

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; directing the Department
2 of State to adopt uniform rules for machine
3 recounts; suspending operation of the second
4 primary election until January 1, 2006;
5 providing a date in 2004 by which candidates
6 for Lieutenant Governor must be designated and
7 qualified; providing campaign finance reporting
8 dates and contribution limits for the 2004
9 elections; amending s. 99.103, F.S.; directing
10 the rebate of legislative candidate filing fees
11 to leadership funds; amending s. 99.092, F.S.,
12 relating to the return of filing fees in the
13 event of a candidate's death, to conform;
14 amending s. 106.011, F.S.; redefining the terms
15 "political committee," "independent
16 expenditure," and "person"; amending s.
17 106.021, F.S.; exempting leadership fund
18 expenditures for communications jointly
19 endorsing three or more candidates from the
20 limits applicable to candidate contributions;
21 amending s. 106.025, F.S.; exempting certain
22 leadership fund fundraisers from campaign fund
23 raiser requirements; amending s. 106.04, F.S.;
24 modifying reporting requirements for committees
25 of continuous existence that make contributions
26 to leadership funds; amending s. 106.08, F.S.;
27 exempting leadership funds from the limits
28 applicable to contributions to candidates and
29 political committees supporting candidates;
30 prescribing the amount a candidate may accept
31 in contributions from leadership funds;

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

1 leadership funds; requiring the creation of a
2 primary leadership depository; mandating the
3 appointment of a leadership fund treasurer;
4 prescribing the method for making leadership
5 fund expenditures; authorizing the use of petty
6 cash funds; requiring the leadership fund
7 treasurer to maintain records and accounts in a
8 certain manner for a specified period; amending
9 s. 106.33, F.S.; modifying the contribution
10 limits applicable to candidates accepting
11 public financing; amending s. 103.081, F.S.;
12 exempting leadership funds from the prohibition
13 against the use of its political party name,
14 abbreviation, or symbol; amending s. 103.091,
15 F.S.; creating leadership funds as an
16 independent entity within a political party;
17 amending s. 106.011, F.S.; redefining the term
18 "communications media"; amending s. 106.11,
19 F.S.; extending the time for unopposed
20 candidates to purchase "thank you" advertising;
21 amending s. 106.141, F.S.; extending the date
22 for unopposed candidates to file a termination
23 report, to conform; creating s. 106.1433, F.S.;
24 establishing reporting requirements for certain
25 political electioneering advertisements
26 intended to influence public policy;
27 prescribing prohibitions and exemptions;
28 prescribing penalties; amending s. 106.1437,
29 F.S.; exempting electioneering ads from
30 disclaimer requirements applicable to
31 miscellaneous advertisements, to conform;

1 providing for severability; providing effective
2 dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (11) of section 97.012, Florida
7 Statutes, is amended, and subsection (13) is added to that
8 section, to read:

9 97.012 Secretary of State as chief election
10 officer.--The Secretary of State is the chief election officer
11 of the state, and it is his or her responsibility to:

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

14 (13) Designate an office within the Department of
15 State to be responsible for providing information regarding
16 voter registration procedures and absentee ballot procedures
17 to absent uniformed services voters and overseas voters.

18 Section 2. Section 97.021, Florida Statutes, is
19 amended to read:

20 97.021 Definitions.--For the purposes of this code,
21 except where the context clearly indicates otherwise, the
22 term:

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

25 (2) "Alternative formats" has the meaning ascribed in
26 the Americans with Disabilities Act of 1990, Pub. L. No.
27 101-336, 42 U.S.C. ss. 12101 et seq., including specifically
28 the technical assistance manuals promulgated thereunder, as
29 amended.

30 (3) "Ballot" or "official ballot" when used in
31 reference to:

1 (a) "Paper ballots" means that printed sheet of paper,
2 used in conjunction with an electronic or electromechanical
3 vote tabulation voting system, containing the names of
4 candidates, or a statement of proposed constitutional
5 amendments or other questions or propositions submitted to the
6 electorate at any election, on which sheet of paper an elector
7 casts his or her vote.

8 (b) "Electronic or electromechanical devices" means a
9 ballot that is voted by the process of electronically
10 designating, including by touchscreen, or marking with a
11 marking device for tabulation by automatic tabulating
12 equipment or data processing equipment.

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

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

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

19 (c) Any person who receives contributions or makes
20 expenditures, or gives his or her consent for any other person
21 to receive contributions or make expenditures, with a view to
22 bringing about his or her nomination or election to, or
23 retention in, public office.

24 (d) Any person who appoints a treasurer and designates
25 a primary depository.

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

28
29 However, this definition does not include any candidate for a
30 political party executive committee.

31

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

4 (5)~~(6)~~ "Department" means the Department of State.

5 (6)~~(7)~~ "Division" means the Division of Elections of
6 the Department of State.

7 (7)~~(8)~~ "Election" means any primary election, special
8 primary election, special election, general election, or
9 presidential preference primary election.

10 (8)~~(9)~~ "Election board" means the clerk and inspectors
11 appointed to conduct an election.

12 (9)~~(10)~~ "Election costs" shall include, but not be
13 limited to, expenditures for all paper supplies such as
14 envelopes, instructions to voters, affidavits, reports, ballot
15 cards, ballot booklets for absentee voters, postage, notices
16 to voters; advertisements for registration book closings,
17 testing of voting equipment, sample ballots, and polling
18 places; forms used to qualify candidates; polling site rental
19 and equipment delivery and pickup; data processing time and
20 supplies; election records retention; and labor costs,
21 including those costs uniquely associated with absentee ballot
22 preparation, poll workers, and election night canvass.

23 (10)~~(11)~~ "Elector" is synonymous with the word "voter"
24 or "qualified elector or voter," except where the word is used
25 to describe presidential electors.

26 (11)~~(12)~~ "General election" means an election held on
27 the first Tuesday after the first Monday in November in the
28 even-numbered years, for the purpose of filling national,
29 state, county, and district offices and for voting on
30 constitutional amendments not otherwise provided for by law.

31

1 (12)~~(13)~~ "Lists of registered electors" means copies
2 of printed lists of registered electors, computer tapes or
3 disks, or any other device used by the supervisor of elections
4 to maintain voter records.

5 (13)~~(14)~~ "Member of the Merchant Marine" means an
6 individual, other than a member of a uniformed service or an
7 individual employed, enrolled, or maintained on the Great
8 Lakes for the inland waterways, who is:

9 (a) Employed as an officer or crew member of a vessel
10 documented under the laws of the United States, a vessel owned
11 by the United States, or a vessel of foreign-flag registry
12 under charter to or control of the United States; or

13 (b) Enrolled with the United States for employment or
14 training for employment, or maintained by the United States
15 for emergency relief service, as an officer or crew member of
16 such vessel.

17 (14)~~(15)~~ "Minor political party" is any group as
18 defined in this subsection which on January 1 preceding a
19 primary election does not have registered as members 5 percent
20 of the total registered electors of the state. Any group of
21 citizens organized for the general purposes of electing to
22 office qualified persons and determining public issues under
23 the democratic processes of the United States may become a
24 minor political party of this state by filing with the
25 department a certificate showing the name of the organization,
26 the names of its current officers, including the members of
27 its executive committee, and a copy of its constitution or
28 bylaws. It shall be the duty of the minor political party to
29 notify the department of any changes in the filing certificate
30 within 5 days of such changes.

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1 (15)~~(16)~~ "Newspaper of general circulation" means a
2 newspaper printed in the language most commonly spoken in the
3 area within which it circulates and which is readily available
4 for purchase by all inhabitants in the area of circulation,
5 but does not include a newspaper intended primarily for
6 members of a particular professional or occupational group, a
7 newspaper the primary function of which is to carry legal
8 notices, or a newspaper that is given away primarily to
9 distribute advertising.

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

12 (17)~~(18)~~ "Nonpartisan office" means an office for
13 which a candidate is prohibited from campaigning or qualifying
14 for election or retention in office based on party
15 affiliation.

16 (18)~~(19)~~ "Office that serves persons with
17 disabilities" means any state office that takes applications
18 either in person or over the telephone from persons with
19 disabilities for any program, service, or benefit primarily
20 related to their disabilities.

21 (19)~~(20)~~ "Overseas voter" means:

22 (a) Members of the uniformed services while in the
23 active service who are permanent residents of the state and
24 are temporarily residing outside the territorial limits of the
25 United States and the District of Columbia;

26 (b) Members of the Merchant Marine of the United
27 States who are permanent residents of the state and are
28 temporarily residing outside the territorial limits of the
29 United States and the District of Columbia; and

30 (c) Other citizens of the United States who are
31 permanent residents of the state and are temporarily residing

1 outside the territorial limits of the United States and the
2 District of Columbia,

3
4 who are qualified and registered to vote as provided by law.

