

By the Committee on Election Reform and Representatives
Thrasher, Carlton, Crow and Feeney

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 for certain notification relating to
9 pending determinations of the qualification of
10 independent candidates and the applicability of
11 such determinations to candidates becoming
12 unopposed and having to return certain
13 contributions; providing penalties; amending
14 ss. 106.04 and 106.07, F.S.; revising campaign
15 finance reporting requirements of committees of
16 continuous existence, candidates, and political
17 committees relating to the employment of
18 contributors; increasing the fine for late
19 filing of campaign financing reports by
20 candidates, political committees, and
21 committees of continuous existence; providing
22 for deposit of such fines in the Elections
23 Commission Trust Fund; eliminating an
24 inoperable provision relating to certain
25 first-time offenders; amending s. 106.29, F.S.;
26 increasing the fine for late filing of campaign
27 finance reports by political parties;
28 prohibiting political parties from contributing
29 to candidates beyond a specified amount;
30 clarifying reporting requirements; providing
31 penalties; amending s. 106.021, F.S.; reducing

1 the required minimum number of candidates that
2 may be jointly endorsed under certain
3 circumstances without the expenditures therefor
4 being considered as contributions to or
5 expenditures on behalf of such candidates;
6 amending s. 106.1405, F.S.; prohibiting the use
7 of campaign funds for salary or personal
8 expenses; providing a penalty; amending ss.
9 99.092, 99.093, and 105.031, F.S.; revising the
10 candidate filing fee and the municipal
11 candidate election assessment; amending s.
12 99.103, F.S., relating to distribution of party
13 assessments and certain filing fees, to
14 conform; amending s. 106.141, F.S.; providing
15 requirements for disposition and reporting of
16 surplus funds resulting from refund checks
17 received after all other surplus funds have
18 been disposed of; restricting the amount of
19 surplus funds that may be given to a political
20 party; amending s. 106.143, F.S.; providing
21 requirements for political advertisements with
22 respect to candidate approval; creating s.
23 106.147, F.S.; providing disclosure
24 requirements and prohibitions relating to
25 political solicitation by telephone; providing
26 an exemption; providing penalties; creating s.
27 106.1475, F.S.; requiring the appointment of a
28 registered agent for any person or organization
29 conducting certain political telephone
30 solicitations; requiring the filing of a notice
31 of such appointment with the Division of

1 Elections of the Department of State and
2 providing requirements of such notice;
3 providing for long arm jurisdiction over
4 out-of-state persons or organizations
5 conducting certain political telephone
6 solicitations in this state; providing a
7 penalty; creating s. 106.148, F.S.; providing
8 disclosure requirements for political
9 solicitation by online computer service;
10 amending s. 99.097, F.S., relating to
11 verification of signatures on petitions;
12 requiring advance payment for checking
13 signatures; amending s. 100.371, F.S.; revising
14 provisions relating to initiative amendments;
15 requiring each initiative amendment to be on a
16 petition form prescribed by the division;
17 requiring the sponsor of a proposed initiative
18 amendment to give the division notice of the
19 use of paid petition circulators; requiring the
20 sponsor of a proposed initiative amendment to
21 provide the names and addresses of its paid
22 petition circulators to the division; requiring
23 paid petition circulators to place their names
24 and addresses on each petition form gathered
25 and requiring the sponsor of the proposed
26 initiative amendment to ensure that such
27 information has been provided prior to
28 submission of the forms to the supervisors for
29 verification; prohibiting the sponsor of a
30 proposed initiative amendment who pays to have
31 signatures collected from paying on a

1 per-signature basis and from filing an oath of
2 undue burden in lieu of paying the fee required
3 to have signatures verified; providing a
4 signature verification period; amending s.
5 104.185, F.S.; clarifying a prohibition against
6 signing a petition more than once; prohibiting
7 the signing of another person's name or a
8 fictitious name on any petition for a
9 candidate, a minor political party, or an
10 issue; providing penalties; amending s. 106.19,
11 F.S.; prohibiting the sponsor of a proposed
12 initiative amendment from submitting petitions
13 by a paid petition circulator without the name
14 and address of the circulator on the petition
15 form and providing penalties therefor;
16 providing a penalty for violating the
17 prohibition against paying petition circulators
18 on a per-signature basis; providing
19 applicability to petitions already initiated;
20 amending s. 97.052, F.S.; providing an
21 additional purpose for, and modifying the
22 contents of, the uniform statewide voter
23 registration application; providing for an
24 assessment on requests for forms beyond a
25 specified number from individuals or groups
26 conducting voter registration programs;
27 amending s. 97.053, F.S.; providing for
28 acceptance of requests for a replacement
29 registration identification card; requiring
30 that an applicant provide additional
31 information on the voter registration form to

1 establish eligibility; amending ss. 97.071 and
2 97.1031, F.S., relating to registration
3 identification cards; changing notification
4 requirements to receive an updated or
5 replacement card; amending s. 98.461, F.S.;
6 modifying the information required on the
7 precinct register; amending s. 104.011, F.S.;
8 increasing the penalty for willfully submitting
9 false voter registration information; amending
10 s. 104.012, F.S.; prohibiting the altering of a
11 voter registration application of another
12 person without that person's knowledge and
13 consent; providing a penalty; repealing ss.
14 98.391-98.441, F.S., relating to automation in
15 processing of voter registrations by means of
16 data processing cards and the use of such cards
17 at voting precincts; amending s. 97.012, F.S.;
18 requiring the Secretary of State to create and
19 maintain a central voter file; amending s.
20 97.021, F.S.; defining "central voter file";
21 creating s. 98.097, F.S.; providing for
22 creation and maintenance of the central voter
23 file; providing that information in the central
24 voter file not otherwise confidential or exempt
25 from public records requirements is public
26 information; requiring the central voter file
27 to be self-sustaining; amending ss. 98.045 and
28 98.095, F.S., relating to administration of
29 voter registration and public access to
30 registration information, respectively, to
31 conform; amending s. 98.212, F.S.; requiring

1 supervisors of elections to provide voter
2 registration information to the division for
3 the central voter file; amending s. 101.591,
4 F.S.; providing for voting system audits only
5 upon specific appropriation and directive of
6 the Legislature; amending s. 125.01, F.S.;
7 correcting a cross reference; transferring the
8 Florida Elections Commission from the
9 Department of State to the Department of Legal
10 Affairs, Office of the Attorney General;
11 amending s. 104.271, F.S.; authorizing filing
12 of complaints with the commission relating to
13 false statements about candidates; amending s.
14 106.19, F.S.; eliminating authority of the
15 Division of Elections to bring civil actions to
16 recover certain civil penalties; amending s.
17 106.22, F.S.; deleting duties of the division
18 relating to investigation of complaints;
19 requiring the division to report certain
20 information to the commission; requiring the
21 division to conduct preliminary investigations
22 into irregularities or fraud involving voter
23 registration or voting and report the findings
24 to the appropriate state attorney for
25 prosecution, where warranted; requiring the
26 division to perform random audits relating to
27 reports and statements required to be filed
28 under ch. 106, F.S., relating to campaign
29 financing; amending s. 106.23, F.S.;
30 restricting powers of the division to issue
31 subpoenas and administer oaths to specified

1 duties; amending s. 106.24, F.S.; increasing
2 membership of the commission; revising
3 appointment procedures and criteria for
4 membership on the commission; revising
5 administrative and organizational structure of
6 the commission; providing for appointment of an
7 executive director and employment of staff;
8 authorizing the commission to contract or
9 consult with other state agencies for
10 assistance as needed; amending s. 106.25, F.S.;
11 vesting the commission with jurisdiction to
12 investigate and determine violations of ch.
13 106, F.S.; requiring transmittal of a copy of a
14 sworn complaint to the alleged violator;
15 providing for an administrative hearing upon
16 written request of the alleged violator;
17 amending s. 106.26, F.S.; providing rulemaking
18 authority to the commission relating to its
19 investigative responsibilities; prohibiting the
20 commission from issuing advisory opinions;
21 providing for establishment by rule of minor
22 offenses that may be resolved without further
23 investigation by means of a plea of no contest
24 and a fine; requiring the commission to adhere
25 to statutory law and advisory opinions of the
26 division; amending s. 106.265, F.S.; requiring
27 the State Comptroller to collect fines
28 resulting from actions of the commission in
29 circuit court to enforce payment of civil
30 penalties; providing for termination of terms
31 of current members of the commission and

1 appointment of new members; transferring to the
2 commission all division records, personnel,
3 property, and unexpended funds associated with
4 the complaint investigation process under ch.
5 106, F.S.; providing for transition from the
6 current commission to the newly constituted
7 commission; providing effective dates,
8 including a contingent effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 106.08, Florida Statutes, is
13 amended to read:

14 106.08 Contributions; limitations on.--

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

21 1. ~~To a candidate for countywide office or to a~~
22 ~~candidate in any election conducted on less than a countywide~~
23 ~~basis, \$500.~~

24 2. ~~To a candidate for legislative or multicounty~~
25 ~~office, \$500.~~

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

27 Candidates for the offices of Governor and Lieutenant Governor
28 on the same ticket are ~~shall be~~ considered a single candidate
29 for the purpose of this section.

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

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

3 6. ~~To a candidate for retention as a judge of a~~
4 ~~district court of appeal, \$500.~~

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

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

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

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

30 (2)(a) A candidate may not accept contributions from
31 national, state, and county executive committees of a

1 political party, which contributions in the aggregate exceed
2 \$50,000, no more than \$25,000 of which may be accepted prior
3 to the 28-day period immediately preceding the date of the
4 general election.

