

By the Committee on Ethics and Elections; and Senator Cowin

313-2519-03

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.012, F.S.; requiring the Secretary of State
4 to create and maintain a statewide voter
5 registration database and designate an office
6 within the department which provides voter
7 information to absent and overseas voters;
8 amending s. 97.021, F.S.; deleting the
9 definition of "central voter file"; revising
10 the definition of "provisional ballot";
11 amending s. 97.052, F.S.; providing additional
12 requirements for the uniform statewide voter
13 registration application; amending s. 97.053,
14 F.S.; revising requirements for accepting a
15 voter registration application; creating s.
16 97.0535, F.S.; providing additional application
17 requirements for a voter who registers by mail
18 and who has not previously voted in the county;
19 specifying forms of identification that may be
20 used by the applicant; creating s. 97.028,
21 F.S.; providing procedures under which a person
22 may file a complaint with the Department of
23 State alleging a violation of the Help America
24 Vote Act of 2002; providing that such
25 proceedings are exempt from ch. 120, F.S.;
26 providing for review by a hearing officer;
27 providing for a final determination by the
28 department; providing for mediation under
29 certain circumstances; repealing s. 98.097,
30 F.S., relating to a central voter file;
31 amending s. 98.0977, F.S., relating to the

1 statewide voter registration database; deleting
2 obsolete references relating to the statewide
3 voter registration database; directing the
4 Department of State to develop the Statewide
5 Voter Registration System to meet the
6 requirements of the Help America Vote Act of
7 2002; requiring the department to certify
8 certain facts to the Election Assistance
9 Commission in order to qualify for a waiver and
10 extension of time; requiring a report to the
11 Governor and the Legislature; amending s.
12 98.461, F.S.; requiring that the precinct
13 register be used at the polls in lieu of the
14 registration books; revising requirements for
15 the register; transferring, renumbering, and
16 amending s. 98.471, F.S.; providing
17 requirements for identifying electors at the
18 polls; providing requirements for certain
19 first-time voters who register by mail;
20 amending s. 101.048, F.S., relating to
21 provisional ballots; requiring the department
22 to prescribe the form of the provisional ballot
23 envelope; authorizing the supervisor of
24 elections to provide the ballot by an
25 electronic means; providing requirements for
26 casting ballots and determining whether the
27 ballot was counted; creating s. 101.049, F.S.;
28 providing procedures for casting certain
29 provisional ballots after the polls close;
30 amending s. 101.111, F.S.; revising procedures
31 for challenging the right of a person to vote;

1 revising the forms used with respect to such
2 challenge; requiring a decision concerning such
3 challenge by the clerk and inspectors; amending
4 ss. 101.62 and 101.64, F.S., relating to
5 absentee ballots; conforming provisions to
6 changes made by the act; amending s. 101.65,
7 F.S.; requiring that additional instructions be
8 provided to absent electors; amending s.
9 101.657, F.S.; revising identification
10 requirements for persons casting absentee
11 ballots in the office of the supervisor of
12 elections; providing for provisional ballots
13 for certain first-time voters; creating s.
14 101.6921, F.S.; providing requirements for the
15 delivery of a special absentee ballot to a
16 first-time voter who registered by mail;
17 specifying the form of the voter's certificate;
18 requiring that a voter's signature be
19 witnessed; providing requirements for mailing;
20 creating s. 101.6923, F.S.; specifying the
21 ballot instructions that must be provided to
22 first-time voters who registered to vote by
23 mail; creating s. 101.6925, F.S.; requiring the
24 supervisor of elections to receive voted
25 special absentee ballots; providing
26 requirements for canvassing the ballots;
27 amending s. 101.694, F.S.; providing for the
28 federal postcard application to apply to
29 absentee ballot requests for certain future
30 general elections; amending s. 102.141, F.S.;
31 providing requirements for canvassing certain

1 provisional ballots; suspending operation of
2 the second primary election until January 1,
3 2006; providing a date in 2004 by which
4 candidates for Lieutenant Governor must be
5 designated and qualified; providing campaign
6 finance reporting dates and contribution limits
7 for the 2004 elections; amending s. 106.011,
8 F.S.; redefining the terms "political
9 committee," "independent expenditure," and
10 "person"; amending s. 106.021, F.S.; exempting
11 leadership fund expenditures for communications
12 jointly endorsing three or more candidates from
13 the limits applicable to candidate
14 contributions; amending s. 106.025, F.S.;
15 exempting certain leadership fund fundraisers
16 from campaign fund raiser requirements;
17 amending s. 106.04, F.S.; modifying reporting
18 requirements for committees of continuous
19 existence that make contributions to leadership
20 funds; amending s. 106.08, F.S.; exempting
21 leadership funds from the limits applicable to
22 contributions to candidates and political
23 committees supporting candidates; prescribing
24 the amount a candidate may accept in
25 contributions from leadership funds; exempting
26 contributions from leadership funds from the
27 statutory proscription against making indirect
28 contributions; limiting the activities of
29 leaders with regard to soliciting from, and
30 making contributions to, charitable and
31 philanthropic groups; prohibiting leaders from

1 accepting earmarked contributions designed to
2 benefit a specific candidate; prohibiting
3 leaders who are candidates from using their own
4 leadership funds to support their own
5 candidacy; prescribing penalties; amending s.
6 106.147, F.S.; redefining the term "person" to
7 include leadership funds for purposes of
8 telephone solicitation requirements; amending
9 s. 106.148, F.S.; subjecting leadership funds
10 to computer solicitation disclosure
11 requirements; amending s. 106.17, F.S.;
12 authorizing leaders to conduct certain polls
13 and surveys relating to candidacies; amending
14 s. 106.29, F.S.; subjecting leadership funds to
15 the same periodic campaign finance reporting
16 requirements as executive committees of
17 political parties; requiring the Division of
18 Elections to provide a campaign finance form
19 for reporting leadership fund contributions and
20 expenditures; providing an exemption from
21 leadership fund reporting requirements for
22 periods of inactivity; prescribing penalties;
23 amending s. 106.295, F.S.; redefining the terms
24 "leadership fund" and "leader"; authorizing
25 leadership funds; requiring the creation of a
26 primary leadership depository; mandating the
27 appointment of a leadership fund treasurer;
28 prescribing the method for making leadership
29 fund expenditures; authorizing the use of petty
30 cash funds; requiring the leadership fund
31 treasurer to maintain records and accounts in a

1 certain manner for a specified period; amending
2 s. 106.33, F.S.; modifying the contribution
3 limits applicable to candidates accepting
4 public financing; amending s. 106.011, F.S.;
5 redefining the term "communications media";
6 amending s. 106.11, F.S.; extending the time
7 for unopposed candidates to purchase "thank
8 you" advertising; amending s. 106.141, F.S.;
9 extending the date for unopposed candidates to
10 file a termination report, to conform; creating
11 s. 106.1433, F.S.; establishing reporting
12 requirements for certain political
13 electioneering advertisements intended to
14 influence public policy; prescribing
15 prohibitions and exemptions; prescribing
16 penalties; amending s. 106.1437, F.S.;
17 exempting electioneering ads from disclaimer
18 requirements applicable to miscellaneous
19 advertisements, to conform; providing for
20 severability; providing effective dates.

21

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

23

24 Section 1. Subsection (11) of section 97.012, Florida
25 Statutes, is amended, and subsection (13) is added to that
26 section, to read:

27

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

31

(11) Create and maintain a statewide voter
registration database ~~central voter file~~.

1 (13) Designate an office within the Department of
2 State to be responsible for providing information regarding
3 voter registration procedures and absentee ballot procedures
4 to absent uniformed services voters and overseas voters.

5 Section 2. Section 97.021, Florida Statutes, is
6 amended to read:

7 97.021 Definitions.--For the purposes of this code,
8 except where the context clearly indicates otherwise, the
9 term:

10 (1) "Absent elector" means any registered and
11 qualified voter who casts an absentee ballot.

12 (2) "Alternative formats" has the meaning ascribed in
13 the Americans with Disabilities Act of 1990, Pub. L. No.
14 101-336, 42 U.S.C. ss. 12101 et seq., including specifically
15 the technical assistance manuals promulgated thereunder, as
16 amended.

17 (3) "Ballot" or "official ballot" when used in
18 reference to:

19 (a) "Paper ballots" means that printed sheet of paper,
20 used in conjunction with an electronic or electromechanical
21 vote tabulation voting system, containing the names of
22 candidates, or a statement of proposed constitutional
23 amendments or other questions or propositions submitted to the
24 electorate at any election, on which sheet of paper an elector
25 casts his or her vote.

26 (b) "Electronic or electromechanical devices" means a
27 ballot that is voted by the process of electronically
28 designating, including by touchscreen, or marking with a
29 marking device for tabulation by automatic tabulating
30 equipment or data processing equipment.

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1 (4) "Candidate" means any person to whom any one or
2 more of the following applies:

3 (a) Any person who seeks to qualify for nomination or
4 election by means of the petitioning process.

5 (b) Any person who seeks to qualify for election as a
6 write-in candidate.

7 (c) Any person who receives contributions or makes
8 expenditures, or gives his or her consent for any other person
9 to receive contributions or make expenditures, with a view to
10 bringing about his or her nomination or election to, or
11 retention in, public office.

12 (d) Any person who appoints a treasurer and designates
13 a primary depository.

14 (e) Any person who files qualification papers and
15 subscribes to a candidate's oath as required by law.

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17 However, this definition does not include any candidate for a
18 political party executive committee.

19 ~~(5) "Central voter file" means a statewide, centrally~~
20 ~~maintained database containing voter registration information~~
21 ~~of all counties in this state.~~

22 (5)(6) "Department" means the Department of State.

23 (6)(7) "Division" means the Division of Elections of
24 the Department of State.

25 (7)(8) "Election" means any primary election, special
26 primary election, special election, general election, or
27 presidential preference primary election.

28 (8)(9) "Election board" means the clerk and inspectors
29 appointed to conduct an election.

30 (9)(10) "Election costs" shall include, but not be
31 limited to, expenditures for all paper supplies such as

1 envelopes, instructions to voters, affidavits, reports, ballot
2 cards, ballot booklets for absentee voters, postage, notices
3 to voters; advertisements for registration book closings,
4 testing of voting equipment, sample ballots, and polling
5 places; forms used to qualify candidates; polling site rental
6 and equipment delivery and pickup; data processing time and
7 supplies; election records retention; and labor costs,
8 including those costs uniquely associated with absentee ballot
9 preparation, poll workers, and election night canvass.

10 (10)~~(11)~~ "Elector" is synonymous with the word "voter"
11 or "qualified elector or voter," except where the word is used
12 to describe presidential electors.

13 (11)~~(12)~~ "General election" means an election held on
14 the first Tuesday after the first Monday in November in the
15 even-numbered years, for the purpose of filling national,
16 state, county, and district offices and for voting on
17 constitutional amendments not otherwise provided for by law.

18 (12)~~(13)~~ "Lists of registered electors" means copies
19 of printed lists of registered electors, computer tapes or
20 disks, or any other device used by the supervisor of elections
21 to maintain voter records.

22 (13)~~(14)~~ "Member of the Merchant Marine" means an
23 individual, other than a member of a uniformed service or an
24 individual employed, enrolled, or maintained on the Great
25 Lakes for the inland waterways, who is:

26 (a) Employed as an officer or crew member of a vessel
27 documented under the laws of the United States, a vessel owned
28 by the United States, or a vessel of foreign-flag registry
29 under charter to or control of the United States; or

30 (b) Enrolled with the United States for employment or
31 training for employment, or maintained by the United States

1 for emergency relief service, as an officer or crew member of
2 such vessel.

3 (14)~~(15)~~ "Minor political party" is any group as
4 defined in this subsection which on January 1 preceding a
5 primary election does not have registered as members 5 percent
6 of the total registered electors of the state. Any group of
7 citizens organized for the general purposes of electing to
8 office qualified persons and determining public issues under
9 the democratic processes of the United States may become a
10 minor political party of this state by filing with the
11 department a certificate showing the name of the organization,
12 the names of its current officers, including the members of
13 its executive committee, and a copy of its constitution or
14 bylaws. It shall be the duty of the minor political party to
15 notify the department of any changes in the filing certificate
16 within 5 days of such changes.

17 (15)~~(16)~~ "Newspaper of general circulation" means a
18 newspaper printed in the language most commonly spoken in the
19 area within which it circulates and which is readily available
20 for purchase by all inhabitants in the area of circulation,
21 but does not include a newspaper intended primarily for
22 members of a particular professional or occupational group, a
23 newspaper the primary function of which is to carry legal
24 notices, or a newspaper that is given away primarily to
25 distribute advertising.

