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CS/CS/HB 1355, Engrossed 2

2011 Legislature

1 A bill to be entitled
2 An act relating to elections; amending s. 97.012, F.S.;
3 expanding the list of responsibilities of the Secretary of
4 State when acting in his or her capacity as chief election
5 officer; amending s. 97.021, F.S.; redefining the term
6 "minor political party"; amending s. 97.025, F.S.;
7 replacing a requirement for the Department of State to
8 print copies of a pamphlet containing the Election Code
9 with a requirement that the pamphlet be made available;
10 amending s. 97.0575, F.S.; requiring that third-party
11 voter registration organizations register with the
12 Division of Elections and provide the division with
13 certain information; requiring that the division or a
14 supervisor of elections make voter registration forms
15 available to third-party voter registration organizations;
16 requiring that such forms contain certain information;
17 requiring that the division maintain a database of certain
18 information; requiring supervisors of elections to provide
19 specified information to the division in a format and at
20 times required by the division; requiring that such
21 information be updated and made public daily at a
22 specified time; requiring third-party voter registration
23 organizations to deliver collected voter registration
24 applications within a specified period; revising penalty
25 provisions to conform; specifying grounds for an
26 affirmative defense to a violation of timely submission
27 requirements; providing for the referral of violations to
28 the Attorney General; authorizing the Attorney General to

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29 | initiate a civil action; providing that an action for
30 | relief may include a permanent or temporary injunction, a
31 | restraining order, or any other appropriate order;
32 | requiring that the division adopt rules for specified
33 | purposes; providing for retroactive application of certain
34 | requirements applicable to third-party voter registration
35 | organizations; deleting provisions providing for fines to
36 | be in addition to criminal penalties; deleting provisions
37 | providing a continuing appropriation of the proceeds of
38 | fines; amending s. 97.071, F.S.; requiring that voter
39 | information cards contain the address of the polling place
40 | of the registered voter; requiring a supervisor of
41 | elections to issue a new voter information card to a voter
42 | upon a change in a voter's address of legal residence or a
43 | change in a voter's polling place address; providing
44 | instructions for implementation by the supervisors of
45 | elections; amending s. 97.073, F.S.; requiring a
46 | supervisor to notify an applicant within 5 business days
47 | regarding disposition of the voter registration
48 | applications; amending s. 97.1031, F.S.; revising the
49 | methods by which a person must update his or her voter
50 | registration due to a change of address; revising
51 | procedures for an elector to change his or her party
52 | affiliation; requiring an elector to notify the supervisor
53 | of elections when the elector changes his or her name;
54 | amending s. 98.075, F.S.; revising procedures for the
55 | removal of deceased persons and other potentially
56 | ineligible persons from the statewide voter registration

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57 | system; amending s. 98.093, F.S.; revising requirements
58 | for the Department of Corrections to provide the
59 | Department of State with information relating to convicted
60 | felons; requiring the Florida Parole Commission to
61 | regularly furnish data to the Department of State relating
62 | to persons who have been granted clemency; amending s.
63 | 98.0981, F.S.; providing timeframes and formats for voting
64 | history information to be sent by the supervisors of
65 | elections to the department; providing timeframes and
66 | formats for voting history information to be sent by the
67 | department to the President of the Senate, the Speaker of
68 | the House of Representatives, and the respective minority
69 | leaders; requiring submission of precinct-level
70 | information in a certain format by a time certain;
71 | amending s. 99.012, F.S., relating to restrictions on
72 | individuals qualifying for public office; providing that
73 | if a final court order determines that a person did not
74 | comply with specified provisions, the person is not
75 | qualified as a candidate and his or her name may not
76 | appear on ballot; providing for nonapplicability to
77 | presidential and vice presidential candidates; amending s.
78 | 99.021, F.S.; revising the candidate oath requirement for
79 | a person seeking to qualify for nomination or election or
80 | as a candidate of a political party; removing a
81 | requirement for the qualifying officer to provide a
82 | printed copy of the candidate oath; removing a requirement
83 | for taking the public employee oath; clarifying that
84 | candidates for United States President and Vice President

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85 | need not subscribe certain oaths; correcting references
86 | for other oaths; amending s. 99.061, F.S.; revising the
87 | timeframe for a candidate to pay a qualifying fee under
88 | certain circumstances; requiring checks to be payable as
89 | prescribed by the filing officer; requiring signatures on
90 | certain oaths to be verified; removing a requirement for a
91 | public employee oath; requiring the filing of a verified
92 | notarized financial disclosure statement; clarifying the
93 | time for qualifying papers to be received; providing that
94 | the qualifying officer performs a ministerial duty only;
95 | exempting a decision by the qualifying officer from the
96 | Administrative Procedure Act; amending s. 99.063, F.S.;
97 | requiring a candidate's oath to be verified; deleting a
98 | requirement for a candidate to file a loyalty oath with
99 | the Department of State by a certain date; amending s.
100 | 99.092, F.S.; providing for the transfer of the election
101 | assessment to the Elections Commission Trust Fund;
102 | amending s. 99.093, F.S.; providing for the election
103 | assessments paid by a person seeking to qualify for a
104 | municipal office to be forwarded by the qualifying officer
105 | to the Florida Elections Commission; amending s. 99.095,
106 | F.S.; allowing a candidate to obtain the required number
107 | of signatures from any registered voter regardless of
108 | district boundaries in a year of apportionment; amending
109 | s. 99.097, F.S.; providing for the Department of State to
110 | adopt rules to verify petitions through random sampling;
111 | creating exceptions for certain petitions from the
112 | authorization to use random sampling to verify petitions;

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113 | revising criteria that a supervisor of elections must use
114 | to determine whether a petition may be counted as valid;
115 | providing that an exemption from paying fees to verify
116 | petitions does not apply if a person has been paid to
117 | solicit signatures; providing that contributions received
118 | after the filing of an undue burden oath must first be
119 | used to pay fees for verifying petitions; amending s.
120 | 100.061, F.S.; increasing the time period between a
121 | primary election and a general election; amending s.
122 | 100.101, F.S.; conforming a provision to changes made by
123 | the act; amending s. 100.111, F.S.; deleting provisions
124 | relating to vacancies in a state or county office because
125 | an incumbent qualified as a candidate for federal office;
126 | providing for a filing officer, rather than the Department
127 | of State, to notify a political party that it may nominate
128 | a person for office if certain events cause the party to
129 | have a vacancy in nomination; revising provisions relating
130 | to the filling of a vacancy in a nomination; deleting a
131 | defined term; providing that a vacancy in nomination is
132 | not created as the result of certain court orders;
133 | amending s. 100.371, F.S.; deleting provisions relating to
134 | a right to revoke a signature on an initiative petition;
135 | reducing the time period for which a signed and dated
136 | initiative petition form is valid; requiring an initiative
137 | sponsor to submit an initiative form to the supervisor of
138 | elections for the county of residence of the person
139 | signing the form for verification; providing procedures
140 | for misfiled petitions; revising criteria for a supervisor

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141 of elections to verify a signature on an initiative
142 petition form; deleting provisions relating to petition
143 signature revocations; amending s. 101.001, F.S.;
144 requiring the supervisors of elections to provide the
145 department with precinct data including specified
146 information; requiring the department to maintain a
147 searchable database containing certain precinct and census
148 block information; requiring supervisors of elections to
149 notify the department of precinct changes within a
150 specified time; deleting a waiver; amending s. 101.043,
151 F.S.; replacing references to the word "voter" with
152 "elector"; providing that the address on an elector's
153 identification may not be used to confirm or challenge an
154 elector's legal residence; providing that the elector may
155 not be asked to provide additional information or to
156 recite his or her home address under certain
157 circumstances; amending s. 101.045, F.S.; permitting a
158 change of residence at the polling place for a person
159 changing residence within a county; providing that a
160 person whose change of address is from outside the county
161 may not change his or her legal residence at the polling
162 place or vote a regular ballot but may vote a provisional
163 ballot; providing an exception; amending s. 101.131, F.S.;
164 revising procedures for the designation of poll watchers;
165 requiring that the Division of Elections prescribe a form
166 for the designation of poll watchers; providing conditions
167 under which poll watchers are authorized to enter polling
168 areas and watch polls; requiring that a supervisor of

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169 | elections provide identification to poll watchers by a
170 | specified period before early voting begins; requiring
171 | that poll watchers display such identification while in a
172 | polling place; amending s. 101.151, F.S.; authorizing the
173 | use of ballot-on-demand technology to produce election-day
174 | ballots; deleting a requirement that the use of such
175 | technology be authorized in writing by the Secretary of
176 | State; revising provisions relating to ballot headings and
177 | the order of candidates appearing on a ballot; amending s.
178 | 101.161, F.S.; requiring the Department of State to
179 | provide the supervisors of elections either a ballot
180 | summary to a joint resolution to amend the State
181 | Constitution or the full text of the amendment or revision
182 | if a ballot summary is not included in the joint
183 | resolution; providing that a joint resolution may include
184 | multiple ballot statements set forth in order of priority;
185 | providing requirements for ballot statements; detailing
186 | responsibilities of the Department of State with respect
187 | to providing ballot information to supervisors of
188 | elections; prescribing the styling of ballot statements;
189 | specifying a time period and procedures to initiate an
190 | action to challenge an amendment to the State Constitution
191 | proposed by the Legislature; requiring the court,
192 | including an appellate court, to accord the case priority
193 | over other cases; requiring the Attorney General to revise
194 | a ballot title or ballot summary for an amendment proposed
195 | by the Legislature under certain circumstances; providing
196 | a 10-day deadline and procedures for challenging revised

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197 ballot titles or summaries; requiring the Department of
198 State to forward modified ballot language to supervisors
199 of elections; creating a presumption of validity of a
200 ballot statement that contains the full text of an
201 amendment or revision; providing for retroactive
202 application of the amendments to s. 101.161, F.S.;
203 amending s. 101.5605, F.S.; requiring an electromechanical
204 voting system to satisfy the standards for certification
205 adopted by rule of the Department of State; amending s.
206 101.5606, F.S.; deleting requirements for
207 electromechanical voting systems to have the capability to
208 produce precinct totals in marked or punched form;
209 amending s. 101.56075, F.S.; providing that all voting
210 systems utilized after a certain time shall permit
211 placement on the ballot of the full text of a
212 constitutional amendment or revision; amending s.
213 101.5612, F.S.; revising the sample size of
214 electromechanical voting systems that include the
215 electronic or electromechanical tabulation devices to be
216 tested; amending s. 101.5614, F.S.; deleting provisions
217 relating to the use of ballot cards and write-in ballots
218 or envelopes; amending s. 101.591, F.S.; removing the
219 audit requirement by the canvassing board if a manual
220 recount is undertaken; amending s. 101.62, F.S.; extending
221 the validity of an absentee ballot request to include all
222 elections to the end of the calendar year of the second
223 ensuing regularly scheduled general election; revising the
224 timeframe for supervisors to electronically update

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225 absentee ballot request information; specifying types of
 226 elections for which a supervisor of elections must send an
 227 absentee ballot to uniformed services voters and overseas
 228 voters; specifying a time period during which a supervisor
 229 of elections must begin mailing absentee ballots; removing
 230 requirements that an elector provide certain information
 231 when requesting an absentee ballot from the county
 232 supervisor of elections; amending s. 101.65, F.S.;
 233 revising the form of the instructions to absent electors;
 234 stating that an absentee ballot is considered illegal if
 235 the signature on the voter's certificate does not match
 236 the signature on record; providing instructions for
 237 updating a signature on a voter registration application;
 238 amending s. 101.657, F.S.; requiring the supervisor of
 239 elections to provide to the division the address and hours
 240 of operation of early voting sites; reducing the early
 241 voting period for elections with state or federal races;
 242 removing timetables with respect to early voting in
 243 special elections; removing restrictions with respect to
 244 daily hours of operation of early voting sites;
 245 authorizing a supervisor of elections to provide early
 246 voting for elections not held in conjunction with a state
 247 or federal election; amending s. 101.68, F.S.; extending
 248 the time for canvassing and processing absentee ballots to
 249 15 days before the election; amending s. 101.6923, F.S.;
 250 revising the form of the special absentee ballot
 251 instructions for certain first-time voters; stating that
 252 an absentee ballot is considered illegal if the signature

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253 on the voter's certificate does not match the signature on
254 record; providing instructions for updating a signature on
255 a voter registration application; amending s. 101.75,
256 F.S.; deleting a requirement for the dates of the
257 qualifying period for certain municipal elections to run
258 for no less than 14 days; amending s. 102.141, F.S.;
259 requiring the canvassing board to report all early voting
260 and all tabulated absentee results to the department by a
261 time certain; requiring periodic updates; amending s.
262 102.168, F.S.; revising provisions specifying
263 indispensable parties in a contest of an election;
264 providing that in an election contest involving the review
265 of a signature on an absentee ballot by a canvassing
266 board, a circuit court may not review or consider evidence
267 other than the signature on the voter's certificate and
268 the elector's signatures in the registration records;
269 providing for the reversal of the determination by the
270 canvassing board if the court determines that the board
271 abused its discretion; amending s. 103.021, F.S.; revising
272 a definition; creating s. 103.095, F.S.; providing a
273 procedure for the registration of a minor political party;
274 requiring the Division of Elections to adopt rules to
275 prescribe the manner in which political parties may have
276 their filings cancelled; amending s. 103.101, F.S.;
277 creating a Presidential Preference Primary Date Selection
278 Committee; providing membership; requiring for the
279 committee to meet by a date certain and to set a date for
280 the presidential preference primary; modifying timing

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281 requirements with respect to the number and selection of
282 delegates for presidential preference primary candidates;
283 deleting certain requirements governing party rules
284 involving such delegates; amending s. 103.141, F.S.;
285 revising procedures for the removal of an officer, county
286 committeeman, county committeewoman, precinct
287 committeeman, precinct committeewoman, or member of a
288 county executive committee; repealing s. 103.161, F.S.,
289 which relates to the removal or suspension of officers or
290 members of a state or county executive committee; amending
291 s. 104.29, F.S.; revising provisions authorizing persons
292 to view whether ballots are being correctly reconciled;
293 amending s. 105.031, F.S.; revising the oath for
294 candidates for judicial office; amending s. 106.011, F.S.;
295 revising the definitions of the terms "contribution,"
296 "independent expenditure," "unopposed candidate," and
297 "candidate"; conforming a cross-reference to changes made
298 by the act; amending s. 106.021, F.S.; deleting
299 requirements to report the address of certain persons
300 receiving a reimbursement by a check drawn on a campaign
301 account; amending s. 106.022, F.S.; requiring a political
302 committee, committee of continuous existence, or
303 electioneering communications organization to file a
304 statement of appointment with the filing officer rather
305 than with the Division of Elections; authorizing an entity
306 to change its appointment of registered agent or
307 registered office by filing a written statement with the
308 filing officer; requiring a registered agent who resigns

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309 | to execute a written statement of resignation and file it
 310 | with the filing officer; amending s. 106.023, F.S.;
 311 | revising the form of the statement of candidate to require
 312 | a candidate to acknowledge that he or she has been
 313 | provided access to and understands the requirements of ch.
 314 | 106, F.S.; amending s. 106.025, F.S.; exempting tickets or
 315 | advertising for a campaign fundraiser from requirements of
 316 | s. 106.143, F.S.; amending s. 106.03, F.S.; revising
 317 | requirements for groups making expenditures for
 318 | electioneering communications to file a statement of
 319 | organization; amending s. 106.04, F.S.; transferring a
 320 | requirement that certain committees of continuous
 321 | existence file campaign finance reports in special
 322 | elections; subjecting a committee of continuous existence
 323 | that fails to file a report or to timely file a report
 324 | with the Division of Elections or a county or municipal
 325 | filing officer to a fine; requiring a committee of
 326 | continuous existence to include transaction information
 327 | from credit card purchases in a report filed with the
 328 | Division of Elections; requiring a committee of continuous
 329 | existence to report changes in information previously
 330 | reported to the Division of Elections within 10 days after
 331 | the change; requiring the Division of Elections to revoke
 332 | the certification of a committee of continuous existence
 333 | that fails to file or report certain information;
 334 | requiring the division to adopt rules to prescribe the
 335 | manner in which the certification is revoked; increasing
 336 | the amount of a fine to be levied on a committee of

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337 | continuous existence that fails to timely file certain
338 | reports; providing for the deposit of the proceeds of the
339 | fines; including the registered agent of a committee of
340 | continuous existence as a person whom the filing officer
341 | may notify that a report has not been filed; providing
342 | criteria for deeming delivery complete of a notice of
343 | fine; requiring a committee of continuous existence that
344 | appeals a fine to provide a copy of the appeal with the
345 | filing officer; amending s. 106.07, F.S.; creating an
346 | exception for reports due in the third calendar quarter
347 | immediately preceding a general election from a
348 | requirement that the campaign treasurer report
349 | contributions received and expenditures made on the 10th
350 | day following the end of each calendar quarter; revising
351 | reporting requirements for a statewide candidate who
352 | receives funding under the Florida Election Campaign
353 | Financing Act and candidates in a race with a candidate
354 | who has requested funding under that act; deleting a
355 | requirement for a committee of continuous existence to
356 | file a campaign treasurer's report relating to
357 | contributions or expenditures to influence the results of
358 | a special election; revising the methods by which a
359 | campaign treasurer may be notified of the determination
360 | that a report is incomplete to include certified mail and
361 | other methods using a common carrier that provides proof
362 | of delivery of the notice; extending the time the campaign
363 | treasurer has to file an addendum to the report after
364 | receipt of notice of why the report is incomplete;

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365 providing criteria for deeming delivery complete of a
366 notice of incomplete report; deleting a provision allowing
367 for notification by telephone of an incomplete report;
368 revising the information that must be included in a report
369 to include transaction information for credit card
370 purchases; deleting a requirement for a campaign
371 depository to return checks drawn on the account to the
372 campaign treasurer; specifying the amount of a fine for
373 the failure to timely file reports after a special primary
374 election or special election; specifying that the
375 registered agent of a political committee is a person whom
376 a filing officer may notify of the amount of the fine for
377 filing a late report; providing criteria for deeming
378 delivery complete of a notice of late report and resulting
379 fine; amending s. 106.0703, F.S.; deleting a requirement
380 that an electioneering communications organization file
381 electronically file certain periodic reports with the
382 Department of State; amending s. 106.0705, F.S.; requiring
383 certain individuals to electronically file certain reports
384 with the Division of Elections; conforming a cross-
385 reference to changes made by the act; deleting an obsolete
386 provision; amending s. 106.08, F.S.; deleting a
387 requirement for the Department of State to notify
388 candidates as to whether an independent or minor party
389 candidate has obtained the required number of petition
390 signatures; deleting a requirement for certain unopposed
391 candidates to return contributions; specifying the
392 entities with which a political party's state executive

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393 | committee and county executive committees and affiliated
394 | party committees must file a written acceptance of an in-
395 | kind contribution; amending s. 106.09, F.S.; specifying
396 | that the limitations on contributions by cash or cashier's
397 | check apply to the aggregate amount of contributions to a
398 | candidate or committee per election; amending s. 106.11,
399 | F.S.; revising the statement that must be contained on
400 | checks from a campaign account; deleting requirements
401 | relating to the use of debit cards; authorizing a campaign
402 | for a candidate to reimburse the candidate's loan to the
403 | campaign when the campaign account has sufficient funds;
404 | amending s. 106.141, F.S.; deleting a limit on the amount
405 | of surplus funds that a candidate may give to his or her
406 | political party; requiring candidates receiving public
407 | financing to return all surplus funds to the General
408 | Revenue Fund after paying certain monetary obligations and
409 | expenses; amending s. 106.143, F.S.; specifying disclosure
410 | statements that must be included in political
411 | advertisements paid for by a write-in candidate; revising
412 | the disclosure statements that must be included in certain
413 | political advertisements; clarifying the type of political
414 | advertisements that must be approved in advance by a
415 | candidate; deleting an exemption from the requirement to
416 | obtain a candidate's approval for messages designed to be
417 | worn; authorizing a disclaimer for paid political
418 | advertisements to contain certain registered names and
419 | abbreviations; amending s. 106.1437, F.S.; providing that
420 | expenditures for a miscellaneous advertisement are not

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421 considered to be a contribution to or on behalf of a
422 candidate and do not constitute an independent
423 expenditure; amending s. 106.17, F.S.; providing that the
424 cost of certain polls are not contributions to a
425 candidate; amending s. 106.19, F.S.; providing that a
426 candidate's failure to comply with ch. 106, F.S., has no
427 effect on whether the candidate has qualified for office;
428 amending s. 106.25, F.S.; authorizing a person who is the
429 subject of a complaint filed with the Florida Elections
430 Commission to file a response before the executive
431 director of the commission determines whether the
432 complaint is legally sufficient; prohibiting the
433 commission from determining by rule what constitutes
434 willfulness or defining the term "willful"; authorizing
435 the commission to enter into consent orders without
436 requiring the respondent to admit to a violation of law;
437 authorizing an administrative law judge to impose civil
438 penalties for violations of ch. 104 or ch. 106, F.S.;

439 amending s. 106.26, F.S.; requiring the commission to
440 enforce certain witness subpoenas in the circuit court
441 where the witness resides; amending s. 106.265, F.S.;

442 authorizing an administrative law judge to assess civil
443 penalties upon a finding of a violation of the election
444 code or campaign financing laws; providing for civil
445 penalties to be assessed against an electioneering
446 communications organization; removing reference to the
447 expired Election Campaign Financing Trust Fund; directing
448 that moneys from penalties and fines be deposited into the

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449 General Revenue Fund; amending s. 106.29, F.S.; creating
450 an exemption from state reporting requirements for certain
451 contributions and expenditures by political parties;
452 requiring state and county executive committees and
453 affiliated party committees that make contributions or
454 expenditures to influence the results of a special
455 election or special primary election to file campaign
456 treasurer's reports; amending campaign finance reporting
457 dates, to conform; deleting a requirement that each state
458 executive committee file the original and one copy of its
459 reports with the Division of Elections; revising the due
460 date for filing a report; providing criteria for deeming
461 delivery complete of a notice of fine; amending s. 106.35,
462 F.S.; deleting a requirement that the Division of Election
463 adopt rules relating to the format and filing of certain
464 printed campaign treasurer's reports; amending s. 112.312,
465 F.S.; excluding contributions or expenditures reported
466 pursuant to federal election law from the definition of
467 the term "gift"; amending s. 112.3215, F.S.; excluding
468 contributions or expenditures reported pursuant to federal
469 election law from the definition of the term
470 "expenditure"; amending s. 876.05, F.S.; deleting a
471 requirement for all candidates for public office to record
472 an oath to support the Constitution of the United States
473 and of the State of Florida; repealing s. 876.07, F.S.,
474 relating to a requirement that a person make an oath to
475 support the Constitution of the United States and of the
476 State of Florida in order to be qualified as a candidate

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477 for office; providing for severability of the act;
 478 providing effective dates.

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

481
 482 Section 1. Subsection (16) is added to section 97.012,
 483 Florida Statutes, to read:

484 97.012 Secretary of State as chief election officer.—The
 485 Secretary of State is the chief election officer of the state,
 486 and it is his or her responsibility to:

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

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

493 97.021 Definitions.—For the purposes of this code, except
 494 where the context clearly indicates otherwise, the term:

495 (18) "Minor political party" is any group as specified
 496 ~~defined in s. 103.095 this subsection~~ which on January 1
 497 preceding a primary election does not have registered as members
 498 5 percent of the total registered electors of the state. ~~Any~~
 499 ~~group of citizens organized for the general purposes of electing~~
 500 ~~to office qualified persons and determining public issues under~~
 501 ~~the democratic processes of the United States may become a minor~~
 502 ~~political party of this state by filing with the department a~~
 503 ~~certificate showing the name of the organization, the names of~~
 504 ~~its current officers, including the members of its executive~~

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505 ~~committee, and a copy of its constitution or bylaws. It shall be~~
 506 ~~the duty of the minor political party to notify the department~~
 507 ~~of any changes in the filing certificate within 5 days of such~~
 508 ~~changes.~~

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

511 97.025 Election Code; copies thereof.—A pamphlet of a
 512 reprint of the Election Code, adequately indexed, shall be
 513 prepared by the Department of State. The pamphlet shall be made
 514 available ~~It shall have a sufficient number of these pamphlets~~
 515 ~~printed so that one may be given, upon request, to each~~
 516 candidate who qualifies with the department. The pamphlet shall
 517 be made available ~~A sufficient number may be sent to each~~
 518 supervisor, prior to the first day of qualifying, so that ~~for~~
 519 ~~distribution, upon request, to each candidate who qualifies with~~
 520 the supervisor and ~~to~~ each clerk of elections have access to the
 521 pamphlet. The cost of making ~~printing~~ the pamphlets available
 522 shall be paid out of funds appropriated for conducting
 523 elections.

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

526 97.0575 Third-party voter registrations.—

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

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

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

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

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

544 (2) The division or the supervisor of elections shall make
 545 voter registration forms available to third-party voter
 546 registration organizations. All such forms must contain
 547 information identifying the organization to which the forms are
 548 provided. The division shall maintain a database of all third-
 549 party voter registration organizations and the voter
 550 registration forms assigned to the third-party voter
 551 registration organization. Each supervisor of elections shall
 552 provide to the division information on voter registration forms
 553 assigned to and received from third-party voter registration
 554 organizations. The information must be provided in a format and
 555 at times as required by the division by rule. The division must
 556 update information on third-party voter registrations daily and
 557 make the information publicly available.

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

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561 ~~in a form adopted by the division, the name of the registered~~
 562 ~~agent and the name of those individuals responsible for the day-~~
 563 ~~to-day operation of the third-party voter registration~~
 564 ~~organization, including, if applicable, the names of the~~
 565 ~~entity's board of directors, president, vice president, managing~~
 566 ~~partner, or such other individuals engaged in similar duties or~~
 567 ~~functions. On or before the 15th day after the end of each~~
 568 ~~calendar quarter, each third-party voter registration~~
 569 ~~organization shall submit to the division a report providing the~~
 570 ~~date and location of any organized voter registration drives~~
 571 ~~conducted by the organization in the prior calendar quarter.~~

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

579 ~~(3) (a)~~ A third-party voter registration organization that
 580 collects voter registration applications serves as a fiduciary
 581 to the applicant, ensuring that any voter registration
 582 application entrusted to the third-party voter registration
 583 organization, irrespective of party affiliation, race,
 584 ethnicity, or gender, shall be promptly delivered to the
 585 division or the supervisor of elections within 48 hours after
 586 the applicant completes it or the next business day if the
 587 appropriate office is closed for that 48-hour period. If a voter
 588 registration application collected by any third-party voter

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589 registration organization is not promptly delivered to the
 590 division or supervisor of elections, the third-party voter
 591 registration organization is ~~shall be~~ liable for the following
 592 fines:

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

602 2.(b) A fine in the amount of \$100 for each application
 603 collected by a third-party voter registration organization or
 604 any person, entity, or agent acting on its behalf, before ~~prior~~
 605 ~~to~~ book closing for any given election for federal or state
 606 office and received by the division or the supervisor of
 607 elections after the book-closing ~~book-closing~~ deadline for such
 608 election. A fine in the amount of \$500 for each application
 609 received if the third-party registration organization or person,
 610 entity, or agency acting on its behalf acted willfully.