5 (b) ~~For the purposes of this subsection:~~

6 ~~1. Print, broadcast, cable, and mailing advertisements~~
7 ~~are contributions in an amount equal to their fair market~~
8 ~~value and shall be counted toward the contribution limits of~~
9 ~~this subsection.~~

10 ~~2. Polling services, research services, costs for~~
11 ~~campaign staff, professional consulting services technical~~
12 ~~assistance, and telephone calls voter mobilization efforts are~~
13 ~~not contributions to be counted toward the contribution limits~~
14 ~~of paragraph (a) ~~this subsection.~~ Any item not expressly~~
15 ~~identified in this paragraph as nonallocable is a contribution~~
16 ~~in an amount equal to the fair market value of the item and~~
17 ~~must be counted as allocable toward the \$50,000 contribution~~
18 ~~limits of paragraph (a). Nonallocable, in-kind contributions~~
19 ~~must be reported by the candidate under s. 106.07 and by the~~
20 ~~political party under s. 106.29.~~

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

28 (b) Except as otherwise provided in paragraph (c), any
29 contribution received by a candidate or by the campaign
30 treasurer or a deputy campaign treasurer of a candidate after
31 the date at which the candidate withdraws his or her

1 candidacy, or after the date the candidate is defeated,
2 becomes unopposed, or is elected to office must ~~shall~~ be
3 returned to the person or ~~political~~ committee contributing it
4 and may ~~shall~~ not be used or expended by or on behalf of the
5 candidate.

6 (c) With respect to any campaign for an office in
7 which an independent candidate has filed as required in s.
8 99.0955, but whose qualification is pending a determination by
9 the Department of State or supervisor of elections as to
10 whether or not the required number of petition signatures was
11 obtained:

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

15 2. Any contribution received by a candidate or the
16 campaign treasurer or deputy campaign treasurer of a candidate
17 after the candidate has been notified in writing by the
18 department or supervisor that he or she has become unopposed
19 as a result of an independent candidate failing to obtain the
20 required number of petition signatures shall be returned to
21 the person, political committee, or committee of continuous
22 existence contributing it and shall not be used or expended by
23 or on behalf of the candidate.

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

28 (5)(4) Any contribution received by the chair,
29 campaign treasurer, or deputy campaign treasurer of a
30 political committee supporting or opposing a candidate with
31 opposition in an election or supporting or opposing an issue

1 on the ballot in an election on the day of that election or
2 less than 5 days prior to the day of that election may ~~shall~~
3 not be obligated or expended by the committee until after the
4 date of the election.

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

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

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

23 (b) Any person who knowingly and willfully makes two
24 or more contributions in violation of subsection (1) or
25 subsection (6), or any person who knowingly and willfully
26 fails or refuses to report any contribution as required in
27 subsection (4), commits a felony of the second degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084. If any corporation, partnership, or other business
30 entity or any political committee or committee of continuous
31 existence is convicted of knowingly and willfully violating

1 any provision punishable under this paragraph, it shall be
2 fined not less than \$10,000 and not more than \$50,000. If it
3 is a domestic entity, it may be ordered dissolved by a court
4 of competent jurisdiction; if it is a foreign or nonresident
5 business entity, its right to do business in this state may be
6 forfeited. Any officer, partner, agent, attorney, or other
7 representative of a corporation, partnership, or other
8 business entity or of a political committee or committee of
9 continuous existence who aids, abets, advises, or participates
10 in a violation of any provision punishable under this
11 paragraph commits a felony of the second degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084.

13 (9)(7) Except when otherwise provided in subsection
14 (8), any person who knowingly and willfully violates any
15 provision ~~the provisions~~ of this section shall, in addition to
16 any other penalty prescribed by this chapter, pay to the state
17 a sum equal to twice the amount contributed in violation of
18 this chapter. Each campaign treasurer shall pay all amounts
19 contributed in violation of this section to the state for
20 deposit in the General Revenue Fund.

21 (10)(8) ~~The provisions of~~ This section does ~~shall~~ not
22 apply to the transfer of funds between a primary campaign
23 depository and a savings account or certificate of deposit or
24 to any interest earned on such account or certificate.

25 Section 2. Paragraph (c) of subsection (4) and
26 subsection (8) of section 106.04, Florida Statutes, are
27 amended to read:

28 106.04 Committees of continuous existence.--

29 (4)

30 (c) All committees of continuous existence shall file
31 the original and one copy of their reports with the Division

1 of Elections. In addition, a duplicate copy of each report
2 shall be filed with the supervisor of elections in the county
3 in which the committee maintains its books and records, except
4 that if the filing officer to whom the committee is required
5 to report is located in the same county as the supervisor no
6 such duplicate report is required to be filed with the
7 supervisor. Reports shall be on forms provided by the
8 division and shall contain the following information:

9 1. The full name, address, and primary occupation of
10 each person who has made one or more contributions to the
11 committee during the reporting period, together with the
12 amounts and dates of such contributions, and the full name of
13 the governmental agency, firm, association, foundation,
14 organization, corporation, partnership, company, or other
15 public or private entity by, for, or through which the person
16 is principally employed. However, if the contribution is \$100
17 or less, ~~the occupation of the contributor need not be listed,~~
18 ~~and~~ only the name and address of the contributor are
19 necessary. However, for any contributions which represent the
20 payment of dues by members in a fixed amount pursuant to the
21 schedule on file with the Division of Elections, only the
22 aggregate amount of such contributions need be listed,
23 together with the number of members paying such dues and the
24 amount of the membership dues.

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

31

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

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

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

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

- 27 1. When the report is actually received by such
- 28 officer.
- 29 2. When the report is postmarked.
- 30 3. When the certificate of mailing is dated.

31

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

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

9 (c) Any treasurer of a committee may appeal or dispute
10 the fine, based upon unusual circumstances surrounding the
11 failure to file on the designated due date, and may request
12 and shall be entitled to a hearing before the Florida
13 Elections Commission, which shall have the authority to waive
14 the fine in whole or in part. Any such request shall be made
15 within 20 days after receipt of the notice of payment due. In
16 such case, the treasurer of the committee shall, within the
17 20-day period, notify the filing officer in writing of his or
18 her intention to bring the matter before the commission.

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

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

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

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

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

10 ~~4. The reporting period shall follow the schedules~~
11 ~~outlined in s. 106.07.~~

12 Section 3. Paragraph (a) of subsection (4) and
13 subsection (8) of section 106.07, Florida Statutes, are
14 amended to read:

15 106.07 Reports; certification and filing.--

16 (4)(a) Each report required by this section shall
17 contain:

18 1. The full name, address, and primary occupation, if
19 any, of each person who has made one or more contributions to
20 or for such committee or candidate within the reporting
21 period, together with the amount and date of such
22 contributions, and, if employed, the full name of the
23 governmental agency, firm, association, foundation,
24 organization, corporation, partnership, company, or other
25 public or private entity by, for, or through which the person
26 is principally employed. However, if the contribution is \$100
27 or less or is from a relative, as defined in s. 112.312,
28 provided that the relationship is reported, ~~the occupation of~~
29 ~~the contributor need not be listed,~~ and only the name and
30 address of the contributor are necessary.

31

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

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

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

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

19 6. The full name and address of each person to whom
20 expenditures have been made by or on behalf of the committee
21 or candidate within the reporting period; the amount, date,
22 and purpose of each such expenditure; and the name and address
23 of, and office sought by, each candidate on whose behalf such
24 expenditure was made. However, expenditures made from the
25 petty cash fund provided by s. 106.12 need not be reported
26 individually.

27 7. The full name and address of each person to whom an
28 expenditure for personal services, salary, or reimbursement
29 for authorized expenses has been made and which is not
30 otherwise reported, including the amount, date, and purpose of
31 such expenditure. However, expenditures made from the petty

1 cash fund provided for in s. 106.12 need not be reported
2 individually.

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

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

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

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

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

20 (8)(a) Any candidate or political committee failing to
21 file a report on the designated due date shall be subject to a
22 fine as provided in paragraph (b) for each late day, and, in
23 the case of a candidate, such fine shall be paid only from
24 personal funds of the candidate. The fine shall be assessed
25 by the filing officer and the moneys collected shall be
26 deposited:

27 1. In the Elections Commission ~~Election Campaign~~
28 ~~Financing~~ Trust Fund, in the case of a candidate for state
29 office or a political committee that registers with the
30 Division of Elections; or

31

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

5
6 No separate fine shall be assessed for failure to file a copy
7 of any report required by this section.

8 (b) Upon determining that a report is late, the filing
9 officer shall immediately notify the candidate or chair of the
10 political committee as to the failure to file a report by the
11 designated due date and that a fine is being assessed for each
12 late day. The fine shall be \$50 per day for the first 3 days
13 late and, thereafter, \$500 per day for each late day, not to
14 exceed 25 percent of the total receipts or expenditures,
15 whichever is greater, for the period covered by the late
16 report. However, for the reports immediately preceding each
17 primary and general election, the fine shall be \$500~~\$50~~ per
18 day for each late day, not to exceed 25 percent of the total
19 receipts or expenditures, whichever is greater, for the period
20 covered by the late report. Upon receipt of the report, the
21 filing officer shall determine the amount of the fine which is
22 due and shall notify the candidate or chair. The filing
23 officer shall determine the amount of the fine due based upon
24 the earliest of the 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). In the case of a candidate, such fine shall not be an
5 allowable campaign expenditure and shall be paid only from
6 personal funds of the candidate. An officer or member of a
7 political committee shall not be personally liable for such
8 fine.

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

20 (d) The appropriate filing officer shall notify the
21 Florida Elections Commission of the repeated late filing by a
22 candidate or political committee, the failure of a candidate
23 or political committee to file a report after notice, or the
24 failure to pay the fine imposed.

