

Bill No. HB 819, 1st Eng.

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 97.071, Florida Statutes, 1998 Supplement, is amended to read:

97.071 Registration identification card.--

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

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Race or ethnicity, if provided by the applicant.
- (g) Sex, if provided by the applicant.
- (h) Address of legal residence.
- (i) Precinct number.

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- 1 (j) Signature of supervisor.
2 (k) Place for voter's signature.
3 (l) Other information deemed necessary by the
4 department.

5 ~~(2)(a) Except as provided in paragraph (b), the~~
6 ~~supervisor of elections shall mail a registration~~
7 ~~identification card to the voter at the address listed as the~~
8 ~~legal residence on the voter's registration application. The~~
9 ~~card must be sent by nonforwardable, return-if-undeliverable~~
10 ~~mail. If the identification card is returned as undeliverable~~
11 ~~and the voter has indicated a different mailing address on the~~
12 ~~registration application, the supervisor must mail a notice to~~
13 ~~the mailing address, notifying the voter that his or her~~
14 ~~registration identification card was returned and that the~~
15 ~~voter may appear in person at the supervisor's office to pick~~
16 ~~up the identification card. The supervisor must surrender the~~
17 ~~identification card to the elector upon presentation of a~~
18 ~~Florida driver's license, a Florida identification card issued~~
19 ~~under s. 322.051, or another form of picture identification~~
20 ~~approved by the Department of State. If the elector fails to~~
21 ~~furnish the required identification, or if the supervisor has~~
22 ~~doubts as to the identity of the elector, the supervisor must~~
23 ~~require the elector to swear an oath substantially similar to~~
24 ~~the one prescribed in s. 101.49 prior to surrendering the~~
25 ~~identification card. The supervisor must keep the~~
26 ~~identification card on file for 45 days following return of~~
27 ~~the card as undeliverable.~~

28 ~~(b) The supervisor shall mail the voter identification~~
29 ~~card by forwardable mail to voters who are covered by the~~
30 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~

31 ~~(2)(3)~~ A voter may receive a replacement of a

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1 registration identification card by providing a signed,
2 written request for a replacement card to the supervisor. Upon
3 verification of registration, the supervisor shall issue the
4 voter a duplicate card without charge.

5 (3)~~(4)~~ In the case of a change of name, address, or
6 party affiliation, the supervisor must issue the voter a new
7 registration identification card. However, a registration
8 identification card indicating a party affiliation change made
9 between the book-closing date for the first primary election
10 and the date of the second primary election may not be issued
11 until after the second primary election.

12 Section 2. Subsection (1) of section 99.092, Florida
13 Statutes, is amended to read:

14 99.092 Qualifying fee of candidate; notification of
15 Department of State.--

16 (1) Each person seeking to qualify for nomination or
17 election to any office, except a person seeking to qualify
18 pursuant to s. 99.095 and except a person seeking to qualify
19 as a write-in candidate, shall pay a qualifying fee, which
20 shall consist of a filing fee and election assessment, to the
21 officer with whom the person qualifies, and any party
22 assessment levied, and shall attach the original or signed
23 duplicate of the receipt for his or her party assessment or
24 pay the same, in accordance with the provisions of s. 103.121,
25 at the time of filing his or her other qualifying papers. The
26 amount of the filing fee is 3 percent of the annual salary of
27 the office. The amount of the election assessment is 1
28 percent of the annual salary of the office sought. The
29 election assessment, and filing fees paid by minor party
30 candidates and candidates with no party affiliation, shall be
31 deposited into the Elections Commission Trust Fund. The

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

18 Section 3. Section 101.64, Florida Statutes, 1998
19 Supplement, is amended to read:

20 101.64 Delivery of absentee ballots; envelopes;
21 form.--

22 (1) The supervisor shall enclose with each absentee
23 ballot two envelopes: a secrecy envelope, into which the
24 absent elector shall enclose his or her marked ballot; and a
25 mailing envelope, into which the absent elector shall then
26 place the secrecy envelope, which shall be addressed to the
27 supervisor and also bear on the back side a certificate in
28 substantially the following form:

29
30 Note: Please Read Instructions Carefully Before
31 Marking Ballot and Completing Voter's Certificate.

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VOTER'S CERTIFICATE

I, , do solemnly swear or affirm that I am a qualified and registered voter of County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
- 2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
- 3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
- 4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
- 5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
- 6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote

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1 I swear or affirm that the voter signed this Voter's
 2 Certificate in my presence and that, unless I am an officer
 3 entitled to administer oaths or unless I have been certified
 4 as an absentee ballot coordinator, I have not witnessed more
 5 than 5 ballots for this election.

