

1 A bill to be entitled
2 An act relating to elections; creating s.
3 106.37, F.S.; prescribing elements of a willful
4 violation of the campaign financing law;
5 amending s. 106.011, F.S.; redefining the term
6 "independent expenditure"; redefining the term
7 "person"; amending s. 106.08, F.S., relating to
8 limitations on campaign contributions; revising
9 restrictions on contributions by and
10 prohibiting certain contributions to a
11 political party; providing for certain
12 notification relating to pending determinations
13 of the qualification of independent and minor
14 party candidates and the applicability of such
15 determinations to candidates becoming unopposed
16 and having to return certain contributions;
17 amending s. 106.085, F.S.; revising notice
18 requirements for certain independent
19 expenditures; applying such requirements to
20 political parties; providing penalties;
21 creating s. 106.087, F.S.; providing
22 restrictions on political parties, political
23 committees, and committees of continuous
24 existence that make independent expenditures or
25 contribute amounts in excess of the
26 contribution limits; providing penalties;
27 amending ss. 106.04, 106.07, F.S.; modifying
28 reporting requirements for campaign finance
29 reports; increasing the fine for late filing of
30 campaign financing reports by candidates,
31 political committees, and committees of

1 continuous existence; providing for deposit of
2 such fines in the Elections Commission Trust
3 Fund; eliminating an inoperable provision
4 relating to certain first-time offenders;
5 amending s. 106.29, F.S.; increasing the fine
6 for late filing of campaign finance reports by
7 political parties; prohibiting political
8 parties from contributing to candidates beyond
9 a specified amount; clarifying reporting
10 requirements; providing penalties; amending s.
11 106.021, F.S.; reducing the required minimum
12 number of candidates that may be jointly
13 endorsed under certain circumstances without
14 the expenditures therefor being considered as
15 contributions to or expenditures on behalf of
16 such candidates; amending s. 106.1405, F.S.;
17 prohibiting the use of campaign funds for
18 salary pr personal expenses ; amending ss.
19 99.092, 99.093, 105.031, F.S.; revising the
20 candidate filing fee and the municipal
21 candidate election assessment; amending s.
22 99.103, F.S., relating to distribution of party
23 assessments and certain filing fees, to
24 conform; amending s. 106.141, F.S.; providing
25 requirements for disposition and reporting of
26 surplus funds resulting from refund checks
27 received after all other surplus funds have
28 been disposed of; restricting the amount of
29 surplus funds that may be given to a political
30 party; amending s. 106.143, F.S.; providing
31 requirements for political advertisements with

1 respect to candidate approval; creating s.
2 106.147, F.S.; providing disclosure
3 requirements and prohibitions relating to
4 political solicitation by telephone; providing
5 an exemption; providing penalties; creating s.
6 106.1475, F.S.; requiring the appointment of a
7 registered agent for any person or organization
8 conducting certain political telephone
9 solicitations; requiring the filing of a notice
10 of such appointment with the Division of
11 Elections of the Department of State and
12 providing requirements of such notice;
13 providing for long-arm jurisdiction over
14 out-of-state persons or organizations
15 conducting certain political telephone
16 solicitations in this state; providing a
17 penalty; creating s. 106.148, F.S.; providing
18 disclosure requirements for political
19 solicitation by online computer service;
20 amending s. 99.097, F.S., relating to
21 verification of signatures on petitions;
22 clarifying petition requirements with respect
23 to addresses; requiring advance payment for
24 checking signatures; amending s. 100.371, F.S.;
25 revising provisions relating to initiative
26 amendments; requiring each initiative amendment
27 to be on a petition form prescribed by the
28 division; requiring the sponsor of a proposed
29 initiative amendment to give the division
30 notice of the use of paid petition circulators;
31 requiring the sponsor of a proposed initiative

1 amendment to provide the names and addresses of
2 its paid petition circulators to the division;
3 requiring paid petition circulators to place
4 their names and addresses on each petition form
5 gathered and requiring the sponsor of the
6 proposed initiative amendment to ensure that
7 such information has been provided prior to
8 submission of the forms to the supervisors for
9 verification; prohibiting the sponsor of a
10 proposed initiative amendment who pays to have
11 signatures collected from filing an oath of
12 undue burden in lieu of paying the fee required
13 to have signatures verified; providing a
14 signature verification period; amending s.
15 104.185, F.S.; clarifying a prohibition against
16 signing a petition more than once; prohibiting
17 the signing of another person's name or a
18 fictitious name on any petition for a
19 candidate, a minor political party, or an
20 issue; providing penalties; amending s. 106.19,
21 F.S.; prohibiting the sponsor of a proposed
22 initiative amendment from submitting petitions
23 by a paid petition circulator without the name
24 and address of the circulator on the petition
25 form; providing penalties; providing
26 applicability to petitions already initiated;
27 amending s. 97.052, F.S.; providing an
28 additional purpose for, and modifying the
29 contents of, the uniform statewide voter
30 registration application; providing for an
31 assessment on requests for forms beyond a

1 specified number from individuals or groups
2 conducting voter registration programs;
3 amending s. 97.053, F.S.; providing for
4 acceptance of requests for a replacement
5 registration identification card; requiring
6 that an applicant provide additional
7 information on the voter registration form to
8 establish eligibility; amending ss. 97.071,
9 97.1031, F.S., relating to registration
10 identification cards; changing notification
11 requirements to receive an updated or
12 replacement card; amending s. 98.461, F.S.;
13 modifying the information required on the
14 precinct register; amending s. 104.011, F.S.;
15 increasing the penalty for willfully submitting
16 false voter registration information; amending
17 s. 104.012, F.S.; prohibiting the altering of a
18 voter registration application of another
19 person without that person's knowledge and
20 consent; providing a penalty; repealing ss.
21 98.391-98.441, F.S., relating to automation in
22 processing of voter registrations by means of
23 data processing cards and the use of such cards
24 at voting precincts; amending s. 97.012, F.S.;
25 requiring the Secretary of State to create and
26 maintain a central voter file; amending s.
27 97.021, F.S.; defining "central voter file";
28 creating s. 98.097, F.S.; providing for
29 creation and maintenance of the central voter
30 file; providing that information in the central
31 voter file not otherwise confidential or exempt

1 from public records requirements is public
2 information; requiring the central voter file
3 to be self-sustaining; amending ss. 98.045,
4 98.095, F.S., relating to administration of
5 voter registration and public access to
6 registration information, respectively, to
7 conform; amending s. 98.212, F.S.; requiring
8 supervisors of elections to provide voter
9 registration information to the division for
10 the central voter file; amending s. 101.591,
11 F.S.; providing for voting system audits only
12 upon specific appropriation and directive of
13 the Legislature; amending s. 125.01, F.S.;
14 conforming a cross-reference; transferring the
15 Florida Elections Commission from the
16 Department of State to the Department of Legal
17 Affairs, Office of the Attorney General;
18 amending s. 104.271, F.S.; authorizing filing
19 of complaints with the commission relating to
20 false statements about candidates; amending s.
21 106.19, F.S.; eliminating authority of the
22 Division of Elections to bring civil actions to
23 recover certain civil penalties; amending s.
24 106.22, F.S.; deleting duties of the division
25 relating to investigation of complaints;
26 requiring the division to report certain
27 information to the commission; requiring the
28 division to conduct preliminary investigations
29 into irregularities or fraud involving voter
30 registration or voting and report the findings
31 to the appropriate state attorney for

1 prosecution, where warranted; requiring the
2 division to perform random audits relating to
3 reports and statements required to be filed
4 under ch. 106, F.S., relating to campaign
5 financing; amending s. 106.23, F.S.;
6 restricting powers of the division to issue
7 subpoenas and administer oaths to specified
8 duties; amending s. 106.24, F.S.; increasing
9 membership of the commission; revising
10 appointment procedures and criteria for
11 membership on the commission; revising
12 administrative and organizational structure of
13 the commission; providing for appointment of an
14 executive director and employment of staff;
15 authorizing the commission to contract or
16 consult with other state agencies for
17 assistance as needed; amending s. 106.25, F.S.;
18 vesting the commission with jurisdiction to
19 investigate and determine violations of ch.
20 106, F.S.; requiring transmittal of a copy of a
21 sworn complaint to the alleged violator;
22 providing for an administrative hearing upon
23 written request of the alleged violator;
24 amending s. 106.26, F.S.; providing rulemaking
25 authority to the commission relating to its
26 investigative responsibilities; prohibiting the
27 commission from issuing advisory opinions;
28 providing for establishment by rule of minor
29 offenses that may be resolved without further
30 investigation by means of a plea of no contest
31 and a fine; requiring the commission to adhere

1 to statutory law and advisory opinions of the
2 division; amending s. 106.265, F.S.; requiring
3 the State Comptroller to collect fines
4 resulting from actions of the commission in
5 circuit court to enforce payment of civil
6 penalties; providing for termination of terms
7 of current members of the commission and
8 appointment of new members; transferring to the
9 commission all division records, personnel,
10 property, and unexpended funds associated with
11 the complaint investigation process under ch.
12 106, F.S.; providing for transition from the
13 current commission to the newly constituted
14 commission; amending s. 106.141, F.S.;
15 clarifying use of office funds; amending s.
16 101.001, F.S., relating to election precincts;
17 providing severability; providing effective
18 dates, including contingent effective dates.

