

By the Committee on Executive Business, Ethics and Elections
and Senators Latvala, Silver, Lee, Clary, Bronson, Childers
and Meadows

313-1738A-98

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.012, F.S.; providing an additional duty of
4 the Secretary of State; amending s. 97.021,
5 F.S.; revising the definition of absent
6 elector; amending s. 97.041, F.S.; providing
7 that holders of a homestead exemption may be
8 registered only in the county and precinct in
9 which is located the property for which the
10 homestead exemption has been granted; providing
11 an exception; amending s. 97.052, F.S.;
12 requiring that certain information relating to
13 homestead exemptions be included in the uniform
14 statewide voter registration application;
15 requiring that the last four digits of the
16 applicant's social security number and the
17 applicant's driver license or Florida
18 identification number be included in the
19 uniform statewide voter registration
20 application; amending s. 196.111, F.S.;
21 providing for notice of termination of
22 homestead exemption; creating s. 196.115, F.S.;
23 providing for termination of homestead
24 exemption and subsequent disqualification upon
25 registration as an elector in another precinct;
26 amending s. 196.121, F.S.; requiring homestead
27 exemption forms to include notice of the
28 requirements for factual determination of
29 permanent residency by the property appraiser
30 and notice of the requirements relating to
31 voter registration and the potential loss of

1 homestead exemption; amending s. 97.053, F.S.;
2 requiring that the last four digits of the
3 applicant's social security number be included
4 on a voter registration application for the
5 application to be complete; creating s. 97.056,
6 F.S.; requiring persons who register by mail to
7 vote in person the first time; providing
8 exceptions; amending s. 97.071, F.S.; providing
9 for the mailing of a registration
10 identification card to the voter; creating s.
11 98.0975, F.S.; requiring the division to
12 compare information in the central voter file
13 with other computer databases; amending s.
14 98.461, F.S.; revising the contents of the
15 precinct register; amending s. 98.471, F.S.;
16 requiring a voter to show a picture
17 identification at the polls; amending s.
18 100.041, F.S.; providing for the terms of
19 charter county commissioners; amending s.
20 101.62, F.S.; restricting telephone requests
21 for absentee ballots; revising the methods of
22 delivery of absentee ballots; amending s.
23 101.64, F.S.; revising the Voter's Certificate;
24 providing reasons for voting absentee;
25 requiring additional information of a witness;
26 creating s. 101.647, F.S.; providing for the
27 return of absentee ballots; amending s. 101.65,
28 F.S.; revising the instructions to absent
29 electors to conform; creating s. 101.657, F.S.;
30 providing for in-person absentee voting;
31 creating s. 101.66, F.S.; requiring absent

1 electors to personally vote the ballot;
2 providing exceptions; amending s. 101.68, F.S.,
3 relating to canvassing of absentee ballots;
4 revising the requirement for legal ballots;
5 requiring the supervisor of elections to notify
6 certain absent electors whose ballots were
7 rejected; creating s. 104.047, F.S.; providing
8 penalties for offenses relating to absentee
9 ballots and voting; amending s. 104.012, F.S.;
10 increasing the penalty for interfering with
11 registration and for altering a voter
12 registration application; amending s. 104.013,
13 F.S.; increasing the penalty for the
14 unauthorized use, possession, or destruction of
15 a voter registration identification card;
16 amending s. 104.031, F.S.; increasing the
17 penalty for making a false declaration to
18 secure assistance in voting; amending s.
19 104.045, F.S.; increasing the penalty for
20 corruptly influencing voting; amending s.
21 104.0515, F.S.; increasing the penalty for
22 interfering with voting rights; amending s.
23 104.061, F.S.; increasing the penalty for
24 corruptly influencing voting; amending s.
25 104.081, F.S.; increasing the penalty for
26 employers who threaten employees regarding
27 voting; amending s. 104.24, F.S.; increasing
28 the penalty for a person who fraudulently uses
29 the name of another in voting; amending s.
30 104.42, F.S.; authorizing the supervisor of
31 elections to investigate fraud in registration

1 and voting; amending s. 117.05, F.S.; requiring
2 a notary public to witness an absentee ballot
3 at no charge; amending ss. 106.25, 106.26,
4 106.265, 106.27, F.S.; authorizing the Florida
5 Elections Commission to investigate violations
6 of chapter 104, F.S.; providing procedures;
7 providing for civil penalties; amending s.
8 106.265, F.S.; requiring the Department of
9 Revenue to collect civil fines levied by the
10 Florida Elections Commission; providing an
11 appropriation; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsection (12) is added to section 97.012,
16 Florida Statutes, to read:

17 97.012 Secretary of State as chief election
18 officer.--The Secretary of State is the chief election officer
19 of the state, and it is his or her responsibility to:

20 (12) Maintain a voter fraud hotline and provide
21 election-fraud education to the public.

22 Section 2. Subsection (1) of section 97.021, Florida
23 Statutes, is amended to read:

24 97.021 Definitions.--For the purposes of this code,
25 except where the context clearly indicates otherwise, the
26 term:

27 (1) "Absent elector" means any registered and
28 qualified voter who ~~is unable to attend the polls on election~~
29 ~~day.~~

30 (a) Is unable without another's assistance to attend
31 the polls.

1 (b) Is an inspector, a poll worker, a deputy voting
2 machine custodian, a deputy sheriff, a supervisor of
3 elections, or a deputy supervisor who is assigned to a
4 different precinct than that in which he or she is registered
5 to vote.

6 (c) On account of the tenets of his or her religion,
7 cannot attend the polls on the day of the general, special, or
8 primary election.

9 (d) May not be in the precinct of his or her residence
10 during the hours the polls are open for voting on the day of
11 the election.

12 (e) Has changed his or her residency to another county
13 in this state within the time period during which the
14 registration books are closed for the election for which the
15 ballot is requested.

16 (f) Has changed his or her residency to another state
17 and is ineligible under the laws of that state to vote in the
18 general election; however, this pertains only to presidential
19 ballots.

20 Section 3. Effective July 1, 1999, subsection (1) of
21 section 97.041, Florida Statutes, is amended to read:

22 97.041 Qualifications to register or vote.--

23 (1)(a) A person may become a registered voter only if
24 that person:

- 25 1. Is at least 18 years of age;
- 26 2. Is a citizen of the United States;
- 27 3. Is a legal resident of the State of Florida;
- 28 4. Is a legal resident of the county in which that
29 person seeks to be registered; and
- 30 5. Registers pursuant to the Florida Election Code.

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1 (b) For purposes of the residency requirements of
2 paragraph (a), a person who has been granted a homestead
3 exemption in this state may register to vote only in the
4 county and precinct where the property for which that
5 homestead exemption has been granted is located, unless the
6 homestead is being maintained as the permanent residence of a
7 legal or natural dependent of the owner and the owner resides
8 elsewhere.

