

By Representative Thrasher

1 A bill to be entitled
2 An act relating to elections; amending s.
3 106.08, F.S., relating to limitations on
4 campaign contributions; revising restrictions
5 on contributions by and prohibiting certain
6 contributions to a political party; requiring
7 the reporting of illegal contributions;
8 providing penalties; amending ss. 106.04 and
9 106.07, F.S.; increasing the fine for late
10 filing of campaign financing reports by
11 candidates, political committees, and
12 committees of continuous existence; providing
13 for deposit of such fines in the Elections
14 Commission Trust Fund; eliminating an
15 inoperable provision relating to certain
16 first-time offenders; amending s. 106.29, F.S.;
17 increasing the fine for late filing of campaign
18 finance reports by political parties;
19 prohibiting political parties from contributing
20 to candidates beyond a specified amount;
21 clarifying reporting requirements; providing
22 penalties; amending s. 106.021, F.S.; reducing
23 the required minimum number of candidates that
24 may be jointly endorsed under certain
25 circumstances without the expenditures therefor
26 being considered as contributions to or
27 expenditures on behalf of such candidates;
28 amending ss. 99.092, 99.093, and 105.031, F.S.;
29 revising the candidate filing fee and the
30 municipal candidate election assessment;
31 amending s. 99.103, F.S., relating to

1 distribution of party assessments and certain
2 filing fees, to conform; amending s. 106.141,
3 F.S.; providing requirements for disposition
4 and reporting of surplus funds resulting from
5 refund checks received after all other surplus
6 funds have been disposed of; restricting the
7 amount of surplus funds that may be given to a
8 political party; amending s. 106.143, F.S.;
9 providing requirements for political
10 advertisements with respect to candidate
11 approval; creating s. 106.147, F.S.; providing
12 disclosure requirements and prohibitions
13 relating to political solicitation by
14 telephone; providing an exemption; providing
15 penalties; creating s. 106.148, F.S.; providing
16 disclosure requirements for political
17 solicitation by online computer service;
18 amending s. 99.097, F.S., relating to
19 verification of signatures on petitions;
20 clarifying petition requirements with respect
21 to addresses; requiring advance payment for
22 checking signatures; amending s. 100.371, F.S.;
23 revising provisions relating to initiative
24 amendments; requiring each initiative amendment
25 to be on a petition form prescribed by the
26 division; requiring the sponsor of a proposed
27 initiative amendment to give the division
28 notice of the use of paid petition circulators;
29 requiring the sponsor of a proposed initiative
30 amendment to provide the names and addresses of
31 its paid petition circulators to the division;

1 requiring paid petition circulators to place
2 their names and addresses on each petition form
3 gathered and requiring the sponsor of the
4 proposed initiative amendment to ensure that
5 such information has been provided prior to
6 submission of the forms to the supervisors for
7 verification; prohibiting the sponsor of a
8 proposed initiative amendment who pays to have
9 signatures collected from filing an oath of
10 undue burden in lieu of paying the fee required
11 to have signatures verified; providing a
12 signature verification period; amending s.
13 104.185, F.S.; clarifying a prohibition against
14 signing a petition more than once; prohibiting
15 the signing of another person's name or a
16 fictitious name on any petition for a
17 candidate, a minor political party, or an
18 issue; providing penalties; amending s. 106.19,
19 F.S.; prohibiting the sponsor of a proposed
20 initiative amendment from submitting petitions
21 by a paid petition circulator without the name
22 and address of the circulator on the petition
23 form; providing penalties; providing
24 applicability to petitions already initiated;
25 repealing s. 100.091, F.S., relating to the
26 second primary election; repealing s. 100.096,
27 F.S., relating to the holding of special
28 elections required by local law in conjunction
29 with the second primary election; amending s.
30 100.061, F.S.; providing for a single primary
31 election; providing the day for holding the

1 primary election; providing for nomination by a
2 plurality of the votes cast; providing a method
3 for deciding tie votes; eliminating the second
4 primary election; amending ss. 10.1008, 97.021,
5 97.055, 97.071, 98.081, 99.061, 99.095, 99.103,
6 100.071, 100.081, 100.111, 100.141, 101.141,
7 101.251, 101.252, 101.62, 102.012, 103.021,
8 103.022, 103.091, 105.031, 105.041, 105.051,
9 106.07, 106.08, and 106.29, F.S.; revising
10 references and provisions relating to the
11 primary elections, to conform; revising
12 campaign financing reporting dates, to conform;
13 removing language pertaining to ballot content
14 and validity of absentee ballots for overseas
15 electors; amending s. 102.031, F.S.;
16 prohibiting the solicitation of voters within a
17 specified distance of any polling place or
18 polling room; specifying acts of solicitation
19 that may not be restricted; authorizing a
20 supervisor of elections to permit solicitation
21 within a specified zone under prescribed
22 conditions; authorizing an election board to
23 have disruptive persons removed by law
24 enforcement officers; requiring the law
25 enforcement officer assigned to an election
26 precinct to inform solicitors of zone
27 surrounding the polling place and to remove
28 disruptive solicitors; creating s. 99.013,
29 F.S.; providing definitions; requiring that
30 certain candidates or public officers have only
31 one declared residence; providing factors to be

1 considered; requiring candidates and appointed
2 public officers for certain offices to meet the
3 residency requirement from the time of
4 qualifying for office; providing for
5 investigation of violations by the Florida
6 Elections Commission; amending s. 106.18, F.S.;
7 requiring omission from the ballot of the name
8 of any candidate found in violation of the
9 residency requirement; amending s. 106.25,
10 F.S.; granting the commission authority to
11 investigate, consider, and determine such
12 violations; providing procedure; amending s.
13 106.26, F.S.; providing procedure upon a
14 determination that such a residency violation
15 has occurred or has not occurred; amending s.
16 97.052, F.S.; providing an additional purpose
17 for, and modifying the contents of, the uniform
18 statewide voter registration application;
19 providing for an assessment on requests for
20 forms beyond a specified number from
21 individuals or groups conducting voter
22 registration programs; amending s. 97.053,
23 F.S.; providing for acceptance of requests for
24 a replacement registration identification card;
25 requiring that an applicant provide additional
26 information on the voter registration form to
27 establish eligibility; amending ss. 97.071 and
28 97.1031, F.S., relating to registration
29 identification cards; changing notification
30 requirements to receive an updated or
31 replacement card; amending s. 98.461, F.S.;

1 modifying the information required on the
2 precinct register; amending s. 104.011, F.S.;
3 increasing the penalty for willfully submitting
4 false voter registration information; amending
5 s. 104.012, F.S.; prohibiting the altering of a
6 voter registration application of another
7 person without that person's knowledge and
8 consent; providing a penalty; repealing ss.
9 98.391-98.441, F.S., relating to automation in
10 processing of voter registrations by means of
11 data processing cards and the use of such cards
12 at voting precincts; amending s. 97.012, F.S.;
13 requiring the Secretary of State to create and
14 maintain a central voter file; amending s.
15 97.021, F.S.; defining "central voter file";
16 creating s. 98.097, F.S.; providing for
17 creation and maintenance of the central voter
18 file; providing that information in the central
19 voter file not otherwise confidential or exempt
20 from public records requirements is public
21 information; requiring the central voter file
22 to be self-sustaining; amending ss. 98.045 and
23 98.095, F.S., relating to administration of
24 voter registration and public access to
25 registration information, respectively, to
26 conform; amending s. 98.212, F.S.; requiring
27 supervisors of elections to provide voter
28 registration information to the division for
29 the central voter file; amending s. 101.591,
30 F.S.; providing for voting system audits only
31 upon specific appropriation and directive of

1 the Legislature; amending s. 125.01, F.S.;
2 correcting a cross reference; transferring the
3 Florida Elections Commission from the
4 Department of State to the Department of Legal
5 Affairs, Office of the Attorney General;
6 amending s. 104.271, F.S.; authorizing filing
7 of complaints with the commission relating to
8 false statements about candidates; amending s.
9 106.19, F.S.; eliminating authority of the
10 Division of Elections to bring civil actions to
11 recover certain civil penalties; amending s.
12 106.22, F.S.; deleting duties of the division
13 relating to investigation of complaints;
14 requiring the division to report certain
15 information to the commission; requiring the
16 division to conduct preliminary investigations
17 into irregularities or fraud involving voter
18 registration or voting and report the findings
19 to the appropriate state attorney for
20 prosecution, where warranted; requiring the
21 division to perform random audits relating to
22 reports and statements required to be filed
23 under ch. 106, F.S., relating to campaign
24 financing; amending s. 106.23, F.S.;
25 restricting powers of the division to issue
26 subpoenas and administer oaths to specified
27 duties; amending s. 106.24, F.S.; increasing
28 membership of the commission; revising
29 appointment procedures and criteria for
30 membership on the commission; revising
31 administrative and organizational structure of

1 the commission; providing for appointment of an
2 executive director and employment of staff;
3 authorizing the commission to contract or
4 consult with other state agencies for
5 assistance as needed; amending s. 106.25, F.S.;
6 vesting the commission with jurisdiction to
7 investigate and determine violations of ch.
8 106, F.S.; requiring transmittal of a copy of a
9 sworn complaint to the alleged violator;
10 providing for an administrative hearing upon
11 written request of the alleged violator;
12 amending s. 106.26, F.S.; providing rulemaking
13 authority to the commission relating to its
14 investigative responsibilities; prohibiting the
15 commission from issuing advisory opinions;
16 providing for establishment by rule of minor
17 offenses that may be resolved without further
18 investigation by means of a plea of no contest
19 and a fine; requiring the commission to adhere
20 to statutory law and advisory opinions of the
21 division; amending s. 106.265, F.S.; requiring
22 the State Comptroller to collect fines
23 resulting from actions of the commission in
24 circuit court to enforce payment of civil
25 penalties; providing for termination of terms
26 of current members of the commission and
27 appointment of new members; transferring to the
28 commission all division records, personnel,
29 property, and unexpended funds associated with
30 the complaint investigation process under ch.
31 106, F.S.; providing for transition from the

1 current commission to the newly constituted
2 commission; providing effective dates,
3 including contingent effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 106.08, Florida Statutes, is
8 amended to read:

9 106.08 Contributions; limitations on.--

10 (1)(a) A ~~No~~ person, political committee, or committee
11 of continuous existence may not, in any election, shall make
12 contributions in excess of \$500 to any candidate for election
13 to or retention in office or to any political committee
14 supporting or opposing one or more candidates in this state,
15 ~~for any election, in excess of the following amounts:~~

16 1. ~~To a candidate for countywide office or to a~~
17 ~~candidate in any election conducted on less than a countywide~~
18 ~~basis, \$500.~~

19 2. ~~To a candidate for legislative or multicounty~~
20 ~~office, \$500.~~

21 3. ~~To a candidate for statewide office, \$500.~~

22 Candidates for the offices of Governor and Lieutenant Governor
23 on the same ticket are ~~shall be~~ considered a single candidate
24 for the purpose of this section.

25 4. ~~To a political committee supporting or opposing one~~
26 ~~or more candidates, \$500.~~

27 5. ~~To a candidate for county court judge or circuit~~
28 ~~judge, \$500.~~

29 6. ~~To a candidate for retention as a judge of a~~
30 ~~district court of appeal, \$500.~~
31

1 7. ~~To a candidate for retention as a justice of the~~
2 ~~Supreme Court, \$500.~~

3 (b)1. The contribution limits provided in this
4 subsection do ~~shall~~ not apply to contributions made by a state
5 or county executive committee of a political party regulated
6 by chapter 103 or to amounts contributed by a candidate to his
7 or her own campaign.

8 2. Notwithstanding the limits provided in this
9 subsection, an ~~no~~ unemancipated child under the age of 18
10 years of age may not make a contribution in excess of \$100 to
11 any candidate or to any political committee supporting one or
12 more candidates, ~~in excess of \$100. The limitations provided~~
13 ~~by this subsection shall apply to each election.~~

14 (c) The contribution limits of this subsection apply
15 to each election. For purposes of this subsection, the first
16 primary, second primary, and general election ~~are~~ ~~shall be~~
17 ~~deemed~~ separate elections so long as the candidate is not an
18 unopposed candidate as defined in s. 106.011(15). However,
19 for the purpose of contribution limits with respect to
20 candidates for retention as a justice of the Supreme Court or
21 judge of a district court of appeal, there is ~~shall be~~ only
22 one election, which is ~~shall be~~ the general election, and with
23 respect to candidates for circuit judge or county court judge,
24 there are ~~shall be~~ only two elections, which are ~~shall be~~ the
25 first primary election and general election.

26 (2)(a) A candidate may not accept contributions from
27 national, state, and county executive committees of a
28 political party, which contributions in the aggregate exceed
29 \$50,000, no more than \$25,000 of which may be accepted prior
30 to the 28-day period immediately preceding the date of the
31 general election.

1 (b) ~~For the purposes of this subsection:~~
2 1. ~~Print, broadcast, cable, and mailing advertisements~~
3 ~~are contributions in an amount equal to their fair market~~
4 ~~value and shall be counted toward the contribution limits of~~
5 ~~this subsection.~~
6 2. ~~Polling services, research services, costs for~~
7 ~~campaign staff, professional consulting services technical~~
8 ~~assistance, and telephone calls voter mobilization efforts~~ are
9 not contributions to be counted toward the contribution limits
10 of paragraph (a)~~this subsection~~. Any item not expressly
11 identified in this paragraph as nonallocable is a contribution
12 in an amount equal to the fair market value of the item and
13 must be counted as allocable toward the \$50,000 contribution
14 limits of paragraph (a). Nonallocable, in-kind contributions
15 must be reported by the candidate under s. 106.07 and by the
16 political party under s. 106.29.
17 (3) Any contribution received by a candidate with
18 opposition in an election or by the campaign treasurer or a
19 deputy campaign treasurer of such a candidate on the day of
20 that election or less than 5 days prior to the day of that
21 election must ~~shall~~ be returned by him or her to the person or
22 committee contributing it and may ~~shall~~ not be used or
23 expended by or on behalf of the candidate. Any contribution
24 received by a candidate or by the campaign treasurer or a
25 deputy campaign treasurer of a candidate after the date at
26 which the candidate withdraws his or her candidacy, or after
27 the date the candidate is defeated, becomes unopposed, or is
28 elected to office must ~~shall~~ be returned to the person or
29 ~~political~~ committee contributing it and may ~~shall~~ not be used
30 or expended by or on behalf of the candidate.
31

1 (4) Any contribution tendered to or received by a
2 candidate or any person acting on behalf of a candidate that
3 is known to have been made in violation of the provisions of
4 this section must be immediately reported to the division.

5 ~~(5)(4)~~ Any contribution received by the chair,
6 campaign treasurer, or deputy campaign treasurer of a
7 political committee supporting or opposing a candidate with
8 opposition in an election or supporting or opposing an issue
9 on the ballot in an election on the day of that election or
10 less than 5 days prior to the day of that election may ~~shall~~
11 not be obligated or expended by the committee until after the
12 date of the election.

13 ~~(6)(5)~~ A No person may not ~~shall~~ make any contribution
14 ~~in support of or opposition to a candidate for election or~~
15 ~~nomination, in support of or opposition to an issue, or to any~~
16 ~~political committee, through or in the name of another,~~
17 directly or indirectly, in any election. ~~The solicitation~~
18 ~~from, and contributions by, Candidates, political committees,~~
19 and political parties may not solicit contributions from or
20 make contributions party executive committees to any
21 religious, charitable, civic, or other causes or organizations
22 established primarily for the public good ~~are expressly~~
23 prohibited. However, it is ~~shall not be construed as~~ a
24 violation of this subsection for a candidate, political
25 committee, or political party executive committee to make
26 gifts of money in lieu of flowers in memory of a deceased
27 person or for a candidate to continue membership in, or make
28 regular donations ~~contributions paid~~ from personal or business
29 funds to, religious, political party, civic, or charitable
30 groups of which the candidate is a member or to which the
31 candidate ~~he or she~~ has been a regular donor ~~contributor~~ for

1 more than 6 months. A candidate may purchase, with campaign
2 funds, tickets, admission to events, or advertisements from
3 religious, civic, political party, or charitable groups.

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

9 (8)(a)(6) Any person who knowingly and willfully makes
10 no more than one a contribution in violation of subsection (1)
11 or subsection(6)(5), or any person who knowingly and
12 willfully fails or refuses to return any contribution as
13 required in subsection (3), commits is guilty of a misdemeanor
14 of the first degree, punishable as provided in s. 775.082 or
15 s. 775.083. If any corporation, partnership, or other
16 business entity or any political committee or committee of
17 continuous existence is convicted of knowingly and willfully
18 violating any provision punishable under this paragraph
19 section, it shall be fined not less than \$1,000 and not more
20 than \$10,000. If it is a domestic entity, it may be ordered
21 dissolved by a court of competent jurisdiction; if it is a
22 foreign or nonresident business entity, its right to do
23 business in this state may be forfeited. Any officer,
24 partner, agent, attorney, or other representative of a
25 corporation, partnership, or other business entity or of a
26 political committee or committee of continuous existence who
27 aids, abets, advises, or participates in a violation of any
28 provision punishable under this paragraph commits section is
29 guilty of a misdemeanor of the first degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31

1 (b) Any person who knowingly and willfully makes two
2 or more contributions in violation of subsection (1) or
3 subsection (6), or any person who knowingly and willfully
4 fails or refuses to report any contribution as required in
5 subsection (4), commits a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084. If any corporation, partnership, or other business
8 entity or any political committee or committee of continuous
9 existence is convicted of knowingly and willfully violating
10 any provision punishable under this paragraph, it shall be
11 fined not less than \$10,000 and not more than \$50,000. If it
12 is a domestic entity, it may be ordered dissolved by a court
13 of competent jurisdiction; if it is a foreign or nonresident
14 business entity, its right to do business in this state may be
15 forfeited. Any officer, partner, agent, attorney, or other
16 representative of a corporation, partnership, or other
17 business entity or of a political committee or committee of
18 continuous existence who aids, abets, advises, or participates
19 in a violation of any provision punishable under this
20 paragraph commits a felony of the second degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 ~~(9)(7)~~ Except when otherwise provided in subsection
23 (8), any person who knowingly and willfully violates any
24 provision the provisions of this section shall, in addition to
25 any other penalty prescribed by this chapter, pay to the state
26 a sum equal to twice the amount contributed in violation of
27 this chapter. Each campaign treasurer shall pay all amounts
28 contributed in violation of this section to the state for
29 deposit in the General Revenue Fund.

30 ~~(10)(8)~~ The provisions of This section does shall not
31 apply to the transfer of funds between a primary campaign

1 depository and a savings account or certificate of deposit or
2 to any interest earned on such account or certificate.

3 Section 2. Subsection (8) of section 106.04, Florida
4 Statutes, is amended to read:

5 106.04 Committees of continuous existence.--

6 (8)(a) Any committee of continuous existence failing
7 to file a report on the designated due date shall be subject
8 to a fine. The fine shall be \$500~~\$50~~ per day for each late
9 day, not to exceed 25 percent of the total receipts or
10 expenditures, whichever is greater, for the period covered by
11 the late report. The fine shall be assessed by the filing
12 officer, and the moneys collected shall be deposited in the
13 Elections Commission Election Campaign Financing Trust Fund.
14 No separate fine shall be assessed for failure to file a copy
15 of any report required by this section.

