



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m. A quorum present—39:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyer	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Excused: Senator Bullard

PRAYER

The following prayer was offered by Rev. David C. Killeen, Priest-in-Charge, St. John's Episcopal Church, Tallahassee:

Accept, O Lord, our thanks and praise for all that you have done for us. We thank you for the splendor of the whole creation, for the beauty of this world, for the wonder of life, and for the mystery of love.

We thank you for the blessing of family and friends, and for the loving care which surrounds us on every side.

In our capitol, districts and hometowns, we thank you for setting us at tasks which demand our best efforts, and for leading us to accomplishments which satisfy and delight us. We thank you also for those disappointments and failures that lead us to acknowledge our dependence on you alone.

Bless and guide the leaders of our land, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

To the Florida Senate, and those who make our laws in cities and towns, give courage, wisdom, and foresight to provide for the needs of all our people.

As we begin this day, we remember before you with grateful hearts the men and women of our country who in the day of decision ventured much for the liberties we now enjoy, remembering especially the men and women of our Armed Forces wounded by war.

Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. For yours is the kingdom, O Lord, and you are exalted as head above all. Amen.

PLEDGE

Senate Pages Micheal West of Tallahassee; Daniel Klumpp of Davie; and Miranda Wilson of Panama City, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Al McCully, of Tallahassee, father of Bill McCully with the Secretary's Office, sponsored by Senator Montford, as doctor of the day. Dr. McCully specializes in Urology.

ADOPTION OF RESOLUTIONS

On motion by Senator Haridopolos—

By Senator Haridopolos—

SR 2220—A resolution recognizing May 2011 as “Brain Tumor Awareness Month” in Florida.

WHEREAS, 62,000 Americans are diagnosed with a primary brain tumor each year and 150,000 more are diagnosed with a metastatic brain tumor that results from cancer spreading from another part of the body to the brain, and

WHEREAS, brain tumors are the leading cause of death from solid tumors in children under the age of 20 and are the third leading cause of death from cancer in young adults between the ages of 20 and 39, and

WHEREAS, brain tumors may be malignant or benign, but can be life-threatening in either case, and

WHEREAS, 612,000 Americans have been diagnosed and are living with a brain tumor, and

WHEREAS, the treatment of brain tumors is complicated by the fact that more than 120 different types of brain tumors exist, and

WHEREAS, the treatment of brain tumors presents significant challenges because of their location, the difficulty of delivering treatment across the blood-brain barrier and the serious edema that results when the blood-brain barrier is disrupted, and the obstacles to complete surgical removal of tumors, and

WHEREAS, brain tumors have been described as a disease that affects the essence of “self,” and

WHEREAS, brain tumor research is supported by a number of private nonprofit research foundations and by institutes at the National Institutes of Health, including the National Cancer Institute and the National Institute for Neurological Disorders and Stroke, and

WHEREAS, important advances have been made in understanding brain tumors, including the genetic characterization of glioblastoma multiforme, one of the deadliest forms of brain tumor, and

WHEREAS, advances in basic research may fuel the research and development of new treatments, and

WHEREAS, daunting obstacles still remain to the development of new treatments and no strategies for the screening or early detection of brain tumors exist, and

WHEREAS, there is a need for greater public awareness of brain tumors, including awareness of the difficulties associated with research and the opportunities for advances in brain tumor research and treatment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That May 2011 is recognized as "Brain Tumor Awareness Month" in Florida.

—was introduced out of order and read by title. On motion by Senator Haridopolos, **SR 2220** was read the second time in full and adopted.

On motion by Senator Sobel—

By Senator Sobel—

SR 2224—A resolution encouraging the disclosure of records relating to the transportation of persons to extermination camps, work camps, concentration camps, prisoner-of-war camps, or similar camps in Europe during World War II.

WHEREAS, the Legislature finds that during World War II, many thousands of persons, including current residents of this state, were transported by rail companies to extermination camps, work camps, concentration camps, prisoner-of-war camps, or similar camps in Europe, and

WHEREAS, the Legislature finds that rail companies and related entities have not completely disclosed their activities and relationships relating to the transportation of persons by rail to the various camps in Europe during World War II, and

WHEREAS, the Legislature finds that rail companies and related entities have not provided restitution to all identifiable victims of their activities relating to the transportation of persons to the various camps during World War II, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That rail companies and related entities are encouraged to search for and publicly release all records in their possession, custody, or control relating to the transportation of persons to extermination camps, work camps, concentration camps, prisoner-of-war camps, or similar camps in Europe during World War II, and to compensate all identifiable victims of those activities.

—was introduced out of order and read by title. On motion by Senator Sobel, **SR 2224** was read the second time in full and adopted.

On motion by Senator Latvala—

By Senator Latvala—

SR 2226—A resolution commending the Hillsborough Area Transit Authority for its invaluable customer service and dedication to meeting the transportation needs of the Tampa Bay Area and demonstrating a superior quality of service.

WHEREAS, the Hillsborough Area Regional Transit Authority (HART) recently celebrated its 30th year of service to the Tampa Bay Area, and

WHEREAS, HART's growth is reflective of the growth of the Tampa Bay region, which is one of the nation's most desirable places to live because of its natural beauty and low cost of living, and

WHEREAS, HART has played an important role in maintaining a balance between protecting a fragile environment and fostering economic growth in the Tampa Bay Region and its surrounding communities, and

WHEREAS, HART provided more than 13 million rides in 2009, which was a new agency record, and

WHEREAS, HART has replaced 38 percent of its fleet to include the latest EPA-certified, low-emission engines, improving the average age of the fleet and making the customer experience more enjoyable, and

WHEREAS, HART serves as a shining example of how a medium-size transportation agency can effectively and efficiently meet the transportation needs of a growing region, and

WHEREAS, HART provides vital transportation services for persons who otherwise would have no way to travel to and from their places of employment in the Tampa Bay Region, and

WHEREAS, HART has demonstrated exceptional dedication to providing excellent customer service while building solutions to support Hillsborough County's current and future transportation needs, and

WHEREAS, HART was recently recognized as one of the best mid-size public transportation systems in North America, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Hillsborough Area Transit Authority is commended for its invaluable customer service and dedication to meeting the transportation needs of the Tampa Bay Area.

—was introduced out of order and read by title. On motion by Senator Latvala, **SR 2226** was read the second time in full and adopted.

On motion by Senator Hill—

By Senator Hill—

SR 1076—A resolution recognizing the lifetime achievement of educator Alvin George White, Ed.D., and celebrating his ongoing contribution to public education in this state.

WHEREAS, Alvin George White was born in Jacksonville, the oldest of four children born to George and Victoria White, and

WHEREAS, Alvin George White attended St. Pius V Catholic School where, at 4 years of age, he was placed in the first grade, and

WHEREAS, Alvin George White enrolled in the local public school system, graduating from Stanton High School, and went on to receive a Bachelor of Science degree from Florida A&M University, a Master of Arts degree from Columbia University, and a Doctor of Education degree from NOVA Southeastern University, and

WHEREAS, Alvin George White began his teaching career in Okeechobee but, after his first year in the classroom, was drafted into the United States Navy, where he served as a Personnelman Second Class, and played basketball and baseball for the United States Naval Sixth Fleet, and

WHEREAS, after being honorably discharged from the Navy in 1959, Alvin George White returned to the classroom, teaching sixth grade at Oakland Elementary School and coaching at Matthew W. Gilbert Junior-Senior High School in Duval County, and later, serving as head football coach and athletic director at two area high schools, and

WHEREAS, during the turbulent early years of desegregation of the public schools in Duval County, Alvin George White became the first black vice principal of the predominately white Robert E. Lee High School and the first black principal of the predominately white Jean Ribault Senior High School, and

WHEREAS, Alvin George White went on to become one of the first black area assistant superintendents and in 1997, retired from the Duval County Public Schools as Chief Operating Officer, responsible for 12,000 employees and more than 126,000 students, and

WHEREAS, Alvin George White's retirement was short-lived, as he was appointed director of the College of Education at Jacksonville University, where he helped prepare future school principals and administrators, and

WHEREAS, in 2001, Alvin George White was named coordinator of Nova Southeastern University's graduate programs in Jacksonville and served as a consultant to the Duval County Public Schools, working with the Southern Association of Colleges and Schools to provide professional consultant services as the district pursued accreditation status, and

WHEREAS, in 2008, Alvin George White once again left retirement, returning to the Duval County Public School System as chief of staff and partnerships, and

WHEREAS, Alvin George White is active in community service, serving in a leadership capacity on NAACP committees and on the board of the James Weldon Johnson Branch YMCA, and is the recipient of more than 100 honors and awards, and

WHEREAS, Alvin George White was instrumental in the founding of the youth choir at St. Gabriel's Episcopal Church, has served as senior warden for St. Phillip's and St. Gabriel's Episcopal churches, and is a licensed lay reader and chalice bearer for the Episcopal Diocese of Florida, and

WHEREAS, Alvin George White is a published author, recently completing his first book, Education is Not a Four-Letter Word, and

WHEREAS, Alvin George White is married to the former Brenda Lundy and is the father of two children, Marcel and Altoria, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Alvin George White, Ed.D., is recognized for his lifetime achievements as an educator and for his ongoing contributions to public education in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Alvin George White, Ed.D., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 1076** was read the second time in full and adopted.

SPECIAL RECOGNITION

Senator Thrasher recognized his Legislative Assistant, Kay Rousseau, who was present in the chamber and will be retiring this year.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for SB 778** was withdrawn from the committee of reference and further consideration.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 818, CS for CS for HB 1255, SB 788, and CS for CS for HB 965** was deferred.

CS for CS for CS for CS for HJR 381—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified non-homestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to non-homestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, delay the future

repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 4 and 6 of Article VII and Section 27 of Article XII and the creation of Sections 32 and 33 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall change be changed annually on January 1st of each year; but those changes in assessments

a. A change in an assessment may shall not exceed the lower of the following:

1.a. Three percent (3%) of the assessment for the prior year.

2.b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or a successor index reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

b. The legislature may provide by general law that, except for changes, additions, reductions, or improvements to homestead property assessed as provided in paragraph (5), an assessment may not increase if the just value of the property is less than the just value of the property on the preceding January 1.

(2) An ~~No~~ assessment may not shall exceed just value.

(3) After a ~~any~~ change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change only as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; ~~provided~~. However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this *subsection amendment* are severable. If a *provision any of the provisions* of this subsection is *amendment* shall be held unconstitutional by a *any* court of competent jurisdiction, the decision of the *such* court does *shall* not affect or impair any remaining provisions of this *subsection amendment*.

(8)a. A person who establishes a new homestead as of January 1, 2009, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of either of the 2 ~~two~~ years immediately preceding the establishment of a the new homestead is entitled to have the new homestead assessed at less than just value. *If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007.* The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law. *However, but* those changes

in assessments *may shall* not exceed 5 ~~ten~~ percent (10%) of the assessment for the prior year. *The legislature may provide by general law that, except for changes, additions, reductions, or improvements to property assessed as provided in paragraph (4), an assessment may not increase if the just value of the property is less than the just value of the property on the preceding date of assessment provided by law.*

(2) *An No assessment may not shall exceed just value.*

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law. However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law. *However, but* those changes in assessments *may shall* not exceed 5 ~~ten~~ percent (10%) of the assessment for the prior year. *The legislature may provide by general law that, except for changes, additions, reductions, or improvements to property assessed as provided in paragraph (5), an assessment may not increase if the just value of the property is less than the just value of the property on the preceding date of assessment provided by law.*

(2) *An No assessment may not shall exceed just value.*

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law. However, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property used for residential purposes:

(1) Any change or improvement made for the purpose of improving the property's resistance to wind damage.

(2) The installation of a renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of \$25,000 twenty five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than \$50,000 fifty thousand dollars and up to \$75,000 seventy five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 ninety eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of Section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding \$50,000 fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age 65 sixty five and whose household income, as defined by general law, does not exceed \$20,000 twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

(f) As provided by general law and subject to conditions specified therein, every person who establishes the right to receive the homestead exemption provided in subsection (a) within 1 year after purchasing the homestead property and who has not owned property in the previous 3 calendar years to which the homestead exemption provided in subsection

(a) applied is entitled to an additional homestead exemption for all levies except school district levies. The additional exemption is an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established. The additional exemption may not exceed the median just value of all homestead property within the county where the property at issue is located for the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption shall apply for a period of 5 years or until the year the property is sold, whichever occurs first. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under Section 4(d), whichever is greater. Not more than one exemption provided under this subsection shall be allowed per homestead property at one time. The additional exemption applies to property purchased on or after January 1, 2011, if this amendment is approved at a special election held on the date of the 2012 presidential preference primary, or to property purchased on or after January 1, 2012, if this amendment is approved at the 2012 general election, but the additional exemption is not available in the sixth and subsequent years after it is first received.

ARTICLE XII

SCHEDULE

SECTION 27. Property tax exemptions and limitations on property tax assessments.—The amendments to Sections 3, 4, and 6 of Article VII, providing a \$25,000 exemption for tangible personal property, providing an additional \$25,000 homestead exemption, authorizing transfer of the accrued benefit from the limitations on the assessment of homestead property, and this section, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election. The amendments to Section 4 of Article VII creating subsections (f) and (g) of that section, creating a limitation on annual assessment increases for specified real property, shall take effect upon approval of the electors and shall first limit assessments beginning January 1, 2009, if approved at a special election held on January 29, 2008, or shall first limit assessments beginning January 1, 2010, if approved at the general election held in November of 2008. Subsections (g) (f) and (h) (g) of Section 4 of Article VII, initially adopted as subsections (f) and (g), are repealed effective January 1, 2023 2019; however, the legislature shall by joint resolution propose an amendment abrogating the repeal of subsections (g) (f) and (h) (g), which shall be submitted to the electors of this state for approval or rejection at the general election of 2022 2018 and, if approved, shall take effect January 1, 2023 2019.

SECTION 32. Property assessments.—This section and the amendment of Section 4 of Article VII addressing homestead and specified nonhomestead property having a declining just value and reducing the limit on the maximum annual increase in the assessed value of nonhomestead property, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on the date of the 2012 presidential preference primary, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2012, or, if submitted to the electors of this state for approval or rejection at the 2012 general election, shall take effect January 1, 2013.

SECTION 33. Additional homestead exemption for owners of homestead property who recently have not owned homestead property.—This section and the amendment to Section 6 of Article VII providing for an additional homestead exemption for owners of homestead property who have not owned homestead property during the 3 calendar years immediately preceding purchase of the current homestead property, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on the date of the 2012 presidential preference primary, shall take effect upon approval by the electors and operate retroactively to January 1, 2012, and the additional homestead exemption shall be available for properties purchased on or after January 1, 2011, or if submitted to the electors of this state for approval or rejection at the 2012 general election, shall take effect January 1, 2013, and the additional homestead exemption shall be available for properties purchased on or after January 1, 2012.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTIONS 4, 6

ARTICLE XII, SECTIONS 27, 32, 33

PROPERTY TAX LIMITATIONS; PROPERTY VALUE DECLINE; REDUCTION FOR NONHOMESTEAD ASSESSMENT INCREASES; DELAY OF SCHEDULED REPEAL.—

(1) This would amend Florida Constitution Article VII, Section 4 (Taxation; assessments) and Section 6 (Homestead exemptions). It also would amend Article XII, Section 27, and add Sections 32 and 33, relating to the Schedule for the amendments.

(2) In certain circumstances, the law requires the assessed value of homestead and specified nonhomestead property to increase when the just value of the property decreases. Therefore, this amendment provides that the Legislature may, by general law, provide that the assessment of homestead and specified nonhomestead property may not increase if the just value of that property is less than the just value of the property on the preceding January 1, subject to any adjustment in the assessed value due to changes, additions, reductions, or improvements to such property which are assessed as provided for by general law. This amendment takes effect upon approval by the voters. If approved at a special election held on the date of the 2012 presidential preference primary, it shall operate retroactively to January 1, 2012, or, if approved at the 2012 general election, shall take effect January 1, 2013.

(3) This amendment reduces from 10 percent to 5 percent the limitation on annual changes in assessments of nonhomestead real property. This amendment takes effect upon approval of the voters. If approved at a special election held on the date of the 2012 presidential preference primary, it shall operate retroactively to January 1, 2012, or, if approved at the 2012 general election, takes effect January 1, 2013.

(4) This amendment also authorizes general law to provide, subject to conditions specified in such law, an additional homestead exemption to every person who establishes the right to receive the homestead exemption provided in the Florida Constitution within 1 year after purchasing the homestead property and who has not owned property in the previous 3 calendar years to which the Florida homestead exemption applied. The additional homestead exemption shall apply to all levies except school district levies. The additional exemption is an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established. The additional homestead exemption may not exceed an amount equal to the median just value of all homestead property within the county where the property at issue is located for the calendar year immediately preceding January 1 of the year the homestead is established. The additional exemption shall apply for the shorter of 5 years or the year of sale of the property. The amount of the additional exemption shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under Article VII, Section 4(d), whichever is greater. Not more than one such exemption shall be allowed per homestead property at one time. The additional exemption applies to property purchased on or after January 1, 2011, if approved by the voters at a special election held on the date of the 2012 presidential preference primary, or to property purchased on or after January 1, 2012, if approved by the voters at the 2012 general election. The additional exemption is not available in the sixth and subsequent years after it is first received. The amendment shall take effect upon approval by the voters. If approved at a special election held on the date of the 2012 presidential preference primary, it shall operate retroactively to January 1, 2012, or, if approved at the 2012 general election, takes effect January 1, 2013.

(5) This amendment also delays until 2023, the repeal, currently scheduled to take effect in 2019, of constitutional amendments adopted in 2008 which limit annual assessment increases for specified nonhomestead real property. This amendment delays until 2022 the submission of an amendment proposing the abrogation of such repeal to the voters.

—was read the third time in full.

On motion by Senator Fasano, **CS for CS for CS for CS for CS for HJR 381** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yea—25

Mr. President	Fasano	Norman
Alexander	Flores	Richter
Altman	Gaetz	Sachs
Benacquisto	Garcia	Simmons
Bennett	Gardiner	Storms
Bogdanoff	Hays	Thrasher
Dean	Jones	Wise
Diaz de la Portilla	Lynn	
Evers	Negron	

Nay—12

Braynon	Joyner	Ring
Detert	Montford	Siplin
Dockery	Oelrich	Smith
Hill	Rich	Sobel

PAIR VOTES

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Bullard on **CS for CS for CS for CS for CS for HJR 381**. If she were present she would vote "nay" and I would vote "yea."

Senator Jack Latvala, 16th District

DISCLOSURE

I am a self-employed Real Estate Broker and Investor of Commercial Property here in the State of Florida. It is through the above occupation that I make my living through the transactions of selling and leasing commercial property.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from the bill referencing process and any other legislative function relating to **CS for CS for CS for CS for CS for HJR 381**.

Senator Gwen Margolis, 35th District

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 1:00 p.m.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Haridopolos ruled the point of order Senator Fasano raised May 3 on the withdrawal of **CS for SB 822** from the Committee on Budget not well taken. By two-thirds vote **CS for SB 822** was withdrawn from the Committee on Budget.

BILLS ON THIRD READING

CS for CS for CS for HB 1163—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.1554, F.S.; reducing the amount by which any change in the value of nonhomestead residential property resulting from an annual reassessment may exceed the assessed value of the property for the prior year; amending s. 193.1555, F.S.; reducing the amount by which any change in the value of certain residential and nonresidential real property resulting from an annual reassessment may

exceed the assessed value of the property for the prior year; creating s. 196.078, F.S.; providing a definition; providing a first-time Florida homesteader with an additional homestead exemption; providing for calculation of the exemption; providing for the applicability period of the exemption; providing for an annual reduction in the exemption during the applicability period; providing application procedures; providing for applicability of specified provisions; providing for contingent effect of provisions and varying dates of application depending on the adoption and adoption date of specified joint resolutions; authorizing the Department of Revenue to adopt emergency rules; providing for application and renewal of emergency rules; amending s. 218.12, F.S.; requiring the Legislature to consider appropriating funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain revisions to the State Constitution; requiring application to the department to participate in the distribution of such an appropriation; providing for certain contingent effect and retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for CS for HB 1163** was passed and certified to the House. The vote on passage was:

Yea—28

Mr. President	Evers	Norman
Alexander	Fasano	Oelrich
Altman	Flores	Richter
Benacquisto	Gaetz	Ring
Bennett	Garcia	Sachs
Bogdanoff	Gardiner	Storms
Dean	Hays	Thrasher
Detert	Jones	Wise
Diaz de la Portilla	Latvala	
Dockery	Negron	

Nay—8

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Siplin	

DISCLOSURE

I am a self-employed Real Estate Broker and Investor of Commercial Property here in the State of Florida. It is through the above occupation that I make my living through the transactions of selling and leasing commercial property.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from the bill referencing process and any other legislative function relating to CS for CS for CS for HB 1163.

Senator Gwen Margolis, 35th District

CS for SB 2040—A bill to be entitled An act relating to enforcement of immigration laws; amending s. 445.009, F.S.; requiring one-stop career center staff to verify the employment eligibility of workers referred to employers using a federal program for electronic verification of employment eligibility; providing an exception; requiring notice to employers on the exception to use of electronic verification; providing definitions relating to administration of public benefits; prohibiting an agency from providing federal, state, or local public benefits to certain aliens; providing exceptions; requiring an agency to verify the eligibility of applicants for public benefits using the federal Systematic Alien Verification for Entitlements Program; requiring agencies to compile and maintain compliance information; creating s. 901.37, F.S.; directing certain agencies having custody of arrestees to make reasonable efforts to determine whether the arrestees are present in the United States lawfully; providing for fingerprints of the arrestees to be checked against federal databases; providing that holding agencies shall notify the United States Department of Homeland Security regarding individuals

in their custody whose unlawful presence in the United States is established independently by the agencies; requiring the Department of Law Enforcement to enter into and maintain an agreement with the United States Department of Homeland Security for checking fingerprints of arrestees against federal databases to determine immigration status; providing for a presumption as to risk of flight in order to avoid prosecution; creating s. 945.80, F.S.; requiring the Department of Corrections to release nonviolent inmates to the custody of the United States Immigration and Customs Enforcement under certain circumstances; providing a definition; requiring the department to identify criminal aliens who are eligible for removal; prescribing certain procedures for the transfer of an inmate to federal custody; requiring the Parole Commission to provide notice to such criminal aliens; providing that a prisoner released under this authority shall be under conditional supervision of the Parole Commission; prescribing conditions of such supervision; providing for procedures for revocation of release upon violation of the conditions; providing that a releasee whose conditional release is revoked is not thereafter eligible for any form of discretionary release; providing an exception; directing the secretary of the department to pursue an agreement with the United States Department of Homeland Security regarding the rapid repatriation of removable custodial aliens; requiring the department to compile statistics; authorizing the Department of Corrections and the Parole Commission to adopt rules; providing for applicability; amending s. 947.141, F.S.; conforming procedures relating to a violation of conditional release to account for conditional release for deportation; providing for issuance of a warrant, detention without bond under certain conditions, a hearing conducted by a commissioner of the Parole Commission or an authorized representative, findings and entry of an order, revocation of release, and arrest without a warrant under certain conditions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Alexander, **CS for SB 2040** as amended was passed and certified to the House. The vote on passage was:

Yea—23

Mr. President	Evers	Norman
Altman	Fasano	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Storms
Dean	Latvala	Thrasher
Detert	Lynn	Wise
Dockery	Negron	

Nay—16

Alexander	Jones	Sachs
Braynon	Joyner	Siplin
Diaz de la Portilla	Margolis	Smith
Flores	Montford	Sobel
Garcia	Rich	
Hill	Ring	

CS for CS for HB 7197—A bill to be entitled An act relating to digital learning; creating s. 1002.321, F.S.; creating the Digital Learning Now Act; providing legislative findings related to the elements to be included in high-quality digital learning; providing digital preparation requirements; providing for customized and accelerated learning; amending s. 1002.33, F.S.; authorizing the establishment of virtual charter schools; providing application requirements for establishment of a virtual charter school; authorizing a charter school to implement blended learning courses; requiring each charter school governing board to appoint a representative and specifying duties; requiring each governing board to hold two public meetings per school year; providing funding for a virtual charter school; establishing administrative fees for a virtual charter school; amending s. 1002.37, F.S.; redefining the term “full-time equivalent student” as it applies to the Florida Virtual School; providing instruction, eligibility, funding, assessment, and accountability requirements; amending s. 1002.45, F.S.; revising the definition of the term “virtual instruction program”; revising school district requirements for providing virtual instruction programs; requiring full-time and part-

time virtual instruction program options; authorizing a school district to enter into an agreement with a virtual charter school to provide virtual instruction to district students; authorizing virtual charter school contracts; providing additional provider qualifications relating to curriculum, student performance accountability, and disclosure; revising student eligibility requirements; providing funding and accountability requirements; creating s. 1002.455, F.S.; establishing student eligibility requirements for K-12 virtual instruction; amending s. 1003.428, F.S.; requiring at least one course required for high school graduation to be completed through online learning; creating s. 1003.498, F.S.; authorizing school districts to offer virtual courses and blended learning courses; amending s. 1008.22, F.S.; requiring all statewide end-of-course assessments to be administrated online beginning with the 2014-2015 school year; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" for purposes of virtual instruction; amending s. 1012.57, F.S.; authorizing school districts to issue adjunct teaching certificates to qualified applicants to provide online instruction; revising requirements for adjunct teaching certificateholders; providing for annual contracts; amending ss. 1000.04, 1002.20, and 1003.03, F.S.; conforming provisions to changes made by the act; requiring the Department of Education to submit a report to the Governor and the Legislature relating to school district offering of, and student access to, digital learning; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 7197** was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Evers	Negron
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Garcia	Ring
Bogdanoff	Gardiner	Simmons
Detert	Hays	Storms
Diaz de la Portilla	Jones	Thrasher
Dockery	Latvala	Wise

Nays—12

Braynon	Lynn	Sachs
Dean	Margolis	Siplin
Hill	Montford	Smith
Joyner	Rich	Sobel

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 632**, **CS for CS for SB 1180**, **CS for CS for SB 1194**, **CS for CS for SB 2086**, and **SB 1770** was deferred.