19

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

21

22 Section 1. Section 106.37, Florida Statutes, is
23 created to read:

24

25 106.37 Willful violations.--A person willfully
26 violates a provision of this chapter if the person commits an
27 act while knowing that, or showing reckless disregard for
28 whether, the act is prohibited under this chapter, or does not
29 commit an act while knowing that, or showing reckless
30 disregard for whether, the act is required under this chapter.
31 A person knows that an act is prohibited or required if the
person is aware of the provision of this chapter which

1 prohibits or requires the act, understands the meaning of that
2 provision, and performs the act that is prohibited or fails to
3 perform the act that is required. A person shows reckless
4 disregard for whether an act is prohibited or required under
5 this chapter if the person wholly disregards the law without
6 making any reasonable effort to determine whether the act
7 would constitute a violation of this chapter.

8 Section 2. Subsections (5) and (8) of section 106.011,
9 Florida Statutes, are amended to read:

10 106.011 Definitions.--As used in this chapter, the
11 following terms have the following meanings unless the context
12 clearly indicates otherwise:

13 (5)(a) "Independent expenditure" means an expenditure
14 by a person for the purpose of advocating the election or
15 defeat of a candidate or the approval or rejection of an
16 issue, which expenditure is not controlled by, coordinated
17 with, or made upon consultation with, any candidate, political
18 committee, or agent of such candidate or committee. An
19 expenditure for such purpose by a person having a contract
20 with the candidate, political committee, or agent of such
21 candidate or committee in a given election period shall not be
22 deemed an independent expenditure.

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

31

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

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

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

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

27 5. After the last day of qualifying for statewide or
28 legislative office, consults about the candidate's plans,
29 projects, or needs in connection with the candidate's pursuit
30 of election to office and the information is used in any way
31

1 to plan, create, design, or prepare an independent expenditure
2 or advertising campaign, with:

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

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

12 6. After the last day of qualifying for statewide or
13 legislative office, retains the professional services of any
14 person also providing those services to the candidate in
15 connection with the candidate's pursuit of election to office;
16 or

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

19 (8) "Person" means an individual or a corporation,
20 association, firm, partnership, joint venture, joint stock
21 company, club, organization, estate, trust, business trust,
22 syndicate, or other combination of individuals having
23 collective capacity. The term includes a political party,
24 political committee, or committee of continuous existence.

25 Section 3. Section 106.08, Florida Statutes, is
26 amended to read:

27 106.08 Contributions; limitations on.--

28 (1)(a) Except for political parties, no person,
29 political committee, or committee of continuous existence may,
30 in any election, shall make contributions in excess of \$500 to
31 any candidate for election to or retention in office or to any

1 political committee supporting or opposing one or more
2 candidates. ~~in this state, for any election, in excess of the~~
3 ~~following amounts:~~

4 1. ~~To a candidate for countywide office or to a~~
5 ~~candidate in any election conducted on less than a countywide~~
6 ~~basis, \$500.~~

7 2. ~~To a candidate for legislative or multicounty~~
8 ~~office, \$500.~~

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

10 Candidates for the offices of Governor and Lieutenant Governor
11 on the same ticket are ~~shall be~~ considered a single candidate
12 for the purpose of this section.

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

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

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

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

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

26 2. Notwithstanding the limits provided in this
27 subsection, an ~~no~~ unemancipated child under the age of 18
28 years of age may not make a contribution in excess of \$100 to
29 any candidate or to any political committee supporting one or
30 more candidates, ~~in excess of \$100. The limitations provided~~
31 ~~by this subsection shall apply to each election.~~

1 (c) The contribution limits of this subsection apply
 2 to each election. For purposes of this subsection, the first
 3 primary, second primary, and general election ~~are shall be~~
 4 ~~deemed~~ separate elections so long as the candidate is not an
 5 unopposed candidate as defined in s. 106.011(15). However,
 6 for the purpose of contribution limits with respect to
 7 candidates for retention as a justice of the Supreme Court or
 8 judge of a district court of appeal, there is ~~shall be~~ only
 9 one election, which is ~~shall be~~ the general election, and with
 10 respect to candidates for circuit judge or county court judge,
 11 there are ~~shall be~~ only two elections, which are ~~shall be~~ the
 12 first primary election and general election.

13 (2)(a) A candidate may not accept contributions from
 14 national, state, including any subordinate committee of a
 15 national, state, or county committee of a political party, and
 16 county executive committees of a political party, which
 17 contributions in the aggregate exceed \$50,000, no more than
 18 \$25,000 of which may be accepted prior to the 28-day period
 19 immediately preceding the date of the general election.

20 (b) ~~For the purposes of this subsection:~~
 21 1. ~~Print, broadcast, cable, and mailing advertisements~~
 22 ~~are contributions in an amount equal to their fair market~~
 23 ~~value and shall be counted toward the contribution limits of~~
 24 ~~this subsection.~~
 25 2. ~~Polling services, research services,~~ costs for
 26 campaign staff, professional consulting services ~~technical~~
 27 ~~assistance, and telephone calls~~ voter mobilization efforts are
 28 not contributions to be counted toward the contribution limits
 29 of paragraph (a) ~~this subsection.~~ Any item not expressly
 30 identified in this paragraph as nonallocable is a contribution
 31 in an amount equal to the fair market value of the item and

1 must be counted as allocable toward the \$50,000 contribution
2 limits of paragraph (a). Nonallocable, in-kind contributions
3 must be reported by the candidate under s. 106.07 and by the
4 political party under s. 106.29.

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

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

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

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

30 2. Any contribution received by a candidate or the
31 campaign treasurer or deputy campaign treasurer of a candidate

1 after the candidate has been notified in writing by the
2 department or supervisor that he or she has become unopposed
3 as a result of an independent or minor party candidate failing
4 to obtain the required number of petition signatures shall be
5 returned to the person, political committee, or committee of
6 continuous existence contributing it and shall not be used or
7 expended by or on behalf of the candidate.

8 (4) Any contribution received by the chair, campaign
9 treasurer, or deputy campaign treasurer of a political
10 committee supporting or opposing a candidate with opposition
11 in an election or supporting or opposing an issue on the
12 ballot in an election on the day of that election or less than
13 5 days prior to the day of that election ~~may~~ shall not be
14 obligated or expended by the committee until after the date of
15 the election.

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

1 funds to, religious, political party, civic, or charitable
 2 groups of which the candidate is a member or to which the
 3 candidate ~~he or she~~ has been a regular donor contributor for
 4 more than 6 months. A candidate may purchase, with campaign
 5 funds, tickets, admission to events, or advertisements from
 6 religious, civic, political party, or charitable groups.

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

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

1 paragraph commits ~~section is guilty of~~ a misdemeanor of the
2 first degree, punishable as provided in s. 775.082 or s.
3 775.083.

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

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

1 ~~(9)(8) The provisions of~~ This section does ~~shall~~ not
2 apply to the transfer of funds between a primary campaign
3 depository and a savings account or certificate of deposit or
4 to any interest earned on such account or certificate.

