

Bill No. HB 2067

Amendment No. ____

| | | |
|---------------|----------------|--------------|
| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---------------|----------------|--------------|

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

·
·
·
·
·

Senator Scott moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Subsection (3) is added to section 20.10, Florida Statutes, to read:

20.10 Department of State.--There is created a Department of State.

(3) The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.

Section 2. Subsection (9) is added to section 99.061, Florida Statutes, to read:

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

(9) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

Section 3. Subsection (2) of section 101.161, Florida

Bill No. HB 2067

Amendment No. ____

1 Statutes, is amended to read:

2 101.161 Referenda; ballots.--

3 (2) The substance and ballot title of a constitutional
 4 amendment proposed by initiative shall be prepared by the
 5 sponsor and approved by the Secretary of State in accordance
 6 with rules adopted pursuant to s. 120.54. The Department of
 7 State shall give each proposed constitutional amendment a
 8 designating number for convenient reference. This number
 9 designation shall appear on the ballot. Designating numbers
 10 shall be assigned in the order of filing or certification and
 11 in accordance with rules adopted by the Department of State of
 12 the amendments. The Department of State shall furnish the
 13 designating number, the ballot title, and the substance of
 14 each amendment to the supervisor of elections of each county
 15 in which such amendment is to be voted on.

16 Section 4. Paragraph (a) of subsection (4) of section
 17 101.62, Florida Statutes, is amended to read:

18 101.62 Request for absentee ballots.--

19 (4)(a) To each absent qualified elector overseas who
 20 has requested an absentee ballot, the supervisor of elections
 21 shall, not fewer than 35 days before the first primary
 22 election, mail an absentee ballot. Not fewer than 45 days
 23 before the second primary and general election, the supervisor
 24 of elections shall mail an advance absentee ballot to those
 25 persons requesting ballots for such elections. The advance
 26 absentee ballot for the second primary shall be the same as
 27 the first primary absentee ballot as to the names of
 28 candidates, except that for any offices where there are only
 29 two candidates, those offices and all political party
 30 executive committee offices shall be omitted. Except as
 31 provided in s. 99.063(4), the advance absentee ballot for the

Bill No. HB 2067

Amendment No. ____

1 general election shall be as specified in s. 101.151, except
2 that in the case of candidates of political parties where
3 nominations were not made in the first primary, the names of
4 the candidates placing first and second in the first primary
5 election shall be printed on the advance absentee ballot. The
6 advance absentee ballot or advance absentee ballot information
7 booklet shall be of a different color for each election and
8 also a different color from the absentee ballots for the first
9 primary, second primary, and general election. The supervisor
10 shall mail an advance absentee ballot for the second primary
11 and general election to each qualified absent elector for whom
12 a request is received until the absentee ballots are printed.
13 The supervisor shall enclose with the advance second primary
14 absentee ballot and advance general election absentee ballot
15 an explanation stating that the absentee ballot for the
16 election will be mailed as soon as it is printed; and, if both
17 the advance absentee ballot and the absentee ballot for the
18 election are returned in time to be counted, only the absentee
19 ballot will be counted. The Department of State may prescribe
20 by rule the requirements for preparing and mailing absentee
21 ballots to absent qualified electors overseas.

22 Section 5. Subsection (9) is added to section 106.07,
23 Florida Statutes, to read:

24 106.07 Reports; certification and filing.--

25 (9) The Department of State may prescribe by rule the
26 requirements for filing campaign treasurers' reports as set
27 forth in this chapter.

28 Section 6. Subsection (11) of section 106.22, Florida
29 Statutes, is amended to read:

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

Bill No. HB 2067

Amendment No. ____

1 (11) Conduct preliminary investigations into any
 2 irregularities or fraud involving voter registration or voting
 3 and report its findings to the state attorney for the judicial
 4 circuit in which the alleged violation occurred for
 5 prosecution, where warranted. The Department of State may
 6 prescribe by rule requirements for filing a complaint of voter
 7 fraud and for investigating any such complaint.

8 Section 7. Subsection (2) of section 106.23, Florida
 9 Statutes, is amended to read:

10 106.23 Powers of the Division of Elections.--

11 (2) The Division of Elections shall provide advisory
 12 opinions when requested by any supervisor of elections,
 13 candidate, local officer having election-related duties,
 14 political party, political committee, committee of continuous
 15 existence, or other person or organization engaged in
 16 political activity, relating to any provisions or possible
 17 violations of Florida election laws with respect to actions
 18 such supervisor, candidate, local officer having
 19 election-related duties, political party, committee, person,
 20 or organization has taken or proposes to take. Requests for
 21 advisory opinions must be submitted in accordance with rules
 22 adopted by the Department of State.A written record of all
 23 such opinions issued by the division, sequentially numbered,
 24 dated, and indexed by subject matter, shall be retained. A
 25 copy shall be sent to said person or organization upon
 26 request. Any such person or organization, acting in good
 27 faith upon such an advisory opinion, shall not be subject to
 28 any criminal penalty provided for in this chapter. The
 29 opinion, until amended or revoked, shall be binding on any
 30 person or organization who sought the opinion or with
 31 reference to whom the opinion was sought, unless material

Bill No. HB 2067

Amendment No. ____

1 facts were omitted or misstated in the request for the
2 advisory opinion.