CS for SB 1744—A bill to be entitled An act relating to abortions; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on a woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient before the woman gives informed consent for the abortion procedure; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; requiring an ultrasound for all patients regardless of when the abortion is performed; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1744** to **CS for HB 1127**.

Pending further consideration of **CS for SB 1744** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 1127** was withdrawn from the Committees on Health Regulation; Budget; and Rules.

On motion by Senator Storms, the rules were waived and—

CS for HB 1127—A bill to be entitled An act relating to abortions; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on a woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient before the woman gives informed consent for the abortion procedure; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; providing that failure to comply with the requirements of the section constitutes grounds for disciplinary action; requiring rulemaking; amending s. 390.012, F.S.; requiring an ultrasound for all patients regardless of when the abortion is performed; requiring the agency to adopt rules requiring clinics to comply with s. 390.0111, F.S.; deleting provisions relating to reviewing ultrasound evaluation results, to conform to changes made by the act; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1744** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1127** was placed on the calendar of Bills on Third Reading.

SB 1770—A bill to be entitled An act relating to parental notice of abortion; amending s. 390.01114, F.S.; revising the definition of the term "constructive notice"; revising notice requirements relating to the termination of a pregnancy of a minor; providing exceptions to the notice requirements; revising procedure for judicial waiver of notice; providing for the minor to petition for a hearing within a specified time; providing that in a hearing relating to waiving the requirement for parental notice, the court consider certain additional factors, including whether the minor's decision to terminate her pregnancy was due to undue influence; providing a procedure for appeal if judicial waiver of notice is not granted; requiring that the court order contain factual findings and legal conclusions; requiring Supreme Court reports to the Governor and Legislature to include additional information; providing for severability; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 1770** to **HB 1247**.

SENATOR FASANO PRESIDING

THE PRESIDENT PRESIDING

Pending further consideration of **SB 1770** as amended, on motion by Senator Hays, by two-thirds vote **HB 1247** was withdrawn from the Committees on Health Regulation; Judiciary; and Budget.

On motion by Senator Hays—

HB 1247—A bill to be entitled An act relating to parental notice of abortion; amending s. 390.01114, F.S.; revising the definition of the term "constructive notice"; revising notice requirements relating to the termination of a pregnancy of a minor; providing exceptions to the notice requirements; revising procedure for judicial waiver of notice; providing for the minor to petition for a hearing within a specified time; providing that in a hearing relating to waiving the requirement for parental notice, the court consider certain additional factors, including whether the minor's decision to terminate her pregnancy was due to undue influence; providing a procedure for appeal if judicial waiver of notice is not

granted; requiring that the court order contain factual findings and legal conclusions; requiring Supreme Court reports to the Governor and Legislature to include additional information; providing for severability; providing an effective date.

—a companion measure, was substituted for **SB 1770** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1247** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 2076** and **SB 1822** were placed on the Special Order Calendar.

RECESS

On motion by Senator Thrasher, the Senate recessed at 12:26 p.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Haridopolos at 1:35 p.m. A quorum present—39:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

SPECIAL ORDER CALENDAR

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; amending s. 97.021, F.S.; redefining the term “minor political party”; amending s. 97.025, F.S.; replacing a requirement for the Department of State to print copies of a pamphlet containing the Election Code with a requirement that the pamphlet be made available; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the Division of Elections; requiring such organizations to provide the division with certain information; requiring that the division or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division and supervisors of elections maintain a database of certain information; requiring that such information be provided in electronic format; requiring that such information be updated and made public daily at a certain time; providing that a third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant; specifying duties of such an organization; specifying an affirmative defense to certain violations of state law; providing penalties for violations of certain provisions of state law; providing circumstances under which a third-party voter registration organization is subject to specified civil penalties; providing for the referral of violations to the Attorney General; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter’s address of legal residence or a change in a voter’s

polling place address; providing instructions for implementation by the supervisors of elections; amending s. 97.073, F.S.; revising procedures that a supervisor of elections must follow to dispose of a voter registration application; amending s. 97.1031, F.S.; revising the methods by which a person must update his or her voter registration due to a change of address; revising procedures for an elector to change his or her party affiliation; requiring an elector to notify the supervisor of elections when the elector changes his or her name; amending s. 98.075, F.S.; revising procedures for the removal of deceased persons and other potentially ineligible persons from the statewide voter registration system; amending s. 98.093, F.S.; revising requirements for the Department of Corrections to provide the Department of State with information relating to convicted felons; requiring the Florida Parole Commission to regularly furnish data to the Department of State relating to persons who have been granted clemency; amending s. 98.0981, F.S.; providing timeframes and formats for voting history information to be sent by the supervisors of elections to the department; providing timeframes and formats for voting history information to be sent by the department to the President of the Senate, the Speaker of the House of Representatives, and the respective minority leaders; providing for the imposition of fines on a supervisor of elections for failure to comply in a timely manner; providing for the deposit of fines into the General Revenue Fund; requiring submission of precinct-level information in a certain format by a time certain; providing for imposition of a fine on a supervisor of elections for failure to comply and for deposit of the fine into the General Revenue Fund; amending s. 99.012, F.S.; providing that a person may not be qualified as a candidate for an election or appear on the ballot unless the person complies with certain requirements; amending s. 99.021, F.S.; revising the candidate oath requirement for a person seeking to qualify for nomination or election or as a candidate of a political party; removing a requirement for the qualifying officer to provide a printed copy of the candidate oath; removing a requirement for taking the public employee oath; clarifying that candidates for United States President and Vice President need not subscribe certain oaths; correcting references for other oaths; amending s. 99.061, F.S.; revising the timeframe for a candidate to pay a qualifying fee under certain circumstances; requiring checks to be payable as prescribed by the filing officer; requiring signatures on certain oaths to be verified; removing a requirement for a public employee oath; requiring the filing of a verified notarized financial disclosure statement; clarifying the time for qualifying papers to be received; providing that the qualifying officer performs a ministerial duty only; exempting a decision by the qualifying officer from the Administrative Procedure Act; amending s. 99.063, F.S.; requiring a candidate’s oath to be verified; deleting a requirement for a candidate to file a loyalty oath with the Department of State by a certain date; amending s. 99.092, F.S.; providing for the transfer of the election assessment to the Elections Commission Trust Fund; amending s. 99.093, F.S.; providing for the election assessments paid by a person seeking to qualify for a municipal office to be forwarded by the qualifying officer to the Florida Elections Commission; amending s. 99.095, F.S.; allowing a candidate to obtain the required number of signatures from any registered voter regardless of district boundaries in a year of apportionment; amending s. 99.097, F.S.; providing for the Department of State to adopt rules to verify petitions through random sampling; creating exceptions for certain petitions from the authorization to use random sampling to verify petitions; revising criteria that a supervisor of elections must use to determine whether a petition may be counted as valid; providing that an exemption from paying fees to verify petitions does not apply if a person has been paid to solicit signatures; providing that contributions received after the filing of an undue burden oath must first be used to pay fees for verifying petitions; amending s. 100.061, F.S.; decreasing the time period between a primary election and a general election; amending s. 100.111, F.S.; deleting provisions relating to vacancies in a state or county office because an incumbent qualified as a candidate for federal office; providing for a filing officer, rather than the Department of State, to notify a political party that it may nominate a person for office if certain events cause the party to have a vacancy in nomination; revising provisions relating to the filling of a vacancy in a nomination; deleting a defined term; providing that a vacancy in nomination is not created as the result of certain court orders; amending s. 100.371, F.S.; deleting provisions relating to a right to revoke a signature on an initiative petition; reducing the time period for which a signed and dated initiative petition form is valid; requiring an initiative sponsor to submit an initiative form to the supervisor of elections for the county of residence of the person signing the form for verification; providing procedures for misfiled petitions; revising criteria for a supervisor of elections to verify a signature on an initiative petition form; deleting

provisions relating to petition signature revocations; amending s. 101.043, F.S.; replacing references to the word "voter" with "elector"; providing that the address on a elector's identification is not to be used to confirm or challenge an elector's legal residence; amending s. 101.045, F.S.; prohibiting a person from voting in a precinct or district outside his or her legal residence; providing an exception; removing a voter's ability to file a name change or legal residence change affidavit at the polls and vote a regular ballot; authorizing a person whose eligibility to vote cannot be determined to use a provisional ballot; amending s. 101.131, F.S.; revising procedures for the designation of poll watchers; requiring that the Division of Elections prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers by a specified period before early voting begins; requiring that poll watchers display such identification while in a polling place; amending s. 101.151, F.S.; authorizing the use of ballot-on-demand technology to produce election-day ballots; deleting a requirement that the use of such technology be authorized in writing by the Secretary of State; revising provisions relating to ballot headings and the order of candidates appearing on a ballot; amending s. 101.161, F.S.; specifying a time period to initiate an action to challenge an amendment to the State Constitution proposed by the Legislature; requiring the court, including an appellate court, to accord the case priority over other cases; requiring the Attorney General to revise a ballot title or ballot summary for an amendment proposed by the Legislature under certain circumstances; requiring the Department of State to furnish a designating number and the revised ballot title and substance to the supervisors of elections; providing that a defect in a ballot title or ballot summary in an amendment proposed by the Legislature is not grounds to remove the amendment from the ballot; amending s. 101.5605, F.S.; requiring an electromechanical voting system to satisfy the standards for certification adopted by rule of the Department of State; amending s. 101.5606, F.S.; deleting requirements for electromechanical voting systems to have the capability to produce precinct totals in marked or punched form; amending s. 101.5612, F.S.; revising the sample size of electromechanical voting systems that include the electronic or electromechanical tabulation devices to be tested; amending s. 101.5614, F.S.; deleting provisions relating to the use of ballot cards and write-in ballots or envelopes; amending s. 101.591, F.S.; removing the audit requirement by the canvassing board if a manual recount is undertaken; amending s. 101.62, F.S.; extending the validity of an absentee ballot request to include all elections to the end of the calendar year of the second ensuing regularly scheduled general election; revising the timeframe for supervisors to electronically update absentee ballot request information; specifying types of elections for which a supervisor of elections must send an absentee ballot to uniformed services voters and overseas voters; specifying a time period during which a supervisor of elections must begin mailing absentee ballots; removing requirements that an elector provide certain information when requesting an absentee ballot from the county supervisor of elections; amending s. 101.65, F.S.; revising the form of the instructions to absent electors; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions for updating a signature on a voter registration application; amending s. 101.657, F.S.; reducing the early voting period for elections with state or federal races; removing timetables with respect to early voting in special elections; removing restrictions with respect to daily hours of operation of early voting sites; authorizing a supervisor of elections to provide early voting for elections not held in conjunction with a state or federal election; amending s. 101.68, F.S.; extending the time for canvassing and processing absentee ballots to 15 days before the election; amending s. 101.6923, F.S.; revising the form of the special absentee ballot instructions for certain first-time voters; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions for updating a signature on a voter registration application; amending s. 101.75, F.S.; deleting a requirement for the dates of the qualifying period for certain municipal elections to run for no less than 14 days; amending s. 102.168, F.S.; revising provisions specifying indispensable parties in a contest of an election; providing that in an election contest involving the review of a signature on an absentee ballot by a canvassing board, a circuit court may not review or consider evidence other than the signature on the voter's certificate and the elector's signatures in the registration records; providing for the reversal of the determination by the canvassing board if the court determines that the board abused its discretion; amending s. 103.021, F.S.; revising a definition; revising requirements for a minor political party to

have candidates for President and Vice-President placed on the general election ballot; creating s. 103.095, F.S.; providing a procedure for the registration of a minor political party; requiring the Division of Elections to adopt rules to prescribe the manner in which political parties may have their filings cancelled; amending s. 103.101, F.S.; deleting provisions relating to a Presidential Candidate Selection Committee; specifying a deadline by which the Secretary of State must prepare and publish a list of presidential candidates selected by political parties; amending s. 103.141, F.S.; revising procedures for the removal of an officer, county committeeman, county committeewoman, precinct committeeman, precinct committeewoman, or member of a county executive committee; repealing s. 103.161, F.S., which relates to the removal or suspension of officers or members of a state or county executive committee; amending s. 104.29, F.S.; revising provisions authorizing persons to view whether ballots are being correctly reconciled; amending s. 106.011, F.S.; revising the definitions of the terms "contribution," "independent expenditure," "unopposed candidate," and "candidate"; conforming a cross-reference to changes made by the act; amending s. 106.021, F.S.; deleting requirements to report the address of certain persons receiving a reimbursement by a check drawn on a campaign account; amending s. 106.022, F.S.; requiring a political committee, committee of continuous existence, or electioneering communications organization to file a statement of appointment with the filing officer rather than with the Division of Elections; authorizing an entity to change its appointment of registered agent or registered office by filing a written statement with the filing officer; requiring a registered agent who resigns to execute a written statement of resignation and file it with the filing officer; amending s. 106.023, F.S.; revising the form of the statement of candidate to require a candidate to acknowledge that he or she has been provided access to and understands the requirements of ch. 106, F.S.; amending s. 106.025, F.S.; creating an exception from requirements for tickets or advertising for a campaign fund raiser to contain a specified disclosure statement; amending s. 106.03, F.S.; revising requirements for groups making expenditures for electioneering communications to file a statement of organization; amending s. 106.04, F.S.; transferring a requirement that certain committees of continuous existence file campaign finance reports in special elections; requiring a committee of continuous existence that makes a contribution or expenditure to influence the results of certain county or municipal elections to file specified reports; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the Division of Elections or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases in a report filed with the Division of Elections; requiring a committee of continuous existence to report changes in information previously reported to the Division of Elections within 10 days after the change; requiring the Division of Elections to revoke the certification of a committee of continuous existence that fails to file or report certain information; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as a person whom the filing officer may notify that a report has not been filed; providing criteria for deeming delivery complete of a notice of fine; requiring a committee of continuous existence that appeals a fine to file a copy of the appeal with the filing officer; defining the term "repeated late filing"; requiring the Elections Commission to treat the late filings addressed in a single notice of repeated late filings as a single violation; amending s. 106.07, F.S.; creating an exception for reports due in the third calendar quarter immediately preceding a general election from a requirement that the campaign treasurer report contributions received and expenditures made on the 10th day following the end of each calendar quarter; revising reporting requirements for a statewide candidate who receives funding under the Florida Election Campaign Financing Act and candidates in a race with a candidate who has requested funding under that act; deleting a requirement for a committee of continuous existence to file a campaign treasurer's report relating to contributions or expenditures to influence the results of a special election; revising the methods by which a campaign treasurer may be notified of the determination that a report is incomplete to include certified mail and other methods using a common carrier that provides proof of delivery of the notice; extending the time the campaign treasurer has to file an addendum to the report after receipt of notice of why the report is incomplete; providing criteria for deeming delivery complete of a notice of incomplete report; deleting a provision allowing for notification by tele-

phone of an incomplete report; requiring political committees that make a contribution or expenditure to influence the results of certain county or municipal elections to file campaign finance reports with the county or municipal filing officer and to include its contributions and expenditures in a report to the Division of Elections; revising the information that must be included in a report to include transaction information for credit card purchases; deleting a requirement for a campaign depository to return checks drawn on the account to the campaign treasurer; deleting a provision providing that the failure to file a copy of a report is not subject to a separate fine; specifying the amount of a fine for the failure to timely file reports after a special primary election or special election; specifying that the registered agent of a political committee is a person whom a filing officer may notify of the amount of the fine for filing a late report; providing criteria for deeming delivery complete of a notice of late report and resulting fine; defining the term "repeated late filing"; requiring the Elections Commission to treat the late filings addressed in a single notice of repeated late filings as a single violation; amending s. 106.0703, F.S.; defining the term "repeated late filing"; requiring the Elections Commission to treat the late filings addressed in a single notice of repeated late filings as a single violation; modifying campaign finance filing requirements for an electioneering communications organization's initial filing; amending s. 106.0705, F.S.; requiring certain individuals to electronically file certain reports with the Division of Elections; conforming a cross-reference to changes made by the act; requiring the division to amend its electronic filing system to provide for the filing of an electioneering communications organization's initial campaign finance report; deleting an obsolete provision; amending s. 106.08, F.S.; deleting a requirement for the Department of State to notify candidates as to whether an independent or minor party candidate has obtained the required number of petition signatures; deleting a requirement for certain unopposed candidates to return contributions; specifying the entities with which a political party's state executive committee and county executive committees and affiliated party committees must file a written acceptance of an in-kind contribution; amending s. 106.09, F.S.; specifying that the limitations on contributions by cash or cashier's check apply to the aggregate amount of contributions to a candidate or committee per election; amending s. 106.11, F.S.; revising the statement that must be contained on checks from a campaign account; deleting requirements relating to the use of debit cards; authorizing a campaign for a candidate to reimburse the candidate's loan to the campaign when the campaign account has sufficient funds; amending s. 106.141, F.S.; deleting a limit on the amount of surplus funds that a candidate may give to his or her political party; requiring candidates receiving public financing to return all surplus funds to the General Revenue Fund after paying certain monetary obligations and expenses; amending s. 106.143, F.S.; specifying disclosure statements that must be included in political advertisements paid for by a write-in candidate; revising the disclosure statements that must be included in certain political advertisements; prohibiting the inclusion of a person's political affiliation in advertisements for a nonpartisan office; clarifying the type of political advertisements that must be approved in advance by a candidate; deleting an exemption from the requirement to obtain a candidate's approval for messages designed to be worn; amending s. 106.17, F.S.; providing that the cost of certain polls are not contributions to a candidate; amending s. 106.18, F.S.; deleting a provision providing that a candidate will not be prevented from receiving a certificate of election for failing to file a report; amending s. 106.19, F.S.; providing that a candidate's failure to comply with ch. 106, F.S., has no effect on whether the candidate has qualified for office; amending s. 106.25, F.S.; authorizing a person who is the subject of a complaint filed with the Florida Elections Commission to file a response before the executive director of the commission determines whether the complaint is legally sufficient; prohibiting the commission from determining by rule what constitutes willfulness or defining the term "willful"; authorizing the commission to enter into consent orders without requiring the respondent to admit to a violation of law; authorizing an administrative law judge to impose civil penalties for violations of ch. 104 or ch. 106, F.S.; amending s. 106.26, F.S.; requiring the commission to enforce certain witness subpoenas in the circuit court where the witness resides; amending s. 106.265, F.S.; authorizing an administrative law judge to assess civil penalties upon a finding of a violation of the election code or campaign financing laws; providing for civil penalties to be assessed against an electioneering communications organization; removing reference to the expired Election Campaign Financing Trust Fund; directing that moneys from penalties and fines be deposited into the General Revenue Fund; amending s. 106.29, F.S.; requiring state and county executive committees and affiliated party committees that make contributions or expenditures to

influence the results of a special election or special primary election to file campaign treasurer's reports; amending campaign finance reporting dates, to conform; deleting a requirement that each state executive committee file the original and one copy of its reports with the Division of Elections; deleting a provision prohibiting the assessment of a separate fine for failing to file a copy of a report, to conform; revising the due date for filing a report; providing criteria for deeming delivery complete of a notice of fine; defining the term "repeated late filing"; requiring the Elections Commission to treat the late filings addressed in a single notice of repeated late filings as a single violation; amending s. 106.35, F.S.; deleting a requirement that the Division of Election adopt rules relating to the format and filing of certain printed campaign treasurer's reports; amending s. 876.05, F.S.; deleting a requirement for all candidates for public office to record an oath to support the Constitution of the United States and of the State of Florida; repealing s. 876.07, F.S., relating to a requirement that a person make an oath to support the Constitution of the United States and of the State of Florida to be qualified as a candidate for office; providing for severability of the act; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2086 to CS for CS for HB 1355**.

Pending further consideration of **CS for CS for SB 2086** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for CS for HB 1355** was withdrawn from the Committees on Rules Subcommittee on Ethics and Elections; Rules; and Budget.

On motion by Senator Diaz de la Portilla—

CS for CS for HB 1355—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; amending s. 97.021, F.S.; revising the definition of "minor political party"; amending s. 97.025, F.S.; revising methods of publication and distribution of the Florida Election Code pamphlet to candidates qualifying with the Department of State; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the Division of Elections and provide the division with certain information; requiring that the division or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division maintain a database of certain information; requiring supervisors of elections to provide specified information to the division in a format and at times required by the division; requiring that such information be updated and made public daily at a specified time; requiring third-party voter registration organizations to deliver collected voter registration applications within a specified period; revising penalty provisions to conform; specifying grounds for an affirmative defense to a violation of timely submission requirements; providing for the referral of violations to the Attorney General; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; providing for retroactive effectiveness; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; amending s. 97.073, F.S.; requiring a supervisor to notify an applicant within 5 business days regarding disposition of the voter registration applications; amending s. 97.1031, F.S.; requiring an elector to notify the supervisor of elections when he or she changes his or her residence address; providing a voter with various options for providing address updates; revising notice requirements for any change in party affiliation; amending s. 98.075, F.S.; requiring a supervisor of elections to remove a registered voter from the statewide voter registration system upon certain notice; providing bases for ineligibility; amending 98.093, F.S.; requiring the Florida Parole Commission and the Department of Corrections to provide specified data for the updating of the statewide voter registration system regarding convicted felons; amending s. 98.0981, F.S.; providing timeframes and formats for voting history information to be sent by the supervisors of elections to the department; providing timeframes and formats for voting history information to be sent by the department to the President of the Senate, the Speaker of the House of Representatives, and the re-

spective minority leaders; requiring submission of precinct-level information in a certain format by a time certain; amending s. 99.012, F.S., relating to restrictions on individuals qualifying for public office; providing that if a final court order determines that a person did not comply with specific provisions of the section the person is not qualified as a candidate and his or her name may not appear on ballot; providing for nonapplicability to presidential and vice presidential candidates; amending s. 99.021, F.S.; revising the candidate oath requirement for a person seeking to qualify for nomination or election or as a candidate of a political party; removing requirement for qualifying officer to give printed copy of candidate oath; removing requirement for taking public employee oath; providing exceptions for certain candidates taking other oaths; amending s. 99.061, F.S.; revising timeframe for candidate to pay qualifying fee under certain circumstances; requiring checks to be payable as prescribed by filing officer; requiring notarized signature on certain oaths; removing requirement for public employee oath; requiring filing of a notarized financial disclosure; clarifying time for qualifying papers to be received; providing that qualifying officer performs ministerial duty only; exempting qualifying officer decision from Administrative Procedures Act; amending s. 99.063, F.S.; removing the requirement that a candidate swear a public employee loyalty oath; amending s. 99.093, F.S.; remitting assessments directly to the Florida Elections Commissions rather than passing through the department; amending s. 99.095, F.S.; allowing certain individuals seeking county or district office in a year of apportionment to obtain signatures county-wide; amending s. 99.097, F.S.; clarifying that the supervisor of elections checks more than signatures on petition forms; clarifying rulemaking authority of the department relating to petitions; prohibiting certain random sampling method of petition verification for constitutional amendments petitions; providing for invalidity of undue burden oaths under specified circumstances; providing for certain funds to be used to reimburse a supervisor of elections for signature verification fees not previously paid when an undue burden oath is held invalid; amending s. 100.061, F.S.; revising the primary election date; amending s. 100.111, F.S.; providing notification requirements and procedures for filling a vacancy in nomination for certain offices; deleting the definition of the term "district political party executive committee"; providing that a vacancy in nomination is not created if an order of a court that has become final determines the nominee did not properly qualify or does not meet the necessary qualifications to hold the office sought; amending s. 100.371, F.S.; providing that signatures on an initiative petition are valid for 2 years instead of 4 years; requiring that a petition signer must be a registered elector at time of signing for a supervisor to verify his or her signature as valid; requiring the supervisor of elections to notify petition sponsor of misfiled petition under certain circumstances; deleting certain petition revocation provisions; amending s. 101.001, F.S.; requiring the supervisors of elections to provide the department with precinct data including specified information; requiring the department to maintain a searchable database containing certain precinct and census block information; requiring supervisors of elections to notify the department of precinct changes within a specified time; deleting a waiver; amending s. 101.043, F.S.; providing that the address appearing on the photo identification used at polls cannot be used to confirm or challenge an elector's legal residence for address verification; amending s. 101.045, F.S.; permitting a change of residence at the polling place for a person changing residence within a county; providing that a person whose change of address is from outside the county may not change his or her legal residence at the polling place or vote a regular ballot but may vote a provisional ballot; amending s. 101.131, F.S.; revising procedures for the designation of poll watchers; requiring that the division prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers by a specified period before early voting begins; requiring that poll watchers display such identification while in a polling place; amending s. 101.151, F.S.; providing changes in ballot appearance; reducing length and appearance of ballot and redundancy; expanding use of ballot on demand technology; amending s. 101.5605, F.S.; clarifying that testing of voting equipment be done in accordance with state-adopted voting system standards; amending s. 101.5606, F.S.; removing references to obsolete forms of voting; amending s. 101.56075, F.S.; providing that all voting systems utilized after a certain time shall permit placement on the ballot of the full text of a constitutional amendment; amending s. 101.5612, F.S.; revising the number or percentage of systems that must be tested; amending s. 101.5614, F.S.; conforming law to current technological practices in canvassing of certain returns; amending s. 101.591, F.S.; providing that a manual recount