5 (20)~~(21)~~ "Overvote" means that the elector marks or
6 designates more names than there are persons to be elected to
7 an office or designates more than one answer to a ballot
8 question, and the tabulator records no vote for the office or
9 question.

10 (21)~~(22)~~ "Persons with disabilities" means individuals
11 who have a physical or mental impairment that substantially
12 limits one or more major life activities.

13 (22)~~(23)~~ "Polling place" is the building which
14 contains the polling room where ballots are cast.

15 (23)~~(24)~~ "Polling room" means the actual room in which
16 ballots are cast.

17 (24)~~(25)~~ "Primary election" means an election held
18 preceding the general election for the purpose of nominating a
19 party nominee to be voted for in the general election to fill
20 a national, state, county, or district office. The first
21 primary is a nomination or elimination election; the second
22 primary is a nominating election only.

23 (25)~~(26)~~ "Provisional ballot" means a conditional
24 ballot, the validity of which shall be determined by the
25 canvassing board.~~issued to a voter by the election board at~~
26 ~~the polling place on election day for one of the following~~
27 ~~reasons:~~

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

31

1 ~~(b) There is an indication on the precinct register~~
2 ~~that the voter has requested an absentee ballot and there is~~
3 ~~no indication whether the voter has returned the absentee~~
4 ~~ballot.~~

5 (26)~~(27)~~ "Public assistance" means assistance provided
6 through the food stamp program; the Medicaid program; the
7 Special Supplemental Food Program for Women, Infants, and
8 Children; and the WAGES Program.

9 (27)~~(28)~~ "Public office" means any federal, state,
10 county, municipal, school, or other district office or
11 position which is filled by vote of the electors.

12 (28)~~(29)~~ "Qualifying educational institution" means
13 any public or private educational institution receiving state
14 financial assistance which has, as its primary mission, the
15 provision of education or training to students who are at
16 least 18 years of age, provided such institution has more than
17 200 students enrolled in classes with the institution and
18 provided that the recognized student government organization
19 has requested this designation in writing and has filed the
20 request with the office of the supervisor of elections in the
21 county in which the institution is located.

22 (29)~~(30)~~ "Special election" is a special election
23 called for the purpose of voting on a party nominee to fill a
24 vacancy in the national, state, county, or district office.

25 (30)~~(31)~~ "Special primary election" is a special
26 nomination election designated by the Governor, called for the
27 purpose of nominating a party nominee to be voted on in a
28 general or special election.

29 (31)~~(32)~~ "Supervisor" means the supervisor of
30 elections.

31

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

5 ~~(33)(34)~~ "Undervote" means that the elector does not
6 properly designate any choice for an office or ballot
7 question, and the tabulator records no vote for the office or
8 question.

9 ~~(34)(35)~~ "Uniformed services" means the Army, Navy,
10 Air Force, Marine Corps, and Coast Guard, the commissioned
11 corps of the Public Health Service, and the commissioned corps
12 of the National Oceanic and Atmospheric Administration.

13 ~~(35)(36)~~ "Voter interface device" means any device
14 that communicates voting instructions and ballot information
15 to a voter and allows the voter to select and vote for
16 candidates and issues.

17 ~~(36)(37)~~ "Voter registration agency" means any office
18 that provides public assistance, any office that serves
19 persons with disabilities, any center for independent living,
20 or any public library.

21 ~~(37)(38)~~ "Voting booth" or "booth" means that booth or
22 enclosure wherein an elector casts his or her ballot for
23 tabulation by an electronic or electromechanical device.

24 ~~(38)(39)~~ "Voting system" means a method of casting and
25 processing votes that functions wholly or partly by use of
26 electromechanical or electronic apparatus or by use of paper
27 ballots and includes, but is not limited to, the procedures
28 for casting and processing votes and the programs, operating
29 manuals, tabulating cards, printouts, and other software
30 necessary for the system's operation.

31

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

3 97.052 Uniform statewide voter registration
4 application.--

5 (3) The uniform statewide voter registration
6 application must also contain:

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

9 (b) A statement specifying each eligibility
10 requirement under s. 97.041.

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

13 (d) A statement that, if an applicant declines to
14 register to vote, the fact that the applicant has declined to
15 register will remain confidential and may be used only for
16 voter registration purposes.

17 (e) A statement that informs the applicant who chooses
18 to register to vote or update a voter registration record that
19 the office at which the applicant submits a voter registration
20 application or updates a voter registration record will remain
21 confidential and may be used only for voter registration
22 purposes.

23 (f) A statement that informs the applicant that any
24 person who has been granted a homestead exemption in this
25 state, and who registers to vote in any precinct other than
26 the one in which the property for which the homestead
27 exemption has been granted, shall have that information
28 forwarded to the property appraiser where such property is
29 located, which may result in the person's homestead exemption
30 being terminated and the person being subject to assessment of
31 back taxes under s. 193.092, unless the homestead granted the

1 exemption is being maintained as the permanent residence of a
2 legal or natural dependent of the owner and the owner resides
3 elsewhere.

4 (g) A statement informing the applicant that if the
5 form is submitted by mail and the applicant is registering for
6 the first time, the applicant will be required to provide
7 identification prior to voting the first time.

8 Section 4. Paragraph (a) of subsection (5) of section
9 97.053, Florida Statutes, is amended to read:

10 97.053 Acceptance of voter registration
11 applications.--

12 (5)(a) A voter registration application is complete if
13 it contains:

- 14 1. The applicant's name.
- 15 2. The applicant's legal residence address.
- 16 3. The applicant's date of birth.
- 17 4. An indication that the applicant is a citizen of
18 the United States.

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

22 b. The last four digits of the applicant's social
23 security number.

24 6. An indication that the applicant has not been
25 convicted of a felony or that, if convicted, has had his or
26 her civil rights restored.

27 7. An indication that the applicant has not been
28 adjudicated mentally incapacitated with respect to voting or
29 that, if so adjudicated, has had his or her right to vote
30 restored.

31

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

6 Section 5. Section 97.0535, Florida Statutes, is
7 created to read:

8 97.0535 Special requirements for certain applicants.--

9 (1) Each applicant who registers by mail and who has
10 never previously voted in the county shall be required to
11 provide a copy of a photo identification as provided in
12 subsection (3) or indicate that he or she is exempt from the
13 identification requirements prior to voting. The applicant may
14 provide the identification or indication at the time of
15 registering or at any time prior to voting for the first time
16 in the county. If the voter registration application clearly
17 provides information from which the supervisor can determine
18 that the applicant meets one of the exemptions in subsection
19 (4), the supervisor shall make the notation on the
20 registration records and the applicant shall not be required
21 to provide further information that is required of first-time
22 voters who register by mail.

23 (2) The supervisor of elections shall, upon accepting
24 the voter registration for an applicant who registered by mail
25 and who has not previously voted in the county, determine if
26 the applicant provided the required identification at the time
27 of registering. If the required identification was not
28 provided, the supervisor shall notify the applicant that he or
29 she must provide the identification prior to voting the first
30 time in the county.

31

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

4 (a) A Florida driver's license;

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

7 (c) A United States passport;

8 (d) An employee badge or ID;

9 (e) A buyer's club ID;

10 (f) A debit card or credit card;

11 (g) A military ID;

12 (h) A student ID;

13 (i) A retirement center ID;

14 (j) A neighborhood association ID;

15 (k) An entertainment ID; or

16 (l) A public assistance ID.

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

19 (a) A person 65 years of age or older.

20 (b) A person with a temporary or permanent physical
21 disability.

22 (c) A member of the uniformed service on active duty
23 who, by reason of such active duty, is absent from the county
24 on election day.

25 (d) A member of the merchant marine who, by reason of
26 service in the merchant marine, is absent from the county on
27 election day.

28 (e) The spouse or dependent of a member specified in
29 paragraph (c) or paragraph (d) who, by reason of the active
30 duty or service of the member, is absent from the county on
31 election day.

1 (f) A person who resides outside the United States who
2 is eligible to vote in this state.

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

5 97.028 Procedures for complaints of violations of
6 Title III of the Help America Vote Act of 2002.--

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

11 (b) The complaint must be in writing and must be
12 signed and sworn to before a notary by the person filing the
13 complaint. In addition, the complaint must state the alleged
14 violation and the person or entity responsible for the
15 violation. The department shall prescribe the form for
16 complaints filed under this section. If the department
17 determines that the complaint fails to allege both a violation
18 and a person or entity responsible for the violation, or that
19 the complaint is not properly executed, the department shall
20 inform the complainant in writing that the complaint is
21 legally insufficient.

22 (c) For purposes of this section, a violation of Title
23 III of the Help America Vote Act of 2002 is the failure to
24 perform an act required or the performance of an act
25 prohibited by Title III of the Help America Vote Act of 2002
26 by a person or entity subject to the act.