9 (c)~~(b)~~ A person who is otherwise qualified may
10 preregister on or after that person's 17th birthday and may
11 vote in any election occurring on or after that person's 18th
12 birthday.

13 Section 4. Effective July 1, 1999, subsections (2) and
14 (3) of section 97.052, Florida Statutes, are amended to read:

15 97.052 Uniform statewide voter registration
16 application.--

17 (2) The uniform statewide voter registration
18 application must be designed to elicit the following
19 information from the applicant:

- 20 (a) Full name.
- 21 (b) Date of birth.
- 22 (c) Address of legal residence.
- 23 (d) Mailing address, if different.
- 24 (e) County of legal residence.

25 (f) Address of property for which the applicant has
26 been granted a homestead exemption, if any.

27 (g)~~(f)~~ Race or ethnicity that best describes the
28 applicant:

- 29 1. American Indian or Alaskan Native.
- 30 2. Asian or Pacific Islander.
- 31 3. Black, not Hispanic.

- 1 4. White, not Hispanic.
2 5. Hispanic.
3 ~~(h)(g)~~ Sex.
4 ~~(i)(h)~~ Party affiliation.
5 ~~(j)(i)~~ Whether the applicant needs assistance in
6 voting.
7 ~~(k)(j)~~ Name and address where last registered.
8 ~~(l)(k)~~ Last four digits of the applicant's social
9 security number~~(optional)~~.
10 ~~(m)~~ Florida Driver's license number or the
11 identification number from a Florida identification card
12 issued under s. 322.051.
13 ~~(n)(l)~~ Telephone number (optional).
14 ~~(o)(m)~~ Signature of applicant under penalty for false
15 swearing pursuant to s. 104.011, by which the person
16 subscribes to the oath required by s. 3, Art. VI of the State
17 Constitution and s. 97.051, and swears or affirms that the
18 information contained in the registration application is true.
19 ~~(p)(n)~~ Whether the application is being used for
20 initial registration, to update a voter registration record,
21 or to request a replacement registration identification card.
22 ~~(q)(o)~~ Whether the applicant is a citizen of the
23 United States.
24 ~~(r)(p)~~ That the applicant has not been convicted of a
25 felony or, if convicted, has had his or her civil rights
26 restored.
27 ~~(s)(q)~~ That the applicant has not been adjudicated
28 mentally incapacitated with respect to voting or, if so
29 adjudicated, has had his or her right to vote restored.
30
31

1 The registration form must ~~shall~~ be in plain language and
2 designed so that convicted felons whose civil rights have been
3 restored and persons who have been adjudicated mentally
4 incapacitated and have had their voting rights restored are
5 not required to reveal their prior conviction or adjudication.

6 (3) The uniform statewide voter registration
7 application must also contain:

8 (a) The oath required by s. 3, Art. VI of the State
9 Constitution and s. 97.051.

10 (b) A statement specifying each eligibility
11 requirement under s. 97.041, including the requirement with
12 respect to registration and homestead exemption under s.
13 97.041(1)(b).

14 (c) The penalties provided in s. 104.011 for false
15 swearing in connection with voter registration.

16 ~~(d) A statement that the disclosure of a social~~
17 ~~security number is voluntary, a citation of the statutory~~
18 ~~authority under which the social security number is being~~
19 ~~solicited, a delineation of the uses that will be made of the~~
20 ~~social security number, and a notice that the social security~~
21 ~~number will be open to public inspection.~~

22 (d)~~(e)~~ A statement that, if an applicant declines to
23 register to vote, the fact that the applicant has declined to
24 register will remain confidential and may be used only for
25 voter registration purposes.

26 (e)~~(f)~~ A statement that informs the applicant who
27 chooses to register to vote or update a voter registration
28 record that the office at which the applicant submits a voter
29 registration application or updates a voter registration
30 record will remain confidential and may be used only for voter
31 registration purposes.

1 (f) A statement that informs the applicant that any
2 person who has been granted a homestead exemption in this
3 state and who registers to vote in any precinct other than the
4 one in which the property for which the homestead exemption
5 has been granted is located, in violation of s. 97.041(1)(b),
6 shall have the person's homestead exemption terminated and
7 will not be eligible for homestead exemption at that location
8 in the subsequent year, unless the homestead granted the
9 exemption is being maintained as the permanent residence of a
10 legal or natural dependent of the owner and the owner resides
11 elsewhere.

12 Section 5. Effective July 1, 1999, section 196.111,
13 Florida Statutes, is amended to read:

14 196.111 Property appraisers may notify persons
15 entitled to homestead exemption; publication of notice;
16 costs.--

17 (1) As soon as practicable after February 5 of each
18 current year, the property appraisers of the several counties
19 may mail to each person to whom homestead exemption was
20 granted for the year immediately preceding and whose
21 application for exemption for the current year has not been
22 filed as of February 1 thereof, a form for application for
23 homestead exemption, together with a notice reading
24 substantially as follows:

25
26 NOTICE TO TAXPAYERS ENTITLED
27 TO HOMESTEAD EXEMPTION
28

29 Records in this office indicate that you have not filed
30 an application for homestead exemption for the current year.
31

1 is being maintained as the permanent residence of a legal or
2 natural dependent of the owner and the owner resides
3 elsewhere.

4 Section 7. Effective July 1, 1999, subsections (2) and
5 (3) of section 196.121, Florida Statutes, are amended to read:

6 196.121 Homestead exemptions; forms.--

7 (2) The forms shall require the taxpayer to furnish
8 certain information to the property appraiser for the purpose
9 of determining that the taxpayer is a permanent resident as
10 defined in s. 196.012(17). Such information shall ~~may~~ include,
11 but need not be limited to, the factors enumerated in s.
12 196.015.

13 (3) The forms shall also contain the following:

14 (a) Notice of the tax lien which can be imposed
15 pursuant to s. 196.161.

16 (b) Notice that information contained in the
17 application will be provided to the Department of Revenue and
18 may also be provided to any state in which the applicant has
19 previously resided.

20 (c) Notice of the provisions of s. 196.115, which may
21 result in termination of homestead exemption.

22 (d)~~(c)~~ A requirement that the applicant read or have
23 read to him or her the contents of the form.

24 Section 8. Effective July 1, 1999, subsection (5) of
25 section 97.053, Florida Statutes, is amended to read:

26 97.053 Acceptance of voter registration
27 applications.--

28 (5)(a) A voter registration application is complete if
29 it contains:

- 30 1. The applicant's name.
- 31 2. The applicant's legal residence address.

1 3. The applicant's date of birth.

2 4. An indication that the applicant is a citizen of
3 the United States.

4 5. The last four digits of the applicant's social
5 security number.

6 ~~6.5.~~ An indication that the applicant has not been
7 convicted of a felony or that, if convicted, has had his or
8 her civil rights restored.