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

30
31

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

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

7 ~~3. The request for the waiver must be accompanied by a~~
8 ~~sworn oath by the candidate or the treasurer of the committee~~
9 ~~stating that the candidate or committee has not previously~~
10 ~~been fined for the late filing of a report as a candidate for~~
11 ~~public office or as a committee and that there was no activity~~
12 ~~during the reporting period. No activity shall mean that no~~
13 ~~contributions were received or expenditures made during the~~
14 ~~reporting period.~~

15 ~~4. The reporting period shall follow the schedules~~
16 ~~outlined in this section.~~

17 Section 4. Section 106.29, Florida Statutes, is
18 amended to read:

19 106.29 Reports by political parties; restrictions on
20 contributions and expenditures; penalties ~~assessment on~~
21 ~~contributions.--~~

22 (1) The state executive committee and each county
23 executive committee of each political party regulated by
24 chapter 103 shall file regular reports of all contributions
25 received and all expenditures made by such committee. Such
26 reports shall contain the same information as do reports
27 required of candidates by s. 106.07 and shall be filed on the
28 10th day following the end of each calendar quarter, except
29 that, during the period from the last day for candidate
30 qualifying until the general election, such reports shall be
31 filed on the Friday immediately preceding the first primary

1 election, the second primary election, and the general
2 election. Each state executive committee shall file the
3 original and one copy of its reports with the Division of
4 Elections. Each county executive committee shall file its
5 reports with the supervisor of elections in the county in
6 which such committee exists. Any state or county executive
7 committee ~~political party~~ failing to file a report on the
8 designated due date shall be subject to a fine as provided in
9 subsection (3) ~~s. 106.07 for submitting late reports~~. No
10 separate fine shall be assessed for failure to file a copy of
11 any report required by this section.

12 (2) The chair and treasurer of each state or county
13 executive committee shall certify as to the correctness of
14 each report filed by them on behalf of such committee. Any
15 committee chair or treasurer who certifies the correctness of
16 any report while knowing that such report is incorrect, false,
17 or incomplete commits ~~is guilty of~~ a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or
19 s. 775.084.

20 (3)(a) Any state or county executive committee failing
21 to file a report on the designated due date shall be subject
22 to a fine as provided in paragraph (b) for each late day. The
23 fine shall be assessed by the filing officer and the moneys
24 collected shall be deposited in the Elections Commission Trust
25 Fund.

26 (b) Upon determining that a report is late, the filing
27 officer shall immediately notify the chair of the executive
28 committee as to the failure to file a report by the designated
29 due date and that a fine is being assessed for each late day.
30 The fine shall be \$1,000 for a state executive committee, and
31 \$50 for a county executive committee, per day for each late

1 day, not to exceed 25 percent of the total receipts or
2 expenditures, whichever is greater, for the period covered by
3 the late report. Upon receipt of the report, the filing
4 officer shall determine the amount of the fine which is due
5 and shall notify the chair. The filing officer shall
6 determine the amount of the fine due based upon the earliest
7 of the following:

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

10 2. When the report is postmarked.

11 3. When the certificate of mailing is dated.

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

14
15 Such fine shall be paid to the filing officer within 20 days
16 after receipt of the notice of payment due, unless appeal is
17 made to the Florida Elections Commission pursuant to paragraph
18 (c). An officer or member of an executive committee shall not
19 be personally liable for such fine.

20 (c) The chair of an executive committee may appeal or
21 dispute the fine, based upon unusual circumstances surrounding
22 the failure to file on the designated due date, and may
23 request and shall be entitled to a hearing before the Florida
24 Elections Commission, which shall have the authority to waive
25 the fine in whole or in part. Any such request shall be made
26 within 20 days after receipt of the notice of payment due. In
27 such case, the chair of the executive committee shall, within
28 the 20-day period, notify the filing officer in writing of his
29 or her intention to bring the matter before the commission.

30 (d) The appropriate filing officer shall notify the
31 Florida Elections Commission of the repeated late filing by an

1 executive committee, the failure of an executive committee to
2 file a report after notice, or the failure to pay the fine
3 imposed.

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

8 (5)~~(4)~~ No state or county executive committee, in the
9 furtherance of any candidate or political party, directly or
10 indirectly, shall give, pay, or expend any money, give or pay
11 anything of value, authorize any expenditure, or become
12 pecuniarily liable for any expenditure prohibited by this
13 chapter. However, the contribution of funds by one executive
14 committee to another,or to established party organizations
15 for legitimate party or campaign purposes,~~or to individual~~
16 ~~candidates of that party in general elections in amounts~~
17 ~~exceeding those set forth in s. 106.08~~ is not prohibited, but
18 all such contributions shall be recorded and accounted for in
19 the reports of the contributor and recipient.

20 (6)(a) The national, state, and county executive
21 committees of a political party may not contribute to any
22 candidate any amount in excess of the limits the candidate is
23 authorized to accept in s. 106.08(2), and all contributions
24 required to be reported under s. 106.08(2) by the national
25 executive committee of a political party shall be reported by
26 the state executive committee of that political party.

27 (b) An executive committee of a political party that
28 makes a contribution to a candidate in excess of the
29 contribution limits prescribed in s. 106.08(2) commits a
30 misdemeanor of the first degree, punishable as provided in s.
31 775.082 or s. 775.083, and the chair or treasurer of the

1 executive committee found in violation thereof, whichever
2 authorized the illegal contribution, shall be held personally
3 accountable. In addition to any criminal penalty imposed, a
4 civil penalty equal to three times the amount involved in the
5 illegal contribution shall be assessed against any executive
6 committee found in violation thereof.

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

9 106.021 Campaign treasurers; deputies; primary and
10 secondary depositories.--

11 (3) Except for independent expenditures, no
12 contribution or expenditure, including contributions or
13 expenditures of a candidate or of the candidate's family,
14 shall be directly or indirectly made or received in
15 furtherance of the candidacy of any person for nomination or
16 election to political office in the state or on behalf of any
17 political committee except through the duly appointed campaign
18 treasurer of the candidate or political committee. However,
19 expenditures may be made directly by any political committee
20 or political party regulated by chapter 103 for obtaining
21 time, space, or services in or by any communications medium
22 for the purpose of jointly endorsing three ~~six~~ or more
23 candidates, and any such expenditure shall not be considered a
24 contribution or expenditure to or on behalf of any such
25 candidates for the purposes of this chapter.

26 Section 6. Section 106.1405, Florida Statutes, is
27 amended to read:

28 106.1405 Use of campaign funds for salary or personal
29 expenses prohibited; penalties by candidates.--

30 (1) ~~If~~ A candidate or the spouse of a candidate may
31 not ~~intends to~~ draw a salary from the campaign account of such

1 candidate or use funds on deposit in a campaign account of
2 such candidate to defray normal living expenses for the
3 candidate or the candidate's family, other than expenses
4 actually incurred for transportation, meals, and lodging by
5 the candidate or a family member during travel in the course
6 of the campaign, ~~the candidate shall, at the same time he or~~
7 ~~she appoints a treasurer and designates his or her campaign~~
8 ~~depository, file with the officer before whom he or she~~
9 ~~qualifies a statement that the candidate intends to use the~~
10 ~~funds for such purposes. Unless the statement of intent is~~
11 ~~filed at such time, the funds shall not be so used.~~

12 (2) Violation of this section is punishable as
13 provided in s. 106.19.

14 Section 7. Subsection (1) of section 99.092, Florida
15 Statutes, is amended to read:

16 99.092 Qualifying fee of candidate; notification of
17 Department of State.--

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

1 ~~remainder shall be distributed pursuant to s. 99.103.~~The
2 amount of the election assessment is 1 percent of the annual
3 salary of the office sought. The election assessment shall be
4 deposited into the Elections Commission Trust Fund. The
5 amount of the party assessment is 2 percent of the annual
6 salary. The annual salary of the office for purposes of
7 computing the filing fee, election assessment, and party
8 assessment shall be computed by multiplying 12 times the
9 monthly salary, excluding any special qualification pay,
10 authorized for such office as of July 1 immediately preceding
11 the first day of qualifying. No qualifying fee shall be
12 returned to the candidate unless the candidate withdraws his
13 or her candidacy before the last date to qualify. If a
14 candidate dies prior to an election and has not withdrawn his
15 or her candidacy before the last date to qualify, the
16 candidate's qualifying fee shall be returned to his or her
17 designated beneficiary, and, if the filing fee or any portion
18 thereof has been transferred to the political party of the
19 candidate, the Secretary of State shall direct the party to
20 return that portion to the designated beneficiary of the
21 candidate.

22 Section 8. Subsection (1) of section 99.093, Florida
23 Statutes, is amended to read:

24 99.093 Municipal candidates; election assessment.--

25 (1) Each person seeking to qualify for nomination or
26 election to a municipal office shall pay, at the time of
27 qualifying for office, an election assessment. The election
28 assessment shall be an amount equal to 1 ~~1.5~~ percent of the
29 annual salary of the office sought. Within 30 days after the
30 close of qualifying, the qualifying officer shall forward all
31 assessments ~~two-thirds of the amount~~ collected pursuant to

1 this section to the Department of State for deposit in the
2 Elections Commission Trust Fund ~~and one-third of the amount~~
3 ~~collected pursuant to this section shall be transferred to the~~
4 ~~Election Campaign Financing Trust Fund.~~

5 Section 9. Subsection (3) of section 105.031, Florida
6 Statutes, is amended to read:

7 105.031 Qualification; filing fee; candidate's oath;
8 items required to be filed.--

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

29 Section 10. Section 99.103, Florida Statutes, is
30 amended to read:

31

1 99.103 Department of State to remit part of filing
2 fees and party assessments of candidates to state executive
3 committee.--

4 (1) If more than three-fourths of the full authorized
5 membership of the state executive committee of any party was
6 elected at the last previous election for such members and if
7 such party is declared by the Department of State to have
8 recorded on the registration books of the counties, as of the
9 first Tuesday after the first Monday in January prior to the
10 first primary in general election years, 5 percent of the
11 total registration of such counties when added together, such
12 committee shall receive, for the purpose of meeting its
13 expenses, all filing fees collected by the Department of State
14 from its candidates less ~~the amount transferred to the~~
15 ~~Election Campaign Financing Trust Fund pursuant to s. 99.092~~
16 ~~and~~ an amount equal to 15 percent of the filing fees ~~after~~
17 ~~such transfer~~, which amount the Department of State shall
18 deposit in the General Revenue Fund of the state.