is not required under certain circumstances; amending s. 101.62, F.S.; extending absentee ballot request through the end of the calendar year of the next two regularly scheduled general elections; providing time-frames for absentee ballots to be sent to voters voting an absentee ballot; clarifying provisions relating to military and overseas voters; requiring the supervisors of elections to update absentee ballot information and make available by a time certain; revising reasons for voting absentee; amending s. 101.65, F.S.; expanding absentee ballot instructions to notify a voter that signatures on ballot and on record must match; informing voter when signature must be updated; amending s. 101.68, F.S.; allowing the county canvassing boards to begin canvassing of absentee ballots at a time certain; amending s. 101.6923, F.S.; expanding special absentee ballot instructions for certain first-time voters to notify voters that signatures on the ballot and on record must match; informing voter when signature must be updated; amending s. 101.75, F.S.; eliminating state mandate for a municipal election to have a 14-day candidate qualifying period when it moves its election to coincide with state or county election; amending s. 102.031, F.S.; prohibiting solicitation of voters who are entering or in line to enter any polling place, polling room, or early voting site; requiring the posting of a sign; expanding the definitions of the terms "solicit" and "solicitation"; amending s. 102.141, F.S.; requiring the canvassing board to report all early voting and all tabulated absentee results to the department by a time certain; requiring periodic updates; amending s. 102.168, F.S.; clarifying when canvassing boards are an indispensable party to an election contest; clarifying evidence a circuit court may consider in certain election contests; providing a standard of review; amending s. 103.021, F.S.; revising the definition of the term "national party"; revising requirements for a minor political party to have candidates for President and Vice President placed on the general election ballot; creating s. 103.095, F.S.; providing a procedure for the registration of a minor political party; requiring the Division of Elections to adopt rules to prescribe the manner in which political parties may have their filings canceled; amending s. 103.101, F.S.; creating a Presidential Preference Primary Date Selection Committee; providing membership; requiring for the committee to meet by a date certain and to set a date for the presidential preference primary; amending s. 103.141, F.S.; deleting language providing for the removal of certain county executive committee members pursuant to a separate provision of law; amending s. 104.29, F.S.; clarifying when it is an offense for an inspector or other election official to deny a person the opportunity to observe whether ballots are being correctly reconciled; amending s. 106.011, F.S.; revising the definitions of "candidate," "contribution," and "expenditure" to exclude funds received or spent for certain potential candidate polls; clarifying and conforming the definition of "independent expenditure" to the candidate's specific qualifying period; clarifying the qualifying period for the candidate; correcting a cross-reference; creating s. 106.012, F.S.; providing that funds spent or received are not contributions or expenditures if used solely for determining candidate viability; providing examples of permissible activities; providing for retention of records; providing that funds become contributions and expenditures upon the candidacy of a person; requiring reporting of funds regardless of date received or spent; providing examples of ineligible activities for fund use; delineating activities indicating intention to become a candidate; limiting the amount of funds that may be received; amending s. 106.021, F.S.; deleting a requirement that certain information be included in campaign reports for reimbursement; amending s. 106.022, F.S.; requiring a political committee, committee of continuous existence, or electioneering communications organization to file a statement of appointment with the filing officer rather than with the division; authorizing an entity to change its appointment of registered agent or registered office by filing a written statement with the filing officer; requiring a registered agent who resigns to execute a written statement of resignation and file it with the filing officer; amending s. 106.023, F.S.; revising the form of the statement of a candidate to require a candidate to acknowledge that he or she has been provided access to and understands the requirements of ch. 106, F.S.; amending s. 106.025, F.S.; exempting tickets or advertising for a campaign fundraiser from requirements of s. 106.143, F.S.; amending s. 106.03, F.S.; providing when a political committee must file a statement of organization; providing when a group must register as an electioneering communications organization; amending s. 106.04, F.S.; requiring a committee of continuous existence that makes a contribution or expenditure in connection with certain county or municipal elections to file specified reports; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the division or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases

in a report filed with the division; requiring a committee of continuous existence to report changes in information previously reported to the division within 10 days after the change; requiring the division to revoke the certification of a committee of continuous existence under certain circumstances; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as an alternate person whom the filing officer shall notify that a report has not been filed; providing criteria for deeming delivery of a notice of fine complete; requiring a committee of continuous existence that appeals a fine to file a copy of the appeal with the commission; amending s. 106.07, F.S.; correcting a cross-reference; revising the dates that certain contribution and expenditure reports must be filed; revising reporting requirements for a statewide candidate who receives funding under the Florida Election Campaign Financing Act and candidates in a race with a candidate who has requested funding under that act; deleting a requirement for a committee of continuous existence to file a campaign treasurer's report relating to contributions or expenditures to influence the results of a special election; revising the methods by which a campaign treasurer may be notified of the determination that a report is incomplete to include certified mail and other methods using a common carrier that provides proof of delivery of the notice; extending the time the campaign treasurer has to file an addendum to the report after receipt of notice of why the report is incomplete; providing criteria for deeming delivery complete of a notice of incomplete report; deleting a provision allowing for notification by telephone of an incomplete report; requiring political committees that make a contribution or expenditure in connection with certain county or municipal elections to file campaign finance reports with the county or municipal filing officer and to include its contributions and expenditures in a report to the division; revising the information that must be included in a report to include transaction information for credit card purchases; deleting a requirement that a campaign depository to return checks drawn on the account to the campaign treasurer; specifying the amount of a fine for the failure to timely file reports after a special primary election or special election; specifying that the registered agent of a political committee is a person whom a filing officer may notify of the amount of the fine for filing a late report; providing criteria for deeming delivery of a notice of late report and resulting fine complete; amending s. 106.0703, F.S.; correcting a cross-reference; deleting a requirement for an electioneering communications organization to provide certain information to the department on activities occurring since the last general election; amending s. 106.0705, F.S.; requiring certain individuals to electronically file certain reports with the division; conforming a cross-reference to changes made by the act; deleting an obsolete provision; amending s. 106.071, F.S.; conforming provisions relating to expenditures in the aggregate; clarifying the independent expenditure disclaimer for paid political advertisement by an individual; amending s. 106.08, F.S.; deleting a requirement for the department to notify candidates as to whether an independent or minor party candidate has obtained the required number of petition signatures; deleting a requirement for certain unopposed candidates to return contributions; specifying the entities with which a political party's state executive committee, an affiliated party committee, and county executive committees must file a written acceptance of an in-kind contribution; amending s. 106.09, F.S.; specifying that the limitations on contributions by cash or cashier's check apply to the aggregate amount of contributions to a candidate or committee per election; clarifying that a violation of a certain subsection, and not a section, of the law is a misdemeanor of the first degree; amending s. 106.11, F.S.; revising the statement that must be contained on checks from a campaign account; deleting requirements relating to the use of debit cards; authorizing a campaign for a candidate to reimburse the candidate's loan to the campaign when the campaign account has sufficient funds; amending s. 106.141, F.S.; removing certain limitations on expenditure of surplus funds; requiring candidates receiving public financing to return all surplus funds to the General Revenue Fund after paying certain monetary obligations and expenses; amending s. 106.143, F.S.; revising disclosure requirements for certain political advertisements; specifying disclosure statements that must be included in political advertisements paid for by a write-in candidate; specifying disclosure requirements for political advertisements paid for by in-kind contributions; prohibiting the inclusion of a person's political affiliation in advertisements for a nonpartisan office; clarifying the type of political advertisements that must be approved in advance by a candidate; deleting a duplicative exemption from the requirement to obtain a candidate's approval for

messages designed to be worn; providing that political advertisements paid for by a political party or an affiliated party committee may use certain registered names and abbreviations; clarifying that a political advertisement that is paid for by a candidate and complies with statutory disclosure requirements is not required to additionally state that it is approved by the candidate; amending s. 106.15, F.S.; prohibiting the making, soliciting, or accepting of any political contribution in a government-occupied room or building space; defining "government-occupied room or building space"; providing an exception; amending s. 106.17, F.S.; authorizing state and county executive committees and affiliated party committees to conduct political polls to determine viability of potential candidates; allowing sharing of results; providing that such expenditures are not contributions to the potential candidates; amending s. 106.19, F.S.; providing that a candidate's failure to comply with ch. 106, F.S., has no effect on whether the candidate has qualified for office; amending s. 106.25, F.S., relating to reports of alleged violations to Florida Elections Commission; providing a deadline for the filing of a response by a respondent; prohibiting the commission from defining willfulness by rule, or further defining the term as provided in ch. 106 or ch. 104, F.S.; providing for entering into a consent order under certain circumstances; allowing a respondent who is alleged by the commission to have violated the election code or campaign financing laws to elect as a matter of right a formal hearing before the Division of Administrative Hearings; authorizing an administrative law judge to assess civil penalties upon the finding of a violation; amending s. 106.26, F.S.; authorizing the commission to file a complaint in the circuit court where the witness resides; amending s. 106.265, F.S.; authorizing an administrative law judge to assess a civil penalty upon a finding of a violation of the election code or campaign financing laws; providing for civil penalties to be assessed against an electioneering communications organization; removing reference to the expired Election Campaign Financing Trust Fund; directing that moneys from penalties and fines be deposited into the General Revenue Fund; amending s. 106.29, F.S.; requiring specified committees that make contributions or expenditures to influence the results of a special election or special primary election to file campaign treasurer's reports by certain dates; providing for applicable campaign finance reporting dates, to conform; deleting a requirement that each state executive committee file the original and one copy of its reports with the division; revising provisions relating to penalties for late filing, to conform and to provide requirements for sufficiency of notice; amending s. 106.35, F.S.; deleting a requirement that the division adopt rules relating to the format and filing of certain printed campaign treasurer's reports under the Florida Election Campaign Financing Act; amending s. 106.355, F.S.; eliminating the duty of the department to provide funds from the Election Campaign Financing Trust Fund when certain expenditure limits are exceeded; amending s. 11.045, F.S.; excluding funds received or spent under s. 106.012, F.S., from the definition of "expenditure"; amending s. 112.312, F.S.; excluding funds received or spent under s. 106.012, F.S., or contributions or expenditures reported pursuant to federal election law from the definition of "gift"; amending s. 112.3215, F.S.; excluding funds received or spent under s. 106.012, F.S., or contributions or expenditures reported pursuant to federal election law from the definition of "expenditure"; amending s. 876.05, F.S.; deleting the requirement that candidates for public office take a public employee oath; amending s. 100.101, F.S.; to conform to changes made by the act; repealing s. 103.161, F.S., relating to the removal or suspension of officers or members of state executive committees or county executive committees; repealing s. 876.07, F.S., relating to the requirement that a candidate take a public employee oath as a prerequisite to qualifying for public office, to conform; amending s. 101.161, F.S.; revising terminology; transferring to a new subsection requirements applicable to joint resolutions; providing that a joint resolution may include a ballot summary and alternate ballot summaries; providing that a joint resolution may include a ballot summary or alternate ballot summaries, listed in order of preference, describing the chief purpose of the amendment or revision in clear and unambiguous language; requiring a joint resolution to specify placement on the ballot of a ballot title and either a ballot summary embodied in the joint resolution or the full text of the proposed amendment or revision; requiring placement on the ballot of the ballot title and ballot summary, or the ballot title and the full text of the proposed amendment or revision, as specified by a joint resolution; requiring placement on the ballot of the full text of an amendment or revision if the court determines that each ballot summary embodied in a joint resolution is defective unless the Secretary of State certifies to the court that placement of the full text on the ballot is incompatible with voting systems that must be utilized during the election at which the proposed amendment will be presented to voters

and that no other available accommodation will enable persons with disabilities to vote on the proposed amendment or revision; requiring the Attorney General to revise a ballot summary under certain circumstances; requiring the court to retain jurisdiction over challenges to any revised ballot summary submitted by the Attorney General; requiring challenges to revised ballot summaries to be filed within 10 days after the revised ballot summary is submitted to the court by the Attorney General; creating a presumption that the full text of an amendment or revision must be considered a clear and unambiguous statement of the substance and effect of an amendment or revision proposed by joint resolution and sufficient notice to electors under certain circumstances; establishing rules of construction for construing proposed ballot titles, ballot summaries, or the full text of proposed amendments or revisions; requiring legal challenges to ballot language to be filed within certain time periods; requiring complaints or petitions challenging ballot language to assert all grounds for such challenges; providing that any grounds not asserted are waived; requiring the courts to describe with specificity each deficiency in a ballot title, summary, or full text of a proposed amendment or revision; requiring the courts to accord actions challenging ballot language specified by a joint resolution priority over other pending cases and issue orders as expeditiously as possible; providing retroactive applicability to joint resolutions passed during the 2011 regular session; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2086** as amended and read the second time by title.

Senator Diaz de la Portilla moved the following amendment:

Amendment 1 (404618) (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.*

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

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

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

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

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

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

97.0575 Third-party voter registrations.—

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

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

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

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

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

(2) *The division or the supervisor of elections shall make voter registration forms available to third-party voter registration organizations. All such forms must contain information identifying the organization to which the forms are provided. The division shall maintain a database of all third-party voter registration organizations and the voter registration forms assigned to the third-party voter registration organization. Each supervisor of elections shall provide to the division information on voter registration forms assigned to and received from third-party voter registration organizations. The information must be provided in a format and at times as required by the division by rule. The division must update information on third-party voter registrations daily and make the information publicly available.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) *The requirements of this section are retroactive for any third-party voter registration organization registered with the department on the effective date of this act, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section. Failure of the third-party voter registration organization to comply with the requirements within 90 days after receipt of the notice shall automatically result in the cancellation of the third-party voter registration organization's registration.*

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

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

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

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

97.071 Voter information card.—

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

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Address of legal residence.
- (g) Precinct number.
- (h) *Polling place address.*
- (i)(h) Name of supervisor and contact information of supervisor.
- (j)(i) Other information deemed necessary by the supervisor.

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

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

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

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

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application *within 5 business days after voter registration information is entered into the statewide voter registration system.* The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A voter information card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information using a voter registration application signed by the applicant. A notice of denial must inform the applicant of the reason the application was denied.

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

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

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

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

1. *Contacting the supervisor of elections via telephone or electronic means, in which case the elector must provide his or her date of birth; or*
2. *Submitting the change on a voter registration application or other signed written notice. moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic*

means. However, notification of such move other than by signed, written notice must include the elector's date of birth. An elector may also provide notification to other voter registration officials as provided in subsection (2). A voter information card reflecting the new information shall be issued to the elector as provided in subsection (3).

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

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

98.075 Registration records maintenance activities; ineligibility determinations.—

(3) DECEASED PERSONS.—

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

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

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

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

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

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

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

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

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

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local

government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The unique identifier assigned to each qualified voter within the statewide voter registration system;
2. All information provided by each qualified voter on his or her voter registration application pursuant to s. 97.052(2), except that which is confidential or exempt from public records requirements;
3. Each qualified voter's date of registration;
4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections;
5. Each qualified voter's current precinct; and
6. Voting history as transmitted under paragraph (a) to include whether the qualified voter voted at a precinct location, voted during the early voting period, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) Within 45 ~~60~~ days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or a general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(d) File specifications are as follows:

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

- a. Voted a regular ballot at a precinct location.
- b. Voted at a precinct location using a provisional ballot that was subsequently counted.
- c. Voted a regular ballot during the early voting period.
- d. Voted during the early voting period using a provisional ballot that was subsequently counted.
- e. Voted by absentee ballot.
- f. Attempted to vote by absentee ballot, but the ballot was not counted.
- g. Attempted to vote by provisional ballot, but the ballot was not counted in that election.

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

3. File names shall adhere to the following convention:

- a. Three-character county identifier as established by the department followed by an underscore.
- b. Followed by four-character file type identifier of 'VH03' followed by an underscore.
- c. Followed by FVRS election ID followed by an underscore.
- d. Followed by Date Created followed by an underscore.
- e. Date format is YYYYMMDD.

f. Followed by Time Created - HHMMSS.

g. Followed by ".txt".

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

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

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

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

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

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

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

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

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

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

99.012 Restrictions on individuals qualifying for public office.—

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

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

99.021 Form of candidate oath.—

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

State of Florida

County of....

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

(Signature of candidate)

(Address)

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

(Signature and title of officer administering oath)

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

State of Florida

County of

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

(Signature of candidate)

(Address)

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

(Signature and title of officer administering oath)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99.063 Candidates for Governor and Lieutenant Governor.—

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

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

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

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

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

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

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

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the petition process pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Clearing Funds Trust Fund and transferred to the Elections Commission Trust Fund ~~within the Department of Legal Affairs~~. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

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

99.093 Municipal candidates; election assessment.—

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

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

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

(2)

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

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

99.097 Verification of signatures on petitions.—

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

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

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

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

(3)(a) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system. A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

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

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

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

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

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

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

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

100.061 Primary election.—In each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday 12 40 weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election shall be declared nominated for such office. If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.

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

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

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

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

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

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

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

100.111 Filling vacancy.—

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

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

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

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

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

(2)(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101, the Governor, after consultation with the Secretary of State, shall fix the dates of a special primary election and a special election. Nominees of political parties shall be chosen under the primary laws of this state in the special primary election to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the special primary election and for the special election to coincide with the dates of the primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

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

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

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

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

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

(3)(4)(a) In the event that death, resignation, withdrawal, or removal, or any other cause or event should cause a party to have a va-

cancy in nomination which leaves no candidate for an office from such party, the *filing officer before whom the candidate qualified* Department of State shall notify the chair of the ~~appropriate state and~~ district, or county political party executive committee of such party; and;

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

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

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

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

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

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

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

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

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

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election, provided the initiative petition has been filed with the Secretary of State no later than February 1 of the

year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors under this code, *subject to the right of revocation established in this section.*

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

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

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

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

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

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

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

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

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

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

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

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

101.001 Precincts and polling places; boundaries.—

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

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

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

(d)(4) The supervisor of elections shall notify the Secretary of State in writing within 10 30 days after any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.

(e)(e) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by *census block boundaries from the most recent United States Census. If the census block boundaries split or conflict with another political boundary listed below, the boundary listed below may be used.*

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

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

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

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

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

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

(4)(a) Within 10 days after there is any change in the division, number, or boundaries of the precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered precincts, setting forth the boundary lines and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office.

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

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

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

101.043 Identification required at polls.—

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

1.(a) Florida driver's license.

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

3.(e) United States passport.

4.(d) Debit or credit card.

5.(e) Military identification.

6.(f) Student identification.

7.(g) Retirement center identification.

8.(h) Neighborhood association identification.

9.(i) Public assistance identification.

(b) If the picture identification does not contain the signature of the elector ~~voter~~, an additional identification that provides the elector's ~~voter's~~ signature shall be required. *The address appearing on the identification presented by the elector may not be used as the basis to confirm an elector's legal residence or otherwise challenge an elector's legal residence.* The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's ~~voter's~~ signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

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

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

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

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

(1) A ~~No~~ person ~~is not~~ shall be permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when the person has no permanent address in the county and it is the person's intention to remain a resident of Florida and of the county in which he or she is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

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

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

(Signature of voter whose address of legal residence has changed)

(b) *Except for an active uniformed services voter or a member of his or her family, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and vote a regular ballot; however, such elector is entitled to vote a provisional ballot.*

(c)(4) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration records of precinct as follows:

Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:

Name

Address

Municipality

County

Florida, Zip

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

(Signature of voter whose name has changed)

(d)(e) Instead of the affirmation contained in paragraph (a) or paragraph (c)(4), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e)(4) Such affirmation or application, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation or application certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the statewide voter registration system to indicate the change in address of legal residence or name of such elector.

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

101.131 Watchers at polls.—

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the supervisor of elections, on a form prescribed by the division, before noon of the second Tuesday preceding the election poll watchers for each

polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for each polling room shall be approved by the supervisor of elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins. The supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling room or early voting area. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

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

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

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

101.151 Specifications for ballots.—

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

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

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

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

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

3. The office titles then the heading "State" and thereunder the offices of Governor and Lieutenant Governor; Attorney General; Chief Financial Officer; Commissioner of Agriculture; State Attorney, with the applicable judicial circuit; and Public Defender, with the applicable judicial circuit.

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

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

6. The office titles Thereafter follows: members of the Board of County Commissioners, with the applicable district printed beneath each office, and such other county and district offices as are involved in the

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

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

(c)(4) When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

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

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

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

Section 29. Section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ~~ballot summary~~ the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ~~ballot summary~~ wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the ~~joint resolution~~, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ~~ballot summary~~ Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. *This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.*

(2) The ~~ballot summary~~ substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and, *unless otherwise specified in a joint resolution, the ballot summary the substance* of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3)(a) Each joint resolution that proposes a constitutional amendment or revision shall include one or more ballot statements set forth in order of priority. Each ballot statement shall consist of a ballot title, by which the measure is commonly referred to or spoken of, not exceeding 15 words in length, and either a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language, or the full text of the amendment or revision. The Department of State shall furnish a designating number pursuant to subsection (2) and the appropriate ballot statement to the supervisor of elections of each county. The ballot statement shall be printed on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or revision and a "no" vote will indicate rejection.

(b) Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced by filing a complaint or petition with the appropriate court within 30 days after the joint resolution is filed with the Secretary of State. The complaint or petition shall assert all grounds for challenge to each ballot statement. Any ground not asserted within 30 days after the joint resolution is filed with the Secretary of State is waived.

2. The court, including any appellate court, shall accord an action described in subparagraph 1. priority over other pending cases and render a decision as expeditiously as possible. If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court, and the Department of State shall furnish a designating number and the revised ballot title or ballot summary to the supervisor of elections of each county for placement on the ballot. The court shall retain jurisdiction over challenges to a revised ballot title or ballot summary prepared by the Attorney General, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.

3. A ballot statement that consists of the full text of an amendment or revision shall be presumed to be a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote.

(4)(3)(a) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (b) or paragraph (c) and the ballot for any county must contain the statement in paragraph (d) or paragraph (e).

(b) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the _____ (number of the circuit) judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(c) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the _____ (number of the circuit) judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in _____ (name of county) be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in _____ (name of the county) be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

Section 30. *The amendment of section 101.161, Florida Statutes, made by this act applies retroactively to all joint resolutions adopted by the Legislature during the 2011 Regular Session, except that any legal action challenging a ballot title or ballot summary embodied in such joint resolution or challenging placement on the ballot of the full text of the proposed amendment or revision to the State Constitution as specified in such joint resolution must be commenced within 30 days after the effective date of this act or within 30 days after the joint resolution to which a challenge relates is filed with the Secretary of State, whichever occurs later.*

Section 31. Paragraph (a) of subsection (2) of section 101.5605, Florida Statutes, is amended to read:

101.5605 Examination and approval of equipment.—

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

Section 32. Subsection (11) of section 101.5606, Florida Statutes, is amended to read

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

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

Section 33. Paragraph (a) of subsection (4) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

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

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

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

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

Section 34. Subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

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

Section 35. Subsection (6) is added to section 101.591, Florida Statutes, to read:

101.591 Voting system audit.—

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

Section 36. Paragraphs (a) and (b) of subsection (1) and subsections (3) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

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

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

1. The name of the elector for whom the ballot is requested.
2. The elector's address.
3. The elector's date of birth.
4. The requester's name.
5. The requester's address.
6. The requester's driver's license number, if available.
7. The requester's relationship to the elector.
8. The requester's signature (written requests only).