9 ~~7.6.~~ An indication that the applicant has not been
10 adjudicated mentally incapacitated with respect to voting or
11 that, if so adjudicated, has had his or her right to vote
12 restored.

13 ~~8.7.~~ Signature of the applicant swearing or affirming
14 under the penalty for false swearing pursuant to s. 104.011
15 that the information contained in the registration application
16 is true and subscribing to the oath required by s. 3, Art. VI
17 of the State Constitution and s. 97.051.

18 (b) An applicant who fails to designate party
19 affiliation must be registered without party affiliation. The
20 supervisor must notify the voter by mail that the voter has
21 been registered without party affiliation and that the voter
22 may change party affiliation as provided in s. 97.1031.

23 Section 9. Effective July 1, 1999, section 97.056,
24 Florida Statutes, is created to read:

25 97.056 Registration by mail; persons required to vote
26 in person.--

27 (1) Any registered voter who has registered by mail
28 and has not previously voted in the county in which he or she
29 is registered must vote:

30 (a) In person at the precinct in which he or she is
31 registered to vote; or

1 (b) In person at the office of the supervisor of
2 elections, as provided in s. 101.657.

3 (2) The provisions of this section do not apply to a
4 person who is entitled to vote by absentee ballot under the
5 Uniformed and Overseas Citizens Absentee Voting Act, the
6 Voting Accessibility for the Elderly and Handicapped Act, or
7 any other federal law, or an elector who is absent from the
8 county and does not plan to return before the day of the
9 election.

10 Section 10. Present subsections (2) and (3) of section
11 97.071, Florida Statutes, are redesignated as subsections (3)
12 and (4), respectively, and a new subsection (2) is added to
13 that section to read:

14 97.071 Registration identification card.--

15 (2)(a) Except as provided in paragraph (b), the
16 supervisor of elections shall mail a registration
17 identification card to the voter at the address listed as the
18 legal residence on the voter's registration application. The
19 card must be sent by nonforwardable, return-if-undeliverable
20 mail. If the identification card is returned as undeliverable
21 and the voter has indicated a different mailing address on the
22 registration application, the supervisor must mail a notice to
23 the mailing address, notifying the voter that his or her
24 registration identification card was returned and that the
25 voter may appear in person at the supervisor's office to pick
26 up the identification card. The supervisor must surrender the
27 identification card to the elector upon presentation of a
28 Florida driver's license, a Florida identification card issued
29 under s. 322.051, or another form of picture identification
30 approved by the Department of State. If the elector fails to
31 furnish the required identification, or if the supervisor has

1 doubts as to the identity of the elector, the supervisor must
2 require the elector to swear an oath substantially similar to
3 the one prescribed in s. 101.49 prior to surrendering the
4 identification card. The supervisor must keep the
5 identification card on file for 45 days following return of
6 the card as undeliverable.

7 (b) The supervisor shall mail the voter identification
8 card by forwardable mail to voters who are covered by the
9 Uniformed and Overseas Citizens Absentee Voting Act.

10 Section 11. Effective upon this act becoming a law,
11 section 98.0975, Florida Statutes, is created to read:

12 98.0975 Central voter file; periodic list
13 maintenance.--

14 (1) By August 15, 1998, the division shall provide to
15 each county supervisor of elections a list containing the
16 name, address, date of birth, race, gender, and any other
17 available information identifying the voter of each person
18 included in the central voter file as a registered voter in
19 the supervisor's county who:

20 (a) Is deceased;

21 (b) Has been convicted of a felony and has not had his
22 or her civil rights restored; or

23 (c) Has been adjudicated mentally incompetent and
24 whose mental capacity with respect to voting has not been
25 restored.

26 (2) The division shall annually update the information
27 required in subsection (1), and forward a like list to each
28 supervisor by June 1 of each year.

29 (3)(a) In order to meet its obligations under this
30 section, the division shall annually contract with a private
31 entity to compare information in the central voter file with

1 available information in other computer databases, including,
2 without limitation, databases containing reliable criminal
3 records and records of deceased persons.

4 (b) The entity contracted by the division is
5 designated as an agent of the division for purposes of
6 administering the contract, and must be limited to seeking
7 only that information which is necessary for the division to
8 meet its obligations under this section. Information obtained
9 under this section may not be used for any purpose other than
10 determining voter eligibility.

11 (4) Upon receiving the list from the division, the
12 supervisor must remove from the registration books by the next
13 subsequent election the name of any person who is deceased,
14 convicted of a felony, or adjudicated mentally incapacitated
15 with respect to voting.

16 Section 12. Effective upon this act becoming a law,
17 section 98.461, Florida Statutes, is amended to read:

18 98.461 Registration form, precinct register;
19 contents.--A registration form, approved by the Department of
20 State, containing the information required in s. 97.052 shall
21 be filed alphabetically in the office of the supervisor as the
22 master list of electors of the county. However, the
23 registration forms may be microfilmed and such microfilms
24 substituted for the original registration forms; or, when
25 voter registration information, including the voter's
26 signature, is maintained digitally or on electronic, magnetic,
27 or optic media, such stored information may be substituted for
28 the original registration form. Such microfilms or stored
29 information shall be retained in the custody of the supervisor
30 of elections. In the event the original registration forms are
31 microfilmed or maintained digitally or on electronic or other

1 media, such originals may be destroyed in accordance with the
2 schedule approved by the Bureau of Archives and Records
3 Management of the Division of Library and Information Services
4 of the Department of State. As an alternative, the information
5 from the registration form, including the signature, may be
6 electronically reproduced and stored as provided in s. 98.451.
7 A computer printout may be used at the polls as a precinct
8 register in lieu of the registration books. The precinct
9 register shall contain the date of the election, the precinct
10 number, and the following information concerning each
11 registered elector: last name, first name, and middle name or
12 initial; party affiliation; residence address; registration
13 number; date of birth; sex, if provided; race, if provided;
14 whether the voter needs assistance in voting; and such other
15 additional information as to readily identify the elector. The
16 precinct register may also contain a list of the forms of
17 identification ~~approved by the Department of State~~, which must
18 ~~shall~~ include, but is not be limited to, a the voter
19 ~~registration identification card and Florida driver's license,~~
20 a Florida identification card issued under s. 322.051, or
21 another form of picture identification approved by the
22 Department of State. The precinct register may also contain a
23 space for the elector's signature, a space for the initials of
24 the witnessing clerk or inspector, and a space for the
25 signature slip or ballot number.