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

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617 or agency acting on its behalf acted willfully.

618
 619 The aggregate fine pursuant to this paragraph ~~subsection~~ which
 620 may be assessed against a third-party voter registration
 621 organization, including affiliate organizations, for violations
 622 committed in a calendar year is ~~shall be~~ \$1,000.

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

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

642 (5)-(4)-(a) The division shall adopt by rule a form to
 643 elicit specific information concerning the facts and
 644 circumstances from a person who claims to have been registered

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645 to vote by a third-party voter registration organization but who
 646 does not appear as an active voter on the voter registration
 647 rolls. The division shall also adopt rules to ensure the
 648 integrity of the registration process, including rules requiring
 649 third-party voter registration organizations to account for all
 650 state and federal registration forms used by their registration
 651 agents. Such rules may require an organization to provide
 652 organization and form specific identification information on
 653 each form as determined by the department as needed to assist in
 654 the accounting of state and federal registration forms.

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

658 (6) ~~(5)~~ The date on which an applicant signs a voter
 659 registration application is presumed to be the date on which the
 660 third-party voter registration organization received or
 661 collected the voter registration application.

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

672 ~~(6) The civil fines provided in this section are in~~

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673 ~~addition to any applicable criminal penalties.~~
 674 ~~(7) Fines collected pursuant to this section shall be~~
 675 ~~annually appropriated by the Legislature to the department for~~
 676 ~~enforcement of this section and for voter education.~~

677 ~~(8) The division may adopt rules to administer this~~
 678 ~~section.~~

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

681 97.071 Voter information card.—

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

- 685 (a) Voter's registration number.
- 686 (b) Date of registration.
- 687 (c) Full name.
- 688 (d) Party affiliation.
- 689 (e) Date of birth.
- 690 (f) Address of legal residence.
- 691 (g) Precinct number.
- 692 (h) Polling place address.

693 (i) ~~(h)~~ Name of supervisor and contact information of
 694 supervisor.

695 (j) ~~(i)~~ Other information deemed necessary by the
 696 supervisor.

697 (2) A voter may receive a replacement voter information
 698 card by providing a signed, written request for a replacement
 699 card to a voter registration official. Upon verification of
 700 registration, the supervisor shall issue the voter a duplicate

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701 card without charge.

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

705 Section 6. The supervisor must meet the requirements of
 706 section 5 of this act for any elector who registers to vote or
 707 who is issued a new voter information card pursuant to s.
 708 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

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

711 97.073 Disposition of voter registration applications;
 712 cancellation notice.—

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

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

728 97.1031 Notice of change of residence, change of name, or

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729 change of party affiliation.—

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

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

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

740 2. Submitting the change on a voter registration
 741 application or other signed written notice. ~~moves from the~~
 742 ~~address named on that person's voter registration record to~~
 743 ~~another address within the same county, the elector must provide~~
 744 ~~notification of such move to the supervisor of elections of that~~
 745 ~~county. The elector may provide the supervisor a signed, written~~
 746 ~~notice or may notify the supervisor by telephone or electronic~~
 747 ~~means. However, notification of such move other than by signed,~~
 748 ~~written notice must include the elector's date of birth. An~~
 749 ~~elector may also provide notification to other voter~~
 750 ~~registration officials as provided in subsection (2). A voter~~
 751 ~~information card reflecting the new information shall be issued~~
 752 ~~to the elector as provided in subsection (3).~~

753 ~~(2) When an elector moves from the address named on that~~
 754 ~~person's voter registration record to another address in a~~
 755 ~~different county but within the state, the elector seeks to~~
 756 ~~change party affiliation, or the name of an elector is changed~~

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757 ~~by marriage or other legal process,~~ the elector shall notify his
 758 or her supervisor of elections or other ~~provide notice of such~~
 759 ~~change to a voter registration official~~ by using a voter
 760 ~~registration application~~ signed written notice that contains the
 761 elector's date of birth or voter registration number ~~by the~~
 762 ~~elector.~~ When an elector changes his or her name by marriage or
 763 other legal process, the elector shall notify his or her
 764 supervisor of elections or other voter registration official by
 765 using a signed written notice that contains the elector's date
 766 of birth or voter's registration number. ~~A voter information~~
 767 ~~card reflecting the new information shall be issued to the~~
 768 ~~elector as provided in subsection (3).~~

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

771 98.075 Registration records maintenance activities;
 772 ineligibility determinations.—

773 (3) DECEASED PERSONS.—

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

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

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

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

784 (b) The supervisor shall remove the name of a deceased

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785 registered voter from the statewide voter registration system
 786 upon receipt of a copy of a death certificate issued by a
 787 governmental agency authorized to issue death certificates.

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

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

803 98.093 Duty of officials to furnish information relating
 804 to ~~lists of~~ deceased persons, persons adjudicated mentally
 805 incapacitated, and persons convicted of a felony.—

806 (1) In order to identify ineligible registered voters and
 807 maintain ~~ensure the maintenance of~~ accurate and current voter
 808 registration records in the statewide voter registration system
 809 pursuant to procedures in s. 98.065 or s. 98.075, it is
 810 necessary for the department and supervisors of elections to
 811 receive or access certain information from state and federal
 812 officials and entities in the format prescribed. ~~The department~~

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813 ~~and supervisors of elections shall use the information provided~~
814 ~~from the sources in subsection (2) to maintain the voter~~
815 ~~registration records.~~

816 (2) To the maximum extent feasible, state and local
817 government agencies shall facilitate provision of information
818 and access to data to the department, including, but not limited
819 to, databases that contain reliable criminal records and records
820 of deceased persons. State and local government agencies that
821 provide such data shall do so without charge if the direct cost
822 incurred by those agencies is not significant.

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

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

839 (c) Upon receipt of information from the United States
840 Attorney, listing persons convicted of a felony in federal

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841 court, the department shall use such information to identify
 842 registered voters or applicants for voter registration who may
 843 be potentially ineligible based on information provided in
 844 accordance with s. 98.075.

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

850 (e) The Florida Parole Commission Board of Executive
 851 Clemency shall furnish at least bimonthly ~~monthly~~ to the
 852 department data, including the identity ~~a list~~ of those persons
 853 granted clemency in the preceding month or any updates to prior
 854 records which have occurred in the preceding month. The data
 855 ~~list~~ shall contain the commission's Board of Executive Clemency
 856 case number and the person's ~~7~~ name, address, date of birth,
 857 race, gender ~~sex~~, Florida driver's license number, Florida
 858 identification card number, or the last four digits of the
 859 social security number, if available, and references to record
 860 identifiers assigned by the Department of Corrections and the
 861 Department of Law Enforcement, a unique identifier of each
 862 clemency case, and the effective date of clemency of each
 863 person.

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

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869 convicted felons and to meet its obligations under state and
 870 federal law. ~~furnish monthly to the department a list of those~~
 871 ~~persons transferred to the Department of Corrections in the~~
 872 ~~preceding month or any updates to prior records which have~~
 873 ~~occurred in the preceding month. The list shall contain the~~
 874 ~~name, address, date of birth, race, sex, social security number,~~
 875 ~~Department of Corrections record identification number, and~~
 876 ~~associated Department of Law Enforcement felony conviction~~
 877 ~~record number of each person.~~

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

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

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

891 98.0981 Reports; voting history; statewide voter
 892 registration system information; precinct-level election
 893 results; book closing statistics.—

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

896 (a) Within 30 ~~45~~ days after certification by the Elections

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897 Canvassing Commission of a presidential preference primary,
898 special election, primary election, or a general election,
899 supervisors of elections shall transmit to the department, in a
900 uniform electronic format specified in paragraph (d) ~~by the~~
901 ~~department~~, completely updated voting history information for
902 each qualified voter who voted.

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

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

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

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

915 4. Each qualified voter's current state representative
916 district, state senatorial district, and congressional district,
917 assigned by the supervisor of elections;

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

919 6. Voting history as transmitted under paragraph (a) to
920 include whether the qualified voter voted at a precinct
921 location, voted during the early voting period, voted by
922 absentee ballot, attempted to vote by absentee ballot that was
923 not counted, attempted to vote by provisional ballot that was
924 not counted, or did not vote.

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

932 (d) File specifications are as follows:

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

- 938 a. Voted a regular ballot at a precinct location.
- 939 b. Voted at a precinct location using a provisional ballot
 940 that was subsequently counted.
- 941 c. Voted a regular ballot during the early voting period.
- 942 d. Voted during the early voting period using a
 943 provisional ballot that was subsequently counted.
- 944 e. Voted by absentee ballot.
- 945 f. Attempted to vote by absentee ballot, but the ballot
 946 was not counted.
- 947 g. Attempted to vote by provisional ballot, but the ballot
 948 was not counted in that election.

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

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

- 952 a. Three-character county identifier as established by the

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953 department followed by an underscore.

954 b. Followed by four-character file type identifier of

955 'VH03' followed by an underscore.

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

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

958 e. Date format is YYYYMMDD.

959 f. Followed by Time Created - HHMMSS.

960 g. Followed by ".txt".

961 4. Each record shall contain the following columns: Record

962 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote

963 Date, Vote History Code, Precinct, Congressional District, House

964 District, Senate District, County Commission District, and

965 School Board District.

966 (e) Each supervisor of elections shall reconcile, before

967 submission, the aggregate total of ballots cast in each precinct

968 as reported in the precinct-level election results to the

969 aggregate total number of voters with voter history for the

970 election for each district.

971 (f) Each supervisor of elections shall submit the results

972 of the data reconciliation as described in paragraph (e) to the

973 department in an electronic format and give a written

974 explanation for any precincts where the reconciliation as

975 described in paragraph (e) results in a discrepancy between the

976 voter history and the election results.

977 (2)(a) PRECINCT-LEVEL ELECTION RESULTS.—Within ~~30~~ 45 days

978 after certification by the Elections Canvassing Commission ~~the~~

979 ~~date~~ of a presidential preference primary election, ~~a~~ special

980 election, primary election, or a general election, the

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981 supervisors of elections shall collect and submit to the
 982 department precinct-level election results for the election in a
 983 uniform electronic format specified by paragraph (c) the
 984 ~~department~~. The precinct-level election results shall be
 985 compiled separately for the primary or special primary election
 986 that preceded the general or special general election,
 987 respectively. The results shall specifically include for each
 988 precinct the ~~aggregate~~ total of all ballots cast for each
 989 candidate or nominee to fill a national, state, county, or
 990 district office or proposed constitutional amendment, with
 991 subtotals for each candidate and ballot type, unless fewer than
 992 10 voters voted a ballot type. "All ballots cast" means ballots
 993 cast by voters who cast a ballot whether at a precinct location,
 994 by absentee ballot including overseas absentee ballots, during
 995 the early voting period, or by provisional ballot.

996 (b) The department shall make such information available
 997 on a searchable, sortable, and downloadable database via its
 998 website that also includes the file layout and codes. The
 999 database shall be searchable and sortable by county, precinct,
 1000 and candidate. The database shall be downloadable in a tab-
 1001 delimited format. The database shall be available for download
 1002 county-by-county and also as a statewide file. Such report shall
 1003 also be made available upon request.

1004 (c) The files containing the precinct-level election
 1005 results shall be created in accordance with the applicable file
 1006 specification:

1007 1. The precinct-level results file shall be created or
 1008 converted into a tab-delimited text file.

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1009 2. The row immediately before the first data record shall
 1010 contain the column names of the data elements that make up the
 1011 data records. There shall be one header record followed by
 1012 multiple data records.

1013 3. The data records shall include the following columns:
 1014 County Name, Election Number, Election Date, Unique Precinct
 1015 Identifier, Precinct Polling Location, Total Registered Voters,
 1016 Total Registered Republicans, Total Registered Democrats, Total
 1017 Registered All Other Parties, Contest Name,
 1018 Candidate/Retention/Issue Name, Candidate Florida Voter
 1019 Registration System ID Number, Division of Elections Unique
 1020 Candidate Identifying Number, Candidate Party, District,
 1021 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

1022 Section 12. Subsections (5) and (7) of section 99.012,
 1023 Florida Statutes, are amended to read:

1024 99.012 Restrictions on individuals qualifying for public
 1025 office.—

1026 (5) If an order of a court that has become final
 1027 determines that a person did not comply with this section, the
 1028 person shall not be qualified as a candidate for election and
 1029 his or her name may not appear on the ballot. ~~The name of any~~
 1030 ~~person who does not comply with this section may be removed from~~
 1031 ~~every ballot on which it appears when ordered by a circuit court~~
 1032 ~~upon the petition of an elector or the Department of State.~~

1033 (7) Nothing contained in subsection (3) relates to persons
 1034 holding any federal office or seeking the office of President or
 1035 Vice President.

1036 Section 13. Paragraphs (a) and (b) of subsection (1) of

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1037 section 99.021, Florida Statutes, are amended, and subsection
 1038 (3) is added to that section, to read:
 1039 99.021 Form of candidate oath.—
 1040 (1)(a)1. Each candidate, whether a party candidate, a
 1041 candidate with no party affiliation, or a write-in candidate, in
 1042 order to qualify for nomination or election to any office other
 1043 than a judicial office as defined in chapter 105 or a federal
 1044 office, shall take and subscribe to an oath or affirmation in
 1045 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1046 available ~~furnished~~ to the candidate by the officer before whom
 1047 such candidate seeks to qualify and shall be substantially in
 1048 the following form:

1049
 1050 State of Florida
 1051 County of....

1052 Before me, an officer authorized to administer oaths,
 1053 personally appeared ... (please print name as you wish it to
 1054 appear on the ballot) ..., to me well known, who, being sworn,
 1055 says that he or she is a candidate for the office of; that
 1056 he or she is a qualified elector of County, Florida; that
 1057 he or she is qualified under the Constitution and the laws of
 1058 Florida to hold the office to which he or she desires to be
 1059 nominated or elected; ~~that he or she has taken the oath required~~
 1060 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 1061 qualified for no other public office in the state, the term of
 1062 which office or any part thereof runs concurrent with that of
 1063 the office he or she seeks; ~~and~~ that he or she has resigned from
 1064 any office from which he or she is required to resign pursuant

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1065 to s. 99.012, Florida Statutes; and that he or she will support
 1066 the Constitution of the United States and the Constitution of
 1067 the State of Florida.

1068 ... (Signature of candidate)...

1069 ... (Address)...

1070 Sworn to and subscribed before me this day of,
 1071 ... (year)...., at County, Florida.

1072 ... (Signature and title of officer administering oath)...

1073
 1074 2. Each candidate for federal office, whether a party
 1075 candidate, a candidate with no party affiliation, or a write-in
 1076 candidate, in order to qualify for nomination or election to
 1077 office shall take and subscribe to an oath or affirmation in
 1078 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1079 available ~~furnished~~ to the candidate by the officer before whom
 1080 such candidate seeks to qualify and shall be substantially in
 1081 the following form:

1082
 1083 State of Florida
 1084 County of

1085 Before me, an officer authorized to administer oaths,
 1086 personally appeared ... (please print name as you wish it to
 1087 appear on the ballot)...., to me well known, who, being sworn,
 1088 says that he or she is a candidate for the office of; that
 1089 he or she is qualified under the Constitution and laws of the
 1090 United States to hold the office to which he or she desires to
 1091 be nominated or elected; ~~and~~ that he or she has qualified for no
 1092 other public office in the state, the term of which office or

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1093 any part thereof runs concurrent with that of the office he or
 1094 she seeks; and that he or she will support the Constitution of
 1095 the United States.

1096 ... (Signature of candidate) ...
 1097 ... (Address) ...

1098
 1099 Sworn to and subscribed before me this day of,
 1100 ... (year) ..., at County, Florida.
 1101 ... (Signature and title of officer administering oath) ...

1102
 1103 (b) In addition, any person seeking to qualify for
 1104 nomination as a candidate of any political party shall, at the
 1105 time of subscribing to the oath or affirmation, state in
 1106 writing:

- 1107 1. The party of which the person is a member.
- 1108 2. That the person ~~is not a registered member of any other~~
 1109 ~~political party and~~ has not been a registered member of
 1110 ~~candidate for nomination for~~ any other political party for 365
 1111 days before the beginning of qualifying ~~for a period of 6 months~~
 1112 preceding the general election for which the person seeks to
 1113 qualify.

1114 3. That the person has paid the assessment levied against
 1115 him or her, if any, as a candidate for said office by the
 1116 executive committee of the party of which he or she is a member.

1117 (3) This section does not apply to a person who seeks to
 1118 qualify for election pursuant to ss. 103.021 and 103.101.

1119 Section 14. Subsections (5) and (7) of section 99.061,
 1120 Florida Statutes, are amended, and subsection (11) is added to

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1121 that section, to read:

1122 99.061 Method of qualifying for nomination or election to
 1123 federal, state, county, or district office.—

1124 (5) At the time of qualifying for office, each candidate
 1125 for a constitutional office shall file a full and public
 1126 disclosure of financial interests pursuant to s. 8, Art. II of
 1127 the State Constitution, which must be verified under oath or
 1128 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
 1129 other office, including local elective office, shall file a
 1130 statement of financial interests pursuant to s. 112.3145.

1131 (7)(a) In order for a candidate to be qualified, the
 1132 following items must be received by the filing officer by the
 1133 end of the qualifying period:

1134 1. A properly executed check drawn upon the candidate's
 1135 campaign account payable to the person or entity as prescribed
 1136 by the filing officer in an amount not less than the fee
 1137 required by s. 99.092, unless the candidate obtained the
 1138 required number of signatures on petitions ~~or, in lieu thereof,~~
 1139 ~~as applicable, the copy of the notice of obtaining ballot~~
 1140 ~~position~~ pursuant to s. 99.095. The filing fee for a special
 1141 district candidate is not required to be drawn upon the
 1142 candidate's campaign account. If a candidate's check is returned
 1143 by the bank for any reason, the filing officer shall immediately
 1144 notify the candidate and the candidate shall have until the end
 1145 of qualifying ~~notwithstanding, have 48 hours from the time such~~
 1146 ~~notification is received, excluding Saturdays, Sundays, and~~
 1147 ~~legal holidays,~~ to pay the fee with a cashier's check purchased
 1148 from funds of the campaign account. Failure to pay the fee as

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1149 provided in this subparagraph shall disqualify the candidate.

1150 2. The candidate's oath required by s. 99.021, which must
 1151 contain the name of the candidate as it is to appear on the
 1152 ballot; the office sought, including the district or group
 1153 number if applicable; and the signature of the candidate, which
 1154 must be verified under oath or affirmation pursuant to s.
 1155 92.525(1)(a) ~~duly acknowledged.~~

1156 ~~3. The loyalty oath required by s. 876.05, signed by the~~
 1157 ~~candidate and duly acknowledged.~~

1158 ~~3.4.~~ If the office sought is partisan, the written
 1159 statement of political party affiliation required by s.
 1160 99.021(1)(b).

1161 ~~4.5.~~ The completed form for the appointment of campaign
 1162 treasurer and designation of campaign depository, as required by
 1163 s. 106.021.

1164 ~~5.6.~~ The full and public disclosure or statement of
 1165 financial interests required by subsection (5). A public officer
 1166 who has filed the full and public disclosure or statement of
 1167 financial interests with the Commission on Ethics or the
 1168 supervisor of elections prior to qualifying for office may file
 1169 a copy of that disclosure at the time of qualifying.

1170 (b) If the filing officer receives qualifying papers
 1171 during the qualifying period prescribed in this section which
 1172 ~~that~~ do not include all items as required by paragraph (a) prior
 1173 to the last day of qualifying, the filing officer shall make a
 1174 reasonable effort to notify the candidate of the missing or
 1175 incomplete items and shall inform the candidate that all
 1176 required items must be received by the close of qualifying. A

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1177 candidate's name as it is to appear on the ballot may not be
 1178 changed after the end of qualifying.

1179 (c) The filing officer performs a ministerial function in
 1180 reviewing qualifying papers. In determining whether a candidate
 1181 is qualified, the filing officer shall review the qualifying
 1182 papers to determine whether all items required by paragraph (a)
 1183 have been properly filed and whether each item is complete on
 1184 its face, including whether items that must be verified have
 1185 been properly verified pursuant to s. 92.525(1) (a). The filing
 1186 officer may not determine whether the contents of the qualifying
 1187 papers are accurate.

1188 (11) The decision of the filing officer concerning whether
 1189 a candidate is qualified is exempt from the provisions of
 1190 chapter 120.

1191 Section 15. Subsection (2) of section 99.063, Florida
 1192 Statutes, is amended to read:

1193 99.063 Candidates for Governor and Lieutenant Governor.—

1194 (2) No later than 5 p.m. of the 9th day following the
 1195 primary election, each designated candidate for Lieutenant
 1196 Governor shall file with the Department of State:

1197 (a) The candidate's oath required by s. 99.021, which must
 1198 contain the name of the candidate as it is to appear on the
 1199 ballot; the office sought; and the signature of the candidate,
 1200 which must be verified under oath or affirmation pursuant to s.
 1201 92.525(1) (a) duly acknowledged.

1202 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
 1203 ~~candidate and duly acknowledged.~~

1204 (b)-(e) If the office sought is partisan, the written

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1205 statement of political party affiliation required by s.
 1206 99.021(1)(b).

1207 (c)~~(d)~~ The full and public disclosure of financial
 1208 interests pursuant to s. 8, Art. II of the State Constitution. A
 1209 public officer who has filed the full and public disclosure with
 1210 the Commission on Ethics prior to qualifying for office may file
 1211 a copy of that disclosure at the time of qualifying.

1212 Section 16. Subsection (1) of section 99.092, Florida
 1213 Statutes, is amended to read:

1214 99.092 Qualifying fee of candidate; notification of
 1215 Department of State.—

1216 (1) Each person seeking to qualify for nomination or
 1217 election to any office, except a person seeking to qualify by
 1218 the petition process pursuant to s. 99.095 and except a person
 1219 seeking to qualify as a write-in candidate, shall pay a
 1220 qualifying fee, which shall consist of a filing fee and election
 1221 assessment, to the officer with whom the person qualifies, and
 1222 any party assessment levied, and shall attach the original or
 1223 signed duplicate of the receipt for his or her party assessment
 1224 or pay the same, in accordance with the provisions of s.

1225 103.121, at the time of filing his or her other qualifying
 1226 papers. The amount of the filing fee is 3 percent of the annual
 1227 salary of the office. The amount of the election assessment is 1
 1228 percent of the annual salary of the office sought. The election
 1229 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~
 1230 ~~and~~ transferred to the Elections Commission Trust Fund ~~within~~
 1231 ~~the Department of Legal Affairs~~. The amount of the party
 1232 assessment is 2 percent of the annual salary. The annual salary

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1233 of the office for purposes of computing the filing fee, election
 1234 assessment, and party assessment shall be computed by
 1235 multiplying 12 times the monthly salary, excluding any special
 1236 qualification pay, authorized for such office as of July 1
 1237 immediately preceding the first day of qualifying. No qualifying
 1238 fee shall be returned to the candidate unless the candidate
 1239 withdraws his or her candidacy before the last date to qualify.
 1240 If a candidate dies prior to an election and has not withdrawn
 1241 his or her candidacy before the last date to qualify, the
 1242 candidate's qualifying fee shall be returned to his or her
 1243 designated beneficiary, and, if the filing fee or any portion
 1244 thereof has been transferred to the political party of the
 1245 candidate, the Secretary of State shall direct the party to
 1246 return that portion to the designated beneficiary of the
 1247 candidate.

1248 Section 17. Subsection (1) of section 99.093, Florida
 1249 Statutes, is amended to read:

1250 99.093 Municipal candidates; election assessment.—

1251 (1) Each person seeking to qualify for nomination or
 1252 election to a municipal office shall pay, at the time of
 1253 qualifying for office, an election assessment. The election
 1254 assessment shall be an amount equal to 1 percent of the annual
 1255 salary of the office sought. Within 30 days after the close of
 1256 qualifying, the qualifying officer shall forward all assessments
 1257 collected pursuant to this section to the Florida Elections
 1258 Commission ~~Department of State for deposit in transfer to the~~
 1259 Elections Commission Trust Fund ~~within the Department of Legal~~
 1260 ~~Affairs.~~

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1261 Section 18. Paragraph (d) is added to subsection (2) of
 1262 section 99.095, Florida Statutes, to read:

1263 99.095 Petition process in lieu of a qualifying fee and
 1264 party assessment.—

1265 (2)

1266 (d) In a year of apportionment, any candidate for county
 1267 or district office seeking ballot position by the petition
 1268 process may obtain the required number of signatures from any
 1269 registered voter in the respective county, regardless of
 1270 district boundaries. The candidate shall obtain at least the
 1271 number of signatures equal to 1 percent of the total number of
 1272 registered voters, as shown by a compilation by the department
 1273 for the immediately preceding general election, divided by the
 1274 total number of districts of the office involved.

1275 Section 19. Subsections (1), (3), and (5) of section
 1276 99.097, Florida Statutes, are amended, and subsection (6) is
 1277 added to that section, to read:

1278 99.097 Verification of signatures on petitions.—

1279 (1) (a) As determined by each supervisor, based upon local
 1280 conditions, the checking of names on petitions may be based on
 1281 the most inexpensive and administratively feasible of either of
 1282 the following methods of verification:

1283 1.(a) A name-by-name, signature-by-signature check of each
 1284 petition the number of authorized signatures on the petitions;

1285 or

1286 2.(b) A check of a random sample, as provided by the
 1287 Department of State, of names and signatures on the petitions.

1288 The sample must be such that a determination can be made as to

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1289 whether or not the required number of signatures has ~~have~~ been
 1290 obtained with a reliability of at least 99.5 percent.

1291 (b) Rules and guidelines for ~~this method of~~ petition
 1292 verification shall be adopted ~~promulgated~~ by the Department of
 1293 State. Rules and guidelines for a random sample method of
 1294 verification, ~~which~~ may include a requirement that petitions
 1295 bear an additional number of names and signatures, not to exceed
 1296 15 percent of the names and signatures otherwise required. If
 1297 the petitions do not meet such criteria or if the petitions are
 1298 prescribed by s. 100.371, ~~then~~ the use of the random sample
 1299 method of verification is ~~method described in this paragraph~~
 1300 ~~shall not be~~ available to supervisors.