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

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

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

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

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

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

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

c. ~~The elector is in a hospital, assisted living facility, nursing home, short term medical or rehabilitation facility, or correctional facility, in which case the supervisor shall mail the ballot by nonforwardable, return if undeliverable mail to any other address the elector specifies in the request.~~

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

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

4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of

the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 37. Section 101.65, Florida Statutes, is amended to read:

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

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

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

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

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

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

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

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

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

Section 38. Subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

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

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

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

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

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

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

Section 39. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

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

Section 40. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

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

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

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

f. You are currently residing outside the United States.

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

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

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

Section 41. Subsection (3) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

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

Section 42. Subsection (4) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(4) The canvassing board shall report all early voting and all tabulated absentee results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required. Results shall be submitted in a format prescribed by the department submit by 11:59 p.m. on election night the preliminary returns it has received to the Department of State in a format provided by the department.

Section 43. Subsection (4) of section 102.168, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

102.168 Contest of election.—

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

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

Section 44. Paragraph (a) of subsection (4) of section 103.021, Florida Statutes, is amended to read:

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

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

Section 45. Section 103.095, Florida Statutes, is created to read:

103.095 Minor political parties.—

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

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

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

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

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

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

(b) Adequate opportunity to respond.

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

(6) The requirements of this section are retroactive for any minor political party registered with the department on July 1, 2011, and must be complied with within 180 days after the department provides notice to the minor political party of the requirements contained in this section. Failure of the minor political party to comply with the requirements within 180 days after receipt of the notice shall automatically result in the cancellation of the minor political party's registration.

Section 46. Section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

(1)(a) There shall be a Presidential Preference Primary Date Selection Committee composed of the Secretary of State, who shall be a nonvoting chair; three members, no more than two of whom may be from the same political party, appointed by the Governor; three members, no more than two of whom may be from the same political party, appointed by the Speaker of the House of Representatives; and three members, no more than two of whom may be from the same political party, appointed by the President of the Senate. No later than October 1 of the year preceding the presidential preference primary, the committee shall meet and set a date for the presidential preference primary. The date selected may be no earlier than the first Tuesday in January and no later than the first

Tuesday in March in the year of the presidential preference primary. The presidential preference primary shall be held in each year the number of which is a multiple of four.

(b) Each political party other than a minor political party shall, on the date selected by the Presidential Preference Primary Date Selection Committee last Tuesday in January in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule. *Any party rule directing the vote of delegates at a national nominating convention shall reasonably reflect the results of the presidential preference primary, if one is held.*

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

(b) By October 31 of the year preceding the presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted *not later than on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. Each person designated as a presidential candidate shall have his or her name appear, or have his or her delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot.*

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

(3) A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits to the Department of State, prior to the second Tuesday after the first Monday in November of the year preceding the presidential preference primary, an affidavit stating that he or she is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the state executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in November of the year preceding the presidential preference primary, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot.

(4) The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in other state elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the presidential candidates for that political party may not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a political party has only one presidential candidate, neither the name of the candidate nor the names of the candidate's delegates shall be printed on the ballot.

(5) The state executive committee of each party, by rule adopted at least 60 ~~120~~ days prior to the presidential preference primary election,

shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any rule adopted by the executive committee shall be filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and shall notify the state executive committee of each political party of any ballot limitations. The Department of State may promulgate rules for the orderly conduct of the presidential preference primary ballot.

(6) ~~Delegates must qualify no later than the second Friday in November of the year preceding the presidential preference primary in the manner provided by party rule.~~

(7) ~~All delegates shall be allocated as provided by party rule.~~

(6)(8) All names of candidates or delegates shall be listed as directed by the Department of State.

Section 47. Section 103.141, Florida Statutes, is amended to read:

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

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

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

Section 48. Section 103.161, Florida Statutes, is repealed.

Section 49. Section 104.29, Florida Statutes, is amended to read:

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

Section 50. Paragraph (b) of subsection (4) of section 105.031, Florida Statutes, is amended to read:

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

(4) CANDIDATE'S OATH.—

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

State of Florida

County of

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says he or she: is a candidate for the judicial office of; that his or her legal residence is County, Florida; that he or she is a qualified elector of the state and of the territorial jurisdiction

of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial office to which he or she desires to be elected or in which he or she desires to be retained; ~~that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes~~; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; and that he or she has resigned from any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

(Signature of candidate)

(Address)

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

(Signature and title of officer administering oath)

Section 51. Subsection (3), paragraph (b) of subsection (5), subsection (15), and paragraph (c) of subsection (16) of section 106.011, Florida Statutes, are amended to read:

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

(3) “Contribution” means:

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

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

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

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

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

(5)

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

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

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

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

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

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

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

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

6. After the last day of *the qualifying period prescribed for the candidate for statewide or legislative office*, retains the professional services of any person also providing those services to the candidate in connection with the candidate’s pursuit of election to office; or

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

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

(16) “Candidate” means any person to whom any one or more of the following apply:

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

Section 52. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

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

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

(a) Independent expenditures;

(b) Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign or activities of the

political committee by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). After July 1, 2004, The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment;

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

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

Section 53. Section 106.022, Florida Statutes, is amended to read:

106.022 Appointment of a registered agent; duties.—

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

- (a) Provide the name of the registered agent and the street address and phone number for the registered office;
- (b) Identify the entity for whom the registered agent serves;
- (c) Designate the address the registered agent wishes to use to receive mail;
- (d) Include the entity's undertaking to inform the *filing officer division* of any change in such designated address;
- (e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and
- (f) Contain the signature of the registered agent and the entity engaging the registered agent.

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

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

Section 54. Subsection (1) of section 106.023, Florida Statutes, is amended to read:

106.023 Statement of candidate.—

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

STATEMENT OF CANDIDATE

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

(Signature of candidate)

(Date)

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

Section 55. Paragraph (c) of subsection (1) of section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)

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

Section 56. Subsection (1) and paragraph (d) of subsection (3) of section 106.03, Florida Statutes, are amended to read:

106.03 Registration of political committees and electioneering communications organizations.—

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

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

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

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

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

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

(3)

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

Section 57. Subsection (4) of section 106.04, Florida Statutes, is amended, present subsections (7) and (8) of that section are amended and renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

106.04 Committees of continuous existence.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Adequate opportunity to respond.

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

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

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

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

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

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

2. When the report is postmarked.

3. When the certificate of mailing is dated.

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

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

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and *is* ~~shall~~ be entitled to a hearing before the Florida Elections Commission, which *may* ~~shall~~ have the authority to waive the fine in whole or in part. Any such request *must* ~~shall~~ be made within 20 days after receipt of the notice of payment due. *In such case, the treasurer of* The committee shall file the appeal

~~with, within the 20 day period, notify the filing officer in writing of his or her intention to bring the matter before the commission, with a copy provided to the filing officer.~~

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

Section 58. Section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

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

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

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

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

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

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

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

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an es-

tablished courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

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

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

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

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

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

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

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

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

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

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

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, ex-

penditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

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

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

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

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

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

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

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

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

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

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

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

(8)(a) Any candidate or political committee failing to file a report on the designated due date is shall be subject to a fine as provided in

paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

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

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

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

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

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

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

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

Section 59. Subsections (8) and (9) of section 106.0703, Florida Statutes, are amended to read:

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

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

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

Section 60. Paragraphs (a) and (c) of subsection (2) and subsections (3) and (7) of section 106.0705, Florida Statutes, are amended to read:

106.0705 Electronic filing of campaign treasurer's reports.—

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

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

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

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

Section 61. Subsections (3) and (6) of section 106.08, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.—

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

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

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

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

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of

continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

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

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

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

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

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

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

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

Section 62. Section 106.09, Florida Statutes, is amended to read:

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

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

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

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

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

Section 63. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 106.11, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which des-

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

- (1)
- (b) The checks for such account shall contain, as a minimum, the following information:
 1. The statement "Campaign Account of (name of candidate or political committee) Campaign Account."
 2. The account number and the name of the bank.
 3. The exact amount of the expenditure.
 4. The signature of the campaign treasurer or deputy treasurer.
 5. The exact purpose for which the expenditure is authorized.
 6. The name of the payee.
- (2)(a) For purposes of this section, debit cards are considered bank checks, if:
 1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
 2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and state "Campaign Account of (name of candidate or political committee) Campaign Account."
 3. No more than three debit cards are requested and issued.
 4. ~~Before a debit card is used, a list of all persons authorized to use the card is filed with the division.~~
 5. ~~All debit cards issued to a candidate's campaign or a political committee expire no later than midnight of the last day of the month of the general election.~~
- 4.6. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
- 5.7. All receipts for debit card transactions contain:
 - a. The last four digits of the debit card number.
 - b. The exact amount of the expenditure.
 - c. The name of the payee.
 - d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
 - e. The exact purpose for which the expenditure is authorized.

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

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

Section 64. Subsection (4) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

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

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.
3. Give ~~not more than \$10,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member; except that a candidate for the Florida Senate may give not more than \$30,000 of such funds to the political party of which the candidate is a member.~~
4. Give the funds that have not been spent or obligated:
 - a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or
 - b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.
- (b) Any candidate required to dispose of funds pursuant to this section who has received contributions ~~from~~ the Florida Election Campaign Financing Act Trust Fund shall, *after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met*, return all surplus campaign funds to the General Revenue Election Campaign Financing Trust Fund.

Section 65. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

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

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

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

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

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

1. Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."
2. State the name and address of the persons *paying for* ~~sponsoring~~ the advertisement.

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

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

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

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

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

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

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

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

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

(5)(4)(a) Any political advertisement *not paid for by a candidate*, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate, *unless the political advertisement is published, displayed, or circulated in compliance with subparagraph (1)(a)2.*, and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

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

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

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

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

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

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

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

(a) Designed to be worn by a person.

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

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

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

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

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

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

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

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

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

Section 66. Section 106.1437, Florida Statutes, is amended to read:

106.1437 Miscellaneous advertisements.—Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section ~~does not apply to an editorial endorsement.~~ *For purposes of this chapter, an expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.*

Section 67. Section 106.17, Florida Statutes, is amended to read:

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

Section 68. Subsection (4) is added to section 106.19, Florida Statutes, to read:

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

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

Section 69. Subsections (2) and (3), paragraph (i) of subsection (4), and subsection (5) of section 106.25, Florida Statutes, are amended to read:

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

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Such sworn complaint must be based upon personal information or information other than hearsay. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant that is based upon such facts or allegations that were raised or could have been raised in the first complaint. If the complaint includes allegations of violations relating to expense items reimbursed by a candidate, committee, or organization to the campaign account before a sworn complaint is filed, the commission shall be barred from investigating such allegations. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. *The respondent shall have 14 days after receipt of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.* If the executive director finds that the complaint is legally sufficient, the respondent shall be notified of such finding by letter, which sets forth the statutory provisions alleged to have been violated and the alleged factual basis that supports the finding. All sworn complaints alleging violations of the Florida Election Code over which the commission has jurisdiction shall be filed with the commission within 2 years after the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission. The complainant may withdraw the sworn complaint at any time prior to a probable cause hearing if good cause is shown. Withdrawal shall be requested in writing, signed by the complainant, and witnessed by a notary public, stating the facts and circumstances constituting good cause. The executive director shall prepare a written recommendation regarding disposition of the request which shall be given to the commission together with the request. "Good cause" shall be determined based upon the legal sufficiency or insufficiency of the complaint to allege a violation and the reasons given by the complainant for wishing to withdraw the complaint. If withdrawal is permitted, the commission must close the investigation and the case. No further action may be taken. The complaint will become a public record at the time of withdrawal.

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

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

(i)1. Upon a commission finding of probable cause, the counsel for the commission shall attempt to reach a consent agreement with the re-

spondent. *At any time, the commission may enter into a consent order with a respondent without requiring the respondent to admit to a violation of law within the jurisdiction of the commission.*

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

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

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

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

Section 70. Subsection (1) of section 106.26, Florida Statutes, is amended to read:

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

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all sworn complaints filed with it and all matters reported to it by the Division of Elections. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers, or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint *in the before any circuit court where the witness resides of the state* setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be

paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

Section 71. Subsections (1) through (4) of section 106.265, Florida Statutes, are amended and renumbered, and present subsection (5) of that section is renumbered as subsection (6), to read:

106.265 Civil penalties.—

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

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

(a) The gravity of the act or omission;

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

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

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

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

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

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

Section 72. Subsection (1) and paragraph (b) of subsection (3) of section 106.29, Florida Statutes, are amended to read:

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

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. However, the reports need not include contributions and expenditures that are reported to the Federal Election Commission. In addition, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of the special election or the preceding special primary election must file campaign treasurers' reports on the dates set by the Department of State pursuant to s. 100.111. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding each special primary election, special election, both the primary election, and the general election. In addition to the reports filed under this section, the state executive committee and each county executive committee shall file a copy of each prior written acceptance of an in-kind contribution given by the committee during the

preceding calendar quarter as required under s. 106.08(6). Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

(3)

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

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

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

Section 73. Subsection (5) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

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

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

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

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

Section 74. Paragraph (b) of subsection (12) of section 112.312, Florida Statutes, is amended to read:

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

(12)

(b) "Gift" does not include:

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

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

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

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

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

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

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

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

Section 75. Paragraph (d) of subsection (1) of section 112.3215, Florida Statutes, is amended to read:

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

(1) For the purposes of this section:

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or *contributions or expenditures reported pursuant to federal election law*, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

Section 76. Subsection (1) of section 876.05, Florida Statutes, is amended to read:

876.05 Public employees; oath.—

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

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

Section 77. Section 876.07, Florida Statutes, is repealed.

Section 78. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 79. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; expanding the list of responsibilities of the Secretary of State when acting in his or her capacity as chief election officer; amending s. 97.021, F.S.; redefining the term "minor political party"; amending s. 97.025, F.S.; replacing a requirement for the Department of State to print copies of a pamphlet containing the Election Code with a requirement that the pamphlet be made available; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations register with the Division of Elections and provide the division with certain information; requiring that the division or a supervisor of elections make voter registration forms available to third-party voter registration organizations; requiring that such forms contain certain information; requiring that the division maintain a database of certain information; requiring supervisors of elections to provide specified information to the division in a format and at times required by the division; requiring that such information be updated and made public daily at a specified time; requiring third-party voter registration organizations to deliver collected voter registration applications within a specified period; revising penalty provisions to conform; specifying grounds for an affirmative defense to a violation of timely submission requirements; providing for the referral of violations to the Attorney General; authorizing the Attorney General to initiate a civil action; providing that an action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order; requiring that the division adopt rules for specified purposes; providing for retroactive application of certain requirements applicable to third-party voter registration organizations; deleting provisions providing for fines to be in addition to criminal penalties; deleting provisions providing a continuing appropriation of the proceeds of fines; amending s. 97.071, F.S.; requiring that voter information cards contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address; providing instructions for implementation by the supervisors of elections; amending s. 97.073, F.S.; requiring a supervisor to notify an applicant within 5 business days regarding disposition of the voter registration applications; amending s. 97.1031, F.S.; revising the methods by which a person must update his or her voter registration due to a change of address; revising procedures for an elector to change his or her party affiliation; requiring an elector to notify the supervisor of elections when the elector changes his or her name; amending s. 98.075, F.S.; revising procedures for the removal of deceased persons and other potentially ineligible persons from the statewide voter registration system; amending s. 98.093, F.S.; revising requirements for the Department of Corrections to provide the Department of State with information relating to convicted felons; requiring the Florida Parole Commission to regularly furnish data to the Department of State relating to persons who have been granted clemency; amending s. 98.0981, F.S.; providing timeframes and formats for voting history information to be sent by the supervisors of elections to the department; providing timeframes and formats for voting history information to be sent by the department to the President of the Senate, the Speaker of the House of Representatives, and the respective minority leaders; requiring submission of precinct-level information in a certain format by a time certain; amending s. 99.012, F.S.; providing that a person may not be qualified as a candidate for an election or appear on the ballot unless the person complies with certain requirements; amending s. 99.021, F.S.; revising the candidate oath requirement for a person seeking to qualify for nomination or election or as a candidate of a political party; removing a requirement for the qualifying officer to provide a printed copy of the candidate oath; removing a requirement for taking the public employee oath; clarifying that candidates for United States President and Vice President need not subscribe certain oaths; correcting references for other oaths; amending s. 99.061, F.S.; revising the timeframe for a candidate to pay a qualifying fee under certain circumstances; requiring checks to be payable as prescribed by the filing officer; requiring signatures on certain oaths to be verified; removing a requirement for a public employee oath; requiring the filing of a verified notarized financial disclosure statement; clarifying the time for qualifying papers to be received; providing that the qualifying officer performs a ministerial duty only; exempting a decision by the qualifying officer from the Administrative Procedure Act; amending s. 99.063, F.S.; requiring a can-

dicate's oath to be verified; deleting a requirement for a candidate to file a loyalty oath with the Department of State by a certain date; amending s. 99.092, F.S.; providing for the transfer of the election assessment to the Elections Commission Trust Fund; amending s. 99.093, F.S.; providing for the election assessments paid by a person seeking to qualify for a municipal office to be forwarded by the qualifying officer to the Florida Elections Commission; amending s. 99.095, F.S.; allowing a candidate to obtain the required number of signatures from any registered voter regardless of district boundaries in a year of apportionment; amending s. 99.097, F.S.; providing for the Department of State to adopt rules to verify petitions through random sampling; creating exceptions for certain petitions from the authorization to use random sampling to verify petitions; revising criteria that a supervisor of elections must use to determine whether a petition may be counted as valid; providing that an exemption from paying fees to verify petitions does not apply if a person has been paid to solicit signatures; providing that contributions received after the filing of an undue burden oath must first be used to pay fees for verifying petitions; amending s. 100.061, F.S.; increasing the time period between a primary election and a general election; amending s. 100.101, F.S.; conforming a provision to changes made by the act; amending s. 100.111, F.S.; deleting provisions relating to vacancies in a state or county office because an incumbent qualified as a candidate for federal office; providing for a filing officer, rather than the Department of State, to notify a political party that it may nominate a person for office if certain events cause the party to have a vacancy in nomination; revising provisions relating to the filling of a vacancy in a nomination; deleting a defined term; providing that a vacancy in nomination is not created as the result of certain court orders; amending s. 100.371, F.S.; deleting provisions relating to a right to revoke a signature on an initiative petition; reducing the time period for which a signed and dated initiative petition form is valid; requiring an initiative sponsor to submit an initiative form to the supervisor of elections for the county of residence of the person signing the form for verification; providing procedures for misfiled petitions; revising criteria for a supervisor of elections to verify a signature on an initiative petition form; deleting provisions relating to petition signature revocations; amending s. 101.001, F.S.; requiring the supervisors of elections to provide the department with precinct data including specified information; requiring the department to maintain a searchable database containing certain precinct and census block information; requiring supervisors of elections to notify the department of precinct changes within a specified time; deleting a waiver; amending s. 101.043, F.S.; replacing references to the word "voter" with "elector"; providing that the address on an elector's identification may not be used to confirm or challenge an elector's legal residence; prohibiting a clerk or inspector from requesting additional information from a person once the person has presented his or her picture identification; amending s. 101.045, F.S.; permitting a change of residence at the polling place for a person changing residence within a county; providing that a person whose change of address is from outside the county may not change his or her legal residence at the polling place or vote a regular ballot but may vote a provisional ballot; providing an exception; amending s. 101.131, F.S.; revising procedures for the designation of poll watchers; requiring that the Division of Elections prescribe a form for the designation of poll watchers; providing conditions under which poll watchers are authorized to enter polling areas and watch polls; requiring that a supervisor of elections provide identification to poll watchers by a specified period before early voting begins; requiring that poll watchers display such identification while in a polling place; amending s. 101.151, F.S.; authorizing the use of ballot-on-demand technology to produce election-day ballots; deleting a requirement that the use of such technology be authorized in writing by the Secretary of State; revising provisions relating to ballot headings and the order of candidates appearing on a ballot; amending s. 101.161, F.S.; requiring the Department of State to provide the supervisors of elections either a ballot summary to a joint resolution to amend the State Constitution or the full text of the amendment or revision if a ballot summary is not included in the joint resolution; providing that a joint resolution may include multiple ballot statements set forth in order of priority; providing requirements for ballot statements; detailing responsibilities of the Department of State with respect to providing ballot information to supervisors of elections; prescribing the styling of ballot statements; specifying a time period and procedures to initiate an action to challenge an amendment to the State Constitution proposed by the Legislature; requiring the court, including an appellate court, to accord the case priority over other cases; requiring the Attorney General to revise a ballot title or ballot summary for an amendment proposed by the Legislature under certain circumstances; requiring the Department of State to forward modified ballot language to

supervisors of elections; creating a presumption of validity of a ballot statement that contains the full text of an amendment or revision; providing for retroactive application of the amendments to s. 101.161, F.S.; amending s. 101.5605, F.S.; requiring an electromechanical voting system to satisfy the standards for certification adopted by rule of the Department of State; amending s. 101.5606, F.S.; deleting requirements for electromechanical voting systems to have the capability to produce precinct totals in marked or punched form; amending s. 101.5612, F.S.; revising the sample size of electromechanical voting systems that include the electronic or electromechanical tabulation devices to be tested; amending s. 101.5614, F.S.; deleting provisions relating to the use of ballot cards and write-in ballots or envelopes; amending s. 101.591, F.S.; removing the audit requirement by the canvassing board if a manual recount is undertaken; amending s. 101.62, F.S.; extending the validity of an absentee ballot request to include all elections to the end of the calendar year of the second ensuing regularly scheduled general election; revising the timeframe for supervisors to electronically update absentee ballot request information; specifying types of elections for which a supervisor of elections must send an absentee ballot to uniformed services voters and overseas voters; specifying a time period during which a supervisor of elections must begin mailing absentee ballots; removing requirements that an elector provide certain information when requesting an absentee ballot from the county supervisor of elections; amending s. 101.65, F.S.; revising the form of the instructions to absent electors; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions for updating a signature on a voter registration application; amending s. 101.657, F.S.; reducing the early voting period for elections with state or federal races; removing timetables with respect to early voting in special elections; removing restrictions with respect to daily hours of operation of early voting sites; authorizing a supervisor of elections to provide early voting for elections not held in conjunction with a state or federal election; amending s. 101.68, F.S.; extending the time for canvassing and processing absentee ballots to 15 days before the election; amending s. 101.6923, F.S.; revising the form of the special absentee ballot instructions for certain first-time voters; stating that an absentee ballot is considered illegal if the signature on the voter's certificate does not match the signature on record; providing instructions for updating a signature on a voter registration application; amending s. 101.75, F.S.; deleting a requirement for the dates of the qualifying period for certain municipal elections to run for no less than 14 days; amending s. 102.141, F.S.; requiring the canvassing board to report all early voting and all tabulated absentee results to the department by a time certain; requiring periodic updates; amending s. 102.168, F.S.; revising provisions specifying indispensable parties in a contest of an election; providing that in an election contest involving the review of a signature on an absentee ballot by a canvassing board, a circuit court may not review or consider evidence other than the signature on the voter's certificate and the elector's signatures in the registration records; providing for the reversal of the determination by the canvassing board if the court determines that the board abused its discretion; amending s. 103.021, F.S.; revising a definition; creating s. 103.095, F.S.; providing a procedure for the registration of a minor political party; requiring the Division of Elections to adopt rules to prescribe the manner in which political parties may have their filings cancelled; amending s. 103.101, F.S.; creating a Presidential Preference Primary Date Selection Committee; providing membership; requiring for the committee to meet by a date certain and to set a date for the presidential preference primary; modifying timing requirements with respect to the number and selection of delegates for presidential preference primary candidates; deleting certain requirements governing party rules involving such delegates; amending s. 103.141, F.S.; revising procedures for the removal of an officer, county committeeman, county committeewoman, precinct committeeman, precinct committeewoman, or member of a county executive committee; repealing s. 103.161, F.S., which relates to the removal or suspension of officers or members of a state or county executive committee; amending s. 104.29, F.S.; revising provisions authorizing persons to view whether ballots are being correctly reconciled; amending s. 105.031, F.S.; revising the oath for candidates for judicial office; amending s. 106.011, F.S.; revising the definitions of the terms "contribution," "independent expenditure," "unopposed candidate," and "candidate"; conforming a cross-reference to changes made by the act; amending s. 106.021, F.S.; deleting requirements to report the address of certain persons receiving a reimbursement by a check drawn on a campaign account; amending s. 106.022, F.S.; requiring a political committee, committee of continuous existence, or electioneering communications organization to file a statement of appointment with the