26 Section 13. Effective upon this act becoming a law,
27 section 98.471, Florida Statutes, is amended to read:

28 98.471 Use of precinct register at polls.--The
29 precinct register, as prescribed in s. 98.461, may be used at
30 the polls in lieu of the registration books for the purpose of
31 identifying the elector at the polls prior to allowing him or

1 her to vote. The clerk or inspector shall require each
2 elector, upon entering the polling place, to present a Florida
3 driver's license, a Florida identification card issued under
4 s. 322.051, or another form of picture identification ~~one of~~
5 ~~the forms of identification which are on the list of forms~~
6 approved by the Department of State pursuant to ~~s. 98.461~~.
7 The elector shall sign his or her name in the space provided,
8 and the clerk or inspector shall compare the signature with
9 that on the identification provided by the elector and enter
10 his or her initials in the space provided and allow the
11 elector to vote if the clerk or inspector is satisfied as to
12 the identity of the elector. If the elector fails to furnish
13 the required identification, or if the clerk or inspector is
14 in doubt as to the identity of the elector, such clerk or
15 inspector shall follow the procedure prescribed in s. 101.49.
16 The precinct register may also contain the information set
17 forth in s. 101.47(8) and, if so, the inspector shall follow
18 the procedure required in s. 101.47, except that the
19 identification provided by the elector shall be used for the
20 signature comparison.

21 Section 14. Effective upon becoming law, subsection
22 (2) of section 100.041, Florida Statutes, is amended to read:

23 100.041 Officers chosen at general election.--

24 (2)(a) Each county commissioner from an odd-numbered
25 district shall be elected at the general election in each year
26 the number of which is a multiple of 4, for a 4-year term
27 commencing on the second Tuesday following such election, and
28 each county commissioner from an even-numbered district shall
29 be elected at the general election in each even-numbered year
30 the number of which is not a multiple of 4, for a 4-year term
31 commencing on the second Tuesday following such election.

1 (b) Notwithstanding paragraph (a), the governing board
2 of a charter county may provide by ordinance that the terms of
3 its members shall commence on a date later than the second
4 Tuesday following general elections, but in any case the date
5 of commencement shall be uniform for all members and shall be
6 no later than the first Tuesday after the first Monday in
7 January following each member's election.

8 Section 15. Effective upon this act becoming a law,
9 subsections (1) and (4) of section 101.62, Florida Statutes,
10 are amended to read:

11 101.62 Request for absentee ballots.--

12 (1)(a) The supervisor may accept a request for an
13 absentee ballot from an elector in person or in writing.~~or~~
14 ~~for an elector from any person designated by such elector.~~
15 ~~Such request may be made in person, by mail, or by telephone.~~
16 ~~One request shall be deemed sufficient to receive an absentee~~
17 ~~ballot for all elections which are held within a calendar~~
18 ~~year, unless The elector shall designate or the elector's~~
19 ~~designee indicates at the time the request is made the~~
20 ~~election or elections within the next year for which the~~
21 ~~elector will be eligible~~ desires to receive an absentee
22 ballot. Such request may be considered canceled when any
23 first-class mail sent by the supervisor to the elector is
24 returned as undeliverable.

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

- 1 1. The name of the elector for whom the ballot is
2 requested;
3 2. The elector's address;
4 3. The last four digits of the elector's social
5 security number;
6 4. The registration number on the elector's
7 registration identification card;
8 5. The requester's name;
9 6. The requester's address;
10 7. The requester's social security number and, if
11 available, driver's license number;
12 8. The requester's relationship to the elector; and
13 9. The requester's signature (written requests only).
14 (4)(a) To each absent qualified elector overseas who
15 has requested an absentee ballot, the supervisor of elections
16 shall, not fewer than 35 days before the first primary
17 election, mail an absentee ballot. Not fewer than 45 days
18 before the second primary and general election, the supervisor
19 of elections shall mail an advance absentee ballot to those
20 persons requesting ballots for such elections. The advance
21 absentee ballot for the second primary shall be the same as
22 the first primary absentee ballot as to the names of
23 candidates, except that for any offices where there are only
24 two candidates, those offices and all political party
25 executive committee offices shall be omitted. The advance
26 absentee ballot for the general election shall be as specified
27 in s. 101.151, except that in the case of candidates of
28 political parties where nominations were not made in the first
29 primary, the names of the candidates placing first and second
30 in the first primary election shall be printed on the advance
31 absentee ballot. The advance absentee ballot or advance

1 absentee ballot information booklet shall be of a different
2 color for each election and also a different color from the
3 absentee ballots for the first primary, second primary, and
4 general election. The supervisor shall mail an advance
5 absentee ballot for the second primary and general election to
6 each qualified absent elector for whom a request is received
7 until the absentee ballots are printed. The supervisor shall
8 enclose with the advance second primary absentee ballot and
9 advance general election absentee ballot an explanation
10 stating that the absentee ballot for the election will be
11 mailed as soon as it is printed; and, if both the advance
12 absentee ballot and the absentee ballot for the election are
13 returned in time to be counted, only the absentee ballot will
14 be counted.

15 (b) As soon as the remainder of the absentee ballots
16 are printed, the supervisor shall provide ~~deliver or mail~~ an
17 absentee ballot to each elector by whom a request for that
18 ballot has been made by one of the following means:-

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

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

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

27 c. The elector is in a hospital, assisted-living
28 facility, nursing home, short-term medical or rehabilitation
29 facility, or correctional facility,

30
31

1 in which case the supervisor shall mail the ballot
2 nonforwardable, return-if-undeliverable mail to any other
3 address the elector specifies in the request.

4 2. By forwardable mail to voters who are entitled to
5 vote by absentee ballot under the Uniformed and Overseas
6 Citizens Voting Act.

7 3. By personal delivery to the elector, upon
8 presentation of the identification required in s. 101.657.

9 4. By delivery to a designee on election day or up to
10 4 days prior to the day of an election.Any elector may
11 designate in writing a person to pick up the ballot for the
12 elector; however, the person designated may not pick up more
13 than two absentee ballots per election, other than the
14 designee's own ballot, except that additional ballots may be
15 picked up for members of the designee's immediate family. For
16 purposes of this section, "immediate family" means the
17 designee's spouse or the parent, child, grandparent, or
18 sibling of the designee or of the designee's spouse. The
19 designee shall provide to the supervisor the written
20 authorization by the elector and a picture identification of
21 the designee and must complete an affidavit. The designee
22 shall state in the affidavit that the designee is authorized
23 by the elector to pick up that ballot and shall indicate if
24 the elector is a member of the designee's immediate family
25 and, if so, the relationship. The department shall prescribe
26 the form of the affidavit. If the supervisor is satisfied that
27 the designee is authorized to pick up the ballot and that the
28 signature of the elector on the written authorization matches
29 the signature of the elector on file, the supervisor shall
30 give the ballot to that designee for delivery to the elector.

31

1 Section 16. Subsection (1) of section 101.64, Florida
2 Statutes, is amended to read:

3 101.64 Delivery of absentee ballots; envelopes;
4 form.--

5 (1) The supervisor shall enclose with each absentee
6 ballot two envelopes: a secrecy envelope, into which the
7 absent elector shall enclose his or her marked ballot; and a
8 mailing envelope, into which the absent elector shall then
9 place the secrecy envelope, which shall be addressed to the
10 supervisor and also bear on the back side a certificate in
11 substantially the following form:

12
13 Note: Please Read Instructions Carefully Before
14 Marking Ballot and Completing Voter's Certificate.