6
 7 ~~WITNESS:~~
 8
 9 ...(Signature of Witness)...
 10 ...(Printed Name of Witness)...

11
 12 ~~...(Voter I.D. Number of Witness and County of~~
 13 ~~Registration)...~~
 14
 15 ...(Address)...
 16 ...(City/State/Country)...

17
 18 (2) The certificate shall be arranged on the back of
 19 the mailing envelope so that the lines for the signatures of
 20 the absent elector and the attesting witness are across the
 21 seal of the envelope; however, no statement shall appear on
 22 the envelope which indicates that a signature of the voter or
 23 witness must cross the seal of the envelope. The absent
 24 elector and the attesting witness shall execute the
 25 certificate on the envelope.

26 Section 4. Section 101.65, Florida Statutes, 1998
 27 Supplement, is amended to read:

28 101.65 Instructions to absent electors.--The
 29 supervisor shall enclose with each absentee ballot separate
 30 printed instructions in substantially the following form:

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1 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

2 1. VERY IMPORTANT. In order to ensure that your
3 absentee ballot will be counted, it should be completed and
4 returned as soon as possible so that it can reach the
5 supervisor of elections of the county in which your precinct
6 is located no later than 7 p.m. on the day of the election.

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

11 3. Place your marked ballot in the enclosed secrecy
12 envelope.

13 4. Insert the secrecy envelope into the enclosed
14 mailing envelope which is addressed to the supervisor.

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

17 6. VERY IMPORTANT. In order for your absentee ballot
18 to be counted, you must sign your name on the line above
19 (Voter's Signature) and print your name legibly on the line
20 above....(Printed Name of Voter)....., ~~place the last four~~
21 ~~digits of your Social Security number in the space provided,~~
22 ~~and your ballot must be witnessed in either of the following~~
23 ~~manners:~~

24 ~~a. One witness, who is a registered voter in the~~
25 ~~state, must affix his or her signature, printed name, address,~~
26 ~~voter identification number, and county of registration on the~~
27 ~~voter's certificate. Each witness is limited to witnessing~~
28 ~~five ballots per election unless certified as an absentee~~
29 ~~ballot coordinator. A candidate may not serve as an attesting~~
30 ~~witness.~~

31 ~~b. Any notary or other officer entitled to administer~~

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1 ~~oaths or any Florida supervisor of elections or deputy~~
2 ~~supervisor of elections, other than a candidate, may serve as~~
3 ~~an attesting witness.~~

4 7. VERY IMPORTANT. In order for your absentee ballot
5 to be counted, it must include the signature, legibly printed
6 name, and address of a witness 18 years of age or older
7 affixed to the voter's certificate. Each witness is limited to
8 witnessing 5 ballots per election unless certified as an
9 absentee ballot coordinator or unless the witness is an
10 officer entitled to administer oaths. A candidate may not
11 serve as an attesting witness.

12 ~~8.7.~~ Mail, deliver, or have delivered the completed
13 mailing envelope. Be sure there is sufficient postage if
14 mailed.

15 ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law
16 to accept any gift, payment, or gratuity in exchange for your
17 vote for a candidate. It is also a felony under Florida law to
18 vote in an election using a false identity or false address,
19 or under any other circumstances making your ballot false or
20 fraudulent.

21 Section 5. Paragraph (c) of subsection (2) of section
22 101.68, Florida Statutes, 1998 Supplement, is amended to read:

23 101.68 Canvassing of absentee ballot.--

24 (2)

25 (c)1. The canvassing board shall, if the supervisor
26 has not already done so, compare the signature of the elector
27 on the voter's certificate with the signature of the elector
28 in the registration books to see that the elector is duly
29 registered in the county and to determine the legality of that
30 absentee ballot. An absentee ballot shall be considered
31 illegal if it does not include the signature ~~and the last four~~

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1 ~~digits of the social security number~~ of the elector, as shown
2 by the registration records, and the signature, printed name,
3 which must be legible unless the name is plainly apparent from
4 the signature, and address of an attesting witness.~~either:~~

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

7 ~~b. The signature, printed name, address, voter~~
8 ~~identification number, and county of registration of one~~
9 ~~attesting witness, who is a registered voter in the state.~~

10

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

20 2. If any elector or candidate present believes that
21 an absentee ballot is illegal due to a defect apparent on the
22 voter's certificate, he or she may, at any time before the
23 ballot is removed from the envelope, file with the canvassing
24 board a protest against the canvass of that ballot, specifying
25 the precinct, the ballot, and the reason he or she believes
26 the ballot to be illegal. A challenge based upon a defect in
27 the voter's certificate may not be accepted after the ballot
28 has been removed from the mailing envelope.