16 (b) Upon determining that a report is late, the filing
17 officer shall immediately notify the treasurer of the
18 committee as to the failure to file a report by the designated
19 due date and that a fine is being assessed for each late day.
20 Upon receipt of the report, the filing officer shall determine
21 the amount of fine which is due and shall notify the treasurer
22 of the committee. The filing officer shall determine the
23 amount of the fine due based upon the earliest of the
24 following:

- 25 1. When the report is actually received by such
26 officer.
- 27 2. When the report is postmarked.
- 28 3. When the certificate of mailing is dated.
- 29 4. When the receipt from an established courier
30 company is dated.

31

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

6 (c) Any treasurer of a committee may appeal or dispute
7 the fine, based upon unusual circumstances surrounding the
8 failure to file on the designated due date, and may request
9 and shall be entitled to a hearing before the Florida
10 Elections Commission, which shall have the authority to waive
11 the fine in whole or in part. Any such request shall be made
12 within 20 days after receipt of the notice of payment due. In
13 such case, the treasurer of the committee shall, within the
14 20-day period, notify the filing officer in writing of his or
15 her intention to bring the matter before the commission.

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

21 ~~(e) The filing officer shall waive the fine for~~
22 ~~first-time offenders who had no activity during the reporting~~
23 ~~period. The Division of Elections shall adopt rules to carry~~
24 ~~out the provisions of this paragraph. These rules shall~~
25 ~~provide for the following:~~

26 ~~1. First-time offenders include committees of~~
27 ~~continuous existence which have not previously been fined for~~
28 ~~failure to timely file a report pursuant to this section.~~

29 ~~2. The committee of continuous existence must request~~
30 ~~waiver of the fine within 20 days after being notified by the~~
31 ~~filing officer that the report was not timely filed.~~

1 3. ~~The request for waiver must be accompanied by a~~
2 ~~sworn oath by the treasurer of the committee stating that the~~
3 ~~committee has not previously been fined for the late filing of~~
4 ~~a report and that there was no activity during the reporting~~
5 ~~period. No activity shall mean that no funds were received or~~
6 ~~expenditures made during the reporting period.~~

7 4. ~~The reporting period shall follow the schedules~~
8 ~~outlined in s. 106.07.~~

9 Section 3. Subsection (8) of section 106.07, Florida
10 Statutes, is amended to read:

11 106.07 Reports; certification and filing.--

12 (8)(a) Any candidate or political committee failing to
13 file a report on the designated due date shall be subject to a
14 fine as provided in paragraph (b) for each late day, and, in
15 the case of a candidate, such fine shall be paid only from
16 personal funds of the candidate. The fine shall be assessed
17 by the filing officer and the moneys collected shall be
18 deposited:

19 1. In the Elections Commission ~~Election Campaign~~
20 ~~Financing~~ Trust Fund, in the case of a candidate for state
21 office or a political committee that registers with the
22 Division of Elections; or

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

27
28 No separate fine shall be assessed for failure to file a copy
29 of any report required by this section.

30 (b) Upon determining that a report is late, the filing
31 officer shall immediately notify the candidate or chair of the

1 political committee as to the failure to file a report by the
2 designated due date and that a fine is being assessed for each
3 late day. The fine shall be \$500~~\$50~~ per day for each late
4 day, not to exceed 25 percent of the total receipts or
5 expenditures, whichever is greater, for the period covered by
6 the late report. Upon receipt of the report, the filing
7 officer shall determine the amount of the fine which is due
8 and shall notify the candidate or chair. The filing officer
9 shall determine the amount of the fine due based upon the
10 earliest of the following:

- 11 1. When the report is actually received by such
12 officer.
- 13 2. When the report is postmarked.
- 14 3. When the certificate of mailing is dated.
- 15 4. When the receipt from an established courier
16 company is dated.

17
18 Such fine shall be paid to the filing officer within 20 days
19 after receipt of the notice of payment due, unless appeal is
20 made to the Florida Elections Commission pursuant to paragraph
21 (c). In the case of a candidate, such fine shall not be an
22 allowable campaign expenditure and shall be paid only from
23 personal funds of the candidate. An officer or member of a
24 political committee shall not be personally liable for such
25 fine.

26 (c) Any candidate or chair of a political committee
27 may appeal or dispute the fine, based upon unusual
28 circumstances surrounding the failure to file on the
29 designated due date, and may request and shall be entitled to
30 a hearing before the Florida Elections Commission, which shall
31 have the authority to waive the fine in whole or in part. Any

1 such request shall be made within 20 days after receipt of the
2 notice of payment due. In such case, the candidate or chair
3 of the political committee shall, within the 20-day period,
4 notify the filing officer in writing of his or her intention
5 to bring the matter before the commission.

6 (d) The appropriate filing officer shall notify the
7 Florida Elections Commission of the repeated late filing by a
8 candidate or political committee, the failure of a candidate
9 or political committee to file a report after notice, or the
10 failure to pay the fine imposed.

11 ~~(e) The filing officer shall waive the fine for~~
12 ~~first-time offenders who had no activity during the reporting~~
13 ~~period. The Division of Elections shall adopt rules to carry~~
14 ~~out the provisions of this paragraph. These rules shall~~
15 ~~provide for the following:~~

16 1. ~~First-time offenders include candidates or~~
17 ~~political committees which have not previously been fined for~~
18 ~~failure to timely file a report pursuant to this section.~~

19 2. ~~The candidate or political committee must request~~
20 ~~waiver of the fine within 20 days after being notified by the~~
21 ~~filing officer that the report was not timely filed.~~

22 3. ~~The request for the waiver must be accompanied by a~~
23 ~~sworn oath by the candidate or the treasurer of the committee~~
24 ~~stating that the candidate or committee has not previously~~
25 ~~been fined for the late filing of a report as a candidate for~~
26 ~~public office or as a committee and that there was no activity~~
27 ~~during the reporting period. No activity shall mean that no~~
28 ~~contributions were received or expenditures made during the~~
29 ~~reporting period.~~

30 4. ~~The reporting period shall follow the schedules~~
31 ~~outlined in this section.~~

1 Section 4. Section 106.29, Florida Statutes, is
2 amended to read:

3 106.29 Reports by political parties; restrictions on
4 contributions and expenditures; penalties ~~assessment on~~
5 ~~contributions~~.--

6 (1) The state executive committee and each county
7 executive committee of each political party regulated by
8 chapter 103 shall file regular reports of all contributions
9 received and all expenditures made by such committee. Such
10 reports shall contain the same information as do reports
11 required of candidates by s. 106.07 and shall be filed on the
12 10th day following the end of each calendar quarter, except
13 that, during the period from the last day for candidate
14 qualifying until the general election, such reports shall be
15 filed on the Friday immediately preceding the first primary
16 election, the second primary election, and the general
17 election. Each state executive committee shall file the
18 original and one copy of its reports with the Division of
19 Elections. Each county executive committee shall file its
20 reports with the supervisor of elections in the county in
21 which such committee exists. Any state or county executive
22 committee ~~political party~~ failing to file a report on the
23 designated due date shall be subject to a fine as provided in
24 subsection (3) ~~s. 106.07 for submitting late reports~~. No
25 separate fine shall be assessed for failure to file a copy of
26 any report required by this section.

27 (2) The chair and treasurer of each state or county
28 executive committee shall certify as to the correctness of
29 each report filed by them on behalf of such committee. Any
30 committee chair or treasurer who certifies the correctness of
31 any report while knowing that such report is incorrect, false,

1 or incomplete commits ~~is guilty of~~ a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

4 (3)(a) Any state or county executive committee failing
5 to file a report on the designated due date shall be subject
6 to a fine as provided in paragraph (b) for each late day. The
7 fine shall be assessed by the filing officer and the moneys
8 collected shall be deposited in the Elections Commission Trust
9 Fund.

10 (b) Upon determining that a report is late, the filing
11 officer shall immediately notify the chair of the executive
12 committee as to the failure to file a report by the designated
13 due date and that a fine is being assessed for each late day.
14 The fine shall be \$50,000 per day for each late day, not to
15 exceed 25 percent of the total receipts or expenditures,
16 whichever is greater, for the period covered by the late
17 report. Upon receipt of the report, the filing officer shall
18 determine the amount of the fine which is due and shall notify
19 the chair. The filing officer shall determine the amount of
20 the fine due based upon the earliest of the following:

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

23 2. When the report is postmarked.

24 3. When the certificate of mailing is dated.

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

27
28 Such fine shall be paid to the filing officer within 20 days
29 after receipt of the notice of payment due, unless appeal is
30 made to the Florida Elections Commission pursuant to paragraph
31

1 (c). An officer or member of an executive committee shall not
2 be personally liable for such fine.

3 (c) The chair of an executive committee may appeal or
4 dispute the fine, based upon unusual circumstances surrounding
5 the failure to file on the designated due date, and may
6 request and shall be entitled to a hearing before the Florida
7 Elections Commission, which shall have the authority to waive
8 the fine in whole or in part. Any such request shall be made
9 within 20 days after receipt of the notice of payment due. In
10 such case, the chair of the executive committee shall, within
11 the 20-day period, notify the filing officer in writing of his
12 or her intention to bring the matter before the commission.

13 (d) The appropriate filing officer shall notify the
14 Florida Elections Commission of the repeated late filing by an
15 executive committee, the failure of an executive committee to
16 file a report after notice, or the failure to pay the fine
17 imposed.

18 (4)(3) Any contribution received by a state or county
19 executive committee less than 5 days before an election shall
20 not be used or expended in behalf of any candidate, issue, or
21 political party participating in such election.

22 (5)(4) No state or county executive committee, in the
23 furtherance of any candidate or political party, directly or
24 indirectly, shall give, pay, or expend any money, give or pay
25 anything of value, authorize any expenditure, or become
26 pecuniarily liable for any expenditure prohibited by this
27 chapter. However, the contribution of funds by one executive
28 committee to another, or to established party organizations
29 for legitimate party or campaign purposes, ~~or to individual~~
30 ~~candidates of that party in general elections in amounts~~
31 ~~exceeding those set forth in s. 106.08 is not prohibited, but~~

1 all such contributions shall be recorded and accounted for in
2 the reports of the contributor and recipient.

3 (6)(a) The national, state, and county executive
4 committees of a political party may not contribute to any
5 candidate any amount in excess of the limits contained in s.
6 106.08(2), and all contributions required to be reported under
7 s. 106.08(2) by the national executive committee of a
8 political party shall be reported by the state executive
9 committee of that political party.

10 (b) A violation of the contribution limits contained
11 in s. 106.08(2) is a felony of the third degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084, and the
13 chair or treasurer of any executive committee found in
14 violation thereof, whichever authorized the illegal
15 contribution, shall be held personally accountable. In
16 addition to any criminal penalty imposed, a civil penalty
17 equal to three times the amount involved in the illegal
18 contribution shall be assessed against any executive committee
19 found in violation thereof.

20 Section 5. Subsection (3) of section 106.021, Florida
21 Statutes, is amended to read:

22 106.021 Campaign treasurers; deputies; primary and
23 secondary depositories.--

24 (3) Except for independent expenditures, no
25 contribution or expenditure, including contributions or
26 expenditures of a candidate or of the candidate's family,
27 shall be directly or indirectly made or received in
28 furtherance of the candidacy of any person for nomination or
29 election to political office in the state or on behalf of any
30 political committee except through the duly appointed campaign
31 treasurer of the candidate or political committee. However,

1 expenditures may be made directly by any political committee
2 or political party regulated by chapter 103 for obtaining
3 time, space, or services in or by any communications medium
4 for the purpose of jointly endorsing three ~~six~~ or more
5 candidates, and any such expenditure shall not be considered a
6 contribution or expenditure to or on behalf of any such
7 candidates for the purposes of this chapter.

8 Section 6. Subsection (1) of section 99.092, Florida
9 Statutes, is amended to read:

10 99.092 Qualifying fee of candidate; notification of
11 Department of State.--

12 (1) Each person seeking to qualify for nomination or
13 election to any office, except a person seeking to qualify
14 pursuant to s. 99.095 and except a person seeking to qualify
15 as a write-in candidate, shall pay a qualifying fee, which
16 shall consist of a filing fee and election assessment, to the
17 officer with whom the person qualifies, and any party
18 assessment levied, and shall attach the original or signed
19 duplicate of the receipt for his or her party assessment or
20 pay the same, in accordance with the provisions of s. 103.121,
21 at the time of filing his or her other qualifying papers. The
22 amount of the filing fee is 3 ~~4.5~~ percent of the annual salary
23 of the office. ~~The amount of the filing fee equal to 1.5~~
24 ~~percent of the annual salary of the office shall be~~
25 ~~transferred to the Election Campaign Financing Trust Fund. The~~
26 ~~remainder shall be distributed pursuant to s. 99.103.~~The
27 amount of the election assessment is 1 percent of the annual
28 salary of the office sought. The election assessment shall be
29 deposited into the Elections Commission Trust Fund. The
30 amount of the party assessment is 2 percent of the annual
31 salary. The annual salary of the office for purposes of

1 computing the filing fee, election assessment, and party
2 assessment shall be computed by multiplying 12 times the
3 monthly salary, excluding any special qualification pay,
4 authorized for such office as of July 1 immediately preceding
5 the first day of qualifying. No qualifying fee shall be
6 returned to the candidate unless the candidate withdraws his
7 or her candidacy before the last date to qualify. If a
8 candidate dies prior to an election and has not withdrawn his
9 or her candidacy before the last date to qualify, the
10 candidate's qualifying fee shall be returned to his or her
11 designated beneficiary, and, if the filing fee or any portion
12 thereof has been transferred to the political party of the
13 candidate, the Secretary of State shall direct the party to
14 return that portion to the designated beneficiary of the
15 candidate.

16 Section 7. Subsection (1) of section 99.093, Florida
17 Statutes, is amended to read:

18 99.093 Municipal candidates; election assessment.--

19 (1) Each person seeking to qualify for nomination or
20 election to a municipal office shall pay, at the time of
21 qualifying for office, an election assessment. The election
22 assessment shall be an amount equal to 1 ~~1.5~~ percent of the
23 annual salary of the office sought. Within 30 days after the
24 close of qualifying, the qualifying officer shall forward all
25 assessments ~~two-thirds of the amount~~ collected pursuant to
26 this section to the Department of State for deposit in the
27 Elections Commission Trust Fund ~~and one-third of the amount~~
28 ~~collected pursuant to this section shall be transferred to the~~
29 ~~Election Campaign Financing Trust Fund.~~

30 Section 8. Subsection (3) of section 105.031, Florida
31 Statutes, is amended to read:

1 105.031 Qualification; filing fee; candidate's oath;
2 items required to be filed.--

3 (3) QUALIFYING FEE.--Each candidate qualifying for
4 election to judicial office, except write-in judicial
5 candidates, shall, during the time for qualifying, pay to the
6 officer with whom he or she qualifies a qualifying fee, which
7 shall consist of a filing fee and an election assessment, or
8 qualify by the alternative method. The amount of the filing
9 fee is 3 ~~4.5~~ percent of the annual salary of the office
10 sought. The amount of the election assessment is 1 percent of
11 the annual salary of the office sought. The qualifying
12 officer shall forward all filing fees to the Department of
13 Revenue for deposit in the General Revenue Fund. ~~One-third of~~
14 ~~all filing fees deposited into the General Revenue Fund shall~~
15 ~~be subsequently transferred to the Election Campaign Financing~~
16 ~~Trust Fund.~~ The election assessment shall be deposited into
17 the Elections Commission Trust Fund. The annual salary of the
18 office for purposes of computing the qualifying fee shall be
19 computed by multiplying 12 times the monthly salary authorized
20 for such office as of July 1 immediately preceding the first
21 day of qualifying. This subsection shall not apply to
22 candidates qualifying for retention to judicial office.

23 Section 9. Section 99.103, Florida Statutes, is
24 amended to read:

25 99.103 Department of State to remit part of filing
26 fees and party assessments of candidates to state executive
27 committee.--

28 (1) If more than three-fourths of the full authorized
29 membership of the state executive committee of any party was
30 elected at the last previous election for such members and if
31 such party is declared by the Department of State to have

1 recorded on the registration books of the counties, as of the
2 first Tuesday after the first Monday in January prior to the
3 first primary in general election years, 5 percent of the
4 total registration of such counties when added together, such
5 committee shall receive, for the purpose of meeting its
6 expenses, all filing fees collected by the Department of State
7 from its candidates less ~~the amount transferred to the~~
8 ~~Election Campaign Financing Trust Fund pursuant to s. 99.092~~
9 and an amount equal to 15 percent of the filing fees after
10 ~~such transfer~~, which amount the Department of State shall
11 deposit in the General Revenue Fund of the state.

12 (2) Not later than 20 days after the close of
13 qualifying in even-numbered years, the Department of State
14 shall remit 95 percent of all filing fees, less ~~the amount~~
15 ~~transferred to the Election Campaign Financing Trust Fund~~
16 ~~pursuant to s. 99.092~~ and the amount deposited in general
17 revenue pursuant to subsection (1), or party assessments that
18 may have been collected by the department to the respective
19 state executive committees of the parties complying with
20 subsection (1). Party assessments collected by the Department
21 of State shall be remitted to the appropriate state executive
22 committee, irrespective of other requirements of this section,
23 provided such committee is duly organized under the provisions
24 of chapter 103. The remainder of filing fees or party
25 assessments collected by the Department of State shall be
26 remitted to the appropriate state executive committees not
27 later than the date of the first primary.

28 Section 10. Section 106.141, Florida Statutes, is
29 amended to read:

30 106.141 Disposition of surplus funds by candidates.--
31

1 (1) Each candidate who withdraws his or her candidacy,
2 becomes an unopposed candidate, or is eliminated as a
3 candidate or elected to office shall, within 90 days, dispose
4 of the funds on deposit in his or her campaign account and
5 file a report reflecting the disposition of all remaining
6 funds. Such candidate shall not accept any contributions, nor
7 shall any person accept contributions on behalf of such
8 candidate, after the candidate withdraws his or her candidacy,
9 becomes unopposed, or is eliminated or elected. However, if a
10 candidate receives a refund check after all surplus funds have
11 been disposed of, the check may be endorsed by the candidate
12 and the refund disposed of under this section. An amended
13 report must be filed showing the refund and subsequent
14 disposition.

15 (2) Any candidate required to dispose of funds
16 pursuant to this section may, prior to such disposition, be
17 reimbursed by the campaign, in full or in part, for any
18 reported contributions by the candidate to the campaign.

19 (3) The campaign treasurer of a candidate who
20 withdraws his or her candidacy, becomes ~~who has been~~
21 ~~eliminated as a candidate, who has become~~ unopposed, or is
22 eliminated as a candidate or ~~who has been~~ elected to office
23 and who has funds on deposit in a separate interest-bearing
24 account or certificate of deposit shall, within 7 days after
25 ~~of~~ the date of becoming unopposed or the date of such
26 withdrawal, elimination, or election, transfer such funds and
27 the accumulated interest earned thereon to the campaign
28 account of the candidate for disposal under ~~in accordance with~~
29 ~~the provisions of~~ this section. However, if the ~~when~~ funds
30 are in an account in which penalties will apply for withdrawal
31 within the 7-day period, the campaign treasurer shall transfer

1 such funds and the accumulated interest earned thereon as soon
2 as the funds can be withdrawn without penalty, or within 90
3 days after the candidate becomes unopposed, withdraws his or
4 her candidacy, or is eliminated or elected, whichever comes
5 first.