26 (16)~~(17)~~ "Nominal value" means having a retail value
27 of \$10 or less.

28 (17)~~(18)~~ "Nonpartisan office" means an office for
29 which a candidate is prohibited from campaigning or qualifying
30 for election or retention in office based on party
31 affiliation.

1 (18)~~(19)~~ "Office that serves persons with
2 disabilities" means any state office that takes applications
3 either in person or over the telephone from persons with
4 disabilities for any program, service, or benefit primarily
5 related to their disabilities.

6 (19)~~(20)~~ "Overseas voter" means:

7 (a) Members of the uniformed services while in the
8 active service who are permanent residents of the state and
9 are temporarily residing outside the territorial limits of the
10 United States and the District of Columbia;

11 (b) Members of the Merchant Marine of the United
12 States who are permanent residents of the state and are
13 temporarily residing outside the territorial limits of the
14 United States and the District of Columbia; and

15 (c) Other citizens of the United States who are
16 permanent residents of the state and are temporarily residing
17 outside the territorial limits of the United States and the
18 District of Columbia,

19
20 who are qualified and registered to vote as provided by law.

21 (20)~~(21)~~ "Overvote" means that the elector marks or
22 designates more names than there are persons to be elected to
23 an office or designates more than one answer to a ballot
24 question, and the tabulator records no vote for the office or
25 question.

26 (21)~~(22)~~ "Persons with disabilities" means individuals
27 who have a physical or mental impairment that substantially
28 limits one or more major life activities.

29 (22)~~(23)~~ "Polling place" is the building which
30 contains the polling room where ballots are cast.

31

1 ~~(23)(24)~~ "Polling room" means the actual room in which
2 ballots are cast.

3 ~~(24)(25)~~ "Primary election" means an election held
4 preceding the general election for the purpose of nominating a
5 party nominee to be voted for in the general election to fill
6 a national, state, county, or district office. The first
7 primary is a nomination or elimination election; the second
8 primary is a nominating election only.

9 ~~(25)(26)~~ "Provisional ballot" means a conditional
10 ballot, the validity of which shall be determined by the
11 canvassing board. issued to a voter by the election board at
12 the polling place on election day for one of the following
13 reasons:

14 ~~(a)~~ ~~The voter's name does not appear on the precinct~~
15 ~~register and verification of the voter's eligibility cannot be~~
16 ~~determined; or~~

17 ~~(b)~~ ~~There is an indication on the precinct register~~
18 ~~that the voter has requested an absentee ballot and there is~~
19 ~~no indication whether the voter has returned the absentee~~
20 ~~ballot.~~

21 ~~(26)(27)~~ "Public assistance" means assistance provided
22 through the food stamp program; the Medicaid program; the
23 Special Supplemental Food Program for Women, Infants, and
24 Children; and the WAGES Program.

25 ~~(27)(28)~~ "Public office" means any federal, state,
26 county, municipal, school, or other district office or
27 position which is filled by vote of the electors.

28 ~~(28)(29)~~ "Qualifying educational institution" means
29 any public or private educational institution receiving state
30 financial assistance which has, as its primary mission, the
31 provision of education or training to students who are at

1 least 18 years of age, provided such institution has more than
2 200 students enrolled in classes with the institution and
3 provided that the recognized student government organization
4 has requested this designation in writing and has filed the
5 request with the office of the supervisor of elections in the
6 county in which the institution is located.

7 (29)~~(30)~~ "Special election" is a special election
8 called for the purpose of voting on a party nominee to fill a
9 vacancy in the national, state, county, or district office.

10 (30)~~(31)~~ "Special primary election" is a special
11 nomination election designated by the Governor, called for the
12 purpose of nominating a party nominee to be voted on in a
13 general or special election.

14 (31)~~(32)~~ "Supervisor" means the supervisor of
15 elections.

16 (32)~~(33)~~ "Tactile input device" means a device that
17 provides information to a voting system by means of a voter
18 touching the device, such as a keyboard, and that complies
19 with the requirements of s. 101.56062(1)(k) and (l).

20 (33)~~(34)~~ "Undervote" means that the elector does not
21 properly designate any choice for an office or ballot
22 question, and the tabulator records no vote for the office or
23 question.

24 (34)~~(35)~~ "Uniformed services" means the Army, Navy,
25 Air Force, Marine Corps, and Coast Guard, the commissioned
26 corps of the Public Health Service, and the commissioned corps
27 of the National Oceanic and Atmospheric Administration.

28 (35)~~(36)~~ "Voter interface device" means any device
29 that communicates voting instructions and ballot information
30 to a voter and allows the voter to select and vote for
31 candidates and issues.

1 (36)~~(37)~~ "Voter registration agency" means any office
2 that provides public assistance, any office that serves
3 persons with disabilities, any center for independent living,
4 or any public library.

5 (37)~~(38)~~ "Voting booth" or "booth" means that booth or
6 enclosure wherein an elector casts his or her ballot for
7 tabulation by an electronic or electromechanical device.

8 (38)~~(39)~~ "Voting system" means a method of casting and
9 processing votes that functions wholly or partly by use of
10 electromechanical or electronic apparatus or by use of paper
11 ballots and includes, but is not limited to, the procedures
12 for casting and processing votes and the programs, operating
13 manuals, tabulating cards, printouts, and other software
14 necessary for the system's operation.

15 Section 3. Subsection (3) of section 97.052, Florida
16 Statutes, is amended to read:

17 97.052 Uniform statewide voter registration
18 application.--

19 (3) The uniform statewide voter registration
20 application must also contain:

21 (a) The oath required by s. 3, Art. VI of the State
22 Constitution and s. 97.051.

23 (b) A statement specifying each eligibility
24 requirement under s. 97.041.

25 (c) The penalties provided in s. 104.011 for false
26 swearing in connection with voter registration.

27 (d) A statement that, if an applicant declines to
28 register to vote, the fact that the applicant has declined to
29 register will remain confidential and may be used only for
30 voter registration purposes.

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1 (e) A statement that informs the applicant who chooses
2 to register to vote or update a voter registration record that
3 the office at which the applicant submits a voter registration
4 application or updates a voter registration record will remain
5 confidential and may be used only for voter registration
6 purposes.

7 (f) A statement that informs the applicant that any
8 person who has been granted a homestead exemption in this
9 state, and who registers to vote in any precinct other than
10 the one in which the property for which the homestead
11 exemption has been granted, shall have that information
12 forwarded to the property appraiser where such property is
13 located, which may result in the person's homestead exemption
14 being terminated and the person being subject to assessment of
15 back taxes under s. 193.092, unless the homestead granted the
16 exemption is being maintained as the permanent residence of a
17 legal or natural dependent of the owner and the owner resides
18 elsewhere.

19 (g) A statement informing the applicant that if the
20 form is submitted by mail and the applicant is registering for
21 the first time, the applicant will be required to provide
22 identification prior to voting the first time.

23 Section 4. Paragraph (a) of subsection (5) of section
24 97.053, Florida Statutes, is amended to read:

25 97.053 Acceptance of voter registration
26 applications.--

27 (5)(a) A voter registration application is complete if
28 it contains:

- 29 1. The applicant's name.
- 30 2. The applicant's legal residence address.
- 31 3. The applicant's date of birth.

1 4. An indication that the applicant is a citizen of
2 the United States.

3 5.a. The applicant's Florida driver's license number
4 or the identification number from a Florida identification
5 card issued under s. 322.051; or

6 b. The last four digits of the applicant's social
7 security number.

8 6. An indication that the applicant has not been
9 convicted of a felony or that, if convicted, has had his or
10 her civil rights restored.

11 7. An indication that the applicant has not been
12 adjudicated mentally incapacitated with respect to voting or
13 that, if so adjudicated, has had his or her right to vote
14 restored.

15 8. Signature of the applicant swearing or affirming
16 under the penalty for false swearing pursuant to s. 104.011
17 that the information contained in the registration application
18 is true and subscribing to the oath required by s. 3, Art. VI
19 of the State Constitution and s. 97.051.

20 Section 5. Section 97.0535, Florida Statutes, is
21 created to read:

22 97.0535 Special requirements for certain applicants.--

23 (1) Each applicant who registers by mail and who has
24 never previously voted in the county shall be required to
25 provide a copy of a photo identification as provided in
26 subsection (3) or indicate that he or she is exempt from the
27 identification requirements prior to voting. The applicant may
28 provide the identification or indication at the time of
29 registering or at any time prior to voting for the first time
30 in the county. If the voter registration application clearly
31 provides information from which the supervisor can determine

1 that the applicant meets one of the exemptions in subsection
2 (4), the supervisor shall make the notation on the
3 registration records and the applicant shall not be required
4 to provide further information that is required of first-time
5 voters who register by mail.

6 (2) The supervisor of elections shall, upon accepting
7 the voter registration for an applicant who registered by mail
8 and who has not previously voted in the county, determine if
9 the applicant provided the required identification at the time
10 of registering. If the required identification was not
11 provided, the supervisor shall notify the applicant that he or
12 she must provide the identification prior to voting the first
13 time in the county.

14 (3) The following forms of identification shall be
15 considered current and valid if they contain the name and
16 photograph of the applicant and have not expired:

17 (a) A Florida driver's license;

18 (b) A Florida identification card issued by the
19 Department of Highway Safety and Motor Vehicles;

20 (c) A United States passport;

21 (d) An employee badge or ID;

22 (e) A buyer's club ID;

23 (f) A debit card or credit card;

24 (g) A military ID;

25 (h) A student ID;

26 (i) A retirement center ID;

27 (j) A neighborhood association ID;

28 (k) An entertainment ID; or

29 (l) A public assistance ID.

30 (4) The following persons are exempt from the
31 identification requirements of this section:

- 1 (a) A person 65 years of age or older.
2 (b) A person with a temporary or permanent physical
3 disability.
4 (c) A member of the uniformed service on active duty
5 who, by reason of such active duty, is absent from the county
6 on election day.
7 (d) A member of the merchant marine who, by reason of
8 service in the merchant marine, is absent from the county on
9 election day.
10 (e) The spouse or dependent of a member specified in
11 paragraph (c) or paragraph (d) who, by reason of the active
12 duty or service of the member, is absent from the county on
13 election day.
14 (f) A person who resides outside the United States who
15 is eligible to vote in this state.

16 Section 6. Effective upon this act becoming a law,
17 section 97.028, Florida Statutes, is created to read:

18 97.028 Procedures for complaints of violations of
19 Title III of the Help America Vote Act of 2002.--

20 (1)(a) Any person who believes that a violation of
21 Title III of the Help America Vote Act of 2002 has occurred,
22 is occurring, or is about to occur may file a complaint with
23 the department.

24 (b) The complaint must be in writing and must be
25 signed and sworn to before a notary by the person filing the
26 complaint. In addition, the complaint must state the alleged
27 violation and the person or entity responsible for the
28 violation. The department shall prescribe the form for
29 complaints filed under this section. If the department
30 determines that the complaint fails to allege both a violation
31 and a person or entity responsible for the violation, or that

1 the complaint is not properly executed, the department shall
2 inform the complainant in writing that the complaint is
3 legally insufficient.

4 (c) For purposes of this section, a violation of Title
5 III of the Help America Vote Act of 2002 is the failure to
6 perform an act required or the performance of an act
7 prohibited by Title III of the Help America Vote Act of 2002
8 by a person or entity subject to the act.

9 (d) The department has sole jurisdiction over
10 complaints filed under this section.

11 (e) This section provides the sole avenue of redress
12 for alleged violations of Title III of the Help America Vote
13 Act of 2002 and does not give rise to any other cause of
14 action.

15 (f) The department may consolidate complaints filed
16 under this section.

17 (g) All proceedings under this section are exempt from
18 chapter 120.

19 (2)(a) When a legally sufficient complaint is filed
20 with the department, the agency head shall designate a hearing
21 officer who shall provide the subject of the complaint with a
22 copy of the complaint.

23 1. The subject of the complaint shall, within 10 days
24 after receipt of the complaint, file with the department a
25 written, sworn response to the complaint.

26 2. Upon receipt of the response, the hearing officer
27 will review both sworn filings to determine whether a
28 violation of the Title III of the Help America Vote Act of
29 2002 has occurred, is occurring, or is about to occur. The
30 complaint and the response shall constitute the official
31 hearing record to be considered by the hearing officer. The

1 hearing officer shall provide the complainant with a copy of
2 the response.