29 Section 6. Section 101.647, Florida Statutes, is
30 amended to read:

31 101.647 Return of absentee ballots.--

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1 (1) Absentee ballots must be returned to the
2 supervisor of elections by the elector, either in person or by
3 mail.

4 (2) If the elector is unable to mail or personally
5 deliver the ballot, the elector may designate ~~in writing~~ a
6 person who may return the ballot for the elector; however, the
7 person designated may not return more than two absentee
8 ballots per election, other than the designee's own ballot,
9 except that additional ballots may be returned for members of
10 the designee's immediate family. For purposes of this
11 section, the term "immediate family" means the designee's
12 spouse or the parent, child, grandparent, or sibling of the
13 designee or of the designee's spouse. The designee must
14 provide to the supervisor ~~the written authorization by the~~
15 ~~elector and~~ a picture identification of the designee and must
16 complete an affidavit. The designee shall state in the
17 affidavit that the designee is authorized to return that
18 ballot and shall indicate if the elector is a member of the
19 designee's immediate family and, if so, the relationship. The
20 designee shall also state in the affidavit that the designee
21 has not and will not return more than two absentee ballots for
22 this election, other than the designee's own ballot and
23 ballots for the designee's immediate family. The department
24 shall prescribe the form of the affidavit. If the supervisor
25 is satisfied that the designee is authorized under law to
26 return the ballot, the supervisor shall accept receipt of the
27 ballot.

28 Section 7. Subsection (1) of section 103.101, Florida
29 Statutes, is amended to read:

30 103.101 Presidential preference primary.--

31 (1) Each political party other than a minor political

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1 party shall, on the first ~~second~~ Tuesday in March in each year
2 the number of which is a multiple of 4, elect one person to be
3 the candidate for nomination of such party for President of
4 the United States or select delegates to the national
5 nominating convention, as provided by party rule.

6 Section 8. Subsections (1) and (3) of section 104.047,
7 Florida Statutes, 1998 Supplement, are amended to read:

8 104.047 Absentee voting.--

9 (1) Any person who provides or offers to provide, and
10 any person who accepts, a pecuniary or other benefit in
11 exchange for distributing, ordering, requesting, witnessing,
12 collecting, delivering, or otherwise physically possessing
13 absentee ballots, except as provided in ss. 101.6105-101.694,
14 is guilty of a felony of the third degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 (3) Any person, other than an ~~a notary or other~~
17 officer entitled to administer oaths or an absentee ballot
18 coordinator as provided by s. 101.685, who witnesses more than
19 five ballots in any single election, is guilty of a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

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

24 105.031 Qualification; filing fee; candidate's oath;
25 items required to be filed.--

26 (3) QUALIFYING FEE.--Each candidate qualifying for
27 election to judicial office, except write-in judicial
28 candidates, shall, during the time for qualifying, pay to the
29 officer with whom he or she qualifies a qualifying fee, which
30 shall consist of a filing fee and an election assessment, or
31 qualify by the alternative method. The amount of the filing

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1 fee is 3 percent of the annual salary of the office sought.
2 The amount of the election assessment is 1 percent of the
3 annual salary of the office sought. The qualifying officer
4 shall forward all filing fees to the Department of Revenue for
5 deposit in the Elections Commission Trust Fund ~~General Revenue~~
6 ~~Fund~~. The election assessment shall be deposited into the
7 Elections Commission Trust Fund. The annual salary of the
8 office for purposes of computing the qualifying fee shall be
9 computed by multiplying 12 times the monthly salary authorized
10 for such office as of July 1 immediately preceding the first
11 day of qualifying. This subsection shall not apply to
12 candidates qualifying for retention to judicial office.

13 Section 10. The qualifying officer shall forward all
14 filing fees paid by candidates for school board office, except
15 write-in candidates, to the Department of Revenue for deposit
16 into the Elections Commission Trust Fund.

17 Section 11. Subsection (3) of section 106.011, Florida
18 Statutes, is amended to read:

19 106.011 Definitions.--As used in this chapter, the
20 following terms have the following meanings unless the context
21 clearly indicates otherwise:

22 (3) "Contribution" means:

23 (a) A gift, subscription, conveyance, deposit, loan,
24 payment, or distribution of money or anything of value,
25 including contributions in kind having an attributable
26 monetary value in any form, made for the purpose of
27 influencing the results of an election.