27 (d) The department has sole jurisdiction over
28 complaints filed under this section.

29 (e) This section provides the sole avenue of redress
30 for alleged violations of Title III of the Help America Vote
31

1 Act of 2002 and does not give rise to any other cause of
2 action.

3 (f) The department may consolidate complaints filed
4 under this section.

5 (g) All proceedings under this section are exempt from
6 chapter 120.

7 (2)(a) When a legally sufficient complaint is filed
8 with the department, the agency head shall designate a hearing
9 officer who shall provide the subject of the complaint with a
10 copy of the complaint.

11 1. The subject of the complaint shall, within 10 days
12 after receipt of the complaint, file with the department a
13 written, sworn response to the complaint.

14 2. Upon receipt of the response, the hearing officer
15 will review both sworn filings to determine whether a
16 violation of the Title III of the Help America Vote Act of
17 2002 has occurred, is occurring, or is about to occur. The
18 complaint and the response shall constitute the official
19 hearing record to be considered by the hearing officer. The
20 hearing officer shall provide the complainant with a copy of
21 the response.

22 3. At the hearing officer's discretion, the
23 complainant and the respondent may be ordered by the hearing
24 officer to provide additional sworn oral or written statements
25 or additional documents to assist the hearing officer in
26 making a determination. In addition, other relevant witnesses
27 may also be ordered by the hearing officer to give sworn
28 testimony or to provide relevant documents to assist the
29 hearing officer in making a determination. Any such statements
30 or documents received by the hearing officer shall also become
31 part of the official hearing record. For purposes of this

1 section, the hearing officer may administer oaths and issue
2 subpoenas.

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

20 5. The department shall make a final determination
21 with respect to the complaint within 90 days after the date
22 that the complaint was filed, unless the complainant consents
23 to a longer period for making a determination.

24 (b) If the department fails to meet the deadline
25 established in subparagraph (a)5., the complaint shall be
26 forwarded for mediation. Mediation shall occur within 60 days
27 after the department's failure to make a determination within
28 the timeframe established in subparagraph (a)5. The record
29 created under this section shall be made available for use in
30 the mediation.

31

1 Section 7. Section 98.097, Florida Statutes, is
2 repealed.

3 Section 8. Section 98.0977, Florida Statutes, is
4 amended to read:

5 98.0977 Statewide voter registration database;
6 operation development and maintenance.--

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

21 (a) The voter is deceased;

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

24 (c) The voter has been adjudicated mentally
25 incompetent and his or her mental capacity with respect to
26 voting has not been restored.

27
28 The database shall also allow for duplicate voter
29 registrations to be identified.

30 (2) The Department of State shall not contract with
31 any private entity ~~other than the Florida Association of Court~~

1 ~~Clerks~~ for the operation ~~or maintenance~~ of the statewide voter
2 registration database.

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

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

11 (c) Information in the database indicating that a
12 person registered to vote in a given county has subsequently
13 registered to vote in another jurisdiction shall be considered
14 as a written request from that voter to have his or her name
15 removed from the voter registration rolls of that county, and
16 the supervisor of elections of that county shall remove that
17 voter's name from the county's voter registration rolls.

18 (d) When the supervisor of elections finds information
19 through the database that suggests that a voter has been
20 convicted of a felony and has not had his or her civil rights
21 restored or has been adjudicated mentally incompetent and his
22 or her mental capacity with respect to voting has not been
23 restored, the supervisor of elections shall notify the voter
24 by certified United States mail. The notification shall
25 contain a statement as to the reason for the voter's potential
26 ineligibility to be registered to vote and shall request
27 information from the voter on forms provided by the supervisor
28 of elections. As an alternative, the voter may attend a
29 hearing at a time and place specified in the notice. If there
30 is evidence that the notice was not received, notice must be
31 given once by publication in a newspaper of general

1 circulation in the county. The notice must plainly state that
2 the voter is potentially ineligible to be registered to vote
3 and must state a time and place for the person to appear
4 before the supervisor of elections to show cause why his or
5 her name should not be removed from the voter registration
6 rolls. After reviewing the information provided by the voter,
7 if the supervisor of elections determines that the voter is
8 not eligible to vote under the laws of this state, the
9 supervisor of elections shall notify the voter by certified
10 United States mail that he or she has been found ineligible to
11 be registered to vote in this state, shall state the reason
12 for the ineligibility, and shall inform the voter that he or
13 she has been removed from the voter registration rolls. The
14 supervisor of elections shall remove from the voter
15 registration rolls the name of any voter who fails either to
16 respond within 30 days to the notice sent by certified mail or
17 to attend the hearing.

18 (e) Upon hearing all evidence in a hearing, the
19 supervisor of elections must determine whether there is
20 sufficient evidence to strike the person's name from the
21 registration books. If the supervisor determines that there
22 is sufficient evidence, he or she must strike the name.

23 (f) Appeal may be taken to the circuit court in and
24 for the county where the person was registered. Notice of
25 appeal must be filed within the time and in the manner
26 provided by the Florida Rules of Appellate Procedure and acts
27 as supersedeas. Trial in the circuit court is de novo and
28 governed by the rules of that court. Unless the person can
29 show that his or her name was erroneously or illegally
30 stricken from the registration books or that he or she is
31 indigent, the person must bear the costs of the trial in the

1 circuit court. Otherwise, the cost of the appeal must be paid
2 by the board of county commissioners.

3 (4) To the maximum extent feasible, state and local
4 government entities shall facilitate provision of information
5 and access to data to the department in order to compare
6 information in the statewide voter registration database with
7 available information in other computer databases, including,
8 but not limited to, databases that contain reliable criminal
9 records and records of deceased persons. State and local
10 governmental agencies that provide such data shall do so
11 without charge if the direct cost incurred by those agencies
12 is not significant.

13 ~~(5) The Division of Elections shall provide written~~
14 ~~quarterly progress reports on each phase of development of the~~
15 ~~voter registration database to the President of the Senate and~~
16 ~~the Speaker of the House of Representatives beginning July 1,~~
17 ~~2001, and continuing until the database is fully implemented.~~

18 (5)(6) The duties of the supervisors of elections
19 under this section shall be considered part of their regular
20 registration list maintenance duties under this chapter, and
21 any supervisor of elections who willfully refuses or willfully
22 neglects to perform his or her duties under this section shall
23 be in violation of s. 104.051(2).

24 Section 9. (1) Beginning July 1, 2003, from funds
25 appropriated, the Department of State shall begin the
26 development of a Statewide Voter Registration System designed
27 to meet the requirements of sections 303 through 305 of the
28 Help America Vote Act of 2002. The Legislature recognizes that
29 the January 1, 2004, implementation date for the system
30 provided in the federal bill cannot be met because there is
31 not sufficient time for implementing such a system.

1 Accordingly, the department shall certify these facts to the
2 Election Assistance Commission in order to qualify for a
3 waiver and an extension of the due date until January 1, 2006.

4 (2) The department shall begin system needs
5 assessments and design activities by July 1, 2003. The
6 Department of Highway Safety and Motor Vehicles, the
7 Department of Health, the Department of Law Enforcement, the
8 Board of Executive Clemency, the State Technology Office, and
9 representatives of the Florida State Association of
10 Supervisors of Elections shall cooperate and participate in
11 developing the system. Other state agencies and local
12 government entities that may have data or systems needed for
13 integration with the system shall also cooperate and
14 participate in the development of the system upon a request
15 from the department.

16 (3) By January 31, 2004, the Department of State shall
17 submit to the Governor, President of the Senate, and the
18 Speaker of the House of Representatives a plan for completion
19 of the system which must include:

20 (a) A business process design for all participants in
21 the system operation.

22 (b) The design, location, and specifications for
23 hardware, system software components, and communications
24 infrastructure of the system.

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

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

29 (e) Recommended statutory changes needed to implement
30 the system.

31

1 (4) This phase of the development shall continue
2 through June 30, 2004, and shall include the design and
3 development of the core system that will be operated by the
4 Department of State, a definition of the business processes
5 that will be required of the other agencies and counties, and
6 the functional requirements specifications for integration
7 with the data systems of other agencies and counties.