1301 (3) (a) If all other requirements for the petition are met,
 1302 a signature on a petition shall be verified and counted as valid
 1303 for a registered voter if, after comparing the signature on the
 1304 petition and the signature of the registered voter in the voter
 1305 registration system, the supervisor is able to determine that
 1306 the petition signer is the same as the registered voter, even if
 1307 the name on the petition is not in substantially the same form
 1308 as in the voter registration system. ~~A name on a petition, which~~
 1309 ~~name is not in substantially the same form as a name on the~~
 1310 ~~voter registration books, shall be counted as a valid signature~~
 1311 ~~if, after comparing the signature on the petition with the~~
 1312 ~~signature of the alleged signer as shown on the registration~~
 1313 ~~books, the supervisor determines that the person signing the~~
 1314 ~~petition and the person who registered to vote are one and the~~
 1315 ~~same.~~

1316 (b) In any situation in which this code requires the form

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1317 of the petition to be prescribed by the division, no signature
 1318 shall be counted toward the number of signatures required unless
 1319 it is on a petition form prescribed by the division.

1320 (c) ~~(b)~~ If a voter signs a petition and lists an address
 1321 other than the legal residence where the voter is registered,
 1322 the supervisor shall treat the signature as if the voter had
 1323 listed the address where the voter is registered.

1324 (5) The results of a verification pursuant to subparagraph
 1325 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court
 1326 by the candidate; an announced opponent; a representative of a
 1327 designated political committee; or a person, party, or other
 1328 organization submitting the petition. The contestant shall file
 1329 a complaint, together with the fees prescribed in chapter 28,
 1330 with the clerk of the circuit court in the county in which the
 1331 petition is certified or in Leon County if the petition covers
 1332 more than one county within 10 days after midnight of the date
 1333 the petition is certified; and the complaint shall set forth the
 1334 grounds on which the contestant intends to establish his or her
 1335 right to require a complete check of the petition names and
 1336 signatures pursuant to subparagraph (1) (a) 1. ~~paragraph (1) (a).~~
 1337 In the event the court orders a complete check of the petition
 1338 and the result is not changed as to the success or lack of
 1339 success of the petitioner in obtaining the requisite number of
 1340 valid signatures, then such candidate, unless the candidate has
 1341 filed the oath stating that he or she is unable to pay such
 1342 charges; announced opponent; representative of a designated
 1343 political committee; or party, person, or organization
 1344 submitting the petition, unless such person or organization has

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1345 filed the oath stating inability to pay such charges, shall pay
 1346 to the supervisor of elections of each affected county for the
 1347 complete check an amount calculated at the rate of 10 cents for
 1348 each additional signature checked or the actual cost of checking
 1349 such additional signatures, whichever is less.

1350 (6) (a) If any person is paid to solicit signatures on a
 1351 petition, an undue burden oath may not subsequently be filed in
 1352 lieu of paying the fee to have signatures verified for that
 1353 petition.

1354 (b) If an undue burden oath has been filed and payment is
 1355 subsequently made to any person to solicit signatures on a
 1356 petition, the undue burden oath is no longer valid and a fee for
 1357 all signatures previously submitted to the supervisor of
 1358 elections and any that are submitted thereafter shall be paid by
 1359 the candidate, person, or organization that submitted the undue
 1360 burden oath. If contributions as defined in s. 106.011 are
 1361 received, any monetary contributions must first be used to
 1362 reimburse the supervisor of elections for any signature
 1363 verification fees that were not paid because of the filing of an
 1364 undue burden oath.

1365 Section 20. Section 100.061, Florida Statutes, is amended
 1366 to read:

1367 100.061 Primary election.—In each year in which a general
 1368 election is held, a primary election for nomination of
 1369 candidates of political parties shall be held on the Tuesday 12
 1370 ~~10~~ weeks prior to the general election. The candidate receiving
 1371 the highest number of votes cast in each contest in the primary
 1372 election shall be declared nominated for such office. If two or

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1373 more candidates receive an equal and highest number of votes for
 1374 the same office, such candidates shall draw lots to determine
 1375 which candidate is nominated.

1376 Section 21. Section 100.101, Florida Statutes, is amended
 1377 to read:

1378 100.101 Special elections and special primary elections.—
 1379 ~~Except as provided in s. 100.111(2),~~ A special election or
 1380 special primary election shall be held in the following cases:

1381 (1) If no person has been elected at a general election to
 1382 fill an office which was required to be filled by election at
 1383 such general election.

1384 (2) If a vacancy occurs in the office of state senator or
 1385 member of the state house of representatives.

1386 (3) If it is necessary to elect presidential electors, by
 1387 reason of the offices of President and Vice President both
 1388 having become vacant.

1389 (4) If a vacancy occurs in the office of member from
 1390 Florida of the House of Representatives of Congress.

1391 Section 22. Section 100.111, Florida Statutes, is amended
 1392 to read:

1393 100.111 Filling vacancy.—

1394 (1)(a) If any vacancy occurs in any office which is
 1395 required to be filled pursuant to s. 1(f), Art. IV of the State
 1396 Constitution and the remainder of the term of such office is 28
 1397 months or longer, then at the next general election a person
 1398 shall be elected to fill the unexpired portion of such term,
 1399 commencing on the first Tuesday after the first Monday following
 1400 such general election.

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1401 (b) If such a vacancy occurs prior to the first day set by
 1402 law for qualifying for election to office at such general
 1403 election, any person seeking nomination or election to the
 1404 unexpired portion of the term shall qualify within the time
 1405 prescribed by law for qualifying for other offices to be filled
 1406 by election at such general election.

1407 (c) If such a vacancy occurs prior to the primary election
 1408 but on or after the first day set by law for qualifying, the
 1409 Secretary of State shall set dates for qualifying for the
 1410 unexpired portion of the term of such office. Any person seeking
 1411 nomination or election to the unexpired portion of the term
 1412 shall qualify within the time set by the Secretary of State. If
 1413 time does not permit party nominations to be made in conjunction
 1414 with the primary election, the Governor may call a special
 1415 primary election to select party nominees for the unexpired
 1416 portion of such term.

1417 ~~(2)(a) If, in any state or county office required to be~~
 1418 ~~filled by election, a vacancy occurs during an election year by~~
 1419 ~~reason of the incumbent having qualified as a candidate for~~
 1420 ~~federal office pursuant to s. 99.061, no special election is~~
 1421 ~~required. Any person seeking nomination or election to the~~
 1422 ~~office so vacated shall qualify within the time prescribed by s.~~
 1423 ~~99.061 for qualifying for state or county offices to be filled~~
 1424 ~~by election.~~

1425 ~~(b) If such a vacancy occurs in an election year other~~
 1426 ~~than the one immediately preceding expiration of the present~~
 1427 ~~term, the Secretary of State shall notify the supervisor of~~
 1428 ~~elections in each county served by the office that a vacancy has~~

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1429 ~~been created. Such notice shall be provided to the supervisor of~~
 1430 ~~elections not later than the close of the first day set for~~
 1431 ~~qualifying for state or county office. The supervisor shall~~
 1432 ~~provide public notice of the vacancy in any manner the Secretary~~
 1433 ~~of State deems appropriate.~~

1434 (2)~~(3)~~ Whenever there is a vacancy for which a special
 1435 election is required pursuant to s. 100.101, the Governor, after
 1436 consultation with the Secretary of State, shall fix the dates of
 1437 a special primary election and a special election. Nominees of
 1438 political parties shall be chosen under the primary laws of this
 1439 state in the special primary election to become candidates in
 1440 the special election. Prior to setting the special election
 1441 dates, the Governor shall consider any upcoming elections in the
 1442 jurisdiction where the special election will be held. The dates
 1443 fixed by the Governor shall be specific days certain and shall
 1444 not be established by the happening of a condition or stated in
 1445 the alternative. The dates fixed shall provide a minimum of 2
 1446 weeks between each election. In the event a vacancy occurs in
 1447 the office of state senator or member of the House of
 1448 Representatives when the Legislature is in regular legislative
 1449 session, the minimum times prescribed by this subsection may be
 1450 waived upon concurrence of the Governor, the Speaker of the
 1451 House of Representatives, and the President of the Senate. If a
 1452 vacancy occurs in the office of state senator and no session of
 1453 the Legislature is scheduled to be held prior to the next
 1454 general election, the Governor may fix the dates for the special
 1455 primary election and for the special election to coincide with
 1456 the dates of the primary election and general election. If a

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1457 vacancy in office occurs in any district in the state Senate or
1458 House of Representatives or in any congressional district, and
1459 no session of the Legislature, or session of Congress if the
1460 vacancy is in a congressional district, is scheduled to be held
1461 during the unexpired portion of the term, the Governor is not
1462 required to call a special election to fill such vacancy.

1463 (a) The dates for candidates to qualify in such special
1464 election or special primary election shall be fixed by the
1465 Department of State, and candidates shall qualify not later than
1466 noon of the last day so fixed. The dates fixed for qualifying
1467 shall allow a minimum of 14 days between the last day of
1468 qualifying and the special primary election.

1469 (b) The filing of campaign expense statements by
1470 candidates in such special elections or special primaries and by
1471 committees making contributions or expenditures to influence the
1472 results of such special primaries or special elections shall be
1473 not later than such dates as shall be fixed by the Department of
1474 State, and in fixing such dates the Department of State shall
1475 take into consideration and be governed by the practical time
1476 limitations.

1477 (c) The dates for a candidate to qualify by the petition
1478 process pursuant to s. 99.095 in such special primary or special
1479 election shall be fixed by the Department of State. In fixing
1480 such dates the Department of State shall take into consideration
1481 and be governed by the practical time limitations. Any candidate
1482 seeking to qualify by the petition process in a special primary
1483 election shall obtain 25 percent of the signatures required by
1484 s. 99.095.

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1485 (d) The qualifying fees and party assessments of such
 1486 candidates as may qualify shall be the same as collected for the
 1487 same office at the last previous primary for that office. The
 1488 party assessment shall be paid to the appropriate executive
 1489 committee of the political party to which the candidate belongs.

1490 (e) Each county canvassing board shall make as speedy a
 1491 return of the result of such special primary elections and
 1492 special elections as time will permit, and the Elections
 1493 Canvassing Commission likewise shall make as speedy a canvass
 1494 and declaration of the nominees as time will permit.

1495 ~~(3)-(4)~~ (a) In the event that death, resignation,
 1496 withdrawal, or removal, ~~or any other cause or event~~ should cause
 1497 a party to have a vacancy in nomination which leaves no
 1498 candidate for an office from such party, the filing officer
 1499 before whom the candidate qualified ~~Department of State~~ shall
 1500 notify the chair of the ~~appropriate state~~ and, district, or
 1501 county political party executive committee of such party ~~and:~~

1502 1. If the vacancy in nomination is for a statewide office,
 1503 the state party chair shall, within 5 days, the chair shall call
 1504 a meeting of his or her executive board committee to consider
 1505 designation of a nominee to fill the vacancy.

1506 2. If the vacancy in nomination is for the office of
 1507 United States Representative, state senator, state
 1508 representative, state attorney, or public defender, the state
 1509 party chair shall notify the appropriate county chair or chairs
 1510 and, within 5 days, the appropriate county chair or chairs shall
 1511 call a meeting of the members of the executive committee in the
 1512 affected county or counties to consider designation of a nominee

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1513 to fill the vacancy.

1514 3. If the vacancy in nomination is for a county office,
 1515 the state party chair shall notify the appropriate county chair
 1516 and, within 5 days, the appropriate county chair shall call a
 1517 meeting of his or her executive committee to consider
 1518 designation of a nominee to fill the vacancy.

1519
 1520 The name of any person so designated shall be submitted to the
 1521 filing officer before whom the candidate qualified ~~Department of~~
 1522 ~~State~~ within 7 days after notice to the chair in order that the
 1523 person designated may have his or her name on the ballot of the
 1524 ensuing general election. If the name of the new nominee is
 1525 submitted after the certification of results of the preceding
 1526 primary election, however, the ballots shall not be changed and
 1527 the former party nominee's name will appear on the ballot. Any
 1528 ballots cast for the former party nominee will be counted for
 1529 the person designated by the political party to replace the
 1530 former party nominee. If there is no opposition to the party
 1531 nominee, the person designated by the political party to replace
 1532 the former party nominee will be elected to office at the
 1533 general election. ~~For purposes of this paragraph, the term~~
 1534 ~~"district political party executive committee" means the members~~
 1535 ~~of the state executive committee of a political party from those~~
 1536 ~~counties comprising the area involving a district office.~~

1537 (b) When, under the circumstances set forth in the
 1538 preceding paragraph, vacancies in nomination are required to be
 1539 filled by committee nominations, such vacancies shall be filled
 1540 by party rule. In any instance in which a nominee is selected by

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1541 a committee to fill a vacancy in nomination, such nominee shall
1542 pay the same filing fee and take the same oath as the nominee
1543 would have taken had he or she regularly qualified for election
1544 to such office.

1545 (c) Any person who, at the close of qualifying as
1546 prescribed in ss. 99.061 and 105.031, was qualified for
1547 nomination or election to or retention in a public office to be
1548 filled at the ensuing general election or who attempted to
1549 qualify and failed to qualify is prohibited from qualifying as a
1550 candidate to fill a vacancy in nomination for any other office
1551 to be filled at that general election, even if such person has
1552 withdrawn or been eliminated as a candidate for the original
1553 office sought. However, this paragraph does not apply to a
1554 candidate for the office of Lieutenant Governor who applies to
1555 fill a vacancy in nomination for the office of Governor on the
1556 same ticket or to a person who has withdrawn or been eliminated
1557 as a candidate and who is subsequently designated as a candidate
1558 for Lieutenant Governor under s. 99.063.

1559 (4) A vacancy in nomination is not created if an order of
1560 a court that has become final determines that a nominee did not
1561 properly qualify or did not meet the necessary qualifications to
1562 hold the office for which he or she sought to qualify.

1563 (5) In the event of unforeseeable circumstances not
1564 contemplated in these general election laws concerning the
1565 calling and holding of special primary elections and special
1566 elections resulting from court order or other unpredictable
1567 circumstances, the Department of State shall have the authority
1568 to provide for the conduct of orderly elections.

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1569 Section 23. Subsections (1), (3), (6), (7), and (8) of
 1570 section 100.371, Florida Statutes, are amended to read:

1571 100.371 Initiatives; procedure for placement on ballot.—

1572 (1) Constitutional amendments proposed by initiative shall
 1573 be placed on the ballot for the general election, provided the
 1574 initiative petition has been filed with the Secretary of State
 1575 no later than February 1 of the year the general election is
 1576 held. A petition shall be deemed to be filed with the Secretary
 1577 of State upon the date the secretary determines that valid and
 1578 verified petition forms have been signed by the constitutionally
 1579 required number and distribution of electors under this code,
 1580 ~~subject to the right of revocation established in this section.~~

1581 (3) An initiative petition form circulated for signature
 1582 may not be bundled with or attached to any other petition. Each
 1583 signature shall be dated when made and shall be valid for a
 1584 period of 2 4 years following such date, provided all other
 1585 requirements of law are met. The sponsor shall submit signed and
 1586 dated forms to the ~~appropriate~~ supervisor of elections for the
 1587 county of residence listed by the person signing the form for
 1588 verification of ~~as to~~ the number of ~~registered electors whose~~
 1589 valid signatures obtained appear thereon. If a signature on a
 1590 petition is from a registered voter in another county, the
 1591 supervisor shall notify the petition sponsor of the misfiled
 1592 petition. The supervisor shall promptly verify the signatures
 1593 within 30 days after ~~of~~ receipt of the petition forms and
 1594 payment of the fee required by s. 99.097. The supervisor shall
 1595 promptly record, in the manner prescribed by the Secretary of
 1596 State, the date each form is received by the supervisor, and the

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1597 date the signature on the form is verified as valid. The
 1598 supervisor may verify that the signature on a form is valid only
 1599 if:

1600 (a) The form contains the original signature of the
 1601 purported elector.

1602 (b) The purported elector has accurately recorded on the
 1603 form the date on which he or she signed the form.

1604 (c) The form ~~accurately~~ sets forth the purported elector's
 1605 name, ~~street~~ address, city, county, and voter registration
 1606 number or date of birth.

1607 (d) The purported elector is, at the time he or she signs
 1608 the form and at the time the form is verified, a duly qualified
 1609 and registered elector ~~authorized to vote in the state county in~~
 1610 ~~which his or her signature is submitted.~~

1611
 1612 The supervisor shall retain the signature forms for at least 1
 1613 year following the election in which the issue appeared on the
 1614 ballot or until the Division of Elections notifies the
 1615 supervisors of elections that the committee that ~~which~~
 1616 circulated the petition is no longer seeking to obtain ballot
 1617 position.

1618 ~~(6) (a) An elector's signature on a petition form may be~~
 1619 ~~revoked within 150 days of the date on which he or she signed~~
 1620 ~~the petition form by submitting to the appropriate supervisor of~~
 1621 ~~elections a signed petition revocation form.~~

1622 ~~(b) The petition revocation form and the manner in which~~
 1623 ~~signatures are obtained, submitted, and verified shall be~~
 1624 ~~subject to the same relevant requirements and timeframes as the~~

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1625 ~~corresponding petition form and processes under this code and~~
 1626 ~~shall be approved by the Secretary of State before any signature~~
 1627 ~~on a petition-revocation form is obtained.~~

1628 ~~(c) In those circumstances in which a petition-revocation~~
 1629 ~~form for a corresponding initiative petition has not been~~
 1630 ~~submitted and approved, an elector may complete and submit a~~
 1631 ~~standard petition-revocation form directly to the supervisor of~~
 1632 ~~elections. All other requirements and processes apply for the~~
 1633 ~~submission and verification of the signatures as for initiative~~
 1634 ~~petitions.~~

1635 ~~(d) Supervisors of elections shall provide petition-~~
 1636 ~~revocation forms to the public at all main and branch offices.~~

1637 ~~(e) The petition-revocation form shall be filed with the~~
 1638 ~~supervisor of elections by February 1 preceding the next general~~
 1639 ~~election or, if the initiative amendment is not certified for~~
 1640 ~~ballot position in that election, by February 1 preceding the~~
 1641 ~~next successive general election. The supervisor of elections~~
 1642 ~~shall promptly verify the signature on the petition-revocation~~
 1643 ~~form and process such revocation upon payment, in advance, of a~~
 1644 ~~fee of 10 cents or the actual cost of verifying such signature,~~
 1645 ~~whichever is less. The supervisor shall promptly record each~~
 1646 ~~valid and verified signature on a petition-revocation form in~~
 1647 ~~the manner prescribed by the Secretary of State.~~

1648 ~~(f) The division shall adopt by rule the petition-~~
 1649 ~~revocation forms to be used under this subsection.~~

1650 ~~(6)-(7)~~ (6) The Department of State may adopt rules in
 1651 accordance with s. 120.54 to carry out the provisions of
 1652 subsections (1)-(5) ~~(1)-(6)~~.

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1653 (7)~~(8)~~ No provision of this code shall be deemed to
 1654 prohibit a private person exercising lawful control over
 1655 privately owned property, including property held open to the
 1656 public for the purposes of a commercial enterprise, from
 1657 excluding from such property persons seeking to engage in
 1658 activity supporting or opposing initiative amendments.

1659 Section 24. Effective July 1, 2012, subsections (3) and
 1660 (4) of section 101.001, Florida Statutes, are amended to read:

1661 101.001 Precincts and polling places; boundaries.—

1662 (3) (a) Each supervisor of elections shall maintain a
 1663 suitable map drawn to a scale no smaller than 3 miles to the
 1664 inch and clearly delineating all major observable features such
 1665 as roads, streams, and railway lines and showing the current
 1666 geographical boundaries of each precinct, representative
 1667 district, and senatorial district, and other type of district in
 1668 the county subject to the elections process in this code.

1669 (b) The supervisor shall provide to the department data on
 1670 all precincts in the county associated with the most recent
 1671 decennial census blocks within each precinct.

1672 (c) The department shall maintain a searchable database
 1673 that contains the precincts and the corresponding most recent
 1674 decennial census blocks within the precincts for each county,
 1675 including a historical file that allows the census blocks to be
 1676 traced through the prior decade.

1677 (d)~~(b)~~ The supervisor of elections shall notify the
 1678 Secretary of State in writing within 10 ~~30~~ days after any
 1679 reorganization of precincts and shall furnish a copy of the map
 1680 showing the current geographical boundaries and designation of

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1681 each new precinct. However, if precincts are composed of whole
 1682 census blocks, the supervisor may furnish, in lieu of a copy of
 1683 the map, a list, in an electronic format prescribed by the
 1684 Department of State, associating each census block in the county
 1685 with its precinct.

1686 (e) Any precinct established or altered under the
 1687 provisions of this section shall consist of areas bounded on all
 1688 sides only by census block boundaries from the most recent
 1689 United States Census. If the census block boundaries split or
 1690 conflict with another political boundary listed below, the
 1691 boundary listed below may be used:

1692 ~~1. Census block boundaries from the most recent United~~
 1693 ~~States Census;~~

1694 ~~1.2.~~ Governmental unit boundaries reported in the most
 1695 recent Boundary and Annexation Survey published by the United
 1696 States Census Bureau;

1697 ~~2.3.~~ Visible features that are readily distinguishable
 1698 upon the ground, such as streets, railroads, tracks, streams,
 1699 and lakes, and that are indicated upon current census maps,
 1700 official Department of Transportation maps, official municipal
 1701 maps, official county maps, or a combination of such maps;

1702 ~~3.4.~~ Boundaries of public parks, public school grounds, or
 1703 churches; or

1704 ~~4.5.~~ Boundaries of counties, incorporated municipalities,
 1705 or other political subdivisions that meet criteria established
 1706 by the United States Census Bureau for block boundaries.

1707 ~~(d) Until July 1, 2012, a supervisor may apply for and~~
 1708 ~~obtain from the Secretary of State a waiver of the requirement~~

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1709 ~~in paragraph (c).~~

1710 (4) (a) Within 10 days after there is any change in the
 1711 division, number, or boundaries of the precincts, or the
 1712 location of the polling places, the supervisor of elections
 1713 shall make in writing an accurate description of any new or
 1714 altered precincts, setting forth the boundary lines and shall
 1715 identify the location of each new or altered polling place. A
 1716 copy of the document describing such changes shall be posted at
 1717 the supervisor's office.

1718 (b) Any changes in the county precinct data shall be
 1719 provided to the department within 10 days after a change.

1720 (c) Precinct data shall include all precincts for which
 1721 precinct-level election results and voting history results are
 1722 reported.

1723 Section 25. Section 101.043, Florida Statutes, is amended
 1724 to read:

1725 101.043 Identification required at polls.—

1726 (1) (a) The precinct register, as prescribed in s. 98.461,
 1727 shall be used at the polls for the purpose of identifying the
 1728 elector at the polls before ~~prior to~~ allowing him or her to
 1729 vote. The clerk or inspector shall require each elector, upon
 1730 entering the polling place, to present one of the following
 1731 current and valid picture identifications:

1732 1. (a) Florida driver's license.

1733 2. (b) Florida identification card issued by the Department
 1734 of Highway Safety and Motor Vehicles.

1735 3. (c) United States passport.

1736 4. (d) Debit or credit card.

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1737 5.~~(e)~~ Military identification.
 1738 6.~~(f)~~ Student identification.
 1739 7.~~(g)~~ Retirement center identification.
 1740 8.~~(h)~~ Neighborhood association identification.
 1741 9.~~(i)~~ Public assistance identification.
 1742 (b) If the picture identification does not contain the
 1743 signature of the elector ~~voter~~, an additional identification
 1744 that provides the elector's ~~voter's~~ signature shall be required.
 1745 The address appearing on the identification presented by the
 1746 elector may not be used as the basis to confirm an elector's
 1747 legal residence or otherwise challenge an elector's legal
 1748 residence. The elector shall sign his or her name in the space
 1749 provided on the precinct register or on an electronic device
 1750 provided for recording the elector's ~~voter's~~ signature. The
 1751 clerk or inspector shall compare the signature with that on the
 1752 identification provided by the elector and enter his or her
 1753 initials in the space provided on the precinct register or on an
 1754 electronic device provided for that purpose and allow the
 1755 elector to vote if the clerk or inspector is satisfied as to the
 1756 identity of the elector.
 1757 (c) When an elector presents his or her picture
 1758 identification to the clerk or inspector and the elector's
 1759 address on the picture identification matches the elector's
 1760 address in the supervisor's records, the elector may not be
 1761 asked to provide additional information or to recite his or her
 1762 home address.
 1763 (2) If the elector fails to furnish the required
 1764 identification, the elector shall be allowed to vote a

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1765 provisional ballot. The canvassing board shall determine the
 1766 validity of the ballot pursuant to s. 101.048(2).

1767 Section 26. Section 101.045, Florida Statutes, is amended
 1768 to read:

1769 101.045 Electors must be registered in precinct;
 1770 provisions for change of residence or name.—

1771 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any
 1772 election precinct or district other than the one in which the
 1773 person has his or her legal residence and in which the person is
 1774 registered. However, a person temporarily residing outside the
 1775 county shall be registered in the precinct in which the main
 1776 office of the supervisor, as designated by the supervisor, is
 1777 located when the person has no permanent address in the county
 1778 and it is the person's intention to remain a resident of Florida
 1779 and of the county in which he or she is registered to vote. Such
 1780 persons who are registered in the precinct in which the main
 1781 office of the supervisor, as designated by the supervisor, is
 1782 located and who are residing outside the county with no
 1783 permanent address in the county shall not be registered electors
 1784 of a municipality and therefore shall not be permitted to vote
 1785 in any municipal election.

1786 (2) (a) An elector who moves from the precinct in which the
 1787 elector is registered may be permitted to vote in the precinct
 1788 to which he or she has moved his or her legal residence, if the
 1789 change of residence is within the same county and the ~~provided~~
 1790 ~~such~~ elector completes an affirmation in substantially the
 1791 following form:

1792 Change of Legal Residence of Registered

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1793 Voter
 1794 Under penalties for false swearing, I, ...(Name of voter)...,
 1795 swear (or affirm) that the former address of my legal residence
 1796 was ...(Address of legal residence)... in the municipality of
 1797, in County, Florida, and I was registered to vote in
 1798 the precinct of County, Florida; that I have not voted
 1799 in the precinct of my former registration in this election; that
 1800 I now reside at ...(Address of legal residence)... in the
 1801 Municipality of, in County, Florida, and am therefore
 1802 eligible to vote in the precinct of County, Florida;
 1803 and I further swear (or affirm) that I am otherwise legally
 1804 registered and entitled to vote.

1805 ... (Signature of voter whose address of legal residence has
 1806 changed)...

1807 (b) Except for an active uniformed services voter or a
 1808 member of his or her family, an elector whose change of address
 1809 is from outside the county may not change his or her legal
 1810 residence at the polling place and vote a regular ballot;
 1811 however, such elector is entitled to vote a provisional ballot.