3 3. At the hearing officer's discretion, the
4 complainant and the respondent may be ordered by the hearing
5 officer to provide additional sworn oral or written statements
6 or additional documents to assist the hearing officer in
7 making a determination. In addition, other relevant witnesses
8 may also be ordered by the hearing officer to give sworn
9 testimony or to provide relevant documents to assist the
10 hearing officer in making a determination. Any such statements
11 or documents received by the hearing officer shall also become
12 part of the official hearing record. For purposes of this
13 section, the hearing officer may administer oaths and issue
14 subpoenas.

15 4. The hearing officer shall advise both the
16 complainant and respondent in writing of his or her
17 determination. If the hearing officer determines that no
18 violation has occurred, is occurring, or is about to occur,
19 the department shall dismiss the complaint and publish its
20 determination. If the hearing officer determines that a
21 violation of Title III of the Help America Vote Act of 2002
22 has occurred, is occurring, or is about to occur, the
23 department shall issue and deliver an order directing the
24 appropriate remedy to persons responsible for effecting such
25 remedy. The issuance of an order does not constitute agency
26 action for which a hearing under ss. 120.569 and 120.57 may be
27 sought. For purposes of enforcing the order, the department
28 may file a proceeding in the name of the state seeking
29 issuance of an injunction, a writ of mandamus, or other
30 equitable remedy against any person who violates any provision
31 of such order.

1 5. The department shall make a final determination
2 with respect to the complaint within 90 days after the date
3 that the complaint was filed, unless the complainant consents
4 to a longer period for making a determination.

5 (b) If the department fails to meet the deadline
6 established in subparagraph (a)5., the complaint shall be
7 forwarded for mediation. Mediation shall occur within 60 days
8 after the department's failure to make a determination within
9 the timeframe established in subparagraph (a)5. The record
10 created under this section shall be made available for use in
11 the mediation.

12 Section 7. Section 98.097, Florida Statutes, is
13 repealed.

14 Section 8. Section 98.0977, Florida Statutes, is
15 amended to read:

16 98.0977 Statewide voter registration database;
17 operation development and maintenance.--

18 ~~(1) From the funds appropriated,~~The department shall
19 ~~may contract with the Florida Association of Court Clerks to~~
20 ~~analyze, design, develop, operate, and maintain the a~~
21 statewide, on-line voter registration database and associated
22 website until such time as the statewide voter registration
23 system required to be developed pursuant to the Help America
24 Vote Act of 2002 is operational, ~~to be fully operational~~
25 ~~statewide by June 1, 2002.~~ The database shall contain voter
26 registration information from each of the 67 supervisors of
27 elections in this state and shall be accessible through an
28 Internet website. The system shall provide functionality for
29 ensuring that the database is updated on a daily basis to
30 determine if a registered voter is ineligible to vote for any
31 of the following reasons, including, but not limited to:

1 (a) The voter is deceased;

2 (b) The voter has been convicted of a felony and has
3 not had his or her civil rights restored; or

4 (c) The voter has been adjudicated mentally
5 incompetent and his or her mental capacity with respect to
6 voting has not been restored.

7

8 The database shall also allow for duplicate voter
9 registrations to be identified.

10 (2) The Department of State shall not contract with
11 any private entity ~~other than the Florida Association of Court~~
12 ~~Clerks~~ for the operation ~~or maintenance~~ of the statewide voter
13 registration database.

14 (3)(a) In administering the database, each supervisor
15 of elections shall compare registration information provided
16 by a voter with information held by the Department of Law
17 Enforcement, the Board of Executive Clemency, the Office of
18 Vital Statistics, and other relevant sources.

19 (b) The supervisor of elections shall remove from the
20 voter registration rolls the name of any person who is listed
21 in the database as deceased.

22 (c) Information in the database indicating that a
23 person registered to vote in a given county has subsequently
24 registered to vote in another jurisdiction shall be considered
25 as a written request from that voter to have his or her name
26 removed from the voter registration rolls of that county, and
27 the supervisor of elections of that county shall remove that
28 voter's name from the county's voter registration rolls.

29 (d) When the supervisor of elections finds information
30 through the database that suggests that a voter has been
31 convicted of a felony and has not had his or her civil rights

1 restored or has been adjudicated mentally incompetent and his
2 or her mental capacity with respect to voting has not been
3 restored, the supervisor of elections shall notify the voter
4 by certified United States mail. The notification shall
5 contain a statement as to the reason for the voter's potential
6 ineligibility to be registered to vote and shall request
7 information from the voter on forms provided by the supervisor
8 of elections. As an alternative, the voter may attend a
9 hearing at a time and place specified in the notice. If there
10 is evidence that the notice was not received, notice must be
11 given once by publication in a newspaper of general
12 circulation in the county. The notice must plainly state that
13 the voter is potentially ineligible to be registered to vote
14 and must state a time and place for the person to appear
15 before the supervisor of elections to show cause why his or
16 her name should not be removed from the voter registration
17 rolls. After reviewing the information provided by the voter,
18 if the supervisor of elections determines that the voter is
19 not eligible to vote under the laws of this state, the
20 supervisor of elections shall notify the voter by certified
21 United States mail that he or she has been found ineligible to
22 be registered to vote in this state, shall state the reason
23 for the ineligibility, and shall inform the voter that he or
24 she has been removed from the voter registration rolls. The
25 supervisor of elections shall remove from the voter
26 registration rolls the name of any voter who fails either to
27 respond within 30 days to the notice sent by certified mail or
28 to attend the hearing.

29 (e) Upon hearing all evidence in a hearing, the
30 supervisor of elections must determine whether there is
31 sufficient evidence to strike the person's name from the

1 registration books. If the supervisor determines that there
2 is sufficient evidence, he or she must strike the name.

3 (f) Appeal may be taken to the circuit court in and
4 for the county where the person was registered. Notice of
5 appeal must be filed within the time and in the manner
6 provided by the Florida Rules of Appellate Procedure and acts
7 as supersedeas. Trial in the circuit court is de novo and
8 governed by the rules of that court. Unless the person can
9 show that his or her name was erroneously or illegally
10 stricken from the registration books or that he or she is
11 indigent, the person must bear the costs of the trial in the
12 circuit court. Otherwise, the cost of the appeal must be paid
13 by the board of county commissioners.

14 (4) To the maximum extent feasible, state and local
15 government entities shall facilitate provision of information
16 and access to data to the department in order to compare
17 information in the statewide voter registration database with
18 available information in other computer databases, including,
19 but not limited to, databases that contain reliable criminal
20 records and records of deceased persons. State and local
21 governmental agencies that provide such data shall do so
22 without charge if the direct cost incurred by those agencies
23 is not significant.

24 ~~(5) The Division of Elections shall provide written~~
25 ~~quarterly progress reports on each phase of development of the~~
26 ~~voter registration database to the President of the Senate and~~
27 ~~the Speaker of the House of Representatives beginning July 1,~~
28 ~~2001, and continuing until the database is fully implemented.~~

29 (5)(6) The duties of the supervisors of elections
30 under this section shall be considered part of their regular
31 registration list maintenance duties under this chapter, and

1 any supervisor of elections who willfully refuses or willfully
2 neglects to perform his or her duties under this section shall
3 be in violation of s. 104.051(2).

4 Section 9. (1) Beginning July 1, 2003, from funds
5 appropriated, the Department of State shall begin the
6 development of a Statewide Voter Registration System designed
7 to meet the requirements of sections 303 through 305 of the
8 Help America Vote Act of 2002. The Legislature recognizes that
9 the January 1, 2004, implementation date for the system
10 provided in the federal bill cannot be met because there is
11 not sufficient time for implementing such a system.
12 Accordingly, the department shall certify these facts to the
13 Election Assistance Commission in order to qualify for a
14 waiver and an extension of the due date until January 1, 2006.

15 (2) The department shall begin system needs
16 assessments and design activities by July 1, 2003. The
17 Department of Highway Safety and Motor Vehicles, the
18 Department of Health, the Department of Law Enforcement, the
19 Board of Executive Clemency, the State Technology Office, and
20 representatives of the Florida State Association of
21 Supervisors of Elections shall cooperate and participate in
22 developing the system. Other state agencies and local
23 government entities that may have data or systems needed for
24 integration with the system shall also cooperate and
25 participate in the development of the system upon a request
26 from the department.

27 (3) By January 31, 2004, the Department of State shall
28 submit to the Governor, President of the Senate, and the
29 Speaker of the House of Representatives a plan for completion
30 of the system which must include:

31

1 (a) A business process design for all participants in
2 the system operation.

3 (b) The design, location, and specifications for
4 hardware, system software components, and communications
5 infrastructure of the system.

6 (c) The design, specifications, and development plans
7 for application software for the system.

8 (d) A budget for completion of the system which
9 includes all agencies and county offices.

10 (e) Recommended statutory changes needed to implement
11 the system.

12 (4) This phase of the development shall continue
13 through June 30, 2004, and shall include the design and
14 development of the core system that will be operated by the
15 Department of State, a definition of the business processes
16 that will be required of the other agencies and counties, and
17 the functional requirements specifications for integration
18 with the data systems of other agencies and counties.

19 Section 10. Section 98.461, Florida Statutes, is
20 amended to read:

21 98.461 Registration form, precinct register;
22 contents.--A registration form, approved by the Department of
23 State, containing the information required in s. 97.052 shall
24 be filed alphabetically in the office of the supervisor as the
25 master list of electors of the county. However, the
26 registration forms may be microfilmed and such microfilms
27 substituted for the original registration forms; or, when
28 voter registration information, including the voter's
29 signature, is maintained digitally or on electronic, magnetic,
30 or optic media, such stored information may be substituted for
31 the original registration form. Such microfilms or stored

1 information shall be retained in the custody of the supervisor
2 of elections. In the event the original registration forms are
3 microfilmed or maintained digitally or on electronic or other
4 media, such originals may be destroyed in accordance with the
5 schedule approved by the Bureau of Archives and Records
6 Management of the Division of Library and Information Services
7 of the Department of State. As an alternative, the information
8 from the registration form, including the signature, may be
9 electronically reproduced and stored as provided in s. 98.451.
10 A computer printout shall ~~may~~ be used at the polls as a
11 precinct register in lieu of the registration books. The
12 precinct register shall contain the date of the election, the
13 precinct number, and the following information concerning each
14 registered elector: last name, first name, and middle name or
15 initial; party affiliation; residence address; registration
16 number; date of birth; sex, if provided; race, if provided;
17 whether the voter needs assistance in voting; and such other
18 additional information as to readily identify the elector. ~~The~~
19 ~~precinct register may also contain a list of the forms of~~
20 ~~identification, which must include, but is not limited to, a~~
21 ~~Florida driver's license, a Florida identification card issued~~
22 ~~under s. 322.051, or another form of picture identification~~
23 ~~approved by the Department of State.~~The precinct register
24 shall ~~may~~ also contain a space for the elector's signature
25 and a space for the initials of the witnessing clerk or
26 ~~inspector, and a space for the signature slip or ballot~~
27 ~~number.~~

28 Section 11. Section 98.471, Florida Statutes, is
29 transferred, renumbered as section 101.043, Florida Statutes,
30 and amended to read:

31

1 101.043 ~~98.471~~ Identification required ~~Use of precinct~~
2 ~~register at polls.--~~

3 (1) The precinct register, as prescribed in s. 98.461,
4 shall ~~may~~ be used at the polls in lieu of the registration
5 books for the purpose of identifying the elector at the polls
6 prior to allowing him or her to vote. The clerk or inspector
7 shall require each elector, upon entering the polling place,
8 to present a current and valid ~~Florida driver's license, a~~
9 ~~Florida identification card issued under s. 322.051, or~~
10 ~~another form of picture identification as provided in s.~~
11 97.0535(3) approved by the Department of State. If the picture
12 identification does not contain the signature of the voter, an
13 additional identification that provides the voter's signature
14 shall be required. The elector shall sign his or her name in
15 the space provided, and the clerk or inspector shall compare
16 the signature with that on the identification provided by the
17 elector and enter his or her initials in the space provided
18 and allow the elector to vote if the clerk or inspector is
19 satisfied as to the identity of the elector.

20 (2) Except as provided in subsection (3), if the
21 elector fails to furnish the required identification, or if
22 the clerk or inspector is in doubt as to the identity of the
23 elector, such clerk or inspector shall follow the procedure
24 prescribed in s. 101.49.

25 (3) If an elector who fails to furnish the required
26 identification is a first-time voter who registered by mail
27 and does not provide the required identification to the
28 supervisor of elections prior to election day, the elector
29 shall be allowed to vote a provisional ballot. The canvassing
30 board shall determine the validity of the ballot pursuant to
31 s. 101.048(2).