8 Section 10. Section 98.461, Florida Statutes, is
9 amended to read:

10 98.461 Registration form, precinct register;
11 contents.--A registration form, approved by the Department of
12 State, containing the information required in s. 97.052 shall
13 be filed alphabetically in the office of the supervisor as the
14 master list of electors of the county. However, the
15 registration forms may be microfilmed and such microfilms
16 substituted for the original registration forms; or, when
17 voter registration information, including the voter's
18 signature, is maintained digitally or on electronic, magnetic,
19 or optic media, such stored information may be substituted for
20 the original registration form. Such microfilms or stored
21 information shall be retained in the custody of the supervisor
22 of elections. In the event the original registration forms are
23 microfilmed or maintained digitally or on electronic or other
24 media, such originals may be destroyed in accordance with the
25 schedule approved by the Bureau of Archives and Records
26 Management of the Division of Library and Information Services
27 of the Department of State. As an alternative, the information
28 from the registration form, including the signature, may be
29 electronically reproduced and stored as provided in s. 98.451.
30 A computer printout shall ~~may~~ be used at the polls as a
31 precinct register in lieu of the registration books. The

1 precinct register shall contain the date of the election, the
 2 precinct number, and the following information concerning each
 3 registered elector: last name, first name, and middle name or
 4 initial; party affiliation; residence address; registration
 5 number; date of birth; sex, if provided; race, if provided;
 6 whether the voter needs assistance in voting; and such other
 7 additional information as to readily identify the elector. ~~The~~
 8 ~~precinct register may also contain a list of the forms of~~
 9 ~~identification, which must include, but is not limited to, a~~
 10 ~~Florida driver's license, a Florida identification card issued~~
 11 ~~under s. 322.051, or another form of picture identification~~
 12 ~~approved by the Department of State.~~The precinct register
 13 shall ~~may~~ also contain a space for the elector's signature
 14 ~~and~~ a space for the initials of the witnessing clerk or
 15 inspector, ~~and a space for the signature slip or ballot~~
 16 ~~number.~~

17 Section 11. Section 98.471, Florida Statutes, is
 18 transferred, renumbered as section 101.043, Florida Statutes,
 19 and amended to read:

20 101.043 ~~98.471~~ Identification required ~~Use of precinct~~
 21 ~~register at polls.--~~

22 (1) The precinct register, as prescribed in s. 98.461,
 23 shall ~~may~~ be used at the polls in lieu of the registration
 24 books for the purpose of identifying the elector at the polls
 25 prior to allowing him or her to vote. The clerk or inspector
 26 shall require each elector, upon entering the polling place,
 27 to present a current and valid ~~Florida driver's license, a~~
 28 ~~Florida identification card issued under s. 322.051, or~~
 29 ~~another form of picture identification~~ as provided in s.
 30 97.0535(3) ~~approved by the Department of State.~~ If the picture
 31 identification does not contain the signature of the voter, an

1 additional identification that provides the voter's signature
2 shall be required.The elector shall sign his or her name in
3 the space provided, and the clerk or inspector shall compare
4 the signature with that on the identification provided by the
5 elector and enter his or her initials in the space provided
6 and allow the elector to vote if the clerk or inspector is
7 satisfied as to the identity of the elector.

8 (2) Except as provided in subsection (3),if the
9 elector fails to furnish the required identification, or if
10 the clerk or inspector is in doubt as to the identity of the
11 elector, such clerk or inspector shall follow the procedure
12 prescribed in s. 101.49.

13 (3) If an elector who fails to furnish the required
14 identification is a first-time voter who registered by mail
15 and does not provide the required identification to the
16 supervisor of elections prior to election day, the elector
17 shall be allowed to vote a provisional ballot. The canvassing
18 board shall determine the validity of the ballot pursuant to
19 s. 101.048(2).

20 Section 12. Section 101.048, Florida Statutes, is
21 amended to read:

22 101.048 Provisional ballots.--

23 (1) At all elections, a voter claiming to be properly
24 registered in the county and eligible to vote at the precinct
25 in the election, but whose eligibility cannot be determined,
26 and other persons specified in the election code,shall be
27 entitled to vote a provisional ballot. Once voted, the
28 provisional ballot shall be placed in a secrecy envelope and
29 thereafter sealed in a provisional ballot envelope. The
30 provisional ballot shall be deposited in a ballot box. All
31 provisional ballots shall remain sealed in their envelopes for

1 return to the supervisor of elections. The department shall
2 prescribe the form of the provisional ballot envelope.

3 (2)(a) The county canvassing board shall examine each
4 provisional ballot envelope to determine if the person voting
5 that ballot was entitled to vote at the precinct where the
6 person cast a vote in the election and that the person had not
7 already cast a ballot in the election.

8 (b)1. If it is determined that the person was
9 registered and entitled to vote at the precinct where the
10 person cast a vote in the election, the canvassing board shall
11 compare the signature on the provisional ballot envelope with
12 the signature on the voter's registration and, if it matches,
13 shall count the ballot.

14 2. If it is determined that the person voting the
15 provisional ballot was not registered or entitled to vote at
16 the precinct where the person cast a vote in the election, the
17 provisional ballot shall not be counted and the ballot shall
18 remain in the envelope containing the Provisional Ballot
19 Voter's Certificate and Affirmation and the envelope shall be
20 marked "Rejected as Illegal."

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

23

24 STATE OF FLORIDA

25 COUNTY OF

26

27 I do solemnly swear (or affirm) that my name is;
28 that my date of birth is; that I am registered to vote
29 and at the time I registered I resided at, in the
30 municipality of, in County, Florida; that I am
31 registered in the Party; that I am a qualified voter of

1 contain information on how to access the system and the
2 information the voter will need to provide to obtain
3 information on his or her particular ballot. The instructions
4 must also include the following statement: "If this is a
5 primary election, you should contact the supervisor of
6 elections' office immediately to confirm that you are
7 registered and can vote in the general election."

8 (6) Each supervisor of elections shall establish a
9 free access system that allows each person who casts a
10 provisional ballot to determine whether his or her provisional
11 ballot was counted in the final canvass of votes and, if not,
12 the reasons why. Information regarding provisional ballots
13 shall be available no later than 30 days following the
14 election. The system established must restrict information
15 regarding an individual ballot to the person who cast the
16 ballot.

17 Section 13. Section 101.049, Florida Statutes, is
18 created to read:

19 101.049 Provisional ballots; special circumstances.--

20 (1) Any person who votes in an election after the
21 regular poll closing time pursuant to a court or other order
22 extending the statutory polling hours must vote a provisional
23 ballot. Once voted, the provisional ballot shall be placed in
24 a secrecy envelope and thereafter sealed in a provisional
25 ballot envelope. The election official witnessing the voter's
26 subscription and affirmation on the Provisional Ballot Voter's
27 Certificate and Affirmation shall indicate whether or not the
28 voter met all requirements to vote a regular ballot at the
29 polls. Each such provisional ballot must remain sealed in its
30 envelope and shall be transmitted to the supervisor of
31 elections.

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

4 (3) The supervisor of elections shall ensure that
5 late-voted provisional ballots are not commingled with other
6 ballots during the canvassing process or at any other time
7 such ballots are statutorily required to be in the
8 supervisor's possession.

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

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

15 Section 14. Section 101.111, Florida Statutes, is
16 amended to read:

17 101.111 Person desiring to vote may be challenged;
18 challenger to execute oath; oath of person challenged ~~elector~~;
19 determination of challenge.--

20 (1) When the right to vote of any person who desires
21 to vote is challenged ~~questioned~~ by any elector or poll
22 watcher, the challenge shall be reduced to writing with an
23 oath as provided in this section, giving reasons for the
24 challenge, which shall be delivered to the clerk or inspector.
25 Any elector or ~~authorized~~ poll watcher challenging the right
26 of a person to vote ~~an elector at an election~~ shall execute
27 the oath set forth below:

28
29 OATH OF PERSON ENTERING CHALLENGE

30
31 State of Florida

1 County of

2

3 I do solemnly swear that my name is; that I am a member
4 of the party; that I am years old; ~~that I was born~~
5 ~~in the state of.... or the country of;~~that my residence
6 address is on ~~.... street~~, in the municipality of;
7 and that I have reason to believe that is attempting to
8 vote illegally and the reasons for my belief are set forth
9 herein to wit:

10

11

12 ... (Signature of person challenging voter)...

13

14 Sworn and subscribed to before me this day of,

15 ... (year)....

16

... (Clerk of election)...

17

18 (2) Before a person who is challenged ~~elector~~ is
19 permitted to vote ~~by any officer or person in charge of~~
20 ~~admission to the polling place~~, the challenged person's
21 ~~elector's~~ right to vote shall be determined in accordance with
22 the provisions of subsection (3). The clerk or inspector
23 shall immediately deliver to the challenged person ~~elector~~ a
24 copy of the oath of the person entering the challenge and
25 shall request the challenged person ~~elector~~ to execute the
26 following oath affidavit:

27

OATH OF PERSON CHALLENGED ~~VOTER~~

28

29 State of Florida

30 County of

31

1
2 I do solemnly swear that my name is; that I am a member
3 of the party; that my date of birth is ~~I am~~
4 ~~years old; that I was born in the state of or the country~~
5 ~~of~~; that my residence address is ~~on street,~~ in
6 the municipality of, in this the precinct of
7 county; that I personally made application for registration
8 and signed my name and that I am a qualified voter in this
9 election, ~~and I am not registered to vote in any other~~
10 ~~precinct other than the one in which I am presently seeking to~~
11 ~~vote.~~

12 ... (Signature of person voter) ...

