarifying that candidates for Unites States President
3849 and Vice President need not subscribe certain oaths;
3850 correcting references for other oaths; amending s.
3851 99.061, F.S.; revising the timeframe for a candidate
3852 to pay a qualifying fee under certain circumstances;
3853 requiring checks to be payable as prescribed by the
3854 filing officer; requiring signatures on certain oaths
3855 to be verified; removing a requirement for a public
3856 employee oath; requiring the filing of a verified
3857 notarized financial disclosure statement; clarifying
3858 the time for qualifying papers to be received;
3859 providing that the qualifying officer performs a
3860 ministerial duty only; exempting a decision by the
3861 qualifying officer from the Administrative Procedure
3862 Act; amending s. 99.063, F.S.; requiring a candidate's
3863 oath to be verified; deleting a requirement for a
3864 candidate to file a loyalty oath with the Department
3865 of State by a certain date; amending s. 99.092, F.S.;
3866 providing for the transfer of the election assessment
3867 to the Elections Commission Trust Fund; amending s.
3868 99.093, F.S.; providing for the election assessments
3869 paid by a person seeking to qualify for a municipal
3870 office to be forwarded by the qualifying officer to



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3871 the Florida Elections Commission; amending s. 99.095,
3872 F.S.; allowing a candidate to obtain the required
3873 number of signatures from any registered voter
3874 regardless of district boundaries in a year of
3875 apportionment; amending s. 99.097, F.S.; providing for
3876 the Department of State to adopt rules to verify
3877 petitions through random sampling; creating exceptions
3878 for certain petitions from the authorization to use
3879 random sampling to verify petitions; revising criteria
3880 that a supervisor of elections must use to determine
3881 whether a petition may be counted as valid; providing
3882 that an exemption from paying fees to verify petitions
3883 does not apply if a person has been paid to solicit
3884 signatures; providing that contributions received
3885 after the filing of an undue burden oath must first be
3886 used to pay fees for verifying petitions; amending s.
3887 100.061, F.S.; increasing the time period between a
3888 primary election and a general election; amending s.
3889 100.101, F.S.; conforming a provision to changes made
3890 by the act; amending s. 100.111, F.S.; deleting
3891 provisions relating to vacancies in a state or county
3892 office because an incumbent qualified as a candidate
3893 for federal office; providing for a filing officer,
3894 rather than the Department of State, to notify a
3895 political party that it may nominate a person for
3896 office if certain events cause the party to have a
3897 vacancy in nomination; revising provisions relating to
3898 the filling of a vacancy in a nomination; deleting a
3899 defined term; providing that a vacancy in nomination



3900 is not created as the result of certain court orders;
3901 amending s. 100.371, F.S.; deleting provisions
3902 relating to a right to revoke a signature on an
3903 initiative petition; reducing the time period for
3904 which a signed and dated initiative petition form is
3905 valid; requiring an initiative sponsor to submit an
3906 initiative form to the supervisor of elections for the
3907 county of residence of the person signing the form for
3908 verification; providing procedures for misfiled
3909 petitions; revising criteria for a supervisor of
3910 elections to verify a signature on an initiative
3911 petition form; deleting provisions relating to
3912 petition signature revocations; amending s. 101.001,
3913 F.S.; requiring the supervisors of elections to
3914 provide the department with precinct data including
3915 specified information; requiring the department to
3916 maintain a searchable database containing certain
3917 precinct and census block information; requiring
3918 supervisors of elections to notify the department of
3919 precinct changes within a specified time; deleting a
3920 waiver; amending s. 101.043, F.S.; replacing
3921 references to the word "voter" with "elector";
3922 providing that the address on an elector's
3923 identification may not be used to confirm or challenge
3924 an elector's legal residence; prohibiting a clerk or
3925 inspector from requesting additional information from
3926 a person once the person has presented his or her
3927 picture identification; amending s. 101.045, F.S.;
3928 permitting a change of residence at the polling place



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3929 for a person changing residence within a county;
3930 providing that a person whose change of address is
3931 from outside the county may not change his or her
3932 legal residence at the polling place or vote a regular
3933 ballot but may vote a provisional ballot; providing an
3934 exception; amending s. 101.131, F.S.; revising
3935 procedures for the designation of poll watchers;
3936 requiring that the Division of Elections prescribe a
3937 form for the designation of poll watchers; providing
3938 conditions under which poll watchers are authorized to
3939 enter polling areas and watch polls; requiring that a
3940 supervisor of elections provide identification to poll
3941 watchers by a specified period before early voting
3942 begins; requiring that poll watchers display such
3943 identification while in a polling place; amending s.
3944 101.151, F.S.; authorizing the use of ballot-on-demand
3945 technology to produce election-day ballots; deleting a
3946 requirement that the use of such technology be
3947 authorized in writing by the Secretary of State;
3948 revising provisions relating to ballot headings and
3949 the order of candidates appearing on a ballot;
3950 amending s. 101.161, F.S.; specifying a time period to
3951 initiate an action to challenge an amendment to the
3952 State Constitution proposed by the Legislature;
3953 requiring the court, including an appellate court, to
3954 accord the case priority over other cases; requiring
3955 the Attorney General to revise a ballot title or
3956 ballot summary for an amendment proposed by the
3957 Legislature under certain circumstances; requiring the