filling officer rather than with the Division of Elections; authorizing an entity to change its appointment of registered agent or registered office by filing a written statement with the filing officer; requiring a registered agent who resigns to execute a written statement of resignation and file it with the filing officer; amending s. 106.023, F.S.; revising the form of the statement of candidate to require a candidate to acknowledge that he or she has been provided access to and understands the requirements of ch. 106, F.S.; amending s. 106.025, F.S.; exempting tickets or advertising for a campaign fundraiser from requirements of s. 106.143, F.S.; amending s. 106.03, F.S.; revising requirements for groups making expenditures for electioneering communications to file a statement of organization; amending s. 106.04, F.S.; transferring a requirement that certain committees of continuous existence file campaign finance reports in special elections; subjecting a committee of continuous existence that fails to file a report or to timely file a report with the Division of Elections or a county or municipal filing officer to a fine; requiring a committee of continuous existence to include transaction information from credit card purchases in a report filed with the Division of Elections; requiring a committee of continuous existence to report changes in information previously reported to the Division of Elections within 10 days after the change; requiring the Division of Elections to revoke the certification of a committee of continuous existence that fails to file or report certain information; requiring the division to adopt rules to prescribe the manner in which the certification is revoked; increasing the amount of a fine to be levied on a committee of continuous existence that fails to timely file certain reports; providing for the deposit of the proceeds of the fines; including the registered agent of a committee of continuous existence as a person whom the filing officer may notify that a report has not been filed; providing criteria for deeming delivery complete of a notice of fine; requiring a committee of continuous existence that appeals a fine to provide a copy of the appeal with the filing officer; amending s. 106.07, F.S.; creating an exception for reports due in the third calendar quarter immediately preceding a general election from a requirement that the campaign treasurer report contributions received and expenditures made on the 10th day following the end of each calendar quarter; revising reporting requirements for a statewide candidate who receives funding under the Florida Election Campaign Financing Act and candidates in a race with a candidate who has requested funding under that act; deleting a requirement for a committee of continuous existence to file a campaign treasurer's report relating to contributions or expenditures to influence the results of a special election; revising the methods by which a campaign treasurer may be notified of the determination that a report is incomplete to include certified mail and other methods using a common carrier that provides proof of delivery of the notice; extending the time the campaign treasurer has to file an addendum to the report after receipt of notice of why the report is incomplete; providing criteria for deeming delivery complete of a notice of incomplete report; deleting a provision allowing for notification by telephone of an incomplete report; revising the information that must be included in a report to include transaction information for credit card purchases; deleting a requirement for a campaign depository to return checks drawn on the account to the campaign treasurer; specifying the amount of a fine for the failure to timely file reports after a special primary election or special election; specifying that the registered agent of a political committee is a person whom a filing officer may notify of the amount of the fine for filing a late report; providing criteria for deeming delivery complete of a notice of late report and resulting fine; amending s. 106.0703, F.S.; deleting a requirement that an electioneering communications organization file electronically file certain periodic reports with the Department of State; amending s. 106.0705, F.S.; requiring certain individuals to electronically file certain reports with the Division of Elections; conforming a cross-reference to changes made by the act; deleting an obsolete provision; amending s. 106.08, F.S.; deleting a requirement for the Department of State to notify candidates as to whether an independent or minor party candidate has obtained the required number of petition signatures; deleting a requirement for certain unopposed candidates to return contributions; specifying the entities with which a political party's state executive committee and county executive committees and affiliated party committees must file a written acceptance of an in-kind contribution; amending s. 106.09, F.S.; specifying that the limitations on contributions by cash or cashier's check apply to the aggregate amount of contributions to a candidate or committee per election; amending s. 106.11, F.S.; revising the statement that must be contained on checks from a campaign account; deleting requirements relating to the use of debit cards; authorizing a campaign for a candidate to reimburse the candidate's loan to the campaign when the campaign account has sufficient funds; amending s. 106.141, F.S.; deleting a limit

on the amount of surplus funds that a candidate may give to his or her political party; requiring candidates receiving public financing to return all surplus funds to the General Revenue Fund after paying certain monetary obligations and expenses; amending s. 106.143, F.S.; specifying disclosure statements that must be included in political advertisements paid for by a write-in candidate; revising the disclosure statements that must be included in certain political advertisements; clarifying the type of political advertisements that must be approved in advance by a candidate; deleting an exemption from the requirement to obtain a candidate's approval for messages designed to be worn; authorizing a disclaimer for paid political advertisements to contain certain registered names and abbreviations; amending s. 106.1437, F.S.; providing that expenditures for a miscellaneous advertisement are not considered to be a contribution to or on behalf of a candidate and do not constitute an independent expenditure; amending s. 106.17, F.S.; providing that the cost of certain polls are not contributions to a candidate; amending s. 106.19, F.S.; providing that a candidate's failure to comply with ch. 106, F.S., has no effect on whether the candidate has qualified for office; amending s. 106.25, F.S.; authorizing a person who is the subject of a complaint filed with the Florida Elections Commission to file a response before the executive director of the commission determines whether the complaint is legally sufficient; prohibiting the commission from determining by rule what constitutes willfulness or defining the term "willful"; authorizing the commission to enter into consent orders without requiring the respondent to admit to a violation of law; authorizing an administrative law judge to impose civil penalties for violations of ch. 104 or ch. 106, F.S.; amending s. 106.26, F.S.; requiring the commission to enforce certain witness subpoenas in the circuit court where the witness resides; amending s. 106.265, F.S.; authorizing an administrative law judge to assess civil penalties upon a finding of a violation of the election code or campaign financing laws; providing for civil penalties to be assessed against an electioneering communications organization; removing reference to the expired Election Campaign Financing Trust Fund; directing that moneys from penalties and fines be deposited into the General Revenue Fund; amending s. 106.29, F.S.; requiring state and county executive committees and affiliated party committees that make contributions or expenditures to influence the results of a special election or special primary election to file campaign treasurer's reports; amending campaign finance reporting dates, to conform; deleting a requirement that each state executive committee file the original and one copy of its reports with the Division of Elections; revising the due date for filing a report; providing criteria for deeming delivery complete of a notice of fine; amending s. 106.35, F.S.; deleting a requirement that the Division of Election adopt rules relating to the format and filing of certain printed campaign treasurer's reports; amending s. 112.312, F.S.; excluding contributions or expenditures reported pursuant to federal election law from the definition of the term "gift"; amending s. 112.3215, F.S.; excluding contributions or expenditures reported pursuant to federal election law from the definition of the term "expenditure"; amending s. 876.05, F.S.; deleting a requirement for all candidates for public office to record an oath to support the Constitution of the United States and of the State of Florida; repealing s. 876.07, F.S., relating to a requirement that a person make an oath to support the Constitution of the United States and of the State of Florida in order to be qualified as a candidate for office; providing for severability of the act; providing effective dates.

Senator Braynon moved the following amendment to **Amendment 1** which failed:

Amendment 1A (185162) (with title amendment)—Delete lines 47-200.

And the title is amended as follows:

Delete lines 3931-3962 and insert: the pamphlet be made available; amending s. 97.071, F.S.; requiring

Senator Ring moved the following amendment to **Amendment 1** which failed:

Amendment 1B (593948) (with title amendment)—Delete lines 80-200 and insert:

(3) *A third-party voter registration organization shall turn in each voter registration application received from its authorized registration agents regardless of whether the third-party voter registration organization believes the voter registration application may be invalid or in-*

complete. If, when submitting a voter registration application, a third-party voter registration organization also submits information stating why the organization believes the application may be invalid or incomplete, the third-party voter registration organization shall be presumed to be in compliance with this section.

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

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

(4)(a)(2) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the third-party voter registration organization, irrespective of party affiliation, race, ethnicity, or gender, shall be promptly delivered to the division or the supervisor of elections *within 48 hours after the applicant completes it or the next business day if the appropriate office is closed for that 48-hour period*. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections, the third-party voter registration organization *is shall be* liable for the following fines:

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

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

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

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

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

(5) If the Secretary of State reasonably believes that a person has committed a violation of this section, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of this section or to prevent a violation of this section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

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

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

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

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

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

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

And the title is amended as follows:

Delete lines 3944-3962 and insert: and made public daily at a specified time; requiring submission of all voter registration applications received by a third-party voter registration organization; providing circumstances under which a third-party voter registration organization shall be deemed to be in compliance with the law when submitting voter registration applications; amending s. 97.071, F.S.; requiring

Senator Braynon moved the following amendment to **Amendment 1** which failed:

Amendment 1C (959948) (with title amendment)—Delete lines 107-117 and insert: division or the supervisor of elections. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections, the third-party voter registration organization *is shall be* liable for the following fines:

1.(a) A fine in the amount of \$50 for each application received by the division or the supervisor of elections more than 10 days after the applicant delivered the

And the title is amended as follows:

Delete lines 3944-3948 and insert: and made public daily at a specified time; specifying grounds for an affirmative

Senator Diaz de la Portilla moved the following amendments to **Amendment 1** which were adopted:

Amendment 1D (585536)—Delete lines 499-542 and insert:

(2)(a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 45 days after certification by the *Elections Canvassing Commission* *the date* of a presidential preference primary election, a special election, *primary election*, or a general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by *paragraph (c) the department*. The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the *aggregate* total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, *with subtotals for each*

candidate and ballot type, unless fewer than 10 voters voted a ballot type. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by absentee ballot including overseas absentee ballots, during the early voting period, or by provisional ballot.

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

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

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

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

3. The data records shall include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total.

Amendment 1E (365494) (with title amendment)—Delete lines 543-552 and insert:

Section 12. Subsections (5) and (7) of section 99.012, Florida Statutes, are amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(5) If an order of a court that has become final determines that a person did not comply with this section, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot. The name of any person who does not comply with this section may be removed from every ballot on which it appears when ordered by a circuit court upon the petition of an elector or the Department of State.

(7) Nothing contained in subsection (3) relates to persons holding any federal office or seeking the office of President or Vice President.

And the title is amended as follows:

Delete lines 3997-4000 and insert: time certain; amending s. 99.012, F.S., relating to restrictions on individuals qualifying for public office; providing that if a final court order determines that a person did not comply with specified provisions, the person is not qualified as a candidate and his or her name may not appear on ballot; providing for nonapplicability to presidential and vice presidential candidates; amending s.

Senator Margolis moved the following amendment to **Amendment 1** which failed:

Amendment 1F (567474) (with title amendment)—Delete lines 1097-1101 and insert:

(3) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid for a period of 4 years following such date if, provided all other requirements of law are met. The sponsor shall submit signed and

And the title is amended as follows:

Delete lines 4062-4064 and insert: initiative petition; requiring an initiative sponsor to submit an

Senator Rich offered the following amendment to **Amendment 1** which was moved by Senator Sachs and failed:

Amendment 1G (965660)—Delete line 141 and insert: The aggregate fine pursuant to this subsection which

Senator Negron moved the following amendment to **Amendment 1** which was adopted:

Amendment 1H (877216) (with title amendment)—Delete lines 1273-1276 and insert:

(c) When an elector presents his or her picture identification to the clerk or inspector and the elector's address on the picture identification matches the elector's address in the supervisor's records, the elector may not be asked to provide additional information or to recite his or her home address.

And the title is amended as follows:

Delete lines 4083-4086 and insert: an elector's legal residence; amending s. 101.043, F.S.; providing that the elector may not be asked to provide additional information or to recite his or her home address under certain circumstances; amending s. 101.045, F.S.;

Senator Joyner moved the following amendment to **Amendment 1** which failed:

Amendment 1I (978536) (with title amendment)—Delete lines 1281-1366.

And the title is amended as follows:

Delete lines 4086-4093 and insert: picture identification; amending s. 101.131, F.S.; revising

Senator Sobel moved the following amendment to **Amendment 1** which failed:

Amendment 1J (565080) (with title amendment)—Delete lines 1285-1299 and insert:

(1)(a) A ~~No~~ person is not ~~shall~~ be permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when the person has no permanent address in the county and it is the person's intention to remain a resident of Florida and of the county in which he or she is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

(b) If a person attempts to vote in an election precinct or district other than the one in which the person is registered, the clerk or inspector must provide the address of the correct polling place in writing to the person.

And the title is amended as follows:

Between lines 4086 and 4087 insert: requiring a clerk or inspector to provide the address of the correct polling place to a person who attempts to vote in an incorrect precinct or district;

Senator Joyner moved the following amendment to **Amendment 1** which failed:

Amendment 1K (134950) (with title amendment)—Delete lines 1321-1325 and insert:

(b) Except for an active uniformed services voter, a member of the active uniformed services voter's family, or a college or university student, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and vote a regular ballot; however, such elector is entitled to vote a provisional ballot.

And the title is amended as follows:

Delete lines 4092 and 4093 and insert: ballot but may vote a provisional ballot; providing exceptions; amending s. 101.131, F.S.; revising

Senator Smith moved the following amendments to **Amendment 1** which failed:

Amendment 1L (912552) (with title amendment)—Delete lines 1488-1632.

And the title is amended as follows:

Delete lines 4109-4133.

Amendment 1M (433580) (with title amendment)—Delete line 1580 and insert:

(4) If the Supreme Court finds in an advisory opinion issued pursuant to s. 3(b)(10), Art. IV of the State Constitution that the ballot title or ballot summary embodied in a constitutional amendment proposed by citizen initiative is defective, the sponsor of the initiative may, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court. The court shall retain jurisdiction over challenges to a revised ballot title or ballot summary prepared by the initiative sponsor, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.

(5)(8)(a) For any general election in which the Secretary

And the title is amended as follows:

Delete line 4132 and insert: amendment or revision; authorizing the sponsor of a citizen initiative amendment to the State Constitution to revise the ballot title or ballot summary that is found to be defective by the Supreme Court; requiring an action to challenge a revised ballot title or ballot summary of a citizen initiative to be initiated within a certain time; providing for retroactive

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1N (376082) (with title amendment)—Between lines 1660 and 1661 insert:

Section 33. Subsection (4) is added to section 101.56075, Florida Statutes, to read:

101.56075 Voting methods.—

(4) By December 31, 2013, all voting systems utilized by voters during a state election shall permit placement on the ballot of the full text of a constitutional amendment or revision containing stricken or underlined text.

And the title is amended as follows:

Delete line 4140 and insert: totals in marked or punched form; amending s. 101.56075, F.S.; providing that all voting systems utilized after a certain time shall permit placement on the ballot of the full text of a constitutional amendment or revision; amending s.

Senator Siplin moved the following amendment to **Amendment 1** which failed:

Amendment 1O (341186) (with title amendment)—Delete lines 1886-1940 and insert:

Section 38. Paragraph (d) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)

(d) Early voting shall begin on the 15th day before an election that contains state or federal races and end on the 2nd day before the ~~the~~ election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for 8 hours per weekday and 8 hours in the aggregate each weekend at each site during the applicable periods. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal

election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.

And the title is amended as follows:

Delete lines 4168-4174 and insert: F.S.; clarifying the early voting period for elections with state or federal races; authorizing a supervisor of elections to provide early voting for elections not held in conjunction with a state or federal election;

Senator Joyner moved the following amendment to **Amendment 1** which failed:

Amendment 1P (536956) (with title amendment)—Delete lines 1886-1940 and insert:

Section 38. Subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election.

(b) The supervisor shall also designate any city hall as an early voting site. The supervisor may also designate any permanent public library facility, any polling place to be used on election day, any college or university, or any other facility open to the public as an early voting site. In any general election in which a candidate for President of the United States appears on the ballot, the supervisor of elections shall designate at least one early voting site for every 40,000 registered voters within the county. In any general election in which a candidate for President of the United States does not appear on the ballot, the supervisor shall designate at least one early voting site for every 80,000 registered voters within the county. To the extent practicable, the designated sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot. The supervisor may also designate any city hall or permanent public library facility as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

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

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

(e)(d) Early voting shall begin on the 15th day before an election and end on the 2nd day before an election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for 8 hours per weekday and 8 hours in the aggregate each weekend at each site during the applicable periods. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.

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

(g)(f) Notwithstanding the requirements of s. 189.405, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early

voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(d) (a)-(e). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

And the title is amended as follows:

Delete lines 4168-4174 and insert: F.S.; revising and expanding early voting locations;

Senators Gaetz and Diaz de la Portilla offered the following amendment to **Amendment 1** which was moved by Senator Gaetz and adopted:

Amendment 1Q (624028) (with title amendment)—Delete lines 1907-1924 and insert: early voting site. *The supervisor shall provide to the division no later than the 30th day before an election the address of each early voting site and the hours that early voting will occur at each site.*

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

(d) Early voting shall begin on the 10th 15th day before an election that contains state or federal races and end on the 3rd 2nd day before the election, and. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for no less than 6 8 hours and no more than 12 hours per day weekday and 8 hours in the aggregate each weekend at each site during the applicable period periods. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.

And the title is amended as follows:

Delete line 4168 and insert: F.S.; requiring the supervisor of elections to provide to the division the address and hours of operation of early voting sites; reducing the early voting period for elections

Senator Rich offered the following amendment to **Amendment 1** which was moved by Senator Sachs and failed:

Amendment 1R (515416) (with title amendment)—Delete lines 1911-1918 and insert:

(d) Early voting shall begin on the 15th day before an election that contains state or federal races and end on the 2nd day before the election and. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for 8 hours per day, including Saturday and Sunday, weekday and 8 hours in the aggregate each weekend at each site during the applicable periods. The supervisor of elections may

And the title is amended as follows:

Delete lines 4168-4172 and insert: F.S.; clarifying the early voting period for elections having state or federal races; removing timetables with respect to early voting in special elections; removing restrictions with respect to days and hours of operation of early voting sites; authorizing a supervisor of

Senator Sachs moved the following amendments to **Amendment 1** which failed:

Amendment 1S (196564) (with title amendment)—Delete lines 2188-2302 and insert:

Section 46. Subsections (1), (2), (3), and (6) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(1) Each political party other than a minor political party shall, on the ~~first~~ last Tuesday in *March January* in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule.

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

(b) By *December October* 31 of the year preceding the *Florida* presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in *January each November of the year that a preceding the presidential preference primary election is held*. Each person designated as a presidential candidate shall have his or her name appear, or have his or her delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot.

(c) The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in *January each November of the year that a preceding the presidential preference primary is held*. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.

(3) A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits to the Department of State, prior to the second Tuesday after the first Monday in *January November of the year preceding the presidential preference primary*, an affidavit stating that he or she is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the state executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in *January November of the year preceding the presidential preference primary*, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot.

(6) Delegates must qualify no later than the second Friday in *January November of the year preceding the presidential preference primary* in the manner provided by party rule.

And the title is amended as follows:

Delete lines 4206-4214 and insert: filings cancelled; amending s. 103.101, F.S.; revising dates relating to the presidential preference primary;

The vote was:

Yea—15

Braynon	Joyner	Simmons
Deter	Margolis	Siplin
Dockery	Montford	Smith
Hays	Rich	Sobel
Hill	Sachs	Storms

Nay—20

Mr. President	Altman	Benacquisto
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Bennett	Gaetz	Oelrich
Bogdanoff	Gardiner	Richter
Dean	Jones	Ring
Diaz de la Portilla	Lynn	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Vote after roll call:

Yea to Nay—Hays, Storms

Amendment 1T (527862) (with title amendment)—Delete lines 3398-3403 and insert: affiliation. *A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does not prohibit a political advertisement from stating the candidate's partisan-related experience; however, a judicial candidate's political advertisement may not state his or her partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.*

And the title is amended as follows:

Delete line 4355 and insert: candidate; providing requirements for political advertisements; deleting an exemption from the requirement

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1U (284784) (with title amendment)—Delete lines 3753 and 3754 and insert: expenditures made by such committee. *However, the reports shall not include contributions and expenditures that are reported to*

And the title is amended as follows:

Delete line 4392 and insert: 106.29, F.S.; creating an exemption from state reporting requirements for certain contributions and expenditures by political parties; requiring state and county executive

Senator Fasano moved the following amendment to **Amendment 1** which failed:

Amendment 1V (735764) (with title amendment)—Between lines 3908 and 3909 insert:

Section 78. *Section 103.092, Florida Statutes, as created by chapter 2011-6, Laws of Florida, is repealed.*

And the title is amended as follows:

Delete line 4419 and insert: be qualified as a candidate for office; repealing s. 103.092, F.S., relating to affiliated party committees; providing for

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1W (947360) (with title amendment)—In title, delete line 4128 and insert: circumstances; providing a 10-day deadline and procedures for challenging revised ballot titles or summaries; requiring the Department of State to

MOTION

On motion by Senator Margolis, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Margolis moved the following amendment to **Amendment 1** which failed:

Amendment 1X (885824) (with title amendment)—Delete lines 1907-1924 and insert: early voting site. *The supervisor shall provide to the division no later than the 30th day before an election the address of each early voting site and the hours that early voting will occur at each site.*

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

(d) Early voting shall begin on the 10th ~~15th~~ day before an election that contains state or federal races and end on the 3rd ~~2nd~~ day before the ~~an~~ election, and. ~~For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the 2nd day before an election. Early voting shall be provided for no less than 6 8 hours and no more than 12 hours per day weekday and 8 hours in the aggregate each weekend at each site during the applicable period, except that counties having 1 million or more registered voters as of the book closing date for the election must provide early voting for 12 hours per day periods. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day.~~

And the title is amended as follows:

Delete lines 4168-4174 and insert: F.S.; requiring the supervisor of elections to provide to the division the address and hours of operation of early voting sites; reducing the early voting period for elections with state or federal races; providing an exception with regard to hours of operation for certain counties for early voting; removing timetables with respect to early voting in special elections; removing restrictions with respect to daily hours of operation of early voting sites; authorizing a supervisor of elections to provide early voting for elections not held in conjunction with a state or federal election;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1355** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 866** and **CS for SB 1340** were withdrawn from the Committee on Budget.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **CS for SB 34**, **CS for SB 46**, and **CS for SB 506** were placed on the Special Order Calendar; and **HB 7253** was withdrawn from the Committee on Rules and placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR

CS for CS for SB 556—A bill to be entitled An act relating to drug screening of potential and existing beneficiaries of temporary cash assistance; creating s. 414.0652, F.S.; providing legislative intent; requiring the Department of Children and Family Services to establish a drug-screening program; requiring consent to drug screening as a condition to eligibility for or receipt of temporary cash assistance; limiting screening to certain persons; providing definitions; providing for notice; providing terms of disqualification for temporary cash assistance; requiring the department to supply information concerning substance abuse treatment; providing screening procedures; providing for the preservation of screening and confirmatory testing specimens; directing the department to submit a report to the Governor and Legislature; amending s. 414.095, F.S.; revising requirements for determination of eligibility for temporary cash assistance to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **CS for CS for SB 556** to **CS for CS for CS for CS for HB 353**.

Pending further consideration of **CS for CS for SB 556** as amended, on motion by Senator Oelrich, by two-thirds vote **CS for CS for CS for CS for HB 353** was withdrawn from the Committees on Criminal Justice; Budget Subcommittee on Health and Human Services Appropriations; and Budget.

On motion by Senator Oelrich—

CS for CS for CS for CS for HB 353—A bill to be entitled An act relating to drug screening of potential and existing beneficiaries of Temporary Assistance for Needy Families; creating s. 414.0652, F.S.; requiring the Department of Children and Family Services to perform a drug test on an applicant for Temporary Assistance for Needy Families benefits; requiring such individual to bear the cost of the drug test; requiring the department to provide, and the applicant to acknowledge receipt of, notice of the drug-screening policy; requiring the department to increase the amount of the initial TANF benefit by the amount paid by the individual for the drug testing; providing procedures for testing and retesting; requiring the department to provide information concerning local substance abuse treatment programs to an individual who tests positive; providing conditions for an individual to reapply for Temporary Assistance for Needy Families benefits; providing that, if a parent is ineligible as a result of failing a drug test, the eligibility of the children is not affected; providing conditions for designating another protective payee; providing rulemaking authority to the department; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 556** as amended and read the second time by title.