28 (b) A transfer of funds between political committees,
29 between committees of continuous existence, or between a
30 political committee and a committee of continuous existence.

31 (c) The payment, by any person other than a candidate

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1 or political committee, of compensation for the personal
 2 services of another person which are rendered to a candidate
 3 or political committee without charge to the candidate or
 4 committee for such services.

5 (d) The transfer of funds by a campaign treasurer or
 6 deputy campaign treasurer between a primary depository and a
 7 separate interest-bearing account or certificate of deposit,
 8 and the term includes any interest earned on such account or
 9 certificate.

10

11 Notwithstanding the foregoing meanings of "contribution," the
 12 word shall not be construed to include services, including,
 13 but not limited to, legal and accounting services, provided
 14 without compensation by individuals volunteering a portion or
 15 all of their time on behalf of a candidate or political
 16 committee. This definition shall not be construed to include
 17 editorial endorsements by any newspaper, radio or television
 18 station, or other recognized news medium.

19 Section 12. Subsection (3) of section 106.071, Florida
 20 Statutes, is amended to read:

21 106.071 Independent expenditures; reports;
 22 disclaimers.--

23 (3) No person may make a contribution in excess of
 24 \$500~~\$1,000~~ to any other person, to be used by such other
 25 person to make an independent expenditure.

26 Section 13. Section 100.3605, Florida Statutes, is
 27 amended to read:

28 100.3605 Conduct of municipal elections.--

29 (1) The Florida Election Code, chapters 97-106, shall
 30 govern the conduct of a municipality's election in the absence
 31 of an applicable special act, charter, or ordinance provision.

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1 No charter or ordinance provision shall be adopted which
 2 conflicts with or exempts a municipality from any provision in
 3 the Florida Election Code that expressly applies to
 4 municipalities.

5 (2) Notwithstanding any other provision of law,
 6 including any ordinance or charter provision, any municipal
 7 election scheduled to be held within 14 days of the date of
 8 the presidential preference primary shall be held on the date
 9 of the presidential preference primary.

10 (3)(2) Except as provided in subsection (2), the
 11 governing body of a municipality may, by ordinance, change the
 12 dates for qualifying and for the election of members of the
 13 governing body of the municipality and provide for the orderly
 14 transition of office resulting from such date changes.

15 Section 14. Section 105.072, Florida Statutes, is
 16 created to read:

17 105.072 Statement of judicial candidate.--Each
 18 candidate for a judicial office, including an incumbent judge,
 19 shall file a statement with the qualifying officer within 10
 20 days after filing the appointment of campaign treasurer and
 21 designation of campaign depository, stating that the candidate
 22 has read and understands the requirements of the Florida Code
 23 of Judicial Conduct. Such statement shall be in substantially
 24 the following form:

25
 26 STATEMENT OF CANDIDATE FOR JUDICIAL OFFICE

27
 28 I _____, the judicial candidate, have
 29 received, have read, and understand the requirements of the
 30 Florida Code of Judicial Conduct.

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<u>Signature of Candidate</u>	<u>Date</u>
Section 15. Subsections (1), (3), and (4) of section 106.011, Florida Statutes, are amended to read:	
106.011 Definitions.--As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:	
(1) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of \$500.+"Political committee" also means the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors." <u>Political committee" also means a combination of two or more individuals or a person other than an individual which anticipates spending funds, or makes expenditures, for political advertising in support of or in opposition to an elected public official during a calendar year in an aggregate amount in excess of \$500.</u> Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, national political parties, and the state and county executive committees of political parties regulated by chapter 103 shall not be considered political committees for the purposes of this chapter. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates are not political committees if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from	

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1 corporate or business funds and if no contributions are
2 received by such corporations or business entities.

3 (3) "Contribution" means:

4 (a) A gift, subscription, conveyance, deposit, loan,
5 payment, or distribution of money or anything of value,
6 including contributions in kind having an attributable
7 monetary value in any form, made for the purpose of
8 influencing the results of an election.

9 (b) A transfer of funds between political committees,
10 between committees of continuous existence, or between a
11 political committee and a committee of continuous existence.

12 (c) The payment, by any person other than a candidate
13 or political committee, of compensation for the personal
14 services of another person which are rendered to a candidate
15 or political committee without charge to the candidate or
16 committee for such services.

17 (d) The transfer of funds by a campaign treasurer or
18 deputy campaign treasurer between a primary depository and a
19 separate interest-bearing account or certificate of deposit,
20 and the term includes any interest earned on such account or
21 certificate.