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3958 Department of State to furnish a designating number
3959 and the revised ballot title and substance to the
3960 supervisors of elections; providing that a defect in a
3961 ballot title or ballot summary in an amendment
3962 proposed by the Legislature is not grounds to remove
3963 the amendment from the ballot; amending s. 101.5605,
3964 F.S.; requiring an electromechanical voting system to
3965 satisfy the standards for certification adopted by
3966 rule of the Department of State; amending s. 101.5606,
3967 F.S.; deleting requirements for electromechanical
3968 voting systems to have the capability to produce
3969 precinct totals in marked or punched form; amending s.
3970 101.5612, F.S.; revising the sample size of
3971 electromechanical voting systems that include the
3972 electronic or electromechanical tabulation devices to
3973 be tested; amending s. 101.5614, F.S.; deleting
3974 provisions relating to the use of ballot cards and
3975 write-in ballots or envelopes; amending s. 101.591,
3976 F.S.; removing the audit requirement by the canvassing
3977 board if a manual recount is undertaken; amending s.
3978 101.62, F.S.; extending the validity of an absentee
3979 ballot request to include all elections to the end of
3980 the calendar year of the second ensuing regularly
3981 scheduled general election; revising the timeframe for
3982 supervisors to electronically update absentee ballot
3983 request information; specifying types of elections for
3984 which a supervisor of elections must send an absentee
3985 ballot to uniformed services voters and overseas
3986 voters; specifying a time period during which a



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3987 supervisor of elections must begin mailing absentee
3988 ballots; removing requirements that an elector provide
3989 certain information when requesting an absentee ballot
3990 from the county supervisor of elections; amending s.
3991 101.65, F.S.; revising the form of the instructions to
3992 absent electors; stating that an absentee ballot is
3993 considered illegal if the signature on the voter's
3994 certificate does not match the signature on record;
3995 providing instructions for updating a signature on a
3996 voter registration application; amending s. 101.657,
3997 F.S.; reducing the early voting period for elections
3998 with state or federal races; removing timetables with
3999 respect to early voting in special elections; removing
4000 restrictions with respect to daily hours of operation
4001 of early voting sites; authorizing a supervisor of
4002 elections to provide early voting for elections not
4003 held in conjunction with a state or federal election;
4004 amending s. 101.68, F.S.; extending the time for
4005 canvassing and processing absentee ballots to 15 days
4006 before the election; amending s. 101.6923, F.S.;
4007 revising the form of the special absentee ballot
4008 instructions for certain first-time voters; stating
4009 that an absentee ballot is considered illegal if the
4010 signature on the voter's certificate does not match
4011 the signature on record; providing instructions for
4012 updating a signature on a voter registration
4013 application; amending s. 101.75, F.S.; deleting a
4014 requirement for the dates of the qualifying period for
4015 certain municipal elections to run for no less than 14



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4016 days; amending s. 102.141, F.S.; requiring the
4017 canvassing board to report all early voting and all
4018 tabulated absentee results to the department by a time
4019 certain; requiring periodic updates; amending s.
4020 102.168, F.S.; revising provisions specifying
4021 indispensable parties in a contest of an election;
4022 providing that in an election contest involving the
4023 review of a signature on an absentee ballot by a
4024 canvassing board, a circuit court may not review or
4025 consider evidence other than the signature on the
4026 voter's certificate and the elector's signatures in
4027 the registration records; providing for the reversal
4028 of the determination by the canvassing board if the
4029 court determines that the board abused its discretion;
4030 amending s. 103.021, F.S.; revising a definition;
4031 creating s. 103.095, F.S.; providing a procedure for
4032 the registration of a minor political party; requiring
4033 the Division of Elections to adopt rules to prescribe
4034 the manner in which political parties may have their
4035 filings cancelled; amending s. 103.101, F.S.; creating
4036 a Presidential Preference Primary Date Selection
4037 Committee; providing membership; requiring for the
4038 committee to meet by a date certain and to set a date
4039 for the presidential preference primary; amending s.
4040 103.141, F.S.; revising procedures for the removal of
4041 an officer, county committeeman, county
4042 committeewoman, precinct committeeman, precinct
4043 committeewoman, or member of a county executive
4044 committee; repealing s. 103.161, F.S., which relates