15 VOTER'S CERTIFICATE

16 I, , am a qualified and registered voter of
17 County, Florida. I understand that failure to sign this
18 certificate and have my signature witnessed will invalidate my
19 ballot. I am entitled to vote an absentee ballot for one of
20 the following reasons:

21
22 1. I am unable without another's assistance to attend
23 the polls.

24 2. I may not be in the precinct of my residence during
25 the hours the polls are open for voting on election day.

26 3. I am an inspector, a poll worker, a deputy voting
27 machine custodian, a deputy sheriff, a supervisor of
28 elections, or a deputy supervisor who is assigned to a
29 different precinct than that in which I am registered.

30
31

1 4. On account of the tenets of my religion, I cannot
2 attend the polls on the day of the general, special, or
3 primary election.

4 5. I have changed my permanent residency to another
5 county in Florida within the time period during which the
6 registration books are closed for the election. I understand
7 that I am allowed to vote only for national and statewide
8 offices and on statewide issues.

9 6. I have changed my permanent residency to another
10 state and am unable under the laws of such state to vote in
11 the general election. I understand that I am allowed to vote
12 only for President and Vice President.

13 7. I am unable to attend the polls on election day and
14 am voting this ballot in person at the office of, and under
15 the supervision of, the county supervisor of elections.

16 ...(Voter's Signature)...

17
18 Note: Your Signature Must Be Witnessed By Either:

19 a. A Notary or Officer Defined in Item 6.b. of the
20 Instruction Sheet.

21
22
23 ...(Signature of Applicant)...

24 Sworn to (or affirmed) and subscribed before me this
25 day of, ...(year)...., by ...(name of person
26 making statement).... My commission expires this day of
27, ...(year)....

28
29 ...(Signature of Official)...

30 ...(Print, Type, or Stamp Name)...

31 ...(State or Country of Commission)...

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

5 3. Place your marked ballot in the enclosed secrecy
6 envelope.

7 4. Insert the secrecy envelope into the enclosed
8 mailing envelope which is addressed to the supervisor.

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

11 6. VERY IMPORTANT. In order for your absentee ballot
12 to be counted, you must sign your name on the line above
13 “(Voter's Signature), and your ballot must be witnessed in
14 either of the following manners:”

15 a. Two witnesses, both of whom are registered voters
16 in the state, must affix their signatures, printed names,
17 addresses, voter identification numbers, and counties of
18 registration on the voter's certificate. Such witnesses are
19 limited to witnessing 5 ballots per election. A candidate may
20 not serve as an attesting witness.

21 b. Any notary or other officer entitled to administer
22 oaths or any Florida supervisor of elections or deputy
23 supervisor of elections, other than a candidate, may serve as
24 an attesting witness.

25 ~~7. VERY IMPORTANT. In order for your absentee ballot~~
26 ~~to be counted, it must include the signature and address of a~~
27 ~~witness 18 years of age or older affixed to the Voter's~~
28 ~~Certificate. No candidate may serve as an attesting witness.~~

29 ~~7.8.~~ Mail, deliver, or have delivered the completed
30 mailing envelope. Be sure there is sufficient postage if
31 mailed.

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

7 Section 19. Section 101.657, Florida Statutes, is
8 created to read:

9 101.657 Voting absentee ballots in
10 person.--Notwithstanding s. 97.021(1), any qualified and
11 registered elector who is unable to attend the polls on
12 election day may pick up and vote an absentee ballot in person
13 at the office of, and under the supervision of, the supervisor
14 of elections. Before receiving the ballot, the elector must
15 present a Florida driver's license, a Florida identification
16 card issued under s. 322.051, or another form of picture
17 identification approved by the Department of State. If the
18 elector fails to furnish the required identification, or if
19 the supervisor is in doubt as to the identity of the elector,
20 the supervisor must follow the procedure prescribed in s.
21 101.49.

22 Section 20. Effective upon this act becoming a law,
23 section 101.66, Florida Statutes, is created to read:

24 101.66 Voting absentee ballots.--All electors must
25 personally mark or designate their choices on the absentee
26 ballot, except:

27 (1) Electors who require assistance to vote because of
28 blindness, disability, or inability to read or write, who may
29 have some person of the elector's choice, other than the
30 elector's employer, an agent of the employer, or an officer or
31 agent of the elector's union, mark the elector's choices or

1 assist the elector in marking his or her choices on the
2 ballot.

3 (2) As otherwise provided in s. 101.051 or s. 101.655.

4 Section 21. Section 101.68, Florida Statutes, is
5 amended to read:

6 101.68 Canvassing of absentee ballot.--

7 (1) The supervisor of the county where the absent
8 elector resides shall receive the voted ballot, at which time
9 the supervisor may compare the signature of the elector on the
10 voter's certificate with the signature of the elector in the
11 registration books to determine whether the elector is duly
12 registered in the county and may record on the elector's
13 registration certificate that the elector has voted. The
14 supervisor shall safely keep the ballot unopened in his or her
15 office until the county canvassing board canvasses the vote.

16 (2)(a) The county canvassing board may begin the
17 canvassing of absentee ballots at 7 a.m. on the fourth day
18 before the election, but not later than noon on the day
19 following the election. In addition, for any county using
20 electronic tabulating equipment, the processing of absentee
21 ballots through such tabulating equipment may begin upon the
22 opening of the polls on election day. However,
23 notwithstanding any such authorization to begin canvassing or
24 otherwise processing absentee ballots early, no result or
25 tabulation of absentee ballots shall be made until after the
26 close of the polls on election day.

27 (b) To ensure that all absentee ballots to be counted
28 by the canvassing board are accounted for, the canvassing
29 board shall compare the number of ballots in its possession
30 with the number of requests for ballots received to be counted
31 according to the supervisor's file or list.

1 (c)1. The canvassing board shall, if the supervisor
2 has not already done so, compare the signature of the elector
3 on the voter's certificate with the signature of the elector
4 in the registration books to see that the elector is duly
5 registered in the county and to determine the legality of that
6 absentee ballot. An absentee ballot shall be considered
7 illegal if it does not include the signature of the elector,
8 as shown by the registration records, and either:

9 a. The subscription of a notary or officer defined in
10 Item 6.b. of the instruction sheet, or

11 b. The signature, printed name, address, voter
12 identification number, and county of registration of two
13 attesting witnesses, both of whom are registered voters in the
14 state.~~the signature and address of an attesting witness.~~

15
16 However, an absentee ballot shall not be considered illegal if
17 the signature of the elector or attesting witness does not
18 cross the seal of the mailing envelope or if the person
19 witnessing the ballot is in violation of s. 104.047(3). If the
20 canvassing board determines that any ballot is illegal, a
21 member of the board shall, without opening the envelope, mark
22 across the face of the envelope: "rejected as illegal." The
23 envelope and the ballot contained therein shall be preserved
24 in the manner that official ballots voted are preserved.