13
14 Sworn and subscribed to before me this day of,
15 ...(year)....

16 ... (Clerk of election or Inspector) ...

17
18 Any inspector or clerk of election may administer the oath.

19 (3)(a) The clerk and inspectors shall compare the
20 information in the challenged person's oath with that entered
21 on the precinct register and shall take any other evidence
22 that may be offered. The clerk and inspectors shall then
23 decide by a majority vote whether the challenged person may
24 vote a regular ballot.

25 (b) If the challenged person refuses to complete the
26 oath or if a majority of the clerk and inspectors doubt the
27 eligibility of the person to vote, the challenged person shall
28 be allowed to vote a provisional ballot. The oath of the
29 person entering the challenge and the oath of the person
30 challenged shall be attached to the provisional ballot for
31 transmittal to the canvassing board. ~~If the challenged person~~

1 ~~refuses to make and sign the affidavit, the clerk or inspector~~
2 ~~shall refuse to allow him or her to vote. If such person makes~~
3 ~~the affidavit, the inspectors and clerk of election shall~~
4 ~~compare the information in the affidavit with that entered on~~
5 ~~the registration books opposite the person's name, and, upon~~
6 ~~such comparison of the information and the person's signature~~
7 ~~and the taking of other evidence which may then be offered,~~
8 ~~the clerk and inspectors shall decide by a majority vote~~
9 ~~whether the challenged person may vote. If the challenged~~
10 ~~person is unable to write or sign his or her name, the clerk~~
11 ~~or inspector shall examine the precinct register to ascertain~~
12 ~~whether the person registered under the name of such person is~~
13 ~~represented to have signed his or her name. If the person is~~
14 ~~so represented, then he or she shall be denied permission to~~
15 ~~vote without further examination; but, if not, then the clerk~~
16 ~~or one of the inspectors shall place such person under oath~~
17 ~~and orally examine him or her upon the subject matter~~
18 ~~contained in the affidavit, and, if there is any doubt as to~~
19 ~~the identity of such person, the clerk or inspector shall~~
20 ~~compare the person's appearance with the description entered~~
21 ~~upon the precinct register opposite the person's name. The~~
22 ~~clerk or inspector shall then proceed as in other cases to~~
23 ~~determine whether the challenged person may vote.~~

24 Section 15. Paragraph (a) of subsection (1) of section
25 101.62, Florida Statutes, is amended to read:

26 101.62 Request for absentee ballots.--

27 (1)(a) The supervisor may accept a request for an
28 absentee ballot from an elector in person or in writing.
29 Except as provided in s. 101.694, one request shall be deemed
30 sufficient to receive an absentee ballot for all elections
31 which are held within a calendar year, unless the elector or

1 the elector's designee indicates at the time the request is
2 made the elections for which the elector desires to receive an
3 absentee ballot. Such request may be considered canceled when
4 any first-class mail sent by the supervisor to the elector is
5 returned as undeliverable.

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

8 101.64 Delivery of absentee ballots; envelopes;
9 form.--

10 (1) The supervisor shall enclose with each absentee
11 ballot two envelopes: a secrecy envelope, into which the
12 absent elector shall enclose his or her marked ballot; and a
13 mailing envelope, into which the absent elector shall then
14 place the secrecy envelope, which shall be addressed to the
15 supervisor and also bear on the back side a certificate in
16 substantially the following form:

17
18 Note: Please Read Instructions Carefully Before
19 Marking Ballot and Completing Voter's Certificate.

20
21 VOTER'S CERTIFICATE

22 I,, do solemnly swear or affirm that I am a
23 qualified and registered voter of County, Florida, and
24 that I have not and will not vote more than one ballot in this
25 election. I understand that if I commit or attempt to commit
26 any fraud in connection with voting, vote a fraudulent ballot,
27 or vote more than once in an election, I can be convicted of a
28 felony of the third degree and fined up to \$5,000 and/or
29 imprisoned for up to 5 years. I also understand that failure
30 to sign this certificate and have my signature properly
31 witnessed will invalidate my ballot.

1
2 ... (Date)... ... (Voter's Signature)...

3
4 Note: Your Signature Must Be Witnessed By One Witness 18 Years
5 of Age or Older as provided in item 9.8 of the Instruction
6 Sheet.

7
8 I swear or affirm that the voter signed this Voter's
9 Certificate in my presence.

10
11 ... (Signature of Witness)...

12
13 ... (Address)...
14 ... (City/State)...

15
16 Section 17. Section 101.65, Florida Statutes, is
17 amended to read:

18 101.65 Instructions to absent electors.--The
19 supervisor shall enclose with each absentee ballot separate
20 printed instructions in substantially the following form:

21
22 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

5 ~~4.3.~~ Place your marked ballot in the enclosed secrecy
6 envelope.

7 ~~5.4.~~ Insert the secrecy envelope into the enclosed
8 mailing envelope which is addressed to the supervisor.

9 ~~6.5.~~ Seal the mailing envelope and completely fill out
10 the Voter's Certificate on the back of the mailing envelope.

11 ~~7.6.~~ VERY IMPORTANT. In order for your absentee
12 ballot to be counted, you must sign your name on the line
13 above (Voter's Signature).

14 ~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you
15 must include the date you signed the Voter's Certificate on
16 the line above (Date) or your ballot may not be counted.

17 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot
18 to be counted, it must include the signature and address of a
19 witness 18 years of age or older affixed to the Voter's
20 Certificate. No candidate may serve as an attesting witness.

21 ~~10.9.~~ Mail, deliver, or have delivered the completed
22 mailing envelope. Be sure there is sufficient postage if
23 mailed.

24 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law
25 to accept any gift, payment, or gratuity in exchange for your
26 vote for a candidate. It is also a felony under Florida law to
27 vote in an election using a false identity or false address,
28 or under any other circumstances making your ballot false or
29 fraudulent.

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

1 101.657 Voting absentee ballots in person.--
2 (1) Any qualified and registered elector may pick up
3 and vote an absentee ballot in person at the office of, and
4 under the supervision of, the supervisor of elections. Before
5 receiving the ballot, the elector must present a current and
6 valid ~~a Florida driver's license, a Florida identification~~
7 ~~card issued under s. 322.051, or another form of picture~~
8 identification as provided in s. 97.0535(3)~~approved by the~~
9 ~~Department of State~~. If the elector fails to furnish the
10 required identification, or if the supervisor is in doubt as
11 to the identity of the elector, the supervisor must follow the
12 procedure prescribed in s. 101.49. If an elector who fails to
13 furnish the required identification is a first-time voter who
14 registered by mail and has not provided the required
15 identification to the supervisor of elections prior to voting,
16 the elector shall be allowed to vote a provisional ballot. The
17 canvassing board shall compare the signature on the
18 provisional ballot envelope with the signature on the voter's
19 registration and, if it matches, shall count the ballot.

20 (2) As an alternative to the provisions of ss. 101.64
21 and 101.65, the supervisor of elections may allow an elector
22 to cast an absentee ballot in the main or branch office of the
23 supervisor by depositing the voted ballot in a voting device
24 used by the supervisor to collect or tabulate ballots. The
25 results or tabulation may not be made before the close of the
26 polls on election day.

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

30
31

IN-OFFICE VOTER CERTIFICATE

1
2 I,, am a qualified elector in this election and
3 registered voter of County, Florida. I do solemnly swear
4 or affirm that I am the person so listed on the voter
5 registration rolls of County and that I reside at the
6 listed address. I understand that if I commit or attempt to
7 commit fraud in connection with voting, vote a fraudulent
8 ballot, or vote more than once in an election I could be
9 convicted of a felony of the third degree and both fined up to
10 \$5,000 and imprisoned for up to 5 years. I understand that my
11 failure to sign this certificate and have my signature
12 witnessed invalidates my ballot.

13
14

15 ...(Voter's Signature)...

16

17 ...(Address)...

18

19 ...(City/State)...

20

21 ...(Name of Witness)...

22

23 ...(Signature of Witness)...

24

25 ...(Type of identification provided)...

26

27 (b) Any elector may challenge an elector seeking to
28 cast an absentee ballot under the provisions of s. 101.111.
29 Any challenged ballot must be placed in a regular absentee
30 ballot envelope. The canvassing board shall review the ballot
31 and decide the validity of the ballot by majority vote.