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

Senators Siplin, Smith, Braynon, Hill, Sachs, Wise, Storms, and Margolis offered the following amendment which was moved by Senator Siplin and failed:

Amendment 1 (128120) (with title amendment)—Delete line 35 and insert: *section includes any parent or caretaker relative who has pled guilty or nolo contendre to, or has been found guilty under federal or state law, of any offense that is classified as a felony by federal or state law, that is related to the possession, use, or distribution of a controlled substance, as defined in s. 102(6) of the controlled substance act, 21 U.S.C. s. 802(6), schedules I-VI of title 21 C.F.R. part 1308, or chapter 893 and who is*

And the title is amended as follows:

Delete line 7 and insert: Needy Families benefits; providing that certain persons are a part of the cash assistance group making them subject to drug testing; requiring such individual to bear

The vote was:

Yea—18

Altman	Hill	Ring
Braynon	Joyner	Sachs
Detert	Lynn	Siplin
Dockery	Margolis	Smith
Flores	Montford	Sobel
Garcia	Rich	Wise

Nays—20

Mr. President	Fasano	Norman
Alexander	Gaetz	Oelrich
Benacquisto	Gardiner	Richter
Bennett	Hays	Simmons
Bogdanoff	Jones	Storms
Dean	Latvala	Thrasher
Diaz de la Portilla	Negron	

Vote after roll call:

Nay to Yea—Storms

Pursuant to Rule 4.19, **CS for CS for CS for CS for HB 353** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by unanimous consent—

CS for SB 1902—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; requiring the court to retain jurisdiction over a child until the child is 21 years of age if the child elects to receive Foundations First Program services; providing for an annual judicial review; amending s. 39.6012, F.S.; requiring assurance in a child's case plan that efforts were made to avoid a change in the child's school; requiring that the case plan contain procedures for an older child to directly access and manage a personal allowance; creating s. 39.6015, F.S.; providing purpose and legislative intent with respect to the provision of services for older children who are in licensed care; requiring the documentation of assurances that school stability is considered when a child in care is moved; providing for the same assurances for children with disabilities; defining the term "school of origin"; requiring that the Department of Children and Family Services or the community-based provider provide reimbursement for the costs of transportation provided for a child in care; requiring changes in a child's school to be minimally disruptive; specifying criteria to be considered by the department and community-based provider during the transition of a child to another school; requiring children in care to attend school; requiring scheduled appointments to consider the child's school attendance; providing penalties for caregivers who refuse or fail to ensure that the child attends school regularly; specifying who may serve as an education advocate; requiring documentation that an education advocate or surrogate parent has been designated or appointed for a child in care; requiring a child in middle school to complete an electronic personal academic and career plan; requiring caregivers to attend school meetings; specifying requirements for individual education transition plan meetings for children with disabilities; requiring that a child be provided with information relating to the Road-to-Independence Program; requiring that the caregiver or education advocate attend parent-teacher conferences; requiring that a caregiver be provided with access to school resources in order to enable a child to achieve educational success; requiring the delivery of a curriculum model relating to self-advocacy; requiring documentation of a child's progress, the services needed, and the party responsible for providing services; specifying choices for a child with respect to diplomas and certificates for high school graduation or completion; providing that a child with a disability may stay in school until 22 years of age under certain circumstances; requiring caregivers to remain involved in the academic life of child in high school; requiring documentation of a child's progress, the services needed, and the party who is responsible for providing services; providing for a child to be exposed to job-preparatory instruction, enrichment activities, and volunteer and service opportunities, including activities and services offered by the Agency for Workforce Innovation; requiring that children in care be afforded opportunities to participate in the usual activities of school, community, and family life; requiring caregivers to encourage and support a child's participation in extracurricular activities; requiring that transportation be provided for a child; providing for the development of a transition plan; specifying the contents of a transition plan; requiring that the plan be reviewed by the court; requiring that a child be provided with specified documentation; requiring that the transition plan be coordinated with the case plan and a transition plan prepared pursuant to the Individuals with Disabilities Education Act for a child with disabilities; requiring the creation of a notice that specifies the options that are available to the child; requiring that community-based care lead agencies and contracted providers report specified data to the department and Legislature; amending s. 39.701, F.S.; conforming terminology; specifying the required considerations during judicial review of a child under the jurisdiction of the court; specifying additional documents that must be provided to a child and that must be verified at the judicial review; requiring judicial review of a transition plan; amending s. 409.1451, F.S., relating to the Road-to-Independence Program; creating the Foundations First Program for young adults who want to remain in care after reaching 18 years of age; providing eligibility, termination, and reentry requirements for the program; requiring a court hearing before termination; providing for the development of a transition plan; specifying the contents of the transition plan; requiring that a young adult be provided with specified documentation; re-

quiring that the transition plan be coordinated with the case plan and a transition plan prepared pursuant to the Individuals with Disabilities Education Act for a young adult with disabilities; requiring the creation of a notice that specifies the options that are available to the young adult; requiring annual judicial reviews; creating the College Bound Program for young adults who have completed high school and have been admitted to an eligible postsecondary institution; providing eligibility requirements; providing for a stipend; requiring satisfactory academic progress for continuation of the stipend; providing for reinstatement of the stipend; providing for portability of services for a child or young adult who moves out of the county or out of state; specifying data required to be reported to the department and Legislature; conforming terminology relating to the Independent Living Services Advisory Council; providing rulemaking authority to the Department of Children and Family Services; amending s. 409.903, F.S.; conforming a cross-reference; requiring the department to amend the case plan and judicial social service review formats; providing for young adults receiving transition services to continue to receive existing services until their eligibility for that benefit program expires; requiring the department to develop a request for proposal for the creation of an education advocacy system; requiring the department to contract with a national nonprofit organization to administer the Road-to-Independence Program; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Rich moved the following amendments which were adopted:

Amendment 1 (785140)—Delete line 975 and insert: *from remaining in care longer. The provision of services under this subsection is intended to supplement, not supplant, services available under any other program for which the young adult is eligible, including, but not limited to, Medicaid waiver services, vocational rehabilitation programs, or school system programs. For purposes of this section, the term "child" means an individual who has not attained 21 years of age, and the term "young adult" means a child who has attained 18 years of age but who has not attained 21 years of age.*

Amendment 2 (449790)—Delete lines 977-979 and insert:

1. *A young adult who was living in licensed care on his or her 18th birthday or who is currently living in licensed care, or who after reaching 16 years of age was adopted from licensed care or placed with a court-approved dependency guardian, and has spent a minimum of 6 months in licensed care within the 12 months immediately preceding such placement or adoption, is eligible for the Foundations First Program if he or she is:*

Amendment 3 (705924)—Delete lines 1136-1140 and insert:

(a) *Purpose.—This program is designed for young adults who are 18 years of age but are not yet 23 years of age, have graduated from high school, have been accepted into a college, a Florida College System institution, or a vocational school, and need minimal support from the state other than the financial resources to attend college.*

Amendment 4 (777704)—Delete lines 1150-1154 and insert:

a. *Was living in care on his or her 18th birthday or is currently living in care, or, after reaching 16 years of age, was adopted from care or placed with a court-approved dependency guardian and has spent a minimum of 6 months in care within the 12 months immediately preceding such placement or adoption; and*

Amendment 5 (403092) (with title amendment)—Delete lines 1404-1432 and insert:

Section 8. *Effective October 1, 2011, a child or young adult who is a participant in the Road-to-Independence Program may continue in the program as it exists through December 31, 2011. Effective January 1, 2012, a child or young adult who is a participant in the program shall transfer to the program services provided in this act and his or her monthly stipend may not be reduced, the method of payment of the monthly stipend may not be changed, and the young adult may not be required to change his or her living arrangement. These conditions shall remain in effect for a child or young adult until he or she ceases to meet the eligibility requirements under which he or she entered the Road-to-Independence Program. A child or young adult applying or reapplying for*

the Road-to-Independence Program on or after October 1, 2011, may apply for program services only as provided in this act.

And the title is amended as follows:

Delete lines 120-125 and insert: existing services until December 31, 2011; providing exceptions; providing

On motion by Senator Rich, by two-thirds vote **CS for SB 1902** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yea—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nay—None

CLAIM BILL CALENDAR

SENATOR BENNETT PRESIDING

On motion by Senator Dean, by unanimous consent—

CS for SB 34—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham, which was due to the negligence of employees of the City of Ft. Lauderdale; providing a limitation on the payment of fees and costs; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 34**, on motion by Senator Dean, by two-thirds vote **HB 185** was withdrawn from the Special Master on Claim Bills; and the Committee on Rules.

On motion by Senator Dean, by two-thirds vote—

HB 185—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham, which was due to the negligence of employees of the City of Ft. Lauderdale; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 34** and by two-thirds vote read the second time by title.

On motion by Senator Dean, by two-thirds vote **HB 185** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

Mr. President	Dean	Flores
Alexander	Detert	Gaetz
Altman	Diaz de la Portilla	Garcia
Benacquisto	Dockery	Gardiner
Bogdanoff	Evers	Hays
Braynon	Fasano	Hill

Jones	Norman	Smith
Joyner	Rich	Sobel
Latvala	Richter	Storms
Lynn	Ring	Thrasher
Margolis	Sachs	Wise
Montford	Simmons	
Negron	Siplin	

Nays—2

Bennett Oelrich

Vote after roll call:

Yea to Nay—Gaetz

On motion by Senator Haridopolos, by unanimous consent—

CS for SB 46—A bill to be entitled An act for the relief of William Dillon, who was wrongfully incarcerated for 27 years and exonerated by a court after DNA testing; providing an appropriation to compensate Mr. Dillon for his wrongful incarceration; directing the Chief Financial Officer to draw a warrant for the purchase of an annuity; providing for a waiver of certain tuition and fees; providing conditions for payment; providing that the act does not waive certain defenses or increase the state's liability; providing a limitation on the payment of fees and costs; providing that certain benefits are void upon a finding that Mr. Dillon is not innocent of the alleged crime; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **CS for SB 46** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyer	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

On motion by Senator Bogdanoff, by unanimous consent—

CS for SB 2170—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.291, F.S.; providing for termination of the terms of all current members of judicial nominating commissions; providing for staggered terms of newly appointed members; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 2170**, on motion by Senator Bogdanoff, by two-thirds vote **HB 7101** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Bogdanoff, the rules were waived and—

HB 7101—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.291, F.S., relating to judicial nominating

commissions; creating s. 43.292, F.S.; providing for judicial nominating commissions; specifying membership and composition; providing for appointment of members by the Governor; providing for terms; requiring the Governor to consider racial, ethnic, gender, and geographic diversity in making appointments; providing for suspension of a member of a judicial nominating commission; establishing a quorum; providing for administrative support; abolishing prior offices; permitting reappointment of former officeholders; providing an effective date.

—a companion measure, was substituted for **CS for SB 2170** and read the second time by title.

On motion by Senator Bogdanoff, further consideration of **HB 7101** was deferred.

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 1382—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring that an agency include in its notice of intended rulemaking a statement as to whether the proposed rule will require legislative ratification; providing for modification or withdrawal of an adopted rule that is not ratified by the Legislature; clarifying that certain proposed rules are effective only when ratified by the Legislature; amending s. 120.541, F.S.; reducing the time before an agency files a rule for adoption within which the agency must notify the person who submitted a lower cost alternative and the Administrative Procedures Committee; excluding rules adopting federal standards and emergency rulemaking from certain provisions; amending s. 120.56, F.S.; reducing the time within which a substantially affected person may seek an administrative determination of the invalidity of a rule after the statement or revised statement of estimated regulatory costs is available; amending s. 120.80, F.S.; exempting the adoption of certain amendments and the triennial updates to the Florida Building Code from required legislative ratification; exempting the adoption of certain amendments and the triennial updates to the Florida Fire Prevention Code from required legislative ratification; exempting the adoption of rules adjusting rates of certain transportation and expressway tolls from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; amending s. 120.81, F.S.; excluding the adoption of rules under chapter 2011-1, Laws of Florida, the Student Success Act, from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1382** to **CS for CS for HB 993 and HB 7239**.

Pending further consideration of **CS for CS for SB 1382** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for CS for HB 993 and HB 7239** was withdrawn from the Committees on Governmental Oversight and Accountability; and Budget.

On motion by Senator Bennett, the rules were waived and—

CS for CS for HB 993 and HB 7239—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring that an agency include in its notice of intended rulemaking a statement as to whether the proposed rule will require legislative ratification; providing for withdrawal of an adopted rule that is not ratified by the Legislature; clarifying that certain proposed rules are effective only when ratified by the Legislature; amending s. 120.541, F.S.; reducing the time before an agency files a rule for adoption within which the agency must notify the person who submitted a lower cost alternative and the Administrative Procedures Committee; excluding rules adopting federal standards and emergency rulemaking from certain provisions; amending s. 120.56, F.S.; reducing the time in which a substantially affected person may seek an administrative determination of the invalidity of a rule after the statement or revised statement of estimated regulatory costs is available; amending s. 120.74, F.S.; providing for agency reporting of certain annual regulatory plans; providing for certain omissions and suspensions of reports; creating s. 120.745, F.S.; providing for legislative review of agency rules in effect on or before November 16, 2010; providing definitions; requiring that each agency complete an enhanced biennial review of its existing rules; requiring a report of the enhanced biennial

review; providing specifications for the report; providing for objections and the agency's response; requiring the performance of a compliance economic review and report under certain circumstances; providing specifications for the review; providing specifications for publishing the final report of the agency's review; requiring that an agency publish notices, determinations, and reports in a specified format; requiring the Department of State to publish certain notices in the Florida Administrative Weekly; providing specifications; providing for future review and repeal; providing for suspension of rulemaking authority for failure to comply with the certification requirements of the section; providing for an exemption from certain requirements; creating s. 120.7455, F.S.; providing that the Legislature may establish and maintain an Internet-based public survey of regulatory impacts; providing input details; providing that legislative leaders may certify in writing to certain individuals the establishment and identity of any such Internet-based survey; providing immunities from enforcement action or prosecution involving information solicited through the survey; providing protections from retaliatory enforcement actions; clarifying that the legal status of a rule that has been determined to be invalid is not changed by the amendment or creation of specified provisions by the act; amending s. 120.80, F.S.; exempting the adoption of certain amendments and the triennial updates to the Florida Building Code from required legislative ratification; exempting the adoption of certain amendments and the triennial updates to the Florida Fire Prevention Code from required legislative ratification; exempting the adoption of rules adjusting rates of certain transportation and expressway tolls from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; amending s. 120.81, F.S.; excluding the adoption of rules under chapter 2011-1, Laws of Florida, the Student Success Act, from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1382** as amended and read the second time by title.

MOTION

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendments was allowed:

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (116030) (with title amendment)—Between lines 837 and 838 insert:

Section 10. Paragraph (p) is added to subsection (2) of section 120.569, Florida Statutes, to read:

120.569 Decisions which affect substantial interests.—

(2)

(p) *For any proceeding arising under chapter 373, chapter 378, or chapter 403, if a nonapplicant petitions as a third party to challenge an agency's issuance of a license, permit, or conceptual approval, the order of presentation in the proceeding is for the permit applicant to present a prima facie case demonstrating entitlement to the license, permit, or conceptual approval, followed by the agency. This demonstration may be made by entering into evidence the application and relevant material submitted to the agency in support of the application, and the agency's staff report or notice of intent to approve the permit, license, or conceptual approval. Subsequent to the presentation of the applicant's prima facie case and any direct evidence submitted by the agency, the petitioner initiating the action challenging the issuance of the license, permit, or conceptual approval has the burden of ultimate persuasion and has the burden of going forward to prove the case in opposition to the license, permit, or conceptual approval through the presentation of competent and substantial evidence. The permit applicant and agency may on rebuttal present any evidence relevant to demonstrating that the application meets the conditions for issuance. Notwithstanding subsection (1), this paragraph applies to proceedings under s. 120.574.*

And the title is amended as follows:

Delete line 66 and insert: ratification; amending s. 120.569, F.S.; providing that a nonapplicant who petitions to challenge an agency's issuance of a license, permit, or conceptual approval in certain circum-

stances has the burden of ultimate persuasion and the burden of going forward with evidence; providing an effective date.

Amendment 2 (163806)—Delete line 426 and insert: *economic review in paragraph (g), divided into two approximately*

Amendment 3 (163738)—Delete line 795 and insert: *Florida Statutes, by this act do not change the legal status*

On motion by Senator Bennett, by two-thirds vote **CS for CS for CS for HB 993 and HB 7239** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—35

Mr. President	Fasano	Oelrich
Alexander	Flores	Richter
Altman	Gaetz	Ring
Benacquisto	Garcia	Sachs
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Braynon	Jones	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Norman	

Nays—3

Hill	Joyner	Rich
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Vote after roll call:

Yea—Negron

Yea to Nay—Dockery, Storms

On motion by Senator Bogdanoff, the Senate resumed consideration of—

HB 7101—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.291, F.S., relating to judicial nominating commissions; creating s. 43.292, F.S.; providing for judicial nominating commissions; specifying membership and composition; providing for appointment of members by the Governor; providing for terms; requiring the Governor to consider racial, ethnic, gender, and geographic diversity in making appointments; providing for suspension of a member of a judicial nominating commission; establishing a quorum; providing for administrative support; abolishing prior offices; permitting reappointment of former officeholders; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Bogdanoff, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bogdanoff moved the following amendment which was adopted:

Amendment 1 (866924) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 43.291, Florida Statutes, is amended to read:

43.291 Judicial nominating commissions.—

(3) *Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause. The terms of all current other members of a judicial nominating commission are hereby terminated,*

and the Governor shall appoint new members to each judicial nominating commission in the following manner:

(a) Two appointments for terms ending July 1, 2012 2002, one of which shall be an appointment selected from nominations submitted by the Board of Governors of The Florida Bar pursuant to paragraph (1)(a);

(b) Two appointments for terms ending July 1, 2013 2003; and

(c) Two appointments for terms ending July 1, 2014 2004.

Every subsequent appointment, except an appointment to fill a vacant, unexpired term, shall be for 4 years. Each expired term or vacancy shall be filled by appointment in the same manner as the member whose position is being filled.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.291, F.S.; providing for termination of the terms of all current members of judicial nominating commissions; providing for staggered terms of newly appointed members; providing an effective date.

Pursuant to Rule 4.19, **HB 7101** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 488—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 90.404, F.S.; revising offenses that are considered “child molestation” for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation; providing for admission of evidence of other crimes, wrongs, or acts in cases involving a sexual offense; defining the term “sexual offense”; requiring certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court; prohibiting the reproduction of such property or material by the defendant when specified criteria are met by the state attorney; permitting access to the materials by the defendant; amending s. 395.1021, F.S.; requiring a licensed facility that provides emergency room services to arrange for the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; amending s. 775.15, F.S.; providing that a prosecution for video voyeurism in violation of specified provisions may, in addition to existing time periods, be commenced within 1 year after the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the recording is confiscated by a law enforcement agency, whichever occurs first; providing that dissemination of a recording before such knowledge or confiscation does not affect such a time period; amending s. 794.052, F.S.; requiring a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination; providing for a review of a police officer’s final report by a victim and an opportunity for a statement by a victim; amending ss. 794.056 and 938.085, F.S.; requiring that an additional court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendment made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendment made to s. 938.085, F.S., in a reference thereto; amending s. 960.003, F.S.; providing for hepatitis testing of persons charged with certain offenses; amending s. 960.198, F.S.; authorizing relocation assistance awards to certain victims of sexual violence; amending s. 1003.42, F.S.; requiring that public schools provide comprehensive health education that addresses concepts of Internet safety; amending s. 827.071, F.S.; defining the term “intentionally view”; prohibiting controlling or intentionally viewing any photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation that includes sexual conduct by a child; providing an exception; providing penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made to s. 827.071, F.S., by the act; providing effective dates.

before permitting such testimony; requiring that such registered service or therapy animals be evaluated and registered according to national standards; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 488 to CS for CS for HB 251**.

Pending further consideration of **CS for CS for SB 488** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 251** was withdrawn from the Committees on Criminal Justice; Judiciary; and Budget.

On motion by Senator Fasano—

CS for CS for CS for HB 251—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 90.404, F.S.; revising offenses that are considered “child molestation” for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation; providing for admission of evidence of other crimes, wrongs, or acts in cases involving a sexual offense; defining the term “sexual offense”; amending s. 92.55, F.S.; authorizing the use of service or therapy animals in courts hearing sexual offense cases under certain circumstances; requiring certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court; prohibiting the reproduction of such property or material by the defendant when specified criteria are met by the state attorney; permitting access to the materials by the defendant; amending s. 395.1021, F.S.; requiring a licensed facility that provides emergency room services to arrange for the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; amending s. 775.15, F.S.; providing that a prosecution for video voyeurism in violation of specified provisions may, in addition to existing time periods, be commenced within 1 year after the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the recording is confiscated by a law enforcement agency, whichever occurs first; providing that dissemination of a recording before such knowledge or confiscation does not affect such a time period; amending s. 794.052, F.S.; requiring a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination; providing for a review of a police officer’s final report by a victim and an opportunity for a statement by a victim; amending ss. 794.056 and 938.085, F.S.; requiring that an additional court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendment made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendment made to s. 938.085, F.S., in a reference thereto; amending s. 960.003, F.S.; providing for hepatitis testing of persons charged with certain offenses; amending s. 1003.42, F.S.; requiring that public schools provide comprehensive health education that addresses concepts of Internet safety; amending s. 827.071, F.S.; defining the term “intentionally view”; prohibiting controlling or intentionally viewing any photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation that includes sexual conduct by a child; providing an exception; providing penalties; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made to s. 827.071, F.S., by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 488** as amended and read the second time by title.

MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (492020) (with title amendment)—Between lines 444 and 445 insert:

Section 13. Section 960.198, Florida Statutes, is amended to read:

960.198 Relocation assistance for victims of domestic violence or sexual violence.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment or to a victim of sexual violence who reasonably fears for her or his safety.

(2) In order for an award to be granted to a victim for relocation assistance:

(a) There must be proof that a domestic violence or sexual violence offense was committed;

(b) The domestic violence or sexual violence offense must be reported to the proper authorities;

(c) The victim's need for assistance must be certified by a certified domestic violence center or a certified rape crisis center in this state; and

(d) The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.

And the title is amended as follows:

Delete line 54 and insert: offenses; amending s. 960.198, F.S.; authorizing relocation assistance awards to certain victims of sexual violence; amending s. 1003.42, F.S.; requiring that public

On motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 251** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

On motion by Senator Norman, by unanimous consent—

CS for SB 1246—A bill to be entitled An act relating to farms; prohibiting a person from entering onto a farm and making any audio record, photograph, or video record at the farm without the owner's written consent; providing exceptions; providing definitions; providing penalties; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Norman, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Norman moved the following amendment which was adopted:

Amendment 1 (925436)—Delete lines 13 and 14 and insert: pursuant to s. 570.15, Florida Statutes; a law enforcement officer conducting a lawful inspection or investigation; the Department of Business and Professional Regulation, pursuant to chapter 450, Florida Statutes; engineers and their agents and employees acting pursuant to s. 471.027, Florida Statutes; surveyors and mappers, acting pursuant to s. 472.029, Florida Statutes; or persons acting on behalf of insurers for inspection, underwriting, or claims purposes, who

MOTION

On motion by Senator Bogdanoff, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bogdanoff moved the following amendment which was adopted:

Amendment 2 (814334)—Delete lines 28-30 and insert:

(b) "Farm" means any tract of land cultivated for the purpose of raising crops or farming livestock, as defined in s. 585.01, or poultry, as defined in s. 583.01.

Pursuant to Rule 4.19, **CS for SB 1246** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by unanimous consent—

CS for CS for SB 1316—A bill to be entitled An act relating to loan processing; amending s. 494.001, F.S.; creating and revising definitions; deleting a redundant definition; amending s. 494.0011, F.S.; specifying rulemaking powers of the Financial Services Commission; amending s. 494.00255, F.S.; including in-house loan processors in disciplinary provisions; amending s. 494.00331, F.S.; providing that specified provisions do not apply to a licensed contract loan processor who has on file with the office a declaration of intent to act solely as a contract loan processor; deleting a definition; providing restrictions on employment of persons licensed as in-house loan processors; amending s. 494.0035, F.S.; clarifying provisions concerning the operation of mortgage brokers; amending s. 494.0038, F.S.; revising provisions relating to disclosure of settlement charges and loan terms; amending s. 494.00421, F.S.; revising an agency reference in the mortgage broker agreement; providing that a borrower may contact the Office of Financial Regulation rather than the Department of Financial Services regarding any complaints against a loan originator; amending s. 494.00612, F.S.; requiring that in order to renew a mortgage lender license a mortgage lender must authorize the Nationwide Mortgage Licensing System and Registry to obtain an independent credit report on each of the mortgage lender's control persons; amending s. 494.0067, F.S.; requiring each mortgage lender to submit certain reports to the registry as may be required; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Detert moved the following amendments which were adopted:

Amendment 1 (431722) (with title amendment)—Between lines 151 and 152 insert:

Section 3. Paragraph (f) is added to subsection (1) of section 494.00115, Florida Statutes, to read:

494.00115 Exemptions.—

(1) The following are exempt from regulation under this part and parts II and III of this chapter.

(f) A person who performs only real estate brokerage activities and is licensed or registered in this state under part I of chapter 475, unless the person is compensated by a lender, a mortgage broker, or other loan originator or by an agent of such lender, mortgage broker, or other loan originator. The term "real estate brokerage activity" has the same meaning as in the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

And the title is amended as follows:

Delete line 6 and insert: Services Commission; amending s. 494.00115, F.S.; providing an exemption from regulation under ch. 494, F.S., for certain persons regulated under ch. 475, F.S.; amending s. 494.00255, F.S.;

Amendment 2 (560290)—Delete line 237 and insert: violating the restriction in s. 494.0025(7) requiring fees or

On motion by Senator Detert, by two-thirds vote **CS for CS for SB 1316** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yea—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyer	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nay—None

On motion by Senator Benacquisto, by unanimous consent—

CS for CS for SB 1318—A bill to be entitled An act relating to the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; revising the criteria for the determination of target industry businesses by the Office of Tourism, Trade, and Economic Development; providing for notification by the local governing body recommending the project of the private-sector wage calculation; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1318 to CS for CS for HB 879**.