3 Section 8. Paragraph (i) of subsection (1) of section
4 120.54, Florida Statutes, is amended to read:

5 120.54 Rulemaking.--

6 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER
7 THAN EMERGENCY RULES.--

8 (i) A rule may incorporate material by reference but
9 only as the material exists on the date the rule is adopted.
10 For purposes of the rule, changes in the material are not
11 effective unless the rule is amended to incorporate the
12 changes. A ~~No~~ rule may not be amended by reference only.
13 Amendments must set out the amended rule in full in the same
14 manner as required by the State Constitution for laws. The
15 Department of State may prescribe by rule requirements for
16 incorporating materials by reference pursuant to this
17 paragraph.

18 Section 9. Paragraph (p) is added to subsection (3) of
19 section 267.061, Florida Statutes, to read:

20 267.061 Historic properties; state policy,
21 responsibilities.--

22 (3) DIVISION RESPONSIBILITY.--It is the responsibility
23 of the division to:

24 (p) Protect and administer historical resources
25 abandoned on state-owned lands or on state-owned sovereignty
26 submerged lands. The division may issue permits for survey and
27 exploration activities to identify historical resources and
28 may issue permits for excavation and salvage activities to
29 recover historical resources. The division may issue permits
30 for archaeological excavation for scientific or educational
31 purposes on state-owned lands or on state-owned sovereignty

Bill No. HB 2067

Amendment No. ____

1 submerged lands. The division may also issue permits for
 2 exploration and salvage of historic shipwreck sites by
 3 commercial salvors on state-owned sovereignty submerged lands.
 4 The division shall adopt rules to administer the issuance of
 5 permits for all such activities. In addition, the division
 6 shall adopt rules to administer the transfer of objects
 7 recovered by commercial salvors under permit in exchange for
 8 recovery services provided to the state.

9 Section 10. Subsection (11) is added to section
 10 872.05, Florida Statutes, to read:

11 872.05 Unmarked human burials.--

12 (11) RULES.--The Department of State may prescribe by
 13 rule procedures for reporting an unmarked human burial and for
 14 determining jurisdiction over the burial.

15 Section 11. This act shall take effect upon becoming a
 16 law.

17
 18

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22
 23 and insert:

24 A bill to be entitled
 25 An act relating to rulemaking authority of the
 26 Department of State (RAB); amending s. 20.10,
 27 F.S.; authorizing the department to adopt rules
 28 to administer laws conferring duties upon it;
 29 amending s. 99.061, F.S.; authorizing the
 30 department to prescribe rules for filing papers
 31 to qualify as a candidate for federal, state,

Bill No. HB 2067

Amendment No. ____

1 county, or district office; amending s.
2 101.161, F.S.; providing for ballot initiatives
3 to be numbered in the order of filing or
4 certification and as provided by department
5 rule; amending s. 101.62, F.S.; authorizing the
6 department to adopt rules for preparing and
7 mailing absentee ballots to electors who are
8 overseas; amending s. 106.07, F.S.; authorizing
9 the department to adopt requirements for filing
10 campaign treasurers' reports; amending s.
11 106.22, F.S.; providing for rules prescribing
12 requirements for filing complaints of voter
13 fraud and for investigating those complaints;
14 amending s. 106.23, F.S.; requiring that
15 requests for advisory opinions by the Division
16 of Elections be submitted in accordance with
17 department rule; amending s. 120.54, F.S.;
18 authorizing the department to prescribe rules
19 under which a state agency may incorporate
20 materials by reference in adopting an agency
21 rule; amending s. 267.061, F.S.; providing
22 additional duties of the Division of Historical
23 Resources with respect to protecting and
24 administering historical resources; authorizing
25 the division to issue certain permits;
26 requiring that the division adopt rules for
27 issuing permits and administering the transfer
28 of certain objects; amending s. 872.05, F.S.;
29 authorizing the department to adopt procedures
30 for reporting an unmarked human burial and
31 determining jurisdiction of the burial;

Bill No. HB 2067

Amendment No. ____

1 providing an effective date.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31