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

4 Section 19. Section 101.6921, Florida Statutes, is
5 created to read:

6 101.6921 Delivery of special absentee ballot to
7 certain first-time voters.--

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

13 (2) The supervisor of elections shall enclose with
14 each absentee ballot three envelopes: a secrecy envelope, into
15 which the absent elector will enclose his or her marked
16 ballot; an envelope containing the Voter's Certificate, into
17 which the absent elector shall place the secrecy envelope; and
18 a mailing envelope, which shall be addressed to the supervisor
19 and into which the absent elector will place the envelope
20 containing the Voter's Certificate and a copy of the required
21 identification.

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

24

25 Note: Please Read Instructions Carefully Before Marking
26 Ballot and Completing Voter's Certificate.

27

VOTER'S CERTIFICATE

28 I,, do solemnly swear or affirm that I am a qualified and
29 registered voter of County, Florida, and that I have not
30 and will not vote more than one ballot in this election. I
31 understand that if I commit or attempt to commit any fraud in

1 connection with voting, vote a fraudulent ballot, or vote more
2 than once in an election I can be convicted of a felony of the
3 third degree and fined up to \$5,000 and/or imprisoned for up
4 to 5 years. I also understand that failure to sign this
5 certificate and have my signature properly witnessed will
6 invalidate my ballot. I understand that unless I meet one of
7 the exemptions below, I must provide a copy of a current and
8 valid identification as provided in item 6. of the instruction
9 sheet to the supervisor of elections in order for my ballot to
10 count. I further certify that I am exempt from the
11 requirements to furnish a copy of a current and valid
12 identification with my ballot because of one or more of the
13 following: (check all that apply)
14 I am 65 years of age or older.
15 I have a permanent or temporary physical disability.
16 I am a member of a uniformed service on active duty who,
17 by reason of such active duty, will be absent from the county
18 on election day.
19 I am a member of the merchant marine who, by reason of
20 service in the merchant marine, will be absent from the county
21 on election day.
22 I am the spouse or dependent of a member of the
23 uniformed service or merchant marine who, by reason of the
24 active duty or service of the member, will be absent from the
25 county on election day.
26 I am currently residing outside the United States.

27
28 ...(Date)... ...Voter's Signature...
29
30
31

1 Note: Your signature must be witnessed by one witness 18
 2 years of age or older as provided in item 5.b. of the
 3 instruction sheet.

4 I swear or affirm that the voter signed this Voter's
 5 Certificate in my presence.

6
 7 ...(Signature of witness)...

8 ...(Address)...

9 ...(City/State)...

10

11 (4) The certificate shall be arranged on the back of
 12 the envelope so that the lines for the signatures of the
 13 absent elector and the attesting witness are across the seal
 14 of the envelope.

15 Section 20. Section 101.6923, Florida Statutes, is
 16 created to read:

17 101.6923 Special absentee ballot instructions for
 18 certain first-time voters.--

19 (1) The provisions of this section apply to voters who
 20 registered to vote by mail, who have not previously voted in
 21 the county, and who have not provided the identification or
 22 information required by s. 97.0535 by the time the absentee
 23 ballot is mailed.

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

27

28 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

29 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 30 TO COUNT.

31

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

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

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

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

16 5. Insert the secrecy envelope into the enclosed
17 envelope bearing the Voter's Certificate. Seal the envelope
18 and completely fill out the Voter's Certificate on the back of
19 the envelope.

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

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

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

28 6. Unless you meet one of the exemptions in 7., you
29 must make a copy of one of the following forms of
30 identification:

31

1 a. Identification that must include your name and
2 photograph: current and valid Florida driver's license;
3 Florida ID card issued by the Department of Highway Safety and
4 Motor Vehicles; United States Passport; Employee badge or ID;
5 Buyer's Club ID card; Debit card or credit card; Military ID;
6 Student ID; Retirement Center ID; Neighborhood Association ID;
7 Entertainment ID; or public assistance ID; or

8 b. Identification that shows your name and current
9 residence address: current utility bill, bank statement,
10 government check, paycheck, or government document (excluding
11 voter identification card).

12 7. The identification requirements of 6. do not apply
13 if you meet one of the following:

14 a. You are 65 years of age or older.

15 b. You have a temporary or permanent physical
16 disability.

17 c. You are a member of a uniformed service on active
18 duty who, by reason of such active duty, will be absent from
19 the county on election day.

20 d. You are a member of the merchant marine who, by
21 reason of service in the merchant marine, will be absent from
22 the county on election day.

23 e. You are the spouse or dependent of a member
24 referred to in c. or d. who, by reason of the active duty or
25 service of the member, will be absent from the county on
26 election day.

27 f. You are currently residing outside the United
28 States.

29 8. Place the envelope bearing the Voter's Certificate
30 into the mailing envelope addressed to the supervisor. Insert
31 a copy of your identification in the mailing envelope. DO NOT

1 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
2 BALLOT OR INSIDE THE ENVELOPE THAT BEARS THE VOTER'S
3 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

4 9. Mail, deliver, or have delivered the completed
5 mailing envelope. Be sure there is sufficient postage if
6 mailed.

7 10. FELONY NOTICE. It is a felony under Florida law
8 to accept any gift, payment, or gratuity in exchange for your
9 vote for a candidate. It is also a felony under Florida law to
10 vote in an election using a false identity or false address,
11 or under any other circumstances making your ballot false or
12 fraudulent.

13 Section 21. Section 101.6925, Florida Statutes, is
14 created to read:

15 101.6925 Canvassing special absentee ballots.--

16 (1) The supervisor of elections of the county where
17 the absent elector resides shall receive the voted special
18 absentee ballot, at which time the mailing envelope shall be
19 opened to determine if the voter has enclosed the
20 identification required or has indicated on the Voter's
21 Certificate that he or she is exempt from the identification
22 requirements.

23 (2) If the identification is enclosed or the voter has
24 indicated that he or she is exempt from the identification
25 requirements, the supervisor shall make the note on the
26 registration records of the voter and proceed to canvass the
27 absentee ballot as provided in s. 101.68.

28 (3) If the identification is not enclosed in the
29 mailing envelope and the voter has not indicated that he or
30 she is exempt from the identification requirements, the
31 supervisor shall check the voter registration records to

1 determine if the voter's identification was previously
2 received or the voter had previously notified the supervisor
3 that he or she was exempt. The envelope with the Voter's
4 Certificate shall not be opened unless the identification has
5 been received or the voter has indicated that he or she is
6 exempt. The ballot shall be treated as a provisional ballot
7 until 7 p.m. on election day, and shall not be canvassed
8 unless the supervisor has received the required identification
9 or written indication of exemption by 7 p.m. on election day.

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

12 101.694 Mailing of ballots upon receipt of federal
13 postcard application.--

14 (1) Upon receipt of a federal postcard application for
15 an absentee ballot executed by a person whose registration is
16 in order or whose application is sufficient to register or
17 update the registration of that person, the supervisor shall
18 mail to the applicant a ballot, if the ballots are available
19 for mailing. The federal postcard application request for an
20 absentee ballot shall be effective for all elections through
21 the next two regularly scheduled general elections.

22 Section 23. Subsections (2) and (6) of section
23 102.141, Florida Statutes, are amended to read:

24 102.141 County canvassing board; duties.--

25 (2) The county canvassing board shall meet in a
26 building accessible to the public in the county where the
27 election occurred at a time and place to be designated by the
28 supervisor of elections to publicly canvass the absentee
29 electors' ballots as provided for in s. 101.68 and provisional
30 ballots as provided by ~~ss.s-~~101.048, 101.049, and 101.6925.
31 Provisional ballots cast pursuant to s. 101.049 shall be

1 canvassed in a manner that votes for candidates and issues on
2 those ballots can be segregated from other votes.Public
3 notice of the time and place at which the county canvassing
4 board shall meet to canvass the absentee electors' ballots and
5 provisional ballots shall be given at least 48 hours prior
6 thereto by publication once in one or more newspapers of
7 general circulation in the county or, if there is no newspaper
8 of general circulation in the county, by posting such notice
9 in at least four conspicuous places in the county. As soon as
10 the absentee electors' ballots and the provisional ballots are
11 canvassed, the board shall proceed to publicly canvass the
12 vote given each candidate, nominee, constitutional amendment,
13 or other measure submitted to the electorate of the county, as
14 shown by the returns then on file in the office of the
15 supervisor of elections and the office of the county court
16 judge.

17 (6) If the unofficial returns reflect that a candidate
18 for any office was defeated or eliminated by one-half of a
19 percent or less of the votes cast for such office, that a
20 candidate for retention to a judicial office was retained or
21 not retained by one-half of a percent or less of the votes
22 cast on the question of retention, or that a measure appearing
23 on the ballot was approved or rejected by one-half of a
24 percent or less of the votes cast on such measure, the board
25 responsible for certifying the results of the vote on such
26 race or measure shall order a recount of the votes cast with
27 respect to such office or measure. A recount need not be
28 ordered with respect to the returns for any office, however,
29 if the candidate or candidates defeated or eliminated from
30 contention for such office by one-half of a percent or less of
31

1 the votes cast for such office request in writing that a
2 recount not be made.

