

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Goodlette offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 20.10, Florida Statutes, is amended
to read:

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

(1) The head of the Department of State is the
Secretary of State.

(2) The following divisions of the Department of State
are established:

- (a) Division of Elections.
- (b) Division of Historical Resources.
- (c) Division of Corporations.
- (d) Division of Library and Information Services.
- (e) Division of Licensing.
- (f) Division of Cultural Affairs.
- (g) Division of Administration.

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

4 Section 2. Effective January 7, 2003, section 20.10,
5 Florida Statutes, as amended by section 4 of chapter 2000-258,
6 Laws of Florida, is amended to read:

7 20.10 Department of State.--There is created a
8 Department of State.

9 (1) The head of the Department of State is the
10 Secretary of State. The Secretary of State shall be appointed
11 by the Governor, subject to confirmation by the Senate, and
12 shall serve at the pleasure of the Governor. The Secretary of
13 State shall perform the functions conferred by the State
14 Constitution upon the custodian of state records.

15 (2) The following divisions of the Department of State
16 are established:

- 17 (a) Division of Elections.
- 18 (b) Division of Historical Resources.
- 19 (c) Division of Corporations.
- 20 (d) Division of Library and Information Services.
- 21 (e) Division of Licensing.
- 22 (f) Division of Cultural Affairs.
- 23 (g) Division of Administration.

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

27 Section 3. Subsection (9) is added to section 99.061,
28 Florida Statutes, to read:

29 99.061 Method of qualifying for nomination or election
30 to federal, state, county, or district office.--

31 (9) The Department of State may prescribe by rule

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1 requirements for filing papers to qualify as a candidate under
2 this section.

3 Section 4. Subsection (2) of section 101.161, Florida
4 Statutes, is amended to read:

5 101.161 Referenda; ballots.--

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

19 Section 5. Paragraph (a) of subsection (4) of section
20 101.62, Florida Statutes, is amended to read:

21 101.62 Request for absentee ballots.--

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

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1 two candidates, those offices and all political party
2 executive committee offices shall be omitted. Except as
3 provided in s. 99.063(4), the advance absentee ballot for the
4 general election shall be as specified in s. 101.151, except
5 that in the case of candidates of political parties where
6 nominations were not made in the first primary, the names of
7 the candidates placing first and second in the first primary
8 election shall be printed on the advance absentee ballot. The
9 advance absentee ballot or advance absentee ballot information
10 booklet shall be of a different color for each election and
11 also a different color from the absentee ballots for the first
12 primary, second primary, and general election. The supervisor
13 shall mail an advance absentee ballot for the second primary
14 and general election to each qualified absent elector for whom
15 a request is received until the absentee ballots are printed.
16 The supervisor shall enclose with the advance second primary
17 absentee ballot and advance general election absentee ballot
18 an explanation stating that the absentee ballot for the
19 election will be mailed as soon as it is printed; and, if both
20 the advance absentee ballot and the absentee ballot for the
21 election are returned in time to be counted, only the absentee
22 ballot will be counted. The Department of State may prescribe
23 by rule the requirements for preparing and mailing absentee
24 ballots to absent qualified electors overseas.

25 Section 6. Subsection (9) is added to section 106.07,
26 Florida Statutes, to read:

27 106.07 Reports; certification and filing.--

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

31 Section 7. Subsection (11) of section 106.22, Florida

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1 Statutes, is amended to read:

2 106.22 Duties of the Division of Elections.--It is the
3 duty of the Division of Elections to:

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

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

13 106.23 Powers of the Division of Elections.--

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

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1 opinion, until amended or revoked, shall be binding on any
2 person or organization who sought the opinion or with
3 reference to whom the opinion was sought, unless material
4 facts were omitted or misstated in the request for the
5 advisory opinion.

6 Section 9. Paragraph (i) of subsection (1) of section
7 120.54, Florida Statutes, is amended to read:

8 120.54 Rulemaking.--

9 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER
10 THAN EMERGENCY RULES.--

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

21 Section 10. Paragraph (p) is added to subsection (3)
22 of section 267.061, Florida Statutes, to read:

23 267.061 Historic properties; state policy,
24 responsibilities.--

25 (3) DIVISION RESPONSIBILITY.--It is the responsibility
26 of the division to:

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

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

12 Section 11. Subsection (11) is added to section
13 872.05, Florida Statutes, to read:

14 872.05 Unmarked human burials.--

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

18 Section 12. Except as otherwise expressly provided in
19 this act, this act shall take effect upon becoming a law.

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

23 And the title is amended as follows:

24 On page ,

25 remove from the bill: everything before the enacting clause

26

27 and insert in lieu thereof:

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A bill to be entitled

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An act relating to rulemaking authority of the

30

Department of State (RAB); amending s. 20.10,

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F.S.; authorizing the department to adopt rules

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1 to administer laws conferring duties upon it;
2 amending s. 99.061, F.S.; authorizing the
3 department to prescribe rules for filing papers
4 to qualify as a candidate for federal, state,
5 county, or district office; amending s.
6 101.161, F.S.; providing for ballot initiatives
7 to be numbered in the order of filing or
8 certification and as provided by department
9 rule; amending s. 101.62, F.S.; authorizing the
10 department to adopt rules for preparing and
11 mailing absentee ballots to electors who are
12 overseas; amending s. 106.07, F.S.; authorizing
13 the department to adopt requirements for filing
14 campaign treasurers' reports; amending s.
15 106.22, F.S.; providing for rules prescribing
16 requirements for filing complaints of voter
17 fraud and for investigating those complaints;
18 amending s. 106.23, F.S.; requiring that
19 requests for advisory opinions by the Division
20 of Elections be submitted in accordance with
21 department rule; amending s. 120.54, F.S.;
22 authorizing the department to prescribe rules
23 under which a state agency may incorporate
24 materials by reference in adopting an agency
25 rule; amending s. 267.061, F.S.; providing
26 additional duties of the Division of Historical
27 Resources with respect to protecting and
28 administering historical resources; authorizing
29 the division to issue certain permits;
30 requiring that the division adopt rules for
31 issuing permits and administering the transfer

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of certain objects; amending s. 872.05, F.S.;
authorizing the department to adopt procedures
for reporting an unmarked human burial and
determining jurisdiction of the burial;
providing effective dates.