Pending further consideration of **CS for CS for SB 1318** as amended, on motion by Senator Benacquisto, by two-thirds vote **CS for CS for HB 879** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Budget.

On motion by Senator Benacquisto, the rules were waived and—

CS for CS for HB 879—A bill to be entitled An act relating to targeted economic development; amending s. 220.191, F.S.; providing that a capital investment tax credit may be carried forward for use against the corporate income tax in specified years after the commencement of operations of a project; amending s. 288.106, F.S.; redefining the term “target industry business” to revise the eligibility criteria for the tax refund program for target industry businesses; requiring certain local governing boards to notify the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., of the average private-sector wage calculation to be used for purposes of a business’s wage commitment under the tax refund program; authorizing a reduction in the local financial support requirements for qualified target industry businesses located in specified counties under certain circumstances; providing for future expiration; amending s. 377.809, F.S.; deleting an obsolete provision; revising the date by which the Department of Community Affairs must submit a report to the Governor and Legislature which evaluates the success of the Energy Economic Zone Pilot Program; requiring that all incentives and benefits provided for enterprise zones be made available to energy economic zones by a specified date; assigning duties for the administration of energy economic zones to the local governing bodies that have jurisdiction over such zones; providing for boundaries of

the zones, eligibility criteria for the incentives, and benefits provided in the zones; specifying the incentives and benefits available in the zones; requiring that the applicable requirements for employee residency for higher refund or credit thresholds be based on employee residency in the energy economic zone or an enterprise zone; establishing priorities for funding certain projects; limiting the annual amount of such incentives; authorizing the carryforward of any unused amount of incentives for a specified period; providing for the issuance of certificates to eligible businesses; requiring the local governing body to certify to the Department of Revenue or the Office of Tourism, Trade, and Economic Development which businesses or properties are eligible for the incentives; requiring the Department of Revenue to send written instructions to eligible businesses on claiming the credit on a sales and use tax return initiated through an electronic data interchange; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt emergency rules; providing for renewal of the rules; amending s. 380.06, F.S.; exempting certain developments in an energy economic zone from review as a development of regional impact; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1318** as amended and read the second time by title.

On motion by Senator Benacquisto, by two-thirds vote **CS for CS for HB 879** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyer	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nay—None

On motion by Senator Siplin, by unanimous consent—

CS for CS for SB 1174—A bill to be entitled An act relating to agricultural-related exemptions to water management requirements; amending s. 373.406, F.S.; revising an exemption for agricultural-related activities to include certain impacts to surface waters and wetlands; providing that the exemption applies to certain agricultural lands and certain activities requiring an environmental resource permit and does not apply to specified permitted activities; amending s. 373.407, F.S.; providing exclusive authority to the Department of Agriculture and Consumer Services to determine whether certain activities qualify for an agricultural-related exemption under specified conditions; requiring a specified memorandum of agreement between the department and each water management district; authorizing the department to adopt rules; amending s. 403.927, F.S.; providing an exemption from mitigation requirements for converted agricultural lands under certain conditions; revising the definition of the term “agricultural activities” to include cultivating, fallowing, and leveling and to provide for certain impacts to surface waters and wetlands; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1174 to CS for CS for HB 421**.

Pending further consideration of **CS for CS for SB 1174** as amended, on motion by Senator Siplin, by two-thirds vote **CS for CS for HB 421**

was withdrawn from the Committees on Agriculture; Environmental Preservation and Conservation; and Budget.

On motion by Senator Siplin—

CS for CS for HB 421—A bill to be entitled An act relating to agricultural-related exemptions to water management requirements; amending s. 373.406, F.S.; revising an exemption for agricultural-related activities to include certain impacts to surface waters and wetlands; clarifying the purposes of such activities; limiting applicability of the exemption; providing for retroactive application of the exemption; amending s. 373.407, F.S.; providing exclusive authority to the Department of Agriculture and Consumer Services to determine whether certain activities qualify for an agricultural-related exemption under specified conditions; requiring a specified memorandum of agreement between the department and each water management district; authorizing the department to adopt rules; amending s. 403.927, F.S.; providing an exemption from mitigation requirements for converted agricultural lands under certain conditions; revising the definition of the term “agricultural activities” to include cultivating, fallowing, leveling, and implementation of specified practices and standards and to provide for certain impacts to surface waters and wetlands; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1174** as amended and read the second time by title.

On motion by Senator Siplin, by two-thirds vote **CS for CS for HB 421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—37

Mr. President	Flores	Oelrich
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nay—2

Joyner	Rich
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On motion by Senator Flores, by unanimous consent—

CS for SB 584—A bill to be entitled An act relating to massage therapy; amending s. 480.041, F.S.; requiring applicants to apply for a temporary permit upon forms prepared and furnished by the Department of Health in accordance with the Board of Massage Therapy’s rules; authorizing the Board of Massage Therapy to issue temporary permits to applicants who meet certain qualifications to practice massage therapy; providing for the expiration of temporary permits; providing limitations; amending s. 480.044, F.S.; providing for a temporary permit fee; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Jones, by the required two-thirds vote, consideration of the following amendments was allowed:

Senator Jones moved the following amendments which failed:

Amendment 1 (887754)—Delete lines 58-60 and insert:

1. Graduates from a massage therapy school that is accredited by an accrediting agency recognized by the United States Department of Education and that maintains an exam passage rate of 70 percent or higher.

The vote was:

Yea—18

Altman	Hill	Oelrich
Bennett	Jones	Rich
Dean	Joyner	Sachs
Detert	Lynn	Smith
Dockery	Margolis	Sobel
Hays	Montford	Wise

Nay—18

Mr. President	Evers	Negron
Alexander	Flores	Richter
Benacquisto	Gaetz	Simmons
Bogdanoff	Garcia	Siplin
Braynon	Gardiner	Storms
Diaz de la Portilla	Latvala	Thrasher

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

Amendment 2 (807680) (with title amendment)—Between lines 78 and 79 insert:

(e) *The practice of massage therapy under a licensed massage therapist may not be counted as gainful employment under the federal guidelines of the Higher Education Opportunity Act.*

And the title is amended as follows:

Delete line 10 and insert: temporary permits; providing limitations; providing that the practice of massage therapy may not be counted as gainful employment under the federal guidelines of the Higher Education Opportunity Act; amending s.

The vote was:

Yea—18

Altman	Hill	Oelrich
Bennett	Jones	Rich
Dean	Joyner	Sachs
Detert	Lynn	Smith
Dockery	Margolis	Sobel
Hays	Montford	Wise

Nay—18

Mr. President	Evers	Negron
Alexander	Flores	Norman
Benacquisto	Gaetz	Richter
Bogdanoff	Garcia	Simmons
Braynon	Gardiner	Storms
Diaz de la Portilla	Latvala	Thrasher

Pursuant to Rule 4.19, **CS for SB 584** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Flores, the House was requested to return **SM 954**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 146, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 146—A bill to be entitled An act relating to criminal justice; providing a short title; providing legislative intent; requiring state agencies and regulatory boards to prepare reports that identify and evaluate restrictions on licensing and employment for ex-offenders; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based on a person's lack of civil rights; providing an exception; amending s. 768.096, F.S.; revising the presumption against negligent hiring of an employee in circumstances in which a background investigation of a prospective employee revealed that the employee was unsuitable for the context of the employment in general; providing an effective date.

House Amendment 1 (558007) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Jim King Keep Florida Working Act."*

Section 2. *Restrictions on the employment of ex-offenders; legislative intent; state agency reporting requirements.*—

(1) *The Legislature declares that a goal of this state is to clearly identify the occupations from which ex-offenders are disqualified based on the nature of their offenses. The Legislature seeks to make employment opportunities available to ex-offenders in a manner that serves to preserve and protect the health, safety, and welfare of the general public, yet encourages them to become productive members of society. To this end, state agencies that exercise regulatory authority are in the best position to identify all restrictions on employment imposed by the agencies or by boards that regulate professions and occupations and are obligated to protect the health, safety, and welfare of the general public by clearly setting forth those restrictions in keeping with standards and protections determined by the agencies to be in the least restrictive manner.*

(2) *Each state agency, including, but not limited to, those state agencies responsible for professional and occupational regulatory boards, shall ensure the appropriate restrictions necessary to protect the overall health, safety, and welfare of the general public are in place, and by December 31, 2011, and every 4 years thereafter, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes:*

(a) *A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime.*

(b) *A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.*

(c) *The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.*

Section 3. Effective January 1, 2012, section 112.011, Florida Statutes, is amended to read:

112.011 *Disqualification from licensing and public employment based on criminal conviction* ~~Felons; removal of disqualifications for employment, exceptions.~~—

(1)(a) Except as provided in s. 775.16, a person ~~may~~ shall not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of

the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

(b) Except as provided in s. 775.16, a person ~~whose civil rights have been restored~~ shall not be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a license, permit, or certificate is required to be issued by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person ~~whose civil rights have been restored~~ may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime if the crime was a felony or ~~first-degree first-degree~~ ~~misdemeanor that is and~~ directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

(c) *Notwithstanding any law to the contrary, a state agency may not deny an application for a license, permit, certificate, or employment based solely on the applicant's lack of civil rights. However, this paragraph does not apply to applications for a license to carry a concealed weapon or firearm under chapter 790.*

(2)(a) This section ~~does shall not apply~~ be applicable to any law enforcement or correctional agency.

(b) This section ~~does shall not apply~~ be applicable to the employment practices of any fire department relating to the hiring of firefighters. An applicant for employment with any fire department ~~who has with~~ a prior felony conviction shall be excluded from employment for a period of 4 years after expiration of sentence or final release by the Parole Commission unless the applicant, ~~before prior to~~ the expiration of the 4-year period, has received a full pardon or has had his or her civil rights restored.

(c) This section ~~does shall not apply~~ be applicable to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.5801 and 166.0442.

(3) Any complaint concerning the violation of this section shall be adjudicated in accordance with the procedures set forth in chapter 120 for administrative and judicial review.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to criminal justice; providing a short title; providing legislative intent; requiring state agencies to prepare reports that identify and evaluate restrictions on licensing and employment for ex-offenders; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based solely on a person's lack of civil rights; providing an exception; providing effective dates.

On motion by Senator Smith, the Senate concurred in the House amendment.

CS for SB 146 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yea—39

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Joyner
Benacquisto	Fasano	Latvala
Bennett	Flores	Lynn
Bogdanoff	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negrón
Detert	Hays	Norman

Oelrich	Sachs
Rich	Simmons
Richter	Siplin
Ring	Smith

Nays—None

Sobel
Storms
Thrasher
Wise

the act; amending ss. 1002.34, 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-references; requiring that the Office of Program Policy Analysis and Government Accountability conduct a study comparing the funding of charter schools to the funding of public schools; providing requirements for the study; requiring that the office submit its recommendations and findings to the Governor and Legislature by a specified date; providing for severability; providing an effective date.

House Amendment 1 (828835) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1002.331, Florida Statutes, is created to read:

1002.331 High-performing charter schools.—

(1) *A charter school is a high-performing charter school if it:*

(a) *Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years.*

(b) *Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.*

(c) *Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.*

A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) *A high-performing charter school is authorized to:*

(a) *Increase its student enrollment once per school year by up to 15 percent more than the capacity identified in the charter.*

(b) *Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).*

(c) *Submit a quarterly, rather than a monthly, financial statement to the sponsor pursuant to s. 1002.33(9)(g).*

(d) *Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.*

(e) *Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).*

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(3)(a) *A high-performing charter school may submit an application pursuant to s. 1002.33(6) in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. An application submitted by a high-performing charter school must state that the application is being submitted pursuant to this paragraph and must include the verification letter provided by the Commissioner of Education pursuant to subsection (5). If the sponsor fails to act on the application within 60 days after receipt, the application is deemed approved and the procedure in s. 1002.33(6)(h) applies. If the sponsor denies the application, the high-performing charter school may appeal pursuant to s. 1002.33(6).*

(b) *A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A sub-*

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 410, with amendment(s), by the required constitutional two-thirds vote of the membership.

Robert L. "Bob" Ward, Clerk

SB 410—A bill to be entitled An act relating to impact fees; reenacting s. 163.31801(5), F.S., relating to the burden of proof required by the government in an action challenging an impact fee; providing for retroactive operation of the act; providing for an exception under specified circumstances; providing an effective date.

House Amendment 1 (842921) (with title amendment)—Between lines 29 and 30, insert:

Section 2. *The Legislature finds that this act fulfills an important state interest.*

And the title is amended as follows:

Remove line 5 and insert: impact fee; providing a legislative finding of important state interest; providing for retroactive operation of the

On motion by Senator Bennett, the Senate concurred in the House amendment.

SB 410 passed as amended by the required constitutional two-thirds vote of the members present, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1546, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 1546—A bill to be entitled An act relating to charter schools; amending ss. 163.3180 and 1002.32, F.S.; conforming cross-references; amending s. 1002.33, F.S.; requiring that the Department of Education provide or arrange for training and technical assistance for charter schools; authorizing a sponsor to require certain governing board members to reside in the school district; providing for the designation of charter schools as high-performing if certain requirements are met; providing definitions relating to the high-performing charter school system; revising provisions to conform to changes made by

sequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status.

(4) A high-performing charter school may not increase enrollment or expand grade levels following any school year in which it receives a school grade of "C" or below. If the charter school receives a school grade of "C" or below in any 2 years during the term of the charter awarded under subsection (2), the term of the charter may be modified by the sponsor and the charter school loses its high-performing charter school status until it regains that status under subsection (1).

(5) The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the criteria in subsection (1) and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school pursuant to this section.

(6) A high-performing charter school replicated under this section may not be replicated as a virtual charter school.

Section 2. Section 1002.332, Florida Statutes, is created to read:

1002.332 High-performing charter school system.—

(1) For purposes of this section, the term:

(a) "Entity" means a municipality or other public entity that is authorized by law to operate a charter school; a private, nonprofit corporation with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code; or a private, for-profit education management corporation.

(b) "High-performing charter school system" means an entity that:

1. Operates at least three high-performing charter schools in the state;
2. Operates a system of charter schools in which at least 50 percent of the charter schools are high-performing charter schools pursuant to s. 1002.331 and no charter school received a school grade of "D" or "F" pursuant to s. 1008.34, except that:

a. If the entity has assumed operation of a public school pursuant to s. 1008.33(5)(a)3, with a school grade of "D" or "F," that school's grade shall not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is identified as lowest performing under s. 1008.33(4)(b), that charter school's grade shall not be considered in determining high-performing charter school system status if it attains and maintains a school grade that is higher than that of the public school serving that school zone within 3 years after establishment; and

3. Has not received a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity.

(2)(a) The Commissioner of Education, upon request by an entity, shall verify that the entity meets the criteria in subsection (1) for the prior school year and provide a letter to the entity stating that it is a high-performing charter school system.

(b) A high-performing charter school system may replicate its high-performing charter schools pursuant to s. 1002.331(3).

Section 3. Paragraphs (b), (c), (e), and (f) of subsection (6), subsection (7), paragraphs (b), (c), and (d) of subsection (8), paragraph (g) of subsection (9), paragraphs (d) and (h) of subsection (10), paragraph (a) of subsection (18), subsections (19) and (22), and paragraph (b) of subsection (25) of section 1002.33, Florida Statutes, are amended, paragraph (i) is added to subsection (10), subsection (26) is renumbered as subsection (27), and a new subsection (26) is added to that section, to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using an evaluation instrument developed by the Department of Education. Beginning with the 2007-2008 school year, A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education supporting those reasons.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application directly to the State Board of Education pursuant to sub-subparagraph (c)3.b.

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the sponsor allows a waiver of this subparagraph for good cause.

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board no later than 7 calendar days prior to the date on which the appeal is to be heard.

2. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns an application submitted by a high-performing charter school identified pursuant to s. 1002.331, the State Board of Education shall determine whether the sponsor has shown, by clear and convincing evidence, that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

The State Board of Education shall approve or reject the sponsor's denial of an application no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the Administrative Procedure Act, chapter 120.

(e)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.

2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint a number of the members to the Charter School Appeal Commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members hearing the appeal, one-half of the members must represent currently operating charter schools; and one-half of the members must represent sponsors. The commissioner or a named designee shall chair the Charter School Appeal Commission.

4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(f)1. The Department of Education shall provide or arrange for training and technical assistance to charter schools applicants in developing and adjusting business plans and accounting for estimating costs and income. This assistance shall also address, at a minimum, state and federal grant and student performance accountability reporting requirements and provide assistance in estimating startup costs, projecting enrollment, and identifying and applying for the types and amounts of state and federal financial assistance

the charter school may be eligible to receive. The department may provide other technical assistance to an applicant upon written request.

2. A charter school applicant must participate in the training provided by the Department of Education *after approval of an application but at least 30 calendar days before the first day of classes at the charter school before filing an application*. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the department of Education. *In such case, the sponsor may not require the charter school applicant to attend the training within 30 calendar days before the first day of classes at the charter school.* The training *must* include instruction in accurate financial planning and good business practices. If the applicant is a management company or a other nonprofit organization, the charter school principal and the chief financial officer or his or her equivalent must also participate in the training. *A sponsor may not require a high-performing charter school or high-performing charter school system applicant to participate in the training described in this subparagraph more than once.*

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing board body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically based reading research.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the state-wide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.429, or s. 1003.43.

6. A method for resolving conflicts between the governing board body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person

employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. *Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.*

(b)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement.

(d)1. *Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, charter school employee, or individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate individual representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website if a website is maintained by the school. The sponsor may not require that governing board members reside in the school district in which the charter school is located if the charter school complies with this paragraph.*

2. *Each charter school's governing board must hold at least two public meetings per school year in the school district. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her equivalent, must be physically present at each meeting.*

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(b) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing board body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board body may, within 14 calendar days after receiving the notice, request a ~~an~~ informal hearing. *The hearing shall be conducted at the sponsor's election in accordance with one of the following procedures:*

1. *A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon*

nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or

2. *A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 60 days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's recommended order shall be submitted to the sponsor. A majority vote by the sponsor shall be required to adopt or modify the administrative law judge's recommended order. The sponsor shall issue a final order before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request.*

(c) *The final order shall state the specific reasons for the sponsor's decision. The sponsor shall provide its final order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance. If a charter is not renewed or is terminated pursuant to paragraph (b), the sponsor shall, within 10 calendar days, articulate in writing the specific reasons for its nonrenewal or termination and documentation supporting the reasons to the charter school governing body, the charter school principal, and the Department of Education. The charter school's governing board body may, within 30 calendar days after receiving the sponsor's final order written decision to refuse to renew or to terminate the charter, appeal the decision pursuant to s. 120.68 the procedure established in subsection (6).*

(d) *A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to determines that good cause has been shown or if the health, safety, or welfare of the charter school's students exists is threatened. The sponsor's determination is not subject to the procedures set forth in paragraphs an informal hearing under paragraph (b) and (c), except that the hearing may take place after the charter has been terminated or pursuant to chapter 120. The sponsor shall notify in writing the charter school's governing board body, the charter school principal, and the department if a charter is immediately terminated immediately. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The sponsor shall assume operation of the charter school throughout the pendency of the hearing under paragraphs (b) and (c) unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students. Failure by the sponsor to assume and continue operation of the charter school shall result in the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on appeal. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 30 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).*

(9) CHARTER SCHOOL REQUIREMENTS.—

(g) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school's ~~school~~ governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph. A charter school shall provide a monthly financial statement

to the sponsor unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331, in which case the high-performing charter school may provide a quarterly financial statement. The ~~monthly~~ financial statement required under this paragraph shall be in a form prescribed by the Department of Education.

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. *Students who are the children of:*

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c).

5. *Students who have successfully completed a voluntary pre-kindergarten education program under ss. 1002.51-1002.79 provided by the charter school or the charter school's governing board during the previous year.*

6. *Students who are the children of an active-duty member of any branch of the United States Armed Forces.*

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(i) *The capacity of a high-performing charter school identified pursuant to s. 1002.331 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase.*

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the *State Requirements for Educational Facilities* of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority.

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized in ss. s. 1011.71(2) and 1013.62 that have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(22) ~~FACILITIES SHARED BY CHARTER SCHOOLS~~ ~~CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

(a) *If a charter school moves out of a facility that is shared with another charter school having a separate Master School Identification Number, the charter school must provide for an audit of all equipment, educational materials and supplies, curriculum materials, and other items purchased or developed with federal charter school program grant funds, and such items must be transferred to the charter school's new location. The audit report must be submitted to the Department of Education within 60 days after completion.*

(b) *A charter school may not transfer an enrolled student to another charter school having a separate Master School Identification Number without first obtaining the written approval of the student's parent.*

(a) ~~The Department of Education shall staff and regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1 year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.~~

(b) ~~The Legislature shall review the operation of charter schools during the 2010 Regular Session of the Legislature.~~

(25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(b) A member of a governing board of a charter school operated by a municipality or other public entity is subject to s. 112.3145 ~~112.3144~~, which relates to the disclosure of financial interests.

(26) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—A charter school system shall be designated a local educational agency solely for the purpose of receiving federal funds, in the same manner as if the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board accepts full responsibility for all local educational agency requirements and if the charter school system meets all of the following:

(a) *Includes both conversion charter schools and nonconversion charter schools;*

(b) *Has all schools located in the same county;*

(c) *Has a total enrollment exceeding the total enrollment of at least one school district in the state;*

(d) *Has the same governing board; and*

(e) *Does not contract with a for-profit service provider for management of school operations.*

Such designation does not apply to other provisions of law unless specifically provided by law.

Section 4. (1) For the 2011-2012 fiscal year, the Department of Education shall:

(a) *Identify the school districts that distribute funds or provide facilities, renovation, or new construction with funds generated by the capital*

improvement millage authorized under s. 1011.71(2), Florida Statutes, to charter schools and the use of such funds by the charter schools.

(b) Examine the costs associated with supervising charter schools and determine whether the 5-percent administrative fee for administrative and educational services for charter schools covers the costs associated with the provision of the services.

(c) Examine the distribution of federal education funding to eligible students who are enrolled in charter schools, including, without limitation, funding provided under Title I of the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act.

(d) Examine the impacts of removing the discretion given to school districts regarding the distribution of capital improvement millage authorized under s. 1011.71(2), Florida Statutes, to charter schools-in-a-municipality as set forth in s. 1002.33(15)(c), Florida Statutes.

(2) The Department of Education shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2012.

Section 5. Section 1002.33(7)(d), Florida Statutes, as created by this act, controls over s. 1002.33(7)(d), Florida Statutes, as created by CS for CS/HB 7197, if both acts are adopted in the same legislative session or an extension thereof and become law.

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to school choice; creating s. 1002.331, F.S.; establishing criteria for high-performing charter schools; authorizing a high-performing charter school to increase enrollment, expand grade levels served, submit a quarterly financial statement, consolidate the charters of certain charter schools, and receive certain modification or renewal of its charter; authorizing a high-performing charter school to apply to establish a charter school that replicates its educational program; providing application requirements; limiting the number of charter schools that may be established; requiring eligibility verification by the Commissioner of Education; creating s. 1002.332, F.S.; providing definitions; establishing criteria for high-performing charter school systems; providing for eligibility verification by the Commissioner of Education; authorizing a high-performing charter school system to replicate its high-performing charter schools; amending s. 1002.33, F.S.; requiring a charter school sponsor to allow a charter school applicant to correct technical deficiencies in its application before approval or denial; establishing standards for sponsor review of a charter school application submitted by a high-performing charter school; authorizing direct appeal to the State Board of Education of a denial of an application; establishing standards for reviewing such an appeal; revising applicant training requirements; requiring inclusion in the charter of procedures relating to high-performing charter schools; requiring charter school governing boards to appoint representatives; providing meeting requirements; revising the procedure for nonrenewal or termination of a charter; authorizing a charter school's governing board to request a hearing regarding charter nonrenewal or termination, including immediate termination; authorizing the sponsor to choose to provide a direct hearing or a hearing before an administrative law judge; authorizing the award of costs and attorney's fees to a charter school if certain criteria are met; authorizing quarterly financial reporting for certain charter schools; establishing additional student enrollment preferences; prohibiting a sponsor from limiting or requiring waiver of certain high-performing charter school benefits as a condition of charter approval or renewal; providing that student capacity of a high-performing charter school shall be determined annually by the governing board; requiring the governing board to provide notice of enrollment increases to the sponsor; revising requirements relating to the imposition of requirements and restrictions on charter school facilities; revising provisions relating to charter school capital outlay funding; providing requirements for charter schools using shared facilities; deleting provisions relating to the Charter School Review Panel; correcting a cross-reference relating to the disclosure of financial interests; authorizing certain charter school systems to be the local educational agency for administering federal funding received by the system's schools; requiring the Department of Education to examine certain charter school funding and costs and report its findings to the Governor and the Legislature; providing that certain provisions control

with respect to other legislation adopted in the same legislative session or an extension thereof; providing an effective date.