3 (a) In counties with voting systems that use paper
4 ballots, each canvassing board responsible for conducting a
5 recount shall put each ballot through automatic tabulating
6 equipment and determine whether the returns correctly reflect
7 the votes cast. If any paper ballot is physically damaged so
8 that it cannot be properly counted by the automatic tabulating
9 equipment during the recount, a true duplicate shall be made
10 of the damaged ballot pursuant to the procedures in s.
11 101.5614(5). Immediately before the start of the recount and
12 after completion of the count, a test of the tabulating
13 equipment shall be conducted as provided in s. 101.5612. If
14 the test indicates no error, the recount tabulation of the
15 ballots cast shall be presumed correct and such votes shall be
16 canvassed accordingly. If an error is detected, the cause
17 therefor shall be ascertained and corrected and the recount
18 repeated, as necessary. The canvassing board shall immediately
19 report the error, along with the cause of the error and the
20 corrective measures being taken, to the Department of State.
21 No later than 11 days after the election, the canvassing board
22 shall file a separate incident report with the Department of
23 State, detailing the resolution of the matter and identifying
24 any measures that will avoid a future recurrence of the error.

25 (b) In counties with voting systems that do not use
26 paper ballots, each canvassing board responsible for
27 conducting a recount shall examine the counters on the
28 precinct tabulators to ensure that the total of the returns on
29 the precinct tabulators equals the overall election return. If
30 there is a discrepancy between the overall election return and
31 the counters of the precinct tabulators, the counters of the

1 precinct tabulators shall be presumed correct and such votes
2 shall be canvassed accordingly.

3 (c) The canvassing board shall submit a second set of
4 unofficial returns to the Department of State for each
5 federal, statewide, state, or multicounty office or ballot
6 measure no later than noon on the third day after any election
7 in which a recount was conducted pursuant to this subsection.
8 If the canvassing board is unable to complete the recount
9 prescribed in this subsection by the deadline, the second set
10 of unofficial returns submitted by the canvassing board shall
11 be identical to the initial unofficial returns and the
12 submission shall also include a detailed explanation of why it
13 was unable to timely complete the recount. However, the
14 canvassing board shall complete the recount prescribed in this
15 subsection, along with any manual recount prescribed in s.
16 102.166, and certify election returns in accordance with the
17 requirements of this chapter.

18 (d) The Department of State shall adopt detailed rules
19 prescribing additional recount procedures for each certified
20 voting system which shall be uniform to the extent
21 practicable.

22 Section 24. (1) Notwithstanding section 100.061,
23 Florida Statutes, for the year 2004, a primary election for
24 nomination of candidates of political parties shall be held on
25 the Tuesday 9 weeks prior to the general election. The
26 candidate receiving the highest number of the votes cast in
27 each contest in the primary election shall be declared
28 nominated for such office. If two or more persons receive an
29 equal and highest number of votes for the same office, such
30 persons shall draw lots to determine who shall receive the
31 nomination.

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

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

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

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

20 (b) For the 2004 elections, following the last day of
21 qualifying for office, any statewide candidate who has
22 requested to receive contributions from the Election Campaign
23 Financing Trust Fund or any statewide candidate in a race with
24 a candidate who has requested to receive contributions from
25 the trust fund shall file reports on the 4th, 11th, 18th,
26 25th, and 32nd days immediately preceding the primary election
27 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
28 days prior to the general election.

29 (5) For the 2004 elections, there shall be two
30 elections for purposes of the contribution limits in section
31 106.08, Florida Statutes.

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

2 Section 25. Effective upon this act becoming a law,
3 section 99.103, Florida Statutes, is amended to read:

4 99.103 Department of State to remit part of filing
5 fees and party assessments of candidates to state executive
6 committee and leadership funds.--

7 (1) Except as provided in subsection (2),if more than
8 three-fourths of the full authorized membership of the state
9 executive committee of any party was elected at the last
10 previous election for such members and if such party is
11 declared by the Department of State to have recorded on the
12 registration books of the counties, as of the first Tuesday
13 after the first Monday in January prior to the first primary
14 in general election years, 5 percent of the total registration
15 of such counties when added together, such committee shall
16 receive, for the purpose of meeting its expenses, all filing
17 fees collected by the Department of State from its candidates
18 less an amount equal to 15 percent of the filing fees, which
19 amount the Department of State shall deposit in the General
20 Revenue Fund of the state.

21 (2) For state legislative candidates, the leadership
22 fund of the political party of the house to which the
23 candidate seeks office, provided such leadership fund exists,
24 shall receive all filing fees collected by the Department of
25 State from such candidates less an amount equal to 15 percent
26 of the filing fees, which amount the Department of State shall
27 deposit in the General Revenue Fund of the state.

28 (3)~~(2)~~ Not later than 20 days after the close of
29 qualifying in even-numbered years, the Department of State
30 shall remit 95 percent of all filing fees, less the amount
31 deposited in general revenue pursuant to subsection (1), or

1 party assessments that may have been collected by the
2 department to the respective state executive committees of the
3 parties complying with subsection (1) or leadership fund as
4 provided in subsection (2). Party assessments collected by
5 the Department of State shall be remitted to the appropriate
6 leadership fund or state executive committee, irrespective of
7 other requirements of this section, provided such committee is
8 duly organized under the provisions of chapter 103. The
9 remainder of filing fees or party assessments collected by the
10 Department of State shall be remitted to the appropriate
11 leadership fund or state executive committees not later than
12 the date of the first primary.

13 Section 26. Effective upon becoming a law, subsection
14 (1) of section 99.092, Florida Statutes, is amended to read:

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

17 (1) Each person seeking to qualify for nomination or
18 election to any office, except a person seeking to qualify by
19 the alternative method pursuant to s. 99.095, s. 99.0955, or
20 s. 99.096 and except a person seeking to qualify as a write-in
21 candidate, shall pay a qualifying fee, which shall consist of
22 a filing fee and election assessment, to the officer with whom
23 the person qualifies, and any party assessment levied, and
24 shall attach the original or signed duplicate of the receipt
25 for his or her party assessment or pay the same, in accordance
26 with the provisions of s. 103.121, at the time of filing his
27 or her other qualifying papers. The amount of the filing fee
28 is 3 percent of the annual salary of the office. The amount
29 of the election assessment is 1 percent of the annual salary
30 of the office sought. The election assessment shall be
31 deposited into the Elections Commission Trust Fund. The

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

18 (2) The supervisor of elections shall, immediately
19 after the last day for qualifying, submit to the Department of
20 State a list containing the names, party affiliations, and
21 addresses of all candidates and the offices for which they
22 qualified.

23 Section 27. Effective upon this act becoming a law,
24 subsections (1), (5), and (8) of section 106.011, Florida
25 Statutes, are amended to read:

26 106.011 Definitions.--As used in this chapter, the
27 following terms have the following meanings unless the context
28 clearly indicates otherwise:

29 (1)(a) "Political committee" means:
30
31

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

4 a. Accepts contributions for the purpose of making
5 contributions to any candidate, political committee, committee
6 of continuous existence, leadership fund, or political party;

7 b. Accepts contributions for the purpose of expressly
8 advocating the election or defeat of a candidate or the
9 passage or defeat of an issue;

10 c. Makes expenditures that expressly advocate the
11 election or defeat of a candidate or the passage or defeat of
12 an issue; or

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

18 2. The sponsor of a proposed constitutional amendment
19 by initiative who intends to seek the signatures of registered
20 electors.

21 (b) Notwithstanding paragraph (a), the following
22 entities are not considered political committees for purposes
23 of this chapter:

24 1. Organizations which are certified by the Department
25 of State as committees of continuous existence pursuant to s.
26 106.04, leadership funds, national political parties, and the
27 state and county executive committees of political parties
28 regulated by chapter 103.

29 2. Corporations regulated by chapter 607 or chapter
30 617 or other business entities formed for purposes other than
31 to support or oppose issues or candidates, if their political

1 activities are limited to contributions to candidates,
2 political parties, leadership funds, or political committees
3 or expenditures in support of or opposition to an issue from
4 corporate or business funds and if no contributions are
5 received by such corporations or business entities.