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

11 1. Return pro rata to each contributor the funds that
12 ~~which have not been spent, or have not been obligated to be~~
13 ~~spent, with respect to a campaign which has been conducted.~~

14 2. Donate the funds that ~~which~~ have not been spent or
15 ~~have not been obligated to be spent~~ to a charitable charity
16 organization or organizations that ~~which~~ meet the
17 qualifications of s. 501(c)(3) of the Internal Revenue Code,
18 ~~with respect to a campaign which has been conducted.~~

19 3. Give the funds that ~~which~~ have not been spent or
20 ~~have not been obligated to be spent~~ to the political party of
21 which such candidate is a registered member.

22 4. Give the funds that ~~which~~ have not been spent, or
23 ~~have not been obligated to be spent, with respect to a~~
24 ~~campaign which has been conducted:~~

25 a. In the case of a candidate for state office, to the
26 state, to be deposited in either the Election Campaign
27 Financing Trust Fund or the General Revenue Fund, as
28 designated by the candidate; or

29 b. In the case of a candidate for an office of a
30 political subdivision, to such political subdivision, to be
31 deposited in the general fund thereof.

1 (b) Any candidate required to dispose of funds
2 pursuant to this section who has received contributions from
3 the Election Campaign Financing Trust Fund shall return all
4 surplus campaign funds to the Election Campaign Financing
5 Trust Fund.

6 (5) A candidate elected to office or a candidate who
7 will be elected to office by virtue of his or her being
8 unopposed may, in addition to the disposition methods provided
9 in subsection (4), transfer from the campaign account to an
10 office account any amount of the funds on deposit in such
11 campaign account up to:

12 (a) \$10,000, for a candidate for statewide office.
13 The Governor and Lieutenant Governor shall be considered
14 separate candidates for the purpose of this section.

15 (b) \$5,000, for a candidate for multicounty office.

16 (c) \$2,500 multiplied by the number of years in the
17 term of office for which elected, for a candidate for
18 legislative office.

19 (d) \$1,000 multiplied by the number of years in the
20 term of office for which elected, for a candidate for county
21 office or for a candidate in any election conducted on less
22 than a countywide basis.

23 (e) \$6,000, for a candidate for retention as a justice
24 of the Supreme Court.

25 (f) \$3,000, for a candidate for retention as a judge
26 of a district court of appeal.

27 (g) \$1,500, for a candidate for county court judge or
28 circuit judge.

29

30 The office account established pursuant to this subsection
31 shall be separate from any personal or other account. Any

1 funds so transferred by a candidate shall be used only for
2 legitimate expenses in connection with the candidate's public
3 office. Such expenses may include travel expenses incurred by
4 the officer or a staff member or expenses incurred in the
5 operation of his or her office, including the employment of
6 additional staff. The funds may be deposited in a savings
7 account; however, all deposits, withdrawals, and interest
8 earned thereon shall be reported at the appropriate reporting
9 period. If a candidate is reelected to office or elected to
10 another office and has funds remaining in his or her office
11 account, he or she may transfer surplus campaign funds to the
12 office account. At no time may the funds in the office
13 account exceed the limitation imposed by this subsection.
14 Upon leaving public office, any person who has funds in an
15 office account pursuant to this subsection remaining on
16 deposit shall give such funds to a charitable organization or
17 organizations which meet the requirements of s. 501(c)(3) of
18 the Internal Revenue Code or, in the case of a state officer,
19 to the state to be deposited in the General Revenue Fund or,
20 in the case of an officer of a political subdivision, to the
21 political subdivision to be deposited in the general fund
22 thereof.

23 (6) Prior to disposing of funds pursuant to subsection
24 (4) or transferring funds into an office account pursuant to
25 subsection (5), any candidate who filed an oath stating that
26 he or she was unable to pay the election assessment or fee for
27 verification of petition signatures without imposing an undue
28 burden on his or her personal resources or on resources
29 otherwise available to him or her, or who filed both such
30 oaths, or who qualified by the alternative method and was not
31 required to pay an election assessment, shall reimburse the

1 state or local governmental entity, whichever is applicable,
2 for such waived assessment or fee or both. Such reimbursement
3 shall be made first for the cost of petition verification and
4 then, if funds are remaining, for the amount of the election
5 assessment. If there are insufficient funds in the account to
6 pay the full amount of either the assessment or the fee or
7 both, the remaining funds shall be disbursed in the above
8 manner until no funds remain. All funds disbursed pursuant to
9 this subsection shall be remitted to the qualifying officer.
10 Any reimbursement for petition verification costs which are
11 reimbursable by the state shall be forwarded by the qualifying
12 officer to the state for deposit in the General Revenue Fund.
13 All reimbursements for the amount of the election assessment
14 shall be forwarded by the qualifying officer to the Department
15 of State for deposit in the Elections Commission Trust Fund.

16 (7) Any candidate required to dispose of campaign
17 funds pursuant to this section shall do so within the time
18 required by this section and shall, on or before the date by
19 which such disposition is to have been made, file with the
20 officer with whom reports are required to be filed pursuant to
21 s. 106.07 a form prescribed by the Division of Elections
22 listing:

23 (a) The name and address of each person or unit of
24 government to whom any of the funds were distributed and the
25 amounts thereof;

26 (b) The name and address of each person to whom an
27 expenditure was made, together with the amount thereof and
28 purpose therefor; and

29 (c) The amount of such funds transferred to an office
30 account by the candidate, together with the name and address
31 of the bank in which the office account is located.

1
2 Such report shall be signed by the candidate and the campaign
3 treasurer and certified as true and correct pursuant to s.
4 106.07. Any candidate failing to file a report on the
5 designated due date shall be subject to a fine as provided in
6 s. 106.07 for submitting late reports.

7 (8) Any candidate elected to office who transfers
8 surplus campaign funds into an office account pursuant to
9 subsection (5) shall file a report on the 10th day following
10 the end of each calendar quarter until the account is closed.
11 Such reports shall contain the name and address of each person
12 to whom any disbursement of funds was made, together with the
13 amount thereof and the purpose therefor, and the name and
14 address of any person from whom the elected candidate received
15 any refund or reimbursement and the amount thereof. Such
16 reports shall be on forms prescribed by the Division of
17 Elections, signed by the elected candidate, certified as true
18 and correct, and filed with the officer with whom campaign
19 reports were filed pursuant to s. 106.07(2).

20 (9) Any candidate, or any person on behalf of a
21 candidate, who accepts contributions after such candidate has
22 withdrawn his or her candidacy, after the candidate has become
23 an unopposed candidate, or after the candidate has been
24 eliminated as a candidate or elected to office commits ~~is~~
25 ~~guilty of~~ a misdemeanor of the first degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 (10) Any candidate who is required by the provisions
28 of this section to dispose of funds in his or her campaign
29 account and who fails to dispose of the funds in the manner
30 provided in this section commits ~~is guilty of~~ a misdemeanor of
31

1 the first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 Section 11. Effective January 1, 1999, subsection (4)
4 of section 106.141, Florida Statutes, as amended by this act,
5 is amended to read:

6 106.141 Disposition of surplus funds by candidates.--

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

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

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

18 3. Give not more than \$10,000 of the funds that have
19 not been spent or obligated to the political party of which
20 such candidate is a member.

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

23 a. In the case of a candidate for state office, to the
24 state, to be deposited in either the Election Campaign
25 Financing Trust Fund or the General Revenue Fund, as
26 designated by the candidate; or

27 b. In the case of a candidate for an office of a
28 political subdivision, to such political subdivision, to be
29 deposited in the general fund thereof.

30 (b) Any candidate required to dispose of funds
31 pursuant to this section who has received contributions from

1 the Election Campaign Financing Trust Fund shall return all
2 surplus campaign funds to the Election Campaign Financing
3 Trust Fund.

4 Section 12. Section 106.143, Florida Statutes, is
5 amended to read:

6 106.143 Political advertisements circulated prior to
7 election; requirements.--

8 (1) Any political advertisement and any campaign
9 literature published, displayed, or circulated prior to, or on
10 the day of, any election shall:

11 (a) Be marked "paid political advertisement" or with
12 the abbreviation "pd. pol. adv."

13 (b) Identify the persons or organizations sponsoring
14 the advertisement.

15 (c)1.a. State whether the advertisement and the cost
16 of production is paid for or provided in kind by or at the
17 expense of the entity publishing, displaying, broadcasting, or
18 circulating the political advertisement; or

19 b. State who provided or paid for the advertisement
20 and cost of production, if different from the source of
21 sponsorship.

22 2. This paragraph shall not apply if the source of the
23 sponsorship is patently clear from the content or format of
24 the political advertisement or campaign literature.

25
26 This subsection does not apply to campaign messages used by a
27 candidate and the candidate's ~~his or her~~ supporters if those
28 ~~which~~ messages are designed to be worn by a person.

29 (2) Any political advertisement of a candidate running
30 for partisan office ~~in any election~~ shall express the name of
31 the political party of which the candidate is seeking

1 nomination or is the nominee. If the candidate for partisan
2 office is running as an independent candidate, any political
3 advertisement of the candidate must state that the candidate
4 is an independent candidate. ~~Any political advertisement~~
5 ~~endorsing the candidate shall expressly state whether the~~
6 ~~permission of the candidate has been obtained to advertise~~
7 ~~such endorsement.~~

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

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

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

18 (4)(a) Any political advertisement, other than an
19 independent expenditure, offered by or on behalf of a
20 candidate must be approved in advance by the candidate. Such
21 political advertisement must expressly state that the content
22 of the advertisement was approved by the candidate and must
23 state who paid for the advertisement. The candidate shall
24 provide a written statement of authorization to the newspaper,
25 radio station, television station, or other medium for each
26 such advertisement submitted for publication, display,
27 broadcast, or other distribution.

28 (b) Any person who makes an independent expenditure
29 for a political advertisement shall provide a written
30 statement that no candidate has approved the advertisement to
31 the newspaper, radio station, television station, or other

1 medium for each such advertisement submitted for publication,
2 display, broadcast, or other distribution. The advertisement
3 must also contain a statement that no candidate has approved
4 the advertisement.

5 (c) Any political advertisement that supports or
6 opposes a candidate and is paid for by a political party must
7 expressly state that the content of the advertisement was or
8 was not approved by the candidate it was intended to benefit.
9 In any proceeding before the elections commission between a
10 candidate and the candidate's political party concerning a
11 candidate's approval of a political advertisement, the
12 political party bears the burden of proof regarding the
13 approval.

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

17 (5)(4) No political advertisement of a candidate who
18 is not an incumbent of the office for which ~~the candidate he~~
19 ~~or she~~ is running shall use the word "re-elect." Additionally,
20 such advertisement must include the word "for" between the
21 candidate's name and the office for which ~~the candidate he or~~
22 ~~she~~ is running, in order that incumbency is not implied. This
23 subsection does not apply to bumper stickers or items designed
24 to be worn by a person.

25 (6)(5) This section ~~shall~~ does not apply to novelty
26 items ~~having a retail of nominal~~ value ~~of \$10 or less~~ which
27 support, but do not oppose, a candidate or issue.

28 (7)(6) Any political advertisement which is published,
29 displayed, or produced in a language other than English may
30 provide the information required by this section in the
31 language used in the advertisement.

1 ~~(8)(7)~~ Any person who willfully violates any provision
2 ~~the provisions~~ of this section is subject to the civil
3 penalties prescribed in s. 106.265.

4 Section 13. Section 106.147, Florida Statutes, is
5 created to read:

6 106.147 Telephone solicitation; disclosure
7 requirements; prohibitions; exemption; penalties.--

8 (1)(a) A telephone call supporting or opposing any
9 candidate or elected public official must identify each person
10 or organization sponsoring the call by stating: "This call is
11 paid for by ...(insert name of each person or organization
12 sponsoring the call)...." If the expenditure for the
13 telephone call is a contribution to a candidate, the name of
14 the candidate and the office sought must also be identified.

15 (b) A telephone call conducted for the purpose of
16 polling respondents concerning any candidate or elected public
17 official which exceeds 3 minutes in duration and which is part
18 of a series of like telephone calls that consists of fewer
19 than 1,000 completed calls is presumed to be a political poll
20 and not subject to the provisions of paragraph (a).

21 (2)(a) A telephone call supporting or opposing any
22 candidate or elected public official may not state or imply
23 that the caller represents any person or organization unless
24 the person or organization so represented has given specific
25 approval in writing to make such representation.

26 (b) A telephone call supporting or opposing any
27 candidate or elected public official may not state or imply
28 that the caller represents a nonexistent person or
29 organization.

30
31

1 (3)(a) Any person who willfully violates any provision
2 of this section commits a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 (b) For purposes of paragraph (a), the term "person"
5 includes any candidate; any officer of any political
6 committee, committee of continuous existence, or political
7 party executive committee; any officer, partner, attorney, or
8 other representative of a corporation, partnership, or other
9 business entity; and any agent or other person acting on
10 behalf of any candidate, political committee, committee of
11 continuous existence, political party executive committee, or
12 corporation, partnership, or other business entity.

13 Section 14. Section 106.148, Florida Statutes, is
14 created to read:

15 106.148 Disclosure of online computer solicitation.--A
16 message placed on an information system accessible by computer
17 by a candidate, political party, political committee, or
18 committee of continuous existence, or an agent of any such
19 candidate, party, or committee, must include a statement
20 disclosing all information required of political
21 advertisements under s. 106.143.

22 Section 15. Section 99.097, Florida Statutes, is
23 amended to read:

24 99.097 Verification of signatures on petitions.--

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

29 (a) A name-by-name, signature-by-signature check of
30 the number of authorized signatures on the petitions; or

31

1 (b) A check of a random sample, as provided by the
2 Department of State, of names and signatures on the petitions.
3 The sample must be such that a determination can be made as to
4 whether or not the required number of signatures have been
5 obtained with a reliability of at least 99.5 percent. Rules
6 and guidelines for this method of petition verification shall
7 be promulgated by the Department of State, which may include a
8 requirement that petitions bear an additional number of names
9 and signatures, not to exceed 15 percent of the names and
10 signatures otherwise required. If the petitions do not meet
11 such criteria, then the use of the verification method
12 described in this paragraph shall not be available to
13 supervisors.

14 (2) When a petitioner submits petitions which contain
15 at least 15 percent more than the required number of
16 signatures, the petitioner may require that the supervisor of
17 elections use the random sampling verification method in
18 certifying the petition.

19 (3)(a) A name on a petition, which name is not in
20 substantially the same form as a name on the voter
21 registration books, shall be counted as a valid signature if,
22 after comparing the signature on the petition with the
23 signature of the alleged signer as shown on the registration
24 books, the supervisor determines that the person signing the
25 petition and the person who registered to vote are one and the
26 same. In any situation in which this code requires the form
27 of the petition to be prescribed by the division ~~Department of~~
28 ~~State~~, no signature shall be counted toward the number of
29 signatures required unless it is on a petition form prescribed
30 by the division ~~Department of State~~.

31

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

5 (4) The supervisor shall be paid in advance the sum of
6 10 cents for each signature checked or the actual cost of
7 checking such signature, whichever is less, by the candidate,
8 minor party, or person authorized by such minor party
9 submitting the petition or, in the case of a petition to have
10 an issue placed on the ballot, by the person or organization
11 submitting the petition. However, if a candidate, person, or
12 organization seeking to have an issue placed upon the ballot
13 cannot pay such charges without imposing an undue burden on
14 personal resources or upon the resources otherwise available
15 to such candidate, person, or organization, such candidate,
16 person, or organization shall, upon written certification of
17 such inability given under oath to the supervisor, be entitled
18 to have the signatures verified at no charge. However, an oath
19 in lieu of payment of the charges shall not be allowed to
20 verify the signatures on a petition to obtain ballot position
21 for a minor party. In the event a candidate, person, or
22 organization submitting a petition to have an issue placed
23 upon the ballot is entitled to have the signatures verified at
24 no charge, the supervisor of elections of each county in which
25 the signatures are verified at no charge shall submit the
26 total number of such signatures checked in the county to the
27 Comptroller no later than December 1 of the general election
28 year, and the Comptroller shall cause such supervisor of
29 elections to be reimbursed from the General Revenue Fund in an
30 amount equal to 10 cents for each name checked or the actual
31 cost of checking such signatures, whichever is less. In no

1 event shall such reimbursement of costs be deemed or applied
2 as extra compensation for the supervisor. Petitions shall be
3 retained by the supervisors for a period of 1 year following
4 the election for which the petitions were circulated.
5 (5) The results of a verification pursuant to
6 paragraph (1)(b) may be contested in the circuit court by the
7 candidate; an announced opponent; a representative of a
8 designated political committee; or a person, party, or other
9 organization submitting the petition. The contestant shall
10 file a complaint, together with the fees prescribed in chapter
11 28, with the clerk of the circuit court in the county in which
12 the petition is certified or in Leon County if the petition
13 covers more than one county within 10 days after midnight of
14 the date the petition is certified; and the complaint shall
15 set forth the grounds on which the contestant intends to
16 establish his or her right to require a complete check of the
17 names and signatures pursuant to paragraph (1)(a). In the
18 event the court orders a complete check of the petition and
19 the result is not changed as to the success or lack of success
20 of the petitioner in obtaining the requisite number of valid
21 signatures, then such candidate, unless the candidate has
22 filed the oath stating that he or she is unable to pay such
23 charges; announced opponent; representative of a designated
24 political committee; or party, person, or organization
25 submitting the petition, unless such person or organization
26 has filed the oath stating inability to pay such charges,
27 shall pay to the supervisor of elections of each affected
28 county for the complete check an amount calculated at the rate
29 of 10 cents for each additional signature checked or the
30 actual cost of checking such additional signatures, whichever
31 is less.

1 Section 16. Section 100.371, Florida Statutes, is
2 amended to read:

3 100.371 Initiatives; procedure for placement on
4 ballot.--

5 (1)(a) The sponsor of a constitutional amendment
6 proposed by initiative must register as a political committee
7 under s. 106.03 prior to taking or initiating any action with
8 respect to that amendment.

9 ~~(b)(3) After registering as a political committee, the~~
10 ~~sponsor of a constitutional an initiative amendment proposed~~
11 ~~by initiative shall, prior to obtaining any signatures,~~
12 ~~register as a political committee pursuant to s. 106.03 and~~
13 ~~submit the text of the proposed initiative amendment and the~~
14 ~~petition format to the division for Secretary of State, with~~
15 ~~the form on which the signatures will be affixed, and shall~~
16 ~~obtain the approval of the Secretary of State of such form.~~
17 ~~The division Secretary of State shall promulgate rules~~
18 ~~pursuant to s. 120.54 prescribing the style and requirements~~
19 ~~of petition formats such form.~~

20 (2)(a) If the sponsor of a proposed initiative
21 amendment intends to employ or contract with any person to
22 gather voter signatures, the sponsor must, before employing or
23 contracting with such person, file an affidavit with the
24 division, the form of which shall be prepared by the division,
25 giving notice of the intended use of paid petition
26 circulators.

27 (b) A sponsor of a proposed initiative amendment who
28 uses paid petition circulators shall provide to the division
29 the name and address of each individual paid to gather
30 petition signatures. Such information shall be filed at the
31 time reports are filed pursuant to s. 106.07.