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4045 to the removal or suspension of officers or members of
4046 a state or county executive committee; amending s.
4047 104.29, F.S.; revising provisions authorizing persons
4048 to view whether ballots are being correctly
4049 reconciled; amending s. 105.031, F.S.; revising the
4050 oath for candidates for judicial office; amending s.
4051 106.011, F.S.; revising the definitions of the terms
4052 "contribution," "independent expenditure," "unopposed
4053 candidate," and "candidate"; conforming a cross-
4054 reference to changes made by the act; amending s.
4055 106.021, F.S.; deleting requirements to report the
4056 address of certain persons receiving a reimbursement
4057 by a check drawn on a campaign account; amending s.
4058 106.022, F.S.; requiring a political committee,
4059 committee of continuous existence, or electioneering
4060 communications organization to file a statement of
4061 appointment with the filing officer rather than with
4062 the Division of Elections; authorizing an entity to
4063 change its appointment of registered agent or
4064 registered office by filing a written statement with
4065 the filing officer; requiring a registered agent who
4066 resigns to execute a written statement of resignation
4067 and file it with the filing officer; amending s.
4068 106.023, F.S.; revising the form of the statement of
4069 candidate to require a candidate to acknowledge that
4070 he or she has been provided access to and understands
4071 the requirements of ch. 106, F.S.; amending s.
4072 106.025, F.S.; exempting tickets or advertising for a
4073 campaign fundraiser from requirements of s. 106.143,



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4074 F.S.; amending s. 106.03, F.S.; revising requirements
4075 for groups making expenditures for electioneering
4076 communications to file a statement of organization;
4077 amending s. 106.04, F.S.; transferring a requirement
4078 that certain committees of continuous existence file
4079 campaign finance reports in special elections;
4080 subjecting a committee of continuous existence that
4081 fails to file a report or to timely file a report with
4082 the Division of Elections or a county or municipal
4083 filing officer to a fine; requiring a committee of
4084 continuous existence to include transaction
4085 information from credit card purchases in a report
4086 filed with the Division of Elections; requiring a
4087 committee of continuous existence to report changes in
4088 information previously reported to the Division of
4089 Elections within 10 days after the change; requiring
4090 the Division of Elections to revoke the certification
4091 of a committee of continuous existence that fails to
4092 file or report certain information; requiring the
4093 division to adopt rules to prescribe the manner in
4094 which the certification is revoked; increasing the
4095 amount of a fine to be levied on a committee of
4096 continuous existence that fails to timely file certain
4097 reports; providing for the deposit of the proceeds of
4098 the fines; including the registered agent of a
4099 committee of continuous existence as a person whom the
4100 filing officer may notify that a report has not been
4101 filed; providing criteria for deeming delivery
4102 complete of a notice of fine; requiring a committee of



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4103 continuous existence that appeals a fine to provide a
4104 copy of the appeal with the filing officer; amending
4105 s. 106.07, F.S.; creating an exception for reports due
4106 in the third calendar quarter immediately preceding a
4107 general election from a requirement that the campaign
4108 treasurer report contributions received and
4109 expenditures made on the 10th day following the end of
4110 each calendar quarter; revising reporting requirements
4111 for a statewide candidate who receives funding under
4112 the Florida Election Campaign Financing Act and
4113 candidates in a race with a candidate who has
4114 requested funding under that act; deleting a
4115 requirement for a committee of continuous existence to
4116 file a campaign treasurer's report relating to
4117 contributions or expenditures to influence the results
4118 of a special election; revising the methods by which a
4119 campaign treasurer may be notified of the
4120 determination that a report is incomplete to include
4121 certified mail and other methods using a common
4122 carrier that provides proof of delivery of the notice;
4123 extending the time the campaign treasurer has to file
4124 an addendum to the report after receipt of notice of
4125 why the report is incomplete; providing criteria for
4126 deeming delivery complete of a notice of incomplete
4127 report; deleting a provision allowing for notification
4128 by telephone of an incomplete report; revising the
4129 information that must be included in a report to
4130 include transaction information for credit card
4131 purchases; deleting a requirement for a campaign



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4132 depository to return checks drawn on the account to
4133 the campaign treasurer; specifying the amount of a
4134 fine for the failure to timely file reports after a
4135 special primary election or special election;
4136 specifying that the registered agent of a political
4137 committee is a person whom a filing officer may notify
4138 of the amount of the fine for filing a late report;
4139 providing criteria for deeming delivery complete of a
4140 notice of late report and resulting fine; amending s.
4141 106.0703, F.S.; deleting a requirement that an
4142 electioneering communications organization file
4143 electronically file certain periodic reports with the
4144 Department of State; amending s. 106.0705, F.S.;
4145 requiring certain individuals to electronically file
4146 certain reports with the Division of Elections;
4147 conforming a cross-reference to changes made by the
4148 act; deleting an obsolete provision; amending s.
4149 106.08, F.S.; deleting a requirement for the
4150 Department of State to notify candidates as to whether
4151 an independent or minor party candidate has obtained
4152 the required number of petition signatures; deleting a
4153 requirement for certain unopposed candidates to return
4154 contributions; specifying the entities with which a
4155 political party's state executive committee and county
4156 executive committees and affiliated party committees
4157 must file a written acceptance of an in-kind
4158 contribution; amending s. 106.09, F.S.; specifying
4159 that the limitations on contributions by cash or
4160 cashier's check apply to the aggregate amount of