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

1 assessments collected by the Department of State shall be
2 remitted to the appropriate state executive committees not
3 later than the date of the first primary.

4 Section 11. Section 106.141, Florida Statutes, is
5 amended to read:

6 106.141 Disposition of surplus funds by candidates.--

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

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

25 (3) The campaign treasurer of a candidate who
26 withdraws his or her candidacy, becomes ~~who has been~~
27 ~~eliminated as a candidate, who has become~~ unopposed, or is
28 eliminated as a candidate or ~~who has been~~ elected to office
29 and who has funds on deposit in a separate interest-bearing
30 account or certificate of deposit shall, within 7 days after
31 ~~of~~ the date of becoming unopposed or the date of such

1 withdrawal, elimination, or election, transfer such funds and
2 the accumulated interest earned thereon to the campaign
3 account of the candidate for disposal under ~~in accordance with~~
4 ~~the provisions of~~ this section. However, if the ~~when~~ funds
5 are in an account in which penalties will apply for withdrawal
6 within the 7-day period, the campaign treasurer shall transfer
7 such funds and the accumulated interest earned thereon as soon
8 as the funds can be withdrawn without penalty, or within 90
9 days after the candidate becomes unopposed, withdraws his or
10 her candidacy, or is eliminated or elected, whichever comes
11 first.

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

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

20 2. Donate the funds that ~~which~~ have not been spent or
21 ~~have not been obligated to be spent~~ to a charitable charity
22 organization or organizations that ~~which~~ meet the
23 qualifications of s. 501(c)(3) of the Internal Revenue Code,
24 ~~with respect to a campaign which has been conducted.~~

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

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

31

1 a. In the case of a candidate for state office, to the
2 state, to be deposited in either the Election Campaign
3 Financing Trust Fund or the General Revenue Fund, as
4 designated by the candidate; or

5 b. In the case of a candidate for an office of a
6 political subdivision, to such political subdivision, to be
7 deposited in the general fund thereof.

8 (b) Any candidate required to dispose of funds
9 pursuant to this section who has received contributions from
10 the Election Campaign Financing Trust Fund shall return all
11 surplus campaign funds to the Election Campaign Financing
12 Trust Fund.

13 (5) A candidate elected to office or a candidate who
14 will be elected to office by virtue of his or her being
15 unopposed may, in addition to the disposition methods provided
16 in subsection (4), transfer from the campaign account to an
17 office account any amount of the funds on deposit in such
18 campaign account up to:

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

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

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

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

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

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

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

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

30 (6) Prior to disposing of funds pursuant to subsection
31 (4) or transferring funds into an office account pursuant to

1 subsection (5), any candidate who filed an oath stating that
2 he or she was unable to pay the election assessment or fee for
3 verification of petition signatures without imposing an undue
4 burden on his or her personal resources or on resources
5 otherwise available to him or her, or who filed both such
6 oaths, or who qualified by the alternative method and was not
7 required to pay an election assessment, shall reimburse the
8 state or local governmental entity, whichever is applicable,
9 for such waived assessment or fee or both. Such reimbursement
10 shall be made first for the cost of petition verification and
11 then, if funds are remaining, for the amount of the election
12 assessment. If there are insufficient funds in the account to
13 pay the full amount of either the assessment or the fee or
14 both, the remaining funds shall be disbursed in the above
15 manner until no funds remain. All funds disbursed pursuant to
16 this subsection shall be remitted to the qualifying officer.
17 Any reimbursement for petition verification costs which are
18 reimbursable by the state shall be forwarded by the qualifying
19 officer to the state for deposit in the General Revenue Fund.
20 All reimbursements for the amount of the election assessment
21 shall be forwarded by the qualifying officer to the Department
22 of State for deposit in the Elections Commission Trust Fund.

23 (7) Any candidate required to dispose of campaign
24 funds pursuant to this section shall do so within the time
25 required by this section and shall, on or before the date by
26 which such disposition is to have been made, file with the
27 officer with whom reports are required to be filed pursuant to
28 s. 106.07 a form prescribed by the Division of Elections
29 listing:

30
31

1 (a) The name and address of each person or unit of
2 government to whom any of the funds were distributed and the
3 amounts thereof;

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

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

10

11 Such report shall be signed by the candidate and the campaign
12 treasurer and certified as true and correct pursuant to s.
13 106.07. Any candidate failing to file a report on the
14 designated due date shall be subject to a fine as provided in
15 s. 106.07 for submitting late reports.

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

29 (9) Any candidate, or any person on behalf of a
30 candidate, who accepts contributions after such candidate has
31 withdrawn his or her candidacy, after the candidate has become

1 an unopposed candidate, or after the candidate has been
2 eliminated as a candidate or elected to office commits is
3 ~~guilty of~~ a misdemeanor of the first degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 (10) Any candidate who is required by the provisions
6 of this section to dispose of funds in his or her campaign
7 account and who fails to dispose of the funds in the manner
8 provided in this section commits is ~~guilty of~~ a misdemeanor of
9 the first degree, punishable as provided in s. 775.082 or s.
10 775.083.

11 Section 12. Effective January 1, 1999, subsection (4)
12 of section 106.141, Florida Statutes, as amended by this act,
13 is amended to read:

14 106.141 Disposition of surplus funds by candidates.--

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

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

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

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

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

31

1 a. In the case of a candidate for state office, to the
2 state, to be deposited in either the Election Campaign
3 Financing Trust Fund or the General Revenue Fund, as
4 designated by the candidate; or

5 b. In the case of a candidate for an office of a
6 political subdivision, to such political subdivision, to be
7 deposited in the general fund thereof.

8 (b) Any candidate required to dispose of funds
9 pursuant to this section who has received contributions from
10 the Election Campaign Financing Trust Fund shall return all
11 surplus campaign funds to the Election Campaign Financing
12 Trust Fund.

13 Section 13. Section 106.143, Florida Statutes, is
14 amended to read:

15 106.143 Political advertisements circulated prior to
16 election; requirements.--

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

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

22 (b) Identify the persons or organizations sponsoring
23 the advertisement.

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

28 b. State who provided or paid for the advertisement
29 and cost of production, if different from the source of
30 sponsorship.

31

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

4
5 This subsection does not apply to campaign messages used by a
6 candidate and the candidate's ~~his or her~~ supporters if those
7 ~~which~~ messages are designed to be worn by a person.

8 (2) Any political advertisement of a candidate running
9 for partisan office ~~in any election~~ shall express the name of
10 the political party of which the candidate is seeking
11 nomination or is the nominee. If the candidate for partisan
12 office is running as an independent candidate, any political
13 advertisement of the candidate must state that the candidate
14 is an independent candidate. ~~Any political advertisement~~
15 ~~endorsing the candidate shall expressly state whether the~~
16 ~~permission of the candidate has been obtained to advertise~~
17 ~~such endorsement.~~

18 (3) It is unlawful for any candidate or person on
19 behalf of a candidate to represent that any person or
20 organization supports such candidate, unless the person or
21 organization so represented has given specific approval in
22 writing to the candidate to make such representation.

23 However, this subsection ~~section~~ does not apply to:

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

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

28 (4)(a) Any political advertisement, other than an
29 independent expenditure, offered by or on behalf of a
30 candidate must be approved in advance by the candidate. Such
31 political advertisement must expressly state that the content

1 of the advertisement was approved by the candidate and must
2 state who paid for the advertisement. The candidate shall
3 provide a written statement of authorization to the newspaper,
4 radio station, television station, or other medium for each
5 such advertisement submitted for publication, display,
6 broadcast, or other distribution.

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

13 (c) Any political advertisement that supports or
14 opposes a candidate and is paid for by a political party must
15 expressly state that the content of the advertisement was or
16 was not approved by the candidate it was intended to benefit.
17 In any proceeding before the elections commission between a
18 candidate and the candidate's political party concerning a
19 candidate's approval of a political advertisement, the
20 political party bears the burden of proof regarding the
21 approval.

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

25 (5)(4) No political advertisement of a candidate who
26 is not an incumbent of the office for which the candidate ~~he~~
27 ~~or she~~ is running shall use the word "re-elect." Additionally,
28 such advertisement must include the word "for" between the
29 candidate's name and the office for which the candidate ~~he or~~
30 ~~she~~ is running, in order that incumbency is not implied. This
31

1 subsection does not apply to bumper stickers or items designed
2 to be worn by a person.

3 (6)~~(5)~~ This section does ~~shall~~ not apply to novelty
4 items having a retail of nominal value of \$10 or less which
5 support, but do not oppose, a candidate or issue.

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

10 (8)~~(7)~~ Any person who willfully violates any provision
11 ~~the provisions~~ of this section is subject to the civil
12 penalties prescribed in s. 106.265.