1 (c) Each paid petition circulator must place his or
2 her name and address on each petition form for which he or she
3 is gathering signatures on behalf of the sponsor of the
4 proposed initiative amendment. The sponsor of a proposed
5 initiative amendment is responsible for ensuring that the name
6 and address of the paid circulator appear on the petition form
7 prior to its submission to the supervisor for verification.

8 (d) A sponsor of a proposed initiative amendment who
9 uses paid petition circulators may not file an oath of undue
10 burden in lieu of paying the fee required by s. 99.097 for the
11 verification of signatures gathered.

12 (3)(4) No later than 5 p.m. on the 151st day prior to
13 the general election at which the proposed initiative
14 amendment is to be voted on for a name-by-name,
15 signature-by-signature verification and no later than 5 p.m.
16 on the 121st day prior to the general election at which the
17 proposed initiative amendment is to be voted on for a
18 random-sampling verification, the sponsor shall submit signed
19 and dated petition forms for that petition to each the
20 appropriate supervisor of elections for verification as to the
21 number of voters registered electors whose valid signatures
22 appear thereon. Each signature shall be dated when made and
23 shall be valid for a period of 4 years following such date,
24 provided all other requirements of law are complied with. The
25 supervisor shall promptly verify the signatures upon payment
26 of the fee or filing of the oath of undue burden required by
27 s. 99.097. Upon completion of verification, which shall occur
28 no later than the 91st day prior to the general election, the
29 supervisor shall execute a certificate indicating the total
30 number of signatures checked, the number of signatures
31 verified as valid and as being of registered electors, and the

1 distribution of signatures by congressional district. This
2 certificate shall be immediately transmitted to the division
3 ~~Secretary of State~~. The supervisor shall retain the signed
4 and dated petition signature forms for at least 1 year
5 following the election in which the proposed initiative
6 amendment ~~issue~~ appeared on the ballot or until the division
7 ~~of Elections~~ notifies the supervisors ~~of elections~~ that the
8 committee which circulated the petition is no longer seeking
9 to obtain ballot position.

10 (4)~~(5)~~ The division ~~Secretary of State~~ shall determine
11 from the ~~verification~~ certificates received from the
12 supervisors ~~of elections~~ the total number of ~~verified~~ valid
13 signatures and the distribution of such signatures by
14 congressional district ~~districts~~. Upon a determination that
15 the requisite number and distribution of valid signatures have
16 been obtained, the division ~~secretary~~ shall issue a
17 certificate of ballot position for that proposed initiative
18 amendment and shall assign a designating number pursuant to s.
19 101.161. A petition is considered ~~shall be deemed to be~~ filed
20 with the Secretary of State upon the date of the receipt by
21 the division ~~secretary~~ of a certificate or certificates from
22 the supervisors ~~of elections~~ indicating that the petition has
23 been signed by the constitutionally required number of voters
24 ~~electors~~.

25 (5)~~(1)~~ Constitutional amendments proposed by
26 initiative shall be placed on the ballot for the next general
27 election held more than ~~occurring in excess of~~ 90 days after
28 ~~from~~ the certification of ballot position by the division
29 ~~Secretary of State~~.

30
31

1 (6) The division ~~may~~ Department of State shall have
2 ~~the authority to~~ promulgate rules in accordance with s. 120.54
3 to carry out the provisions of this section.

4 ~~(2) Such certification shall be issued when the~~
5 ~~Secretary of State has received verification certificates from~~
6 ~~the supervisors of elections indicating that the requisite~~
7 ~~number and distribution of valid signatures of electors have~~
8 ~~been submitted to and verified by the supervisors. Every~~
9 ~~signature shall be dated when made and shall be valid for a~~
10 ~~period of 4 years following such date, provided all other~~
11 ~~requirements of law are complied with.~~

12 Section 17. Section 104.185, Florida Statutes, is
13 amended to read:

14 104.185 Petitions; knowingly signing a ~~petition~~ more
15 than once; signing another person's name or a fictitious
16 name.--

17 (1) A ~~It is unlawful for any person who~~ knowingly
18 signs to sign a petition or petitions for a ~~particular issue~~
19 ~~or candidate,~~ a minor political party, or an issue more than
20 one time commits. ~~Any person violating the provisions of this~~
21 ~~section shall, upon conviction, be guilty of a misdemeanor of~~
22 ~~the first degree, punishable as provided in s. 775.082 or s.~~
23 ~~775.083.~~

24 (2) A person who signs another person's name or a
25 fictitious name to any petition to secure ballot position for
26 a candidate, a minor political party, or an issue commits a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083.

29 Section 18. Subsection (3) is added to section 106.19,
30 Florida Statutes, to read:

31

1 106.19 Violations by candidates, persons connected
2 with campaigns, and political committees.--

3 (3) A political committee sponsoring a constitutional
4 amendment proposed by initiative which submits a petition form
5 gathered by a paid petition circulator which does not provide
6 the name and address of the paid petition circulator on the
7 form is subject to the civil penalties prescribed in s.
8 106.265.

9 Section 19. Any signature gathered on an authorized
10 form for an initiative petition by a paid petition circulator
11 which has been submitted prior to the effective date of this
12 act may be kept and counted, if otherwise valid, and that form
13 is not required to have the name and address of the paid
14 petition circulator, nor is any such signature affected by the
15 prohibition against filing an undue burden oath in lieu of
16 paying the fee to have signatures verified, as provided by
17 this act. However, any signature gathered on or after the
18 effective date of this act is subject to the provisions of
19 this act and, if payment is made to any person to solicit
20 signatures after the effective date of this act, an undue
21 burden oath may not be filed in lieu of paying the fee to have
22 signatures verified. In addition, any initiative petition
23 form approved by the Secretary of State prior to the effective
24 date of this act may continue to be circulated.

25 Section 20. Sections 100.091 and 100.096, Florida
26 Statutes, are hereby repealed.

27 Section 21. Section 100.061, Florida Statutes, is
28 amended to read:

29 100.061 ~~First~~ Primary election.--In each year in which
30 a general election is held, a ~~first~~ primary election for
31 nomination of candidates of major political parties shall be

1 held on the Tuesday 8 ~~9~~ weeks prior to the general election.
2 ~~The Each~~ candidate receiving the highest number ~~a majority~~ of
3 ~~the~~ votes cast in each contest in the ~~first~~ primary election
4 shall be declared nominated for such office. If two or more
5 persons receive an equal and highest number of votes for the
6 same office, such persons shall draw lots to determine who
7 shall receive the nomination. ~~A second primary election shall~~
8 ~~be held as provided by s. 100.091 in every contest in which a~~
9 ~~candidate does not receive a majority.~~

10 Section 22. Section 10.1008, Florida Statutes, is
11 amended to read:

12 10.1008 Applicability.--This joint resolution applies
13 with respect to the qualification, nomination, and election of
14 members of the Legislature in the primary ~~primaries~~ and
15 general elections ~~election~~ to be held in 1992 and thereafter.

16 Section 23. Subsection (20) of section 97.021, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 97.021 Definitions.--For the purposes of this code,
19 except where the context clearly indicates otherwise, the
20 term:

21 (20) "Primary election" means an election held
22 preceding the general election for the purpose of nominating a
23 party nominee to be voted for in the general election to fill
24 a national, state, county, or district office. ~~The first~~
25 ~~primary is a nomination or elimination election; the second~~
26 ~~primary is a nominating election only.~~

27 Section 24. Subsection (1) of section 97.055, Florida
28 Statutes, is amended to read:

29 97.055 Registration books; when closed for an
30 election.--

31

1 (1) The registration books must be closed on the 29th
2 day before each election and must remain closed until after
3 that election. If an election is called and there are fewer
4 than 29 days before that election, the registration books must
5 be closed immediately. When the registration books are closed
6 for an election, voter registration and party changes must be
7 accepted but only for the purpose of subsequent elections.
8 ~~However, party changes received between the book-closing date~~
9 ~~of the first primary election and the date of the second~~
10 ~~primary election are not effective until after the second~~
11 ~~primary election.~~

12 Section 25. Subsection (3) of section 97.071, Florida
13 Statutes, is amended to read:

14 97.071 Registration identification card.--

15 (3) In the case of a change of name, address, or party
16 affiliation, the supervisor must issue the voter a new
17 registration identification card. ~~However, a registration~~
18 ~~identification card indicating a party affiliation change made~~
19 ~~between the book-closing date for the first primary election~~
20 ~~and the date of the second primary election may not be issued~~
21 ~~until after the second primary election.~~

22 Section 26. Section 98.081, Florida Statutes, is
23 amended to read:

24 98.081 Names removed from registration books;
25 restrictions on reregistering; recordkeeping; restoration of
26 erroneously or illegally removed names.--

27 ~~(1) Any person who requested that his or her name be~~
28 ~~removed from the registration books between the book-closing~~
29 ~~date of the first primary and the date of the second primary~~
30 ~~may not register in a different political party until after~~
31 ~~the date of the second primary election.~~

1 (1)~~(2)~~ When the name of any elector is removed from
2 the registration books pursuant to s. 98.065, s. 98.075, or s.
3 98.093, the elector's original registration form shall be
4 filed alphabetically in the office of the supervisor. As
5 alternatives, registrations removed from the registration
6 books may be microfilmed and such microfilms substituted for
7 the original registration forms; or, when voter registration
8 information, including the voter's signature, is maintained
9 digitally or on electronic, magnetic, or optic media, such
10 stored information may be substituted for the original
11 registration form. Such microfilms or stored information
12 shall be retained in the custody of the supervisor. In the
13 event the original registration forms are microfilmed or
14 maintained digitally or on electronic or other media, such
15 originals may be destroyed in accordance with the schedule
16 approved by the Bureau of Archives and Records Management of
17 the Division of Library and Information Services of the
18 department.

19 (2)~~(3)~~ When the name of any elector has been
20 erroneously or illegally removed from the registration books,
21 the name of the elector shall be restored by the supervisor
22 upon satisfactory proof, even though the registration period
23 for that election is closed.

24 Section 27. Subsections (1), (2), and (8) of section
25 99.061, Florida Statutes, are amended to read:

26 99.061 Method of qualifying for nomination or election
27 to federal, state, county, or district office.--

28 (1) The provisions of any special act to the contrary
29 notwithstanding, each person seeking to qualify for nomination
30 or election to a federal, state, or multicounty district
31 office, other than a judicial office as defined in chapter

1 105, shall file his or her qualification papers with, and pay
2 the qualifying fee, which shall consist of the filing fee and
3 election assessment, and party assessment, if any has been
4 levied, to, the Department of State, or qualify by the
5 alternative method with the Department of State, at any time
6 after noon of the 1st day for qualifying, which shall be as
7 follows: the 120th day prior to the ~~first~~ primary, but not
8 later than noon of the 116th day prior to the date of the
9 ~~first~~ primary, for persons seeking to qualify for nomination
10 or election to federal office; and noon of the 50th day prior
11 to the ~~first~~ primary, but not later than noon of the 46th day
12 prior to the date of the ~~first~~ primary, for persons seeking to
13 qualify for nomination or election to a state or multicounty
14 district office. However, the qualifying fee, if any, paid by
15 an independent candidate or a minor party candidate shall be
16 refunded to such candidate by the qualifying officer within 10
17 days from the date that the determination is made that such
18 candidate or minor party failed to obtain the required number
19 of signatures.

20 (2) The provisions of any special act to the contrary
21 notwithstanding, each person seeking to qualify for nomination
22 or election to a county office, or district or special
23 district office not covered by subsection (1), shall file his
24 or her qualification papers with, and pay the qualifying fee,
25 which shall consist of the filing fee and election assessment,
26 and party assessment, if any has been levied, to, the
27 supervisor of elections of the county, or shall qualify by the
28 alternative method with the supervisor of elections, at any
29 time after noon of the 1st day for qualifying, which shall be
30 the 50th day prior to the ~~first~~ primary or special district
31 election, but not later than noon of the 46th day prior to the

1 date of the ~~first~~ primary or special district election. When
2 ~~However, if~~ a special district election is held at the same
3 time as the ~~second primary or~~ general election, qualifying
4 also shall be the 50th day prior to the ~~first~~ primary, but not
5 later than noon of the 46th day prior to the date of the ~~first~~
6 primary. Within 30 days after the closing of qualifying time,
7 the supervisor of elections shall remit to the secretary of
8 the state executive committee of the political party to which
9 the candidate belongs the amount of the filing fee, two-thirds
10 of which shall be used to promote the candidacy of candidates
11 for county offices and the candidacy of members of the
12 Legislature.

13 (8) Notwithstanding the qualifying period prescribed
14 by this section, in each year in which the Legislature
15 apportions the state, the qualifying period for persons
16 seeking to qualify for nomination or election to federal
17 office shall be between noon of the 57th day prior to the
18 ~~first~~ primary, but not later than noon of the 53rd day prior
19 to the ~~first~~ primary.

20 Section 28. Subsection (1) of section 99.095, Florida
21 Statutes, is amended to read:

22 99.095 Alternative method of qualifying.--

23 (1) A person seeking to qualify for nomination to any
24 office may qualify to have his or her name placed on the
25 ballot for the ~~first~~ primary election by means of the
26 petitioning process prescribed in this section. A person
27 qualifying by this alternative method shall not be required to
28 pay the qualifying fee or party assessment required by this
29 chapter. A person using this petitioning process shall file
30 an oath with the officer before whom the candidate would
31 qualify for the office stating that he or she intends to

1 qualify by this alternative method for the office sought. If
2 the person is running for an office which will be grouped on
3 the ballot with two or more similar offices to be filled at
4 the same election, the candidate must indicate in his or her
5 oath for which group or district office he or she is running.
6 The oath shall be filed at any time after the first Tuesday
7 after the first Monday in January of the year in which the
8 ~~first~~ primary is held, but prior to the 21st day preceding the
9 first day of the qualifying period for the office sought. The
10 Department of State shall prescribe the form to be used in
11 administering and filing such oath. No signatures shall be
12 obtained by a candidate on any nominating petition until the
13 candidate has filed the oath required in this section. If the
14 person is running for an office which will be grouped on the
15 ballot with two or more similar offices to be filled at the
16 same election and the petition does not indicate the group or
17 district office for which the person is running, the
18 signatures obtained on such petition will not be counted.

19 Section 29. Section 99.103, Florida Statutes, is
20 amended to read:

21 99.103 Department of State to remit part of filing
22 fees and party assessments of candidates to state executive
23 committee.--

24 (1) If more than three-fourths of the full authorized
25 membership of the state executive committee of any party was
26 elected at the last previous election for such members and if
27 such party is declared by the Department of State to have
28 recorded on the registration books of the counties, as of the
29 first Tuesday after the first Monday in January prior to the
30 ~~first~~ primary in general election years, 5 percent of the
31 total registration of such counties when added together, such

1 committee shall receive, for the purpose of meeting its
2 expenses, all filing fees collected by the Department of State
3 from its candidates less the amount transferred to the
4 Election Campaign Financing Trust Fund pursuant to s. 99.092
5 and an amount equal to 15 percent of the filing fees after
6 such transfer, which amount the Department of State shall
7 deposit in the General Revenue Fund of the state.

8 (2) Not later than 20 days after the close of
9 qualifying in even-numbered years, the Department of State
10 shall remit 95 percent of all filing fees, less the amount
11 transferred to the Election Campaign Financing Trust Fund
12 pursuant to s. 99.092 and the amount deposited in general
13 revenue pursuant to subsection (1), or party assessments that
14 may have been collected by the department to the respective
15 state executive committees of the parties complying with
16 subsection (1). Party assessments collected by the Department
17 of State shall be remitted to the appropriate state executive
18 committee, irrespective of other requirements of this section,
19 provided such committee is duly organized under the provisions
20 of chapter 103. The remainder of filing fees or party
21 assessments collected by the Department of State shall be
22 remitted to the appropriate state executive committees not
23 later than the date of the ~~first~~ primary.

24 Section 30. Subsection (2) of section 100.071, Florida
25 Statutes, is amended to read:

26 100.071 Grouping of candidates on primary ballots.--

27 (2) Each nominee of a political party chosen in the
28 primary ~~primaries~~ shall appear on the general election ballot
29 in the same numbered group or district as on the primary
30 election ballot.

31

1 Section 31. Section 100.081, Florida Statutes, is
2 amended to read:

3 100.081 Conducting a primary election ~~elections~~;
4 nomination of county commissioners.--The primary election
5 ~~elections~~ shall provide for the nomination of county
6 commissioners by the qualified electors of such county at the
7 time and place set for voting on other county officers.

8 Section 32. Subsections (1) and (3) and paragraph (a)
9 of subsection (4) of section 100.111, Florida Statutes, are
10 amended to read:

11 100.111 Filling vacancy.--

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

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

25 (c) If such a vacancy occurs prior to the ~~first~~
26 primary election but on or after the first day set by law for
27 qualifying, the Secretary of State shall set dates for
28 qualifying for the unexpired portion of the term of such
29 office. Any person seeking nomination or election to the
30 unexpired portion of the term shall qualify within the time
31 set by the Secretary of State. If time does not permit party

1 nominations to be made in conjunction with the ~~first and~~
2 ~~second primary election elections~~, the Governor may call a
3 special primary election, ~~and, if necessary, a second special~~
4 ~~primary election~~, to select party nominees for the unexpired
5 portion of such term.

6 (3) Whenever there is a vacancy for which a special
7 election is required pursuant to s. 100.101~~(1)-(4)~~, the
8 Governor, after consultation with the Secretary of State,
9 shall fix the date of a special ~~first~~ primary election, ~~a~~
10 ~~special second primary election~~, and a special election.
11 Nominees of political parties other than minor political
12 parties shall be chosen under the primary laws of this state
13 in the special primary ~~election elections~~ to become candidates
14 in the special election. Prior to setting the special
15 election dates, the Governor shall consider any upcoming
16 elections in the jurisdiction where the special election will
17 be held. The dates fixed by the Governor shall be specific
18 days certain and shall not be established by the happening of
19 a condition or stated in the alternative. The dates fixed
20 shall provide a minimum of 2 weeks between each election. In
21 the event a vacancy occurs in the office of state senator or
22 member of the House of Representatives when the Legislature is
23 in regular ~~legislative~~ session, the minimum times prescribed
24 by this subsection may be waived upon concurrence of the
25 Governor, the Speaker of the House of Representatives, and the
26 President of the Senate. If a vacancy occurs in the office of
27 state senator and no session of the Legislature is scheduled
28 to be held prior to the next general election, the Governor
29 may fix the dates for the any special primary and ~~for the~~
30 special ~~elections election~~ to coincide with the dates of the
31 ~~first and second~~ primary and general ~~elections election~~. If a

1 vacancy in office occurs in any district in the state Senate
2 or House of Representatives or in any congressional district,
3 and no session of the Legislature, or session of Congress if
4 the vacancy is in a congressional district, is scheduled to be
5 held during the unexpired portion of the term, the Governor is
6 not required to call a special election to fill such vacancy.

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

13 (b) The filing of campaign expense statements by
14 candidates in such special primary election ~~elections~~ or
15 special election ~~primaries~~ and by committees making
16 contributions or expenditures to influence the results of such
17 special primary election ~~primaries~~ or special election
18 ~~elections~~ shall be not later than such dates as shall be fixed
19 by the Department of State, and in fixing such dates the
20 Department of State shall take into consideration and be
21 governed by the practical time limitations.