5 Section 4. Section 106.085, Florida Statutes, is
6 amended to read:

7 106.085 Independent expenditures; unfair surprise
8 prohibited; notice requirements;penalty.--

9 (1) Any individual, group, organization, political
10 party, or committee making an independent expenditure in
11 excess of \$1,000 on behalf of or in opposition to a candidate
12 shall deliver notice in writing of such independent
13 expenditure, a general description of the subject and content
14 of such expenditure, ~~as well as~~ the amount of such expenditure
15 and a detailed description of the media type or use of such
16 expenditure, within 24 hours after obligating any funds for
17 such expenditure. However, the notice of the obligation of the
18 expenditure must be made at least 5 days prior to an election.
19 An expenditure is obligated upon the purchase of any political
20 advertising or the entering into any agreement, either oral or
21 written, to purchase any political advertising. Such notice
22 shall be delivered to all of the candidates in the affected
23 race and to the qualifying officer of such candidates. The
24 notice shall specifically state the name of the candidate whom
25 the independent expenditure is designed to support or oppose.
26 For purposes of this subsection, notice shall include, but is
27 not limited to, personal hand delivery or overnight mail.
28 Each new expenditure shall require the delivery or filing of
29 an additional new notice.

30 (2)(a) If the political advertisement required to be
31 noticed under subsection (1) is to be broadcast over any

1 television station, including a cable television station, or a
2 radio station, a copy of the actual advertisement must be
3 provided with the notification, along with a listing of the
4 stations airing the advertisement.

5 (b) If the political advertisement required to be
6 noticed under subsection (1) is to be communicated through
7 means other than the spoken word, a duplicate reproduced from
8 the original advertisement to be used must be provided with
9 the notification. The duplicate must clearly depict a copy of
10 the pictures, artwork, and text used in the advertisement.

11 (c) If the political advertisement required to be
12 noticed under subsection (1) is to be a telephone
13 solicitation, a copy of the script of the telephone
14 solicitation must be provided with the notification, along
15 with the number of intended recipients.

16 (3)(2) A person who violates any provision of this
17 section shall be liable for a civil fine of up to \$5,000 to be
18 determined by the Florida Elections Commission or the entire
19 an amount equal to 10 percent of the expenditure not noticed,
20 whichever is greater.

21 (4) This section does not prohibit a person from
22 making an independent expenditure in support of or in
23 opposition to any candidate or issue, unless otherwise
24 prohibited by law, from expressing his or her opinion on any
25 issue, or from purchasing any political advertisement or
26 campaign material.

27 Section 5. Effective October 1, 1997, section 106.087,
28 Florida Statutes, is created to read:

29 106.087 Independent expenditures; contribution limits;
30 restrictions on political parties, political committees, and
31 committees of continuous existence.--

1 (1)(a) As a condition of receiving a rebate of filing
2 fees and party assessment funds pursuant to s. 99.061(2), s.
3 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
4 treasurer of a state or county executive committee shall take
5 and subscribe to an oath or affirmation in writing. During the
6 qualifying period for state candidates and prior to
7 distribution of such funds, a printed copy of the oath or
8 affirmation shall be filed with the Secretary of State and
9 shall be substantially in the following form:

10
11 State of Florida

12 County of....

13 Before me, an officer authorized to administer oaths,
14 personally appeared ...(name)..., to me well known, who, being
15 sworn, says that he or she is the ...(title)... of the
16 ...(name of party)... ...(state or specified county)...
17 executive committee; that the executive committee has not
18 made, either directly or indirectly, an independent
19 expenditure in support of or opposition to a candidate or
20 elected public official in the prior 6 months; that the
21 executive committee will not make, either directly or
22 indirectly, an independent expenditure in support of or
23 opposition to a candidate or elected public official, through
24 and including the upcoming general election; and that the
25 executive committee will not violate the contribution limits
26 applicable to candidates under s. 106.08(2), Florida Statutes.

27 ...(Signature of committee officer)...

28 ...(Address)...

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

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

2
3 (b) Any executive committee found to have violated the
4 provisions of the oath or affirmation in this section prior to
5 receiving funds shall be ineligible to receive the rebate for
6 that general election year.

7 (c) Any executive committee found to have violated the
8 provisions of the oath or affirmation in this section after
9 receiving funds shall be ineligible to receive the rebate from
10 candidates qualifying for the following general election
11 cycle.

12 (d) Any funds not distributed to the state or county
13 executive committee pursuant to this section shall be
14 deposited into the General Revenue Fund of the state.

15 (2)(a) Any political committee or committee of
16 continuous existence that accepts the use of public funds,
17 equipment, personnel, or other resources to collect dues from
18 its members agrees not to make independent expenditures in
19 support of or opposition to a candidate or elected public
20 official. However, expenditures may be made for the sole
21 purpose of jointly endorsing three or more candidates.

22 (b) Any political committee or committee of continuous
23 existence that violates this subsection is liable for a civil
24 fine of up to \$5,000 to be determined by the Florida Elections
25 Commission or the entire amount of the expenditures, whichever
26 is greater.

27 Section 6. Paragraph (c) of subsection (4) and
28 subsection (8) of section 106.04, Florida Statutes, are
29 amended to read:

30 106.04 Committees of continuous existence.--

31 (4)

1 (c) All committees of continuous existence shall file
2 the original and one copy of their reports with the Division
3 of Elections. In addition, a duplicate copy of each report
4 shall be filed with the supervisor of elections in the county
5 in which the committee maintains its books and records, except
6 that if the filing officer to whom the committee is required
7 to report is located in the same county as the supervisor no
8 such duplicate report is required to be filed with the
9 supervisor. Reports shall be on forms provided by the
10 division and shall contain the following information:

11 1. The full name, address, and occupation of each
12 person who has made one or more contributions to the committee
13 during the reporting period, together with the amounts and
14 dates of such contributions. For corporations, the report
15 must provide as clear a description as practicable of the
16 principal type of business conducted by the corporation.
17 However, if the contribution is \$100 or less, the occupation
18 of the contributor or principal type of business need not be
19 ~~listed, and only the name and address are necessary.~~ However,
20 for any contributions which represent the payment of dues by
21 members in a fixed amount pursuant to the schedule on file
22 with the Division of Elections, only the aggregate amount of
23 such contributions need be listed, together with the number of
24 members paying such dues and the amount of the membership
25 dues.

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

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 7. 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 occupation, if any of
19 each person who has made one or more contributions to or for
20 such committee or candidate within the reporting period,
21 together with the amount and date of such contributions. For
22 corporations, the report must provide as clear a description
23 as practicable of the principal type of business conducted by
24 the corporation. However, if the contribution is \$100 or less
25 or is from a relative, as defined in s. 112.312, provided that
26 the relationship is reported, the occupation of the
27 contributor or the principal type of business need not be
28 listed, ~~and only the name and address are necessary.~~

29 2. The name and address of each political committee
30 from which the reporting committee or the candidate received,
31 or to which the reporting committee or candidate made, any

1 transfer of funds, together with the amounts and dates of all
2 transfers.

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

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

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

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

24 7. The full name and address of each person to whom an
25 expenditure for personal services, salary, or reimbursement
26 for authorized expenses has been made and which is not
27 otherwise reported, including the amount, date, and purpose of
28 such expenditure. However, expenditures made from the petty
29 cash fund provided for in s. 106.12 need not be reported
30 individually.

31

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

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

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

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

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

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

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

29 2. In the general revenue fund of the political
30 subdivision, in the case of a candidate for an office of a
31

1 political subdivision or a political committee that registers
2 with an officer of a political subdivision.

3
4 No separate fine shall be assessed for failure to file a copy
5 of any report required by this section.

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

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

29
30 Such fine shall be paid to the filing officer within 20 days
31 after receipt of the notice of payment due, unless appeal is

1 made to the Florida Elections Commission pursuant to paragraph
2 (c). In the case of a candidate, such fine shall not be an
3 allowable campaign expenditure and shall be paid only from
4 personal funds of the candidate. An officer or member of a
5 political committee shall not be personally liable for such
6 fine.

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

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

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

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

31

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

12 ~~4. The reporting period shall follow the schedules~~
13 ~~outlined in this section.~~

14 Section 8. Section 106.29, Florida Statutes, is
15 amended to read:

16 106.29 Reports by political parties; restrictions on
17 contributions and expenditures; penalties ~~assessment on~~
18 ~~contributions.--~~

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

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

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

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

23 (b) Upon determining that a report is late, the filing
24 officer shall immediately notify the chair of the executive
25 committee as to the failure to file a report by the designated
26 due date and that a fine is being assessed for each late day.
27 The fine shall be \$1,000 for a state executive committee, and
28 \$50 for a county executive committee, per day for each late
29 day, not to exceed 25 percent of the total receipts or
30 expenditures, whichever is greater, for the period covered by
31 the late report. However, if an executive committee fails to

1 file a report on the Friday immediately preceding the general
2 election, the fine shall be \$10,000 per day for each day a
3 state executive committee is late and \$500 per day for each
4 day a county executive committee is late. Upon receipt of the
5 report, the filing officer shall determine the amount of the
6 fine which is due and shall notify the chair. The filing
7 officer shall determine the amount of the fine due based upon
8 the earliest of the following:

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

11 2. When the report is postmarked.