22 (e) Any funds received by a political committee which
23 are used or intended to be used, directly or indirectly, to
24 pay for a political advertisement supporting or opposing an
25 elected public official.

26

27 Notwithstanding the foregoing meanings of "contribution," the
28 word shall not be construed to include services, including,
29 but not limited to, legal and accounting services, provided
30 without compensation by individuals volunteering a portion or
31 all of their time on behalf of a candidate or political

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1 committee. This definition shall not be construed to include
2 editorial endorsements.

3 (4) "Expenditure" means a purchase, payment,
4 distribution, loan, advance, transfer of funds by a campaign
5 treasurer or deputy campaign treasurer between a primary
6 depository and a separate interest-bearing account or
7 certificate of deposit, or gift of money or anything of value
8 made for the purpose of influencing the results of an election
9 or for purchasing a political advertisement supporting or
10 opposing an elected public official. However, "expenditure"
11 does not include a purchase, payment, distribution, loan,
12 advance, or gift of money or anything of value made for the
13 purpose of influencing the results of an election when made by
14 an organization, in existence prior to the time during which a
15 candidate qualifies or an issue is placed on the ballot for
16 that election, for the purpose of printing or distributing
17 such organization's newsletter, containing a statement by such
18 organization in support of or opposition to a candidate or
19 issue, which newsletter is distributed only to members of such
20 organization.

21 Section 16. Subsection (5) of section 106.04, Florida
22 Statutes, is amended to read:

23 106.04 Committees of continuous existence.--

24 (5) No committee of continuous existence shall
25 contribute to any candidate or political committee an amount
26 in excess of the limits contained in s. 106.08(1) or
27 participate in any other activity which is prohibited by this
28 chapter. If any violation occurs, it shall be punishable as
29 provided in this chapter for the given offense. No funds of a
30 committee of continuous existence shall be expended on behalf
31 of a candidate, except by means of a contribution made through

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1 the duly appointed campaign treasurer of a candidate. No such
2 committee shall make expenditures in support of, or in
3 opposition to, an issue or an elected public official unless
4 such committee first registers as a political committee
5 pursuant to this chapter and undertakes all the practices and
6 procedures required thereof; provided such committee may make
7 contributions in a total amount not to exceed 25 percent of
8 its aggregate income, as reflected in the annual report filed
9 for the previous year, to one or more political committees
10 registered pursuant to s. 106.03 and formed to support or
11 oppose issues.

12 Section 17. Subsection (3) of section 106.021, Florida
13 Statutes, is amended to read:

14 106.021 Campaign treasurers; deputies; primary and
15 secondary depositories.--

16 (3)(a) Except for independent expenditures, no
17 contribution or expenditure, including contributions or
18 expenditures of a candidate or of the candidate's family,
19 shall be directly or indirectly made or received in
20 furtherance of the candidacy of any person for nomination or
21 election to political office in the state or on behalf of any
22 political committee except through the duly appointed campaign
23 treasurer of the candidate or political committee.

24 (b) Notwithstanding the provisions of paragraph (a)
25 ~~However~~, expenditures may be made directly by any political
26 committee or political party regulated by chapter 103 for
27 obtaining time, space, or services in or by any communications
28 medium for the purpose of jointly endorsing three or more
29 candidates., ~~and~~ Any such expenditure for an endorsement which
30 allocates substantially equal time, space, or service to each
31 candidate, or for an endorsement in a general election which

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1 lists all nominees of a political party in the area covered by
2 the broadcast or mailing and which allocates no more than
3 three times as much space or time to the candidate with the
4 most space or time allocated as the amount of space or time
5 allocated to the candidate with the least space or time
6 allocated, shall not be considered a contribution or
7 expenditure to or on behalf of any such candidates for the
8 purposes of this chapter.

9 Section 18. Section 106.08, Florida Statutes, is
10 amended to read:

11 106.08 Contributions; limitations on.--

12 (1)(a) Except for political parties, no person,
13 political committee, or committee of continuous existence may,
14 in any election, make contributions in excess of \$500 to any
15 candidate for election to or retention in office or to any
16 political committee supporting or opposing one or more
17 candidates. Candidates for the offices of Governor and
18 Lieutenant Governor on the same ticket are considered a single
19 candidate for the purpose of this section.

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

25 2. Notwithstanding the limits provided in this
26 subsection, an unemancipated child under the age of 18 years
27 of age may not make a contribution in excess of \$100 to any
28 candidate or to any political committee supporting one or more
29 candidates.