25 2. If any elector or candidate present believes that
26 an absentee ballot is illegal due to a defect apparent on the
27 voter's certificate, he or she may, at any time before the
28 ballot is removed from the envelope, file with the canvassing
29 board a protest against the canvass of that ballot, specifying
30 the precinct, the ballot, and the reason he or she believes
31 the ballot to be illegal. A challenge based upon a defect in

1 the voter's certificate may not be accepted after the ballot
2 has been removed from the mailing envelope.

3 (d) The canvassing board shall record the ballot upon
4 the proper record, unless the ballot has been previously
5 recorded by the supervisor. The mailing envelopes shall be
6 opened and the secrecy envelopes shall be mixed so as to make
7 it impossible to determine which secrecy envelope came out of
8 which signed mailing envelope; however, in any county in which
9 an electronic or electromechanical voting system is used, the
10 ballots may be sorted by ballot styles and the mailing
11 envelopes may be opened and the secrecy envelopes mixed
12 separately for each ballot style. The votes on absentee
13 ballots shall be included in the total vote of the county.

14 (3) The supervisor or the chair of the county
15 canvassing board shall, after the board convenes, have custody
16 of the absentee ballots until a final proclamation is made as
17 to the total vote received by each candidate.

18 (4) The supervisor of elections shall, on behalf of
19 the county canvassing board, notify each elector whose ballot
20 was rejected as illegal because of a difference between the
21 elector's signature on the ballot and that on the elector's
22 voter registration record. The supervisor shall mail a voter
23 registration application to the elector to be completed
24 indicating the elector's current signature. This section does
25 not prohibit the supervisor from providing additional methods
26 for updating an elector's signature.

27 Section 22. Section 104.047, Florida Statutes, is
28 created to read:

29 104.047 Absentee voting.--

30 (1) Any person who provides or offers to provide, and
31 any person who accepts, a pecuniary or other benefit in

1 exchange for distributing, ordering, requesting, collecting,
2 delivering, or otherwise physically possessing absentee
3 ballots, except as provided in ss. 101.6105-101.694, is guilty
4 of a felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 (2) Except as provided in s. 101.62 or s. 101.655, any
7 person who requests an absentee ballot on behalf of an elector
8 is guilty of a felony of the third degree, punishable as
9 provided in s. 775.082, s. 775.083, or s. 775.084.

10 (3) Any person, other than a notary or other officer
11 entitled to administer oaths or a supervisor of elections or
12 deputy supervisor of elections, who witnesses more than 5
13 ballots in any single election, is guilty of a felony of the
14 third degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

16 (4) Any person who marks or designates a choice on the
17 ballot of another person, except as provided in s. 101.051, s.
18 101.655, or s. 101.66, is guilty of a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 (5) Any person who returns more than 2 absentee
22 ballots to the supervisors of elections in violation of s.
23 101.647 is guilty of a felony of the third degree, punishable
24 as provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 23. Subsections (2) and (4) of section
26 104.012, Florida Statutes, are amended to read:

27 104.012 Consideration for registration; interference
28 with registration; soliciting registrations for compensation;
29 alteration of registration application.--

30 (2) A person who by bribery, menace, threat, or other
31 corruption, directly or indirectly, influences, deceives, or

1 deters or attempts to influence, deceive, or deter any person
2 in the free exercise of that person's right to register to
3 vote at any time, ~~upon the first conviction, commits a~~
4 ~~misdemeanor of the first degree, punishable as provided in s.~~
5 ~~775.082 or s. 775.083, and, upon any subsequent conviction,~~
6 commits a felony of the third degree, punishable as provided
7 in s. 775.082, s. 775.083, or s. 775.084.

8 (4) A person who alters the voter registration
9 application of any other person, without the other person's
10 knowledge and consent, commits a felony ~~misdemeanor~~ of the
11 third first degree, punishable as provided in s. 775.082, ~~or~~
12 s. 775.083, or s. 775.084.

13 Section 24. Section 104.013, Florida Statutes, is
14 amended to read:

15 104.013 Unauthorized use, possession, or destruction
16 of voter registration identification card.--

17 (1) It is unlawful for any person knowingly to have in
18 his or her possession any blank, forged, stolen, fictitious,
19 counterfeit, or unlawfully issued voter registration
20 identification card unless possession by such person has been
21 duly authorized by the supervisor.

22 (2) It is unlawful for any person to barter, trade,
23 sell, or give away a voter registration identification card
24 unless said person has been duly authorized to issue a
25 registration identification card.

26 (3) It is unlawful for any person willfully to destroy
27 or deface the registration identification card of a duly
28 registered voter.

29 (4) Any person who violates any of the provisions of
30 this section commits a felony ~~misdemeanor~~ of the third first
31

1 degree, punishable as provided in s. 775.082,~~or~~ s. 775.083,
2 or s. 775.084.

3 Section 25. Section 104.031, Florida Statutes, is
4 amended to read:

5 104.031 False declaration to secure assistance in
6 preparing ballot.--Any person who makes a false declaration
7 for assistance in voting, or in the preparation of his or her
8 ballot, in any election is guilty of a felony ~~misdemeanor~~ of
9 the third ~~first~~ degree, punishable as provided in s. 775.082,
10 ~~or~~ s. 775.083, or s. 775.084.

11 Section 26. Section 104.045, Florida Statutes, is
12 amended to read:

13 104.045 Vote selling.--Any person who:

14 (1) Corruptly offers to vote for or against, or to
15 refrain from voting for or against, any candidate in any
16 election in return for pecuniary or other benefit; or

17 (2) Accepts a pecuniary or other benefit in exchange
18 for a promise to vote for or against, or to refrain from
19 voting for or against, any candidate in any election,

20
21 is guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
22 punishable as provided in s. 775.082,~~or~~ s. 775.083, or s.
23 775.084.

24 Section 27. Section 104.0515, Florida Statutes, is
25 amended to read:

26 104.0515 Voting rights; deprivation of, or
27 interference with, prohibited; penalty.--

28 (1) All citizens of this state who are otherwise
29 qualified by law to vote at any election by the people in this
30 state or in any district, county, city, town, municipality,
31 school district, or other subdivision of this state shall be

1 entitled and allowed to vote at all such elections without
2 distinction according to race, color, or previous condition of
3 servitude, notwithstanding any law, ordinance, regulation,
4 custom, or usage to the contrary.