12 3. When the certificate of mailing is dated.

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

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

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

31

1 (d) The appropriate filing officer shall notify the
2 Florida Elections Commission of the repeated late filing by an
3 executive committee, the failure of an executive committee to
4 file a report after notice, or the failure to pay the fine
5 imposed.

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

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

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

29 (b) A violation of the contribution limits contained
30 in s. 106.08(2) is a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083. A civil

1 penalty equal to three times the amount in excess of the
2 limits contained in s. 106.08(2) shall be assessed against any
3 executive committee found in violation thereof.

4 Section 9. Subsection (3) of section 106.021, Florida
5 Statutes, is amended to read:

6 106.021 Campaign treasurers; deputies; primary and
7 secondary depositories.--

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

23 Section 10. Section 106.1405, Florida Statutes, is
24 amended to read:

25 106.1405 Use of campaign funds ~~by candidates~~.--

26 ~~If~~ A candidate or the spouse of a candidate may not
27 ~~intends to draw a salary from the campaign account of such~~
28 ~~candidate or~~ use funds on deposit in a campaign account of
29 such candidate to defray normal living expenses for the
30 candidate or the candidate's family, other than expenses
31 actually incurred for transportation, meals, and lodging by

1 the candidate or a family member during travel in the course
2 of the campaign, ~~the candidate shall, at the same time he or~~
3 ~~she appoints a treasurer and designates his or her campaign~~
4 ~~depository, file with the officer before whom he or she~~
5 ~~qualifies a statement that the candidate intends to use the~~
6 ~~funds for such purposes. Unless the statement of intent is~~
7 ~~filed at such time, the funds shall not be so used.~~

8 Section 11. Subsection (1) of section 99.092, Florida
9 Statutes, is amended to read:

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

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

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

16 Section 12. Subsection (1) of section 99.093, Florida
17 Statutes, is amended to read:

18 99.093 Municipal candidates; election assessment.--

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

30 Section 13. Subsection (3) of section 105.031, Florida
31 Statutes, is amended to read:

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

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

23 Section 14. Section 99.103, Florida Statutes, is
24 amended to read:

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

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

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

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

28 Section 15. Section 106.141, Florida Statutes, is
29 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29
30 The office account established pursuant to this subsection
31 shall be separate from any personal or other account. Any

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 16. Effective January 1, 1999, subsection (4)
4 of section 106.141, Florida Statutes, as amended by this act,
5 is amended to read:

6 106.141 Disposition of surplus funds by candidates.--

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

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

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

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

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

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

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

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

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

4 Section 17. Section 106.143, Florida Statutes, is
5 amended to read:

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

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

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

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

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

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

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

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

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

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

8 (3) It is unlawful for any candidate or person on
9 behalf of a candidate to represent that any person or
10 organization supports such candidate, unless the person or
11 organization so represented has given specific approval in
12 writing to the candidate to make such representation.

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

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

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

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

29 (b) Any person who makes an independent expenditure
30 for a political advertisement shall provide a written
31 statement that no candidate has approved the advertisement to

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

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

9 (5)(4) No political advertisement of a candidate who
10 is not an incumbent of the office for which the candidate ~~he~~
11 ~~or she~~ is running shall use the word "re-elect." Additionally,
12 such advertisement must include the word "for" between the
13 candidate's name and the office for which the candidate ~~he or~~
14 ~~she~~ is running, in order that incumbency is not implied. This
15 subsection does not apply to bumper stickers or items designed
16 to be worn by a person.

17 (6)(5) This section does shall not apply to novelty
18 items having a retail of nominal value of \$10 or less which
19 support, but do not oppose, a candidate or issue.

20 (7)(6) Any political advertisement which is published,
21 displayed, or produced in a language other than English may
22 provide the information required by this section in the
23 language used in the advertisement.

24 (8)(7) Any person who willfully violates any provision
25 ~~the provisions~~ of this section is subject to the civil
26 penalties prescribed in s. 106.265.

27 Section 18. Section 106.147, Florida Statutes, is
28 created to read:

29 106.147 Telephone solicitation; disclosure
30 requirements; prohibitions; exemptions; penalties.--

31

1 (1)(a) Any telephone call supporting or opposing a
2 candidate, elected public official, or ballot proposal must
3 identify the persons or organizations sponsoring the call by
4 stating either: "paid for by..." (insert name of persons or
5 organizations sponsoring the call) or "paid for on behalf
6 of..." (insert name of persons or organizations authorizing
7 call). This paragraph does not apply to any telephone call in
8 which both the individual making the call is not being paid
9 and the individuals participating in the call know each other
10 prior to the call.

11 (b) Any telephone call conducted for the purpose of
12 polling respondents concerning a candidate or elected public
13 official which is a part of a series of like telephone calls
14 that consists of fewer than 1,000 completed calls and averages
15 more than two minutes in duration is presumed to be a
16 political poll and not subject to the provisions of paragraph
17 (a).

18 (c) No telephone call shall state or imply that the
19 caller represents any person or organization unless the person
20 or organization so represented has given specific approval in
21 writing to make such representation.

22 (d) No telephone call shall state or imply that the
23 caller represents a nonexistent person or organization.

24 (2) Any telephone call, not conducted by independent
25 expenditure, supporting or opposing a candidate or ballot
26 proposal, requires prior written authorization by the
27 candidate or sponsor of the ballot proposal that the call
28 supports. A copy of such written authorization must be placed
29 on file with the qualifying officer by the candidate or
30 sponsor of the ballot proposal prior to the time the calls
31 commence.

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

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

13 Section 19. Section 106.1475, Florida Statutes, is
14 created to read:

15 106.1475 Telephone solicitation; registered agent
16 requirements; penalty.--

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

31

1 (2) For purposes of this section, conducting business
2 in this state as specified in subsection (1) includes both
3 placing telephone calls from a location in this state and
4 placing telephone calls from a location outside this state to
5 individuals located in this state.

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

9 1. The name, address, and telephone number of the
10 registered agent.

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

14 (b) The person or organization conducting business in
15 this state as specified in subsection (1) must immediately
16 notify the division of any changes in the information required
17 in paragraph (a).

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

21 Section 20. Section 106.148, Florida Statutes, is
22 created to read:

23 106.148 Disclosure of online computer solicitation.--A
24 message placed on an information system accessible by computer
25 by a candidate, political party, political committee, or
26 committee of continuous existence, or an agent of any such
27 candidate, party, or committee, which message is accessible by
28 more than one person, other than an internal communication of
29 the party, committee, or campaign, must include a statement
30 disclosing all information required of political
31 advertisements under s. 106.143.

1 Section 21. Section 99.097, Florida Statutes, is
2 amended to read:

3 99.097 Verification of signatures on petitions.--

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

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

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

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

28 (3)(a) A name on a petition, which name is not in
29 substantially the same form as a name on the voter
30 registration books, shall be counted as a valid signature if,
31 after comparing the signature on the petition with the

1 signature of the alleged signer as shown on the registration
2 books, the supervisor determines that the person signing the
3 petition and the person who registered to vote are one and the
4 same. In any situation in which this code requires the form
5 of the petition to be prescribed by the division ~~Department of~~
6 ~~State~~, no signature shall be counted toward the number of
7 signatures required unless it is on a petition form prescribed
8 by the division ~~Department of State~~.