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4161 contributions to a candidate or committee per
4162 election; amending s. 106.11, F.S.; revising the
4163 statement that must be contained on checks from a
4164 campaign account; deleting requirements relating to
4165 the use of debit cards; authorizing a campaign for a
4166 candidate to reimburse the candidate's loan to the
4167 campaign when the campaign account has sufficient
4168 funds; amending s. 106.141, F.S.; deleting a limit on
4169 the amount of surplus funds that a candidate may give
4170 to his or her political party; requiring candidates
4171 receiving public financing to return all surplus funds
4172 to the General Revenue Fund after paying certain
4173 monetary obligations and expenses; amending s.
4174 106.143, F.S.; specifying disclosure statements that
4175 must be included in political advertisements paid for
4176 by a write-in candidate; revising the disclosure
4177 statements that must be included in certain political
4178 advertisements; clarifying the type of political
4179 advertisements that must be approved in advance by a
4180 candidate; deleting an exemption from the requirement
4181 to obtain a candidate's approval for messages designed
4182 to be worn; authorizing a disclaimer for paid
4183 political advertisements to contain certain registered
4184 names and abbreviations; amending s. 106.1437, F.S.;
4185 providing that expenditures for a miscellaneous
4186 advertisement are not considered to be a contribution
4187 to or on behalf of a candidate and do not constitute
4188 an independent expenditure; amending s. 106.17, F.S.;
4189 providing that the cost of certain polls are not



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4190 contributions to a candidate; amending s. 106.19,
4191 F.S.; providing that a candidate's failure to comply
4192 with ch. 106, F.S., has no effect on whether the
4193 candidate has qualified for office; amending s.
4194 106.25, F.S.; authorizing a person who is the subject
4195 of a complaint filed with the Florida Elections
4196 Commission to file a response before the executive
4197 director of the commission determines whether the
4198 complaint is legally sufficient; prohibiting the
4199 commission from determining by rule what constitutes
4200 willfulness or defining the term "willful";
4201 authorizing the commission to enter into consent
4202 orders without requiring the respondent to admit to a
4203 violation of law; authorizing an administrative law
4204 judge to impose civil penalties for violations of ch.
4205 104 or ch. 106, F.S.; amending s. 106.26, F.S.;
4206 requiring the commission to enforce certain witness
4207 subpoenas in the circuit court where the witness
4208 resides; amending s. 106.265, F.S.; authorizing an
4209 administrative law judge to assess civil penalties
4210 upon a finding of a violation of the election code or
4211 campaign financing laws; providing for civil penalties
4212 to be assessed against an electioneering
4213 communications organization; removing reference to the
4214 expired Election Campaign Financing Trust Fund;
4215 directing that moneys from penalties and fines be
4216 deposited into the General Revenue Fund; amending s.
4217 106.29, F.S.; requiring state and county executive
4218 committees and affiliated party committees that make



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4219 contributions or expenditures to influence the results
4220 of a special election or special primary election to
4221 file campaign treasurer's reports; amending campaign
4222 finance reporting dates, to conform; deleting a
4223 requirement that each state executive committee file
4224 the original and one copy of its reports with the
4225 Division of Elections; revising the due date for
4226 filing a report; providing criteria for deeming
4227 delivery complete of a notice of fine; amending s.
4228 106.35, F.S.; deleting a requirement that the Division
4229 of Election adopt rules relating to the format and
4230 filing of certain printed campaign treasurer's
4231 reports; amending s. 112.312, F.S.; excluding
4232 contributions or expenditures reported pursuant to
4233 federal election law from the definition of the term
4234 "gift"; amending s. 112.3215, F.S.; excluding
4235 contributions or expenditures reported pursuant to
4236 federal election law from the definition of the term
4237 "expenditure"; amending s. 876.05, F.S.; deleting a
4238 requirement for all candidates for public office to
4239 record an oath to support the Constitution of the
4240 United States and of the State of Florida; repealing
4241 s. 876.07, F.S., relating to a requirement that a
4242 person make an oath to support the Constitution of the
4243 United States and of the State of Florida in order to
4244 be qualified as a candidate for office; providing for
4245 severability of the act; providing effective dates.