1 Section 12. Section 101.048, Florida Statutes, is
2 amended to read:

3 101.048 Provisional ballots.--

4 (1) At all elections, a voter claiming to be properly
5 registered in the county and eligible to vote at the precinct
6 in the election, but whose eligibility cannot be determined,
7 and other persons specified in the election code, shall be
8 entitled to vote a provisional ballot. Once voted, the
9 provisional ballot shall be placed in a secrecy envelope and
10 thereafter sealed in a provisional ballot envelope. The
11 provisional ballot shall be deposited in a ballot box. All
12 provisional ballots shall remain sealed in their envelopes for
13 return to the supervisor of elections. The department shall
14 prescribe the form of the provisional ballot envelope.

15 (2)(a) The county canvassing board shall examine each
16 provisional ballot envelope to determine if the person voting
17 that ballot was entitled to vote at the precinct where the
18 person cast a vote in the election and that the person had not
19 already cast a ballot in the election.

20 (b)1. If it is determined that the person was
21 registered and entitled to vote at the precinct where the
22 person cast a vote in the election, the canvassing board shall
23 compare the signature on the provisional ballot envelope with
24 the signature on the voter's registration and, if it matches,
25 shall count the ballot.

26 2. If it is determined that the person voting the
27 provisional ballot was not registered or entitled to vote at
28 the precinct where the person cast a vote in the election, the
29 provisional ballot shall not be counted and the ballot shall
30 remain in the envelope containing the Provisional Ballot
31

1 Voter's Certificate and Affirmation and the envelope shall be
2 marked "Rejected as Illegal."

3 (3) The Provisional Ballot Voter's Certificate and
4 Affirmation shall be in substantially the following form:

5
6 STATE OF FLORIDA
7 COUNTY OF

8
9 I do solemnly swear (or affirm) that my name is;
10 that my date of birth is; that I am registered to vote
11 and at the time I registered I resided at, in the
12 municipality of, in County, Florida; that I am
13 registered in the Party; that I am a qualified voter of
14 the county; and that I have not voted in this election. I
15 understand that if I commit any fraud in connection with
16 voting, vote a fraudulent ballot, or vote more than once in an
17 election, I can be convicted of a felony of the third degree
18 and fined up to \$5,000 and/or imprisoned for up to 5 years.

19(Signature of Voter)...

20(Current Residence Address)...

21(Current Mailing Address)...

22(City, State, Zip Code)...

23(Driver's License Number or Last Four
24 Digits of Social Security Number)...

25 Sworn to and subscribed before me this day of,

26 ...(year)....

27 ...(Election Official)...

28

29 Precinct # Ballot Style/Party Issued:

30

31

1 ~~Additional information may be provided to further assist the~~
2 ~~supervisor of elections in determining eligibility.~~

3
4 (4) In counties where the voting system does not
5 utilize a paper ballot, the supervisor of elections may ~~shall~~
6 provide the appropriate provisional ballot to the voter by
7 electronic means as provided for by the certified voting
8 system. Each person casting a provisional ballot by electronic
9 means shall, prior to casting the ballot, complete the
10 Provisional Ballot Voter's Certificate and Affirmation as
11 provided in subsection (3)~~ballots to each polling place.~~

12 (5) Each person casting a provisional ballot shall be
13 given written instructions regarding the free access system
14 established pursuant to subsection (6). The instructions must
15 contain information on how to access the system and the
16 information the voter will need to provide to obtain
17 information on his or her particular ballot. The instructions
18 must also include the following statement: "If this is a
19 primary election, you should contact the supervisor of
20 elections' office immediately to confirm that you are
21 registered and can vote in the general election."

22 (6) Each supervisor of elections shall establish a
23 free access system that allows each person who casts a
24 provisional ballot to determine whether his or her provisional
25 ballot was counted in the final canvass of votes and, if not,
26 the reasons why. Information regarding provisional ballots
27 shall be available no later than 30 days following the
28 election. The system established must restrict information
29 regarding an individual ballot to the person who cast the
30 ballot.

31

1 Section 13. Section 101.049, Florida Statutes, is
2 created to read:

3 101.049 Provisional ballots; special circumstances.--

4 (1) Any person who votes in an election after the
5 regular poll closing time pursuant to a court or other order
6 extending the statutory polling hours must vote a provisional
7 ballot. Once voted, the provisional ballot shall be placed in
8 a secrecy envelope and thereafter sealed in a provisional
9 ballot envelope. The election official witnessing the voter's
10 subscription and affirmation on the Provisional Ballot Voter's
11 Certificate and Affirmation shall indicate whether or not the
12 voter met all requirements to vote a regular ballot at the
13 polls. Each such provisional ballot must remain sealed in its
14 envelope and shall be transmitted to the supervisor of
15 elections.

16 (2) Separate and apart from all other ballots, the
17 county canvassing board shall count all late-voted provisional
18 ballots that the canvassing board determines to be valid.

19 (3) The supervisor of elections shall ensure that
20 late-voted provisional ballots are not commingled with other
21 ballots during the canvassing process or at any other time
22 such ballots are statutorily required to be in the
23 supervisor's possession.

24 (4) This section does not apply to voters in line at
25 the poll closing time provided in s. 100.011 who cast their
26 ballot subsequent to that time.

27 (5) As an alternative, provisional ballots cast
28 pursuant to this section may be cast in accordance with the
29 provisions of s. 101.048(4).

30 Section 14. Section 101.111, Florida Statutes, is
31 amended to read:

1
2 Any inspector or clerk of election may administer the oath.

3 (3)(a) The clerk and inspectors shall compare the
4 information in the challenged person's oath with that entered
5 on the precinct register and shall take any other evidence
6 that may be offered. The clerk and inspectors shall then
7 decide by a majority vote whether the challenged person may
8 vote a regular ballot.

9 (b) If the challenged person refuses to complete the
10 oath or if a majority of the clerk and inspectors doubt the
11 eligibility of the person to vote, the challenged person shall
12 be allowed to vote a provisional ballot. The oath of the
13 person entering the challenge and the oath of the person
14 challenged shall be attached to the provisional ballot for
15 transmittal to the canvassing board.~~If the challenged person~~
16 ~~refuses to make and sign the affidavit, the clerk or inspector~~
17 ~~shall refuse to allow him or her to vote. If such person makes~~
18 ~~the affidavit, the inspectors and clerk of election shall~~
19 ~~compare the information in the affidavit with that entered on~~
20 ~~the registration books opposite the person's name, and, upon~~
21 ~~such comparison of the information and the person's signature~~
22 ~~and the taking of other evidence which may then be offered,~~
23 ~~the clerk and inspectors shall decide by a majority vote~~
24 ~~whether the challenged person may vote. If the challenged~~
25 ~~person is unable to write or sign his or her name, the clerk~~
26 ~~or inspector shall examine the precinct register to ascertain~~
27 ~~whether the person registered under the name of such person is~~
28 ~~represented to have signed his or her name. If the person is~~
29 ~~so represented, then he or she shall be denied permission to~~
30 ~~vote without further examination; but, if not, then the clerk~~
31 ~~or one of the inspectors shall place such person under oath~~

1 ~~and orally examine him or her upon the subject matter~~
2 ~~contained in the affidavit, and, if there is any doubt as to~~
3 ~~the identity of such person, the clerk or inspector shall~~
4 ~~compare the person's appearance with the description entered~~
5 ~~upon the precinct register opposite the person's name. The~~
6 ~~clerk or inspector shall then proceed as in other cases to~~
7 ~~determine whether the challenged person may vote.~~

8 Section 15. Paragraph (a) of subsection (1) of section
9 101.62, Florida Statutes, is amended to read:

10 101.62 Request for absentee ballots.--

11 (1)(a) The supervisor may accept a request for an
12 absentee ballot from an elector in person or in writing.
13 Except as provided in s. 101.694, one request shall be deemed
14 sufficient to receive an absentee ballot for all elections
15 which are held within a calendar year, unless the elector or
16 the elector's designee indicates at the time the request is
17 made the elections for which the elector desires to receive an
18 absentee ballot. Such request may be considered canceled when
19 any first-class mail sent by the supervisor to the elector is
20 returned as undeliverable.

21 Section 16. Subsection (1) of section 101.64, Florida
22 Statutes, is amended to read:

23 101.64 Delivery of absentee ballots; envelopes;
24 form.--

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

1 Section 17. Section 101.65, Florida Statutes, is
2 amended to read:

3 101.65 Instructions to absent electors.--The
4 supervisor shall enclose with each absentee ballot separate
5 printed instructions in substantially the following form:
6

7 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

13 2. Mark your ballot in secret as instructed on the
14 ballot. You must mark your own ballot unless you are unable to
15 do so because of blindness, disability, or inability to read
16 or write.

17 3. Mark only the number of candidates or issue choices
18 for a race as indicated on the ballot. If you are allowed to
19 "Vote for One" candidate and you vote for more than one, your
20 vote in that race will not be counted.

21 ~~4.3.~~ Place your marked ballot in the enclosed secrecy
22 envelope.

23 ~~5.4.~~ Insert the secrecy envelope into the enclosed
24 mailing envelope which is addressed to the supervisor.

25 ~~6.5.~~ Seal the mailing envelope and completely fill out
26 the Voter's Certificate on the back of the mailing envelope.

27 ~~7.6.~~ VERY IMPORTANT. In order for your absentee
28 ballot to be counted, you must sign your name on the line
29 above (Voter's Signature).
30
31

1 ~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you
2 must include the date you signed the Voter's Certificate on
3 the line above (Date) or your ballot may not be counted.

4 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot
5 to be counted, it must include the signature and address of a
6 witness 18 years of age or older affixed to the Voter's
7 Certificate. No candidate may serve as an attesting witness.

8 ~~10.9.~~ Mail, deliver, or have delivered the completed
9 mailing envelope. Be sure there is sufficient postage if
10 mailed.

11 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law
12 to accept any gift, payment, or gratuity in exchange for your
13 vote for a candidate. It is also a felony under Florida law to
14 vote in an election using a false identity or false address,
15 or under any other circumstances making your ballot false or
16 fraudulent.

17 Section 18. Section 101.657, Florida Statutes, is
18 amended to read:

19 101.657 Voting absentee ballots in person.--

20 (1) Any qualified and registered elector may pick up
21 and vote an absentee ballot in person at the office of, and
22 under the supervision of, the supervisor of elections. Before
23 receiving the ballot, the elector must present a current and
24 valid ~~a Florida driver's license, a Florida identification~~
25 ~~card issued under s. 322.051, or another form of picture~~
26 identification as provided in s. 97.0535(3)~~approved by the~~
27 ~~Department of State~~. If the elector fails to furnish the
28 required identification, or if the supervisor is in doubt as
29 to the identity of the elector, the supervisor must follow the
30 procedure prescribed in s. 101.49. If an elector who fails to
31 furnish the required identification is a first-time voter who

1 registered by mail and has not provided the required
2 identification to the supervisor of elections prior to voting,
3 the elector shall be allowed to vote a provisional ballot. The
4 canvassing board shall compare the signature on the
5 provisional ballot envelope with the signature on the voter's
6 registration and, if it matches, shall count the ballot.

7 (2) As an alternative to the provisions of ss. 101.64
8 and 101.65, the supervisor of elections may allow an elector
9 to cast an absentee ballot in the main or branch office of the
10 supervisor by depositing the voted ballot in a voting device
11 used by the supervisor to collect or tabulate ballots. The
12 results or tabulation may not be made before the close of the
13 polls on election day.

14 (a) The elector must provide ~~picture~~ identification as
15 required in subsection (1) and must complete an In-Office
16 Voter Certificate in substantially the following form:

17
18 IN-OFFICE VOTER CERTIFICATE

19
20 I,, am a qualified elector in this election and
21 registered voter of County, Florida. I do solemnly swear
22 or affirm that I am the person so listed on the voter
23 registration rolls of County and that I reside at the
24 listed address. I understand that if I commit or attempt to
25 commit fraud in connection with voting, vote a fraudulent
26 ballot, or vote more than once in an election I could be
27 convicted of a felony of the third degree and both fined up to
28 \$5,000 and imprisoned for up to 5 years. I understand that my
29 failure to sign this certificate and have my signature
30 witnessed invalidates my ballot.

31

1
2 ... (Voter's Signature)...
3
4 ... (Address)...
5
6 ... (City/State)...
7
8 ... (Name of Witness)...
9
10 ... (Signature of Witness)...
11
12 ... (Type of identification provided)...
13

14 (b) Any elector may challenge an elector seeking to
15 cast an absentee ballot under the provisions of s. 101.111.
16 Any challenged ballot must be placed in a regular absentee
17 ballot envelope. The canvassing board shall review the ballot
18 and decide the validity of the ballot by majority vote.