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

13 (4) The supervisor shall be paid in advance the sum of
14 10 cents for each signature checked or the actual cost of
15 checking such signature, whichever is less, by the candidate,
16 minor party, or person authorized by such minor party
17 submitting the petition or, in the case of a petition to have
18 an issue placed on the ballot, by the person or organization
19 submitting the petition. However, if a candidate, person, or
20 organization seeking to have an issue placed upon the ballot
21 cannot pay such charges without imposing an undue burden on
22 personal resources or upon the resources otherwise available
23 to such candidate, person, or organization, such candidate,
24 person, or organization shall, upon written certification of
25 such inability given under oath to the supervisor, be entitled
26 to have the signatures verified at no charge. However, an oath
27 in lieu of payment of the charges shall not be allowed to
28 verify the signatures on a petition to obtain ballot position
29 for a minor party. In the event a candidate, person, or
30 organization submitting a petition to have an issue placed
31 upon the ballot is entitled to have the signatures verified at

1 no charge, the supervisor of elections of each county in which
 2 the signatures are verified at no charge shall submit the
 3 total number of such signatures checked in the county to the
 4 Comptroller no later than December 1 of the general election
 5 year, and the Comptroller shall cause such supervisor of
 6 elections to be reimbursed from the General Revenue Fund in an
 7 amount equal to 10 cents for each name checked or the actual
 8 cost of checking such signatures, whichever is less. In no
 9 event shall such reimbursement of costs be deemed or applied
 10 as extra compensation for the supervisor. Petitions shall be
 11 retained by the supervisors for a period of 1 year following
 12 the election for which the petitions were circulated.

13 (5) The results of a verification pursuant to
 14 paragraph (1)(b) may be contested in the circuit court by the
 15 candidate; an announced opponent; a representative of a
 16 designated political committee; or a person, party, or other
 17 organization submitting the petition. The contestant shall
 18 file a complaint, together with the fees prescribed in chapter
 19 28, with the clerk of the circuit court in the county in which
 20 the petition is certified or in Leon County if the petition
 21 covers more than one county within 10 days after midnight of
 22 the date the petition is certified; and the complaint shall
 23 set forth the grounds on which the contestant intends to
 24 establish his or her right to require a complete check of the
 25 names and signatures pursuant to paragraph (1)(a). In the
 26 event the court orders a complete check of the petition and
 27 the result is not changed as to the success or lack of success
 28 of the petitioner in obtaining the requisite number of valid
 29 signatures, then such candidate, unless the candidate has
 30 filed the oath stating that he or she is unable to pay such
 31 charges; announced opponent; representative of a designated

1 political committee; or party, person, or organization
2 submitting the petition, unless such person or organization
3 has filed the oath stating inability to pay such charges,
4 shall pay to the supervisor of elections of each affected
5 county for the complete check an amount calculated at the rate
6 of 10 cents for each additional signature checked or the
7 actual cost of checking such additional signatures, whichever
8 is less.

9 Section 22. Section 100.371, Florida Statutes, is
10 amended to read:

11 100.371 Initiatives; procedure for placement on
12 ballot.--

13 (1)(a) The sponsor of a constitutional amendment
14 proposed by initiative must register as a political committee
15 under s. 106.03 prior to taking or initiating any action with
16 respect to that amendment.

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

28 (2)(a) If the sponsor of a proposed initiative
29 amendment intends to employ or contract with any person to
30 gather voter signatures, the sponsor must, before employing or
31 contracting with such person, file an affidavit with the

1 division, the form of which shall be prepared by the division,
2 giving notice of the intended use of paid petition
3 circulators.

4 (b) A sponsor of a proposed initiative amendment who
5 uses paid petition circulators shall provide to the division
6 the name and address of each individual paid to gather
7 petition signatures. Such information shall be filed at the
8 time reports are filed pursuant to s. 106.07.

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

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

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

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

18 ~~(4)(5)~~ The division ~~Secretary of State~~ shall determine
 19 from the ~~verification~~ certificates received from the
 20 supervisors ~~of elections~~ the total number of ~~verified~~ valid
 21 signatures and the distribution of such signatures by
 22 congressional district ~~districts~~. Upon a determination that
 23 the requisite number and distribution of valid signatures have
 24 been obtained, the division ~~secretary~~ shall issue a
 25 certificate of ballot position for that proposed initiative
 26 amendment and shall assign a designating number pursuant to s.
 27 101.161. A petition is considered ~~shall be deemed to be~~ filed
 28 with the Secretary of State upon the date of the receipt by
 29 the division ~~secretary~~ of a certificate or certificates from
 30 the supervisors ~~of elections~~ indicating that the petition has
 31

1 been signed by the constitutionally required number of voters
2 electors.

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

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

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

19 Section 23. Section 104.185, Florida Statutes, is
20 amended to read:

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

24 (1) ~~A~~ ~~It is unlawful for any person who~~ knowingly
25 signs to sign a petition or petitions for a particular issue
26 or candidate, a minor political party, or an issue more than
27 one time commits. ~~Any person violating the provisions of this~~
28 ~~section shall, upon conviction, be guilty of a misdemeanor of~~
29 ~~the first degree, punishable as provided in s. 775.082 or s.~~
30 ~~775.083.~~

31

1 (2) A person who signs another person's name or a
2 fictitious name to any petition to secure ballot position for
3 a candidate, a minor political party, or an issue commits a
4 misdemeanor of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 24. Subsection (3) is added to section 106.19,
7 Florida Statutes, to read:

8 106.19 Violations by candidates, persons connected
9 with campaigns, and political committees.--

10 (3) A political committee sponsoring a constitutional
11 amendment proposed by initiative which submits a petition form
12 gathered by a paid petition circulator which does not provide
13 the name and address of the paid petition circulator on the
14 form is subject to the civil penalties prescribed in s.
15 106.265.

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

1 Section 26. Subsections (1) and (2) of section 97.052,
2 Florida Statutes, 1996 Supplement, are amended to read:

3 97.052 Uniform statewide voter registration
4 application.--

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

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

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

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

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

31

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

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

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

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

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

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

15 (a) Full name.

16 (b) Date of birth.

17 (c) Address of legal residence.

18 (d) Mailing address, if different.

19 (e) County of legal residence.

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

22 1. American Indian or Alaskan Native.

23 2. Asian or Pacific Islander.

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

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

26 5. Hispanic.

27 (g) Sex.

28 (h) Party affiliation.

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

30 (j) Name and address where last registered.

31 (k) Social security number (optional).

1 (1) Telephone number (optional).

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

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

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

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

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

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

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

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

29 97.053 Acceptance of voter registration
30 applications.--

31

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

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

10 1. The applicant's name.

11 2. The applicant's legal residence address.

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

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

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

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

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

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

29 97.071 Registration identification card.--
30
31

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

4 (a) Voter's registration number.

5 (b) Date of registration.

6 (c) Full name.

7 (d) Party affiliation.

8 (e) Date of birth.

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

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

11 (h) Address of legal residence.

12 (i) Precinct number.

13 (j) Signature of supervisor.

14 (k) Place for voter's signature.

15 (1) Other information deemed necessary by the
16 department.

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

23 (3) In the case of a change of name, address, or party
24 affiliation, the supervisor must issue the voter a new
25 registration identification card. However, a registration
26 identification card indicating a party affiliation change made
27 between the book-closing date for the first primary election
28 and the date of the second primary election may not be issued
29 until after the second primary election.

30 Section 29. Section 97.1031, Florida Statutes, is
31 amended to read:

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

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

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

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

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

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

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

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

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

3 Section 31. Subsection (2) of section 104.011, Florida
4 Statutes, is amended to read:

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

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

11 Section 32. Subsection (4) is added to section
12 104.012, Florida Statutes, to read:

13 104.012 Consideration for registration; interference
14 with registration; soliciting registrations for
15 compensation.--

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

20 Section 33. Sections 98.391, 98.412, 98.431, and
21 98.441, Florida Statutes, and sections 98.401 and 98.421,
22 Florida Statutes, as amended by chapter 95-147, Laws of
23 Florida, are repealed.

24 Section 34. Subsection (11) is added to section
25 97.012, Florida Statutes, to read:

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

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

30 Section 35. Present subsections (4) through (29) of
31 section 97.021, Florida Statutes, 1996 Supplement, are

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

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

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

9 Section 36. Subsection (3) of section 98.045, Florida
10 Statutes, is amended to read:

11 98.045 Administration of voter registration.--

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

23 Section 37. Section 98.095, Florida Statutes, as
24 amended by chapters 91-235 and 91-424, Laws of Florida, is
25 amended to read:

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

27 (1)(a)1. The registration books of each county in this
28 state are public records. Any ~~Every~~ citizen of the state is
29 allowed to examine the registration books of any county while
30 they are in the custody of the supervisor of that county, but
31

1 is not allowed to make copies or extracts therefrom except as
2 provided by this section.