22 (c) The dates for a candidate to qualify by the
23 alternative method, to qualify as an independent candidate, or
24 to qualify as a minor party candidate in such special primary
25 election or special election shall be fixed by the Department
26 of State. In fixing such dates the Department of State shall
27 take into consideration and be governed by the practical time
28 limitations.

29 1. Any candidate seeking to qualify by the alternative
30 method for nomination in a special primary election shall
31 obtain 25 percent of the signatures required by s. 99.095.

1 2. Any candidate seeking to qualify as an independent
2 candidate in a special election shall obtain 25 percent of the
3 signatures required by s. 99.0955.

4 3. A minor party may have the names of its candidates
5 for office printed on the ballot in a special election if the
6 minor party obtains 25 percent of the signatures required by
7 s. 99.096.

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

14 (e) Each county canvassing board shall make as speedy
15 a return of the results ~~result~~ of such special primary
16 election ~~elections~~ and special election ~~primaries~~ as time will
17 permit, and the Elections Canvassing Commission likewise shall
18 make as speedy a canvass and declaration of the nominees as
19 time will permit.

20 (4)(a) In the event that death, resignation,
21 withdrawal, removal, or any other cause or event should cause
22 a party to have a vacancy in nomination which leaves no
23 candidate for an office from such party, the Governor shall,
24 after conferring with the Secretary of State, call a special
25 primary election ~~and, if necessary, a second special primary~~
26 ~~election~~ to select for such office a nominee of such political
27 party. The dates on which candidates may qualify for such
28 special primary election shall be fixed by the Department of
29 State, and the candidates shall qualify no later than noon of
30 the last day so fixed. The filing of campaign expense
31 statements by candidates in a special primary election

1 ~~primaries~~ shall not be later than such dates as shall be fixed
2 by the Department of State. In fixing such dates, the
3 Department of State shall take into consideration and be
4 governed by the practical time limitations. The qualifying
5 fees and party assessment of such candidates as may qualify
6 shall be the same as collected for the same office at the last
7 previous primary for that office. Each county canvassing
8 board shall make as speedy a return of the results of such
9 special primary election ~~primaries~~ as time will permit, and
10 the Elections Canvassing Commission shall likewise make as
11 speedy a canvass and declaration of the nominees as time will
12 permit.

13 Section 33. Subsection (2) of section 100.141, Florida
14 Statutes, is amended to read:

15 100.141 Notice of special election to fill any vacancy
16 in office or nomination.--

17 (2) The Department of State shall prepare a notice
18 stating what offices and vacancies are to be filled in the
19 special election, the dates ~~date~~ set for the ~~each~~ special
20 primary election and the special election, the dates fixed for
21 qualifying for office, the dates fixed for qualifying by the
22 alternative method, as an independent candidate, or as a minor
23 party candidate, and the dates fixed for filing campaign
24 expense statements.

25 Section 34. Subsection (6) of section 101.141, Florida
26 Statutes, is amended to read:

27 101.141 Specifications for primary election
28 ballot.--In counties in which voting machines are not used,
29 and in other counties for use as absentee ballots not designed
30 for tabulation by an electronic or electromechanical voting
31

1 system, the primary election ballot shall conform to the
2 following specifications:

3 (6) Should the above directions for complete
4 preparation of the ballot be insufficient, the Department of
5 State shall determine and prescribe any additional matter or
6 form. The Department of State shall, not less than 60 days
7 prior to the ~~first~~ primary election, mail to each supervisor
8 of elections the format of the ballot to be used for the
9 primary election.

10 Section 35. Subsection (1) of section 101.251, Florida
11 Statutes, is amended to read:

12 101.251 Information which supervisor of elections must
13 print on ballots.--

14 (1) The supervisor of elections of each county shall
15 print, on the general election ballots to be used in such
16 county, the names of candidates nominated by primary election
17 or special primary election ~~elections~~ or selected by the
18 appropriate executive committee of any political party.

19 Section 36. Subsection (2) of section 101.252, Florida
20 Statutes, is amended to read:

21 101.252 Candidates entitled to have names printed on
22 certain ballots; exception.--

23 (2) Any candidate for party executive committee member
24 who has qualified as prescribed by law is entitled to have his
25 or her name printed on the ~~first~~ primary ballot. However,
26 when there is only one candidate of any political party
27 qualified for such an office, the name of the candidate shall
28 not be printed on the ~~first~~ primary ballot, and such candidate
29 shall be declared elected to the state or county executive
30 committee.

31

1 Section 37. Paragraph (a) of subsection (4) and
2 subsection (7) of section 101.62, Florida Statutes, 1996
3 Supplement, are amended to read:

4 101.62 Request for absentee ballots.--

5 (4)(a) To each absent qualified elector overseas who
6 has requested an absentee ballot, the supervisor of elections
7 shall, not fewer than 35 days before the ~~first~~ primary
8 election and not fewer than 45 days before the general
9 election, mail an absentee ballot. ~~Not fewer than 45 days~~
10 ~~before the second primary and general election, the supervisor~~
11 ~~of elections shall mail an advance absentee ballot to those~~
12 ~~persons requesting ballots for such elections. The advance~~
13 ~~absentee ballot for the second primary shall be the same as~~
14 ~~the first primary absentee ballot as to the names of~~
15 ~~candidates, except that for any offices where there are only~~
16 ~~two candidates, those offices and all political party~~
17 ~~executive committee offices shall be omitted. The advance~~
18 ~~absentee ballot for the general election shall be as specified~~
19 ~~in s. 101.151, except that in the case of candidates of~~
20 ~~political parties where nominations were not made in the first~~
21 ~~primary, the names of the candidates placing first and second~~
22 ~~in the first primary election shall be printed on the advance~~
23 ~~absentee ballot. The advance absentee ballot or advance~~
24 ~~absentee ballot information booklet shall be of a different~~
25 ~~color for each election and also a different color from the~~
26 ~~absentee ballots for the first primary, second primary, and~~
27 ~~general election. The supervisor shall mail an advance~~
28 ~~absentee ballot for the second primary and general election to~~
29 ~~each qualified absent elector for whom a request is received~~
30 ~~until the absentee ballots are printed. The supervisor shall~~
31 ~~enclose with the advance second primary absentee ballot and~~

1 ~~advance general election absentee ballot an explanation~~
2 ~~stating that the absentee ballot for the election will be~~
3 ~~mailed as soon as it is printed; and, if both the advance~~
4 ~~absentee ballot and the absentee ballot for the election are~~
5 ~~returned in time to be counted, only the absentee ballot will~~
6 ~~be counted.~~

7 (7)~~(a)~~ For the purposes of this section, "absent
8 qualified elector overseas" means:

9 (a)1. Members of the Armed Forces while in the active
10 service who are permanent residents of the state and are
11 temporarily residing outside the territorial limits of the
12 United States and the District of Columbia;

13 (b)2. Members of the Merchant Marine of the United
14 States who are permanent residents of the state and are
15 temporarily residing outside the territorial limits of the
16 United States and the District of Columbia; and

17 (c)3. Other citizens of the United States who are
18 permanent residents of the state and are temporarily residing
19 outside the territorial limits of the United States and the
20 District of Columbia,

21
22 who are qualified and registered as provided by law.

23 ~~(b) Notwithstanding any other provision of law to the~~
24 ~~contrary, there shall appear on the ballots sent to absent~~
25 ~~qualified electors overseas, in addition to the names of the~~
26 ~~candidates for each office, the political party affiliation of~~
27 ~~each candidate for each office, other than a nonpartisan~~
28 ~~office.~~

29 ~~(c) With respect to marked ballots mailed by absent~~
30 ~~qualified electors overseas, only those ballots mailed with an~~
31 ~~APO, FPO, or foreign postmark shall be considered valid.~~

1 Section 38. Subsection (8) of section 102.012, Florida
2 Statutes, is amended to read:

3 102.012 Inspectors and clerks to conduct elections.--

4 (8) The supervisor of elections shall conduct training
5 classes for inspectors, clerks, and deputy sheriffs prior to
6 each ~~first~~ primary, general, and special election for the
7 purpose of instructing such persons in their duties and
8 responsibilities as election officials. A certificate may be
9 issued by the supervisor of elections to each person
10 completing such training. No person shall serve as an
11 inspector, clerk, or deputy sheriff for an election unless
12 such person has completed the training class as required. A
13 person who has attended previous training classes conducted
14 within 2 years of the election may be appointed by the
15 supervisor to fill a vacancy on election day. If no person
16 with prior training is available to fill such vacancy, the
17 supervisor of elections may fill such vacancy in accordance
18 with the provisions of subsection (9) from among persons who
19 have not received the training required by this section.

20 Section 39. Subsection (3) of section 103.021, Florida
21 Statutes, is amended to read:

22 103.021 Nomination for presidential
23 electors.--Candidates for presidential electors shall be
24 nominated in the following manner:

25 (3) A minor political party may have the names of its
26 candidates for President and Vice President printed, and
27 independent candidates for President and Vice President may
28 have their names printed, on the general election ballots if a
29 petition is signed by 1 percent of the registered electors of
30 this state, as shown by the compilation by the Department of
31 State for the last preceding general election. A separate

1 petition from each county for which signatures are solicited
2 shall be submitted to the supervisor of elections of the
3 respective county no later than July 15 of each presidential
4 election year. The supervisor shall check the names and, on
5 or before the date of the ~~first~~ primary election, shall
6 certify the number shown as registered electors of the county.
7 The supervisor shall be paid by the person requesting the
8 certification the cost of checking the petitions as prescribed
9 in s. 99.097. The supervisor shall then forward the
10 certificate to the Department of State which shall determine
11 whether or not the percentage factor required in this section
12 has been met. When the percentage factor required in this
13 section has been met, the Department of State shall order the
14 names of the candidates for whom the petition was circulated
15 to be included on the ballot and shall permit the required
16 number of persons to be certified as electors in the same
17 manner as other party candidates.

18 Section 40. Section 103.022, Florida Statutes, is
19 amended to read:

20 103.022 Write-in candidates for President and Vice
21 President.--Persons seeking to qualify for election as
22 write-in candidates for President and Vice President of the
23 United States may have a blank space provided on the general
24 election ballot for their names to be written in by filing an
25 oath with the Department of State at any time after the 57th
26 day, but before noon of the 49th day, prior to the date of the
27 ~~first~~ primary election in the year in which a presidential
28 election is held. The Department of State shall prescribe the
29 form to be used in administering the oath. The candidates
30 shall file with the department a certificate naming the
31 required number of persons to serve as electors. Such

1 write-in candidates shall not be entitled to have their names
2 on the ballot.

3 Section 41. Subsection (4) of section 103.091, Florida
4 Statutes, is amended to read:

5 103.091 Political parties.--

6 (4) Any political party other than a minor political
7 party may by rule provide for the membership of its state or
8 county executive committee to be elected for 4-year terms at
9 the ~~first~~ primary election in each year a presidential
10 election is held. The terms shall commence on the first day
11 of the month following each presidential general election; but
12 the names of candidates for political party offices shall not
13 be placed on the ballot at any other election. The results of
14 such election shall be determined by a plurality of the votes
15 cast. In such event, electors seeking to qualify for such
16 office shall do so with the Department of State or supervisor
17 of elections not earlier than noon of the 57th day, or later
18 than noon of the 53rd day, preceding the ~~first~~ primary
19 election. The outgoing chair of each county executive
20 committee shall, within 30 days after the committee members
21 take office, hold an organizational meeting of all newly
22 elected members for the purpose of electing officers. The
23 chair of each state executive committee shall, within 60 days
24 after the committee members take office, hold an
25 organizational meeting of all newly elected members for the
26 purpose of electing officers.

27 Section 42. Subsection (1) of section 105.031, Florida
28 Statutes, is amended to read:

29 105.031 Qualification; filing fee; candidate's oath;
30 items required to be filed.--

31

1 (1) TIME OF QUALIFYING.--Candidates for judicial
2 office other than the office of county court judge shall
3 qualify with the Division of Elections of the Department of
4 State, and candidates for the office of county court judge
5 shall qualify with the supervisor of elections of the county,
6 no earlier than noon of the 50th day, and no later than noon
7 of the 46th day, before the ~~first~~ primary election. Filing
8 shall be on forms provided for that purpose by the Division of
9 Elections and furnished by the appropriate qualifying officer.
10 Any person seeking to qualify as a candidate for circuit judge
11 or county court judge by the alternative method, if the person
12 has submitted the necessary petitions by the required deadline
13 and is notified after the fifth day prior to the last day for
14 qualifying that the required number of signatures has been
15 obtained, shall be entitled to subscribe to the candidate's
16 oath and file the qualifying papers at any time within 5 days
17 from the date he or she is notified that the necessary number
18 of signatures has been obtained. Any person other than a
19 write-in candidate who qualifies within the time prescribed in
20 this subsection shall be entitled to have his or her name
21 printed on the ballot.

22 Section 43. Subsection (1) of section 105.041, Florida
23 Statutes, is amended to read:

24 105.041 Form of ballot.--

25 (1) BALLOTS.--The names of candidates for judicial
26 office which appear on the ballot at the ~~first~~ primary
27 election shall either be grouped together on a separate
28 portion of the ballot or on a separate ballot. The names of
29 candidates for judicial office which appear on the ballot at
30 the general election and the names of justices and judges

31

1 seeking retention to office shall be grouped together on a
2 separate portion of the general election ballot.

3 Section 44. Paragraph (b) of subsection (1) of section
4 105.051, Florida Statutes, is amended to read:

5 105.051 Determination of election to office.--

6 (1)

7 (b) If two or more candidates, neither of whom is a
8 write-in candidate, qualify for such an office, the names of
9 those candidates shall be placed on the ballot at the first
10 primary election. If any candidate for such office receives a
11 majority of the votes cast for such office in the first
12 primary election, the name of the candidate who receives such
13 majority shall not appear on any other ballot unless a
14 write-in candidate has qualified for such office. An
15 unopposed candidate shall be deemed to have voted for himself
16 or herself at the general election. If no candidate for such
17 office receives a majority of the votes cast for such office
18 in the first primary election, the names of the two candidates
19 receiving the highest number of votes for such office shall be
20 placed on the general election ballot. If more than two
21 candidates receive an equal and highest number of votes, the
22 name of each candidate receiving an equal and highest number
23 of votes shall be placed on the general election ballot. In
24 any contest in which there is a tie for second place and the
25 candidate placing first did not receive a majority of the
26 votes cast for such office, the name of the candidate placing
27 first and the name of each candidate tying for second shall be
28 placed on the general election ballot.

29 Section 45. Subsection (1) of section 106.07, Florida
30 Statutes, is amended to read:

31 106.07 Reports; certification and filing.--

1 (1) Each campaign treasurer designated by a candidate
2 or political committee pursuant to s. 106.021 shall file
3 regular reports of all contributions received, and all
4 expenditures made, by or on behalf of such candidate or
5 political committee. Reports shall be filed on the 10th day
6 following the end of each calendar quarter from the time the
7 campaign treasurer is appointed, except that, if the 10th day
8 following the end of a calendar quarter occurs on a Saturday,
9 Sunday, or legal holiday, the report shall be filed on the
10 next following day which is not a Saturday, Sunday, or legal
11 holiday. Quarterly reports shall include all contributions
12 received and expenditures made during the calendar quarter
13 which have not otherwise been reported pursuant to this
14 section.

15 (a) ~~Except as provided in paragraph (b),~~Following the
16 last day of qualifying for office, the reports shall be filed
17 on the 32nd, 18th, and 4th days immediately preceding the
18 first primary election and on the 46th, 32nd, 25th, 18th,
19 11th,and 4th days immediately preceding the ~~second primary~~
20 ~~and~~ general election, for a candidate who is opposed in
21 seeking nomination or election to any office, for a political
22 committee, or for a committee of continuous existence.

23 (b) ~~Following the last day of qualifying for office,~~
24 ~~any statewide candidate who has requested to receive~~
25 ~~contributions from the Election Campaign Financing Trust Fund~~
26 ~~or any statewide candidate in a race with a candidate who has~~
27 ~~requested to receive contributions from the trust fund shall~~
28 ~~file reports on the 4th, 11th, 18th, 25th, and 32nd days prior~~
29 ~~to the first primary and general elections, and on the 4th,~~
30 ~~11th, 18th, and 25th days prior to the second primary.~~

31

1 **(b)**~~(c)~~ Following the last day of qualifying for
2 office, any unopposed candidate need only file a report within
3 90 days after the date such candidate became unopposed. Such
4 report shall contain all previously unreported contributions
5 and expenditures as required by this section and shall reflect
6 disposition of funds as required by s. 106.141.

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

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

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

22 Section 46. Paragraph (c) of subsection (1) of section
23 106.08, Florida Statutes, is amended to read:

24 106.08 Contributions; limitations on.--

25 (1)

26 (c) For purposes of this subsection, the first primary
27 election, ~~second primary~~, and the general election shall be
28 deemed separate elections so long as the candidate is not an
29 unopposed candidate as defined in s. 106.011(15). However,
30 for the purpose of contribution limits with respect to
31 candidates for retention as a justice of the Supreme Court or

1 judge of a district court of appeal, there shall be only one
2 election, which shall be the general election, ~~and with~~
3 ~~respect to candidates for circuit judge or county court judge,~~
4 ~~there shall be only two elections, which shall be the first~~
5 ~~primary election and general election.~~

6 Section 47. Subsection (1) of section 106.29, Florida
7 Statutes, is amended to read:

8 106.29 Reports by political parties; ~~assessment on~~
9 ~~contributions.--~~

10 (1) The state executive committee and each county
11 executive committee of each political party regulated by
12 chapter 103 shall file regular reports of all contributions
13 received and all expenditures made by such committee. Such
14 reports shall contain the same information as do reports
15 required of candidates by s. 106.07 and shall be filed on the
16 10th day following the end of each calendar quarter, except
17 that, during the period from the last day for candidate
18 qualifying until the general election, such reports shall be
19 filed on the Friday immediately preceding the ~~first~~ primary
20 election, ~~the second primary election,~~ and the general
21 election. Each state executive committee shall file the
22 original and one copy of its reports with the Division of
23 Elections. Each county executive committee shall file its
24 reports with the supervisor of elections in the county in
25 which such committee exists. Any political party failing to
26 file a report on the designated due date shall be subject to a
27 fine as provided in s. 106.07 for submitting late reports. No
28 separate fine shall be assessed for failure to file a copy of
29 any report required by this section.

30 Section 48. Subsection (3) of section 102.031, Florida
31 Statutes, is amended to read:

1 102.031 Maintenance of good order at polls;
2 authorities; persons allowed in polling rooms; unlawful
3 solicitation of voters.--

4 (3)(a)1. No person may enter any polling room or
5 polling place where the polling place is also a polling room,
6 during voting hours except the following:

7 a.1. Official poll watchers;

8 b.2. Inspectors;

9 c.3. Election clerks;

10 d.4. The supervisor of elections or his deputy;

11 e.5. Persons there to vote, persons in the care of a
12 voter, or persons caring for such voter;

13 f.6. Law enforcement officers or emergency service
14 personnel there with permission of the clerk or a majority of
15 the inspectors; or

16 g.7. A person, whether or not a registered voter, who
17 is assisting with or participating in a simulated election for
18 minors, as approved by the supervisor of elections.

19 2.(b) The restriction in this paragraph subsection
20 does not apply where the polling room is in an area commonly
21 traversed by the public in order to gain access to businesses
22 or homes or in an area traditionally utilized as a public area
23 for discussion.