5 (2) No person acting under color of law shall:

6 (a) In determining whether any individual is qualified
7 under law to vote in any election, apply any standard,
8 practice, or procedure different from the standards,
9 practices, or procedures applied under law to other
10 individuals within the same political subdivision who have
11 been found to be qualified to vote; or

12 (b) Deny the right of any individual to vote in any
13 election because of an error or omission on any record or
14 paper relating to any application, registration, or other act
15 requisite to voting, if such error or omission is not material
16 in determining whether such individual is qualified under law
17 to vote in such election. This paragraph shall apply to
18 absentee ballots only if there is a pattern or history of
19 discrimination on the basis of race, color, or previous
20 condition of servitude in regard to absentee ballots.

21 (3) No person, whether acting under color of law or
22 otherwise, shall intimidate, threaten, or coerce, or attempt
23 to intimidate, threaten, or coerce, any other person for the
24 purpose of interfering with the right of such other person to
25 vote or not to vote as that person may choose, or for the
26 purpose of causing such other person to vote for, or not vote
27 for, any candidate for any office at any general, special, or
28 primary election held solely or in part for the purpose of
29 selecting or electing any such candidate.

30 (4) No voting qualification or prerequisite to voting,
31 and no standard, practice, or procedure, shall be imposed or

1 applied by any political subdivision of this state to deny or
2 abridge the right of any citizen to vote on account of race or
3 color.

4 (5) Any person who violates the provisions of this
5 section is guilty of a felony ~~misdemeanor~~ of the third ~~first~~
6 degree, punishable as provided in s. 775.082, or s. 775.083,
7 or s. 775.084.

8 Section 28. Subsection (1) of section 104.061, Florida
9 Statutes, is amended to read:

10 104.061 Corruptly influencing voting.--

11 (1) Whoever by bribery, menace, threat, or other
12 corruption whatsoever, either directly or indirectly, attempts
13 to influence, deceive, or deter any elector in voting or
14 interferes with him or her in the free exercise of the
15 elector's right to vote at any election is guilty of a
16 ~~misdemeanor of the first degree, punishable as provided in s.~~
17 ~~775.082 or s. 775.083 for the first conviction, and a felony~~
18 ~~of the third degree, punishable as provided in s. 775.082, s.~~
19 ~~775.083, or s. 775.084, for any subsequent conviction.~~

20 Section 29. Section 104.081, Florida Statutes, is
21 amended to read:

22 104.081 Threats of employers to control votes of
23 employees.--It is ~~shall be~~ unlawful for any person having one
24 or more persons in his or her service as employees to
25 discharge or threaten to discharge any employee in his or her
26 service for voting or not voting in any election, state,
27 county, or municipal, for any candidate or measure submitted
28 to a vote of the people. Any person who violates the
29 provisions of this section is guilty of a felony ~~misdemeanor~~
30 of the third ~~first~~ degree, punishable as provided in s.
31 775.082, or s. 775.083, or s. 775.084.

1 Section 30. Section 104.24, Florida Statutes, is
2 amended to read:

3 104.24 Penalty for assuming name.--A person may not ~~No~~
4 ~~registered elector shall~~, in connection with any part of the
5 election process, fraudulently call himself or herself, or
6 fraudulently pass by, any other name than the name by which
7 the person ~~elector~~ is registered or fraudulently use the name
8 of another in voting. Any person who violates this section is
9 guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
10 punishable as provided in s. 775.082, or s. 775.083, or s.
11 775.084.

12 Section 31. Section 104.42, Florida Statutes, is
13 amended to read:

14 104.42 Fraudulent registration and illegal voting;
15 investigation.--

16 (1) The supervisor of elections is authorized to
17 investigate fraudulent registrations and illegal voting and to
18 report his or her findings to the local state attorney and the
19 Florida Elections Commission.

20 (2) The board of county commissioners in any county
21 may appropriate funds to the supervisor of elections for the
22 purpose of investigating fraudulent registrations and illegal
23 voting.

24 Section 32. Subsection (2) of section 117.05, Florida
25 Statutes, is amended to read:

26 117.05 Use of notary commission; unlawful use; notary
27 fee; seal; duties; employer liability; name change;
28 advertising; photocopies; penalties.--

29 (2)(a) The fee of a notary public may not exceed \$10
30 for any one notarial act, except as provided in s. 117.04.

31

1 (b) A notary public may not charge a fee for
2 witnessing an absentee ballot in an election, and must witness
3 such a ballot upon the request of an elector, provided the
4 notarial act is in accordance with the provisions of this
5 chapter.

6 Section 33. Section 106.25, Florida Statutes, is
7 amended to read:

8 106.25 Reports of alleged violations to Florida
9 Elections Commission; disposition of findings.--

10 (1) Jurisdiction to investigate and determine
11 violations of this chapter and chapter 104 is vested in the
12 Florida Elections Commission; however, nothing in this section
13 limits the jurisdiction of any other officers or agencies of
14 government empowered by law to investigate, act upon, or
15 dispose of alleged violations of this code.

16 (2) The commission shall investigate all violations of
17 this chapter and chapter 104, but only after having received
18 either a sworn complaint or information reported to it by the
19 Division of Elections. Any person, other than the division,
20 having information of any violation of this chapter or chapter
21 104 shall file a sworn complaint with the commission. Such
22 sworn complaint shall state whether a complaint of the same
23 violation has been made to any state attorney. Within 5 days
24 after receipt of a sworn complaint, the commission shall
25 transmit a copy of the complaint to the alleged violator.

26 (3) For the purposes of commission jurisdiction, a
27 violation shall mean the willful performance of an act
28 prohibited by this chapter or chapter 104 or the willful
29 failure to perform an act required by this chapter or chapter
30 104.

31

1 (4) The commission shall undertake a preliminary
2 investigation to determine if the facts alleged in a sworn
3 complaint or a matter initiated by the division constitute
4 probable cause to believe that a violation has occurred. Upon
5 completion of the preliminary investigation, the commission
6 shall, by written report, find probable cause or no probable
7 cause to believe that this chapter or chapter 104 ~~s. 104.271~~
8 has been violated.

9 (a) If no probable cause is found, the commission
10 shall dismiss the case and the case shall become a matter of
11 public record, except as otherwise provided in this section,
12 together with a written statement of the findings of the
13 preliminary investigation and a summary of the facts which the
14 commission shall send to the complainant and the alleged
15 violator.

16 (b) If probable cause is found, the commission shall
17 so notify the complainant and the alleged violator in writing.
18 All documents made or received in the disposition of the
19 complaint shall become public records upon a finding by the
20 commission.

21
22 In a case where probable cause is found, the commission shall
23 make a preliminary determination to consider the matter or to
24 refer the matter to the state attorney for the judicial
25 circuit in which the alleged violation occurred.

26 (5) When there are disputed issues of material fact in
27 a proceeding conducted under ss. 120.569 and 120.57, a person
28 alleged by the Elections Commission to have committed a
29 violation of this chapter or chapter 104 ~~the Florida Election~~
30 ~~Code~~ may elect, within 30 days after the date of the filing of
31 the commission's allegations, to have a hearing conducted by

1 an administrative law judge in the Division of Administrative
2 Hearings.