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

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

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

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

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

23 (b) Municipalities;

24 (c) Other governmental agencies;

25 (d) Candidates, to further their candidacy;

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

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

31

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

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

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

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

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

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

28
29 Section 38. Effective January 1, 1998, subsection (2)
30 of section 98.095, Florida Statutes, as amended by chapter
31 91-235, Laws of Florida, is amended to read:

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

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

4 (a) Municipalities;

5 (b) Other governmental agencies;

6 (c) Candidates, to further their candidacy;

7 (d) Registered political committees, registered
8 committees of continuous existence, and political parties or
9 officials thereof, for political purposes only; and

10 (e) Incumbent officeholders, to report to their
11 constituents.

12

13 Such information shall not be used for commercial purposes.

14 No person to whom a list of registered voters is made
15 available pursuant to this section, and no person who acquires
16 such a list, shall use any information contained therein for
17 purposes which are not related to elections, political or
18 governmental activities, voter registration, or law
19 enforcement.

20 Section 39. Section 98.097, Florida Statutes, is
21 created to read:

22 98.097 Central voter file; administration by division;
23 public access.--

24 (1) There is hereby established a central voter file,
25 to be administered by the division, which shall be a
26 statewide, centrally maintained database containing the voter
27 registration information of all counties in this state.

28 (2) All voter registration records and other
29 information in the central voter file, excluding any
30 information that is confidential or exempt from public records

31

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

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

4 Section 40. Section 98.212, Florida Statutes, is
5 amended to read:

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

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

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

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

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

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

1 Section 41. Section 101.591, Florida Statutes, is
2 amended to read:

3 101.591 Voting system audit.--

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

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

19 Section 42. Paragraph (y) of subsection (1) of section
20 125.01, Florida Statutes, 1996 Supplement, is amended to read:

21 125.01 Powers and duties.--

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

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

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

7 Section 43. Effective July 1, 1997, the Florida
8 Elections Commission and all of its statutory powers, duties,
9 and functions and all of its records, personnel, property, and
10 unexpended balances of appropriations, allocations, or other
11 funds, including those in the possession of or provided by the
12 Division of Elections of the Department of State as
13 administrative support and services to the Florida Elections
14 Commission pursuant to section 106.24(4), Florida Statutes
15 (1995), are transferred by a type one transfer, as defined in
16 section 20.06(1), Florida Statutes, from the Department of
17 State to a newly created Florida Elections Commission within
18 the Department of Legal Affairs, Office of the Attorney
19 General. The administrative rules of the commission, and the
20 rules of the Division of Elections governing records,
21 personnel, property, and funds related to the commission,
22 which are in effect immediately before such transfer shall
23 remain in effect until specifically changed in the manner
24 provided by law.

25 Section 44. Subsection (2) of section 104.271, Florida
26 Statutes, is amended to read:

27 104.271 False or malicious charges against, or false
28 statements about, opposing candidates; penalty.--

29 (2) Any candidate who, in a primary election or other
30 election, with actual malice makes or causes to be made any
31 statement about an opposing candidate which is false is guilty

1 of a violation of this code. An aggrieved candidate may file
2 a complaint with the Florida Elections Commission ~~Division of~~
3 ~~Elections~~ pursuant to s. 106.25. The commission ~~division~~ shall
4 adopt rules to provide an expedited hearing ~~before the Florida~~
5 ~~Elections Commission~~ of complaints filed under this
6 subsection. Notwithstanding any other provision of law, the
7 ~~Florida Elections~~ Commission shall assess a civil penalty of
8 up to \$5,000 against any candidate found in violation of this
9 subsection, which shall be deposited to the account of the
10 General Revenue Fund of the state.

11 Section 45. Subsection (2) of section 106.19, Florida
12 Statutes, is amended to read:

13 106.19 Violations by candidates, persons connected
14 with campaigns, and political committees.--

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

27 Section 46. Subsection (7) of section 106.22, Florida
28 Statutes, is amended, and subsections (11) and (12) are added
29 to that section, to read:

30 106.22 Duties of the Division of Elections.--It is the
31 duty of the Division of Elections to:

1 (7) Report to the Florida Elections Commission any
2 failure to file a report or information required by this
3 chapter or any apparent violation of this chapter.
4 ~~Investigate apparent or alleged violations of this chapter and~~
5 ~~recommend legal disposition of the violation as provided in s.~~
6 ~~106.25.~~

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

12 (12) Conduct random audits with respect to reports and
13 statements filed under this chapter and with respect to
14 alleged failure to file any reports and statements required
15 under this chapter.

16 Section 47. Subsection (1) of section 106.23, Florida
17 Statutes, is amended to read:

18 106.23 Powers of the Division of Elections.--

19 (1) In order to carry out the responsibilities
20 prescribed by s. 106.22 ~~this chapter~~, the Division of
21 Elections is empowered to subpoena and bring before its duly
22 authorized representatives any person in the state, or any
23 person doing business in the state, or any person who has
24 filed or is required to have filed any application, document,
25 papers or other information with an office or agency of this
26 state or a political subdivision thereof and to require the
27 production of any papers, books, or other records relevant to
28 any investigation, including the records and accounts of any
29 bank or trust company doing business in this state. Duly
30 authorized representatives of the division are empowered to
31 administer all oaths and affirmations in the manner prescribed

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

19 Section 48. Section 106.24, Florida Statutes, is
 20 amended to read:

21 106.24 Florida Elections Commission; membership;
 22 powers; duties.--

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

1 transactions involving real or personal property, and
2 budgetary matters.

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

28 (c) As the terms of members expire, excluding the
29 chair, successors shall be appointed to 4-year terms and shall
30 serve until their successors are appointed. Six months prior
31 to the expiration of a commission member's term, the ranking

1 officer of the political party in the respective house
2 originally nominating the commission member shall submit a
3 list of three nominees to the Governor. The Governor may
4 appoint one of the listed nominees to the commission. If no
5 nominee is selected from the list, the Governor shall so
6 inform the nominating officer, who shall submit a list of
7 three different nominees to the Governor within 30 days.
8 Vacancies on the commission shall expeditiously be filled for
9 the unexpired terms in the same manner ~~of the original~~
10 ~~appointment to the vacated position.~~

11 (d) As the term of the chair of the commission expires
12 or becomes vacant, a successor shall be appointed in the
13 manner of the original appointment, and shall serve for a
14 maximum of 4 years, such term to run concurrently with the
15 term of the appointing Governor and until a future successor
16 is appointed.

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

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

1 (3) The commission shall convene at the call of its
2 chair or at the request of a majority of the members of the
3 commission. The presence of five ~~four~~ members is required to
4 constitute a quorum, and the affirmative vote of the majority
5 of the members present is required for any action or
6 recommendation by the commission. The commission may meet in
7 any city of the state.

8 (4) The commission shall appoint an executive
9 director, who shall serve under the direction, supervision,
10 and control of the commission. The executive director, with
11 the consent of the commission, shall employ such staff as are
12 necessary to adequately perform the functions of the
13 commission, within budgetary limitations. All employees,
14 except the executive director and attorneys, are subject to
15 part II of chapter 110. The executive director shall serve at
16 the pleasure of the commission and be subject to part III of
17 chapter 110, except that the commission shall have complete
18 authority for setting the executive director's salary.

19 ~~Attorneys employed by the commission shall be subject to part~~
20 ~~V of chapter 110. The Division of Elections shall provide~~
21 ~~administrative support and services to the commission to carry~~
22 ~~out its duties pursuant to this chapter. The division shall~~
23 ~~employ such staff as are necessary to adequately perform the~~
24 ~~functions of the commission, within budgetary limitations.~~

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

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

9 (7) ~~The department, in consultation with The~~
10 commission, shall develop a budget request pursuant to chapter
11 216 annually. The budget is not subject to change by the
12 Department of Legal Affairs or the Attorney General, but it
13 ~~which~~ shall be submitted by the Department of Legal Affairs to
14 the Governor for transmittal to the Legislature.

15 (8) The commission is authorized to contract or
16 consult with appropriate agencies of state government for such
17 professional assistance as may be needed in the discharge of
18 its duties.

19 Section 49. Section 106.25, Florida Statutes, 1996
20 Supplement, is amended to read:

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

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

31

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

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

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

29 (a) If no probable cause is found, the commission
30 shall ~~division may~~ dismiss the case and the case shall become
31 a matter of public record, except as otherwise provided in

1 this section, together with a written statement of the
2 findings of the preliminary investigation and a summary of the
3 facts which the commission ~~division~~ shall send to the
4 complainant and the alleged violator.