24 (b)1.(c) No person, political committee, committee of
25 continuous existence, or other group or organization may
26 solicit voters within 100 ~~50~~ feet of the entrance to any
27 polling place, or polling room where the polling place is also
28 a polling room, on the day of any election.

29 ~~1. Solicitation shall not be restricted if:~~

30 ~~a. Conducted from a separately marked area within the~~
31 ~~50-foot zone so as not to disturb, hinder, impede, obstruct,~~

1 ~~or interfere with voter access to the polling place or polling~~
2 ~~room entrance; and~~

3 ~~b. The solicitation activities and subject matter are~~
4 ~~clearly and easily identifiable by the voters as an activity~~
5 ~~in which they may voluntarily participate; or~~

6 ~~c. Conducted on property within the 50-foot zone which~~
7 ~~is a residence, established business, private property,~~
8 ~~sidewalk, park, or property traditionally utilized as a public~~
9 ~~area for discussion.~~

10 ~~2. Solicitation shall not be permitted within the~~
11 ~~50-foot zone on a public sidewalk or other similar means of~~
12 ~~access to the polling room if it is clearly identifiable to~~
13 ~~the pollworkers that the solicitation is impeding,~~
14 ~~obstructing, or interfering with voter access to the polling~~
15 ~~room or polling place.~~

16 2.(d) For the purpose of this paragraph subsection,
17 the term "solicit" includes ~~shall include~~, but is not be
18 limited to, seeking or attempting to seek any vote, fact,
19 opinion, or contribution; distributing or attempting to
20 distribute any political or campaign material, leaflet, or
21 handout; conducting a poll; seeking or attempting to seek a
22 signature on any petition; and selling or attempting to sell
23 any item.

24 3. Notwithstanding any other provision of this
25 paragraph, if in the opinion of the supervisor of elections,
26 because of the location of the polling place, the health or
27 safety of solicitors will be adversely affected, solicitation
28 may be conducted within the 100-foot zone from a reasonably
29 located, separately marked area, which must be designated by
30 the supervisor of elections so as not to disturb, hinder,
31 impede, obstruct, or interfere with voter access to the

1 polling place or polling room entrance. Solicitors must
2 conduct their activities and display their subject matter so
3 that it is clearly and easily identifiable by the voters as an
4 activity in which they may voluntarily participate.

5 ~~(c)(e)~~ Pursuant to their authority under this section,
6 the election board may have ~~Each supervisor of elections shall~~
7 ~~inform the clerk of each precinct of the area within which~~
8 ~~soliciting is unlawful, based on the particular~~
9 ~~characteristics of that polling place. The supervisor or the~~
10 ~~clerk may take any reasonable action necessary to ensure order~~
11 ~~at the polling places which shall include:~~

12 1. ~~Designating a specific area for soliciting pursuant~~
13 ~~to paragraph (c) of this subsection, or~~

14 2. ~~Having~~ disruptive and unruly persons removed by law
15 enforcement officers from the polling room or polling place or
16 from the 100-foot ~~50-foot~~ zone surrounding the polling place.
17 The law enforcement officer assigned to the precinct shall
18 inform solicitors of the 100-foot zone and, when authorized by
19 the election board, shall remove those who are not lawfully
20 within the 100-foot zone and are disruptive and unruly.

21 Section 49. Section 99.013, Florida Statutes, is
22 created to read:

23 99.013 Residency requirement.--

24 (1) DEFINITIONS.--For the purposes of this section,
25 the term:

26 (a) "Residence" means a person's true, fixed, and sole
27 permanent dwelling from which that person has no present
28 intention of moving and to which, whenever absent, that person
29 has the intention of returning.

30 (b) "Residency requirement" means any requirement
31 under the State Constitution or the laws of this state that a

1 candidate for public office or an elected or appointed public
2 officer be a resident of, or maintain that person's residence
3 within the boundaries of, a specified political subdivision or
4 other geopolitically defined area.

5 (c) "Resident" means a person who has established a
6 residence.

7 (2) RESIDENCY.--

8 (a) For the purposes of meeting a residency
9 requirement, a candidate or public officer subject to that
10 requirement may have only one residence. In any determination
11 of whether a person has met the residency requirement, the
12 factors appearing in s. 196.015, as well as the person's
13 manifest intent ascertained from an examination of where that
14 person performs the usual functions of sleeping, eating, and
15 living, including attendant conduct and surrounding
16 circumstances, and other factors appropriate for the purpose
17 of establishing residency may be considered.

18 (b) Unless otherwise provided for in the State
19 Constitution, a residency requirement that applies to a
20 candidate for public office must be met from the time of
21 qualifying for that office, and a residency requirement that
22 applies to an appointed public officer must be met from the
23 time of appointment to that office.

24 (3) INVESTIGATION OF RESIDENCY VIOLATIONS.--The
25 Florida Elections Commission shall investigate, consider, and
26 determine alleged violations of residency requirements
27 applicable to candidates for public office and elected and
28 appointed public officers as provided in ss. 106.25 and
29 106.26.

30 Section 50. Section 196.015, Florida Statutes, reads:
31

1 196.015 Permanent residency; factual determination by
2 property appraiser.--Intention to establish a permanent
3 residence in this state is a factual determination to be made,
4 in the first instance, by the property appraiser. Although
5 any one factor is not conclusive of the establishment or
6 nonestablishment of permanent residence, the following are
7 relevant factors that may be considered by the property
8 appraiser in making his or her determination as to the intent
9 of a person claiming a homestead exemption to establish a
10 permanent residence in this state:

11 (1) Formal declarations of the applicant.

12 (2) Informal statements of the applicant.

13 (3) The place of employment of the applicant.

14 (4) The previous permanent residency by the applicant
15 in a state other than Florida or in another country and the
16 date non-Florida residency was terminated.

17 (5) The place where the applicant is registered to
18 vote.

19 (6) The place of issuance of a driver's license to the
20 applicant.

21 (7) The place of issuance of a license tag on any
22 motor vehicle owned by the applicant.

23 (8) The address as listed on federal income tax
24 returns filed by the applicant.

25 (9) The previous filing of Florida intangible tax
26 returns by the applicant.

27 Section 51. Subsection (1) of section 106.18, Florida
28 Statutes, is amended to read:

29 106.18 When a candidate's name to be omitted from
30 ballot.--

31

1 (1) The name of a candidate shall not be printed on
2 the ballot for an election if the candidate is convicted of
3 violating s. 106.19(1) or is determined to be in violation of
4 a residency requirement, as provided in ss. 106.25 and 106.26.

5 Section 52. Subsection (8) of section 106.25, Florida
6 Statutes, 1996 Supplement, is renumbered as subsection (9),
7 and a new subsection (8) is added to said section to read:

8 106.25 Reports of alleged violations ~~to Department of~~
9 ~~State~~; disposition of findings.--

10 (8) In addition to authority granted to the commission
11 with respect to violations of this chapter, the commission may
12 investigate complaints filed against any candidate for public
13 office for violating a residency requirement. If a complaint
14 against a candidate for failure to meet the residency
15 requirement is timely filed with the commission, the
16 commission shall investigate the complaint and determine the
17 candidate's eligibility to hold office in accordance with s.
18 106.26. That determination must be made public within 15 days
19 after the date the complaint is filed. The commission may not
20 accept a residency complaint against a candidate which is
21 filed later than 20 days after the end of the qualifying
22 period.

23 Section 53. Subsection (12) of section 106.26, Florida
24 Statutes, is amended to read:

25 106.26 Powers of commission; rights and
26 responsibilities of parties; findings by commission.--

27 (12)(a) At the conclusion of its hearings concerning
28 an alleged violation, the commission shall immediately begin
29 deliberations on the evidence presented at such hearings and
30 shall proceed to determine by affirmative vote of a majority
31 of the members present whether a violation of this chapter or

1 of a residency requirement has occurred. Such determination
2 shall promptly be made public. The order shall contain a
3 finding of violation or no violation, together with brief
4 findings of pertinent facts, and the assessment of such civil
5 penalties as are permitted by this chapter or no such
6 assessment and shall bear the signature or facsimile signature
7 of the chair or vice chair.

8 (b) In regard to an allegation of violation of a
9 residency requirement:

10 1. If the commission determines that a candidate for
11 public office has violated the residency requirement, the
12 commission shall require the Secretary of State or the
13 appropriate supervisor to omit the name of the candidate from
14 the ballot.

15 2. If the commission determines that an elected or
16 appointed public officer has violated the residency
17 requirement, the commission shall refer its findings, in the
18 case of a legislator, to the presiding officer of the
19 appropriate house of the Legislature for appropriate action
20 under the rules of that house or, in the case of any other
21 public officer, to the Governor for appropriate action under
22 s. 114.01.

23 3. If the commission determines that the candidate or
24 elected or appointed public officer under investigation has
25 not violated the residency requirement, the proceedings shall
26 cease.

27 4. This subsection does not limit the jurisdiction of
28 any other officer or agency of government empowered by law to
29 investigate, act upon, or dispose of alleged violations of a
30 residency requirement by any candidate for public office or
31 any elected or appointed public officer.

1 Section 54. Subsections (1) and (2) of section 97.052,
2 Florida Statutes, 1996 Supplement, are amended to read:

3 97.052 Uniform statewide voter registration
4 application.--

5 (1) The department shall prescribe a uniform statewide
6 voter registration application for use in this state.

7 (a) The uniform statewide voter registration
8 application must be accepted for any one or more of the
9 following purposes:

- 10 1. Initial registration.
- 11 2. Change of address.
- 12 3. Change of party affiliation.
- 13 4. Change of name.
- 14 5. Replacement of voter registration identification
15 card.

16 (b) The department is responsible for printing the
17 uniform statewide voter registration application and the voter
18 registration application form prescribed by the Federal
19 Election Commission pursuant to the National Voter
20 Registration Act of 1993. The applications and forms must be
21 distributed, upon request, to the following:

- 22 1. Individuals seeking to register to vote.
- 23 2. Individuals or groups conducting voter registration
24 programs. A charge of 1 cent per application shall be
25 assessed on requests for 10,000 or more applications.
- 26 3. The Department of Highway Safety and Motor
27 Vehicles.
- 28 4. Voter registration agencies.
- 29 5. Armed forces recruitment offices.
- 30 6. Qualifying educational institutions.

31

1 7. Supervisors, who must make the applications and
2 forms available in the following manner:

3 a. By distributing the applications and forms in their
4 offices to any individual or group.

5 b. By distributing the applications and forms at other
6 locations designated by each supervisor.

7 c. By mailing the applications and forms to applicants
8 upon the request of the applicant.

9 (c) The uniform statewide voter registration
10 application may not be reproduced by any private individual or
11 group.

12 (2) The uniform statewide voter registration
13 application must be designed to elicit the following
14 information from the applicant:

15 (a) Full name.

16 (b) Date of birth.

17 (c) Address of legal residence.

18 (d) Mailing address, if different.

19 (e) County of legal residence.

20 (f) Race or ethnicity that best describes the
21 applicant:

22 1. American Indian or Alaskan Native.

23 2. Asian or Pacific Islander.

24 3. Black, not ~~of~~ Hispanic origin.

25 4. White, not ~~of~~ Hispanic origin.

26 5. Hispanic.

27 (g) Sex.

28 (h) Party affiliation.

29 (i) Whether the applicant needs assistance in voting.

30 (j) Name and address where last registered.

31 (k) Social security number (optional).

1 (1) Telephone number (optional).
2 (m) Signature of applicant under penalty for false
3 swearing pursuant to s. 104.011, by which the person
4 subscribes to the oath required by s. 3, Art. VI of the State
5 Constitution and s. 97.051, and swears or affirms that the
6 information contained in the registration application is true.

7 ~~(n) Date of signature.~~

8 (n)~~(o)~~ Whether the application is being used for
9 initial registration, or to update a voter registration
10 record, or to request a replacement registration
11 identification card.

12 (o)~~(p)~~ Whether the applicant is a citizen of the
13 United States.

14 (p) That the applicant has not been convicted of a
15 felony or, if convicted, has had his or her civil rights
16 restored.

17 (q) That the applicant has not been adjudicated
18 mentally incapacitated with respect to voting or, if so
19 adjudicated, has had his or her right to vote restored.

20
21 The registration form shall be in plain language and designed
22 so that convicted felons whose civil rights have been restored
23 and persons who have been adjudicated mentally incapacitated
24 and have had their voting rights restored are not required to
25 reveal their prior conviction or adjudication.

26 Section 55. Subsection (1) and paragraph (a) of
27 subsection (5) of section 97.053, Florida Statutes, are
28 amended to read:

29 97.053 Acceptance of voter registration
30 applications.--

31

1 (1) Voter registration applications, ~~and~~ changes in
2 registration, and requests for a replacement registration
3 identification card must be accepted in the office of any
4 supervisor, the division, a driver license office, a voter
5 registration agency, or an armed forces recruitment office
6 when hand delivered by the applicant or a third party during
7 the hours that office is open or when mailed.

8 (5)(a) A voter registration application is complete if
9 it contains:

10 1. The applicant's name.

11 2. The applicant's legal residence address.

12 3. The applicant's date of birth, ~~and~~

13 4. An indication that the applicant is a citizen of
14 the United States.

15 5. An indication that the applicant has not been
16 convicted of a felony or that, if convicted, has had his or
17 her civil rights restored.

18 6. An indication that the applicant has not been
19 adjudicated mentally incapacitated with respect to voting or
20 that, if so adjudicated, has had his or her right to vote
21 restored.

22 7. Signature of the applicant swearing or affirming
23 under the penalty for false swearing pursuant to s. 104.011
24 that the information contained in the registration application
25 is true and subscribing to the oath required by s. 3, Art. VI
26 of the State Constitution and s. 97.051.

27 Section 56. Section 97.071, Florida Statutes, is
28 amended to read:

29 97.071 Registration identification card.--
30
31

1 (1) A registration identification card must be
2 furnished to all voters registering under the permanent single
3 registration system and must contain:
4 (a) Voter's registration number.
5 (b) Date of registration.
6 (c) Full name.
7 (d) Party affiliation.
8 (e) Date of birth.
9 (f) Race or ethnicity, if provided by the applicant.
10 (g) Sex, if provided by the applicant.
11 (h) Address of legal residence.
12 (i) Precinct number.
13 (j) Signature of supervisor.
14 (k) Place for voter's signature.
15 (l) Other information deemed necessary by the
16 department.
17 (2) A voter may receive a replacement of a
18 registration identification card by providing a signed,
19 written request for a replacement card to informing the
20 supervisor, ~~in writing, that the card was defaced, lost, or~~
21 ~~stolen~~. Upon verification of registration, the supervisor
22 shall issue the voter a duplicate card without charge.
23 (3) In the case of a change of name, address, or party
24 affiliation, the supervisor must issue the voter a new
25 registration identification card. However, a registration
26 identification card indicating a party affiliation change made
27 between the book-closing date for the first primary election
28 and the date of the second primary election may not be issued
29 until after the second primary election.
30 Section 57. Section 97.1031, Florida Statutes, is
31 amended to read:

1 97.1031 Notice of change of residence within the same
2 county, change of name, or change of party.--

3 (1) When an elector moves from the address named on
4 that person's voter registration record to another address
5 within the same county, the elector must provide a signed,
6 written notification of such move to notify the supervisor ~~in~~
7 ~~writing of such change~~ and obtain a registration
8 identification card reflecting the new address of legal
9 residence.

10 (2) When the name of an elector is changed by marriage
11 or other legal process, the elector must provide a signed,
12 written notification of such change to notify the supervisor
13 ~~in writing of the change~~ and obtain a registration
14 identification card reflecting the new name ~~change~~.

15 (3) When an elector seeks to change party affiliation,
16 the elector must provide a signed, written notification of
17 such intent to notify the supervisor ~~in writing~~ and obtain a
18 ~~new~~ registration identification card reflecting the new party
19 affiliation, subject pursuant to the issuance restriction in
20 s. 97.071(3).

21 (4) The supervisor shall make the necessary changes in
22 the elector's records as soon as practical upon receipt of
23 such notice of a change of address of legal residence, name,
24 or party affiliation and shall issue the new registration
25 identification card as required by s. 97.071(3).

26 Section 58. Section 98.461, Florida Statutes, is
27 amended to read:

28 98.461 Registration form, precinct register;
29 contents.--A registration form, approved by the Department of
30 State, containing the information required in s. 97.052 shall
31 be filed alphabetically in the office of the supervisor as the

1 master list of electors of the county. However, the
2 registration forms may be microfilmed and such microfilms
3 substituted for the original registration forms; or, when
4 voter registration information, including the voter's
5 signature, is maintained digitally or on electronic, magnetic,
6 or optic media, such stored information may be substituted for
7 the original registration form. Such microfilms or stored
8 information shall be retained in the custody of the supervisor
9 of elections. In the event the original registration forms are
10 microfilmed or maintained digitally or on electronic or other
11 media, such originals may be destroyed in accordance with the
12 schedule approved by the Bureau of Archives and Records
13 Management of the Division of Library and Information Services
14 of the Department of State. As an alternative, the information
15 from the registration form, including the signature, may be
16 electronically reproduced and stored as provided in s. 98.451.
17 A computer printout may be used at the polls as a precinct
18 register in lieu of the registration books. The precinct
19 register shall contain the date of the election, the precinct
20 number, and the following information concerning each
21 registered elector: last name, first name, and middle name or
22 initial; party affiliation; residence address; registration
23 number; date of birth; sex, if provided; race, if provided;
24 ~~state or country of birth;~~ whether the voter needs assistance
25 in voting; and such other additional information as to readily
26 identify the elector. The precinct register may also contain a
27 list of the forms of identification approved by the Department
28 of State, which shall include, but not be limited to, the
29 voter registration identification card and Florida driver's
30 license. The precinct register may also contain a space for
31 the elector's signature, a space for the initials of the

1 witnessing clerk or inspector, and a space for the signature
2 slip or ballot number.

3 Section 59. Subsection (2) of section 104.011, Florida
4 Statutes, is amended to read:

5 104.011 False swearing; submission of false voter
6 registration information.--

7 (2) A person who willfully submits any false voter
8 registration information commits a felony ~~misdemeanor~~ of the
9 third ~~first~~ degree, punishable as provided in s. 775.082 or s.
10 775.083.

11 Section 60. Subsection (4) is added to section
12 104.012, Florida Statutes, to read:

13 104.012 Consideration for registration; interference
14 with registration; soliciting registrations for compensation;
15 alteration of voter registration application.--

16 (4) A person who alters the voter registration
17 application of any other person, without the other person's
18 knowledge and consent, commits a misdemeanor of the first
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 Section 61. Sections 98.391, 98.412, 98.431, and
21 98.441, Florida Statutes, and sections 98.401 and 98.421,
22 Florida Statutes, as amended by chapter 95-147, Laws of
23 Florida, are hereby repealed.

24 Section 62. Subsection (11) is added to section
25 97.012, Florida Statutes, to read:

26 97.012 Secretary of State as chief election
27 officer.--The Secretary of State is the chief election officer
28 of the state, and it is his or her responsibility to:

29 (11) Create and maintain a central voter file.