3 (6) It is the duty of a state attorney receiving a
4 complaint referred by the commission to investigate the
5 complaint promptly and thoroughly; to undertake such criminal
6 or civil actions as are justified by law; and to report to the
7 commission the results of such investigation, the action
8 taken, and the disposition thereof. The failure or refusal of
9 a state attorney to prosecute or to initiate action upon a
10 complaint or a referral by the commission shall not bar
11 further action by the commission under this chapter.

12 (7) Every sworn complaint filed pursuant to this
13 chapter with the commission, every investigation and
14 investigative report or other paper of the commission with
15 respect to a violation of this chapter or chapter 104, and
16 every proceeding of the commission with respect to a violation
17 of this chapter or chapter 104 is confidential, is exempt from
18 the provisions of ss. 119.07(1) and 286.011, and is exempt
19 from publication in the Florida Administrative Weekly of any
20 notice or agenda with respect to any proceeding relating to
21 such violation, except under the following circumstances:

22 (a) As provided in subsection (6);

23 (b) Upon a determination of probable cause or no
24 probable cause by the commission; or

25 (c) For proceedings conducted with respect to appeals
26 of fines levied by filing officers for the late filing of
27 reports required by this chapter.

28

29 However, a complainant is not bound by the confidentiality
30 provisions of this section. In addition, confidentiality may
31 be waived in writing by the person against whom the complaint

1 has been filed or the investigation has been initiated. If a
2 finding of probable cause in a case is entered within 30 days
3 prior to the date of the election with respect to which the
4 alleged violation occurred, such finding and the proceedings
5 and records relating to such case shall not become public
6 until noon of the day following such election. When two or
7 more persons are being investigated by the commission with
8 respect to an alleged violation of this chapter or chapter
9 104, the commission may not publicly enter a finding of
10 probable cause or no probable cause in the case until a
11 finding of probable cause or no probable cause for the entire
12 case has been determined. However, once the confidentiality of
13 any case has been breached, the person or persons under
14 investigation have the right to waive the confidentiality of
15 the case, thereby opening up the proceedings and records to
16 the public. Any person who discloses any information or
17 matter made confidential by the provisions of this subsection
18 commits a misdemeanor of the first degree, punishable as
19 provided in s. 775.082 or s. 775.083.

20 (8) Any person who files a complaint pursuant to this
21 section while knowing that the allegations contained in such
22 complaint are false or without merit commits a misdemeanor of
23 the first degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 Section 34. Subsection (11) of section 106.26, Florida
26 Statutes, is amended to read:

27 106.26 Powers of commission; rights and
28 responsibilities of parties; findings by commission.--

29 (11) At the conclusion of its hearings concerning an
30 alleged violation, the commission shall immediately begin
31 deliberations on the evidence presented at such hearings and

1 shall proceed to determine by affirmative vote of a majority
2 of the members present whether a violation of this chapter or
3 chapter 104 has occurred. Such determination shall promptly be
4 made public. The order shall contain a finding of violation or
5 no violation, together with brief findings of pertinent facts,
6 and the assessment of such civil penalties as are permitted by
7 this chapter or no such assessment and shall bear the
8 signature or facsimile signature of the chair or vice chair.

9 Section 35. Subsections (1) and (2) of section
10 106.265, Florida Statutes, are amended to read:

11 106.265 Civil penalties.--

12 (1) The commission is authorized upon the finding of a
13 violation of this chapter or chapter 104 to impose civil
14 penalties in the form of fines not to exceed \$1,000 per count.
15 In determining the amount of such civil penalties, the
16 commission shall consider, among other mitigating and
17 aggravating circumstances:

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

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

20 (c) The appropriateness of such penalty to the
21 financial resources of the person, political committee,
22 committee of continuous existence, or political party; and

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

27 (2) If any person, political committee, committee of
28 continuous existence, or political party fails or refuses to
29 pay to the commission any civil penalties assessed pursuant to
30 the provisions of this section, the Department of Revenue

31

1 ~~State Comptroller~~ shall be responsible for collecting the
2 civil penalties resulting from such action.

3 Section 36. Subsections (1) and (3) of section 106.27,
4 Florida Statutes, are amended to read:

5 106.27 Determinations by commission; legal
6 disposition.--

7 (1) Criminal proceedings for violations of this
8 chapter or chapter 104 may be brought in the appropriate court
9 of competent jurisdiction. Any such action brought under this
10 chapter or chapter 104 shall be advanced on the docket of the
11 court in which filed and put ahead of all other actions.

12 (3) Civil actions may be brought to enjoin temporarily
13 the issuance of certificates of election to successful
14 candidates who are alleged to have violated the provisions of
15 this chapter or chapter 104. Such injunctions shall issue upon
16 a showing of probable cause that such violation has occurred.
17 Such actions shall be brought in the circuit court for the
18 circuit in which is located the officer before whom the
19 candidate qualified for office.

20 Section 37. The sum of \$4 million is appropriated from
21 the General Revenue Fund to the Division of Elections of the
22 Department of State for the purpose of meeting its obligations
23 under this act.

24 Section 38. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 1998.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1402
4 Terminates the homestead of any person who registers to vote
5 other than in the county and precinct where the elector claims
6 homestead property, and renders the elector ineligible to
7 claim homestead exemption for that location in the subsequent
8 year; modifies one of the newly-created qualifications for
9 voting absentee by changing the word "will" to "may" with
10 regard to an elector's absence from the precinct of his or her
11 residence during the hours the polls are open for voting;
12 provides that ballots mailed to electors be addressed to the
13 elector's mailing address instead of his or her residence
14 address; lengthens the time frame during which a third-party
15 designee can pick up a ballot for an elector, from the day
16 before the date of an election to 4 days before the date of an
17 election; deletes the requirement that absentee ballots be
18 sent nonforwardable mail to overseas and military voters;
19 changes a provision requiring an elector to request a ballot
20 in person or by mail to in person or in writing; eliminates a
21 provision requiring supervisors of elections to provide
22 training in handwriting analysis and comparison; removes a
23 provision creating certified absentee ballot witnesses;
24 requires an absentee ballot to be witnessed by: (1) one
25 notary, supervisor of elections, deputy supervisor or other
26 officer entitled to administer oaths; or, (2) two registered
27 Florida voters, limited to witnessing 5 ballots per election;
28 deletes requirement that designees returning voted absentee
29 ballots for electors sign an affidavit; creates an additional
30 felony violation for returning more than 2 ballots as a
31 designee of an elector, other than members of the designee's
immediate family; transfers responsibility for collecting
civil fines assessed by the Florida Elections Commission from
the Comptroller to the Department of Revenue; adds a new
provision allowing the governing board of a charter county to
prescribe the date for the commencement of the terms of its
members by local ordinance; deletes a provision disqualifying
candidates found guilty of Chapter 104 misdemeanors from
holding office; modifies the effective dates of several
sections.