19 (c) The canvass of returns for ballots cast under this
20 subsection shall be substantially the same as votes cast by
21 electors in precincts, as provided in s. 101.5614.

22 Section 19. Section 101.6921, Florida Statutes, is
23 created to read:

24 101.6921 Delivery of special absentee ballot to
25 certain first-time voters.--

26 (1) The provisions of this section apply to voters who
27 registered to vote by mail, who have not previously voted in
28 the county, and who have not provided the identification or
29 certification required by s. 97.0535 by the time the absentee
30 ballot is mailed.
31

1 (2) The supervisor of elections shall enclose with
2 each absentee ballot three envelopes: a secrecy envelope, into
3 which the absent elector will enclose his or her marked
4 ballot; an envelope containing the Voter's Certificate, into
5 which the absent elector shall place the secrecy envelope; and
6 a mailing envelope, which shall be addressed to the supervisor
7 and into which the absent elector will place the envelope
8 containing the Voter's Certificate and a copy of the required
9 identification.

10 (3) The Voter's Certificate shall be in substantially
11 the following form:

12
13 Note: Please Read Instructions Carefully Before Marking
14 Ballot and Completing Voter's Certificate.

15 VOTER'S CERTIFICATE

16 I,, do solemnly swear or affirm that I am a qualified and
17 registered voter of County, Florida, and that I have not
18 and will not vote more than one ballot in this election. I
19 understand that if I commit or attempt to commit any fraud in
20 connection with voting, vote a fraudulent ballot, or vote more
21 than once in an election I can be convicted of a felony of the
22 third degree and fined up to \$5,000 and/or imprisoned for up
23 to 5 years. I also understand that failure to sign this
24 certificate and have my signature properly witnessed will
25 invalidate my ballot. I understand that unless I meet one of
26 the exemptions below, I must provide a copy of a current and
27 valid identification as provided in item 6. of the instruction
28 sheet to the supervisor of elections in order for my ballot to
29 count. I further certify that I am exempt from the
30 requirements to furnish a copy of a current and valid

31

1 identification with my ballot because of one or more of the
2 following: (check all that apply)
3 I am 65 years of age or older.
4 I have a permanent or temporary physical disability.
5 I am a member of a uniformed service on active duty who,
6 by reason of such active duty, will be absent from the county
7 on election day.
8 I am a member of the merchant marine who, by reason of
9 service in the merchant marine, will be absent from the county
10 on election day.
11 I am the spouse or dependent of a member of the
12 uniformed service or merchant marine who, by reason of the
13 active duty or service of the member, will be absent from the
14 county on election day.
15 I am currently residing outside the United States.
16
17 ...(Date)... ...Voter's Signature...
18
19 Note: Your signature must be witnessed by one witness 18
20 years of age or older as provided in item 5.b. of the
21 instruction sheet.
22 I swear or affirm that the voter signed this Voter's
23 Certificate in my presence.
24
25 ...(Signature of witness)...
26 ...(Address)...
27 ...(City/State)...
28
29 (4) The certificate shall be arranged on the back of
30 the envelope so that the lines for the signatures of the
31

1 absent elector and the attesting witness are across the seal
2 of the envelope.

3 Section 20. Section 101.6923, Florida Statutes, is
4 created to read:

5 101.6923 Special absentee ballot instructions for
6 certain first-time voters.--

7 (1) The provisions of this section apply to voters who
8 registered to vote by mail, who have not previously voted in
9 the county, and who have not provided the identification or
10 information required by s. 97.0535 by the time the absentee
11 ballot is mailed.

12 (2) A voter who is subject to this section shall be
13 provided with the following printed instructions with his or
14 her absentee ballot in substantially the following form:

15
16 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
17 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
18 TO COUNT.

19
20 1. In order to ensure that your absentee ballot will
21 be counted, it should be completed and returned as soon as
22 possible so that it can reach the supervisor of elections of
23 the county in which your precinct is located no later than 7
24 p.m. on the date of the election.

25 2. Mark your ballot in secret as instructed on the
26 ballot. You must mark your own ballot unless you are unable to
27 do so because of blindness, disability, or inability to read
28 or write.

29 3. Mark only the number of candidates or issue choices
30 for a race as indicated on the ballot. If you are allowed to
31

1 "Vote for One" candidate and you vote for more than one, your
2 vote in that race will not be counted.

3 4. Place your marked ballot in the enclosed secrecy
4 envelope and seal the envelope.

5 5. Insert the secrecy envelope into the enclosed
6 envelope bearing the Voter's Certificate. Seal the envelope
7 and completely fill out the Voter's Certificate on the back of
8 the envelope.

9 a. You must sign your name on the line above (Voter's
10 Signature).

11 b. You must have your signature witnessed. Have the
12 witness sign above (Signature of Witness) and include his or
13 her address. No candidate may serve as an attesting witness.

14 c. If you are an overseas voter, you must include the
15 date you signed the Voter's Certificate on the line above
16 (Date) or your ballot may not be counted.

17 6. Unless you meet one of the exemptions in 7., you
18 must make a copy of one of the following forms of
19 identification:

20 a. Identification that must include your name and
21 photograph: current and valid Florida driver's license;
22 Florida ID card issued by the Department of Highway Safety and
23 Motor Vehicles; United States Passport; Employee badge or ID;
24 Buyer's Club ID card; Debit card or credit card; Military ID;
25 Student ID; Retirement Center ID; Neighborhood Association ID;
26 Entertainment ID; or public assistance ID; or

27 b. Identification that shows your name and current
28 residence address: current utility bill, bank statement,
29 government check, paycheck, or government document (excluding
30 voter identification card).

31

- 1 7. The identification requirements of 6. do not apply
2 if you meet one of the following:
3 a. You are 65 years of age or older.
4 b. You have a temporary or permanent physical
5 disability.
6 c. You are a member of a uniformed service on active
7 duty who, by reason of such active duty, will be absent from
8 the county on election day.
9 d. You are a member of the merchant marine who, by
10 reason of service in the merchant marine, will be absent from
11 the county on election day.
12 e. You are the spouse or dependent of a member
13 referred to in c. or d. who, by reason of the active duty or
14 service of the member, will be absent from the county on
15 election day.
16 f. You are currently residing outside the United
17 States.
18 8. Place the envelope bearing the Voter's Certificate
19 into the mailing envelope addressed to the supervisor. Insert
20 a copy of your identification in the mailing envelope. DO NOT
21 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
22 BALLOT OR INSIDE THE ENVELOPE THAT BEARS THE VOTER'S
23 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.
24 9. Mail, deliver, or have delivered the completed
25 mailing envelope. Be sure there is sufficient postage if
26 mailed.
27 10. FELONY NOTICE. It is a felony under Florida law
28 to accept any gift, payment, or gratuity in exchange for your
29 vote for a candidate. It is also a felony under Florida law to
30 vote in an election using a false identity or false address,
31

1 or under any other circumstances making your ballot false or
2 fraudulent.

3 Section 21. Section 101.6925, Florida Statutes, is
4 created to read:

5 101.6925 Canvassing special absentee ballots.--

6 (1) The supervisor of elections of the county where
7 the absent elector resides shall receive the voted special
8 absentee ballot, at which time the mailing envelope shall be
9 opened to determine if the voter has enclosed the
10 identification required or has indicated on the Voter's
11 Certificate that he or she is exempt from the identification
12 requirements.

13 (2) If the identification is enclosed or the voter has
14 indicated that he or she is exempt from the identification
15 requirements, the supervisor shall make the note on the
16 registration records of the voter and proceed to canvass the
17 absentee ballot as provided in s. 101.68.

18 (3) If the identification is not enclosed in the
19 mailing envelope and the voter has not indicated that he or
20 she is exempt from the identification requirements, the
21 supervisor shall check the voter registration records to
22 determine if the voter's identification was previously
23 received or the voter had previously notified the supervisor
24 that he or she was exempt. The envelope with the Voter's
25 Certificate shall not be opened unless the identification has
26 been received or the voter has indicated that he or she is
27 exempt. The ballot shall be treated as a provisional ballot
28 until 7 p.m. on election day, and shall not be canvassed
29 unless the supervisor has received the required identification
30 or written indication of exemption by 7 p.m. on election day.

31

1 Section 22. Subsection (1) of section 101.694, Florida
2 Statutes, is amended to read:

3 101.694 Mailing of ballots upon receipt of federal
4 postcard application.--

5 (1) Upon receipt of a federal postcard application for
6 an absentee ballot executed by a person whose registration is
7 in order or whose application is sufficient to register or
8 update the registration of that person, the supervisor shall
9 mail to the applicant a ballot, if the ballots are available
10 for mailing. The federal postcard application request for an
11 absentee ballot shall be effective for all elections through
12 the next two regularly scheduled general elections.

13 Section 23. Subsection (2) of section 102.141, Florida
14 Statutes, is amended to read:

15 102.141 County canvassing board; duties.--

16 (2) The county canvassing board shall meet in a
17 building accessible to the public in the county where the
18 election occurred at a time and place to be designated by the
19 supervisor of elections to publicly canvass the absentee
20 electors' ballots as provided for in s. 101.68 and provisional
21 ballots as provided by ~~ss.s-~~101.048, 101.049, and 101.6925.
22 Provisional ballots cast pursuant to s. 101.049 shall be
23 canvassed in a manner that votes for candidates and issues on
24 those ballots can be segregated from other votes.Public
25 notice of the time and place at which the county canvassing
26 board shall meet to canvass the absentee electors' ballots and
27 provisional ballots shall be given at least 48 hours prior
28 thereto by publication once in one or more newspapers of
29 general circulation in the county or, if there is no newspaper
30 of general circulation in the county, by posting such notice
31 in at least four conspicuous places in the county. As soon as

1 the absentee electors' ballots and the provisional ballots are
2 canvassed, the board shall proceed to publicly canvass the
3 vote given each candidate, nominee, constitutional amendment,
4 or other measure submitted to the electorate of the county, as
5 shown by the returns then on file in the office of the
6 supervisor of elections and the office of the county court
7 judge.

8 Section 24. (1) Notwithstanding section 100.061,
9 Florida Statutes, for the year 2004, a primary election for
10 nomination of candidates of political parties shall be held on
11 the Tuesday 9 weeks prior to the general election. The
12 candidate receiving the highest number of the votes cast in
13 each contest in the primary election shall be declared
14 nominated for such office. If two or more persons receive an
15 equal and highest number of votes for the same office, such
16 persons shall draw lots to determine who shall receive the
17 nomination.

18 (2) Notwithstanding section 100.091, Florida Statutes,
19 or any other provision of the Florida Election Code to the
20 contrary, there shall be no second primary election between
21 the effective date of this act and January 1, 2006.

22 (3)(a) No later than 5 p.m. of the 9th day following
23 the primary election in 2004, each candidate for Governor
24 shall designate a Lieutenant Governor as a running mate. Such
25 designation must be made in writing to the Department of
26 State.

27 (b) No later than the time specified in paragraph (a),
28 each designated candidate for Lieutenant Governor shall file
29 with the Department of State the qualifying papers specified
30 in section 99.063, Florida Statutes.

31

1 (4)(a) For the 2004 elections, following the last day
2 of qualifying for office, reports pursuant to section 106.07,
3 Florida Statutes, shall be filed on the 32nd, 18th, and 4th
4 days immediately preceding the primary election and on the
5 46th, 32nd, 18th, and 4th days immediately preceding the
6 general election.

7 (b) For the 2004 elections, following the last day of
8 qualifying for office, any statewide candidate who has
9 requested to receive contributions from the Election Campaign
10 Financing Trust Fund or any statewide candidate in a race with
11 a candidate who has requested to receive contributions from
12 the trust fund shall file reports on the 4th, 11th, 18th,
13 25th, and 32nd days immediately preceding the primary election
14 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
15 days prior to the general election.

16 (5) For the 2004 elections, there shall be two
17 elections for purposes of the contribution limits in section
18 106.08, Florida Statutes.

19 (6) This section shall take effect January 2, 2004.