13 Section 14. Section 106.147, Florida Statutes, is
14 created to read:

15 106.147 Telephone solicitation; disclosure
16 requirements; prohibitions; exemption; penalties.--

17 (1)(a) A telephone call supporting or opposing any
18 candidate or elected public official must:

19 1. Disclose and identify either:

20 a. The name of the candidate the call benefits and the
21 office sought by that candidate, provided that the person or
22 organization making the call has the written authorization of
23 the candidate as provided by subsection (6); or

24 b. Each person or organization sponsoring or paying
25 for the call; or

26 2. Offer access to such identification by stating
27 "Sponsorship information for this telephone call is available
28 for a limited time by calling the following toll-free number
29 ...(Toll-free number)...."

30 (b) A telephone call conducted for the purpose of
31 polling respondents concerning any candidate or elected public

1 official which exceeds 2 minutes in duration and which is part
2 of a series of like telephone calls that consists of fewer
3 than 1,000 completed calls is presumed to be a political poll
4 and not subject to the provisions of paragraph (a).

5 (c) If any person or organization sponsoring or
6 authorizing a telephone call supporting or opposing a
7 candidate or an elected public official is not otherwise
8 required to file identifying documentation with election
9 officials pursuant to this chapter, a valid, current, publicly
10 listed telephone number for the person or organization must
11 also be provided.

12 (d) If any person or organization sponsoring or
13 authorizing a telephone call supporting or opposing a
14 candidate or an elected public official is affiliated with a
15 candidate, the candidate's name and the office sought by such
16 candidate must also be provided.

17 (e) If a telephone call supporting or opposing a
18 candidate or an elected public official is an independent
19 expenditure, a statement that no candidate has approved the
20 call must also be provided.

21 (2) If a telephone call supporting or opposing a
22 candidate or an elected public official provides a toll-free
23 number for access to sponsorship information instead of
24 providing the sponsorship information during the call:

25 (a) The toll-free number provided shall be operational
26 at the time the first of such calls begins and shall continue
27 in operation until 1 week after the last of such calls ends or
28 until 5 p.m. on the day after election day, whichever occurs
29 first.

30 (b)1. The sponsorship information provided from the
31 toll-free number may include only:

1 a. The information required to be disclosed under
2 subsection (1);

3 b. The dates on which the telephone calls were made;
4 and

5 c. Instructions essential to the efficient operation
6 of the telephone system, such as directions for the caller to
7 "hold."

8 2. There shall be no reference to any candidate or
9 other person or organization, except as specifically
10 authorized in this paragraph, nor shall there be any reference
11 to any issue.

12 (c) Any toll-free telephone system used to provide
13 sponsorship information required by this section must be
14 designed to expeditiously process all callers, and that design
15 must be based on the premise that every respondent will timely
16 call for sponsorship information.

17 (3) There is no violation of this section if the
18 respondent voluntarily terminates the call or asks, before the
19 required disclosures are made, to be called back, unless the
20 respondent is in any way encouraged to do so by the person or
21 organization initiating the call.

22 (4) A person or organization sponsoring or authorizing
23 a telephone call supporting or opposing a candidate or an
24 elected public official may not knowingly and willfully state
25 or imply a telephone number that is false, fictitious, or
26 otherwise intended to circumvent the disclosure requirements
27 of this section.

28 (5) All oral disclosures required by this section must
29 be made in a clear and intelligible manner and must be
30 repeated in like fashion upon request of the respondent or, if
31

1 made by telephonic device, must offer respondents a procedure
2 to have the disclosures repeated.

3 (6) A telephone call supporting or opposing any
4 candidate or elected public official may not state or imply
5 that the caller is any person unless the caller is that person
6 or that the caller represents any person unless the person so
7 represented has given specific approval in writing to make
8 such representation.

9 (7)(a) A telephone call supporting or opposing any
10 candidate or elected public official may not state or imply
11 that the caller represents any organization unless the
12 organization so represented has given specific approval in
13 writing to make such representation.

14 (b) A telephone call supporting or opposing any
15 candidate or elected public official may not state or imply
16 that the caller represents a nonexistent organization.

17 (c) A person who knowingly and willfully violates this
18 subsection commits a felony of the third degree and,
19 notwithstanding the provisions of ss. 775.082, 775.083, and
20 775.084, is subject to a term of imprisonment not exceeding 3
21 years and a fine not exceeding \$50,000.

22 (8)(a) Any person who knowingly and willfully violates
23 any provision of this section, except for subsection (7),
24 commits a misdemeanor of the first degree, punishable as
25 provided in s. 775.082 or s. 775.083.

26 (b) For purposes of paragraph (a), the term "person"
27 includes any candidate; any officer of any political
28 committee, committee of continuous existence, or political
29 party executive committee; any officer, partner, attorney, or
30 other representative of a corporation, partnership, or other
31 business entity; and any agent or other person acting on

1 behalf of any candidate, political committee, committee of
2 continuous existence, political party executive committee, or
3 corporation, partnership, or other business entity.

4 Section 15. Section 106.1475, Florida Statutes, is
5 created to read:

6 106.1475 Telephone solicitation; registered agent
7 requirements; penalty.--

8 (1) Any person or organization that conducts any
9 business in this state which consists of making paid telephone
10 calls supporting or opposing any candidate or elected public
11 official must, prior to conducting such business, have and
12 continuously maintain, for at least 180 days following the
13 cessation of such business activities in the state, a
14 registered agent for the purpose of any service of process,
15 notice, or demand required or authorized by law and must file
16 with the division a notice of such registered agent. Such
17 registered agent must be an individual who is a resident of
18 this state, a domestic corporation, or a foreign corporation
19 authorized to do business in this state. However, this
20 subsection does not apply to any person or organization
21 already lawfully registered to conduct business in this state.

22 (2) For purposes of this section, conducting business
23 in this state as specified in subsection (1) includes both
24 placing telephone calls from a location in this state and
25 placing telephone calls from a location outside this state to
26 individuals located in this state.

27 (3)(a) The division shall create and maintain forms
28 for the notice required by subsection (1), which, at a
29 minimum, must elicit all of the following information:

30 1. The name, address, and telephone number of the
31 registered agent.

1 2. The name, address, and telephone number of the
2 person or organization conducting business in this state as
3 specified in subsection (1).

4 (b) The person or organization conducting business in
5 this state as specified in subsection (1) must immediately
6 notify the division of any changes in the information required
7 in paragraph (a).

8 (4) Any person or organization that violates this
9 section commits a misdemeanor of the first degree, punishable
10 as provided in s. 775.082 or s. 775.083.

11 Section 16. Section 106.148, Florida Statutes, is
12 created to read:

13 106.148 Disclosure of online computer solicitation.--A
14 political advertisement placed on an information system
15 accessible by computer by a candidate, political party,
16 political committee, or committee of continuous existence, or
17 an agent of any such candidate, party, or committee, must
18 include a statement disclosing all information required of
19 political advertisements under s. 106.143.

20 Section 17. Subsections (3) and (4) of section 99.097,
21 Florida Statutes, are amended to read:

22 99.097 Verification of signatures on petitions.--

23 (3) A name on a petition, which name is not in
24 substantially the same form as a name on the voter
25 registration books, shall be counted as a valid signature if,
26 after comparing the signature on the petition with the
27 signature of the alleged signer as shown on the registration
28 books, the supervisor determines that the person signing the
29 petition and the person who registered to vote are one and the
30 same. In any situation in which this code requires the form
31 of the petition to be prescribed by the division ~~Department of~~

1 ~~State~~, no signature shall be counted toward the number of
2 signatures required unless it is on a petition form prescribed
3 by the division ~~Department of State~~.

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

1 as extra compensation for the supervisor. Petitions shall be
2 retained by the supervisors for a period of 1 year following
3 the election for which the petitions were circulated.

4 Section 18. Section 100.371, Florida Statutes, is
5 amended to read:

6 100.371 Initiatives; procedure for placement on
7 ballot.--

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

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

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

30 (b) A sponsor of a proposed initiative amendment who
31 uses paid petition circulators shall provide to the division

1 the name and address of each individual paid to gather
2 petition signatures. Such information shall be filed at the
3 time reports are filed pursuant to s. 106.07.

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

11 (d) A sponsor of a proposed initiative amendment may
12 not pay any individual or group to gather signatures on a
13 petition on a per-signature basis. In addition, a sponsor of
14 a proposed initiative amendment who uses paid petition
15 circulators may not file an oath of undue burden in lieu of
16 paying the fee required by s. 99.097 for the verification of
17 signatures gathered.

18 (3)(4) No later than 5 p.m. on the 151st day prior to
19 the general election at which the proposed initiative
20 amendment is to be voted on for a name-by-name,
21 signature-by-signature verification and no later than 5 p.m.
22 on the 121st day prior to the general election at which the
23 proposed initiative amendment is to be voted on for a
24 random-sampling verification, the sponsor shall submit signed
25 and dated petition forms for that petition to each the
26 appropriate supervisor of elections for verification as to the
27 number of voters registered electors whose valid signatures
28 appear thereon. Each signature shall be dated when made and
29 shall be valid for a period of 4 years following such date,
30 provided all other requirements of law are complied with. The
31 supervisor shall promptly verify the signatures upon payment

1 of the fee or filing of the oath of undue burden required by
2 s. 99.097. Upon completion of verification, which shall occur
3 no later than the 91st day prior to the general election, the
4 supervisor shall execute a certificate indicating the total
5 number of signatures checked, the number of signatures
6 verified as valid ~~and as being of registered electors~~, and the
7 distribution of signatures by congressional district. This
8 certificate shall be immediately transmitted to the division
9 ~~Secretary of State~~. The supervisor shall retain the signed
10 and dated petition signature forms for at least 1 year
11 following the election in which the proposed initiative
12 amendment issue appeared on the ballot or until the division
13 ~~of Elections~~ notifies the supervisors ~~of elections~~ that the
14 committee which circulated the petition is no longer seeking
15 to obtain ballot position.