On motion by Senator Thrasher, the Senate concurred in the House amendment.

CS for CS for CS for SB 1546 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yea—33

Mr. President	Evers	Negrón
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Garcia	Ring
Bogdanoff	Gardiner	Simmons
Braynon	Hays	Siplin
Dean	Jones	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise

Nays—6

Hill	Montford	Sachs
Joyner	Rich	Smith

Vote after roll call:

Yea to Nay—Sobel

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1884, with amendment(s), and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 1884—A bill to be entitled An act relating to consumer protection; providing definitions; prohibiting a post-transaction third-party seller from charging a consumer for a good or service sold over the Internet unless certain disclosures are made and the seller receives the informed consent of the consumer; requiring a post-transaction third-party seller to provide a simple mechanism for a consumer to cancel a purchase of a good or service and stop any recurring charges; prohibiting an initial merchant from disclosing certain account numbers of a consumer to a post-transaction third-party seller under certain circumstances; providing that a person who violates the act commits an unfair and deceptive trade practice under the Florida Deceptive and Unfair Trade Practices Act; providing an effective date.

House Amendment 1 (826643) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Part XII of chapter 559, Florida Statutes, consisting of section 559.951, is created to read:

PART XII

MISCELLANEOUS PROVISIONS

559.951 Internet sales; prohibited practices.—

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

(a) “Initial merchant” means a person who obtains a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(b) “Posttransaction third-party seller” means a person who:

1. Sells or offers for sale any good or service over the Internet; and

2. *Solicits the purchase of such good or service over the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant.*

The term does not include the initial merchant, a subsidiary or corporate affiliate of the initial merchant, or a successor of the initial merchant.

(2) *A posttransaction third-party seller may not charge or attempt to charge a consumer's credit card, debit card, bank account, or other account for any good or service sold in a transaction conducted over the Internet, unless:*

(a) *Before obtaining the consumer's billing information, the posttransaction third-party seller clearly and conspicuously discloses to the consumer all material terms of the transaction, including:*

1. *A description of the goods or services being offered.*
2. *A statement that the posttransaction third-party seller is not affiliated with the initial merchant. Such statement must include the disclosure of the posttransaction third-party seller's name in a manner that clearly differentiates the posttransaction third-party seller from the initial merchant.*
3. *The cost of such goods or services.*
4. *How and when the charges will be processed by the posttransaction third-party seller.*

(b) *The posttransaction third-party seller receives the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other account will be charged by:*

1. *Obtaining from the consumer:*
 - a. *The full account number of the account to be charged or other account information necessary to complete the transaction.*
 - b. *The consumer's name and address.*
 - c. *A means to contact the consumer.*
2. *Requiring the consumer to perform an additional affirmative action, such as selecting a confirmation button or checking a box, which clearly and conspicuously indicates the consumer's consent to be charged the amount disclosed.*

(c) *Before processing the consumer's credit card or otherwise charging the consumer or soon thereafter, the posttransaction third-party seller sends written notice confirming the transaction to the consumer by first class United States mail or e-mail. Such notice must clearly and conspicuously disclose the following:*

1. *The good or service purchased.*
2. *The amount that the consumer will be charged.*
3. *The timing and frequency of charges.*
4. *A short and plain statement disclosing the posttransaction third-party seller's cancellation and refund policy.*
5. *A telephone number, mailing address, Internet website address, and e-mail address where the posttransaction third-party seller may be contacted.*
6. *The name of the initial merchant or fictitious name under which the initial merchant is doing business, if known.*
7. *The name of the posttransaction third-party seller or fictitious name under which the posttransaction third-party seller is doing business.*
8. *A statement that the posttransaction third-party seller is an unaffiliated and separate entity from the initial merchant.*
9. *A statement that the consumer is being charged by the posttransaction third-party seller for a transaction that is separate from the consumer's transaction with the initial merchant.*

If the posttransaction third-party seller sends the notice required under this paragraph by e-mail, the only words appearing in the e-mail's subject line shall be "Notice that (...name or fictitious name of the posttransaction third-party seller...) is charging your (...type of account...) account."

(3) *An initial merchant may not disclose a consumer's credit card number, debit card number, bank account number, or other account number, or disclose other consumer billing information, to a posttransaction third-party seller.*

(4) *A posttransaction third-party seller may not:*

(a) *Charge a consumer without providing a simple mechanism for the consumer to cancel the good or service and stop charges within a reasonable time after delivery of the written notice confirming the transaction; or*

(b) *Change its vendor code, or otherwise materially change the way the posttransaction third-party seller is identified on the consumer's account, more than once per year, unless the posttransaction third-party seller provides the consumer with written notice of the change.*

(5) *A violation of this section is deemed an unfair or deceptive trade practice within the meaning of part II of chapter 501. A person who violates this section is subject to the penalties and remedies provided therein.*

Section 2. This act shall take effect October 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to consumer protection; creating part XII of chapter 559, F.S.; prohibiting certain third-party sellers from engaging in certain transactions over the Internet with consumers engaged in transactions with certain merchants except under certain circumstances; requiring certain disclosures to consumers; requiring a consumer's express informed consent for charges; authorizing consumers to cancel goods and services and avoid charges; providing that violations are unfair or deceptive trade practices; providing penalties and remedies for violations; providing an effective date.

On motion by Senator Gaetz, the Senate concurred in the House amendment.

CS for SB 1884 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yea—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Latvala	Smith
Deter	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 2, concurred in the same as amended, refused to concur in Senate Amendment 1, and requests the Senate to recede, and passed CS for HB 1125 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for HB 1125—A bill to be entitled An act relating to Florida Health Choices Program; amending s. 408.910, F.S.; providing and revising definitions; revising eligibility requirements for participation in the Florida Health Choices Program; providing that statutory rural hospitals are eligible as employers rather than participants under the program; permitting specified eligible vendors to sell health maintenance contracts; requiring certain risk-bearing products offered by insurers to be approved by the Office of Insurance Regulation; providing requirements for product certification; providing duties of the Florida Health Choices, Inc., including maintenance of a toll-free telephone hotline to respond to requests for assistance; providing for enrollment periods; providing for certain risk pooling data used by the corporation to be reported annually; amending s. 409.821, F.S.; authorizing personal identifying information of a Florida Kidcare program applicant to be disclosed to the Florida Health Choices, Inc., to administer the program; providing an effective date.

House Amendment 1 (832493) to Senate Amendment 2 (213174) (with title amendment)—Between lines 32 and 33, insert:

Section 2. Paragraph (a) of subsection (5) of section 408.909, Florida Statutes, is amended to read:

408.909 Health flex plans.—

(5) **ELIGIBILITY.**—Eligibility to enroll in an approved health flex plan is limited to residents of this state who:

(a)1. ~~Are 64 years of age or younger;~~

2. Have a family income equal to or less than 300 percent of the federal poverty level;

2.3. Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program, such as Medicare or Medicaid, or another public health care program, such as Kidcare, and have not been covered at any time during the past 6 months, except that:

a. A person who was covered under an individual health maintenance contract issued by a health maintenance organization licensed under part I of chapter 641 which was also an approved health flex plan on October 1, 2008, may apply for coverage in the same health maintenance organization's health flex plan without a lapse in coverage if all other eligibility requirements are met; or

b. A person who was covered under Medicaid or Kidcare and lost eligibility for the Medicaid or Kidcare subsidy due to income restrictions within 90 days prior to applying for health care coverage through an approved health flex plan may apply for coverage in a health flex plan without a lapse in coverage if all other eligibility requirements are met; and

3.4. Have applied for health care coverage as an individual through an approved health flex plan and have agreed to make any payments required for participation, including periodic payments or payments due at the time health care services are provided; or

And the title is amended as follows:

Remove line 43 and insert: under certain circumstances; amending s. 408.909, F.S.; removing a limitation on eligibility for enrollment in an approved health flex plan; amending s.

House Amendment 2 (233315) to Senate Amendment 2 (213174) (with title amendment)—Between lines 32 and 33, insert:

Section 2. Subsection (4) of section 766.202, Florida Statutes, is amended to read:

766.202 Definitions; ss. 766.201-766.212.—As used in ss. 766.201-766.212, the term:

(4) “Health care provider” means any hospital, ambulatory surgical center, or mobile surgical facility as defined and licensed under chapter 395; a birth center licensed under chapter 383; any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, chapter 466, chapter 467, part XIV of chapter 468, or chapter 486; a clinical lab licensed under chapter 483; a

health maintenance organization certificated under part I of chapter 641; a blood bank; a plasma center; an industrial clinic; a renal dialysis facility; or a professional association partnership, corporation, joint venture, or other association for professional activity by health care providers.

And the title is amended as follows:

Remove line 43 and insert: under certain circumstances; amending s. 766.202, F.S.; revising the definition of the term “health care provider” to include orthotists, orthotic fitters, orthotic fitter assistants, pedorthists, and prosthetists; amending s.

On motion by Senator Garcia, the Senate receded from Senate Amendment 1 and concurred in the House amendments to the Senate amendment.

CS for HB 1125 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Rich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Dean	Latvala	Smith
Deter	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	

Nays—4

Hill	Joyner	Sachs
Sobel		

MOTIONS

On motion by Senator Thrasher, by two-thirds vote **SB 1052** was placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR

On motion by Senator Altman, by unanimous consent—

SB 1052—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; increasing the number of client beds a crisis stabilization unit is authorized to provide; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Altman moved the following amendment which was adopted:

Amendment 1 (236534) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (1) of section 394.875, Florida Statutes, to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(1)

(d) *The department is directed to implement a demonstration project in circuit 18 to test the impact of expanding beds authorized in crisis stabilization units from 30 to 50 beds. Specifically, the department is directed to authorize existing public or private crisis stabilization units in circuit 18 to expand bed capacity to a maximum of 50 beds and to assess*

the impact such expansion would have on the availability of crisis stabilization services to clients.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; directing the Department of Children and Family Services to implement a demonstration project in circuit 18 to test the impact of expanding the maximum number of crisis stabilization unit beds; providing an effective date.

On motion by Senator Altman, by two-thirds vote **SB 1052** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yea—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 1916** was withdrawn from the Committee on Rules.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 5.

On motion by Senator Thrasher, a deadline of 8:00 a.m., Thursday, May 5, was set for filing amendments to Bills on Third Reading and the bills added to the Special Order Calendar to be considered that day.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	For Term Ending
Board of Trustees of Daytona State College Appointee: Frederick-Recascino, Christina, Ormond Beach	05/31/2014

Referred to the Rules Subcommittee on Ethics and Elections.

COMMUNICATION

May 3, 2011

The Honorable Mike Haridopolos
President, The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, the Budget Conference Committee Report on SB 2000 has been furnished electronically to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on SB 2000 was made available May 3, 2011 at 10:16 p.m., EDT.

Respectfully Submitted,
R. Philip Twogood
Secretary of the Senate

cc: Speaker of the House
Clerk of the House

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed HB 185, CS for CS for HB 287, CS for HB 1331, HB 7253; has passed as amended CS for CS for HB 7215 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Representative(s) Mayfield—

HB 185—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham, which was due to the negligence of employees of the City of Ft. Lauderdale; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills; and the Committee on Rules.

By Economic Affairs Committee, Finance & Tax Committee and Representative(s) Eisnaugle—

CS for CS for HB 287—A bill to be entitled An act relating to economic development; amending s. 196.012, F.S.; revising the definitions of the terms "new business" and "expansion of an existing business"; providing for an average wage of a new job; providing eligibility for target industry businesses; amending s. 196.1995, F.S.; authorizing the board of county commissioners of a charter county to call and hold a referendum to determine whether to grant economic development ad valorem tax exemptions if in receipt of a petition or initiative signed by a percentage of electors as required by the county charter; revising the language of ballot questions relating to the authority to grant economic development tax exemptions; specifying additional information that must be included in a written application requesting adoption of an ordinance granting an economic development ad valorem tax exemption; specifying factors for a board of county commissioners or governing authority of a municipality to consider when deciding whether to approve or reject applications for economic development tax exemptions; limiting the allowable duration of an economic development tax exemption granted by a county or municipal ordinance; authorizing written tax exemption agreements consistent with this act upon approval of a tax exemption application; specifying that the written tax agreement must require the applicant to report certain information at a specific time

before expiration of the exemption; authorizing the board of county commissioners or the governing authority of the municipality to revoke, in whole or in part, the exemption under certain circumstances; limiting application of the act to certain ad valorem tax exemptions granted pursuant to referenda held on or after the act's effective date; providing an effective date.

—was referred to the Committees on Community Affairs; and Commerce and Tourism.

By PreK-12 Appropriations Subcommittee and Representative(s) Bi-leca, Adkins, Artiles, Corcoran, McKeel, Stargel—

CS for HB 1331—A bill to be entitled An act relating to school choice; amending s. 1002.38, F.S.; revising legislative intent and eligibility requirements for participation in the Opportunity Scholarship Program; deleting provisions that authorize an opportunity scholarship for attendance at a private school; requiring that an opportunity scholarship remain in force until the student graduates from high school; revising school district obligations and deleting provisions relating to private schools to conform to changes made by the act; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to changes made by the act; deleting an obsolete provision relating to the John M. McKay Scholarships for Students with Disabilities Program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Budget.

By Rules & Calendar Committee and Representative(s) Dorworth—

HB 7253—A bill to be entitled An act relating to ratification of rules pertaining to Land Planning Regulations for the Florida Keys Area of Critical State Concern; ratifying specified rules for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was referred to the Committee on Rules.

By Economic Affairs Committee, Appropriations Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Cri-safulli—

CS for CS for HB 7215—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; deleting a provision establishing the Division of Dairy within the department; amending s. 193.461, F.S.; redefining the term "agricultural purposes" as it relates to the assessment of land classified as agricultural by the property appraiser; amending s. 215.981, F.S.; exempting certain direct-support organizations and citizen support organizations for the department from obtaining an independent audit; requiring the department to establish accounting and financial management guidelines for such organizations and annually review the operations and finances of a selected number of such organizations; amending s. 253.02, F.S.; providing for the grantee of easements for electrical transmission to pay the lead manager of the state-owned lands or, when there is no lead manager, the Department of Environmental Protection if suitable replacement uplands cannot be identified; amending s. 261.04, F.S.; deleting provisions requiring the reimbursement of members of the Off-Highway Vehicle Recreation Advisory Committee for per diem and travel expenses; amending s. 381.0014, F.S., to conform to changes made by the act; amending s. 482.051, F.S.; providing additional methods for pest control licensees to give certain emergency notice to the Department of Agriculture and Consumer Services before performing general fumigation; amending s. 482.071, F.S.; revising the minimum bodily injury and property damage insurance coverage required for pest control businesses; creating s. 482.072, F.S.; providing for licensure by the department of pest control customer contact centers; providing application requirements; providing for fees, licensure renewal, licensure expiration, transfer of licenses, and penalties; creating s. 482.157, F.S.; providing for limited certification of commercial wildlife trappers; providing requirements for certification, examination, and fees; limiting the scope of work permitted by certificateholders; amending s. 482.183, F.S.; providing that licensees and certificateholders who practice accepted pest control

methods are immune from liability for violating laws prohibiting cruelty to animals; providing for applicability; amending s. 482.226, F.S.; revising the minimum financial responsibility requirements for licensees that perform wood-destroying organism inspections; amending s. 482.243, F.S.; deleting provisions relating to the reimbursement of members of the Pest Control Enforcement Advisory Council for expenses; amending s. 487.041, F.S.; providing that registration, supplemental, and late fees related to the registration of pesticide brands with the department are nonrefundable; providing requirements for label revisions of pesticide brands; providing requirements for label revisions that must be reviewed by the United States Environmental Protection Agency; requiring payments of pesticide registration fees to be submitted electronically by a date certain; amending s. 487.0615, F.S.; deleting provisions requiring the reimbursement of members of the Pesticide Review Council for per diem and travel expenses; amending s. 500.70, F.S.; requiring certain persons who produce, harvest, pack, or repack tomatoes to register each location of a tomato farm, tomato greenhouse, tomato packinghouse, or tomato repacker by a specified date; authorizing the department to set a registration fee; requiring that funds collected be deposited into the General Inspection Trust Fund; revising the title of chapter 502, F.S.; amending s. 502.012, F.S.; defining terms related to the department's regulation of frozen desserts; amending s. 502.013, F.S.; revising legislative purpose and intent, to conform; amending s. 502.014, F.S.; revising the department's powers and duties; authorizing the department to administer and enforce regulations of frozen desserts and frozen dessert mix; revising the federal publication upon which certain milk sanitation ratings are based; authorizing the department to adopt rules; repealing s. 502.032, F.S., relating to milkfat tester's permits and permit fees; amending s. 502.053, F.S.; providing permitting and licensing requirements and imposing permit and license fees for frozen dessert plants and milkfat testers; providing certain reporting requirements for frozen dessert plant permitholders; providing certain recordkeeping requirements for licensed milkfat testers; providing an exemption; amending s. 502.054, F.S.; requiring the department to inspect certain frozen desserts and frozen dessert plants; amending s. 502.091, F.S.; authorizing sales of certain ice cream and frozen desserts; amending s. 502.121, F.S.; restricting the construction or extensive alteration of frozen dessert plants; amending ss. 502.181 and 502.231, F.S.; prohibiting certain acts related to the regulation of frozen desserts; providing penalties; amending s. 502.232, F.S.; preempting to the state the local regulation of frozen desserts at wholesale; repealing chapter 503, F.S., relating to the state's regulation of frozen desserts, enforcement and penalties for violations of such regulations, licensure of frozen dessert plants, and preemption of municipal and county regulations of frozen desserts; amending ss. 527.22 and 559.9221, F.S.; deleting provisions authorizing the reimbursement of members of the Florida Propane Gas Education, Safety, and Research Council and the Motor Vehicle Repair Advisory Council for per diem and travel expenses; amending ss. 570.07 and 576.181, F.S.; requiring the department to regulate the sale, composition, packaging, labeling, wholesale and retail distribution, and formulation of fertilizer; preempting such regulation of fertilizer to the state; exempting certain ordinances adopted before a specified date from such preemption; authorizing county and municipal governments to enforce such ordinances exempt from preemption; revising the department's powers and duties relating to pollution control and the prevention of wildfires; conforming provisions; amending s. 570.0705, F.S.; deleting provisions requiring the reimbursement for per diem and travel expenses of members of certain ad hoc advisory committees appointed by the Commissioner of Agriculture; amending s. 570.074, F.S.; renaming the Office of Water Coordination and revising its policy jurisdiction; amending s. 570.18, F.S., to conform; amending s. 570.23, F.S.; deleting provisions requiring the reimbursement of members of the State Agricultural Advisory Council for per diem and travel expenses; amending s. 570.29, F.S.; deleting a provision establishing the Division of Dairy Industry within the department; amending ss. 570.38 and 570.382, F.S.; deleting provisions requiring the reimbursement of members of the Animal Industry Technical Council and the Arabian Horse Council for per diem and travel expenses; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy within the department and the qualifications and duties of the division's director; amending s. 570.42, F.S.; deleting provisions requiring the reimbursement of members of the Dairy Industry Technical Council for per diem and travel expenses; amending s. 570.50, F.S.; conforming provisions; requiring the Division of Food Safety within the department to inspect certain dairy farms and plants, perform certain analyses and tests, and enforce certain rules and provisions of law; amending s. 570.51, F.S., to conform; amending s.

570.543, F.S.; deleting provisions requiring the reimbursement of members of the Florida Consumers' Council for per diem and travel expenses; amending s. 570.954, F.S.; removing the requirement that the department coordinate with and solicit the expertise of the state energy office when developing the farm-to-fuel initiative; amending ss. 571.28, 573.112, 576.091, 580.151, 581.186, and 586.161, F.S.; deleting provisions requiring the reimbursement of members of the Florida Agricultural Promotional Campaign Advisory Council, certain ad hoc advisory councils appointed to advise the department concerning the issuance of marketing orders, the Fertilizer Technical Council, the Commercial Feed Technical Council, the Endangered Plant Advisory Council, and the Honeybee Technical Council for per diem and travel expenses; amending s. 582.30, F.S.; authorizing the Commissioner of Agriculture to certify the dissolution or discontinuance of a soil and water conservation district without the review or recommendation of the Soil and Water Conservation Council under certain circumstances; amending s. 590.015, F.S.; revising and providing definitions for purposes of forest protection; amending s. 590.02, F.S.; authorizing forest operations administrators to be certified as forestry firefighters; granting the department certain exclusive authority over the Florida Building Code; authorizing the department to retain, transfer, warehouse, bid, destroy, scrap, or dispose of certain surplus equipment and vehicles; authorizing the department to retain any moneys received from the disposition of certain state-owned equipment and vehicles; providing that moneys received may be used for the acquisition of certain exchange and surplus equipment and all necessary operating expenditures related to the equipment; requiring the department to maintain records of the accounts into which the money is deposited; granting the department exclusive authority to require and issue authorizations for broadcast burning, agricultural pile burning, and silvicultural pile burning; preempting other governmental entities from adopting laws, regulations, rules, or policies pertaining to broadcast burning, agricultural pile burning, or silvicultural pile burning unless an emergency order has been declared; authorizing the department to delegate its authority to a county or municipality to issue authorizations for the burning of yard trash and debris from land-clearing operations; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorizations; specifying purposes of certified prescribed burning; requiring the division's authorization for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring the division to adopt rules to regulate certified pile burning; revising notice requirements for wildfire hazard reduction treatments; requiring division approval of local government open burning authorization programs; providing program requirements; authorizing the division to resume administration of a local government's program under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing a division employee to issue a notice of violation for any division rule; authorizing the division to impose an administrative fine for a violation of any division rule; providing penalties for certain violations; providing legislative intent; amending ss. 597.005 and 599.002, F.S.; deleting provisions requiring the reimbursement of members of the Aquaculture Review Council and the Viticulture Advisory Council for per diem and travel expenses; amending s. 616.17, F.S.; providing certain authorities or fair associations with immunity from liability for damages resulting from exhibits and concessions at public fairs; providing exceptions; amending s. 616.252, F.S.; providing for the appointment and term of a nonvoting youth member of the Florida State Fair Authority; deleting provisions requiring staggered terms; prohibiting the reimbursement of members of the Florida State Fair Authority for per diem and travel expenses; excluding the youth member from compensation for special or full-time service performed on behalf of the authority; amending s. 812.014, F.S.; providing penalties for the theft of bee colonies of registered beekeepers; amending s. 812.015, F.S.; redefining the term "farmer" to include a person who grows or produces honey; redefining the term "farm theft" to include the unlawful taking possession of equipment and associated materials used to grow or pro-

duce certain farm products; renaming the department's Division of Forestry as the Florida Forest Service; providing for conforming legislation; providing for assistance to certain legislative substantive committees by the Division of Statutory Revision of the Office of Legislative Services for certain purposes; amending ss. 20.14, 261.03, 570.29, 570.548, 570.549, 570.903, and 590.015, F.S., to conform; providing an appropriation; providing an effective date.

—was referred to the Committees on Agriculture; Budget Subcommittee on General Government Appropriations; and Budget.

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 84, CS for SB 142, CS for CS for SB 170, SB 228, CS for CS for SB 234, SB 240, SB 298, SB 330, SB 344, CS for SB 444, CS for CS for SB 450, SB 462, CS for SB 478, CS for SB 504, CS for CS for SB 512, CS for SB 618, CS for SB 650, SB 652, CS for SB 664, CS for SB 670, SB 722, CS for SB 844, SB 898, CS for SB 926, CS for SB 960, CS for CS for SB 1128, SB 1142, CS for CS for SB 1196, CS for CS for SB 1312, CS for CS for SB 1346, CS for CS for SB 1366, CS for CS for SB 1430, CS for SB 1676, CS for CS for CS for SB 1816 and CS for SB 1992; passed CS for SB 224 by the required constitutional two-thirds vote of the membership of the House; passed CS for SJR 2, CS for SJR 592 and CS for SJR 958 by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for HB 95 as amended; concurred in Senate Amendment 1 and passed CS for HB 97 as amended; concurred in Senate Amendment 1 and passed CS for CS for CS for HB 283 as amended; and concurred in Senate Amendments 1, 2, 3, 4, and 5 and passed CS for CS for CS for CS for HB 479 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 935 as amended; concurred in Senate Amendment 2 and passed HB 1165 as amended; concurred in Senate Amendment 1 and passed HB 4159 as amended; and concurred in Senate Amendment 1 and passed CS for HJR 1179 as amended by the required constitutional three-fifths vote of the membership of the House.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 3 was corrected and approved.

CO-INTRODUCERS

Senators Benacquisto—CS for SB 378; Bennett—CS for CS for SB 1366; Oelrich—CS for SB 1744

RECESS

On motion by Senator Thrasher, the Senate recessed at 5:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 5 or upon call of the President.