30 (c) The contribution limits of this subsection apply
31 to each election. For purposes of this subsection, the first

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

11 (2)(a) A candidate may not accept contributions from
12 national, state, including any subordinate committee of a
13 national, state, or county committee of a political party, and
14 county executive committees of a political party, which
15 contributions in the aggregate exceed \$100,000 for a candidate
16 for statewide office or \$50,000 for any other candidate. ~~No~~
17 ~~more than half~~ ~~\$25,000~~ of these contributions ~~which~~ may be
18 accepted prior to the 28-day period immediately preceding the
19 date of the general election.

20 (b) Polling services, research services, costs for
21 campaign staff, professional consulting services, and
22 telephone calls are not contributions to be counted toward the
23 contribution limits of paragraph (a). Any item not expressly
24 identified in this paragraph as nonallocable is a contribution
25 in an amount equal to the fair market value of the item and
26 must be counted as allocable toward the ~~\$50,000~~ contribution
27 limits of paragraph (a). Nonallocable, in-kind contributions
28 must be reported by the candidate under s. 106.07 and by the
29 political party under s. 106.29.

30 (3)(a) Any contribution received by a candidate with
31 opposition in an election or by the campaign treasurer or a

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1 deputy campaign treasurer of such a candidate on the day of
2 that election or less than 5 days prior to the day of that
3 election must be returned by him or her to the person or
4 committee contributing it and may not be used or expended by
5 or on behalf of the candidate.

6 (b) Except as otherwise provided in paragraph (c), any
7 contribution received by a candidate or by the campaign
8 treasurer or a deputy campaign treasurer of a candidate after
9 the date at which the candidate withdraws his or her
10 candidacy, or after the date the candidate is defeated,
11 becomes unopposed, or is elected to office must be returned to
12 the person or committee contributing it and may not be used or
13 expended by or on behalf of the candidate.

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

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

23 2. Any contribution received by a candidate or the
24 campaign treasurer or deputy campaign treasurer of a candidate
25 after the candidate has been notified in writing by the
26 department or supervisor that he or she has become unopposed
27 as a result of an independent or minor party candidate failing
28 to obtain the required number of petition signatures shall be
29 returned to the person, political committee, or committee of
30 continuous existence contributing it and shall not be used or
31 expended by or on behalf of the candidate.

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

9 (5) A person may not make any contribution through or
10 in the name of another, directly or indirectly, in any
11 election. Candidates, political committees, and political
12 parties may not solicit contributions from or make
13 contributions to any religious, charitable, civic, or other
14 causes or organizations established primarily for the public
15 good. However, it is not a violation of this subsection for a
16 candidate, political committee, or political party executive
17 committee to make gifts of money in lieu of flowers in memory
18 of a deceased person or for a candidate to continue membership
19 in, or make regular donations from personal or business funds
20 to, religious, political party, civic, or charitable groups of
21 which the candidate is a member or to which the candidate has
22 been a regular donor for more than 6 months. A candidate may
23 purchase, with campaign funds, tickets, admission to events,
24 or advertisements from religious, civic, political party, or
25 charitable groups.

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

31 (7) A person, political committee, or committee of

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1 continuous existence may not make contributions that exceed
2 \$5,000 in the aggregate to a state executive committee of a
3 political party regulated by chapter 103 or to any county
4 executive committee or any subordinate committee of such
5 political party for the period beginning on the Thursday
6 immediately preceding the second primary election and ending
7 on the Wednesday immediately preceding the general election.

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

30 (b) Any person who knowingly and willfully makes two
31 or more contributions in violation of subsection (1), ~~or~~

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

20 (9)~~(8)~~ Except when otherwise provided in subsection
21 (8)~~(7)~~, any person who knowingly and willfully violates any
22 provision of this section shall, in addition to any other
23 penalty prescribed by this chapter, pay to the state a sum
24 equal to twice the amount contributed in violation of this
25 chapter. Each campaign treasurer shall pay all amounts
26 contributed in violation of this section to the state for
27 deposit in the General Revenue Fund.

28 (10)~~(9)~~ This section does not apply to the transfer of
29 funds between a primary campaign depository and a savings
30 account or certificate of deposit or to any interest earned on
31 such account or certificate.

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1 Section 19. Subsection (2) of section 106.075,
2 paragraph (a) of subsection (1) of section 106.087, subsection
3 (1) of section 106.19, and subsection (6) of section 106.29,
4 Florida Statutes, are reenacted to read:

5 106.075 Elected officials; report of loans made in
6 year preceding election; limitation on contributions to pay
7 loans.--

8 (2) Any person who makes a contribution to an
9 individual to pay all or part of a loan incurred, in the 12
10 months preceding the election, to be used for the individual's
11 campaign, may not contribute more than the amount which is
12 allowed in s. 106.08(1).