16 (4)(5) The division ~~Secretary of State~~ shall determine
17 from the ~~verification~~ certificates received from the
18 supervisors ~~of elections~~ the total number of ~~verified~~ valid
19 signatures and the distribution of such signatures by
20 congressional district districts. Upon a determination that
21 the requisite number and distribution of valid signatures have
22 been obtained, the division ~~secretary~~ shall issue a
23 certificate of ballot position for that proposed initiative
24 amendment and shall assign a designating number pursuant to s.
25 101.161. A petition is considered ~~shall be deemed to be~~ filed
26 with the Secretary of State upon the date of the receipt by
27 the division ~~secretary~~ of a certificate or certificates from
28 the supervisors ~~of elections~~ indicating that the petition has
29 been signed by the constitutionally required number of voters
30 ~~electors~~.

31

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

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

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

17 Section 19. Section 104.185, Florida Statutes, is
18 amended to read:

19 104.185 Petitions; knowingly signing ~~a petition~~ more
20 than once; signing another person's name or a fictitious
21 name.--

22 (1) A ~~it is unlawful for any person who~~ knowingly
23 signs ~~to sign~~ a petition or petitions for a particular issue
24 or candidate, a minor political party, or an issue more than
25 one time commits. ~~Any person violating the provisions of this~~
26 ~~section shall, upon conviction, be guilty of a misdemeanor of~~
27 ~~the first degree, punishable as provided in s. 775.082 or s.~~
28 ~~775.083.~~

29 (2) A person who signs another person's name or a
30 fictitious name to any petition to secure ballot position for
31 a candidate, a minor political party, or an issue commits a

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

3 Section 20. Subsection (3) is added to section 106.19,
4 Florida Statutes, to read:

5 106.19 Violations by candidates, persons connected
6 with campaigns, and political committees.--

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

13 (b) A political committee sponsoring a constitutional
14 amendment proposed by initiative which pays any individual or
15 group to gather signatures on a petition on a per-signature
16 basis in violation of s. 100.371(2)(d) commits a misdemeanor
17 of the first degree, punishable as provided in s. 775.082 or
18 s. 775.083, and the chair of the political committee shall be
19 the person held responsible for the violation and subject to
20 the penalty.

21 Section 21. Any signature gathered on an authorized
22 form for an initiative petition by a paid petition circulator
23 which has been submitted prior to the effective date of this
24 act may be kept and counted, if otherwise valid, and that form
25 is not required to have the name and address of the paid
26 petition circulator, nor is any such signature affected by the
27 prohibition against filing an undue burden oath in lieu of
28 paying the fee to have signatures verified, as provided by
29 this act. However, any signature gathered on or after the
30 effective date of this act is subject to the provisions of
31 this act and, if payment is made to any person to solicit

1 signatures after the effective date of this act, an undue
2 burden oath may not be filed in lieu of paying the fee to have
3 signatures verified. In addition, any initiative petition
4 form approved by the Secretary of State prior to the effective
5 date of this act may continue to be circulated.

6 Section 22. Subsections (1) and (2) of section 97.052,
7 Florida Statutes, 1996 Supplement, are amended to read:

8 97.052 Uniform statewide voter registration
9 application.--

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

12 (a) The uniform statewide voter registration
13 application must be accepted for any one or more of the
14 following purposes:

- 15 1. Initial registration.
- 16 2. Change of address.
- 17 3. Change of party affiliation.
- 18 4. Change of name.
- 19 5. Replacement of voter registration identification
20 card.

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

- 27 1. Individuals seeking to register to vote.
- 28 2. Individuals or groups conducting voter registration
29 programs. A charge of 1 cent per application shall be
30 assessed on requests for 10,000 or more applications.

31

- 1 3. The Department of Highway Safety and Motor
2 Vehicles.
- 3 4. Voter registration agencies.
- 4 5. Armed forces recruitment offices.
- 5 6. Qualifying educational institutions.
- 6 7. Supervisors, who must make the applications and
7 forms available in the following manner:
- 8 a. By distributing the applications and forms in their
9 offices to any individual or group.
- 10 b. By distributing the applications and forms at other
11 locations designated by each supervisor.
- 12 c. By mailing the applications and forms to applicants
13 upon the request of the applicant.
- 14 (c) The uniform statewide voter registration
15 application may not be reproduced by any private individual or
16 group.
- 17 (2) The uniform statewide voter registration
18 application must be designed to elicit the following
19 information from the applicant:
- 20 (a) Full name.
- 21 (b) Date of birth.
- 22 (c) Address of legal residence.
- 23 (d) Mailing address, if different.
- 24 (e) County of legal residence.
- 25 (f) Race or ethnicity that best describes the
26 applicant:
- 27 1. American Indian or Alaskan Native.
- 28 2. Asian or Pacific Islander.
- 29 3. Black, not ~~of~~ Hispanic ~~origin~~.
- 30 4. White, not ~~of~~ Hispanic ~~origin~~.
- 31 5. Hispanic.

- 1 (g) Sex.
2 (h) Party affiliation.
3 (i) Whether the applicant needs assistance in voting.
4 (j) Name and address where last registered.
5 (k) Social security number (optional).
6 (l) Telephone number (optional).
7 (m) Signature of applicant under penalty for false
8 swearing pursuant to s. 104.011, by which the person
9 subscribes to the oath required by s. 3, Art. VI of the State
10 Constitution and s. 97.051, and swears or affirms that the
11 information contained in the registration application is true.
12 ~~(n) Date of signature.~~
13 (n)~~(o)~~ Whether the application is being used for
14 initial registration, or to update a voter registration
15 record, or to request a replacement registration
16 identification card.
17 (o)~~(p)~~ Whether the applicant is a citizen of the
18 United States.
19 (p) That the applicant has not been convicted of a
20 felony or, if convicted, has had his or her civil rights
21 restored.
22 (q) That the applicant has not been adjudicated
23 mentally incapacitated with respect to voting or, if so
24 adjudicated, has had his or her right to vote restored.
25
26 The registration form shall be in plain language and designed
27 so that convicted felons whose civil rights have been restored
28 and persons who have been adjudicated mentally incapacitated
29 and have had their voting rights restored are not required to
30 reveal their prior conviction or adjudication.
31

1 Section 23. Subsection (1) and paragraph (a) of
2 subsection (5) of section 97.053, Florida Statutes, are
3 amended to read:

4 97.053 Acceptance of voter registration
5 applications.--

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

13 (5)(a) A voter registration application is complete if
14 it contains:

15 1. The applicant's name.

16 2. The applicant's legal residence address.

17 3. The applicant's date of birth. ~~and~~

18 4. An indication that the applicant is a citizen of
19 the United States.

20 5. An indication that the applicant has not been
21 convicted of a felony or that, if convicted, has had his or
22 her civil rights restored.

23 6. An indication that the applicant has not been
24 adjudicated mentally incapacitated with respect to voting or
25 that, if so adjudicated, has had his or her right to vote
26 restored.

27 7. Signature of the applicant swearing or affirming
28 under the penalty for false swearing pursuant to s. 104.011
29 that the information contained in the registration application
30 is true and subscribing to the oath required by s. 3, Art. VI
31 of the State Constitution and s. 97.051.

1 Section 24. Section 97.071, Florida Statutes, is
2 amended to read:

3 97.071 Registration identification card.--

4 (1) A registration identification card must be
5 furnished to all voters registering under the permanent single
6 registration system and must contain:

7 (a) Voter's registration number.

8 (b) Date of registration.

9 (c) Full name.

10 (d) Party affiliation.

11 (e) Date of birth.

12 (f) Race or ethnicity, if provided by the applicant.

13 (g) Sex, if provided by the applicant.

14 (h) Address of legal residence.

15 (i) Precinct number.

16 (j) Signature of supervisor.

17 (k) Place for voter's signature.

18 (l) Other information deemed necessary by the
19 department.

20 (2) A voter may receive a replacement of a
21 registration identification card by providing a signed,
22 written request for a replacement card to ~~informing~~ the
23 supervisor, ~~in writing, that the card was defaced, lost, or~~
24 ~~stolen.~~ Upon verification of registration, the supervisor
25 shall issue the voter a duplicate card without charge.

26 (3) In the case of a change of name, address, or party
27 affiliation, the supervisor must issue the voter a new
28 registration identification card. However, a registration
29 identification card indicating a party affiliation change made
30 between the book-closing date for the first primary election
31

1 and the date of the second primary election may not be issued
2 until after the second primary election.

3 Section 25. Section 97.1031, Florida Statutes, is
4 amended to read:

5 97.1031 Notice of change of residence within the same
6 county, change of name, or change of party.--

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

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

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

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

30 Section 26. Section 98.461, Florida Statutes, is
31 amended to read:

1 98.461 Registration form, precinct register;
2 contents.--A registration form, approved by the Department of
3 State, containing the information required in s. 97.052 shall
4 be filed alphabetically in the office of the supervisor as the
5 master list of electors of the county. However, the
6 registration forms may be microfilmed and such microfilms
7 substituted for the original registration forms; or, when
8 voter registration information, including the voter's
9 signature, is maintained digitally or on electronic, magnetic,
10 or optic media, such stored information may be substituted for
11 the original registration form. Such microfilms or stored
12 information shall be retained in the custody of the supervisor
13 of elections. In the event the original registration forms are
14 microfilmed or maintained digitally or on electronic or other
15 media, such originals may be destroyed in accordance with the
16 schedule approved by the Bureau of Archives and Records
17 Management of the Division of Library and Information Services
18 of the Department of State. As an alternative, the information
19 from the registration form, including the signature, may be
20 electronically reproduced and stored as provided in s. 98.451.
21 A computer printout may be used at the polls as a precinct
22 register in lieu of the registration books. The precinct
23 register shall contain the date of the election, the precinct
24 number, and the following information concerning each
25 registered elector: last name, first name, and middle name or
26 initial; party affiliation; residence address; registration
27 number; date of birth; sex, if provided; race, if provided;
28 ~~state or country of birth~~; whether the voter needs assistance
29 in voting; and such other additional information as to readily
30 identify the elector. The precinct register may also contain a
31 list of the forms of identification approved by the Department

1 of State, which shall include, but not be limited to, the
2 voter registration identification card and Florida driver's
3 license. The precinct register may also contain a space for
4 the elector's signature, a space for the initials of the
5 witnessing clerk or inspector, and a space for the signature
6 slip or ballot number.

