

1  
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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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.

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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       ...(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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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, ~~7~~  
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

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1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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 |

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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.

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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).

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1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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.--  
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31

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

- 4           (a) Voter's registration number.  
5           (b) Date of registration.  
6           (c) Full name.  
7           (d) Party affiliation.  
8           (e) Date of birth.  
9           (f) Race or ethnicity, if provided by the applicant.  
10          (g) Sex, if provided by the applicant.  
11          (h) Address of legal residence.  
12          (i) Precinct number.  
13          (j) Signature of supervisor.  
14          (k) Place for voter's signature.  
15          (l) Other information deemed necessary by the  
16 department.

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

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

30           Section 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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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:

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

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1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

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CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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

ENROLLED

1997 Legislature

CS/HBs 461, 281 & 75, First Engrossed/C

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