13 106.087 Independent expenditures; contribution limits;
14 restrictions on political parties, political committees, and
15 committees of continuous existence.--

16 (1)(a) As a condition of receiving a rebate of filing
17 fees and party assessment funds pursuant to s. 99.061(2), s.
18 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
19 treasurer of a state or county executive committee shall take
20 and subscribe to an oath or affirmation in writing. During the
21 qualifying period for state candidates and prior to
22 distribution of such funds, a printed copy of the oath or
23 affirmation shall be filed with the Secretary of State and
24 shall be substantially in the following form:

25
26 State of Florida
27 County of....

28 Before me, an officer authorized to administer oaths,
29 personally appeared ...(name)..., to me well known, who, being
30 sworn, says that he or she is the ...(title)... of the
31 ...(name of party)... ...(state or specified county)...

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1 executive committee; that the executive committee has not
 2 made, either directly or indirectly, an independent
 3 expenditure in support of or opposition to a candidate or
 4 elected public official in the prior 6 months; that the
 5 executive committee will not make, either directly or
 6 indirectly, an independent expenditure in support of or
 7 opposition to a candidate or elected public official, through
 8 and including the upcoming general election; and that the
 9 executive committee will not violate the contribution limits
 10 applicable to candidates under s. 106.08(2), Florida Statutes.

11 ... (Signature of committee officer) ...

12 ... (Address) ...

13
 14 Sworn to and subscribed before me this day of,
 15 19...., at County, Florida.

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

17
 18 106.19 Violations by candidates, persons connected
 19 with campaigns, and political committees.--

20 (1) Any candidate; campaign manager, campaign
 21 treasurer, or deputy treasurer of any candidate; committee
 22 chair, vice chair, campaign treasurer, deputy treasurer, or
 23 other officer of any political committee; agent or person
 24 acting on behalf of any candidate or political committee; or
 25 other person who knowingly and willfully:

26 (a) Accepts a contribution in excess of the limits
 27 prescribed by s. 106.08;

28 (b) Fails to report any contribution required to be
 29 reported by this chapter;

30 (c) Falsely reports or deliberately fails to include
 31 any information required by this chapter; or

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1 (d) Makes or authorizes any expenditure in violation
2 of s. 106.11(3) or any other expenditure prohibited by this
3 chapter;

4
5 is guilty of a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 106.29 Reports by political parties; restrictions on
8 contributions and expenditures; penalties.--

9 (6)(a) The national, state, and county executive
10 committees of a political party may not contribute to any
11 candidate any amount in excess of the limits contained in s.
12 106.08(2), and all contributions required to be reported under
13 s. 106.08(2) by the national executive committee of a
14 political party shall be reported by the state executive
15 committee of that political party.

16 (b) A violation of the contribution limits contained
17 in s. 106.08(2) is a misdemeanor of the first degree,
18 punishable as provided in s. 775.082 or s. 775.083. A civil
19 penalty equal to three times the amount in excess of the
20 limits contained in s. 106.08(2) shall be assessed against any
21 executive committee found in violation thereof.

22 Section 20. Subsection (5) of section 106.141, Florida
23 Statutes, is amended to read:

24 106.141 Disposition of surplus funds by candidates.--

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

31 (a) Ten thousand dollars, for a candidate for

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1 statewide office. The Governor and Lieutenant Governor shall
2 be considered separate candidates for the purpose of this
3 section.

4 (b) Five thousand dollars, for a candidate for
5 multicounty office.

6 (c) Five thousand ~~Two thousand five hundred~~ dollars
7 multiplied by the number of years in the term of office for
8 which elected, for a candidate for legislative office.

9 (d) One thousand dollars multiplied by the number of
10 years in the term of office for which elected, for a candidate
11 for county office or for a candidate in any election conducted
12 on less than a countywide basis.

13 (e) Six thousand dollars, for a candidate for
14 retention as a justice of the Supreme Court.

15 (f) Three thousand dollars, for a candidate for
16 retention as a judge of a district court of appeal.

17 (g) One thousand five hundred dollars, for a candidate
18 for county court judge or circuit judge.