20 Section 25. Effective upon this act becoming a law,
21 subsections (1), (5), and (8) of section 106.011, Florida
22 Statutes, are amended to read:

23 106.011 Definitions.--As used in this chapter, the
24 following terms have the following meanings unless the context
25 clearly indicates otherwise:

26 (1)(a) "Political committee" means:

27 1. A combination of two or more individuals, or a
28 person other than an individual, that, in an aggregate amount
29 in excess of \$500 during a single calendar year:

30
31

1 a. Accepts contributions for the purpose of making
2 contributions to any candidate, political committee, committee
3 of continuous existence, leadership fund, or political party;

4 b. Accepts contributions for the purpose of expressly
5 advocating the election or defeat of a candidate or the
6 passage or defeat of an issue;

7 c. Makes expenditures that expressly advocate the
8 election or defeat of a candidate or the passage or defeat of
9 an issue; or

10 d. Makes contributions to a common fund, other than a
11 joint checking account between spouses, from which
12 contributions are made to any candidate, political committee,
13 committee of continuous existence, leadership fund, or
14 political party.

15 2. The sponsor of a proposed constitutional amendment
16 by initiative who intends to seek the signatures of registered
17 electors.

18 (b) Notwithstanding paragraph (a), the following
19 entities are not considered political committees for purposes
20 of this chapter:

21 1. Organizations which are certified by the Department
22 of State as committees of continuous existence pursuant to s.
23 106.04, leadership funds, national political parties, and the
24 state and county executive committees of political parties
25 regulated by chapter 103.

26 2. Corporations regulated by chapter 607 or chapter
27 617 or other business entities formed for purposes other than
28 to support or oppose issues or candidates, if their political
29 activities are limited to contributions to candidates,
30 political parties, leadership funds, or political committees
31 or expenditures in support of or opposition to an issue from

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

3 (5)(a) "Independent expenditure" means an expenditure
4 by a person for the purpose of advocating the election or
5 defeat of a candidate or the approval or rejection of an
6 issue, which expenditure is not controlled by, coordinated
7 with, or made upon consultation with, any candidate, political
8 committee, or agent of such candidate or committee. An
9 expenditure for such purpose by a person having a contract
10 with the candidate, political committee, or agent of such
11 candidate or committee in a given election period shall not be
12 deemed an independent expenditure.

13 (b) An expenditure for the purpose of advocating the
14 election or defeat of a candidate which is made by the
15 national, state, or county executive committee of a political
16 party, including any subordinate committee of a national,
17 state, or county committee of a political party, by a
18 leadership fund, or by any political committee or committee of
19 continuous existence, or any other person, shall not be
20 considered an independent expenditure if the committee or
21 person:

22 1. Communicates with the candidate, the candidate's
23 campaign, or an agent of the candidate acting on behalf of the
24 candidate, including any pollster, media consultant,
25 advertising agency, vendor, advisor, or staff member,
26 concerning the preparation of, use of, or payment for, the
27 specific expenditure or advertising campaign at issue; or

28 2. Makes a payment in cooperation, consultation, or
29 concert with, at the request or suggestion of, or pursuant to
30 any general or particular understanding with the candidate,
31 the candidate's campaign, a political committee supporting the

1 candidate, or an agent of the candidate relating to the
2 specific expenditure or advertising campaign at issue; or

3 3. Makes a payment for the dissemination,
4 distribution, or republication, in whole or in part, of any
5 broadcast or any written, graphic, or other form of campaign
6 material prepared by the candidate, the candidate's campaign,
7 or an agent of the candidate, including any pollster, media
8 consultant, advertising agency, vendor, advisor, or staff
9 member; or

10 4. Makes a payment based on information about the
11 candidate's plans, projects, or needs communicated to a member
12 of the committee or person by the candidate or an agent of the
13 candidate, provided the committee or person uses the
14 information in any way, in whole or in part, either directly
15 or indirectly, to design, prepare, or pay for the specific
16 expenditure or advertising campaign at issue; or

17 5. After the last day of qualifying for statewide or
18 legislative office, consults about the candidate's plans,
19 projects, or needs in connection with the candidate's pursuit
20 of election to office and the information is used in any way
21 to plan, create, design, or prepare an independent expenditure
22 or advertising campaign, with:

23 a. Any officer, director, employee, or agent of a
24 leadership fund, including a leader, or a national, state, or
25 county executive committee of a political party that has made
26 or intends to make expenditures in connection with or
27 contributions to the candidate; or

28 b. Any person whose professional services have been
29 retained by a leadership fund or a national, state, or county
30 executive committee of a political party that has made or
31

1 intends to make expenditures in connection with or
2 contributions to the candidate; or

3 6. After the last day of qualifying for statewide or
4 legislative office, retains the professional services of any
5 person also providing those services to the candidate in
6 connection with the candidate's pursuit of election to office;
7 or

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

10 (8) "Person" means an individual or a corporation,
11 association, firm, partnership, joint venture, joint stock
12 company, club, organization, estate, trust, business trust,
13 syndicate, or other combination of individuals having
14 collective capacity. The term includes a leadership fund,
15 political party, political committee, or committee of
16 continuous existence.

17 Section 26. Effective upon this act becoming a law,
18 subsection (3) of section 106.021, Florida Statutes, is
19 amended to read:

20 106.021 Campaign treasurers; deputies; primary and
21 secondary depositories.--

22 (3) Except for independent expenditures, no
23 contribution or expenditure, including contributions or
24 expenditures of a candidate or of the candidate's family,
25 shall be directly or indirectly made or received in
26 furtherance of the candidacy of any person for nomination or
27 election to political office in the state or on behalf of any
28 political committee except through the duly appointed campaign
29 treasurer of the candidate or political committee; however, a
30 candidate or any other individual may be reimbursed for
31 expenses incurred for travel, food and beverage, office

1 supplies, and mementos expressing gratitude to campaign
2 supporters by a check drawn upon the campaign account and
3 reported pursuant to s. 106.07(4). In addition, expenditures
4 may be made directly by any political committee, by a leader
5 expending leadership funds pursuant to s. 106.295, or by a
6 political party regulated by chapter 103 for obtaining time,
7 space, or services in or by any communications medium for the
8 purpose of jointly endorsing three or more candidates, and any
9 such expenditure shall not be considered a contribution or
10 expenditure to or on behalf of any such candidates for the
11 purposes of this chapter.

12 Section 27. Effective upon this act becoming a law,
13 section 106.025, Florida Statutes, is amended to read:

14 106.025 Campaign fund raisers.--

15 (1)(a) No campaign fund raiser may be held unless the
16 person for whom such funds are to be so used is a candidate
17 for public office.

18 (b) All money and contributions received with respect
19 to such a campaign fund raiser shall be deemed to be campaign
20 contributions, and shall be accounted for, and subject to the
21 same restrictions, as other campaign contributions. All
22 expenditures made with respect to such a campaign fund raiser
23 which are made or reimbursed by a check drawn on the campaign
24 depository of the candidate for whom the funds are to be used
25 and shall be deemed to be campaign expenditures to be
26 accounted for, and subject to the same restrictions, as other
27 campaign expenditures.

28 (c) Any tickets or advertising for such a campaign
29 fund raiser shall contain the following statement: "The
30 purchase of a ticket for, or a contribution to, the campaign
31 fund raiser is a contribution to the campaign of ...(name of

1 the candidate for whose benefit the campaign fund raiser is
2 held)...." Such tickets or advertising shall also comply with
3 other provisions of this chapter relating to political
4 advertising.

5 (d) Any person or candidate who holds a campaign fund
6 raiser, or consents to a campaign fund raiser being held, in
7 violation of the provisions of this subsection is guilty of a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083.

10 (2) This section shall not apply to any campaign fund
11 raiser held on behalf of a leadership fund by the leader or on
12 behalf of a political party by the state or county executive
13 committee of such party, provided that the proceeds of such
14 campaign fund raiser are reported pursuant to s. 106.29.

15 Section 28. Effective upon this act becoming a law,
16 subsections (1) and (4) of section 106.04, Florida Statutes,
17 are amended to read:

18 106.04 Committees of continuous existence.--

19 (1) In order to qualify as a committee of continuous
20 existence for the purposes of this chapter, a group,
21 organization, association, or other such entity that ~~which~~ is
22 involved in making contributions to candidates, political
23 committees, leadership funds, or political parties, shall meet
24 the following criteria:

25 (a) It shall be organized and operated in accordance
26 with a written charter or set of bylaws which contains
27 procedures for the election of officers and directors and
28 which clearly defines membership in the organization; and

29 (b) At least 25 percent of the income of such
30 organization, excluding interest, must be derived from dues or
31

1 assessments payable on a regular basis by its membership
2 pursuant to provisions contained in the charter or bylaws.

3 (4)(a) Each committee of continuous existence shall
4 file an annual report with the Division of Elections during
5 the month of January. Such annual reports shall contain the
6 same information and shall be accompanied by the same
7 materials as original applications filed pursuant to
8 subsection (2). However, the charter or bylaws need not be
9 filed if the annual report is accompanied by a sworn statement
10 by the chair that no changes have been made to such charter or
11 bylaws since the last filing.

12 (b)1. Each committee of continuous existence shall
13 file regular reports with the Division of Elections at the
14 same times and subject to the same filing conditions as are
15 established by s. 106.07(1) and (2) for candidates' reports.

16 2. Any committee of continuous existence failing to so
17 file a report with the Division of Elections pursuant to this
18 paragraph on the designated due date shall be subject to a
19 fine for late filing as provided by this section.

20 (c) All committees of continuous existence shall file
21 the original and one copy of their reports with the Division
22 of Elections. In addition, a duplicate copy of each report
23 shall be filed with the supervisor of elections in the county
24 in which the committee maintains its books and records, except
25 that if the filing officer to whom the committee is required
26 to report is located in the same county as the supervisor no
27 such duplicate report is required to be filed with the
28 supervisor. Reports shall be on forms provided by the
29 division and shall contain the following information:

30 1. The full name, address, and occupation of each
31 person who has made one or more contributions to the committee

1 during the reporting period, together with the amounts and
2 dates of such contributions. For corporations, the report
3 must provide as clear a description as practicable of the
4 principal type of business conducted by the corporation.
5 However, if the contribution is \$100 or less, the occupation
6 of the contributor or principal type of business need not be
7 listed. However, for any contributions which represent the
8 payment of dues by members in a fixed amount pursuant to the
9 schedule on file with the Division of Elections, only the
10 aggregate amount of such contributions need be listed,
11 together with the number of members paying such dues and the
12 amount of the membership dues.

13 2. The name and address of each political committee or
14 committee of continuous existence from which the reporting
15 committee received, or the name and address of each political
16 committee, committee of continuous existence, leadership fund,
17 or political party to which it made, any transfer of funds,
18 together with the amounts and dates of all transfers.

19 3. Any other receipt of funds not listed pursuant to
20 subparagraph 1. or subparagraph 2., including the sources and
21 amounts of all such funds.

22 4. The name and address of, and office sought by, each
23 candidate to whom the committee has made a contribution during
24 the reporting period, together with the amount and date of
25 each contribution.

26 (d) The treasurer of each committee shall certify as
27 to the correctness of each report and shall bear the
28 responsibility for its accuracy and veracity. Any treasurer
29 who willfully certifies to the correctness of a report while
30 knowing that such report is incorrect, false, or incomplete
31

1 commits a misdemeanor of the first degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 Section 29. Effective upon this act becoming a law,
4 section 106.08, Florida Statutes, is amended to read:

5 106.08 Contributions; limitations on.--

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

14 (b)1. The contribution limits provided in this
15 subsection do not apply to contributions made by a state or
16 county executive committee of a political party regulated by
17 chapter 103, a leader expending leadership funds, or to
18 amounts contributed by a candidate to his or her own campaign.

19 2. Notwithstanding the limits provided in this
20 subsection, an unemancipated child under the age of 18 years
21 of age may not make a contribution in excess of \$100 to any
22 candidate or to any political committee supporting one or more
23 candidates.

24 (c) The contribution limits of this subsection apply
25 to each election. For purposes of this subsection, the first
26 primary, second primary, and general election are separate
27 elections so long as the candidate is not an unopposed
28 candidate as defined in s. 106.011(15). However, for the
29 purpose of contribution limits with respect to candidates for
30 retention as a justice or judge, there is only one election,
31 which is the general election. With respect to candidates in a

1 circuit holding an election for circuit judge or in a county
2 holding an election for county court judge, there are only two
3 elections, which are the first primary election and general
4 election.

5 (2)(a) A candidate may not accept contributions from
6 national, state, ~~or including any subordinate committee of a~~
7 ~~national, state, or county committee of a political party, and~~
8 county executive committees of a political party, including
9 any subordinate committee of a national, state, or county
10 committee of a political party, or from leadership funds
11 pursuant to s. 106.295, which contributions in the aggregate
12 exceed \$50,000, no more than \$25,000 of which may be accepted
13 prior to the 28-day period immediately preceding the date of
14 the general election.