1812 (c) ~~(b)~~ An elector whose name changes because of marriage
 1813 or other legal process may be permitted to vote, provided such
 1814 elector completes an affirmation in substantially the following
 1815 form:

Change of Name of Registered
 Voter

1818 Under penalties for false swearing, I, ...(New name of
 1819 voter)..., swear (or affirm) that my name has been changed
 1820 because of marriage or other legal process. My former name and

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1821 address of legal residence appear on the registration records of
 1822 precinct as follows:

1823 Name.....

1824 Address.....

1825 Municipality.....

1826 County.....

1827 Florida, Zip.....

1828 My present name and address of legal residence are as follows:

1829 Name.....

1830 Address.....

1831 Municipality.....

1832 County.....

1833 Florida, Zip.....

1834 and I further swear (or affirm) that I am otherwise legally
 1835 registered and entitled to vote.

1836 ... (Signature of voter whose name has changed) ...

1837 (d) ~~(e)~~ Instead of the affirmation contained in paragraph
 1838 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter
 1839 registration application that indicates the change of name or
 1840 change of address of legal residence.

1841 (e) ~~(d)~~ Such affirmation or application, when completed and
 1842 presented at the precinct in which such elector is entitled to
 1843 vote, and upon verification of the elector's registration, shall
 1844 entitle such elector to vote as provided in this subsection. If
 1845 the elector's eligibility to vote cannot be determined, he or
 1846 she shall be entitled to vote a provisional ballot, subject to
 1847 the requirements and procedures in s. 101.048. Upon receipt of
 1848 an affirmation or application certifying a change in address of

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1849 | legal residence or name, the supervisor shall as soon as
 1850 | practicable make the necessary changes in the statewide voter
 1851 | registration system to indicate the change in address of legal
 1852 | residence or name of such elector.

1853 | Section 27. Subsection (2) of section 101.131, Florida
 1854 | Statutes, is amended, and subsections (4) and (5) are added to
 1855 | that section, to read:

1856 | 101.131 Watchers at polls.—

1857 | (2) Each party, each political committee, and each
 1858 | candidate requesting to have poll watchers shall designate, in
 1859 | writing to the supervisors of elections, on a form prescribed by
 1860 | the division, before ~~prior to~~ noon of the second Tuesday
 1861 | preceding the election poll watchers for each polling room on
 1862 | election day. Designations of poll watchers for early voting
 1863 | areas shall be submitted in writing to the supervisor of
 1864 | elections, on a form prescribed by the division, before noon at
 1865 | least 14 days before early voting begins. The poll watchers for
 1866 | ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of
 1867 | elections on or before the Tuesday before the election. Poll
 1868 | watchers for early voting areas shall be approved by the
 1869 | supervisor of elections no later than 7 days before early voting
 1870 | begins. The supervisor shall furnish to each election board a
 1871 | list of the poll watchers designated and approved for such
 1872 | polling rooms ~~room~~ or early voting areas ~~area~~. Designation of
 1873 | poll watchers shall be made by the chair of the county executive
 1874 | committee of a political party, the chair of a political
 1875 | committee, or the candidate requesting to have poll watchers.

1876 | (4) All poll watchers shall be allowed to enter and watch

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1877 polls in all polling rooms and early voting areas within the
 1878 county in which they have been designated if the number of poll
 1879 watchers at any particular polling place does not exceed the
 1880 number provided in this section.

1881 (5) The supervisor of elections shall provide to each
 1882 designated poll watcher, no later than 7 days before early
 1883 voting begins, a poll watcher identification badge that
 1884 identifies the poll watcher by name. Each poll watcher must wear
 1885 his or her identification badge while in the polling room or
 1886 early voting area.

1887 Section 28. Subsections (1), (2), and (3) of section
 1888 101.151, Florida Statutes, are amended to read:

1889 101.151 Specifications for ballots.—

1890 (1) (a) Marksense ballots shall be printed on paper of such
 1891 thickness that the printing cannot be distinguished from the
 1892 back and shall meet the specifications of the voting system that
 1893 will be used to tabulate the ballots.

1894 (b) Early voting sites may employ a ballot-on-demand
 1895 production system to print individual marksense ballots,
 1896 including provisional ballots, for eligible electors pursuant to
 1897 s. 101.657. Ballot-on-demand technology may be used to produce
 1898 marksense absentee and election-day ballots. ~~Not later than 30~~
 1899 ~~days before an election, the Secretary of State may also~~
 1900 ~~authorize in writing the use of ballot-on-demand technology for~~
 1901 ~~the production of election-day ballots.~~

1902 (2) (a) The ballot shall have the following office titles
 1903 ~~headings~~ under which shall appear ~~the names of the offices and~~
 1904 the names of the candidates for the respective offices in the

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1905 following order:

1906 1. The office titles of heading ~~"President and Vice~~
 1907 ~~President"~~ and thereunder the names of the candidates for
 1908 President and Vice President of the United States nominated by
 1909 the political party that received the highest vote for Governor
 1910 in the last general election of the Governor in this state. Then
 1911 shall appear the names of other candidates for President and
 1912 Vice President of the United States who have been properly
 1913 nominated.

1914 2. The office titles ~~Then shall follow the heading~~
 1915 ~~"Congressional" and thereunder the offices~~ of United States
 1916 Senator and Representative in Congress.~~;~~

1917 3. The office titles ~~then the heading "State" and~~
 1918 ~~thereunder the offices~~ of Governor and Lieutenant Governor;~~;~~
 1919 Attorney General;~~;~~ Chief Financial Officer;~~;~~ Commissioner of
 1920 Agriculture;~~;~~ State Attorney, with the applicable judicial
 1921 circuit; and Public Defender, with the applicable judicial
 1922 circuit.

1923 4. ~~together with the names of the candidates for each~~
 1924 ~~office and the title of the office which they seek;~~ then the
 1925 heading ~~"Legislative" and thereunder~~ The office titles ~~offices~~
 1926 of State Senator and State Representative, with the applicable
 1927 district for the office printed beneath.; ~~then the heading~~
 1928 ~~"County" and thereunder~~

1929 5. The office titles of Clerk of the Circuit Court, or
 1930 Clerk of the Circuit Court and Comptroller (whichever is
 1931 applicable and when authorized by law), Clerk of the County
 1932 Court (when authorized by law), Sheriff, Property Appraiser, Tax

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1933 Collector, District Superintendent of Schools, and Supervisor of
 1934 Elections.

1935 6. The office titles ~~Thereafter follows: members of the~~
 1936 Board of County Commissioners, with the applicable district
 1937 printed beneath each office, and such other county and district
 1938 offices as are involved in the election, in the order fixed by
 1939 the Department of State, followed, in the year of their
 1940 election, by "Party Offices," and thereunder the offices of
 1941 state and county party executive committee members.

1942 (b) In a general election, in addition to the names
 1943 printed on the ballot, a blank space shall be provided under
 1944 each ~~heading for an~~ office for which a write-in candidate has
 1945 qualified. With respect to write-in candidates, if two or more
 1946 candidates are seeking election to one office, only one blank
 1947 space shall be provided.

1948 (c) ~~(b)~~ When more than one candidate is nominated for
 1949 office, the candidates for such office shall qualify and run in
 1950 a group or district, and the group or district number shall be
 1951 printed beneath the name of the office. Each nominee of a
 1952 political party chosen in a primary shall appear on the general
 1953 election ballot in the same numbered group or district as on the
 1954 primary election ballot.

1955 (d) ~~(e)~~ If in any election all the offices as set forth in
 1956 paragraph (a) are not involved, those offices not to be filled
 1957 shall be omitted and the remaining offices shall be arranged on
 1958 the ballot in the order named.

1959 (3) (a) The names of the candidates of the party that
 1960 received the highest number of votes for Governor in the last

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1961 election in which a Governor was elected shall be placed first
 1962 ~~under the heading~~ for each office on the general election
 1963 ballot, together with an appropriate abbreviation of the party
 1964 name; the names of the candidates of the party that received the
 1965 second highest vote for Governor shall be placed second ~~under~~
 1966 ~~the heading~~ for each office, together with an appropriate
 1967 abbreviation of the party name.

1968 (b) Minor political party candidates ~~and candidates with~~
 1969 ~~no party affiliation~~ shall have their names appear on the
 1970 general election ballot following the names of recognized
 1971 political parties, in the same order as they were qualified,
 1972 ~~certified~~ followed by the names of candidates with no party
 1973 affiliation, in the order as they were qualified.

1974 Section 29. Section 101.161, Florida Statutes, is amended
 1975 to read:

1976 101.161 Referenda; ballots.—

1977 (1) Whenever a constitutional amendment or other public
 1978 measure is submitted to the vote of the people, a ballot summary
 1979 ~~the substance~~ of such amendment or other public measure shall be
 1980 printed in clear and unambiguous language on the ballot after
 1981 the list of candidates, followed by the word "yes" and also by
 1982 the word "no," and shall be styled in such a manner that a "yes"
 1983 vote will indicate approval of the proposal and a "no" vote will
 1984 indicate rejection. The ballot summary ~~wording of the substance~~
 1985 of the amendment or other public measure and the ballot title to
 1986 appear on the ballot shall be embodied in the ~~joint resolution,~~
 1987 constitutional revision commission proposal, constitutional
 1988 convention proposal, taxation and budget reform commission

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1989 | proposal, or enabling resolution or ordinance. The ballot
 1990 | summary ~~Except for amendments and ballot language proposed by~~
 1991 | ~~joint resolution, the substance~~ of the amendment or other public
 1992 | measure shall be an explanatory statement, not exceeding 75
 1993 | words in length, of the chief purpose of the measure. In
 1994 | addition, for every amendment proposed by initiative, the ballot
 1995 | shall include, following the ballot summary, a separate
 1996 | financial impact statement concerning the measure prepared by
 1997 | the Financial Impact Estimating Conference in accordance with s.
 1998 | 100.371(5). The ballot title shall consist of a caption, not
 1999 | exceeding 15 words in length, by which the measure is commonly
 2000 | referred to or spoken of. This subsection does not apply to
 2001 | constitutional amendments or revisions proposed by joint
 2002 | resolution.

2003 | (2) The ballot summary ~~substance~~ and ballot title of a
 2004 | constitutional amendment proposed by initiative shall be
 2005 | prepared by the sponsor and approved by the Secretary of State
 2006 | in accordance with rules adopted pursuant to s. 120.54. The
 2007 | Department of State shall give each proposed constitutional
 2008 | amendment a designating number for convenient reference. This
 2009 | number designation shall appear on the ballot. Designating
 2010 | numbers shall be assigned in the order of filing or
 2011 | certification and in accordance with rules adopted by the
 2012 | Department of State. The Department of State shall furnish the
 2013 | designating number, the ballot title, and, unless otherwise
 2014 | specified in a joint resolution, the ballot summary ~~the~~
 2015 | ~~substance~~ of each amendment to the supervisor of elections of
 2016 | each county in which such amendment is to be voted on.

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2017 (3) (a) Each joint resolution that proposes a
 2018 constitutional amendment or revision shall include one or more
 2019 ballot statements set forth in order of priority. Each ballot
 2020 statement shall consist of a ballot title, by which the measure
 2021 is commonly referred to or spoken of, not exceeding 15 words in
 2022 length, and either a ballot summary that describes the chief
 2023 purpose of the amendment or revision in clear and unambiguous
 2024 language, or the full text of the amendment or revision. The
 2025 Department of State shall furnish a designating number pursuant
 2026 to subsection (2) and the appropriate ballot statement to the
 2027 supervisor of elections of each county. The ballot statement
 2028 shall be printed on the ballot after the list of candidates,
 2029 followed by the word "yes" and also by the word "no," and shall
 2030 be styled in such a manner that a "yes" vote will indicate
 2031 approval of the amendment or revision and a "no" vote will
 2032 indicate rejection.

2033 (b)1. Any action for a judicial determination that one or
 2034 more ballot statements embodied in a joint resolution are
 2035 defective must be commenced by filing a complaint or petition
 2036 with the appropriate court within 30 days after the joint
 2037 resolution is filed with the Secretary of State. The complaint
 2038 or petition shall assert all grounds for challenge to each
 2039 ballot statement. Any ground not asserted within 30 days after
 2040 the joint resolution is filed with the Secretary of State is
 2041 waived.

2042 2. The court, including any appellate court, shall accord
 2043 an action described in subparagraph 1. priority over other
 2044 pending cases and render a decision as expeditiously as

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2045 possible. If the court finds that all ballot statements embodied
 2046 in a joint resolution are defective and further appeals are
 2047 declined, abandoned, or exhausted, unless otherwise provided in
 2048 the joint resolution, the Attorney General shall, within 10
 2049 days, prepare and submit to the Department of State a revised
 2050 ballot title or ballot summary that corrects the deficiencies
 2051 identified by the court, and the Department of State shall
 2052 furnish a designating number and the revised ballot title or
 2053 ballot summary to the supervisor of elections of each county for
 2054 placement on the ballot. The court shall retain jurisdiction
 2055 over challenges to a revised ballot title or ballot summary
 2056 prepared by the Attorney General, and any challenge to a revised
 2057 ballot title or ballot summary must be filed within 10 days
 2058 after a revised ballot title or ballot summary is submitted to
 2059 the Department of State.

2060 3. A ballot statement that consists of the full text of an
 2061 amendment or revision shall be presumed to be a clear and
 2062 unambiguous statement of the substance and effect of the
 2063 amendment or revision, providing fair notice to the electors of
 2064 the content of the amendment or revision and sufficiently
 2065 advising electors of the issue upon which they are to vote.

2066 (4)~~(3)~~(a) For any general election in which the Secretary
 2067 of State, for any circuit, or the supervisor of elections, for
 2068 any county, has certified the ballot position for an initiative
 2069 to change the method of selection of judges, the ballot for any
 2070 circuit must contain the statement in paragraph (b) or paragraph
 2071 (c) and the ballot for any county must contain the statement in
 2072 paragraph (d) or paragraph (e).

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2073 (b) In any circuit where the initiative is to change the
2074 selection of circuit court judges to selection by merit
2075 selection and retention, the ballot shall state: "Shall the
2076 method of selecting circuit court judges in the ...(number of
2077 the circuit)... judicial circuit be changed from election by a
2078 vote of the people to selection by the judicial nominating
2079 commission and appointment by the Governor with subsequent terms
2080 determined by a retention vote of the people?" This statement
2081 must be followed by the word "yes" and also by the word "no."

2082 (c) In any circuit where the initiative is to change the
2083 selection of circuit court judges to election by the voters, the
2084 ballot shall state: "Shall the method of selecting circuit court
2085 judges in the ...(number of the circuit)... judicial circuit be
2086 changed from selection by the judicial nominating commission and
2087 appointment by the Governor with subsequent terms determined by
2088 a retention vote of the people to election by a vote of the
2089 people?" This statement must be followed by the word "yes" and
2090 also by the word "no."

2091 (d) In any county where the initiative is to change the
2092 selection of county court judges to merit selection and
2093 retention, the ballot shall state: "Shall the method of
2094 selecting county court judges in ...(name of county)... be
2095 changed from election by a vote of the people to selection by
2096 the judicial nominating commission and appointment by the
2097 Governor with subsequent terms determined by a retention vote of
2098 the people?" This statement must be followed by the word "yes"
2099 and also by the word "no."

2100 (e) In any county where the initiative is to change the

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2101 selection of county court judges to election by the voters, the
 2102 ballot shall state: "Shall the method of selecting county court
 2103 judges in ...(name of the county)... be changed from selection
 2104 by the judicial nominating commission and appointment by the
 2105 Governor with subsequent terms determined by a retention vote of
 2106 the people to election by a vote of the people?" This statement
 2107 must be followed by the word "yes" and also by the word "no."

2108 Section 30. The amendment of section 101.161, Florida
 2109 Statutes, made by this act applies retroactively to all joint
 2110 resolutions adopted by the Legislature during the 2011 Regular
 2111 Session, except that any legal action challenging a ballot title
 2112 or ballot summary embodied in such joint resolution or
 2113 challenging placement on the ballot of the full text of the
 2114 proposed amendment or revision to the State Constitution as
 2115 specified in such joint resolution must be commenced within 30
 2116 days after the effective date of this act or within 30 days
 2117 after the joint resolution to which a challenge relates is filed
 2118 with the Secretary of State, whichever occurs later.

2119 Section 31. Paragraph (a) of subsection (2) of section
 2120 101.5605, Florida Statutes, is amended to read:

2121 101.5605 Examination and approval of equipment.—

2122 (2) (a) Any person owning or interested in an electronic or
 2123 electromechanical voting system may submit it to the Department
 2124 of State for examination. The vote counting segment shall be
 2125 certified after a satisfactory evaluation testing has been
 2126 performed according to the standards adopted under s. 101.015(1)
 2127 ~~electronic industry standards~~. This testing shall include, but
 2128 is not limited to, testing of all software required for the

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2129 | voting system's operation; the ballot reader; the rote
 2130 | processor, especially in its logic and memory components; the
 2131 | digital printer; the fail-safe operations; the counting center
 2132 | environmental requirements; and the equipment reliability
 2133 | estimate. For the purpose of assisting in examining the system,
 2134 | the department shall employ or contract for services of at least
 2135 | one individual who is expert in one or more fields of data
 2136 | processing, mechanical engineering, and public administration
 2137 | and shall require from the individual a written report of his or
 2138 | her examination.

2139 | Section 32. Subsection (11) of section 101.5606, Florida
 2140 | Statutes, is amended to read

2141 | 101.5606 Requirements for approval of systems.—No
 2142 | electronic or electromechanical voting system shall be approved
 2143 | by the Department of State unless it is so constructed that:

2144 | (11) It is capable of automatically producing precinct
 2145 | totals in printed, ~~marked, or punched form, or a combination~~
 2146 | ~~thereof.~~

2147 | Section 33. Subsection (4) is added to section 101.56075,
 2148 | Florida Statutes, to read:

2149 | 101.56075 Voting methods.—

2150 | (4) By December 31, 2013, all voting systems utilized by
 2151 | voters during a state election shall permit placement on the
 2152 | ballot of the full text of a constitutional amendment or
 2153 | revision containing stricken or underlined text.

2154 | Section 34. Paragraph (a) of subsection (4) of section
 2155 | 101.5612, Florida Statutes, is amended to read:

2156 | 101.5612 Testing of tabulating equipment.—

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2157 (4) (a) 1. For electronic or electromechanical voting
2158 systems configured to include electronic or electromechanical
2159 tabulation devices which are distributed to the precincts, all
2160 or a sample of the devices to be used in the election shall be
2161 publicly tested. If a sample is to be tested, the sample shall
2162 consist of a random selection of at least 5 percent or 10 of the
2163 devices for an optical scan system ~~or 2 percent of the devices~~
2164 ~~for a touchscreen system or 10 of the devices for either system,~~
2165 ~~as applicable,~~ whichever is greater. For touchscreen systems
2166 used for voters having a disability, a sample of at least 2
2167 percent of the devices must be tested. The test shall be
2168 conducted by processing a group of ballots, causing the device
2169 to output results for the ballots processed, and comparing the
2170 output of results to the results expected for the ballots
2171 processed. The group of ballots shall be produced so as to
2172 record a predetermined number of valid votes for each candidate
2173 and on each measure and to include for each office one or more
2174 ballots which have activated voting positions in excess of the
2175 number allowed by law in order to test the ability of the
2176 tabulating device to reject such votes.

2177 2. If any tested tabulating device is found to have an
2178 error in tabulation, it shall be deemed unsatisfactory. For each
2179 device deemed unsatisfactory, the canvassing board shall take
2180 steps to determine the cause of the error, shall attempt to
2181 identify and test other devices that could reasonably be
2182 expected to have the same error, and shall test a number of
2183 additional devices sufficient to determine that all devices are
2184 satisfactory. Upon deeming any device unsatisfactory, the

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2185 canvassing board may require all devices to be tested or may
 2186 declare that all devices are unsatisfactory.

2187 3. If the operation or output of any tested tabulation
 2188 device, such as spelling or the order of candidates on a report,
 2189 is in error, such problem shall be reported to the canvassing
 2190 board. The canvassing board shall then determine if the reported
 2191 problem warrants its deeming the device unsatisfactory.

2192 Section 35. Subsection (4) of section 101.5614, Florida
 2193 Statutes, is amended to read:

2194 101.5614 Canvass of returns.—

2195 (4) ~~If ballot cards are used, and separate write-in~~
 2196 ~~ballots or envelopes for casting write-in votes are used, write-~~
 2197 ~~in ballots or the envelopes on which write-in ballots have been~~
 2198 ~~cast shall be serially numbered, starting with the number one,~~
 2199 ~~and the same number shall be placed on the ballot card of the~~
 2200 ~~voter. This process may be completed at either the precinct by~~
 2201 ~~the election board or at the central counting location. For each~~
 2202 ballot or ballot image ~~and ballot envelope~~ on which write-in
 2203 votes have been cast, the canvassing board shall compare the
 2204 write-in votes with the votes cast on the ballot card; if the
 2205 total number of votes for any office exceeds the number allowed
 2206 by law, ~~a notation to that effect, specifying the office~~
 2207 ~~involved, shall be entered on the back of the ballot card or in~~
 2208 ~~a margin if voting areas are printed on both sides of the ballot~~
 2209 ~~card.~~ such votes shall not be counted. All valid votes shall be
 2210 tallied by the canvassing board.

2211 Section 36. Subsection (6) is added to section 101.591,
 2212 Florida Statutes, to read:

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2213 101.591 Voting system audit.—

2214 (6) If a manual recount is undertaken pursuant to s.
 2215 102.166, the canvassing board is not required to perform the
 2216 audit provided for in this section.

2217 Section 37. Paragraphs (a) and (b) of subsection (1) and
 2218 subsections (3) and (4) of section 101.62, Florida Statutes, are
 2219 amended to read:

2220 101.62 Request for absentee ballots.—

2221 (1) (a) The supervisor shall accept a request for an
 2222 absentee ballot from an elector in person or in writing. One
 2223 request shall be deemed sufficient to receive an absentee ballot
 2224 for all elections through the end of the calendar year of the
 2225 second ensuing ~~next~~ regularly scheduled general election, unless
 2226 the elector or the elector's designee indicates at the time the
 2227 request is made the elections for which the elector desires to
 2228 receive an absentee ballot. Such request may be considered
 2229 canceled when any first-class mail sent by the supervisor to the
 2230 elector is returned as undeliverable.

2231 (b) The supervisor may accept a written or telephonic
 2232 request for an absentee ballot from the elector, or, if directly
 2233 instructed by the elector, a member of the elector's immediate
 2234 family, or the elector's legal guardian. For purposes of this
 2235 section, the term "immediate family" has the same meaning as
 2236 specified in paragraph (4) (c) ~~(4) (b)~~. The person making the
 2237 request must disclose:

- 2238 1. The name of the elector for whom the ballot is
- 2239 requested.
- 2240 2. The elector's address.

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- 2241 3. The elector's date of birth.
 - 2242 4. The requester's name.
 - 2243 5. The requester's address.
 - 2244 6. The requester's driver's license number, if available.
 - 2245 7. The requester's relationship to the elector.
 - 2246 8. The requester's signature (written requests only).
- 2247 (3) For each request for an absentee ballot received, the
- 2248 supervisor shall record the date the request was made, the date
- 2249 the absentee ballot was delivered to the voter or the voter's
- 2250 designee or the date the absentee ballot was delivered to the
- 2251 post office or other carrier, the date the ballot was received
- 2252 by the supervisor, and such other information he or she may deem
- 2253 necessary. This information shall be provided in electronic
- 2254 format as provided by rule adopted by the division. The
- 2255 information shall be updated and made available no later than 8
- 2256 a.m. noon of each day, including weekends, beginning 60 days
- 2257 before the primary until 15 days after the general election and
- 2258 shall be contemporaneously provided to the division. This
- 2259 information shall be confidential and exempt from the provisions
- 2260 of s. 119.07(1) and shall be made available to or reproduced
- 2261 only for the voter requesting the ballot, a canvassing board, an
- 2262 election official, a political party or official thereof, a
- 2263 candidate who has filed qualification papers and is opposed in
- 2264 an upcoming election, and registered political committees or
- 2265 registered committees of continuous existence, for political
- 2266 purposes only.
- 2267 (4) (a) No later than 45 days before each presidential
- 2268 preference primary election, primary election, and general

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2269 election, the supervisor of elections shall send an absentee
 2270 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent
 2271 uniformed services voter and to each overseas voter who has
 2272 requested an absentee ballot.

2273 (b) The supervisor of elections shall mail an absentee
 2274 ballot to each absent qualified voter, other than those listed
 2275 in paragraph (a), who has requested such a ballot, between the
 2276 35th and 28th days before the presidential preference primary
 2277 election, primary election, and general election. Except as
 2278 otherwise provided in subsection (2) and after the period
 2279 described in this paragraph, the supervisor shall mail absentee
 2280 ballots within 2 business days after receiving a request for
 2281 such a ballot.

2282 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
 2283 each elector by whom a request for that ballot has been made by
 2284 one of the following means:

2285 1. By nonforwardable, return-if-undeliverable mail to the
 2286 elector's current mailing address on file with the supervisor
 2287 or, unless the elector specifies in the request that:

2288 ~~a. The elector is absent from the county and does not plan~~
 2289 ~~to return before the day of the election;~~

2290 ~~b. The elector is temporarily unable to occupy the~~
 2291 ~~residence because of hurricane, tornado, flood, fire, or other~~
 2292 ~~emergency or natural disaster; or~~

2293 ~~e. The elector is in a hospital, assisted living facility,~~
 2294 ~~nursing home, short-term medical or rehabilitation facility, or~~
 2295 ~~correctional facility,~~

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2297 ~~in which case the supervisor shall mail the ballot by~~
2298 ~~nonforwardable, return if undeliverable mail to any other~~
2299 address the elector specifies in the request.

2300 2. By forwardable mail, e-mail, or facsimile machine
2301 transmission to absent uniformed services voters and overseas
2302 voters. The absent uniformed services voter or overseas voter
2303 may designate in the absentee ballot request the preferred
2304 method of transmission. If the voter does not designate the
2305 method of transmission, the absentee ballot shall be mailed.

2306 3. By personal delivery before 7 p.m. on election day to
2307 the elector, upon presentation of the identification required in
2308 s. 101.043.

2309 4. By delivery to a designee on election day or up to 5
2310 days prior to the day of an election. Any elector may designate
2311 in writing a person to pick up the ballot for the elector;
2312 however, the person designated may not pick up more than two
2313 absentee ballots per election, other than the designee's own
2314 ballot, except that additional ballots may be picked up for
2315 members of the designee's immediate family. For purposes of this
2316 section, "immediate family" means the designee's spouse or the
2317 parent, child, grandparent, or sibling of the designee or of the
2318 designee's spouse. The designee shall provide to the supervisor
2319 the written authorization by the elector and a picture
2320 identification of the designee and must complete an affidavit.
2321 The designee shall state in the affidavit that the designee is
2322 authorized by the elector to pick up that ballot and shall
2323 indicate if the elector is a member of the designee's immediate
2324 family and, if so, the relationship. The department shall

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2325 prescribe the form of the affidavit. If the supervisor is
 2326 satisfied that the designee is authorized to pick up the ballot
 2327 and that the signature of the elector on the written
 2328 authorization matches the signature of the elector on file, the
 2329 supervisor shall give the ballot to that designee for delivery
 2330 to the elector.