30 Section 63. Subsections (4) through (29) of section
31 97.021, Florida Statutes, 1996 Supplement, are renumbered as

1 subsections (5) through (30), respectively, and a new
2 subsection (4) is added to said section to read:

3 97.021 Definitions.--For the purposes of this code,
4 except where the context clearly indicates otherwise, the
5 term:

6 (4) "Central voter file" means a statewide, centrally
7 maintained database containing voter registration information
8 of all counties in this state.

9 Section 64. Subsection (3) of section 98.045, Florida
10 Statutes, is amended to read:

11 98.045 Administration of voter registration.--

12 (3) Notwithstanding the provisions of ~~ss. s.~~98.095
13 and 98.097, each supervisor shall maintain for at least 2
14 years, and make available for public inspection and copying,
15 all records concerning implementation of registration list
16 maintenance programs and activities conducted pursuant to ss.
17 98.065 and 98.075. The records must include lists of the name
18 and address of each person to whom an address confirmation
19 final notice was sent and information as to whether each such
20 person responded to the mailing, but may not include any
21 information that is confidential or exempt from public record
22 requirements under this code.

23 Section 65. Section 98.095, Florida Statutes, as
24 amended by chapters 91-235 and 91-424, Laws of Florida, is
25 amended to read:

26 98.095 County registers open to inspection; copies.--

27 (1)(a)1. The registration books of each county in this
28 state are public records. Any ~~Every~~ citizen of the state is
29 allowed to examine the registration books of any county,
30 except for social security numbers, while they are in the
31 custody of the supervisor of that county, but is not allowed

1 to make copies or extracts therefrom except as provided by
2 this section.

3 2. Within 15 days of a request for voter registration
4 information, the supervisor shall furnish any requested
5 information, excluding a voter's signature and social security
6 number and any other information that is confidential or
7 exempt from public records requirements, which the supervisor
8 maintains pursuant to "The Florida Election Code."

9 (b) Notwithstanding ~~the provision of~~ paragraph (a), if
10 after the most recent ~~an~~ election, ~~if~~ there is a request for
11 information relating to electors who voted in that ~~the most~~
12 ~~recent~~ election, within 15 days of the request the supervisor
13 shall either provide the information or allow the persons,
14 entities, or agents thereof, as authorized in this section, to
15 personally extract or copy the information.

16 (c) Actual costs of duplication of information
17 authorized by this section for release to the public shall be
18 charged in accordance with the provisions of s. 119.07.

19 (2) The information provided by the supervisor
20 pursuant to this section shall be furnished only to:

21 (a) The courts for the purpose of jury selection;

22 (b) Municipalities;

23 (c) Other governmental agencies;

24 (d) Candidates, to further their candidacy;

25 (e) Registered political committees, registered
26 committees of continuous existence, and political parties or
27 officials thereof, for political purposes only; and

28 (f) Incumbent officeholders, to report to their
29 constituents.

30
31

1 Such information shall not be used for commercial purposes.
2 No person to whom a list of registered voters is made
3 available pursuant to this section, and no person who acquires
4 such a list, shall use any information contained therein for
5 purposes which are not related to elections, political or
6 governmental activities, voter registration, law enforcement,
7 or jury selection.

8 (3) Any person who acquires a ~~precinct~~ list of
9 registered voters from the office of the supervisor shall take
10 and subscribe to an oath which shall be in substantially the
11 following form:

12
13 I hereby swear or affirm that I am a person authorized
14 by s. 98.095, Florida Statutes, to acquire information on
15 registered voters of County, Florida; that the
16 information acquired will be used only for the purposes
17 prescribed in that section and for no other purpose; and that
18 I will not permit the use or copying of such information by
19 persons not authorized by the Election Code of the State of
20 Florida.

21
22 ... (Signature of person acquiring list) ...

23
24 Sworn to and subscribed before me this day of
25, 19.....

26
27 ... (Signature and title of person administering oath) ...

28
29 Section 66. Effective January 1, 1998, subsection (2)
30 of section 98.095, Florida Statutes, as amended by chapter
31 91-235, Laws of Florida, is amended to read:

1 98.095 County registers open to inspection; copies.--
2 (2) The information provided by the supervisor
3 pursuant to this section shall be furnished only to:
4 (a) Municipalities;
5 (b) Other governmental agencies;
6 (c) Candidates, to further their candidacy;
7 (d) Registered political committees, registered
8 committees of continuous existence, and political parties or
9 officials thereof, for political purposes only; and
10 (e) Incumbent officeholders, to report to their
11 constituents.
12
13 Such information shall not be used for commercial purposes.
14 No person to whom a list of registered voters is made
15 available pursuant to this section, and no person who acquires
16 such a list, shall use any information contained therein for
17 purposes which are not related to elections, political or
18 governmental activities, voter registration, or law
19 enforcement.
20 Section 67. Section 98.097, Florida Statutes, is
21 created to read:
22 98.097 Central voter file; administration by division;
23 public access.--
24 (1) There is hereby established a central voter file,
25 to be administered by the division, which shall be a
26 statewide, centrally maintained database containing the voter
27 registration information of all counties in this state.
28 (2) All voter registration records and other
29 information in the central voter file, excluding any
30 information that is confidential or exempt from public records
31

1 requirements, shall be considered public records for the
2 purposes of chapter 119.

3 (3) The central voter file shall be self-sustaining.

4 Section 68. Section 98.212, Florida Statutes, is
5 amended to read:

6 98.212 Supervisors to furnish statistical and other
7 information.--

8 (1)(a) Upon written request, supervisors shall, as
9 promptly as possible, furnish to recognized public or private
10 universities and senior colleges within the state, to state or
11 county governmental agencies, and to recognized political
12 party committees, statistical information for the purpose of
13 analyzing election returns and results.

14 (b)(2) Supervisors may require reimbursement for any
15 part or all of the actual expenses ~~expense~~ of supplying any
16 ~~such~~ information requested under paragraph (a). For the
17 purposes of this subsection, supervisors may use the services
18 of any research and statistical personnel that may be
19 supplied.

20 (c)(3) Lists of names submitted to supervisors for
21 indication of registration or nonregistration or of party
22 affiliation shall be processed at any time at cost, except
23 that in no case shall the charge exceed 10 cents for each name
24 on which the information is furnished.

25 (2)(4) The supervisors shall provide information as
26 requested by the department for program evaluation and
27 reporting to the Federal Election Commission pursuant to the
28 National Voter Registration Act of 1993.

29 (3) The supervisors shall provide information as
30 requested by the department for the creation and maintenance
31 of the central voter file.

1 Section 69. Section 101.591, Florida Statutes, is
2 amended to read:

3 101.591 Voting system audit.--

4 (1) The Legislature, upon specific appropriation and
5 directive, may provide for an independent ~~Department of State~~
6 ~~shall~~ audit of, ~~at least every 5 years,~~ the voting system in
7 any ~~each~~ county. Within 30 days after completing the audit,
8 the person conducting the audit ~~Department of State~~ shall
9 furnish a copy of the audit to the supervisor of elections and
10 the board of county commissioners.

11 (2) An ~~The~~ audit conducted pursuant to subsection (1)
12 shall consist of a study and evaluation of the voting system
13 used during any primary, general, municipal, or presidential
14 preference primary election to provide reasonable assurance
15 that the system is properly controlled, can accurately count
16 votes, provides adequate safeguards against unauthorized
17 manipulation and fraud, and complies with the requirements of
18 law and rules of the Department of State.

19 Section 70. Paragraph (y) of subsection (1) of section
20 125.01, Florida Statutes, 1996 Supplement, is amended to read:

21 125.01 Powers and duties.--

22 (1) The legislative and governing body of a county
23 shall have the power to carry on county government. To the
24 extent not inconsistent with general or special law, this
25 power includes, but is not restricted to, the power to:

26 (y) Place questions or propositions on the ballot at
27 any primary election, general election, or otherwise called
28 special election, when agreed to by a majority vote of the
29 total membership of the legislative and governing body, so as
30 to obtain an expression of elector sentiment with respect to
31 matters of substantial concern within the county. No special

1 election may be called for the purpose of conducting a straw
2 ballot. Any election costs, as defined in s. 97.021(9)(8),
3 associated with any ballot question or election called
4 specifically at the request of a district or for the creation
5 of a district shall be paid by the district either in whole or
6 in part as the case may warrant.

7 Section 71. (1) The Florida Elections Commission and
8 all of its statutory powers, duties, and functions and all of
9 its records, personnel, property, and unexpended balances of
10 appropriations, allocations, or other funds are transferred by
11 a type one transfer, as defined in s. 20.06(1), Florida
12 Statutes, from the Department of State to the Department of
13 Legal Affairs, Office of the Attorney General.

14 (2) This section shall take effect July 1, 1997.

15 Section 72. Subsection (2) of section 104.271, Florida
16 Statutes, is amended to read:

17 104.271 False or malicious charges against, or false
18 statements about, opposing candidates; penalty.--

19 (2) Any candidate who, in a primary election or other
20 election, with actual malice makes or causes to be made any
21 statement about an opposing candidate which is false is guilty
22 of a violation of this code. An aggrieved candidate may file
23 a complaint with the Florida Elections Commission ~~Division of~~
24 ~~Elections~~ pursuant to s. 106.25. The commission ~~division~~
25 shall adopt rules to provide an expedited hearing ~~before the~~
26 ~~Florida Elections Commission~~ of complaints filed under this
27 subsection. Notwithstanding any other provision of law, the
28 ~~Florida Elections~~ commission shall assess a civil penalty of
29 up to \$5,000 against any candidate found in violation of this
30 subsection, which shall be deposited to the account of the
31 General Revenue Fund of the state.

1 Section 73. Subsection (2) of section 106.19, Florida
2 Statutes, is amended to read:

3 106.19 Violations by candidates, persons connected
4 with campaigns, and political committees.--

5 (2) Any candidate, campaign treasurer, or deputy
6 treasurer; any chair, vice chair, or other officer of any
7 political committee; any agent or person acting on behalf of
8 any candidate or political committee; or any other person who
9 violates paragraph (a), paragraph (b), or paragraph (d) of
10 subsection (1) shall be subject to a civil penalty equal to
11 three ~~3~~ times the amount involved in the illegal act. Such
12 penalty may be in addition to the penalties provided by
13 subsection (1) and shall be paid into the General Revenue Fund
14 of this state. ~~The Division of Elections shall have authority~~
15 ~~to bring a civil action in circuit court to recover such civil~~
16 ~~penalty.~~

17 Section 74. Subsection (7) of section 106.22, Florida
18 Statutes, is amended, and subsections (11) and (12) are added
19 to said section, to read:

20 106.22 Duties of the Division of Elections.--It is the
21 duty of the Division of Elections to:

22 (7) Report to the Florida Elections Commission any
23 failure to file a report or information required by this
24 chapter or any apparent violation of this chapter.

25 ~~investigate apparent or alleged violations of this chapter and~~
26 ~~recommend legal disposition of the violation as provided in s.~~
27 ~~106.25.~~

28 (11) Conduct preliminary investigations into any
29 irregularities or fraud involving voter registration or voting
30 and report its findings to the state attorney for the judicial
31

1 circuit in which the alleged violation occurred for
2 prosecution, where warranted.

3 (12) Conduct random audits with respect to reports and
4 statements filed under this chapter and with respect to
5 alleged failure to file any reports and statements required
6 under this chapter.

7 Section 75. Subsection (1) of section 106.23, Florida
8 Statutes, is amended to read:

9 106.23 Powers of the Division of Elections.--

10 (1) In order to carry out the responsibilities
11 prescribed by s. 106.22 ~~this chapter~~, the Division of
12 Elections is empowered to subpoena and bring before its duly
13 authorized representatives any person in the state, or any
14 person doing business in the state, or any person who has
15 filed or is required to have filed any application, document,
16 papers or other information with an office or agency of this
17 state or a political subdivision thereof and to require the
18 production of any papers, books, or other records relevant to
19 any investigation, including the records and accounts of any
20 bank or trust company doing business in this state. Duly
21 authorized representatives of the division are empowered to
22 administer all oaths and affirmations in the manner prescribed
23 by law to witnesses who shall appear before them concerning
24 any relevant matter. Should any witness fail to respond to
25 the lawful subpoena of the division or, having responded, fail
26 to answer all lawful inquiries or to turn over evidence that
27 has been subpoenaed, the division may file a complaint before
28 any circuit court of the state setting up such failure on the
29 part of the witness. On the filing of such complaint, the
30 court shall take jurisdiction of the witness and the subject
31 matter of said complaint and shall direct the witness to

1 respond to all lawful questions and to produce all documentary
2 evidence in the witness's possession which is lawfully
3 demanded. The failure of any witness to comply with such order
4 of the court shall constitute a direct and criminal contempt
5 of court, and the court shall punish said witness accordingly.
6 However, the refusal by a witness to answer inquiries or turn
7 over evidence on the basis that such testimony or material
8 will tend to incriminate such witness shall not be deemed
9 refusal to comply with the provisions of this chapter.

10 Section 76. Section 106.24, Florida Statutes, is
11 amended to read:

12 106.24 Florida Elections Commission; membership;
13 powers; duties.--

14 (1)(a) There is created within the Department of Legal
15 Affairs, Office of the Attorney General, ~~State~~ a Florida
16 Elections Commission, hereinafter referred to as the
17 commission. The commission shall be a separate budget entity,
18 and its director shall be the agency head for all purposes.
19 The commission shall not be subject to control, supervision,
20 or direction by the Department of Legal Affairs or the
21 Attorney General ~~State~~ in the performance of its duties,
22 including, but not limited to, personnel, purchasing
23 transactions involving real or personal property, and
24 budgetary matters.

25 (b) The commission ~~It~~ shall be composed of nine ~~seven~~
26 members. The President of the Senate, the Speaker of the
27 House of Representatives, the minority leader of the Senate,
28 and the minority leader of the House of Representatives shall
29 each provide a list of six nominees to the Governor for
30 initial appointment to the commission. The Governor may
31 appoint two members to the commission from each list. If the

1 Governor refuses to appoint two members from any of the
2 respective lists, the Governor shall so inform the nominating
3 officer and the nominating officer shall submit a new list of
4 six nominees within 30 days. The new list must contain at
5 least three nominees not included on the prior nominating
6 list, including a chair, all of whom shall be appointed by the
7 Governor with the approval of three members of the Cabinet and
8 subject to confirmation by the Senate. The ninth commission
9 member, who shall serve as chair of the commission, shall be
10 appointed by the Governor. The chair of the commission shall
11 serve for a maximum term of 4 years, such term to run
12 concurrently with the term of the appointing Governor and
13 until a future successor is appointed. Other members of the
14 commission appointed by the Governor shall serve for 4-year
15 terms and until their successors are appointed. The chair of
16 the commission shall be designated by the Governor.

17 (c) As the terms of members expire, excluding the
18 chair, successors shall be appointed to 4-year terms and shall
19 serve until their successors are appointed. Six months prior
20 to the expiration of a commission member's term, the ranking
21 officer of the political party in the respective house
22 originally nominating the commission member shall submit a
23 list of three nominees to the Governor. The Governor may
24 appoint one of the listed nominees to the commission. If no
25 nominee is selected from the list, the Governor shall so
26 inform the nominating officer, who shall submit a list of
27 three different nominees to the Governor within 30 days.
28 Vacancies on the commission shall expeditiously be filled for
29 the unexpired terms in the same manner of the original
30 appointment to the vacated position.

31

1 (d) As the term of the chair of the commission expires
2 or becomes vacant, a successor shall be appointed in the
3 manner of the original appointment, and shall serve for a
4 maximum of 4 years, such term to run concurrently with the
5 term of the appointing Governor and until a future successor
6 is appointed.

7 (e) In no event may any member ~~Members~~ of the
8 commission ~~may not~~ serve more than two full terms. Members of
9 the commission shall be paid travel and per diem as provided
10 in s. 112.061 while in performance of their duties and in
11 traveling to, from, and upon same. Of the nine ~~seven~~ members
12 of the commission, no more than five ~~four~~ members shall be
13 from the same political party at any one time.

14 (2) No member of the commission shall be a member of
15 any county, state, or national committee of a political party;
16 be an officer in any partisan political club or organization;
17 or hold, or be a candidate for, any other public office. No
18 person shall be appointed as a member of the commission who
19 has held an elective public office or office in a political
20 party within the year immediately preceding his or her
21 appointment.

22 (3) The commission shall convene at the call of its
23 chair or at the request of a majority of the members of the
24 commission. The presence of five ~~four~~ members is required to
25 constitute a quorum, and the affirmative vote of the majority
26 of the members present is required for any action or
27 recommendation by the commission. The commission may meet in
28 any city of the state.

29 (4) The commission shall appoint an executive
30 director, who shall serve under the direction, supervision,
31 and control of the commission. The executive director, with

1 the consent of the commission, shall employ such staff as are
2 necessary to adequately perform the functions of the
3 commission, within budgetary limitations. All employees,
4 except the executive director and attorneys, are subject to
5 part II of chapter 110. The executive director shall serve at
6 the pleasure of the commission and be subject to part III of
7 chapter 110, except that the commission shall have complete
8 authority for setting the executive director's salary.
9 Attorneys employed by the commission shall be subject to part
10 V of chapter 110. ~~The Division of Elections shall provide~~
11 ~~administrative support and services to the commission to carry~~
12 ~~out its duties pursuant to this chapter. The division shall~~
13 ~~employ such staff as are necessary to adequately perform the~~
14 ~~functions of the commission, within budgetary limitations.~~

15 (5) Hearings shall be held before the commission,
16 except that the chair may direct that any hearing be held
17 before one member of the commission or a panel of less than
18 the full commission. The commission shall adopt rules to
19 provide for the filing of a report when hearings are held by a
20 single commissioner or a panel, which rules shall prescribe
21 the time for filing the report and the contents of the report.

22 (6) There is hereby established in the State Treasury
23 an Elections Commission Trust Fund to be utilized by the
24 Division of Elections and the Florida Elections Commission in
25 order to carry out their duties pursuant to ss. 106.24-106.28.
26 The trust fund may also be used by the division, pursuant to
27 its authority under s. 106.22(11), to provide rewards for
28 information leading to criminal convictions related to voter
29 registration fraud, voter fraud, and vote scams.

30 (7) ~~The department, in consultation with The~~
31 commission, shall develop a budget request pursuant to chapter

1 216 annually. The budget is not subject to change by the
2 Department of Legal Affairs or the Attorney General, but it
3 ~~which~~ shall be submitted by the Department of Legal Affairs to
4 the Governor for transmittal to the Legislature.

5 (8) The commission is authorized to contract or
6 consult with appropriate agencies of state government for such
7 professional assistance as may be needed in the discharge of
8 its duties. The Department of Legal Affairs shall provide
9 legal and investigative assistance to the commission, upon
10 request, except in the instance in which the Attorney General
11 is a complainant or respondent in a complaint filed with the
12 commission or is otherwise involved in the complaint.

13 Section 77. Section 106.25, Florida Statutes, 1996
14 Supplement, is amended to read:

15 106.25 Reports of alleged violations to Florida
16 Elections Commission ~~Department of State~~; disposition of
17 findings.--

18 (1) Jurisdiction to investigate and determine
19 violations of this chapter is vested in ~~the Division of~~
20 ~~Elections~~ and the Florida Elections Commission; however,
21 nothing in this section limits the jurisdiction of any other
22 officers or agencies of government empowered by law to
23 investigate, act upon, or dispose of alleged violations of
24 this code.