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

25 (3)(a) Any contribution received by a candidate with
26 opposition in an election or by the campaign treasurer or a
27 deputy campaign treasurer of such a candidate on the day of
28 that election or less than 5 days prior to the day of that
29 election must be returned by him or her to the person or
30 committee contributing it and may not be used or expended by
31 or on behalf of the candidate.

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

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

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

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

27 (4) Any contribution received by the chair, campaign
28 treasurer, or deputy campaign treasurer of a political
29 committee supporting or opposing a candidate with opposition
30 in an election or supporting or opposing an issue on the
31 ballot in an election on the day of that election or less than

1 5 days prior to the day of that election may not be obligated
2 or expended by the committee until after the date of the
3 election.

4 (5)(a) Except for expenditures from leadership funds
5 as authorized in s. 106.295, a person may not make any
6 contribution through or in the name of another, directly or
7 indirectly, in any election.

8 (b) Candidates, political committees, leadership
9 funds, and political parties may not solicit contributions
10 from any religious, charitable, civic, or other causes or
11 organizations established primarily for the public good.

12 (c) Candidates, political committees, leadership
13 funds, and political parties may not make contributions, in
14 exchange for political support, to any religious, charitable,
15 civic, or other cause or organization established primarily
16 for the public good. It is not a violation of this paragraph
17 for:

18 1. A candidate, political committee, leadership fund,
19 or political party executive committee to make gifts of money
20 in lieu of flowers in memory of a deceased person;

21 2. A candidate to continue membership in, or make
22 regular donations from personal or business funds to,
23 religious, political party, civic, or charitable groups of
24 which the candidate is a member or to which the candidate has
25 been a regular donor for more than 6 months; or

26 3. A candidate to purchase, with campaign funds,
27 tickets, admission to events, or advertisements from
28 religious, civic, political party, or charitable groups.

29 (6) A political party or leadership fund may not
30 accept any contribution which has been specifically designated
31 for the partial or exclusive use of a particular candidate.

1 Any contribution so designated must be returned to the
2 contributor and may not be used or expended by or on behalf of
3 the candidate.

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

26 (b) Any person who knowingly and willfully makes two
27 or more contributions in violation of subsection (1) or
28 subsection (5) commits a felony of the third degree,
29 punishable as provided in s. 775.082, s. 775.083, or s.
30 775.084. If any corporation, partnership, or other business
31 entity or any political party, political committee, or

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

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

23 (9) A leader who is also a candidate, including an
24 individual running for federal office, shall not accept or
25 expend his or her own leadership funds to support his or her
26 own candidacy.

27 (10)~~(9)~~ This section does not apply to the transfer of
28 funds between a primary campaign depository or primary
29 leadership depository and a savings account or certificate of
30 deposit or to any interest earned on such account or
31 certificate.

1 Section 30. Effective upon this act becoming a law,
2 subsection (3) of section 106.147, Florida Statutes, is
3 amended to read:

4 106.147 Telephone solicitation; disclosure
5 requirements; prohibitions; exemptions; penalties.--

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

9 (b) For purposes of paragraph (a), the term "person"
10 includes any candidate; any officer of any political
11 committee, committee of continuous existence, or political
12 party executive committee; any officer, partner, attorney, or
13 other representative of a corporation, partnership, or other
14 business entity; and any agent or other person acting on
15 behalf of any candidate, political committee, committee of
16 continuous existence, leadership fund, political party
17 executive committee, or corporation, partnership, or other
18 business entity.

19 Section 31. Effective upon this act becoming a law,
20 section 106.148, Florida Statutes, is amended to read:

21 106.148 Disclosure of on-line computer
22 solicitation.--A message placed on an information system
23 accessible by computer by a candidate, leader expending
24 leadership funds, political party, political committee, or
25 committee of continuous existence, or an agent of any such
26 candidate, leadership fund, party, or committee, which message
27 is accessible by more than one person, other than an internal
28 communication of the leadership fund, party, committee, or
29 campaign, must include a statement disclosing all information
30 required of political advertisements under s. 106.143.

31

1 Section 32. Effective upon this act becoming a law,
2 section 106.17, Florida Statutes, is amended to read:

3 106.17 Polls and surveys relating to candidacies.--Any
4 candidate, political committee, leader, or state or county
5 executive committee of a political party may authorize or
6 conduct a political poll, survey, index, or measurement of any
7 kind relating to candidacy for public office so long as the
8 candidate, political committee, leader, or political party
9 maintains complete jurisdiction over the poll in all its
10 aspects.

11 Section 33. Effective upon this act becoming a law,
12 section 106.29, Florida Statutes, is amended to read:

13 106.29 Reports by political parties and leadership
14 funds; restrictions on contributions and expenditures;
15 penalties.--

16 (1) The state executive committee of each political
17 party regulated by chapter 103, and each county executive
18 committee of each political party regulated by chapter 103,
19 and each leader operating a leadership fund pursuant to s.
20 106.295, shall file regular reports of all contributions
21 received and all expenditures made ~~by such committee~~. Such
22 reports shall contain the same information as do reports
23 required of candidates by s. 106.07 and shall be filed on the
24 10th day following the end of each calendar quarter, except
25 that, during the period from the last day for candidate
26 qualifying until the general election, such reports shall be
27 filed on the Friday immediately preceding the first primary
28 election, the second primary election, and the general
29 election. Each state executive committee and each leader
30 shall file the original and one copy of its reports with the
31 Division of Elections. Each county executive committee shall

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

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

16 (b) If two or more leaders successively operate the
17 same leadership fund during a single reporting period, each
18 must file a separate report pursuant to paragraph (a) for the
19 period that he or she operated the fund.

20 (3)(a) Any state or county executive committee, or any
21 leader, failing to file a report on the designated due date
22 shall be subject to a fine as provided in paragraph (b) for
23 each late day. The fine shall be assessed by the filing
24 officer, or, in the case of a leader, by the division, and the
25 moneys collected shall be deposited in the Elections
26 Commission Trust Fund.

27 (b) Upon determining that a state or county executive
28 committee report is late, the filing officer shall immediately
29 notify the chair of the executive committee as to the failure
30 to file a report by the designated due date and that a fine is
31 being assessed for each late day. Upon determining that a

1 leader's report is late, the division shall immediately notify
2 the leader as to the failure to file a report by the
3 designated due date and that a fine is being assessed for each
4 late day.The fine shall be \$1,000 for a state executive
5 committee or leader, and \$50 for a county executive committee,
6 per day for each late day, not to exceed 25 percent of the
7 total receipts or expenditures, whichever is greater, for the
8 period covered by the late report. However, if an executive
9 committee or leader fails to file a report on the Friday
10 immediately preceding the general election, the fine shall be
11 \$10,000 per day for each day a state executive committee or
12 leader is late and \$500 per day for each day a county
13 executive committee is late. Upon receipt of the report, the
14 division or filing officer, as appropriate, shall determine
15 the amount of the fine which is due and shall notify the
16 committee chair or leader. The division or filing officer, as
17 appropriate, shall determine the amount of the fine due based
18 upon the earliest of the following:

- 19 1. When the report is actually received ~~by such~~
20 ~~officer.~~
- 21 2. When the report is postmarked.
- 22 3. When the certificate of mailing is dated.
- 23 4. When the receipt from an established courier
24 company is dated.

25
26 Such fine shall be paid to the division or filing officer, as
27 appropriate, within 20 days after receipt of the notice of
28 payment due, unless appeal is made to the Florida Elections
29 Commission pursuant to paragraph (c). An officer or member of
30 an executive committee or a leader shall not be personally
31 liable for such fine.

1 (c) The chair of an executive committee or a leader
2 may appeal or dispute the fine, based upon unusual
3 circumstances surrounding the failure to file on the
4 designated due date, and may request and shall be entitled to
5 a hearing before the Florida Elections Commission, which shall
6 have the authority to waive the fine in whole or in part. Any
7 such request shall be made within 20 days after receipt of the
8 notice of payment due. In such case, the chair of the
9 executive committee or the leader shall, within the 20-day
10 period, notify the division or filing officer, as appropriate,
11 in writing of his or her intention to bring the matter before
12 the commission.

13 (d) The division or the ~~appropriate~~ filing officer, as
14 appropriate, shall notify the Florida Elections Commission of
15 the repeated late filing by an executive committee or leader,
16 the failure of an executive committee or leader to file a
17 report after notice, or the failure to pay the fine imposed.

18 (4) Any contribution received by a state or county
19 executive committee or a leadership fund less than 5 days
20 before an election shall not be used or expended in behalf of
21 any candidate, issue, or political party participating in such
22 election.

23 (5) No state or county executive committee nor any
24 leadership fund, in the furtherance of any candidate or
25 political party, directly or indirectly, shall give, pay, or
26 expend any money, give or pay anything of value, authorize any
27 expenditure, or become pecuniarily liable for any expenditure
28 prohibited by this chapter. However, the contribution of funds
29 by one executive committee to another or to established party
30 organizations for legitimate party or campaign purposes is not
31 prohibited, but all such contributions shall be recorded and

1 accounted for in the reports of the contributor and recipient.
2 Similarly, the contribution of funds by a national, state, or
3 county executive committee to a leadership fund or from a
4 leadership fund to such committee for legitimate party or
5 leadership purposes is not prohibited, but all such
6 contributions shall be recorded and accounted for in the
7 reports of the contributor and recipient required by state
8 law.

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

23 (7) The division shall prescribe a form for reporting
24 leadership fund contributions and expenditures pursuant to
25 this section.

26 (8) Notwithstanding any other provisions of this
27 chapter, in any reporting period during which a leadership
28 fund has not received any contributions or made any reportable
29 expenditures, the filing of the report for that period shall
30 be waived. However, the next report filed must specify that
31

1 it covers the entire period between the last submitted report
2 and the report being filed.

3 Section 34. Effective upon this act becoming a law,
4 section 106.295, Florida Statutes, is amended to read:

5 106.295 Leadership fund.--

6 (1) For purposes of this section:

7 (a) "Leadership fund" means accounts comprised of any
8 moneys contributed to a leader political party, directly or
9 indirectly, which are designated for deposit into a primary
10 leadership depository. Such funds may to be used at the
11 partial or total discretion of the a leader for any purpose on
12 which the state or county executive committee of a political
13 party could spend its funds, and also for the payment of
14 leadership expenses.

15 (b) "Leader" means the President of the Senate, the
16 Speaker of the House of Representatives, ~~the majority leader~~
17 and the minority leader of each house, or any member
18 personally designated by the President of the Senate, the
19 Speaker of the House of Representatives, or such minority
20 leader, until such time as and any person designated by a
21 political caucus of members of either house formally
22 designates a successor to succeed to any such position who
23 shall, upon such designation, become the leader for purposes
24 of this chapter.

25 (2) A leader operating a leadership fund shall appoint
26 a fund treasurer and designate a primary leadership depository
27 for the purpose of depositing all contributions received and
28 disbursing all expenditures made by the fund. Except for
29 expenditures made from petty cash funds pursuant to subsection
30 (3), each leader and treasurer shall make expenditures from
31 funds on deposit in such primary leadership depository only by

1 means of a bank check or debit card, subject to the same
2 limitations governing primary campaign depositories as
3 provided in s. 106.11.

4 (3) A leadership fund treasurer may withdraw funds
5 from the primary leadership depository to establish a petty
6 cash fund in the same manner and subject to the same
7 limitations as apply to statewide candidates pursuant to s.
8 106.12. For purposes of applying this subsection, the term
9 "qualifying" in s. 106.12 shall refer to the period during
10 which state legislative candidates qualify with the Department
11 of State pursuant to chapter 99.

12 (4) A leadership fund treasurer shall keep the same
13 type of detailed accounts with regard to the leadership fund
14 as a campaign treasurer keeps for a candidate pursuant to s.
15 106.06, except that the leadership fund treasurer shall
16 preserve the accounts kept for 2 years. Accounts kept by the
17 leadership fund treasurer shall be open to inspection as
18 provided in s. 106.06.