2331 Section 38. Section 101.65, Florida Statutes, is amended
 2332 to read:

2333 101.65 Instructions to absent electors.—The supervisor
 2334 shall enclose with each absentee ballot separate printed
 2335 instructions in substantially the following form:

2336
 2337 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

2338 1. VERY IMPORTANT. In order to ensure that your absentee
 2339 ballot will be counted, it should be completed and returned as
 2340 soon as possible so that it can reach the supervisor of
 2341 elections of the county in which your precinct is located no
 2342 later than 7 p.m. on the day of the election.

2343 2. Mark your ballot in secret as instructed on the ballot.
 2344 You must mark your own ballot unless you are unable to do so
 2345 because of blindness, disability, or inability to read or write.

2346 3. Mark only the number of candidates or issue choices for
 2347 a race as indicated on the ballot. If you are allowed to "Vote
 2348 for One" candidate and you vote for more than one candidate,
 2349 your vote in that race will not be counted.

2350 4. Place your marked ballot in the enclosed secrecy
 2351 envelope.

2352 5. Insert the secrecy envelope into the enclosed mailing

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2353 envelope which is addressed to the supervisor.

2354 6. Seal the mailing envelope and completely fill out the

2355 Voter's Certificate on the back of the mailing envelope.

2356 7. VERY IMPORTANT. In order for your absentee ballot to be

2357 counted, you must sign your name on the line above (Voter's

2358 Signature). An absentee ballot will be considered illegal and

2359 not be counted if the signature on the voter's certificate does

2360 not match the signature on record. The signature on file at the

2361 start of the canvass of the absentee ballots is the signature

2362 that will be used to verify your signature on the voter's

2363 certificate. If you need to update your signature for this

2364 election, send your signature update on a voter registration

2365 application to your supervisor of elections so that it is

2366 received no later than the start of the canvassing of absentee

2367 ballots, which occurs no earlier than the 15th day before

2368 election day.

2369 8. VERY IMPORTANT. If you are an overseas voter, you must

2370 include the date you signed the Voter's Certificate on the line

2371 above (Date) or your ballot may not be counted.

2372 9. Mail, deliver, or have delivered the completed mailing

2373 envelope. Be sure there is sufficient postage if mailed.

2374 10. FELONY NOTICE. It is a felony under Florida law to

2375 accept any gift, payment, or gratuity in exchange for your vote

2376 for a candidate. It is also a felony under Florida law to vote

2377 in an election using a false identity or false address, or under

2378 any other circumstances making your ballot false or fraudulent.

2379 Section 39. Subsection (1) of section 101.657, Florida

2380 Statutes, is amended to read:

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2381 101.657 Early voting.—

2382 (1) (a) As a convenience to the voter, the supervisor of
 2383 elections shall allow an elector to vote early in the main or
 2384 branch office of the supervisor. The supervisor shall mark,
 2385 code, indicate on, or otherwise track the voter's precinct for
 2386 each early voted ballot. In order for a branch office to be used
 2387 for early voting, it shall be a permanent facility of the
 2388 supervisor and shall have been designated and used as such for
 2389 at least 1 year prior to the election. The supervisor may also
 2390 designate any city hall or permanent public library facility as
 2391 early voting sites; however, if so designated, the sites must be
 2392 geographically located so as to provide all voters in the county
 2393 an equal opportunity to cast a ballot, insofar as is
 2394 practicable. The results or tabulation of votes cast during
 2395 early voting may not be made before the close of the polls on
 2396 election day. Results shall be reported by precinct.

2397 (b) The supervisor shall designate each early voting site
 2398 by no later than the 30th day prior to an election and shall
 2399 designate an early voting area, as defined in s. 97.021, at each
 2400 early voting site. The supervisor shall provide to the division
 2401 no later than the 30th day before an election the address of
 2402 each early voting site and the hours that early voting will
 2403 occur at each site.

2404 (c) All early voting sites in a county shall ~~be open on~~
 2405 ~~the same days for the same amount of time and shall allow any~~
 2406 ~~person in line at the closing of an early voting site to vote.~~

2407 (d) Early voting shall begin on the 10th ~~15th~~ day before
 2408 an election that contains state or federal races and end on the

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2409 ~~3rd 2nd~~ day before the ~~an~~ election, ~~and~~. ~~For purposes of a~~
 2410 ~~special election held pursuant to s. 100.101, early voting shall~~
 2411 ~~begin on the 8th day before an election and end on the 2nd day~~
 2412 ~~before an election. Early voting shall be provided for no less~~
 2413 ~~than 6 & hours and no more than 12 hours per day weekday and 8~~
 2414 ~~hours in the aggregate each weekend at each site during the~~
 2415 ~~applicable period periods. The supervisor of elections may~~
 2416 ~~provide early voting for elections that are not held in~~
 2417 ~~conjunction with a state or federal election. However, the~~
 2418 ~~supervisor has the discretion to determine the hours of~~
 2419 ~~operation of early voting sites in those elections. Early voting~~
 2420 ~~sites shall open no sooner than 7 a.m. and close no later than 7~~
 2421 ~~p.m. on each applicable day.~~

2422 (e) Notwithstanding the requirements of s. 100.3605,
 2423 municipalities may provide early voting in municipal elections
 2424 that are not held in conjunction with county or state elections.
 2425 If a municipality provides early voting, it may designate as
 2426 many sites as necessary and shall conduct its activities in
 2427 accordance with the provisions of paragraphs (a)-(c). The
 2428 supervisor is not required to conduct early voting if it is
 2429 provided pursuant to this subsection.

2430 (f) Notwithstanding the requirements of s. 189.405,
 2431 special districts may provide early voting in any district
 2432 election not held in conjunction with county or state elections.
 2433 If a special district provides early voting, it may designate as
 2434 many sites as necessary and shall conduct its activities in
 2435 accordance with the provisions of paragraphs (a)-(c). The
 2436 supervisor is not required to conduct early voting if it is

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2437 provided pursuant to this subsection.

2438 Section 40. Paragraph (a) of subsection (2) of section
 2439 101.68, Florida Statutes, is amended to read:

2440 101.68 Canvassing of absentee ballot.—

2441 (2) (a) The county canvassing board may begin the
 2442 canvassing of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day
 2443 before the election, but not later than noon on the day
 2444 following the election. In addition, for any county using
 2445 electronic tabulating equipment, the processing of absentee
 2446 ballots through such tabulating equipment may begin at 7 a.m. on
 2447 the 15th ~~sixth~~ day before the election. However, notwithstanding
 2448 any such authorization to begin canvassing or otherwise
 2449 processing absentee ballots early, no result shall be released
 2450 until after the closing of the polls in that county on election
 2451 day. Any supervisor of elections, deputy supervisor of
 2452 elections, canvassing board member, election board member, or
 2453 election employee who releases the results of a canvassing or
 2454 processing of absentee ballots prior to the closing of the polls
 2455 in that county on election day commits a felony of the third
 2456 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2457 775.084.

2458 Section 41. Subsection (2) of section 101.6923, Florida
 2459 Statutes, is amended to read:

2460 101.6923 Special absentee ballot instructions for certain
 2461 first-time voters.—

2462 (2) A voter covered by this section shall be provided with
 2463 printed instructions with his or her absentee ballot in
 2464 substantially the following form:

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2465
 2466 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2467 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2468 TO COUNT.

2469
 2470 1. In order to ensure that your absentee ballot will be
 2471 counted, it should be completed and returned as soon as possible
 2472 so that it can reach the supervisor of elections of the county
 2473 in which your precinct is located no later than 7 p.m. on the
 2474 date of the election.

2475 2. Mark your ballot in secret as instructed on the ballot.
 2476 You must mark your own ballot unless you are unable to do so
 2477 because of blindness, disability, or inability to read or write.

2478 3. Mark only the number of candidates or issue choices for
 2479 a race as indicated on the ballot. If you are allowed to "Vote
 2480 for One" candidate and you vote for more than one, your vote in
 2481 that race will not be counted.

2482 4. Place your marked ballot in the enclosed secrecy
 2483 envelope and seal the envelope.

2484 5. Insert the secrecy envelope into the enclosed envelope
 2485 bearing the Voter's Certificate. Seal the envelope and
 2486 completely fill out the Voter's Certificate on the back of the
 2487 envelope.

2488 a. You must sign your name on the line above (Voter's
 2489 Signature).

2490 b. If you are an overseas voter, you must include the date
 2491 you signed the Voter's Certificate on the line above (Date) or
 2492 your ballot may not be counted.

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2493 c. An absentee ballot will be considered illegal and will
 2494 not be counted if the signature on the Voter's Certificate does
 2495 not match the signature on record. The signature on file at the
 2496 start of the canvass of the absentee ballots is the signature
 2497 that will be used to verify your signature on the Voter's
 2498 Certificate. If you need to update your signature for this
 2499 election, send your signature update on a voter registration
 2500 application to your supervisor of elections so that it is
 2501 received no later than the start of canvassing of absentee
 2502 ballots, which occurs no earlier than the 15th day before
 2503 election day.

2504 6. Unless you meet one of the exemptions in Item 7., you
 2505 must make a copy of one of the following forms of
 2506 identification:

2507 a. Identification which must include your name and
 2508 photograph: United States passport; debit or credit card;
 2509 military identification; student identification; retirement
 2510 center identification; neighborhood association identification;
 2511 or public assistance identification; or

2512 b. Identification which shows your name and current
 2513 residence address: current utility bill, bank statement,
 2514 government check, paycheck, or government document (excluding
 2515 voter identification card).

2516 7. The identification requirements of Item 6. do not apply
 2517 if you meet one of the following requirements:

- 2518 a. You are 65 years of age or older.
- 2519 b. You have a temporary or permanent physical disability.
- 2520 c. You are a member of a uniformed service on active duty

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2521 | who, by reason of such active duty, will be absent from the
 2522 | county on election day.

2523 | d. You are a member of the Merchant Marine who, by reason
 2524 | of service in the Merchant Marine, will be absent from the
 2525 | county on election day.

2526 | e. You are the spouse or dependent of a member referred to
 2527 | in paragraph c. or paragraph d. who, by reason of the active
 2528 | duty or service of the member, will be absent from the county on
 2529 | election day.

2530 | f. You are currently residing outside the United States.

2531 | 8. Place the envelope bearing the Voter's Certificate into
 2532 | the mailing envelope addressed to the supervisor. Insert a copy
 2533 | of your identification in the mailing envelope. DO NOT PUT YOUR
 2534 | IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2535 | INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2536 | BALLOT WILL NOT COUNT.

2537 | 9. Mail, deliver, or have delivered the completed mailing
 2538 | envelope. Be sure there is sufficient postage if mailed.

2539 | 10. FELONY NOTICE. It is a felony under Florida law to
 2540 | accept any gift, payment, or gratuity in exchange for your vote
 2541 | for a candidate. It is also a felony under Florida law to vote
 2542 | in an election using a false identity or false address, or under
 2543 | any other circumstances making your ballot false or fraudulent.

2544 | Section 42. Subsection (3) of section 101.75, Florida
 2545 | Statutes, is amended to read:

2546 | 101.75 Municipal elections; change of dates for cause.—

2547 | (3) Notwithstanding any provision of local law or
 2548 | municipal charter, the governing body of a municipality may, by

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2549 ordinance, move the date of any municipal election to a date
 2550 concurrent with any statewide or countywide election. The dates
 2551 for qualifying for the election moved by the passage of such
 2552 ordinance shall be specifically provided for in the ordinance
 2553 ~~and shall run for no less than 14 days.~~ The term of office for
 2554 any elected municipal official shall commence as provided by the
 2555 relevant municipal charter or ordinance.

2556 Section 43. Subsection (4) of section 102.141, Florida
 2557 Statutes, is amended to read:

2558 102.141 County canvassing board; duties.—

2559 (4) The canvassing board shall report all early voting and
 2560 all tabulated absentee results to the Department of State within
 2561 30 minutes after the polls close. Thereafter, the canvassing
 2562 board shall report, with the exception of provisional ballot
 2563 results, updated precinct election results to the department at
 2564 least every 45 minutes until all results are completely
 2565 reported. The supervisor of elections shall notify the
 2566 department immediately of any circumstances that do not permit
 2567 periodic updates as required. Results shall be submitted in a
 2568 format prescribed by the department ~~submit by 11:59 p.m. on~~
 2569 ~~election night the preliminary returns it has received to the~~
 2570 ~~Department of State in a format provided by the department.~~

2571 Section 44. Subsection (4) of section 102.168, Florida
 2572 Statutes, is amended, and subsection (8) is added to that
 2573 section, to read:

2574 102.168 Contest of election.—

2575 (4) The ~~county~~ canvassing board responsible for canvassing
 2576 the election is an indispensable ~~and proper~~ party defendant in

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2577 county and local elections. ~~The Elections Canvassing Commission~~
 2578 is an indispensable ~~and proper~~ party defendant in federal,
 2579 state, and multicounty elections and in elections for justice of
 2580 the Supreme Court, judge of a district court of appeal, and
 2581 judge of a circuit court. ~~races; and~~ The successful candidate is
 2582 an indispensable party to any action brought to contest the
 2583 election or nomination of a candidate.

2584 (8) In any contest that requires a review of the
 2585 canvassing board's decision on the legality of an absentee
 2586 ballot pursuant to s. 101.68 based upon a comparison of the
 2587 signature on the voter's certificate and the signature of the
 2588 elector in the registration records, the circuit court may not
 2589 review or consider any evidence other than the signatures on the
 2590 voter's certificate and the signature of the elector in the
 2591 registration records. The court's review of such issue shall be
 2592 to determine only if the canvassing board abused its discretion
 2593 in making its decision.

2594 Section 45. Paragraph (a) of subsection (4) of section
 2595 103.021, Florida Statutes, is amended to read:

2596 103.021 Nomination for presidential electors.—Candidates
 2597 for presidential electors shall be nominated in the following
 2598 manner:

2599 (4) (a) A minor political party that is affiliated with a
 2600 national party holding a national convention to nominate
 2601 candidates for President and Vice President of the United States
 2602 may have the names of its candidates for President and Vice
 2603 President of the United States printed on the general election
 2604 ballot by filing with the Department of State a certificate

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2605 naming the candidates for President and Vice President and
 2606 listing the required number of persons to serve as electors.
 2607 Notification to the Department of State under this subsection
 2608 shall be made by September 1 of the year in which the election
 2609 is held. When the Department of State has been so notified, it
 2610 shall order the names of the candidates nominated by the minor
 2611 political party to be included on the ballot and shall permit
 2612 the required number of persons to be certified as electors in
 2613 the same manner as other party candidates. As used in this
 2614 section, the term "national party" means a political party that
 2615 is registered with and recognized as a qualified national
 2616 committee of a political party by the Federal Election
 2617 Commission established and admitted to the ballot in at least
 2618 one state other than Florida.

2619 Section 46. Section 103.095, Florida Statutes, is created
 2620 to read:

2621 103.095 Minor political parties.—

2622 (1) Any group of citizens organized for the general
 2623 purposes of electing to office qualified persons and determining
 2624 public issues under the democratic processes of the United
 2625 States may become a minor political party of this state by
 2626 filing with the department a certificate showing the name of the
 2627 organization, the names and addresses of its current officers,
 2628 including the members of its executive committee, accompanied by
 2629 a completed uniform statewide voter registration application as
 2630 specified in s. 97.052 for each of its current officers and
 2631 members of its executive committee which reflect their
 2632 affiliation with the proposed minor political party, and a copy

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2633 of its constitution, bylaws, and rules and regulations.

2634 (2) Each elector registered to vote in the minor political

2635 party in which he or she has so designated has a fundamental

2636 right to fully and meaningfully participate in the business and

2637 affairs of the minor political party without any monetary

2638 encumbrance. The constitution, bylaws, rules, regulations, or

2639 other equivalent documents must reflect this fundamental right

2640 and must provide for and contain reasonable provisions that, at

2641 a minimum, prescribe procedures to: prescribe its membership;

2642 conduct its meetings according to generally accepted

2643 parliamentary practices; timely notify its members as to the

2644 time, date, and place of all of its meetings; timely publish

2645 notice on its public and functioning website as to the time,

2646 date, and place of all of its meetings; elect its officers;

2647 remove its officers; make party nominations when required by

2648 law; conduct campaigns for party nominees; raise and expend

2649 party funds; select delegates to its national convention, if

2650 applicable; select presidential electors, if applicable; and

2651 alter or amend all of its governing documents.

2652 (3) The members of the executive committee must elect a

2653 chair, vice chair, secretary, and treasurer, all of whom shall

2654 be members of the minor political party and no member may hold

2655 more than one office, except that one person may hold the

2656 offices of secretary and treasurer.

2657 (4) Upon approval of the minor political party's filing,

2658 the department shall process the voter registration applications

2659 submitted by the minor political party's officers and members of

2660 its executive committee. It shall be the duty of the minor

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2661 political party to notify the department of any changes in the
 2662 filing certificate within 5 days after such changes.

2663 (5) The Division of Elections shall adopt rules to
 2664 prescribe the manner in which political parties, including minor
 2665 political parties, may have their filings with the Department of
 2666 State canceled. Such rules shall, at a minimum, provide for:

2667 (a) Notice, which must contain the facts and conduct that
 2668 warrant the intended action, including, but not limited to, the
 2669 failure to have any voters registered in the party, the failure
 2670 to notify the department of replacement officers, the failure to
 2671 file campaign finance reports, the failure to adopt and file
 2672 with the department all governing documents containing the
 2673 provisions specified in subsection (2), and limited activity.

2674 (b) Adequate opportunity to respond.

2675 (c) Appeal of the decision to the Florida Elections
 2676 Commission. Such appeals are exempt from the confidentiality
 2677 provisions of s. 106.25.

2678 (6) The requirements of this section are retroactive for
 2679 any minor political party registered with the department on July
 2680 1, 2011, and must be complied with within 180 days after the
 2681 department provides notice to the minor political party of the
 2682 requirements contained in this section. Failure of the minor
 2683 political party to comply with the requirements within 180 days
 2684 after receipt of the notice shall automatically result in the
 2685 cancellation of the minor political party's registration.

2686 Section 47. Section 103.101, Florida Statutes, is amended
 2687 to read:

2688 103.101 Presidential preference primary.-

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2689 (1) (a) There shall be a Presidential Preference Primary
 2690 Date Selection Committee composed of the Secretary of State, who
 2691 shall be a nonvoting chair; three members, no more than two of
 2692 whom may be from the same political party, appointed by the
 2693 Governor; three members, no more than two of whom may be from
 2694 the same political party, appointed by the Speaker of the House
 2695 of Representatives; and three members, no more than two of whom
 2696 may be from the same political party, appointed by the President
 2697 of the Senate. No later than October 1 of the year preceding the
 2698 presidential preference primary, the committee shall meet and
 2699 set a date for the presidential preference primary. The date
 2700 selected may be no earlier than the first Tuesday in January and
 2701 no later than the first Tuesday in March in the year of the
 2702 presidential preference primary. The presidential preference
 2703 primary shall be held in each year the number of which is a
 2704 multiple of four.

2705 (b) Each political party other than a minor political
 2706 party shall, on the date selected by the Presidential Preference
 2707 Primary Date Selection Committee last Tuesday in January in each
 2708 year the number of which is a multiple of 4, elect one person to
 2709 be the candidate for nomination of such party for President of
 2710 the United States or select delegates to the national nominating
 2711 convention, as provided by party rule. Any party rule directing
 2712 the vote of delegates at a national nominating convention shall
 2713 reasonably reflect the results of the presidential preference
 2714 primary, if one is held.

2715 ~~(2) (a) There shall be a Presidential Candidate Selection~~
 2716 ~~Committee composed of the Secretary of State, who shall be a~~

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2717 ~~nonvoting chair; the Speaker of the House of Representatives;~~
 2718 ~~the President of the Senate; the minority leader of each house~~
 2719 ~~of the Legislature; and the chair of each political party~~
 2720 ~~required to have a presidential preference primary under this~~
 2721 ~~section.~~

2722 ~~(b)~~ By October 31 of the year preceding the presidential
 2723 preference primary, each political party shall submit to the
 2724 Secretary of State a list of its presidential candidates to be
 2725 placed on the presidential preference primary ballot or
 2726 candidates entitled to have delegates appear on the presidential
 2727 preference primary ballot. The Secretary of State shall prepare
 2728 and publish a list of the names of the presidential candidates
 2729 submitted not later than on the first Tuesday after the first
 2730 Monday in November of the year preceding the presidential
 2731 preference primary. ~~The Secretary of State shall submit such~~
 2732 ~~list of names of presidential candidates to the selection~~
 2733 ~~committee on the first Tuesday after the first Monday in~~
 2734 ~~November of the year preceding the presidential preference~~
 2735 ~~primary. Each person designated as a presidential candidate~~
 2736 ~~shall have his or her name appear, or have his or her delegates'~~
 2737 ~~names appear, on the presidential preference primary ballot~~
 2738 ~~unless all committee members of the same political party as the~~
 2739 ~~candidate agree to delete such candidate's name from the ballot.~~

2740 ~~(c)~~ ~~The selection committee shall meet in Tallahassee on~~
 2741 ~~the first Tuesday after the first Monday in November of the year~~
 2742 ~~preceding the presidential preference primary. The selection~~
 2743 ~~committee shall publicly announce and submit to the Department~~
 2744 ~~of State no later than 5 p.m. on the following day the names of~~

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2745 ~~presidential candidates who shall have their names appear, or~~
 2746 ~~who are entitled to have their delegates' names appear, on the~~
 2747 ~~presidential preference primary ballot.~~ The Department of State
 2748 shall immediately notify each presidential candidate listed
 2749 ~~designated~~ by the Secretary of State ~~committee~~. Such
 2750 notification shall be in writing, by registered mail, with
 2751 return receipt requested.

2752 (3) A candidate's name shall be printed on the
 2753 presidential preference primary ballot unless the candidate
 2754 submits to the Department of State, prior to the second Tuesday
 2755 after the first Monday in November of the year preceding the
 2756 presidential preference primary, an affidavit stating that he or
 2757 she is not now, and does not presently intend to become, a
 2758 candidate for President at the upcoming nominating convention.
 2759 If a candidate withdraws pursuant to this subsection, the
 2760 Department of State shall notify the state executive committee
 2761 that the candidate's name will not be placed on the ballot. The
 2762 Department of State shall, no later than the third Tuesday after
 2763 the first Monday in November of the year preceding the
 2764 presidential preference primary, certify to each supervisor of
 2765 elections the name of each candidate for political party
 2766 nomination to be printed on the ballot.

2767 (4) The names of candidates for political party
 2768 nominations for President of the United States shall be printed
 2769 on official ballots for the presidential preference primary
 2770 election and shall be marked, counted, canvassed, returned, and
 2771 proclaimed in the same manner and under the same conditions, so
 2772 far as they are applicable, as in other state elections. If

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2773 party rule requires the delegates' names to be printed on the
 2774 official presidential preference primary ballot, the name of the
 2775 presidential candidates for that political party may not be
 2776 printed separately, but the ballot may reflect the presidential
 2777 candidate to whom the delegate is pledged. If, however, a
 2778 political party has only one presidential candidate, neither the
 2779 name of the candidate nor the names of the candidate's delegates
 2780 shall be printed on the ballot.

2781 (5) The state executive committee of each party, by rule
 2782 adopted at least 60 ~~120~~ days prior to the presidential
 2783 preference primary election, shall determine the number, and
 2784 establish procedures to be followed in the selection, of
 2785 delegates and delegate alternates from among each candidate's
 2786 supporters. A copy of any rule adopted by the executive
 2787 committee shall be filed with the Department of State within 7
 2788 days after its adoption and shall become a public record. The
 2789 Department of State shall review the procedures and shall notify
 2790 the state executive committee of each political party of any
 2791 ballot limitations. The Department of State may promulgate rules
 2792 for the orderly conduct of the presidential preference primary
 2793 ballot.

2794 ~~(6) Delegates must qualify no later than the second Friday~~
 2795 ~~in November of the year preceding the presidential preference~~
 2796 ~~primary in the manner provided by party rule.~~

2797 ~~(7) All delegates shall be allocated as provided by party~~
 2798 ~~rule.~~

2799 (6) ~~(8)~~ All names of candidates or delegates shall be
 2800 listed as directed by the Department of State.

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2801 Section 48. Section 103.141, Florida Statutes, is amended
 2802 to read:

2803 103.141 Removal of county executive committee member for
 2804 violation of oath.—

2805 ~~(1) If~~ Where the county executive committee by at least a
 2806 two-thirds majority vote of the members of the committee,
 2807 attending a meeting held after due notice has been given and at
 2808 which meeting a quorum is present, determines an incumbent
 2809 county executive committee member is ~~to be~~ guilty of an offense
 2810 involving a violation of the member's oath of office, the said
 2811 ~~member so violating his or her oath~~ shall be removed from office
 2812 and the office shall be deemed vacant. ~~Provided,~~ However, if the
 2813 county committee wrongfully removes a county committee member
 2814 and the committee member ~~so~~ wrongfully removed files suit in the
 2815 circuit court alleging his or her removal was wrongful and wins
 2816 the said suit, the committee member shall be restored to office
 2817 and the county committee shall pay the costs incurred by the
 2818 wrongfully removed committee member in bringing the suit,
 2819 including reasonable attorney's fees.

2820 ~~(2) Any officer, county committeeman, county~~
 2821 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
 2822 ~~or member of a county executive committee may be removed from~~
 2823 ~~office pursuant to s. 103.161.~~

2824 Section 49. Section 103.161, Florida Statutes, is
 2825 repealed.

2826 Section 50. Section 104.29, Florida Statutes, is amended
 2827 to read:

2828 104.29 Inspectors refusing to allow watchers while ballots

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2829 are counted.—The inspectors or other election officials at the
 2830 polling place shall, after the polls close ~~at all times while~~
 2831 ~~the ballots are being counted~~, allow as many as three persons
 2832 near to them to see whether the ballots are being reconciled
 2833 correctly. ~~read and called and the votes correctly tallied, and~~
 2834 Any official who denies this privilege or interferes therewith
 2835 commits ~~is guilty of~~ a misdemeanor of the first degree,
 2836 punishable as provided in s. 775.082 or s. 775.083.