7 Section 27. Subsection (2) of section 104.011, Florida
8 Statutes, is amended to read:

9 104.011 False swearing; submission of false voter
10 registration information.--

11 (2) A person who willfully submits any false voter
12 registration information commits a felony ~~misdemeanor~~ of the
13 third first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 Section 28. Subsection (4) is added to section
16 104.012, Florida Statutes, to read:

17 104.012 Consideration for registration; interference
18 with registration; soliciting registrations for compensation;
19 alteration of voter registration application.--

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

24 Section 29. Sections 98.391, 98.412, 98.431, and
25 98.441, Florida Statutes, and sections 98.401 and 98.421,
26 Florida Statutes, as amended by chapter 95-147, Laws of
27 Florida, are hereby repealed.

28 Section 30. Subsection (11) is added to section
29 97.012, Florida Statutes, to read:

30
31

1 97.012 Secretary of State as chief election
2 officer.--The Secretary of State is the chief election officer
3 of the state, and it is his or her responsibility to:

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

5 Section 31. Subsections (4) through (29) of section
6 97.021, Florida Statutes, 1996 Supplement, are renumbered as
7 subsections (5) through (30), respectively, and a new
8 subsection (4) is added to said section to read:

9 97.021 Definitions.--For the purposes of this code,
10 except where the context clearly indicates otherwise, the
11 term:

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

15 Section 32. Subsection (3) of section 98.045, Florida
16 Statutes, is amended to read:

17 98.045 Administration of voter registration.--

18 (3) Notwithstanding the provisions of ~~ss. 98.095~~
19 and 98.097, each supervisor shall maintain for at least 2
20 years, and make available for public inspection and copying,
21 all records concerning implementation of registration list
22 maintenance programs and activities conducted pursuant to ss.
23 98.065 and 98.075. The records must include lists of the name
24 and address of each person to whom an address confirmation
25 final notice was sent and information as to whether each such
26 person responded to the mailing, but may not include any
27 information that is confidential or exempt from public record
28 requirements under this code.

29 Section 33. Section 98.095, Florida Statutes, as
30 amended by chapters 91-235 and 91-424, Laws of Florida, is
31 amended to read:

1 98.095 County registers open to inspection; copies.--

2 (1)(a)1. The registration books of each county in this
3 state are public records. Any ~~Every~~ citizen of the state is
4 allowed to examine the registration books of any county,
5 except for social security numbers, while they are in the
6 custody of the supervisor of that county, but is not allowed
7 to make copies or extracts therefrom except as provided by
8 this section.

9 2. Within 15 days of a request for voter registration
10 information, the supervisor shall furnish any requested
11 information, excluding a voter's signature and social security
12 number and any other information that is confidential or
13 exempt from public records requirements, which the supervisor
14 maintains pursuant to "The Florida Election Code."

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

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

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

- 27 (a) The courts for the purpose of jury selection;
28 (b) Municipalities;
29 (c) Other governmental agencies;
30 (d) Candidates, to further their candidacy;

31

1 (e) Registered political committees, registered
2 committees of continuous existence, and political parties or
3 officials thereof, for political purposes only; and

4 (f) Incumbent officeholders, to report to their
5 constituents.

6
7 Such information shall not be used for commercial purposes.

8 No person to whom a list of registered voters is made
9 available pursuant to this section, and no person who acquires
10 such a list, shall use any information contained therein for
11 purposes which are not related to elections, political or
12 governmental activities, voter registration, law enforcement,
13 or jury selection.

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

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

27
28 ... (Signature of person acquiring list) ...

29
30 Sworn to and subscribed before me this day of
31, 19.....

1
2 ...(Signature and title of person administering oath)...

3
4 Section 34. Effective January 1, 1998, subsection (2)
5 of section 98.095, Florida Statutes, as amended by chapter
6 91-235, Laws of Florida, is amended to read:

7 98.095 County registers open to inspection; copies.--

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

10 (a) Municipalities;

11 (b) Other governmental agencies;

12 (c) Candidates, to further their candidacy;

13 (d) Registered political committees, registered
14 committees of continuous existence, and political parties or
15 officials thereof, for political purposes only; and

16 (e) Incumbent officeholders, to report to their
17 constituents.

18
19 Such information shall not be used for commercial purposes.

20 No person to whom a list of registered voters is made
21 available pursuant to this section, and no person who acquires
22 such a list, shall use any information contained therein for
23 purposes which are not related to elections, political or
24 governmental activities, voter registration, or law
25 enforcement.

26 Section 35. Section 98.097, Florida Statutes, is
27 created to read:

28 98.097 Central voter file; administration by division;
29 public access.--

30 (1) There is hereby established a central voter file,
31 to be administered by the division, which shall be a

1 statewide, centrally maintained database containing the voter
2 registration information of all counties in this state.

3 (2) All voter registration records and other
4 information in the central voter file, excluding any
5 information that is confidential or exempt from public records
6 requirements, shall be considered public records for the
7 purposes of chapter 119.

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

9 Section 36. Section 98.212, Florida Statutes, is
10 amended to read:

11 98.212 Supervisors to furnish statistical and other
12 information.--

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

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

25 ~~(c)(3)~~ Lists of names submitted to supervisors for
26 indication of registration or nonregistration or of party
27 affiliation shall be processed at any time at cost, except
28 that in no case shall the charge exceed 10 cents for each name
29 on which the information is furnished.

30 ~~(2)(4)~~ The supervisors shall provide information as
31 requested by the department for program evaluation and

1 reporting to the Federal Election Commission pursuant to the
2 National Voter Registration Act of 1993.

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

6 Section 37. Section 101.591, Florida Statutes, is
7 amended to read:

8 101.591 Voting system audit.--

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

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

24 Section 38. Paragraph (y) of subsection (1) of section
25 125.01, Florida Statutes, 1996 Supplement, is amended to read:

26 125.01 Powers and duties.--

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

31

1 (y) Place questions or propositions on the ballot at
2 any primary election, general election, or otherwise called
3 special election, when agreed to by a majority vote of the
4 total membership of the legislative and governing body, so as
5 to obtain an expression of elector sentiment with respect to
6 matters of substantial concern within the county. No special
7 election may be called for the purpose of conducting a straw
8 ballot. Any election costs, as defined in s. 97.021(9)(8),
9 associated with any ballot question or election called
10 specifically at the request of a district or for the creation
11 of a district shall be paid by the district either in whole or
12 in part as the case may warrant.

13 Section 39. (1) The Florida Elections Commission and
14 all of its statutory powers, duties, and functions and all of
15 its records, personnel, property, and unexpended balances of
16 appropriations, allocations, or other funds are transferred by
17 a type one transfer, as defined in s. 20.06(1), Florida
18 Statutes, from the Department of State to the Department of
19 Legal Affairs, Office of the Attorney General.

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

21 Section 40. Subsection (2) of section 104.271, Florida
22 Statutes, is amended to read:

23 104.271 False or malicious charges against, or false
24 statements about, opposing candidates; penalty.--

25 (2) Any candidate who, in a primary election or other
26 election, with actual malice makes or causes to be made any
27 statement about an opposing candidate which is false is guilty
28 of a violation of this code. An aggrieved candidate may file
29 a complaint with the Florida Elections Commission ~~Division of~~
30 ~~Elections~~ pursuant to s. 106.25. The commission ~~division~~
31 shall adopt rules to provide an expedited hearing ~~before the~~

1 ~~Florida Elections Commission~~ of complaints filed under this
2 subsection. Notwithstanding any other provision of law, the
3 ~~Florida Elections~~ commission shall assess a civil penalty of
4 up to \$5,000 against any candidate found in violation of this
5 subsection, which shall be deposited to the account of the
6 General Revenue Fund of the state.

7 Section 41. Subsection (2) of section 106.19, Florida
8 Statutes, is amended to read:

9 106.19 Violations by candidates, persons connected
10 with campaigns, and political committees.--

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

23 Section 42. Subsection (7) of section 106.22, Florida
24 Statutes, is amended, and subsections (11) and (12) are added
25 to said section, to read:

26 106.22 Duties of the Division of Elections.--It is the
27 duty of the Division of Elections to:

28 (7) Report to the Florida Elections Commission any
29 failure to file a report or information required by this
30 chapter or any apparent violation of this chapter.
31 ~~investigate apparent or alleged violations of this chapter and~~

1 ~~recommend legal disposition of the violation as provided in s.~~
2 ~~106.25.~~

3 (11) Conduct preliminary investigations into any
4 irregularities or fraud involving voter registration or voting
5 and report its findings to the state attorney for the judicial
6 circuit in which the alleged violation occurred for
7 prosecution, where warranted.

8 (12) Conduct random audits with respect to reports and
9 statements filed under this chapter and with respect to
10 alleged failure to file any reports and statements required
11 under this chapter.