25 (2) The commission ~~Division of Elections~~ shall
26 investigate ~~and report to the Florida Elections Commission~~ all
27 violations of this chapter, but only after ~~with or without~~
28 having received either a sworn complaint or information
29 reported to it by the Division of Elections, ~~and may conduct~~
30 ~~random audits and investigations with respect to reports and~~
31 ~~statements filed under this chapter and with respect to the~~

1 ~~alleged failure to file any reports and statements required~~
2 ~~under this chapter. However,~~Any person, other than the
3 division, having information of any violation of this chapter
4 shall file a sworn complaint with the commission ~~Division of~~
5 ~~Elections~~. Such sworn complaint shall state whether a
6 complaint of the same violation has been made to any state
7 attorney. Within 5 days after receipt of a sworn complaint,
8 the commission shall transmit a copy of the complaint to the
9 alleged violator.

10 (3) For the purposes of ~~Florida Elections~~ commission
11 jurisdiction, a violation shall mean the willful performance
12 of an act prohibited by this chapter or the willful failure to
13 perform an act required by this chapter.

14 (4) The commission ~~Division of Elections~~ shall
15 undertake a preliminary investigation to determine if the
16 facts alleged in a sworn complaint or a matter initiated by
17 the division constitute probable cause to believe that a
18 violation has occurred. Upon completion of the preliminary
19 investigation, the commission ~~division~~ shall, by written
20 report, find probable cause or no probable cause to believe
21 that this chapter or s. 104.271 has been violated.

22 (a) If no probable cause is found, the commission
23 shall ~~division may~~ dismiss the case and the case shall become
24 a matter of public record, except as otherwise provided in
25 this section, together with a written statement of the
26 findings of the preliminary investigation and a summary of the
27 facts which the commission ~~division~~ shall send to the
28 complainant and the alleged violator.

29 (b) If probable cause is found, the commission
30 ~~division~~ shall so notify the complainant and the alleged
31 violator in writing ~~and shall refer the case to the~~

1 ~~commission.~~ All documents made or received in the disposition
2 of the complaint shall become public records upon a finding by
3 the commission.

4
5 In a case where probable cause is found ~~by the commission~~, the
6 commission shall make a preliminary determination to consider
7 the matter or to refer the matter to the state attorney for
8 the judicial circuit in which the alleged violation occurred.

9 (5) Where the commission does not refer the matter to
10 the state attorney, a hearing before a hearing officer from
11 the Division of Administrative Hearings shall be held pursuant
12 to chapter 120 if the commission receives a written request
13 for such a hearing from the alleged violator within 20 days of
14 receipt after the probable cause determination.

15 (6)~~(5)~~ It is the duty of a state attorney receiving a
16 complaint referred by the commission to investigate the
17 complaint promptly and thoroughly; to undertake such criminal
18 or civil actions as are justified by law; and to report to the
19 commission the results of such investigation, the action
20 taken, and the disposition thereof. The failure or refusal of
21 a state attorney to prosecute or to initiate action upon a
22 complaint or a referral by the commission shall not bar
23 further action by the commission under this chapter.

24 (7)~~(6)~~ Every sworn complaint filed pursuant to this
25 chapter with the ~~Division of Elections or the Florida~~
26 ~~Elections~~ commission, every ~~division~~ investigation and
27 investigative report or other paper of the ~~division or~~
28 commission with respect to a violation of this chapter, and
29 every proceeding of the commission with respect to a violation
30 of this chapter is confidential, is exempt from the provisions
31 of ss. 119.07(1) and 286.011, and is exempt from publication

1 in the Florida Administrative Weekly of any notice or agenda
2 with respect to any proceeding relating to such violation,
3 except under the following circumstances:

4 (a) As provided in subsection (6)~~(5)~~;

5 (b) Upon a determination of probable cause or no
6 probable cause by the commission; or

7 ~~(c) After a finding of no probable cause is made by~~
8 ~~the division and the case is not appealed; or~~

9 (c)~~(d)~~ For proceedings conducted with respect to
10 appeals of fines levied by filing officers for the late filing
11 of reports required by this chapter.

12
13 However, a complainant is not bound by the confidentiality
14 provisions of this section. In addition, confidentiality may
15 be waived in writing by the person against whom the complaint
16 has been filed or the investigation has been initiated. If a
17 finding of probable cause in a case is entered within 30 days
18 prior to the date of the election with respect to which the
19 alleged violation occurred, such finding and the proceedings
20 and records relating to such case shall not become public
21 until noon of the day following such election. When two or
22 more persons are being investigated by the commission ~~division~~
23 with respect to an alleged violation of this chapter, ~~the~~
24 ~~division~~ ~~or~~ the commission may not publicly enter a finding of
25 probable cause or no probable cause in the case until a
26 finding of probable cause or no probable cause for the entire
27 case has been determined. However, once the confidentiality
28 of any case has been breached, the person or persons under
29 investigation have the right to waive the confidentiality of
30 the case, thereby opening up the proceedings and records to
31 the public. Any person who discloses any information or

1 matter made confidential by the provisions of this subsection
2 commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 ~~(7) Dismissal of a case by the division, based on a~~
5 ~~finding of no probable cause, may be appealed to the~~
6 ~~commission by the complainant. Any complainant intending to~~
7 ~~appeal such dismissal must, within 30 days after the~~
8 ~~dismissal, file a request for a hearing before the commission~~
9 ~~with the division.~~

10 (8) Any person who files a complaint pursuant to this
11 section while knowing that the allegations contained in such
12 complaint are false or without merit commits a misdemeanor of
13 the first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 Section 78. Subsection (1) of section 106.26, Florida
16 Statutes, is amended, and subsections (13) and (14) are added
17 to said section, to read:

18 106.26 Powers of commission; rights and
19 responsibilities of parties; findings by commission.--

20 (1) The commission shall, pursuant to rules adopted
21 and published in accordance with chapter 120, consider all
22 sworn complaints filed with it and all matters reported to it
23 by the Division of Elections ~~or otherwise coming to its~~
24 ~~attention, including appeals of division dismissals of cases~~
25 ~~based on no probable cause.~~ In order to carry out its duties,
26 the commission may, whenever required, issue subpoenas and
27 other necessary process to compel the attendance of witnesses
28 before it. The chair thereof shall issue said process on
29 behalf of the commission. The chair or any other member of
30 the commission may administer all oaths and affirmations in
31 the manner prescribed by law to witnesses who shall appear

1 before the commission for the purpose of testifying in any
2 matter about which the commission may desire evidence. The
3 commission, whenever required, may also compel by subpoena the
4 production of any books, letters, or other documentary
5 evidence it may desire to examine in reference to any matter
6 before it. The sheriffs in the several counties shall make
7 such service and execute all process or orders when required
8 by the commission. Sheriffs shall be paid for these services
9 by the commission as provided for in s. 30.231. Any person
10 who is served with a subpoena to attend a hearing of the
11 commission also shall be served with a general statement
12 informing him or her of the subject matter of the commission's
13 investigation or inquiry and a notice that he or she may be
14 accompanied at the hearing by counsel of his or her own
15 choosing.

16 (13) The commission by rule may determine violations
17 which constitute minor offenses that can be resolved without
18 further investigation by means of a plea of nolo contendere
19 and payment of a fine.

20 (14) The commission may not issue advisory opinions
21 and must, in all its deliberations and decisions, adhere to
22 statutory law and advisory opinions of the division.

23 Section 79. Subsection (2) of section 106.265, Florida
24 Statutes, is amended to read:

25 106.265 Civil penalties.--

26 (2) If any person, political committee, committee of
27 continuous existence, or political party fails or refuses to
28 pay to the commission any civil penalties assessed pursuant to
29 the provisions of this section, the State Comptroller shall be
30 responsible for collecting the civil penalties resulting from

31

1 ~~such action~~ ~~commission may bring an action in any circuit~~
2 ~~court of this state to enforce such penalty.~~

3 Section 80. (1) Transition provisions.--

4 (1)(a) The terms of all current members of the Florida
5 Elections Commission shall expire at the end of the day,
6 December 31, 1997, and new members shall be appointed to the
7 commission prior to that date pursuant to the provisions of s.
8 106.24, Florida Statutes, as amended by this act, except that,
9 in order to provide for staggered terms, the initial
10 appointments shall be for terms beginning January 1, 1998, as
11 follows:

12 1. Appointed nominees of the President of the Senate
13 and the minority leader of the Senate shall each serve for a
14 term of 3 years.

15 2. Appointed nominees of the Speaker of the House of
16 Representatives and the minority leader of the House of
17 Representatives shall each serve for a term of 2 years.

18 (b) Any current member of the commission may be
19 appointed to the newly constituted commission established by
20 this act.

21 (2) All complaints and other business pending before
22 the commission at the close of business on December 31, 1997,
23 shall be continued on January 1, 1998, by the newly
24 constituted commission established by this act.

25 (3) All records, personnel, property, and unexpended
26 balances of appropriations, allocations, or other funds in the
27 possession of or provided by the Division of Elections of the
28 Department of State as administrative support and services to
29 the Florida Elections Commission pursuant to s. 106.24(4),
30 Florida Statutes (1995), shall be transferred by a type two
31 transfer, as defined in s. 20.06(2), Florida Statutes, to the

1 newly constituted commission established by this act on
2 January 1, 1998. In addition, as provided in s. 20.06(2)(c),
3 Florida Statutes, the administrative rules of the division
4 governing such records, personnel, property, and funds which
5 are in effect immediately before such transfer shall remain in
6 effect until specifically changed in the manner provided by
7 law.

8 (4) In order to ease the transition to the newly
9 constituted commission established by this act:

10 (a) The current members of the commission shall:

11 1. Initiate the adoption of rules, in accordance with
12 chapter 120, Florida Statutes, necessary to carry out the
13 expanded powers and duties of the commission required by this
14 act.

15 2. Secure office space and do all things necessary to
16 permit the newly appointed members and staff of the commission
17 to begin operating on January 1, 1998.

18 (b) The director of the Division of Elections shall
19 act as an advisor to the members of the newly constituted
20 commission established by this act and shall provide
21 assistance, as needed, in the adoption of rules and the
22 assumption of duties from the division and former commission.

23 (2) This section shall take effect upon this act
24 becoming a law.

25 Section 81. Except as otherwise provided herein, this
26 act shall take effect January 1, 1998; however, the creation
27 of section 99.013, Florida Statutes, and the amendment of
28 sections 106.18, 106.25, and 106.26, Florida Statutes, by this
29 act, relating to residency requirements, and the amendment of
30 section 100.371, Florida Statutes, by this act, relating to
31 signature verification periods and random sampling for

1 proposed initiative amendments, shall take effect on the
2 effective date of amendments to the State Constitution
3 approved by the electors at the general election to be held in
4 November 1998 which authorize, or remove impediment to,
5 enactment by the Legislature of the provisions of those
6 sections.

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505-134B-97

HOUSE SUMMARY

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4 Redefines what constitutes a contribution for purposes of
5 the cap on campaign contributions by a political party.
6 Prohibits a political party from accepting a campaign
7 contribution specifically designated for the exclusive
8 use of a particular candidate. Requires the reporting of
9 illegal campaign contributions. Provides enhanced
10 penalties for repeat violations of campaign contribution
11 limits or prohibitions and for failure to report illegal
12 campaign contributions or attempts to make illegal
13 campaign contributions.

14
15
16 Increases the fine for late filing of campaign finance
17 reports by candidates, political committees, committees
18 of continuous existence, and political parties, and
19 provides for deposit of such fines in the Elections
20 Commission Trust Fund. Eliminates an inoperable
21 provision relating to certain first-time offenders of
22 reporting requirements. Prohibits political parties from
23 contributing to candidates more than the current amount
24 candidates are allowed to accept from the parties.
25 Clarifies campaign finance reporting requirements for
26 political parties.

27
28 Reduces the required minimum number of candidates that
29 may be jointly endorsed by a political committee or a
30 political party regulated under ch. 103, F.S., without
31 the expenditures for obtaining the time, space, or
services in or by any communications medium therefor
being considered as contributions to or expenditures on
behalf of such candidates.

Eliminates the portion of the candidate filing fee and
municipal candidate election assessment assessed for
purposes of public campaign financing.

Provides requirements for disposition and reporting of
surplus funds resulting from refund checks received after
all other surplus funds have been disposed of. Restricts
the amount of surplus funds that may be given to a
political party, effective at a specified future date.

Requires political advertisements, other than those
resulting from independent expenditures, offered by or in
behalf of a candidate to be approved in advance by the
candidate and to state such approval and who paid for the
advertisement. Provides requirements on political
advertisements paid for by independent expenditure or by
a political party with respect to candidate approval or
lack thereof. Requires a telephone call supporting or
opposing any candidate or elected public official to
identify each person or organization sponsoring the call,
and provides that, if the expenditure for the telephone

505-134B-97

1 call is a contribution to a candidate, the name of the
2 candidate and the office sought must also be identified.
3 Prohibits a telephone call from stating or implying that
4 the caller represents any person or organization unless
5 the person or organization so represented has given
6 specific approval in writing to make such representation
7 or that the caller represents any nonexistent person or
8 organization. Requires online computer messages placed
9 by a candidate, political party, political committee, or
10 committee of continuous existence, or an agent thereof,
11 to include a statement disclosing all information
12 required of political advertisements.

13 With respect to verification of signatures on petitions,
14 provides that where a signed petition lists an address
15 other than the legal residence listed in the voter's
16 registration, the supervisor of elections shall treat the
17 signature as if the voter had listed the address of
18 registration. Requires advance payment for checking
19 signatures.

20 Requires each initiative amendment to be in a petition
21 format prescribed by the Division of Elections by rule.
22 Requires the sponsor of a proposed initiative amendment
23 to give the division notice of the use of paid petition
24 circulators. Requires the sponsor of a proposed
25 initiative amendment to provide the names and addresses
26 of its paid petition circulators to the division.
27 Requires paid petition circulators to place their names
28 and addresses on each petition form gathered and requires
29 the sponsor of the proposed initiative amendment to
30 ensure that such information has been provided prior to
31 submission of the forms to the supervisors for
verification. Prohibits the sponsor of a proposed
initiative amendment who pays to have signatures
collected from filing an oath of undue burden in lieu of
paying the fee required to have signatures verified.
Provides a signature verification period for each method
of verification. Clarifies a prohibition against signing
a petition more than once, and prohibits the signing of
another person's name or a fictitious name on any
petition for a candidate, a minor political party, or an
issue. Prohibits the sponsor of a proposed initiative
amendment from submitting petitions by a paid petition
circulator without the name and address of the circulator
on the petition form. With respect to proposed changes
relating to initiative petitions, provides applicability
to petitions already initiated.

Eliminates the second primary election and provides for a
single primary election, to be held earlier than the
first primary election is currently held. Provides for
nomination by a plurality of the votes cast and provides
a method for deciding tie votes. Revises campaign
financing reporting dates and the date and procedure for
mailing absentee ballots to overseas electors, to
conform. Removes unnecessary language pertaining to
political party affiliation of candidates appearing on
absentee ballots sent to overseas electors and language

505-134B-97

1 that unnecessarily restricts the validity of such
2 ballots, when marked and returned, to certain postmarks.

3 Expands the distance within which solicitation of voters
4 is prohibited. Authorizes a supervisor of elections to
5 permit solicitation within the restricted zone under
6 prescribed conditions. Authorizes the election board to
7 have disruptive persons removed by law enforcement
8 officers. Requires the law enforcement officer assigned
9 to an election precinct to inform solicitors of the
10 no-solicitation zone surrounding the polling place and to
11 remove unlawful or disruptive solicitors.

12 Requires that any public officer or candidate for public
13 office having a residency requirement under the State
14 Constitution or state law have only one declared
15 residence, and provides factors to be considered in
16 determining such residency. Requires candidates to meet
17 the residency requirement from the time of qualifying for
18 office and appointed public officers to meet the
19 requirement from the time of appointment to the office.
20 Provides for investigation, consideration, and
21 determination of residency violations by the Florida
22 Elections Commission and provides the procedure therefor.
23 Requires omission from the ballot of the name of any
24 candidate found in violation of the residency
25 requirement.

26 Authorizes the uniform statewide voter registration
27 application to be used for the purpose of replacement of
28 a voter registration identification card. Revises the
29 contents of the uniform statewide voter registration
30 application to eliminate date of signature and to include
31 provisions relating to felony conviction and adjudication
of mental incapacity. Provides for an assessment on
requests for forms beyond a specified number from
individuals or groups conducting voter registration
programs. Provides requirements for acceptance of
requests for a replacement registration identification
card. Requires that an applicant provide additional
information relating to citizenship, felony conviction,
and adjudication of mental incapacity on the voter
registration form to establish eligibility. With respect
to registration identification cards, changes
notification requirements to receive an updated or
replacement card. Modifies the information required on
the precinct register. Increases the penalty for
willfully submitting false voter registration
information. Prohibits the altering of a voter
registration application of another person without that
person's knowledge and consent. Repeals obsolete
provisions relating to automation in processing of voter
registrations by means of data processing cards and the
use of such cards at voting precincts.

32 Requires the Secretary of State to create and maintain a
33 central voter file. Provides that information in the
central voter file not otherwise confidential or exempt

505-134B-97

1 from public records requirements is public information.
2 Requires the central voter file to be self-sustaining.
3 Requires supervisors of elections to provide voter
4 registration information to the division for the central
5 voter file.

6 Provides for voting system audits only upon specific
7 appropriation and directive of the Legislature.

8 Transfers the Florida Elections Commission from the
9 Department of State to the Department of Legal Affairs,
10 Office of the Attorney General. Authorizes filing of
11 complaints with the commission relating to false
12 statements about candidates. Eliminates authority of the
13 Division of Elections to bring civil actions to recover
14 certain civil penalties. Deletes duties of the division
15 relating to investigation of complaints. Requires the
16 division to report certain information to the commission.
17 Requires the division to conduct preliminary
18 investigations into irregularities or fraud involving
19 voter registration or voting and report the findings to
20 the appropriate authority for prosecution, where
21 warranted. Requires the division to perform random
22 audits relating to reports and statements required to be
23 filed under ch. 106, F.S., relating to campaign
24 financing. Restricts powers of the division to issue
25 subpoenas and administer oaths to specified duties.
26 Increases membership of the commission. Revises
27 appointment procedures and criteria for membership on the
28 commission. Revises administrative and organizational
29 structure of the commission. Provides for appointment of
30 an executive director and employment of staff.
31 Authorizes the commission to contract or consult with
other state agencies for assistance as needed. Vests the
commission with jurisdiction to investigate and determine
violations of ch. 106, F.S. Requires transmittal of a
copy of a sworn complaint to the alleged violator, and
provides for an administrative hearing upon written
request of the alleged violator. Provides rulemaking
authority to the commission relating to its investigative
responsibilities. Prohibits the commission from issuing
advisory opinions. Provides for establishment by rule of
minor offenses that may be resolved without further
investigation by means of a plea of no contest and a
fine. Requires the commission to adhere to statutory law
and advisory opinions of the division. Requires the
State Comptroller to collect fines resulting from actions
of the commission in circuit court to enforce payment of
civil penalties. Provides for termination of terms of
current members of the commission and appointment of new
members. Transfers to the commission all division
records, personnel, property, and unexpended funds
associated with the complaint investigation process under
ch. 106, F.S. Provides for transition from the current
commission to the newly constituted commission.

See bill for details.