2837 Section 51. Paragraph (b) of subsection (4) of section
 2838 105.031, Florida Statutes, is amended to read:

2839 105.031 Qualification; filing fee; candidate's oath; items
 2840 required to be filed.—

2841 (4) CANDIDATE'S OATH.—

2842 (b) All candidates for judicial office shall subscribe to
 2843 an oath or affirmation in writing to be filed with the
 2844 appropriate qualifying officer upon qualifying. A printed copy
 2845 of the oath or affirmation shall be furnished to the candidate
 2846 by the qualifying officer and shall be in substantially the
 2847 following form:

2848
 2849 State of Florida
 2850 County of

2851 Before me, an officer authorized to administer oaths,
 2852 personally appeared ... (please print name as you wish it to
 2853 appear on the ballot) ..., to me well known, who, being sworn,
 2854 says he or she: is a candidate for the judicial office of;
 2855 that his or her legal residence is County, Florida; that he
 2856 or she is a qualified elector of the state and of the

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2857 territorial jurisdiction of the court to which he or she seeks
 2858 election; that he or she is qualified under the constitution and
 2859 laws of Florida to hold the judicial office to which he or she
 2860 desires to be elected or in which he or she desires to be
 2861 retained; ~~that he or she has taken the oath required by ss.~~
 2862 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
 2863 for no other public office in the state, the term of which
 2864 office or any part thereof runs concurrent to the office he or
 2865 she seeks; ~~and~~ that he or she has resigned from any office which
 2866 he or she is required to resign pursuant to s. 99.012, Florida
 2867 Statutes; and that he or she will support the Constitution of
 2868 the United States and the Constitution of the State of Florida.

2870 ... (Signature of candidate) ...

2871 ... (Address) ...

2873 Sworn to and subscribed before me this day of,
 2874 ... (year) ..., at County, Florida.

2876 ... (Signature and title of officer administering oath) ...

2877 Section 52. Subsection (3), paragraph (b) of subsection
 2878 (5), subsection (15), and paragraph (c) of subsection (16) of
 2879 section 106.011, Florida Statutes, are amended to read:

2880 106.011 Definitions.—As used in this chapter, the
 2881 following terms have the following meanings unless the context
 2882 clearly indicates otherwise:

2883 (3) "Contribution" means:

2884 (a) A gift, subscription, conveyance, deposit, loan,

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2885 payment, or distribution of money or anything of value,
 2886 including contributions in kind having an attributable monetary
 2887 value in any form, made for the purpose of influencing the
 2888 results of an election or making an electioneering
 2889 communication.

2890 (b) A transfer of funds between political committees,
 2891 between committees of continuous existence, between
 2892 electioneering communications organizations, or between any
 2893 combination of these groups.

2894 (c) The payment, by any person other than a candidate or
 2895 political committee, of compensation for the personal services
 2896 of another person which are rendered to a candidate or political
 2897 committee without charge to the candidate or committee for such
 2898 services.

2899 (d) The transfer of funds by a campaign treasurer or
 2900 deputy campaign treasurer between a primary depository and a
 2901 separate interest-bearing account or certificate of deposit, and
 2902 the term includes any interest earned on such account or
 2903 certificate.

2904
 2905 Notwithstanding the foregoing meanings of "contribution," the
 2906 term may ~~word shall~~ not be construed to include services,
 2907 including, but not limited to, legal and accounting services,
 2908 provided without compensation by individuals volunteering a
 2909 portion or all of their time on behalf of a candidate or
 2910 political committee. ~~This definition shall not be construed to~~
 2911 ~~include~~ editorial endorsements.

2912 (5)

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2913 (b) An expenditure for the purpose of expressly advocating
2914 the election or defeat of a candidate which is made by the
2915 national, state, or county executive committee of a political
2916 party, including any subordinate committee of a national, state,
2917 or county committee of a political party, or by any political
2918 committee or committee of continuous existence, or any other
2919 person, shall not be considered an independent expenditure if
2920 the committee or person:

2921 1. Communicates with the candidate, the candidate's
2922 campaign, or an agent of the candidate acting on behalf of the
2923 candidate, including any pollster, media consultant, advertising
2924 agency, vendor, advisor, or staff member, concerning the
2925 preparation of, use of, or payment for, the specific expenditure
2926 or advertising campaign at issue; or

2927 2. Makes a payment in cooperation, consultation, or
2928 concert with, at the request or suggestion of, or pursuant to
2929 any general or particular understanding with the candidate, the
2930 candidate's campaign, a political committee supporting the
2931 candidate, or an agent of the candidate relating to the specific
2932 expenditure or advertising campaign at issue; or

2933 3. Makes a payment for the dissemination, distribution, or
2934 republication, in whole or in part, of any broadcast or any
2935 written, graphic, or other form of campaign material prepared by
2936 the candidate, the candidate's campaign, or an agent of the
2937 candidate, including any pollster, media consultant, advertising
2938 agency, vendor, advisor, or staff member; or

2939 4. Makes a payment based on information about the
2940 candidate's plans, projects, or needs communicated to a member

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2941 of the committee or person by the candidate or an agent of the
 2942 candidate, provided the committee or person uses the information
 2943 in any way, in whole or in part, either directly or indirectly,
 2944 to design, prepare, or pay for the specific expenditure or
 2945 advertising campaign at issue; or

2946 5. After the last day of the qualifying period prescribed
 2947 for the candidate ~~for statewide or legislative office~~, consults
 2948 about the candidate's plans, projects, or needs in connection
 2949 with the candidate's pursuit of election to office and the
 2950 information is used in any way to plan, create, design, or
 2951 prepare an independent expenditure or advertising campaign,
 2952 with:

2953 a. Any officer, director, employee, or agent of a
 2954 national, state, or county executive committee of a political
 2955 party that has made or intends to make expenditures in
 2956 connection with or contributions to the candidate; or

2957 b. Any person whose professional services have been
 2958 retained by a national, state, or county executive committee of
 2959 a political party that has made or intends to make expenditures
 2960 in connection with or contributions to the candidate; or

2961 6. After the last day of the qualifying period prescribed
 2962 for the candidate ~~for statewide or legislative office~~, retains
 2963 the professional services of any person also providing those
 2964 services to the candidate in connection with the candidate's
 2965 pursuit of election to office; or

2966 7. Arranges, coordinates, or directs the expenditure, in
 2967 any way, with the candidate or an agent of the candidate.

2968 (15) "Unopposed candidate" means a candidate for

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2969 nomination or election to an office who, after the last day on
 2970 which any person, including a write-in candidate, may qualify,
 2971 is without opposition in the election at which the office is to
 2972 be filled or who is without such opposition after such date as a
 2973 result of any primary election or of withdrawal by other
 2974 candidates seeking the same office. A candidate is not an
 2975 unopposed candidate if there is a vacancy to be filled under s.
 2976 100.111(3) ~~s. 100.111(4)~~, if there is a legal proceeding pending
 2977 regarding the right to a ballot position for the office sought
 2978 by the candidate, or if the candidate is seeking retention as a
 2979 justice or judge.

2980 (16) "Candidate" means any person to whom any one or more
 2981 of the following apply:

2982 (c) Any person who receives contributions or makes
 2983 expenditures, or consents for any other person to receive
 2984 contributions or make expenditures, with a view to bring about
 2985 his or her nomination or election to, or retention in, public
 2986 office. However, this definition does not include any candidate
 2987 for a political party executive committee. Expenditures related
 2988 to potential candidate polls as provided in s. 106.17 are not
 2989 contributions or expenditures for purposes of this subsection.

2990 Section 53. Subsection (3) of section 106.021, Florida
 2991 Statutes, is amended to read:

2992 106.021 Campaign treasurers; deputies; primary and
 2993 secondary depositories.—

2994 (3) No contribution or expenditure, including
 2995 contributions or expenditures of a candidate or of the
 2996 candidate's family, shall be directly or indirectly made or

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2997 received in furtherance of the candidacy of any person for
 2998 nomination or election to political office in the state or on
 2999 behalf of any political committee except through the duly
 3000 appointed campaign treasurer of the candidate or political
 3001 committee, subject to the following exceptions:

3002 (a) Independent expenditures;

3003 (b) Reimbursements to a candidate or any other individual
 3004 for expenses incurred in connection with the campaign or
 3005 activities of the political committee by a check drawn upon the
 3006 campaign account and reported pursuant to s. 106.07(4). ~~After~~
 3007 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom
 3008 the candidate or other individual made payment for which
 3009 reimbursement was made by check drawn upon the campaign account
 3010 shall be reported pursuant to s. 106.07(4), together with the
 3011 purpose of such payment;

3012 (c) Expenditures made indirectly through a treasurer for
 3013 goods or services, such as communications media placement or
 3014 procurement services, campaign signs, insurance, or other
 3015 expenditures that include multiple integral components as part
 3016 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
 3017 or

3018 (d) Expenditures made directly by any political committee
 3019 or political party regulated by chapter 103 for obtaining time,
 3020 space, or services in or by any communications medium for the
 3021 purpose of jointly endorsing three or more candidates, and any
 3022 such expenditure shall not be considered a contribution or
 3023 expenditure to or on behalf of any such candidates for the
 3024 purposes of this chapter.

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3025 Section 54. Section 106.022, Florida Statutes, is amended
 3026 to read:

3027 106.022 Appointment of a registered agent; duties.—

3028 (1) Each political committee, committee of continuous
 3029 existence, or electioneering communications organization shall
 3030 have and continuously maintain in this state a registered office
 3031 and a registered agent and must file with the filing officer
 3032 ~~division~~ a statement of appointment for the registered office
 3033 and registered agent. The statement of appointment must:

3034 (a) Provide the name of the registered agent and the
 3035 street address and phone number for the registered office;

3036 (b) Identify the entity for whom the registered agent
 3037 serves;

3038 (c) Designate the address the registered agent wishes to
 3039 use to receive mail;

3040 (d) Include the entity's undertaking to inform the filing
 3041 officer ~~division~~ of any change in such designated address;

3042 (e) Provide for the registered agent's acceptance of the
 3043 appointment, which must confirm that the registered agent is
 3044 familiar with and accepts the obligations of the position as set
 3045 forth in this section; and

3046 (f) Contain the signature of the registered agent and the
 3047 entity engaging the registered agent.

3048 (2) An entity may change its appointment of registered
 3049 agent and registered office under this section by executing a
 3050 written statement of change and filing it with the filing
 3051 officer. The statement must satisfy ~~that identifies the former~~
 3052 ~~registered agent and registered address and also satisfies all~~

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3053 of the requirements of subsection (1).

3054 (3) A registered agent may resign his or her appointment
 3055 as registered agent by executing a written statement of
 3056 resignation and filing it with the filing officer ~~division~~. An
 3057 entity without a registered agent may not make expenditures or
 3058 accept contributions until it files a written statement of
 3059 change as required in subsection (2).

3060 Section 55. Subsection (1) of section 106.023, Florida
 3061 Statutes, is amended to read:

3062 106.023 Statement of candidate.—

3063 (1) Each candidate must file a statement with the
 3064 qualifying officer within 10 days after filing the appointment
 3065 of campaign treasurer and designation of campaign depository,
 3066 stating that the candidate has read and understands the
 3067 requirements of this chapter. Such statement shall be provided
 3068 by the filing officer and shall be in substantially the
 3069 following form:

3070
 3071 STATEMENT OF CANDIDATE

3072
 3073 I,, candidate for the office of, have been
 3074 provided access to ~~received~~, read, and understand the
 3075 requirements of Chapter 106, Florida Statutes.

3076
 3077 ... (Signature of candidate) ... (Date) ...

3078
 3079 Willful failure to file this form is a violation of ss.
 3080 106.19(1)(c) and 106.25(3), F.S.

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3081 Section 56. Paragraph (c) of subsection (1) of section
 3082 106.025, Florida Statutes, is amended to read:

3083 106.025 Campaign fund raisers.—

3084 (1)

3085 (c) Any tickets or advertising for such a campaign fund
 3086 raiser is exempt from the requirements of s. 106.143 ~~shall~~
 3087 ~~contain the following statement: "The purchase of a ticket for,~~
 3088 ~~or a contribution to, the campaign fund raiser is a contribution~~
 3089 ~~to the campaign of ... (name of the candidate for whose benefit~~
 3090 ~~the campaign fund raiser is held)...."~~ Such tickets or
 3091 advertising shall also comply with other provisions of this
 3092 chapter relating to political advertising.

3093 Section 57. Subsection (1) and paragraph (d) of subsection
 3094 (3) of section 106.03, Florida Statutes, are amended to read:

3095 106.03 Registration of political committees and
 3096 electioneering communications organizations.—

3097 (1) (a) Each political committee that receives ~~anticipates~~
 3098 ~~receiving~~ contributions or makes ~~making~~ expenditures during a
 3099 calendar year in an aggregate amount exceeding \$500 or that
 3100 seeks ~~is seeking~~ the signatures of registered electors in
 3101 support of an initiative shall file a statement of organization
 3102 as provided in subsection (3) within 10 days after its
 3103 organization ~~or, if later, within 10 days after the date on~~
 3104 ~~which it has information that causes the committee to anticipate~~
 3105 ~~that it will receive contributions or make expenditures in~~
 3106 ~~excess of \$500.~~ If a political committee is organized within 10
 3107 days of any election, it shall immediately file the statement of
 3108 organization required by this section.

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3109 (b)1. Each ~~group electioneering communications~~
 3110 ~~organization that receives contributions or makes expenditures~~
 3111 ~~during a calendar year in an aggregate amount exceeding \$5,000~~
 3112 shall file a statement of organization as an electioneering
 3113 communications organization ~~provided in subparagraph 2. by~~
 3114 ~~expedited delivery within 24 hours after its organization or, if~~
 3115 ~~later,~~ within 24 hours after the date on which it ~~receives~~
 3116 ~~contributions or~~ makes expenditures for an electioneering
 3117 communication in excess of \$5,000, if such expenditures are made
 3118 within the timeframes specified in s. 106.011(18)(a)2. If the
 3119 group makes expenditures for an electioneering communication in
 3120 excess of \$5,000 before the timeframes specified in s.
 3121 106.011(18)(a)2., it shall file the statement of organization
 3122 within 24 hours after the 30th day before a primary or special
 3123 primary election, or within 24 hours after the 60th day before
 3124 any other election, whichever is applicable.

3125 2.a. In a statewide, legislative, or multicounty election,
 3126 an electioneering communications organization shall file a
 3127 statement of organization with the Division of Elections.

3128 b. In a countywide election or any election held on less
 3129 than a countywide basis, except as described in sub-subparagraph
 3130 c., an electioneering communications organization shall file a
 3131 statement of organization with the supervisor of elections of
 3132 the county in which the election is being held.

3133 c. In a municipal election, an electioneering
 3134 communications organization shall file a statement of
 3135 organization with the officer before whom municipal candidates
 3136 qualify.

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3137 d. Any electioneering communications organization that
 3138 would be required to file a statement of organization in two or
 3139 more locations ~~by reason of the organization's intention to~~
 3140 ~~support or oppose candidates at state or multicounty and local~~
 3141 ~~levels of government~~ need only file a statement of organization
 3142 with the Division of Elections.

3143 (3)

3144 (d) Any political committee which would be required under
 3145 this subsection to file a statement of organization in two or
 3146 more locations ~~by reason of the committee's intention to support~~
 3147 ~~or oppose candidates or issues at state or multicounty and local~~
 3148 ~~levels of government~~ need file only with the Division of
 3149 Elections.

3150 Section 58. Subsection (4) of section 106.04, Florida
 3151 Statutes, is amended, present subsections (7) and (8) of that
 3152 section are amended and renumbered as subsections (8) and (9),
 3153 respectively, and a new subsection (7) is added to that section,
 3154 to read:

3155 106.04 Committees of continuous existence.—

3156 (4) (a) Each committee of continuous existence shall file
 3157 an annual report with the Division of Elections during the month
 3158 of January. Such annual reports shall contain the same
 3159 information and shall be accompanied by the same materials as
 3160 original applications filed pursuant to subsection (2). However,
 3161 the charter or bylaws need not be filed if the annual report is
 3162 accompanied by a sworn statement by the chair that no changes
 3163 have been made to such charter or bylaws since the last filing.

3164 (b)1. Each committee of continuous existence shall file

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3165 regular reports with the Division of Elections at the same times
 3166 and subject to the same filing conditions as are established by
 3167 s. 106.07(1) and (2) for candidates' reports. In addition, when
 3168 a special election is called to fill a vacancy in office, a
 3169 committee of continuous existence that makes a contribution or
 3170 expenditure to influence the results of such special election or
 3171 the preceding special primary election must file campaign
 3172 finance reports with the filing officer on the dates set by the
 3173 Department of State pursuant to s. 100.111.

3174 2. Any committee of continuous existence failing to so
 3175 file a report with the Division of Elections or applicable
 3176 filing officer pursuant to this paragraph on the designated due
 3177 date shall be subject to a fine for late filing as provided by
 3178 this section.

3179 (c) All committees of continuous existence shall file
 3180 their reports with the Division of Elections. Reports shall be
 3181 filed in accordance with s. 106.0705 and shall contain the
 3182 following information:

3183 1. The full name, address, and occupation of each person
 3184 who has made one or more contributions, including contributions
 3185 that represent the payment of membership dues, to the committee
 3186 during the reporting period, together with the amounts and dates
 3187 of such contributions. For corporations, the report must provide
 3188 as clear a description as practicable of the principal type of
 3189 business conducted by the corporation. However, if the
 3190 contribution is \$100 or less, the occupation of the contributor
 3191 or principal type of business need not be listed. However, for
 3192 any contributions that represent the payment of dues by members

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3193 | in a fixed amount aggregating no more than \$250 per calendar
 3194 | year, pursuant to the schedule on file with the Division of
 3195 | Elections, only the aggregate amount of such contributions need
 3196 | be listed, together with the number of members paying such dues
 3197 | and the amount of the membership dues.

3198 | 2. The name and address of each political committee or
 3199 | committee of continuous existence from which the reporting
 3200 | committee received, or the name and address of each political
 3201 | committee, committee of continuous existence, or political party
 3202 | to which it made, any transfer of funds, together with the
 3203 | amounts and dates of all transfers.

3204 | 3. Any other receipt of funds not listed pursuant to
 3205 | subparagraph 1. or subparagraph 2., including the sources and
 3206 | amounts of all such funds.

3207 | 4. The name and address of, and office sought by, each
 3208 | candidate to whom the committee has made a contribution during
 3209 | the reporting period, together with the amount and date of each
 3210 | contribution.

3211 | 5. The full name and address of each person to whom
 3212 | expenditures have been made by or on behalf of the committee
 3213 | within the reporting period; the amount, date, and purpose of
 3214 | each such expenditure; and the name and address, and office
 3215 | sought by, each candidate on whose behalf such expenditure was
 3216 | made.

3217 | 6. The full name and address of each person to whom an
 3218 | expenditure for personal services, salary, or reimbursement for
 3219 | authorized expenses has been made, including the full name and
 3220 | address of each entity to whom the person made payment for which

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3221 reimbursement was made by check drawn upon the committee
 3222 account, together with the amount and purpose of such payment.

3223 7. Transaction information from each credit card purchase
 3224 ~~statement that will be included in the next report following~~
 3225 ~~receipt thereof by the committee.~~ Receipts for each credit card
 3226 purchase shall be retained by the treasurer with the records for
 3227 the committee account.

3228 8. The total sum of expenditures made by the committee
 3229 during the reporting period.

3230 (d) The treasurer of each committee shall certify as to
 3231 the correctness of each report and shall bear the responsibility
 3232 for its accuracy and veracity. Any treasurer who willfully
 3233 certifies to the correctness of a report while knowing that such
 3234 report is incorrect, false, or incomplete commits a misdemeanor
 3235 of the first degree, punishable as provided in s. 775.082 or s.
 3236 775.083.

3237 (7) Any change in information previously submitted to the
 3238 division shall be reported within 10 days following the change.

3239 (8)~~(7)~~ If a committee of continuous existence ceases to
 3240 meet the criteria prescribed by subsection (1), the Division of
 3241 Elections shall revoke its certification ~~until such time as the~~
 3242 ~~criteria are again met.~~ The Division of Elections shall adopt
 3243 ~~promulgate~~ rules to prescribe the manner in which the such
 3244 certification of a committee of continuous existence shall be
 3245 revoked. Such rules shall, at a minimum, provide for:

3246 (a) Notice, which must ~~shall~~ contain the facts and conduct
 3247 that warrant the intended action.

3248 (b) Adequate opportunity to respond.

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3249 (c) Appeal of the decision to the Florida Elections
 3250 Commission. Such appeals are ~~shall be~~ exempt from the
 3251 confidentiality provisions of s. 106.25.

3252 ~~(9)~~ ~~(8)~~ (a) Any committee of continuous existence failing to
 3253 file a report on the designated due date is ~~shall be~~ subject to
 3254 a fine. The fine shall be \$50 per day for the first 3 days late
 3255 and, thereafter, \$500 per day for each late day, not to exceed
 3256 25 percent of the total receipts or expenditures, whichever is
 3257 greater, for the period covered by the late report. However, for
 3258 the reports immediately preceding each primary and general
 3259 election, including a special primary election and a special
 3260 general election, the fine shall be \$500 per day for each late
 3261 day, not to exceed 25 percent of the total receipts or
 3262 expenditures, whichever is greater, for the period covered by
 3263 the late report. The fine shall be assessed by the filing
 3264 officer, and the moneys collected shall be deposited into:

3265 1. ~~In~~ The General Revenue Fund, in the case of fines
 3266 collected by the Division of Elections.

3267 2. The general revenue fund of the political subdivision,
 3268 in the case of fines collected by a county or municipal filing
 3269 officer. No separate fine shall be assessed for failure to file
 3270 a copy of any report required by this section.

3271 (b) Upon determining that a report is late, the filing
 3272 officer shall immediately notify the treasurer of the committee
 3273 or the committee's registered agent as to the failure to file a
 3274 report by the designated due date and that a fine is being
 3275 assessed for each late day. Upon receipt of the report, the
 3276 filing officer shall determine the amount of fine which is due

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3277 and shall notify the treasurer of the committee. Notice is
 3278 deemed complete upon proof of delivery of written notice to the
 3279 mailing or street address on record with the filing officer. The
 3280 filing officer shall determine the amount of the fine due based
 3281 upon the earliest of the following:

- 3282 1. When the report is actually received by such officer.
- 3283 2. When the report is postmarked.
- 3284 3. When the certificate of mailing is dated.
- 3285 4. When the receipt from an established courier company is
 3286 dated.

3287
 3288 Such fine shall be paid to the filing officer within 20 days
 3289 after receipt of the notice of payment due, unless appeal is
 3290 made to the Florida Elections Commission pursuant to paragraph
 3291 (c). An officer or member of a committee is ~~shall~~ not ~~be~~
 3292 personally liable for such fine.

3293 (c) Any treasurer of a committee may appeal or dispute the
 3294 fine, based upon unusual circumstances surrounding the failure
 3295 to file on the designated due date, and may request and is ~~shall~~
 3296 ~~be~~ entitled to a hearing before the Florida Elections
 3297 Commission, which may ~~shall~~ have the authority to waive the fine
 3298 in whole or in part. Any such request must ~~shall~~ be made within
 3299 20 days after receipt of the notice of payment due. ~~In such~~
 3300 ~~case, the treasurer of~~ The committee shall file the appeal with
 3301 ~~, within the 20-day period, notify the filing officer in writing~~
 3302 ~~of his or her intention to bring the matter before the~~
 3303 commission, with a copy provided to the filing officer.

3304 (d) The filing officer shall notify the Florida Elections

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3305 Commission of the repeated late filing by a committee of
 3306 continuous existence, the failure of a committee of continuous
 3307 existence to file a report after notice, or the failure to pay
 3308 the fine imposed.

3309 Section 59. Section 106.07, Florida Statutes, is amended
 3310 to read:

3311 106.07 Reports; certification and filing.—

3312 (1) Each campaign treasurer designated by a candidate or
 3313 political committee pursuant to s. 106.021 shall file regular
 3314 reports of all contributions received, and all expenditures
 3315 made, by or on behalf of such candidate or political committee.
 3316 Except for the third calendar quarter immediately preceding a
 3317 general election, reports shall be filed on the 10th day
 3318 following the end of each calendar quarter from the time the
 3319 campaign treasurer is appointed, except that, if the 10th day
 3320 following the end of a calendar quarter occurs on a Saturday,
 3321 Sunday, or legal holiday, the report shall be filed on the next
 3322 following day which is not a Saturday, Sunday, or legal holiday.
 3323 Quarterly reports shall include all contributions received and
 3324 expenditures made during the calendar quarter which have not
 3325 otherwise been reported pursuant to this section.

3326 (a) Except as provided in paragraph (b), ~~following the~~
 3327 ~~last day of qualifying for office,~~ the reports shall also be
 3328 filed on the 32nd, 18th, and 4th days immediately preceding the
 3329 primary and on the 46th, 32nd, 18th, and 4th days immediately
 3330 preceding the election, for a candidate who is opposed in
 3331 seeking nomination or election to any office, for a political
 3332 committee, or for a committee of continuous existence.

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3333 (b) ~~Following the last day of qualifying for office,~~ Any
 3334 statewide candidate who has requested to receive contributions
 3335 pursuant to ~~from~~ the Florida Election Campaign Financing Act
 3336 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
 3337 who has requested to receive contributions pursuant to ~~from~~ the
 3338 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,
 3339 25th, and 32nd days prior to the primary election, and on the
 3340 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
 3341 the general election.

3342 (c) Following the last day of qualifying for office, any
 3343 unopposed candidate need only file a report within 90 days after
 3344 the date such candidate became unopposed. Such report shall
 3345 contain all previously unreported contributions and expenditures
 3346 as required by this section and shall reflect disposition of
 3347 funds as required by s. 106.141.

3348 (d)1. When a special election is called to fill a vacancy
 3349 in office, all political committees ~~and committees of continuous~~
 3350 ~~existence~~ making contributions or expenditures to influence the
 3351 results of such special election or the preceding special
 3352 primary election shall file campaign treasurers' reports with
 3353 the filing officer on the dates set by the Department of State
 3354 pursuant to s. 100.111.

3355 2. When an election is called for an issue to appear on
 3356 the ballot at a time when no candidates are scheduled to appear
 3357 on the ballot, all political committees making contributions or
 3358 expenditures in support of or in opposition to such issue shall
 3359 file reports on the 18th and 4th days prior to such election.

3360 (e) The filing officer shall provide each candidate with a

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3361 | schedule designating the beginning and end of reporting periods
3362 | as well as the corresponding designated due dates.

3363 | (2) (a) 1. All reports required of a candidate by this
3364 | section shall be filed with the officer before whom the
3365 | candidate is required by law to qualify. All candidates who file
3366 | with the Department of State shall file their reports pursuant
3367 | to s. 106.0705. Except as provided in s. 106.0705, reports shall
3368 | be filed not later than 5 p.m. of the day designated; however,
3369 | any report postmarked by the United States Postal Service no
3370 | later than midnight of the day designated shall be deemed to
3371 | have been filed in a timely manner. Any report received by the
3372 | filing officer within 5 days after the designated due date that
3373 | was delivered by the United States Postal Service shall be
3374 | deemed timely filed unless it has a postmark that indicates that
3375 | the report was mailed after the designated due date. A
3376 | certificate of mailing obtained from and dated by the United
3377 | States Postal Service at the time of mailing, or a receipt from
3378 | an established courier company, which bears a date on or before
3379 | the date on which the report is due, shall be proof of mailing
3380 | in a timely manner. Reports shall contain information of all
3381 | previously unreported contributions received and expenditures
3382 | made as of the preceding Friday, except that the report filed on
3383 | the Friday immediately preceding the election shall contain
3384 | information of all previously unreported contributions received
3385 | and expenditures made as of the day preceding that designated
3386 | due date. All such reports shall be open to public inspection.