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

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

16 (5) When there are disputed issues of material fact in
17 a proceeding conducted under ss. 120.569 and 120.57, a person
18 alleged by the Elections Commission to have committed a
19 violation of the Florida Election Code may elect, within 30
20 days after the date of the filing of the commission's
21 allegations, to have a hearing conducted by an administrative
22 law judge in the Division of Administrative Hearings.

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

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

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

13 (b) Upon a determination of probable cause or no
14 probable cause by the commission; or

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

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

20
21 However, a complainant is not bound by the confidentiality
22 provisions of this section. In addition, confidentiality may
23 be waived in writing by the person against whom the complaint
24 has been filed or the investigation has been initiated. If a
25 finding of probable cause in a case is entered within 30 days
26 prior to the date of the election with respect to which the
27 alleged violation occurred, such finding and the proceedings
28 and records relating to such case shall not become public
29 until noon of the day following such election. When two or
30 more persons are being investigated by the commission ~~division~~
31 with respect to an alleged violation of this chapter, ~~the~~

1 ~~division or~~ the commission may not publicly enter a finding of
2 probable cause or no probable cause in the case until a
3 finding of probable cause or no probable cause for the entire
4 case has been determined. However, once the confidentiality
5 of any case has been breached, the person or persons under
6 investigation have the right to waive the confidentiality of
7 the case, thereby opening up the proceedings and records to
8 the public. Any person who discloses any information or
9 matter made confidential by the provisions of this subsection
10 commits a misdemeanor of the first degree, punishable as
11 provided in s. 775.082 or s. 775.083.

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

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

23 Section 50. Section 106.26, Florida Statutes, is
24 amended to read:

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

27 (1) The commission shall, pursuant to rules adopted
28 and published in accordance with chapter 120, consider all
29 sworn complaints filed with it and all matters reported to it
30 by the Division of Elections ~~or otherwise coming to its~~
31 ~~attention, including appeals of division dismissals of cases~~

1 ~~based on no probable cause.~~ In order to carry out the
2 responsibilities prescribed by this chapter, the commission is
3 empowered to subpoena and bring before it, or its duly
4 authorized representatives, any person in the state, or any
5 person doing business in the state, or any person who has
6 filed or is required to have filed any application, document,
7 papers or other information with an office or agency of this
8 state or a political subdivision thereof and to require the
9 production of any papers, books, or other records relevant to
10 any investigation, including the records and accounts of any
11 bank or trust company doing business in this state. Duly
12 authorized representatives of the commission are empowered to
13 administer all oaths and affirmations in the manner prescribed
14 by law to witnesses who shall appear before them concerning
15 any relevant matter. Should any witness fail to respond to
16 the lawful subpoena of the commission or, having responded,
17 fail to answer all lawful inquiries or to turn over evidence
18 that has been subpoenaed, the commission may file a complaint
19 before any circuit court of the state setting up such failure
20 on the part of the witness. On the filing of such complaint,
21 the court shall take jurisdiction of the witness and the
22 subject matter of said complaint and shall direct the witness
23 to respond to all lawful questions and to produce all
24 documentary evidence in the witness's possession which is
25 lawfully demanded. The failure of any witness to comply with
26 such order of the court shall constitute a direct and criminal
27 contempt of court, and the court shall punish said witness
28 accordingly. However, the refusal by a witness to answer
29 inquiries or turn over evidence on the basis that such
30 testimony or material will tend to incriminate such witness
31 shall not be deemed refusal to comply with the provisions of

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

22 ~~(2) Should any witness fail to respond to the lawful~~
23 ~~subpoena of the commission or, having responded, fail to~~
24 ~~answer all lawful inquiries or to turn over evidence that has~~
25 ~~been subpoenaed, the commission may file a complaint before~~
26 ~~any circuit court of the state setting up such failure on the~~
27 ~~part of the witness. On the filing of such complaint, the~~
28 ~~court shall take jurisdiction of the witness and the subject~~
29 ~~matter of said complaint and direct the witness to respond to~~
30 ~~all lawful questions and to produce all documentary evidence~~
31 ~~in his or her possession which is lawfully demanded. The~~

1 ~~failure of any witness to comply with such order of the court~~
2 ~~shall constitute a direct and criminal contempt of court, and~~
3 ~~the court shall punish said witness accordingly.~~

4 (2)~~(3)~~ All witnesses summoned before the commission,
5 other than on the request of the subject of a hearing, shall
6 receive reimbursement for travel expenses and per diem at the
7 rates provided in s. 112.061. However, the fact that such
8 reimbursement is not tendered at the time the subpoena is
9 served shall not excuse the witness from appearing as directed
10 therein.

11 (3)~~(4)~~ Upon request of any person having business
12 before the commission, and with the approval of a majority of
13 the commission, the chair or, in the chair's absence, the vice
14 chair shall instruct all witnesses to leave the hearing room
15 and retire to a designated place. The witness will be
16 instructed by the chair or, in the chair's absence, the vice
17 chair not to discuss his or her testimony or the testimony of
18 any other person with anyone until the hearing has been
19 adjourned and the witness discharged by the chair. The witness
20 shall be further instructed that should any person discuss or
21 attempt to discuss the matter under investigation with him or
22 her after receiving such instructions the witness shall bring
23 such matter to the attention of the commission. No member of
24 the commission or representative thereof may discuss any
25 matter or matters pertinent to the subject matter under
26 investigation with witnesses to be called before the
27 commission from the time that these instructions are given
28 until the hearing has been adjourned and the witness
29 discharged by the chair.

30 (4)~~(5)~~ The commission, when interrogating witnesses as
31 provided herein, shall cause a record to be made of all

1 proceedings in which testimony or other evidence is demanded
2 or adduced. This record shall include rulings of the chair,
3 questions of the commission and its counsel, testimony or
4 responses of witnesses, sworn written statements submitted to
5 the commission, and all other pertinent matters. A witness at
6 a hearing, upon his or her advance request and at his or her
7 own expense, shall be furnished a certified transcript of all
8 testimony taken at the hearing.

9 (5)~~(6)~~ Before or during a hearing, any person noticed
10 to appear before the commission, or the person's counsel, may
11 file with the commission, for incorporation into the record of
12 the hearing, sworn written statements relevant to the purpose,
13 subject matter, and scope of the commission's investigation or
14 inquiry. Any such person shall, however, prior to filing such
15 statement, consent to answer questions from the commission
16 regarding the contents of the statement.

17 (6)~~(7)~~ Any person whose name is mentioned or who is
18 otherwise identified during a hearing being conducted by the
19 commission and who, in the opinion of the commission, may be
20 adversely affected thereby may, upon his or her request or
21 upon the request of any member of the commission, appear
22 personally before the commission and testify on his or her own
23 behalf or, with the commission's consent, file a sworn written
24 statement of facts or other documentary evidence for
25 incorporation into the record of the hearing. Any such person
26 shall, however, prior to filing such statement, consent to
27 answer questions from the commission regarding the contents of
28 the statement.

29 (7)~~(8)~~ Upon the consent of a majority of its members,
30 the commission may permit any other person to appear and
31 testify at a hearing or submit a sworn written statement of

1 facts or other documentary evidence for incorporation into the
2 record thereof. No request to appear, appearance, or
3 submission shall limit in any way the commission's power of
4 subpoena. Any such person shall, however, prior to filing
5 such statement, consent to answer questions from the
6 commission regarding the contents of the statement.

7 (8)~~(9)~~ Any person who appears before the commission
8 pursuant to this section shall have all the rights,
9 privileges, and responsibilities of a witness appearing before
10 a court of competent jurisdiction.

11 (9)~~(10)~~ If the commission fails in any material
12 respect to comply with the requirements of this section, any
13 person subject to subpoena or subpoena duces tecum who is
14 injured by such failure shall be relieved of any requirement
15 to attend the hearing for which the subpoena was issued or, if
16 present, to testify or produce evidence therein; and such
17 failure shall be a complete defense in any proceeding against
18 such person for contempt or other punishment.

19 (10)~~(11)~~ Whoever willfully affirms or swears falsely
20 in regard to any material matter or thing before the
21 commission shall be guilty of a felony of the third degree and
22 punished as provided by s. 775.082, s. 775.083, or s. 775.084.