12 Section 43. Subsection (1) of section 106.23, Florida
13 Statutes, is amended to read:

14 106.23 Powers of the Division of Elections.--

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

1 has been subpoenaed, the division may file a complaint before
2 any circuit court of the state setting up such failure on the
3 part of the witness. On the filing of such complaint, the
4 court shall take jurisdiction of the witness and the subject
5 matter of said complaint and shall direct the witness to
6 respond to all lawful questions and to produce all documentary
7 evidence in the witness's possession which is lawfully
8 demanded. The failure of any witness to comply with such order
9 of the court shall constitute a direct and criminal contempt
10 of court, and the court shall punish said witness accordingly.
11 However, the refusal by a witness to answer inquiries or turn
12 over evidence on the basis that such testimony or material
13 will tend to incriminate such witness shall not be deemed
14 refusal to comply with the provisions of this chapter.

15 Section 44. Section 106.24, Florida Statutes, is
16 amended to read:

17 106.24 Florida Elections Commission; membership;
18 powers; duties.--

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

30 (b) The commission ~~it~~ shall be composed of nine ~~seven~~
31 members. The President of the Senate, the Speaker of the

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

22 (c) As the terms of members expire, excluding the
23 chair, successors shall be appointed to 4-year terms and shall
24 serve until their successors are appointed. Six months prior
25 to the expiration of a commission member's term, the ranking
26 officer of the political party in the respective house
27 originally nominating the commission member shall submit a
28 list of three nominees to the Governor. The Governor may
29 appoint one of the listed nominees to the commission. If no
30 nominee is selected from the list, the Governor shall so
31 inform the nominating officer, who shall submit a list of

1 three different nominees to the Governor within 30 days.
2 Vacancies on the commission shall expeditiously be filled for
3 the unexpired terms in the same manner ~~of the original~~
4 ~~appointment to the vacated position.~~

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

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

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

26 (3) The commission shall convene at the call of its
27 chair or at the request of a majority of the members of the
28 commission. The presence of five ~~four~~ members is required to
29 constitute a quorum, and the affirmative vote of the majority
30 of the members present is required for any action or
31

1 recommendation by the commission. The commission may meet in
2 any city of the state.

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

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

27 (6) There is hereby established in the State Treasury
28 an Elections Commission Trust Fund to be utilized by the
29 Division of Elections and the Florida Elections Commission in
30 order to carry out their duties pursuant to ss. 106.24-106.28.
31 The trust fund may also be used by the division, pursuant to

1 its authority under s. 106.22(11), to provide rewards for
2 information leading to criminal convictions related to
3 irregularities or fraud in voter registration or voting.

4 ~~(7) The department, in consultation with The~~
5 ~~commission,~~shall develop a budget request pursuant to chapter
6 216 annually. The budget is not subject to change by the
7 Department of Legal Affairs or the Attorney General, but it
8 ~~which~~ shall be submitted by the Department of Legal Affairs to
9 the Governor for transmittal to the Legislature.

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

18 Section 45. Section 106.25, Florida Statutes, 1996
19 Supplement, is amended to read:

20 106.25 Reports of alleged violations to Florida
21 Elections Commission ~~Department of State~~; disposition of
22 findings.--

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

30 (2) The commission ~~Division of Elections~~ shall
31 investigate ~~and report to the Florida Elections Commission~~ all

1 violations of this chapter, but only after ~~with or without~~
2 ~~having received either a sworn complaint or information~~
3 reported to it by the Division of Elections, ~~and may conduct~~
4 ~~random audits and investigations with respect to reports and~~
5 ~~statements filed under this chapter and with respect to the~~
6 ~~alleged failure to file any reports and statements required~~
7 ~~under this chapter.~~ However, Any person, other than the
8 division, having information of any violation of this chapter
9 shall file a sworn complaint with the commission ~~Division of~~
10 ~~Elections~~. Such sworn complaint shall state whether a
11 complaint of the same violation has been made to any state
12 attorney. Within 5 days after receipt of a sworn complaint,
13 the commission shall transmit a copy of the complaint to the
14 alleged violator.

15 (3) For the purposes of ~~Florida Elections~~ commission
16 jurisdiction, a violation shall mean the willful performance
17 of an act prohibited by this chapter or the willful failure to
18 perform an act required by this chapter.

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

27 (a) If no probable cause is found, the commission
28 shall ~~division may~~ dismiss the case and the case shall become
29 a matter of public record, except as otherwise provided in
30 this section, together with a written statement of the
31 findings of the preliminary investigation and a summary of the

1 facts which the commission ~~division~~ shall send to the
2 complainant and the alleged violator.

3 (b) If probable cause is found, the commission
4 ~~division~~ shall so notify the complainant and the alleged
5 violator in writing ~~and shall refer the case to the~~
6 ~~commission~~. All documents made or received in the disposition
7 of the complaint shall become public records upon a finding by
8 the commission.

9
10 In a case where probable cause is found ~~by the commission~~, the
11 commission shall make a preliminary determination to consider
12 the matter or to refer the matter to the state attorney for
13 the judicial circuit in which the alleged violation occurred.

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

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

29 (7)(6) Every sworn complaint filed pursuant to this
30 chapter with the ~~Division of Elections or the Florida~~
31 ~~Elections~~ commission, every ~~division~~ investigation and

1 investigative report or other paper of the ~~division or~~
2 commission with respect to a violation of this chapter, and
3 every proceeding of the commission with respect to a violation
4 of this chapter is confidential, is exempt from the provisions
5 of ss. 119.07(1) and 286.011, and is exempt from publication
6 in the Florida Administrative Weekly of any notice or agenda
7 with respect to any proceeding relating to such violation,
8 except under the following circumstances:

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

10 (b) Upon a determination of probable cause or no
11 probable cause by the commission; or

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

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

17

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

1 case has been determined. However, once the confidentiality
2 of any case has been breached, the person or persons under
3 investigation have the right to waive the confidentiality of
4 the case, thereby opening up the proceedings and records to
5 the public. Any person who discloses any information or
6 matter made confidential by the provisions of this subsection
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083.

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

15 (8) Any person who files a complaint pursuant to this
16 section while knowing that the allegations contained in such
17 complaint are false or without merit commits a misdemeanor of
18 the first degree, punishable as provided in s. 775.082 or s.
19 775.083.

20 Section 46. Subsection (1) of section 106.26, Florida
21 Statutes, is amended, and subsections (13) and (14) are added
22 to said section, to read:

23 106.26 Powers of commission; rights and
24 responsibilities of parties; findings by commission.--

25 (1) The commission shall, pursuant to rules adopted
26 and published in accordance with chapter 120, consider all
27 sworn complaints filed with it and all matters reported to it
28 by the Division of Elections ~~or otherwise coming to its~~
29 ~~attention, including appeals of division dismissals of cases~~
30 ~~based on no probable cause.~~ In order to carry out its duties,
31 the commission may, whenever required, issue subpoenas and

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

21 (13) The commission by rule may determine violations
22 which constitute minor offenses that can be resolved without
23 further investigation by means of a plea of nolo contendere
24 and payment of a fine.

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

28 Section 47. Subsection (2) of section 106.265, Florida
29 Statutes, is amended to read:

30 106.265 Civil penalties.--

31

1 (2) If any person, political committee, committee of
2 continuous existence, or political party fails or refuses to
3 pay to the commission any civil penalties assessed pursuant to
4 the provisions of this section, the State Comptroller shall be
5 responsible for collecting the civil penalties resulting from
6 such action ~~commission may bring an action in any circuit~~
7 ~~court of this state to enforce such penalty.~~

8 Section 48. (1) Transition provisions.--

9 (1)(a) The terms of all current members of the Florida
10 Elections Commission shall expire at the end of the day,
11 December 31, 1997, and new members shall be appointed to the
12 commission prior to that date pursuant to the provisions of s.
13 106.24, Florida Statutes, as amended by this act, except that,
14 in order to provide for staggered terms, the initial
15 appointments shall be for terms beginning January 1, 1998, as
16 follows:

17 1. Appointed nominees of the President of the Senate
18 and the minority leader of the Senate shall each serve for a
19 term of 3 years.

20 2. Appointed nominees of the Speaker of the House of
21 Representatives and the minority leader of the House of
22 Representatives shall each serve for a term of 2 years.

23 (b) Any current member of the commission may be
24 appointed to the newly constituted commission established by
25 this act.

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

30 (3) All records, personnel, property, and unexpended
31 balances of appropriations, allocations, or other funds in the

1 possession of or provided by the Division of Elections of the
2 Department of State as administrative support and services to
3 the Florida Elections Commission pursuant to s. 106.24(4),
4 Florida Statutes (1995), shall be transferred by a type two
5 transfer, as defined in s. 20.06(2), Florida Statutes, to the
6 newly constituted commission established by this act on
7 January 1, 1998. In addition, as provided in s. 20.06(2)(c),
8 Florida Statutes, the administrative rules of the division
9 governing such records, personnel, property, and funds which
10 are in effect immediately before such transfer shall remain in
11 effect until specifically changed in the manner provided by
12 law.

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

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

16 1. Initiate the adoption of rules, in accordance with
17 chapter 120, Florida Statutes, necessary to carry out the
18 expanded powers and duties of the commission required by this
19 act.

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

23 (b) The director of the Division of Elections shall
24 act as an advisor to the members of the newly constituted
25 commission established by this act and shall provide
26 assistance, as needed, in the adoption of rules and the
27 assumption of duties from the division and former commission.

28 (2) This section shall take effect upon this act
29 becoming a law.

30 Section 49. Except as otherwise provided herein, this
31 act shall take effect January 1, 1998; however, the amendment

1 of section 100.371, Florida Statutes, by this act, relating to
2 signature verification periods and random sampling for
3 proposed initiative amendments, shall take effect on the
4 effective date of an amendment to the State Constitution
5 approved by the electors at the general election to be held in
6 November 1998 which authorizes, or removes impediment to,
7 enactment by the Legislature of the provisions of that
8 section.

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