3387 | 2. This subsection does not prohibit the governing body of
3388 | a political subdivision, by ordinance or resolution, from

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3389 imposing upon its own officers and candidates electronic filing
 3390 requirements not in conflict with s. 106.0705. Expenditure of
 3391 public funds for such purpose is deemed to be for a valid public
 3392 purpose.

3393 (b)1. Any report that ~~which~~ is deemed to be incomplete by
 3394 the officer with whom the candidate qualifies shall be accepted
 3395 on a conditional basis. ~~and~~ The campaign treasurer shall be
 3396 notified by certified registered mail or by another method using
 3397 a common carrier that provides a proof of delivery of the notice
 3398 as to why the report is incomplete and within 7 ~~be given 3~~ days
 3399 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
 3400 the report providing all information necessary to complete the
 3401 report in compliance with this section. Failure to file a
 3402 complete report after such notice constitutes a violation of
 3403 this chapter.

3404 2. Notice is deemed complete upon proof of delivery of a
 3405 written notice to the mailing or street address of the campaign
 3406 treasurer or registered agent of record with the filing officer.
 3407 ~~In lieu of the notice by registered mail as required in~~
 3408 ~~subparagraph 1., the qualifying officer may notify the campaign~~
 3409 ~~treasurer by telephone that the report is incomplete and request~~
 3410 ~~the information necessary to complete the report. If, however,~~
 3411 ~~such information is not received by the qualifying officer~~
 3412 ~~within 3 days after the telephone request therefor, notice shall~~
 3413 ~~be sent by registered mail as provided in subparagraph 1.~~

3414 (3) Reports required of a political committee shall be
 3415 filed with the agency or officer before whom such committee
 3416 registers pursuant to s. 106.03(3) and shall be subject to the

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3417 same filing conditions as established for candidates' reports.
 3418 Incomplete reports by political committees shall be treated in
 3419 the manner provided for incomplete reports by candidates in
 3420 subsection (2).

3421 (4) (a) Each report required by this section must ~~shall~~
 3422 contain:

3423 1. The full name, address, and occupation, if any of each
 3424 person who has made one or more contributions to or for such
 3425 committee or candidate within the reporting period, together
 3426 with the amount and date of such contributions. For
 3427 corporations, the report must provide as clear a description as
 3428 practicable of the principal type of business conducted by the
 3429 corporation. However, if the contribution is \$100 or less or is
 3430 from a relative, as defined in s. 112.312, provided that the
 3431 relationship is reported, the occupation of the contributor or
 3432 the principal type of business need not be listed.

3433 2. The name and address of each political committee from
 3434 which the reporting committee or the candidate received, or to
 3435 which the reporting committee or candidate made, any transfer of
 3436 funds, together with the amounts and dates of all transfers.

3437 3. Each loan for campaign purposes to or from any person
 3438 or political committee within the reporting period, together
 3439 with the full names, addresses, and occupations, and principal
 3440 places of business, if any, of the lender and endorsers, if any,
 3441 and the date and amount of such loans.

3442 4. A statement of each contribution, rebate, refund, or
 3443 other receipt not otherwise listed under subparagraphs 1.
 3444 through 3.

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3445 5. The total sums of all loans, in-kind contributions, and
3446 other receipts by or for such committee or candidate during the
3447 reporting period. The reporting forms shall be designed to
3448 elicit separate totals for in-kind contributions, loans, and
3449 other receipts.

3450 6. The full name and address of each person to whom
3451 expenditures have been made by or on behalf of the committee or
3452 candidate within the reporting period; the amount, date, and
3453 purpose of each such expenditure; and the name and address of,
3454 and office sought by, each candidate on whose behalf such
3455 expenditure was made. However, expenditures made from the petty
3456 cash fund provided by s. 106.12 need not be reported
3457 individually.

3458 7. The full name and address of each person to whom an
3459 expenditure for personal services, salary, or reimbursement for
3460 authorized expenses as provided in s. 106.021(3) has been made
3461 and which is not otherwise reported, including the amount, date,
3462 and purpose of such expenditure. However, expenditures made from
3463 the petty cash fund provided for in s. 106.12 need not be
3464 reported individually. Receipts for reimbursement for authorized
3465 expenditures shall be retained by the treasurer along with the
3466 records for the campaign account.

3467 8. The total amount withdrawn and the total amount spent
3468 for petty cash purposes pursuant to this chapter during the
3469 reporting period.

3470 9. The total sum of expenditures made by such committee or
3471 candidate during the reporting period.

3472 10. The amount and nature of debts and obligations owed by

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3473 or to the committee or candidate, which relate to the conduct of
3474 any political campaign.

3475 11. Transaction information for each credit card purchase.
3476 ~~A copy of each credit card statement which shall be included in~~
3477 ~~the next report following receipt thereof by the candidate or~~
3478 ~~political committee.~~ Receipts for each credit card purchase
3479 shall be retained by the treasurer with the records for the
3480 campaign account.

3481 12. The amount and nature of any separate interest-bearing
3482 accounts or certificates of deposit and identification of the
3483 financial institution in which such accounts or certificates of
3484 deposit are located.

3485 13. The primary purposes of an expenditure made indirectly
3486 through a campaign treasurer pursuant to s. 106.021(3) for goods
3487 and services such as communications media placement or
3488 procurement services, campaign signs, insurance, and other
3489 expenditures that include multiple components as part of the
3490 expenditure. The primary purpose of an expenditure shall be that
3491 purpose, including integral and directly related components,
3492 that comprises 80 percent of such expenditure.

3493 (b) The filing officer shall make available to any
3494 candidate or committee a reporting form which the candidate or
3495 committee may use to indicate contributions received by the
3496 candidate or committee but returned to the contributor before
3497 deposit.

3498 (5) The candidate and his or her campaign treasurer, in
3499 the case of a candidate, or the political committee chair and
3500 campaign treasurer of the committee, in the case of a political

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3501 | committee, shall certify as to the correctness of each report;
 3502 | and each person so certifying shall bear the responsibility for
 3503 | the accuracy and veracity of each report. Any campaign
 3504 | treasurer, candidate, or political committee chair who willfully
 3505 | certifies the correctness of any report while knowing that such
 3506 | report is incorrect, false, or incomplete commits a misdemeanor
 3507 | of the first degree, punishable as provided in s. 775.082 or s.
 3508 | 775.083.

3509 | (6) ~~The campaign depository shall return all checks drawn~~
 3510 | ~~on the account to the campaign treasurer who shall retain the~~
 3511 | ~~records pursuant to s. 106.06.~~ The records maintained by the
 3512 | campaign depository with respect to any campaign account
 3513 | regulated by this chapter are such account shall be subject to
 3514 | inspection by an agent of the Division of Elections or the
 3515 | Florida Elections Commission at any time during normal banking
 3516 | hours, and such depository shall furnish certified copies of any
 3517 | of such records to the Division of Elections or Florida
 3518 | Elections Commission upon request.

3519 | (7) Notwithstanding any other provisions of this chapter,
 3520 | in any reporting period during which a candidate, political
 3521 | committee, or committee of continuous existence has not received
 3522 | funds, made any contributions, or expended any reportable funds,
 3523 | the filing of the required report for that period is waived.
 3524 | However, the next report filed must specify that the report
 3525 | covers the entire period between the last submitted report and
 3526 | the report being filed, and any candidate, political committee,
 3527 | or committee of continuous existence not reporting by virtue of
 3528 | this subsection on dates prescribed elsewhere in this chapter

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3529 shall notify the filing officer in writing on the prescribed
 3530 reporting date that no report is being filed on that date.

3531 (8) (a) Any candidate or political committee failing to
 3532 file a report on the designated due date is ~~shall be~~ subject to
 3533 a fine as provided in paragraph (b) for each late day, and, in
 3534 the case of a candidate, such fine shall be paid only from
 3535 personal funds of the candidate. The fine shall be assessed by
 3536 the filing officer and the moneys collected shall be deposited:

3537 1. In the General Revenue Fund, in the case of a candidate
 3538 for state office or a political committee that registers with
 3539 the Division of Elections; or

3540 2. In the general revenue fund of the political
 3541 subdivision, in the case of a candidate for an office of a
 3542 political subdivision or a political committee that registers
 3543 with an officer of a political subdivision.

3544
 3545 No separate fine shall be assessed for failure to file a copy of
 3546 any report required by this section.

3547 (b) Upon determining that a report is late, the filing
 3548 officer shall immediately notify the candidate or chair of the
 3549 political committee as to the failure to file a report by the
 3550 designated due date and that a fine is being assessed for each
 3551 late day. The fine shall be \$50 per day for the first 3 days
 3552 late and, thereafter, \$500 per day for each late day, not to
 3553 exceed 25 percent of the total receipts or expenditures,
 3554 whichever is greater, for the period covered by the late report.
 3555 However, for the reports immediately preceding each special
 3556 primary election, special election, primary election, and

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3557 | general election, the fine shall be \$500 per day for each late
 3558 | day, not to exceed 25 percent of the total receipts or
 3559 | expenditures, whichever is greater, for the period covered by
 3560 | the late report. For reports required under s. 106.141(7), the
 3561 | fine is \$50 per day for each late day, not to exceed 25 percent
 3562 | of the total receipts or expenditures, whichever is greater, for
 3563 | the period covered by the late report. Upon receipt of the
 3564 | report, the filing officer shall determine the amount of the
 3565 | fine which is due and shall notify the candidate or chair or
 3566 | registered agent of the political committee. The filing officer
 3567 | shall determine the amount of the fine due based upon the
 3568 | earliest of the following:

- 3569 | 1. When the report is actually received by such officer.
- 3570 | 2. When the report is postmarked.
- 3571 | 3. When the certificate of mailing is dated.
- 3572 | 4. When the receipt from an established courier company is
 3573 | dated.
- 3574 | 5. When the electronic receipt issued pursuant to s.
 3575 | 106.0705 or other electronic filing system authorized in this
 3576 | section is dated.

3577 |
 3578 | Such fine shall be paid to the filing officer within 20 days
 3579 | after receipt of the notice of payment due, unless appeal is
 3580 | made to the Florida Elections Commission pursuant to paragraph
 3581 | (c). Notice is deemed complete upon proof of delivery of written
 3582 | notice to the mailing or street address on record with the
 3583 | filing officer. In the case of a candidate, such fine shall not
 3584 | be an allowable campaign expenditure and shall be paid only from

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3585 personal funds of the candidate. An officer or member of a
3586 political committee shall not be personally liable for such
3587 fine.

3588 (c) Any candidate or chair of a political committee may
3589 appeal or dispute the fine, based upon, but not limited to,
3590 unusual circumstances surrounding the failure to file on the
3591 designated due date, and may request and shall be entitled to a
3592 hearing before the Florida Elections Commission, which shall
3593 have the authority to waive the fine in whole or in part. The
3594 Florida Elections Commission must consider the mitigating and
3595 aggravating circumstances contained in s. 106.265(1) when
3596 determining the amount of a fine, if any, to be waived. Any such
3597 request shall be made within 20 days after receipt of the notice
3598 of payment due. In such case, the candidate or chair of the
3599 political committee shall, within the 20-day period, notify the
3600 filing officer in writing of his or her intention to bring the
3601 matter before the commission.

3602 (d) The appropriate filing officer shall notify the
3603 Florida Elections Commission of the repeated late filing by a
3604 candidate or political committee, the failure of a candidate or
3605 political committee to file a report after notice, or the
3606 failure to pay the fine imposed. The commission shall
3607 investigate only those alleged late filing violations
3608 specifically identified by the filing officer and as set forth
3609 in the notification. Any other alleged violations must be
3610 separately stated and reported by the division to the commission
3611 under s. 106.25(2).

3612 (9) The Department of State may prescribe by rule the

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3613 requirements for filing campaign treasurers' reports as set
 3614 forth in this chapter.

3615 Section 60. Subsections (8) and (9) of section 106.0703,
 3616 Florida Statutes, are amended to read:

3617 106.0703 Electioneering communications organizations;
 3618 reporting requirements; certification and filing; penalties.—

3619 ~~(8) An electioneering communications organization shall,~~
 3620 ~~within 2 days after receiving its initial password or secure~~
 3621 ~~sign-on from the Department of State allowing confidential~~
 3622 ~~access to the department's electronic campaign finance filing~~
 3623 ~~system, electronically file the periodic reports that would have~~
 3624 ~~been required pursuant to this section for reportable activities~~
 3625 ~~that occurred since the date of the last general election.~~

3626 (8) ~~(9)~~ Electioneering communications organizations shall
 3627 not use credit cards.

3628 Section 61. Paragraphs (a) and (c) of subsection (2) and
 3629 subsections (3) and (7) of section 106.0705, Florida Statutes,
 3630 are amended to read:

3631 106.0705 Electronic filing of campaign treasurer's
 3632 reports.—

3633 (2) (a) Each individual candidate who is required to file
 3634 reports with the division pursuant to s. 106.07 or s. 106.141
 3635 ~~with the division~~ must file such reports ~~with the division~~ by
 3636 means of the division's electronic filing system.

3637 (c) Each person or organization that is required to file
 3638 reports with the division under s. 106.071 must file such
 3639 reports ~~with the division~~ by means of the division's electronic
 3640 filing system.

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3641 (3) Reports filed pursuant to this section shall be
 3642 completed and filed through the electronic filing system not
 3643 later than midnight of the day designated. Reports not filed by
 3644 midnight of the day designated are late filed and are subject to
 3645 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
 3646 106.0703(7), or s. 106.29(3), as applicable.

3647 ~~(7) Notwithstanding anything in law to the contrary, any~~
 3648 ~~report required to have been filed under this section for the~~
 3649 ~~period ended March 31, 2005, shall be deemed to have been timely~~
 3650 ~~filed if the report is filed under this section on or before~~
 3651 ~~June 1, 2005.~~

3652 Section 62. Subsections (3) and (6) of section 106.08,
 3653 Florida Statutes, are amended to read:

3654 106.08 Contributions; limitations on.—

3655 (3) (a) Any contribution received by a candidate with
 3656 opposition in an election or by the campaign treasurer or a
 3657 deputy campaign treasurer of such a candidate on the day of that
 3658 election or less than 5 days prior to the day of that election
 3659 must be returned by him or her to the person or committee
 3660 contributing it and may not be used or expended by or on behalf
 3661 of the candidate.

3662 (b) Except as otherwise provided in paragraph (c), any
 3663 contribution received by a candidate or by the campaign
 3664 treasurer or a deputy campaign treasurer of a candidate after
 3665 the date at which the candidate withdraws his or her candidacy,
 3666 or after the date the candidate is defeated, becomes unopposed,
 3667 or is elected to office must be returned to the person or
 3668 committee contributing it and may not be used or expended by or

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3669 on behalf of the candidate.

3670 ~~(c) With respect to any campaign for an office in which an~~
 3671 ~~independent or minor party candidate has filed as required in s.~~
 3672 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
 3673 ~~determination by the Department of State or supervisor of~~
 3674 ~~elections as to whether or not the required number of petition~~
 3675 ~~signatures was obtained:~~

3676 ~~1. The department or supervisor shall, no later than 3~~
 3677 ~~days after that determination has been made, notify in writing~~
 3678 ~~all other candidates for that office of that determination.~~

3679 ~~2. Any contribution received by a candidate or the~~
 3680 ~~campaign treasurer or deputy campaign treasurer of a candidate~~
 3681 ~~after the candidate has been notified in writing by the~~
 3682 ~~department or supervisor that he or she has become unopposed as~~
 3683 ~~a result of an independent or minor party candidate failing to~~
 3684 ~~obtain the required number of petition signatures shall be~~
 3685 ~~returned to the person, political committee, or committee of~~
 3686 ~~continuous existence contributing it and shall not be used or~~
 3687 ~~expended by or on behalf of the candidate.~~

3688 (6) (a) A political party may not accept any contribution
 3689 that has been specifically designated for the partial or
 3690 exclusive use of a particular candidate. Any contribution so
 3691 designated must be returned to the contributor and may not be
 3692 used or expended by or on behalf of the candidate.

3693 (b)1. A political party may not accept any in-kind
 3694 contribution that fails to provide a direct benefit to the
 3695 political party. A "direct benefit" includes, but is not limited
 3696 to, fundraising or furthering the objectives of the political

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3697 party.

3698 2.a. An in-kind contribution to a state political party
3699 may be accepted only by the chairperson of the state political
3700 party or by the chairperson's designee or designees whose names
3701 are on file with the division in a form acceptable to the
3702 division prior to the date of the written notice required in
3703 sub-subparagraph b. An in-kind contribution to a county
3704 political party may be accepted only by the chairperson of the
3705 county political party or by the county chairperson's designee
3706 or designees whose names are on file with the supervisor of
3707 elections of the respective county prior to the date of the
3708 written notice required in sub-subparagraph b.

3709 b. A person making an in-kind contribution to a state
3710 political party or county political party must provide prior
3711 written notice of the contribution to a person described in sub-
3712 subparagraph a. The prior written notice must be signed and
3713 dated and may be provided by an electronic or facsimile message.
3714 However, prior written notice is not required for an in-kind
3715 contribution that consists of food and beverage in an aggregate
3716 amount not exceeding \$1,500 which is consumed at a single
3717 sitting or event if such in-kind contribution is accepted in
3718 advance by a person specified in sub-subparagraph a.

3719 c. A person described in sub-subparagraph a. may accept an
3720 in-kind contribution requiring prior written notice only in a
3721 writing that is ~~signed and~~ dated before the in-kind contribution
3722 is made. Failure to obtain the required written acceptance of an
3723 in-kind contribution to a state or county political party
3724 constitutes a refusal of the contribution.

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3725 d. A copy of each prior written acceptance required under
 3726 sub-subparagraph c. must be filed ~~with the division~~ at the time
 3727 the regular reports of contributions and expenditures required
 3728 under s. 106.29 are filed by the state executive committee and
 3729 county executive committee. A state executive committee and an
 3730 affiliated party committee must file with the division. A county
 3731 executive committee must file with the county's supervisor of
 3732 elections.

3733 e. An in-kind contribution may not be given to a state or
 3734 county political party unless the in-kind contribution is made
 3735 as provided in this subparagraph.

3736 Section 63. Section 106.09, Florida Statutes, is amended
 3737 to read:

3738 106.09 Cash contributions and contribution by cashier's
 3739 checks.—

3740 (1) (a) A person may not make an aggregate ~~or accept a~~ cash
 3741 contribution or contribution by means of a cashier's check to
 3742 the same candidate or committee in excess of \$50 per election.

3743 (b) A person may not accept an aggregate cash contribution
 3744 or contribution by means of a cashier's check from the same
 3745 contributor in excess of \$50 per election.

3746 (2) (a) Any person who makes or accepts a contribution in
 3747 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~
 3748 commits a misdemeanor of the first degree, punishable as
 3749 provided in s. 775.082 or s. 775.083.

3750 (b) Any person who knowingly and willfully makes or
 3751 accepts a contribution in excess of \$5,000 in violation of
 3752 subsection (1) ~~this section~~ commits a felony of the third

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3753 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3754 775.084.

3755 Section 64. Paragraph (b) of subsection (1) and paragraph
 3756 (a) of subsection (2) of section 106.11, Florida Statutes, are
 3757 amended, and subsection (6) is added to that section, to read:

3758 106.11 Expenses of and expenditures by candidates and
 3759 political committees.—Each candidate and each political
 3760 committee which designates a primary campaign depository
 3761 pursuant to s. 106.021(1) shall make expenditures from funds on
 3762 deposit in such primary campaign depository only in the
 3763 following manner, with the exception of expenditures made from
 3764 petty cash funds provided by s. 106.12:

3765 (1)

3766 (b) The checks for such account shall contain, as a
 3767 minimum, the following information:

3768 1. The statement "~~Campaign Account~~ of ... (name of
 3769 candidate or political committee)... Campaign Account."

3770 2. The account number and the name of the bank.

3771 3. The exact amount of the expenditure.

3772 4. The signature of the campaign treasurer or deputy
 3773 treasurer.

3774 5. The exact purpose for which the expenditure is
 3775 authorized.

3776 6. The name of the payee.

3777 (2) (a) For purposes of this section, debit cards are
 3778 considered bank checks, if:

3779 1. Debit cards are obtained from the same bank that has
 3780 been designated as the candidate's or political committee's

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3781 primary campaign depository.

3782 2. Debit cards are issued in the name of the treasurer,
 3783 deputy treasurer, or authorized user and state "~~Campaign Account~~
 3784 ~~of~~ ... (name of candidate or political committee)... Campaign
 3785 Account."

3786 3. No more than three debit cards are requested and
 3787 issued.

3788 ~~4. Before a debit card is used, a list of all persons~~
 3789 ~~authorized to use the card is filed with the division.~~

3790 ~~5. All debit cards issued to a candidate's campaign or a~~
 3791 ~~political committee expire no later than midnight of the last~~
 3792 ~~day of the month of the general election.~~

3793 ~~4.6.~~ The person using the debit card does not receive cash
 3794 as part of, or independent of, any transaction for goods or
 3795 services.

3796 ~~5.7.~~ All receipts for debit card transactions contain:
 3797 a. The last four digits of the debit card number.
 3798 b. The exact amount of the expenditure.
 3799 c. The name of the payee.
 3800 d. The signature of the campaign treasurer, deputy
 3801 treasurer, or authorized user.
 3802 e. The exact purpose for which the expenditure is
 3803 authorized.

3804

3805 Any information required by this subparagraph but not included
 3806 on the debit card transaction receipt may be handwritten on, or
 3807 attached to, the receipt by the authorized user before
 3808 submission to the treasurer.

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3809 (6) A candidate who makes a loan to his or her campaign
 3810 and reports the loan as required by s. 106.07 may be reimbursed
 3811 for the loan at any time the campaign account has sufficient
 3812 funds to repay the loan and satisfy its other obligations.

3813 Section 65. Subsection (4) of section 106.141, Florida
 3814 Statutes, is amended to read:

3815 106.141 Disposition of surplus funds by candidates.—

3816 (4) (a) Except as provided in paragraph (b), any candidate
 3817 required to dispose of funds pursuant to this section shall, at
 3818 the option of the candidate, dispose of such funds by any of the
 3819 following means, or any combination thereof:

3820 1. Return pro rata to each contributor the funds that have
 3821 not been spent or obligated.

3822 2. Donate the funds that have not been spent or obligated
 3823 to a charitable organization or organizations that meet the
 3824 qualifications of s. 501(c) (3) of the Internal Revenue Code.

3825 3. Give ~~not more than \$10,000~~ of the funds that have not
 3826 been spent or obligated to the political party of which such
 3827 candidate is a member, ~~except that a candidate for the Florida~~
 3828 ~~Senate may give not more than \$30,000 of such funds to the~~
 3829 ~~political party of which the candidate is a member.~~

3830 4. Give the funds that have not been spent or obligated:

3831 a. In the case of a candidate for state office, to the
 3832 state, to be deposited in either the Election Campaign Financing
 3833 Trust Fund or the General Revenue Fund, as designated by the
 3834 candidate; or

3835 b. In the case of a candidate for an office of a political
 3836 subdivision, to such political subdivision, to be deposited in

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3837 the general fund thereof.

3838 (b) Any candidate required to dispose of funds pursuant to
 3839 this section who has received contributions pursuant to ~~from~~ the
 3840 Florida Election Campaign Financing Act Trust Fund shall, after
 3841 all monetary commitments pursuant to s. 106.11(5)(b) and (c)
 3842 have been met, return all surplus campaign funds to the General
 3843 Revenue Election Campaign Financing Trust Fund.

3844 Section 66. Section 106.143, Florida Statutes, is amended
 3845 to read:

3846 106.143 Political advertisements circulated prior to
 3847 election; requirements.—

3848 (1)(a) Any political advertisement that is paid for by a
 3849 candidate, except a write-in candidate, and that is published,
 3850 displayed, or circulated before, or on the day of, any election
 3851 must prominently state:

3852 1. "Political advertisement paid for and approved by
 3853 ... (name of candidate) ..., ... (party affiliation) ..., for
 3854 ... (office sought) ..."; or

3855 2. "Paid by ... (name of candidate) ..., ... (party
 3856 affiliation) ..., for ... (office sought) ..."

3857 (b) Any political advertisement that is paid for by a
 3858 write-in candidate and that is published, displayed, or
 3859 circulated before, or on the day of, any election must
 3860 prominently state:

3861 1. "Political advertisement paid for and approved by
 3862 ... (name of candidate) ..., write-in candidate, for ... (office
 3863 sought) ..."; or

3864 2. "Paid by ... (name of candidate) ..., write-in candidate,

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3865 for ...(office sought)...."
 3866 (c)~~(b)~~ Any other political advertisement published,
 3867 displayed, or circulated before, or on the day of, any election
 3868 must prominently:
 3869 1. Be marked "paid political advertisement" or with the
 3870 abbreviation "pd. pol. adv."
 3871 2. State the name and address of the persons paying for
 3872 ~~sponsoring~~ the advertisement.
 3873 3.~~a.~~~~(I)~~ State whether the advertisement and the cost of
 3874 production is paid for or provided in kind by or at the expense
 3875 of the entity publishing, displaying, broadcasting, or
 3876 circulating the political advertisement.~~;~~~~or~~
 3877 ~~(II) State who provided or paid for the advertisement and~~
 3878 ~~cost of production, if different from the source of sponsorship.~~
 3879 ~~b. This subparagraph does not apply if the source of the~~
 3880 ~~sponsorship is patently clear from the content or format of the~~
 3881 ~~political advertisement.~~
 3882 (d)~~(e)~~ Any political advertisement made pursuant to s.
 3883 106.021(3)(d) ~~must be marked "paid political advertisement" or~~
 3884 ~~with the abbreviation "pd. pol. adv." and must prominently state~~
 3885 the name and address of the political committee or political
 3886 party paying for the advertisement.~~, "Paid for and sponsored by~~
 3887 ~~...(name of person paying for political advertisement)....~~
 3888 ~~Approved by ...(names of persons, party affiliation, and offices~~
 3889 ~~sought in the political advertisement)...."~~
 3890 (2) Political advertisements made as in-kind contributions
 3891 from a political party must prominently state: "Paid political
 3892 advertisement paid for by in-kind by ...(name of political

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3893 party).... Approved by ... (name of person, party affiliation,
 3894 and office sought in the political advertisement)...."