19 ~~(2) Leadership funds are prohibited in this state. No~~
20 ~~leader shall accept any leadership funds.~~

21 ~~(3) This section applies to leadership funds in~~
22 ~~existence on or after January 1, 1990.~~

23 Section 35. Effective upon this act becoming a law,
24 subsection (3) of section 106.33, Florida Statutes, is amended
25 to read:

26 106.33 Election campaign financing; eligibility.--Each
27 candidate for the office of Governor or member of the Cabinet
28 who desires to receive contributions from the Election
29 Campaign Financing Trust Fund shall, upon qualifying for
30 office, file a request for such contributions with the filing
31 officer on forms provided by the Division of Elections. If a

1 candidate requesting contributions from the fund desires to
2 have such funds distributed by electronic fund transfers, the
3 request shall include information necessary to implement that
4 procedure. For the purposes of ss. 106.30-106.36, candidates
5 for Governor and Lieutenant Governor on the same ticket shall
6 be considered as a single candidate. To be eligible to
7 receive contributions from the fund, a candidate may not be an
8 unopposed candidate as defined in s. 106.011(15) and must:

9 (3) Limit loans or contributions from the candidate's
10 personal funds to \$25,000 and contributions from leadership
11 funds and national, state, and county executive committees of
12 a political party to \$25,000 in the aggregate, which loans or
13 contributions shall not qualify for meeting the threshold
14 amounts in subsection (2).

15 Section 36. Subsection (13) of section 106.011,
16 Florida Statutes, is amended to read:

17 106.011 Definitions.--As used in this chapter, the
18 following terms have the following meanings unless the context
19 clearly indicates otherwise:

20 (13) "Communications media" means broadcasting
21 stations, newspapers, magazines, outdoor advertising
22 facilities, printers, direct mailing companies, advertising
23 agencies, the Internet, and telephone companies; but with
24 respect to telephones, an expenditure shall be deemed to be an
25 expenditure for the use of communications media only if made
26 for the costs of telephones, paid telephonists, or automatic
27 telephone equipment to be used by a candidate or a political
28 committee to communicate with potential voters but excluding
29 any costs of telephones incurred by a volunteer for use of
30 telephones by such volunteer.

31

1 Section 37. Subsection (5) of section 106.11, Florida
2 Statutes, is amended to read:

3 106.11 Expenses of and expenditures by candidates and
4 political committees.--Each candidate and each political
5 committee which designates a primary campaign depository
6 pursuant to s. 106.021(1) shall make expenditures from funds
7 on deposit in such primary campaign depository only in the
8 following manner, with the exception of expenditures made from
9 petty cash funds provided by s. 106.12:

10 (5) A candidate who withdraws his or her candidacy,
11 becomes an unopposed candidate, or is eliminated as a
12 candidate or elected to office may expend funds from the
13 campaign account to:

14 (a) Purchase "thank you" advertising for up to 75 days
15 after he or she withdraws, ~~becomes unopposed,~~ or is eliminated
16 or elected.

17 (b) Pay for items which were obligated before he or
18 she withdrew, became unopposed, or was eliminated or elected.

19 (c) Pay for expenditures necessary to close down the
20 campaign office and to prepare final campaign reports.

21 (d) Dispose of surplus funds as provided in s.
22 106.141.

23 Section 38. Subsection (1) of section 106.141, Florida
24 Statutes, is amended to read:

25 106.141 Disposition of surplus funds by candidates.--

26 (1) Each candidate who withdraws his or her candidacy,
27 ~~becomes an unopposed candidate,~~ or is eliminated as a
28 candidate, or is elected to office shall, no later than 90
29 days after such withdrawal, elimination, or election ~~within 90~~
30 ~~days~~, dispose of the funds on deposit in his or her campaign
31 account and file a report reflecting the disposition of all

1 remaining funds. Such candidate shall not accept any
2 contributions, nor shall any person accept contributions on
3 behalf of such candidate, after the candidate withdraws his or
4 her candidacy, becomes an unopposed candidate, or is
5 eliminated or elected. However, if a candidate receives a
6 refund check after all surplus funds have been disposed of,
7 the check may be endorsed by the candidate and the refund
8 disposed of under this section. An amended report must be
9 filed showing the refund and subsequent disposition.

10 Section 39. Section 106.1433, Florida Statutes, is
11 created to read:

12 106.1433 Florida Advertising campaign exposure;
13 electioneering advertisements; requirements.--

14 (1) As used in this section, the term:

15 (a) "Electioneering advertisement" means a paid
16 expression in any communications media prescribed in s.
17 106.011(13) published on the day of any election or any of the
18 the preceding 29 days which names or depicts a candidate for
19 office in that election or which references a clearly
20 identifiable ballot measure in that election. Any
21 advertisement that qualifies as an independent expenditure
22 pursuant to s. 106.011(5) or a political advertisement
23 pursuant to s. 106.011(17) is not an electioneering
24 advertisement for purposes of this section. However, the term
25 does not include:

26 1. A statement or depiction by an organization, in
27 existence prior to the time during which the candidate named
28 or depicted qualifies or the issue clearly-referenced is
29 placed on the ballot for that election, made in that
30 organization's newsletter, which newsletter is distributed
31 only to members of that organization.

1 2. An editorial endorsement by any newspaper, radio,
2 or television station or other recognized news medium.

3 (b) "Contribution" means:

4 1. 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 funding or
8 sponsoring an electioneering advertisement.

9 2. A transfer of funds between a political committee
10 or a committee or continuous existence and a person funding or
11 sponsoring an electioneering advertisement.

12 3. 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 person
15 funding or sponsoring an electioneering advertisement.

16 (c) "Expenditure" means a purchase, payment,
17 distribution, loan, advance, or gift of money or anything of
18 value made for the purpose of funding or sponsoring an
19 electioneering advertisement. However, the term does not
20 include a purchase, payment, distribution, loan, advance, or
21 gift of money or anything of value made for the purpose of
22 funding or sponsoring an electioneering advertisement when
23 made by an organization, in existence prior to the time during
24 which a candidate qualifies or a ballot measure is placed on
25 the ballot for that election, for the purpose of printing or
26 distributing such organization's newsletter, containing a
27 statement by such organization in support of or opposition to
28 a candidate or ballot measure, which newsletter is distributed
29 only to members of such organization.

30 (2) Each person that sponsors or funds an
31 electioneering advertisement must file regular reports of all

1 contributions received and all expenditures made by such
2 person with the same officer as a political committee
3 supporting or opposing the candidate named or depicted or the
4 ballot measure referenced in the advertisement. Such reports
5 must contain the same information and are subject to the same
6 filing requirements as reports required under s. 106.07 for
7 candidates not receiving public financing.

8 (3)(a) If the initial publication of the
9 electioneering advertisement occurs after the final regular
10 report is due under subsection (2) but prior to the closing of
11 the polls on election day, the person funding or sponsoring
12 the advertisement must file a report electronically with the
13 division no later than 1 hour after the initial publication of
14 the advertisement. The report must contain the same
15 information as required of a candidate by s. 106.07(4). Upon
16 receipt of the filing, the division shall electronically
17 transmit a confirmation of receipt to the person filing the
18 report. If the person is unable to file electronically for any
19 reason, a written report containing the required information
20 may be faxed or hand delivered to the division no later than 1
21 hour after the initial publication of the advertisement.
22 However, if a report due to be filed under this paragraph on a
23 Saturday, Sunday, or legal holiday cannot be electronically
24 filed because of problems with Internet communications, the
25 report must be filed either electronically, by facsimile, or
26 by hand delivery with the division no later than 10 a.m. on
27 the next business day.

28 (b) The division shall adopt rules providing for
29 electronic filing which must, at a minimum, provide that:

30 1. The division develop an electronic filing system
31 using the Internet or other on-line technologies; and

1 2. The system be reasonably secure and be designed to
2 elicit the name, address, birthdate, and any other information
3 necessary to authenticate the identity of the person
4 submitting the report.

5 (c) Information filed with the division pursuant to
6 this subsection must also be included on the next regular
7 report required under subsection (2).

8 (4)(a) The following persons shall be responsible for
9 filing the reports required in subsections (2) and (3), shall
10 certify as to the correctness of each report, and shall bear
11 the responsibility for the accuracy and veracity of each
12 report:

13 1. The candidate and his or her campaign treasurer, if
14 the person funding or sponsoring the electioneering
15 advertisement is a candidate.

16 2. The committee chair and treasurer of the committee,
17 if the person funding or sponsoring the electioneering
18 advertisement is a political committee, committee of
19 continuous existence, or executive committee of a political
20 party;

21 3. The individual, if the person funding or sponsoring
22 the electioneering advertisement is a natural person who is
23 not a candidate; or

24 4. The organization's most senior officer, or, if
25 there is no formal organizational structure, the principal
26 organizer, if the person funding or sponsoring the
27 electioneering advertisement is a group other than a political
28 committee, committee of continuous existence, or executive
29 committee of a political party. The name, address, and title
30 of the designated individual must be filed with the division
31

1 in writing prior to, or contemporaneous with, the filing of
2 the initial report.

3
4 Such a person is liable for violations of report filing
5 requirements to the same extent as candidates pursuant to ss.
6 106.07(5), 106.19, and 106.265.

7 (b) In addition to the penalties prescribed in
8 paragraph (a), the person funding or sponsoring an
9 electioneering advertisement and the person responsible for
10 reporting pursuant to this subsection shall be jointly and
11 severally liable for late filing fines assessed by the Florida
12 Elections Commission pursuant to s. 106.07(8). Any such person
13 may appeal or dispute the fine in accordance with the
14 provisions of s. 106.07(8)(c).

15 (5) Any electioneering advertisement must be approved
16 by the individual required to certify reports pursuant to
17 subsection (4). Such individual shall provide a written
18 statement of authorization to the newspaper, radio station,
19 television station, or other medium for each such
20 advertisement contemporaneous with the advertisement's initial
21 publication, display, broadcast, or other distribution.

22 (6)(a) If the person funding an electioneering
23 advertisement is an individual subject to certifying reports
24 pursuant to subparagraph (4)(a)1. or subparagraph (4)(a)3.,
25 the advertisement must prominently state, "Paid advertisement
26 paid for and approved by ... (Name of person funding the
27 electioneering advertisement)...," followed by the address of
28 the person funding the advertisement.

29 (b) If the person funding an electioneering
30 advertisement is a group, organization, or committee subject
31 to certifying reports pursuant to subparagraph (4)(a)2. or

1 subparagraph (4)(a)4., the advertisement must prominently
2 state, "Paid advertisement paid for and approved by ...(Name
3 and title of individual(s) required to certify reports)... of
4 ...(name of group, organization, or committee)...," followed
5 by the address of the group, organization, or committee.
6 (c) The Florida Elections Commission is authorized,
7 upon finding a violation of this subsection, to impose a civil
8 penalty in the form of fines not to exceed \$5,000 or the total
9 cost of the advertisements without the proper disclaimer,
10 whichever is greater. In determining the amount of the
11 penalty, the commission must consider any mitigating or
12 aggravating circumstances prescribed in s. 106.265. This
13 penalty shall substitute for the penalties provided in s.
14 106.265, shall be deposited into the General Revenue Fund of
15 the state, and, if necessary, shall be collected pursuant to
16 s. 106.265(2).
17 (7) Except for expenditures from leadership funds as
18 authorized in s. 106.295, a person may not make a contribution
19 through or in the name of another, directly or indirectly, for
20 the purpose of funding an electioneering advertisement.
21 Section 40. Section 106.1437, Florida Statutes, is
22 amended to read:
23 106.1437 Miscellaneous advertisements.--Any
24 advertisement, other than a political advertisement, on
25 billboards, bumper stickers, radio, or television, or in a
26 newspaper, a magazine, or a periodical, intended to influence
27 public policy or the vote of a public official, shall clearly
28 designate the sponsor of such advertisement by including a
29 clearly readable statement of sponsorship. If the
30 advertisement is broadcast on television, the advertisement
31 shall also contain a verbal statement of sponsorship. This

1 section shall not apply to an editorial endorsement nor to any
2 "electioneering advertisement" that includes a sponsorship
3 disclaimer pursuant to s. 106.1433.

4 Section 41. If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 invalidity does not affect other provisions or applications of
7 the act which can be given effect without the invalid
8 provision or application, and to this end the provisions of
9 this act are severable.

10 Section 42. Except as otherwise expressly provided in
11 this act, this act shall take effect January 1, 2004.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 1500

16 The Committee Substitute differs from the original bill in
17 that it: retrofits many of Florida's existing laws to meet
18 the new, somewhat technical election administration
19 requirements in the federal Help America Vote Act of 2002, in
20 areas such as voting technology, provisional ballots, and
21 voter registration; extends the current second primary
22 sabbatical through December 31, 2005; authorizes and
23 prescribes the requirements for the use of leadership funds by
24 legislative leaders; institutes reporting and disclaimer
25 requirements for issue advocacy political advertisements; and,
26 modifies: (a) the timetables for disposition of surplus funds
27 by unopposed candidates; and, (b) sponsorship disclaimers for
28 political advertisements on the Internet.
29
30
31