23 (11)~~(12)~~ At the conclusion of its hearings concerning
24 an alleged violation, the commission shall immediately begin
25 deliberations on the evidence presented at such hearings and
26 shall proceed to determine by affirmative vote of a majority
27 of the members present whether a violation of this chapter has
28 occurred. Such determination shall promptly be made public.
29 The order shall contain a finding of violation or no
30 violation, together with brief findings of pertinent facts,
31 and the assessment of such civil penalties as are permitted by

1 this chapter or no such assessment and shall bear the
2 signature or facsimile signature of the chair or vice chair.

3 (12) The commission by rule may determine violations
4 which constitute minor offenses that can be resolved without
5 further investigation by means of a plea of nolo contendere
6 and payment of a fine.

7 (13) The commission may not issue advisory opinions
8 and must, in all its deliberations and decisions, adhere to
9 statutory law and advisory opinions of the division.

10 Section 51. Subsection (2) of section 106.265, Florida
11 Statutes, is amended to read:

12 106.265 Civil penalties.--

13 (2) If any person, political committee, committee of
14 continuous existence, or political party fails or refuses to
15 pay to the commission any civil penalties assessed pursuant to
16 the provisions of this section, the State Comptroller shall be
17 responsible for collecting the civil penalties resulting from
18 such action ~~commission may bring an action in any circuit~~
19 ~~court of this state to enforce such penalty.~~

20 Section 52. Transition provisions.--

21 (1)(a) The terms of all current members of the Florida
22 Elections Commission shall expire at the end of the day,
23 December 31, 1997, and new members shall be appointed to the
24 commission prior to that date pursuant to the provisions of s.
25 106.24, Florida Statutes, as amended by this act, except that,
26 in order to provide for staggered terms, the initial
27 appointments shall be for terms beginning January 1, 1998, as
28 follows:

29 1. Appointed nominees of the President of the Senate
30 and the minority leader of the Senate shall each serve for a
31 term of 3 years.

1 2. Appointed nominees of the Speaker of the House of
2 Representatives and the minority leader of the House of
3 Representatives shall each serve for a term of 2 years.

4 (b) Any current member of the commission may be
5 appointed to the newly constituted commission established by
6 this act.

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

11 (3) In order to ease the transition to the newly
12 constituted commission established by this act:

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

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

18 2. Secure office space and do all things necessary to
19 permit the members and staff of the commission to begin
20 operating as provided by this act on July 1, 1997.

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

26 (4) This section shall take effect upon this act
27 becoming a law.

28 Section 53. Effective upon this act becoming a law,
29 subsection (5) of section 106.141, Florida Statutes, is
30 amended to read:

31 106.141 Disposition of surplus funds by candidates.--

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

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

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

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

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

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

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

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

24
25 The office account established pursuant to this subsection
26 shall be separate from any personal or other account. Any
27 funds so transferred by a candidate shall be used only for
28 legitimate expenses in connection with the candidate's public
29 office. Such expenses may include travel expenses incurred by
30 the officer or a staff member, personal taxes payable on
31 office account funds by the candidate or elected public

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

19 Section 54. Section 101.001, Florida Statutes, is
20 amended to read:

21 101.001 ~~Registration and election districts,~~
22 ~~Precincts,~~ and polling places; boundaries.--

23 (1) ~~Subject to the provisions of s. 101.002, each~~
24 ~~county election precinct, election district, and polling place~~
25 ~~in this state as defined and fixed is recognized and~~
26 ~~continued. Except as otherwise provided in paragraph (3)(a),~~
27 The board of county commissioners in each county, upon
28 recommendation and approval of the supervisor, shall alter or
29 create new districts or precincts for voting in the county.
30 Each precinct shall be numbered and, as nearly as practicable,
31 ~~shall be~~ composed of contiguous and compact areas ~~and shall be~~

1 ~~numbered~~. The supervisor shall designate a polling place at a
2 suitable location within each precinct. The ~~district or~~
3 precinct shall not be changed thereafter except with the
4 consent of the supervisor and a majority of the four members
5 of the board of county commissioners ~~and the supervisor~~. The
6 board of county commissioners and the supervisor may have
7 precinct boundaries conform to municipal boundaries in
8 accordance with the provisions of s. 101.002, but, in any
9 event, the registration books shall be maintained in such a
10 manner that there may be determined therefrom the total number
11 of electors in each municipality.

12 (2) When in any election there are fewer than 25
13 registered electors of the only political party having
14 candidates on the ballot at any precinct, such precinct may be
15 combined with other adjoining precincts ~~into one election~~
16 ~~district~~ upon the recommendation of the supervisor and the
17 approval of the county commissioners. Notice of the
18 combination of precincts ~~into election districts~~ shall be
19 given in the same manner as provided in s. 101.71(2).

20 ~~(3)(a)1. No election precinct or district shall be~~
21 ~~created, divided, abolished, or consolidated, or the~~
22 ~~boundaries therein changed, during the period between January~~
23 ~~1 of any year the last digit of which is 7 and December 1 of~~
24 ~~any year the last digit of which is 0.~~

25 ~~2. In addition to those periods of time during which~~
26 ~~change of precinct or district boundaries is not prohibited~~
27 ~~pursuant to subparagraph 1., the boundaries of election~~
28 ~~precincts and districts may be changed during the period~~
29 ~~between January 1 of any year the last digit of which is 7 and~~
30 ~~January 1 of any year the last digit of which is 0, when such~~
31 ~~change is due to the subdivision of an existing precinct or~~

1 ~~district or to municipal annexation, detachment, or~~
2 ~~consolidation or other such action.~~

3 ~~(b) The Secretary of State may, upon the request of a~~
4 ~~county, waive compliance with paragraph (a) if such county has~~
5 ~~met the requirements of the United States Bureau of the Census~~
6 ~~as set forth in its guidelines.~~

7 (3)(4)(a) Each supervisor of elections shall provide
8 ~~and~~ maintain a suitable map drawn to a scale no smaller than 3
9 miles to the inch and clearly delineating all major observable
10 features such as roads, streams, and railway lines and showing
11 the current geographical boundaries of each precinct, ~~election~~
12 ~~district, representative district, and senatorial district,~~
13 and other type of district in the county subject to the
14 elections process in this code. ~~A word description of the~~
15 ~~geographical boundaries shall be attached to each map.~~

16 ~~(b) Each supervisor of elections shall send a copy of~~
17 ~~each map with attached description to the Secretary of State~~
18 ~~no later than March 1 of any year the last digit of which is~~
19 ~~7. No later than April 1 in any such year, the Secretary of~~
20 ~~State shall transmit an appropriate copy or facsimile of each~~
21 ~~map to the United States Bureau of the Census.~~

22 ~~(c) The supervisor of elections shall notify the~~
23 ~~Secretary of State in writing within 30 days of any~~
24 ~~reorganization of precincts or election districts and shall~~
25 ~~furnish a copy of the map showing the current geographical~~
26 ~~boundaries and designation, and word description of each new~~
27 ~~precinct or election district.~~

28 (4)(5) Within 10 days after there is any change in the
29 division, number, or boundaries of the ~~election~~ precincts, or
30 the location of the polling places, the supervisor of
31 elections shall make in writing an accurate description of any

1 new or altered ~~election~~ precincts, setting forth the boundary
2 lines and shall identify the location of each new or altered
3 polling place. A copy of the document describing such changes
4 shall be posted at the supervisor's office. ~~thereof, so as to~~
5 ~~designate accurately the limits of each precinct. The~~
6 ~~supervisor of elections shall at the same time name, clearly~~
7 ~~define, and describe in writing the polling place which he or~~
8 ~~she has established in each new or altered election precinct~~
9 ~~or in any precinct in which he or she may have changed the~~
10 ~~polling place. Such changes shall be recorded in the office of~~
11 ~~the clerk of the circuit court for such county. Upon the~~
12 ~~recording of the changes, the supervisor of elections shall~~
13 ~~post a plainly written or printed copy at the courthouse in a~~
14 ~~conspicuous place.~~

15 Section 55. If any provision of this act or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity shall not affect other provisions or
18 applications of the act which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this act are declared severable.

21 Section 56. Except as otherwise provided in this act,
22 this act shall take effect January 1, 1998; however, the
23 amendment of section 100.371, Florida Statutes, by this act,
24 relating to signature verification periods and random sampling
25 for proposed initiative amendments, shall take effect on the
26 effective date of amendments to the State Constitution
27 approved by the electors at the general election to be held in
28 November 1998 which authorize, or remove impediment to,
29 enactment by the Legislature of the provisions of that
30 section.

31