3895 (3)-(2) Any political advertisement of a candidate running
 3896 for partisan office shall express the name of the political
 3897 party of which the candidate is seeking nomination or is the
 3898 nominee. If the candidate for partisan office is running as a
 3899 candidate with no party affiliation, any political advertisement
 3900 of the candidate must state that the candidate has no party
 3901 affiliation. A political advertisement of a candidate running
 3902 for nonpartisan office may not state the candidate's political
 3903 party affiliation. This section does not prohibit a political
 3904 advertisement from stating the candidate's partisan-related
 3905 experience. A candidate for nonpartisan office is prohibited
 3906 from campaigning based on party affiliation.

3907 (4)-(3) It is unlawful for any candidate or person on
 3908 behalf of a candidate to represent that any person or
 3909 organization supports such candidate, unless the person or
 3910 organization so represented has given specific approval in
 3911 writing to the candidate to make such representation. However,
 3912 this subsection does not apply to:

3913 (a) Editorial endorsement by any newspaper, radio or
 3914 television station, or other recognized news medium.

3915 (b) Publication by a party committee advocating the
 3916 candidacy of its nominees.

3917 (5)-(4)(a) Any political advertisement not paid for by a
 3918 candidate, including those paid for by a political party, other
 3919 than an independent expenditure, offered ~~by or~~ on behalf of a
 3920 candidate must be approved in advance by the candidate. Such

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3921 political advertisement must expressly state that the content of
 3922 the advertisement was approved by the candidate, unless the
 3923 political advertisement is published, displayed, or circulated
 3924 in compliance with subparagraph (1) (a)2., and must state who
 3925 paid for the advertisement. The candidate shall provide a
 3926 written statement of authorization to the newspaper, radio
 3927 station, television station, or other medium for each such
 3928 advertisement submitted for publication, display, broadcast, or
 3929 other distribution.

3930 (b) Any person who makes an independent expenditure for a
 3931 political advertisement shall provide a written statement that
 3932 no candidate has approved the advertisement to the newspaper,
 3933 radio station, television station, or other medium for each such
 3934 advertisement submitted for publication, display, broadcast, or
 3935 other distribution. The advertisement must also contain a
 3936 statement that no candidate has approved the advertisement.

3937 ~~(c) This subsection does not apply to campaign messages~~
 3938 ~~used by a candidate and his or her supporters if those messages~~
 3939 ~~are designed to be worn by a person.~~

3940 (6)~~(5)~~ No political advertisement of a candidate who is
 3941 not an incumbent of the office for which the candidate is
 3942 running shall use the word "re-elect." Additionally, such
 3943 advertisement must include the word "for" between the
 3944 candidate's name and the office for which the candidate is
 3945 running, in order that incumbency is not implied. This
 3946 subsection does not apply to bumper stickers or items designed
 3947 to be worn by a person.

3948 (7) Political advertisements paid for by a political party

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3949 or an affiliated party committee may use names and abbreviations
 3950 as registered under s. 103.081 in the disclaimer.

3951 ~~(8)-(6)~~ This section does not apply to novelty items having
 3952 a retail value of \$10 or less which support, but do not oppose,
 3953 a candidate or issue.

3954 ~~(9)-(7)~~ Any political advertisement which is published,
 3955 displayed, or produced in a language other than English may
 3956 provide the information required by this section in the language
 3957 used in the advertisement.

3958 ~~(10)-(8)~~ This section does not apply to any campaign
 3959 message or political advertisement used by a candidate and the
 3960 candidate's supporters or by a political committee if the
 3961 message or advertisement is:

3962 (a) Designed to be worn by a person.

3963 (b) Placed as a paid link on an Internet website, provided
 3964 the message or advertisement is no more than 200 characters in
 3965 length and the link directs the user to another Internet website
 3966 that complies with subsection (1).

3967 (c) Placed as a graphic or picture link where compliance
 3968 with the requirements of this section is not reasonably
 3969 practical due to the size of the graphic or picture link and the
 3970 link directs the user to another Internet website that complies
 3971 with subsection (1).

3972 (d) Placed at no cost on an Internet website for which
 3973 there is no cost to post content for public users.

3974 (e) Placed or distributed on an unpaid profile or account
 3975 which is available to the public without charge or on a social
 3976 networking Internet website, as long as the source of the

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3977 message or advertisement is patently clear from the content or
 3978 format of the message or advertisement. A candidate or political
 3979 committee may prominently display a statement indicating that
 3980 the website or account is an official website or account of the
 3981 candidate or political committee and is approved by the
 3982 candidate or political committee. A website or account may not
 3983 be marked as official without prior approval by the candidate or
 3984 political committee.

3985 (f) Distributed as a text message or other message via
 3986 Short Message Service, provided the message is no more than 200
 3987 characters in length or requires the recipient to sign up or opt
 3988 in to receive it.

3989 (g) Connected with or included in any software application
 3990 or accompanying function, provided that the user signs up, opts
 3991 in, downloads, or otherwise accesses the application from or
 3992 through a website that complies with subsection (1).

3993 (h) Sent by a third-party user from or through a campaign
 3994 or committee's website, provided the website complies with
 3995 subsection (1).

3996 (i) Contained in or distributed through any other
 3997 technology-related item, service, or device for which compliance
 3998 with subsection (1) is not reasonably practical due to the size
 3999 or nature of such item, service, or device as available, or the
 4000 means of displaying the message or advertisement makes
 4001 compliance with subsection (1) impracticable.

4002 (11) ~~(9)~~ Any person who willfully violates any provision of
 4003 this section is subject to the civil penalties prescribed in s.
 4004 106.265.

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4005 Section 67. Section 106.1437, Florida Statutes, is amended
4006 to read:

4007 106.1437 Miscellaneous advertisements.—Any advertisement,
4008 other than a political advertisement, independent expenditure,
4009 or electioneering communication, on billboards, bumper stickers,
4010 radio, or television, or in a newspaper, a magazine, or a
4011 periodical, intended to influence public policy or the vote of a
4012 public official, shall clearly designate the sponsor of such
4013 advertisement by including a clearly readable statement of
4014 sponsorship. If the advertisement is broadcast on television,
4015 the advertisement shall also contain a verbal statement of
4016 sponsorship. This section does ~~shall~~ not apply to an editorial
4017 endorsement. For purposes of this chapter, an expenditure made
4018 for, or in furtherance of, a miscellaneous advertisement is not
4019 considered to be a contribution to or on behalf of a candidate,
4020 and does not constitute an independent expenditure. Such
4021 expenditures are not subject to the limitations applicable to
4022 independent expenditures.

4023 Section 68. Section 106.17, Florida Statutes, is amended
4024 to read:

4025 106.17 Polls and surveys relating to candidacies.—Any
4026 candidate, political committee, committee of continuous
4027 existence, electioneering communication organization, or state
4028 or county executive committee of a political party may authorize
4029 or conduct a political poll, survey, index, or measurement of
4030 any kind relating to candidacy for public office so long as the
4031 candidate, political committee, committee of continuous
4032 existence, electioneering communication organization, or

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4033 political party maintains complete jurisdiction over the poll in
 4034 all its aspects. State and county executive committees of a
 4035 political party or an affiliated party committee may authorize
 4036 and conduct political polls for the purpose of determining the
 4037 viability of potential candidates. Such poll results may be
 4038 shared with potential candidates, and expenditures incurred by
 4039 state and county executive committees or an affiliated party
 4040 committee for potential candidate polls are not contributions to
 4041 the potential candidates.

4042 Section 69. Subsection (4) is added to section 106.19,
 4043 Florida Statutes, to read:

4044 106.19 Violations by candidates, persons connected with
 4045 campaigns, and political committees.—

4046 (4) Except as otherwise expressly stated, the failure by a
 4047 candidate to comply with the requirements of this chapter has no
 4048 effect upon whether the candidate has qualified for the office
 4049 the candidate is seeking.

4050 Section 70. Subsections (2) and (3), paragraph (i) of
 4051 subsection (4), and subsection (5) of section 106.25, Florida
 4052 Statutes, are amended to read:

4053 106.25 Reports of alleged violations to Florida Elections
 4054 Commission; disposition of findings.—

4055 (2) The commission shall investigate all violations of
 4056 this chapter and chapter 104, but only after having received
 4057 either a sworn complaint or information reported to it under
 4058 this subsection by the Division of Elections. Such sworn
 4059 complaint must be based upon personal information or information
 4060 other than hearsay. Any person, other than the division, having

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4061 information of any violation of this chapter or chapter 104
4062 shall file a sworn complaint with the commission. The commission
4063 shall investigate only those alleged violations specifically
4064 contained within the sworn complaint. If any complainant fails
4065 to allege all violations that arise from the facts or
4066 allegations alleged in a complaint, the commission shall be
4067 barred from investigating a subsequent complaint from such
4068 complainant that is based upon such facts or allegations that
4069 were raised or could have been raised in the first complaint. If
4070 the complaint includes allegations of violations relating to
4071 expense items reimbursed by a candidate, committee, or
4072 organization to the campaign account before a sworn complaint is
4073 filed, the commission shall be barred from investigating such
4074 allegations. Such sworn complaint shall state whether a
4075 complaint of the same violation has been made to any state
4076 attorney. Within 5 days after receipt of a sworn complaint, the
4077 commission shall transmit a copy of the complaint to the alleged
4078 violator. The respondent shall have 14 days after receipt of the
4079 complaint to file an initial response, and the executive
4080 director may not determine the legal sufficiency of the
4081 complaint during that time period. If the executive director
4082 finds that the complaint is legally sufficient, the respondent
4083 shall be notified of such finding by letter, which sets forth
4084 the statutory provisions alleged to have been violated and the
4085 alleged factual basis that supports the finding. All sworn
4086 complaints alleging violations of the Florida Election Code over
4087 which the commission has jurisdiction shall be filed with the
4088 commission within 2 years after the alleged violations. The

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4089 period of limitations is tolled on the day a sworn complaint is
4090 filed with the commission. The complainant may withdraw the
4091 sworn complaint at any time prior to a probable cause hearing if
4092 good cause is shown. Withdrawal shall be requested in writing,
4093 signed by the complainant, and witnessed by a notary public,
4094 stating the facts and circumstances constituting good cause. The
4095 executive director shall prepare a written recommendation
4096 regarding disposition of the request which shall be given to the
4097 commission together with the request. "Good cause" shall be
4098 determined based upon the legal sufficiency or insufficiency of
4099 the complaint to allege a violation and the reasons given by the
4100 complainant for wishing to withdraw the complaint. If withdrawal
4101 is permitted, the commission must close the investigation and
4102 the case. No further action may be taken. The complaint will
4103 become a public record at the time of withdrawal.

4104 (3) For the purposes of commission jurisdiction, a
4105 violation shall mean the willful performance of an act
4106 prohibited by this chapter or chapter 104 or the willful failure
4107 to perform an act required by this chapter or chapter 104. The
4108 commission may not by rule determine what constitutes
4109 willfulness or further define the term "willful" for purposes of
4110 this chapter or chapter 104. Willfulness is a determination of
4111 fact; however, at the request of the respondent at any time
4112 after probable cause is found, willfulness may be considered and
4113 determined in an informal hearing before the commission.

4114 (4) The commission shall undertake a preliminary
4115 investigation to determine if the facts alleged in a sworn
4116 complaint or a matter initiated by the division constitute

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4117 | probable cause to believe that a violation has occurred.
 4118 | (i)1. Upon a commission finding of probable cause, the
 4119 | counsel for the commission shall attempt to reach a consent
 4120 | agreement with the respondent. At any time, the commission may
 4121 | enter into a consent order with a respondent without requiring
 4122 | the respondent to admit to a violation of law within the
 4123 | jurisdiction of the commission.
 4124 | 2. A consent agreement is not binding upon either party
 4125 | unless and until it is signed by the respondent and by counsel
 4126 | for the commission upon approval by the commission.
 4127 | 3. Nothing herein shall be construed to prevent the
 4128 | commission from entering into a consent agreement with a
 4129 | respondent prior to a commission finding of probable cause if a
 4130 | respondent indicates in writing a desire to enter into
 4131 | negotiations directed towards reaching such a consent agreement.
 4132 | Any consent agreement reached under this subparagraph is subject
 4133 | to the provisions of subparagraph 2. and shall have the same
 4134 | force and effect as a consent agreement reached after the
 4135 | commission finding of probable cause.
 4136 |
 4137 | In a case where probable cause is found, the commission shall
 4138 | make a preliminary determination to consider the matter or to
 4139 | refer the matter to the state attorney for the judicial circuit
 4140 | in which the alleged violation occurred. Notwithstanding any
 4141 | other provisions of this section, the commission may, at its
 4142 | discretion, dismiss any complaint at any stage of disposition if
 4143 | it determines that the public interest would not be served by
 4144 | proceeding further, in which case the commission shall issue a

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4145 public report stating with particularity its reasons for the
 4146 dismissal.

4147 (5) ~~Unless~~ A person alleged by the Elections Commission to
 4148 have committed a violation of this chapter or chapter 104 may
 4149 elect, as a matter of right elects, within 30 days after the
 4150 date of the filing of the commission's allegations, to have a
 4151 formal administrative ~~or informal~~ hearing conducted ~~before the~~
 4152 ~~commission, or elects to resolve the complaint by consent order,~~
 4153 ~~such person shall be entitled to a formal administrative hearing~~
 4154 ~~conducted~~ by an administrative law judge in the Division of
 4155 Administrative Hearings. The administrative law judge in such
 4156 proceedings shall enter a final order, which may include the
 4157 imposition of civil penalties, subject to appeal as provided in
 4158 s. 120.68. If the person does not elect to have a hearing by an
 4159 administrative law judge and does not elect to resolve the
 4160 complaint by a consent order, the person is entitled to a formal
 4161 or informal hearing conducted before the commission.

4162 Section 71. Subsection (1) of section 106.26, Florida
 4163 Statutes, is amended to read:

4164 106.26 Powers of commission; rights and responsibilities
 4165 of parties; findings by commission.—

4166 (1) The commission shall, pursuant to rules adopted and
 4167 published in accordance with chapter 120, consider all sworn
 4168 complaints filed with it and all matters reported to it by the
 4169 Division of Elections. In order to carry out the
 4170 responsibilities prescribed by this chapter, the commission is
 4171 empowered to subpoena and bring before it, or its duly
 4172 authorized representatives, any person in the state, or any

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4173 | person doing business in the state, or any person who has filed
4174 | or is required to have filed any application, document, papers,
4175 | or other information with an office or agency of this state or a
4176 | political subdivision thereof and to require the production of
4177 | any papers, books, or other records relevant to any
4178 | investigation, including the records and accounts of any bank or
4179 | trust company doing business in this state. Duly authorized
4180 | representatives of the commission are empowered to administer
4181 | all oaths and affirmations in the manner prescribed by law to
4182 | witnesses who shall appear before them concerning any relevant
4183 | matter. Should any witness fail to respond to the lawful
4184 | subpoena of the commission or, having responded, fail to answer
4185 | all lawful inquiries or to turn over evidence that has been
4186 | subpoenaed, the commission may file a complaint in the ~~before~~
4187 | ~~any~~ circuit court where the witness resides ~~of the state~~ setting
4188 | up such failure on the part of the witness. On the filing of
4189 | such complaint, the court shall take jurisdiction of the witness
4190 | and the subject matter of said complaint and shall direct the
4191 | witness to respond to all lawful questions and to produce all
4192 | documentary evidence in the witness's possession which is
4193 | lawfully demanded. The failure of any witness to comply with
4194 | such order of the court shall constitute a direct and criminal
4195 | contempt of court, and the court shall punish said witness
4196 | accordingly. However, the refusal by a witness to answer
4197 | inquiries or turn over evidence on the basis that such testimony
4198 | or material will tend to incriminate such witness shall not be
4199 | deemed refusal to comply with the provisions of this chapter.
4200 | The sheriffs in the several counties shall make such service and

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4201 execute all process or orders when required by the commission.
 4202 Sheriffs shall be paid for these services by the commission as
 4203 provided for in s. 30.231. Any person who is served with a
 4204 subpoena to attend a hearing of the commission also shall be
 4205 served with a general statement informing him or her of the
 4206 subject matter of the commission's investigation or inquiry and
 4207 a notice that he or she may be accompanied at the hearing by
 4208 counsel of his or her own choosing.

4209 Section 72. Subsections (1) through (4) of section
 4210 106.265, Florida Statutes, are amended and renumbered, and
 4211 present subsection (5) of that section is renumbered as
 4212 subsection (6), to read:

4213 106.265 Civil penalties.—

4214 (1) The commission or, in cases referred to the Division
 4215 of Administrative Hearings pursuant to s. 106.25(5), the
 4216 administrative law judge is authorized upon the finding of a
 4217 violation of this chapter or chapter 104 to impose civil
 4218 penalties in the form of fines not to exceed \$1,000 per count,
 4219 or, if applicable, to impose a civil penalty as provided in s.
 4220 104.271 or s. 106.19.

4221 (2) In determining the amount of such civil penalties, the
 4222 commission or administrative law judge shall consider, among
 4223 other mitigating and aggravating circumstances:

- 4224 (a) The gravity of the act or omission;
- 4225 (b) Any previous history of similar acts or omissions;
- 4226 (c) The appropriateness of such penalty to the financial
 4227 resources of the person, political committee, committee of
 4228 continuous existence, electioneering communications

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4229 organization, or political party; and

4230 (d) Whether the person, political committee, committee of
 4231 continuous existence, electioneering communications
 4232 organization, or political party has shown good faith in
 4233 attempting to comply with the provisions of this chapter or
 4234 chapter 104.

4235 ~~(3)(2)~~ If any person, political committee, committee of
 4236 continuous existence, electioneering communications
 4237 organization, or political party fails or refuses to pay to the
 4238 commission any civil penalties assessed pursuant to the
 4239 provisions of this section, the commission shall be responsible
 4240 for collecting the civil penalties resulting from such action.

4241 ~~(4)(3)~~ Any civil penalty collected pursuant to the
 4242 provisions of this section shall be deposited into the General
 4243 Revenue Fund ~~Election Campaign Financing Trust Fund~~.

4244 ~~(5)(4)~~ ~~Notwithstanding any other provisions of this~~
 4245 ~~chapter,~~ Any fine assessed pursuant to ~~the provisions of this~~
 4246 ~~chapter shall,~~ ~~which fine is designated to be deposited or which~~
 4247 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~
 4248 ~~the state,~~ ~~shall be deposited into the Election Campaign~~
 4249 ~~Financing Trust Fund~~.

4250 Section 73. Subsection (1) and paragraph (b) of subsection
 4251 (3) of section 106.29, Florida Statutes, are amended to read:

4252 106.29 Reports by political parties; restrictions on
 4253 contributions and expenditures; penalties.—

4254 (1) The state executive committee and each county
 4255 executive committee of each political party regulated by chapter
 4256 103 shall file regular reports of all contributions received and

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4257 | all expenditures made by such committee. However, the reports
 4258 | shall not include contributions and expenditures that are
 4259 | reported to the Federal Election Commission. In addition, when a
 4260 | special election is called to fill a vacancy in office, each
 4261 | state executive committee, each affiliated party committee, and
 4262 | each county executive committee making contributions or
 4263 | expenditures to influence the results of the special election or
 4264 | the preceding special primary election must file campaign
 4265 | treasurers' reports on the dates set by the Department of State
 4266 | pursuant to s. 100.111. Such reports shall contain the same
 4267 | information as do reports required of candidates by s. 106.07
 4268 | and shall be filed on the 10th day following the end of each
 4269 | calendar quarter, except that, during the period from the last
 4270 | day for candidate qualifying until the general election, such
 4271 | reports shall be filed on the Friday immediately preceding each
 4272 | special primary election, special election, ~~both the~~ primary
 4273 | election, and ~~the~~ general election. In addition to the reports
 4274 | filed under this section, the state executive committee and each
 4275 | county executive committee shall file a copy of each prior
 4276 | written acceptance of an in-kind contribution given by the
 4277 | committee during the preceding calendar quarter as required
 4278 | under s. 106.08(6). Each state executive committee shall file
 4279 | ~~the original and one copy of~~ its reports with the Division of
 4280 | Elections. Each county executive committee shall file its
 4281 | reports with the supervisor of elections in the county in which
 4282 | such committee exists. Any state or county executive committee
 4283 | failing to file a report on the designated due date shall be
 4284 | subject to a fine as provided in subsection (3). No separate

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4285 fine shall be assessed for failure to file a copy of any report
 4286 required by this section.

4287 (3)

4288 (b) Upon determining that a report is late, the filing
 4289 officer shall immediately notify the chair of the executive
 4290 committee as to the failure to file a report by the designated
 4291 due date and that a fine is being assessed for each late day.
 4292 The fine shall be \$1,000 for a state executive committee, and
 4293 \$50 for a county executive committee, per day for each late day,
 4294 not to exceed 25 percent of the total receipts or expenditures,
 4295 whichever is greater, for the period covered by the late report.
 4296 However, if an executive committee fails to file a report on the
 4297 Friday immediately preceding the special election or general
 4298 election, the fine shall be \$10,000 per day for each day a state
 4299 executive committee is late and \$500 per day for each day a
 4300 county executive committee is late. Upon receipt of the report,
 4301 the filing officer shall determine the amount of the fine which
 4302 is due and shall notify the chair. Notice is deemed complete
 4303 upon proof of delivery of written notice to the mailing or
 4304 street address on record with the filing officer. The filing
 4305 officer shall determine the amount of the fine due based upon
 4306 the earliest of the following:

- 4307 1. When the report is actually received by such officer.
- 4308 2. When the report is postmarked.
- 4309 3. When the certificate of mailing is dated.
- 4310 4. When the receipt from an established courier company is
- 4311 dated.
- 4312 5. When the electronic receipt issued pursuant to s.

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4313 106.0705 is dated.

4314

4315 Such fine shall be paid to the filing officer within 20 days
 4316 after receipt of the notice of payment due, unless appeal is
 4317 made to the Florida Elections Commission pursuant to paragraph
 4318 (c). An officer or member of an executive committee shall not be
 4319 personally liable for such fine.

4320 Section 74. Subsection (5) of section 106.35, Florida
 4321 Statutes, is amended to read:

4322 106.35 Distribution of funds.—

4323 (5) The division shall adopt rules providing for the
 4324 weekly reports and certification and distribution of funds
 4325 pursuant thereto required by this section. Such rules shall, at
 4326 a minimum, provide ~~for:~~

4327 ~~(a) Specifications for printed campaign treasurer's~~
 4328 ~~reports outlining the format for such reports, including size of~~
 4329 ~~paper, typeface, color of print, and placement of required~~
 4330 ~~information on the form.~~

4331 ~~(b)1.~~ specifications for electronically transmitted
 4332 campaign treasurer's reports outlining communication parameters
 4333 and protocol, data record formats, and provisions for ensuring
 4334 security of data and transmission.

4335 ~~2. All electronically transmitted campaign treasurer's~~
 4336 ~~reports must also be filed in printed format. Printed format~~
 4337 ~~shall not include campaign treasurer's reports submitted by~~
 4338 ~~electronic facsimile transmission.~~

4339 Section 75. Paragraph (b) of subsection (12) of section
 4340 112.312, Florida Statutes, is amended to read:

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4341 112.312 Definitions.—As used in this part and for purposes
 4342 of the provisions of s. 8, Art. II of the State Constitution,
 4343 unless the context otherwise requires:

4344 (12)

4345 (b) "Gift" does not include:

4346 1. Salary, benefits, services, fees, commissions, gifts,
 4347 or expenses associated primarily with the donee's employment,
 4348 business, or service as an officer or director of a corporation
 4349 or organization.

4350 2. Contributions or expenditures reported pursuant to
 4351 chapter 106, contributions or expenditures reported pursuant to
 4352 federal election law, campaign-related personal services
 4353 provided without compensation by individuals volunteering their
 4354 time, or any other contribution or expenditure by a political
 4355 party.

4356 3. An honorarium or an expense related to an honorarium
 4357 event paid to a person or the person's spouse.

4358 4. An award, plaque, certificate, or similar personalized
 4359 item given in recognition of the donee's public, civic,
 4360 charitable, or professional service.

4361 5. An honorary membership in a service or fraternal
 4362 organization presented merely as a courtesy by such
 4363 organization.

4364 6. The use of a public facility or public property, made
 4365 available by a governmental agency, for a public purpose.

4366 7. Transportation provided to a public officer or employee
 4367 by an agency in relation to officially approved governmental
 4368 business.

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4369 8. Gifts provided directly or indirectly by a state,
 4370 regional, or national organization which promotes the exchange
 4371 of ideas between, or the professional development of,
 4372 governmental officials or employees, and whose membership is
 4373 primarily composed of elected or appointed public officials or
 4374 staff, to members of that organization or officials or staff of
 4375 a governmental agency that is a member of that organization.

4376 Section 76. Paragraph (d) of subsection (1) of section
 4377 112.3215, Florida Statutes, is amended to read:

4378 112.3215 Lobbying before the executive branch or the
 4379 Constitution Revision Commission; registration and reporting;
 4380 investigation by commission.—

4381 (1) For the purposes of this section:

4382 (d) "Expenditure" means a payment, distribution, loan,
 4383 advance, reimbursement, deposit, or anything of value made by a
 4384 lobbyist or principal for the purpose of lobbying. The term
 4385 "expenditure" does not include contributions or expenditures
 4386 reported pursuant to chapter 106 or contributions or
 4387 expenditures reported pursuant to federal election law,
 4388 campaign-related personal services provided without compensation
 4389 by individuals volunteering their time, any other contribution
 4390 or expenditure made by or to a political party, or any other
 4391 contribution or expenditure made by an organization that is
 4392 exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

4393 Section 77. Subsection (1) of section 876.05, Florida
 4394 Statutes, is amended to read:

4395 876.05 Public employees; oath.—

4396 (1) All persons who now or hereafter are employed by or

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4397 | who now or hereafter are on the payroll of the state, or any of
 4398 | its departments and agencies, subdivisions, counties, cities,
 4399 | school boards and districts of the free public school system of
 4400 | the state or counties, or institutions of higher learning, ~~and~~
 4401 | ~~all candidates for public office,~~ except candidates for federal
 4402 | office, are required to take an oath before any person duly
 4403 | authorized to take acknowledgments of instruments for public
 4404 | record in the state in the following form:

4405 |
 4406 | I,, a citizen of the State of Florida and of the
 4407 | United States of America, and being employed by or an officer of
 4408 | and a recipient of public funds as such employee or
 4409 | officer, do hereby solemnly swear or affirm that I will support
 4410 | the Constitution of the United States and of the State of
 4411 | Florida.

4412 | Section 78. Section 876.07, Florida Statutes, is repealed.

4413 | Section 79. If any provision of this act or its
 4414 | application to any person or circumstance is held invalid, the
 4415 | invalidity does not affect other provisions or applications of
 4416 | the act which can be given effect without the invalid provision
 4417 | or application, and to this end the provisions of this act are
 4418 | severable.

4419 | Section 80. Except as otherwise expressly provided in this
 4420 | act, this act shall take effect upon becoming a law.