19

20 The office account established pursuant to this subsection
21 shall be separate from any personal or other account. Any
22 funds so transferred by a candidate shall be used only for
23 legitimate expenses in connection with the candidate's public
24 office. Such expenses may include travel expenses incurred by
25 the officer or a staff member, personal taxes payable on
26 office account funds by the candidate or elected public
27 official, or expenses incurred in the operation of his or her
28 office, including the employment of additional staff. The
29 funds may be deposited in a savings account; however, all
30 deposits, withdrawals, and interest earned thereon shall be
31 reported at the appropriate reporting period. If a candidate

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1 is reelected to office or elected to another office and has
2 funds remaining in his or her office account, he or she may
3 transfer surplus campaign funds to the office account. At no
4 time may the funds in the office account exceed the limitation
5 imposed by this subsection. Upon leaving public office, any
6 person who has funds in an office account pursuant to this
7 subsection remaining on deposit shall give such funds to a
8 charitable organization or organizations which meet the
9 requirements of s. 501(c)(3) of the Internal Revenue Code or,
10 in the case of a state officer, to the state to be deposited
11 in the General Revenue Fund or, in the case of an officer of a
12 political subdivision, to the political subdivision to be
13 deposited in the general fund thereof.

14 Section 21. Subsection (3) of section 106.15, Florida
15 Statutes, is amended, present subsection (5) of that section
16 is redesignated as subsection (6), and a new subsection (5) is
17 added to that section, to read:

18 106.15 Certain acts prohibited.--

19 (3) No candidate shall, in the furtherance of his or
20 her candidacy for nomination or election to public office in
21 any election, use the services of any officer or employee of
22 the state, county, municipality, or district during working
23 hours.

24 (5) Any candidate who accepts campaign contributions
25 for election to a federal office may not use those funds in a
26 campaign for election to a statewide, legislative, county, or
27 municipal office.

28 Section 22. This act shall take effect January 1,
29 2000.

30
31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6

 A bill to be entitled

7

 An act relating to elections; amending s.

8

 97.071, F.S.; deleting procedures for mailing

9

 voter registration identification cards;

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 amending s. 99.092, F.S.; requiring that filing

11

 fees paid by certain candidates be deposited in

12

 the Elections Commission Trust Fund; amending

13

 s. 101.64, F.S.; modifying absentee ballot

14

 certificates; amending s. 101.65, F.S.;

15

 modifying instructions to absent electors;

16

 amending s. 101.68, F.S.; modifying information

17

 that must be included on an absentee ballot;

18

 amending s. 101.647, F.S.; prescribing

19

 information that an absent elector's designee

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 must include with an absentee ballot; amending

21

 s. 103.101, F.S.; moving the date for the

22

 presidential preference primary to the first

23

 Tuesday in March in each presidential election

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 year; amending s. 104.047, F.S.; prohibiting

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 the receipt of a fee or benefit for witnessing

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 an absentee ballot; providing a criminal

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 penalty; amending s. 105.031, F.S.; providing

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 that filing fees paid by judicial candidates

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 shall be deposited in the Elections Commission

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 Trust Fund; providing that filing fees paid by

31

 school board candidates be deposited in the

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1 Elections Commission Trust Fund; amending s.
2 106.011, F.S.; redefining the term
3 "contribution"; amending s. 106.071, F.S.;
4 reducing the amount of allowable contribution
5 for an independent expenditure; amending s.
6 100.3605, F.S.; requiring municipal elections
7 scheduled within 14 days of the presidential
8 preference primary to be held on the day of the
9 presidential preference primary; creating s.
10 105.072, F.S.; prescribing a statement to be
11 filed by judicial candidates; amending s.
12 106.011, F.S.; modifying definitions of the
13 terms "political committee," "contribution,"
14 and "expenditure; amending s. 106.021, F.S.;
15 placing restrictions on certain endorsements;
16 amending s. 106.04, F.S.; prohibiting
17 committees of continuous existence from making
18 certain expenditures; amending s. 106.08,
19 F.S.; revising the restrictions on
20 contributions by a political party; limiting
21 the amount of contributions to a political
22 party; providing a penalty; reenacting ss.
23 106.075(2), 106.087(1)(a), 106.19(1),
24 106.29(6), F.S.; conforming cross-references to
25 incorporate changes made by the act; amending
26 s. 106.141, F.S.; increasing the amount which
27 may be transferred to an office account;
28 amending s. 106.15, F.S.; amending s. 106.15,
29 F.S.; prohibiting candidates from using county,
30 municipality, or district employees in their
31 campaigns during working hours; prohibiting

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1 campaign contributions for election to a
2 federal office from being used for election to
3 certain other offices; providing an effective
4 date.
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