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

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

25 1. Communicates with the candidate, the candidate's
26 campaign, or an agent of the candidate acting on behalf of the
27 candidate, including any pollster, media consultant,
28 advertising agency, vendor, advisor, or staff member,
29 concerning the preparation of, use of, or payment for, the
30 specific expenditure or advertising campaign at issue; or
31

1 2. Makes a payment in cooperation, consultation, or
2 concert with, at the request or suggestion of, or pursuant to
3 any general or particular understanding with the candidate,
4 the candidate's campaign, a political committee supporting the
5 candidate, or an agent of the candidate relating to the
6 specific expenditure or advertising campaign at issue; or

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

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

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

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

1 b. Any person whose professional services have been
2 retained by a leadership fund or a national, state, or county
3 executive committee of a political party that has made or
4 intends to make expenditures in connection with or
5 contributions to the candidate; or

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

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

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

20 Section 28. Effective upon this act becoming a law,
21 subsection (3) of section 106.021, Florida Statutes, is
22 amended to read:

23 106.021 Campaign treasurers; deputies; primary and
24 secondary depositories.--

25 (3) Except for independent expenditures, no
26 contribution or expenditure, including contributions or
27 expenditures of a candidate or of the candidate's family,
28 shall be directly or indirectly made or received in
29 furtherance of the candidacy of any person for nomination or
30 election to political office in the state or on behalf of any
31 political committee except through the duly appointed campaign

1 treasurer of the candidate or political committee; however, a
2 candidate or any other individual may be reimbursed for
3 expenses incurred for travel, food and beverage, office
4 supplies, and mementos expressing gratitude to campaign
5 supporters by a check drawn upon the campaign account and
6 reported pursuant to s. 106.07(4). In addition, expenditures
7 may be made directly by any political committee, leadership
8 fund, or political party regulated by chapter 103 for
9 obtaining time, space, or services in or by any communications
10 medium for the purpose of jointly endorsing three or more
11 candidates, and any such expenditure shall not be considered a
12 contribution or expenditure to or on behalf of any such
13 candidates for the purposes of this chapter.

14 Section 29. Effective upon this act becoming a law,
15 section 106.025, Florida Statutes, is amended to read:

16 106.025 Campaign fund raisers.--

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

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

30 (c) Any tickets or advertising for such a campaign
31 fund raiser shall contain the following statement: "The

1 purchase of a ticket for, or a contribution to, the campaign
2 fund raiser is a contribution to the campaign of ...(name of
3 the candidate for whose benefit the campaign fund raiser is
4 held)...." Such tickets or advertising shall also comply with
5 other provisions of this chapter relating to political
6 advertising.

7 (d) Any person or candidate who holds a campaign fund
8 raiser, or consents to a campaign fund raiser being held, in
9 violation of the provisions of this subsection is guilty of a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

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

17 Section 30. Effective upon this act becoming a law,
18 subsections (1) and (4) of section 106.04, Florida Statutes,
19 are amended to read:

20 106.04 Committees of continuous existence.--

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

27 (a) It shall be organized and operated in accordance
28 with a written charter or set of bylaws which contains
29 procedures for the election of officers and directors and
30 which clearly defines membership in the organization; and
31

1 (b) At least 25 percent of the income of such
2 organization, excluding interest, must be derived from dues or
3 assessments payable on a regular basis by its membership
4 pursuant to provisions contained in the charter or bylaws.

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

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

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

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

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

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

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

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

28 (d) The treasurer of each committee shall certify as
29 to the correctness of each report and shall bear the
30 responsibility for its accuracy and veracity. Any treasurer
31 who willfully certifies to the correctness of a report while

1 knowing that such report is incorrect, false, or incomplete
2 commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 Section 31. Effective upon this act becoming a law,
5 section 106.08, Florida Statutes, is amended to read:

6 106.08 Contributions; limitations on.--

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

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

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

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

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

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

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

26 (3)(a) Any contribution received by a candidate with
27 opposition in an election or by the campaign treasurer or a
28 deputy campaign treasurer of such a candidate on the day of
29 that election or less than 5 days prior to the day of that
30 election must be returned by him or her to the person or
31

1 committee contributing it and may not be used or expended by
2 or on behalf of the candidate.

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

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

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

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

29 (4) Any contribution received by the chair, campaign
30 treasurer, or deputy campaign treasurer of a political
31 committee supporting or opposing a candidate with opposition

1 in an election or supporting or opposing an issue on the
2 ballot in an election on the day of that election or less than
3 5 days prior to the day of that election may not be obligated
4 or expended by the committee until after the date of the
5 election.

6 (5)(a) Except for contributions from leadership funds,
7 a person may not make any contribution through or in the name
8 of another, directly or indirectly, in any election.

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

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

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

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

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

30 (6) A political party or leadership fund may not
31 accept any contribution which has been specifically designated

1 for the partial or exclusive use of a particular candidate.
2 Any contribution so designated must be returned to the
3 contributor and may not be used or expended by or on behalf of
4 the candidate.

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

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

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

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

24 (9) A leader who is also a candidate for any office
25 other than an office in the house in which the candidate
26 serves as leader, shall not make contributions from his or
27 her own leadership funds to support his or her own candidacy.

28 (10)~~(9)~~ This section does not apply to the transfer of
29 funds between a primary campaign depository or primary
30 leadership depository and a savings account or certificate of
31

1 deposit or to any interest earned on such account or
2 certificate.

3 Section 32. Effective upon this act becoming a law,
4 subsection (3) of section 106.147, Florida Statutes, is
5 amended to read:

6 106.147 Telephone solicitation; disclosure
7 requirements; prohibitions; exemptions; penalties.--

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

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

21 Section 33. Effective upon this act becoming a law,
22 section 106.148, Florida Statutes, is amended to read:

23 106.148 Disclosure of on-line computer
24 solicitation.--A message placed on an information system
25 accessible by computer by a candidate, leader expending
26 leadership funds, political party, political committee, or
27 committee of continuous existence, or an agent of any such
28 candidate, leadership fund, party, or committee, which message
29 is accessible by more than one person, other than an internal
30 communication of the leadership fund, party, committee, or
31

1 campaign, must include a statement disclosing all information
2 required of political advertisements under s. 106.143.

3 Section 34. Effective upon this act becoming a law,
4 section 106.17, Florida Statutes, is amended to read:

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

13 Section 35. Effective upon this act becoming a law,
14 section 106.29, Florida Statutes, is amended to read:

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

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

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

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

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

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

29 (b) Upon determining that a state or county executive
30 committee report is late, the filing officer shall immediately
31 notify the chair of the executive committee as to the failure

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

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

27
28 Such fine shall be paid to the division or filing officer, as
29 appropriate, within 20 days after receipt of the notice of
30 payment due, unless appeal is made to the Florida Elections
31 Commission pursuant to paragraph (c). An officer or member of

1 an executive committee or a leader shall not be personally
2 liable for such fine.

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

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

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

26 (5) No state or county executive committee nor any
27 leadership fund, in the furtherance of any candidate or
28 political party, directly or indirectly, shall give, pay, or
29 expend any money, give or pay anything of value, authorize any
30 expenditure, or become pecuniarily liable for any expenditure
31 prohibited by this chapter. However, the contribution of funds

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

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

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

26 (7) The division shall prescribe a form for reporting
27 leadership fund contributions and expenditures pursuant to
28 this section.

29 (8) Notwithstanding any other provisions of this
30 chapter, in any reporting period during which a leadership
31 fund has not received any contributions or made any reportable

1 expenditures, the filing of the report for that period shall
2 be waived. However, the next report filed must specify that
3 it covers the entire period between the last submitted report
4 and the report being filed.

5 Section 36. Effective upon this act becoming a law,
6 section 106.295, Florida Statutes, is amended to read:

7 106.295 Leadership fund.--

8 (1) For purposes of this section:

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

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

27 (2) A leader operating a leadership fund shall appoint
28 a fund treasurer and designate a primary leadership depository
29 for the purpose of depositing all contributions received and
30 disbursing all expenditures made by the fund. Except for
31 expenditures made from petty cash funds pursuant to subsection

1 (3), each leader and treasurer shall make expenditures from
2 funds on deposit in such primary leadership depository only by
3 means of a bank check or debit card, subject to the same
4 limitations governing primary campaign depositories as
5 provided in s. 106.11.

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

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

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

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

25 Section 37. Effective upon this act becoming a law,
26 subsection (3) of section 106.33, Florida Statutes, is amended
27 to read:

28 106.33 Election campaign financing; eligibility.--Each
29 candidate for the office of Governor or member of the Cabinet
30 who desires to receive contributions from the Election
31 Campaign Financing Trust Fund shall, upon qualifying for

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

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

17 Section 38. Effective upon becoming a law, subsection
18 (2) of section 103.081, Florida Statutes, is amended to read:

19 103.081 Use of party name; political advertising.--

20 (2) No person or group of persons shall use the name,
21 abbreviation, or symbol of any political party, the name,
22 abbreviation, or symbol of which is filed with the Department
23 of State, in connection with any club, group, association, or
24 organization of any kind unless approval and permission have
25 been given in writing by the state executive committee of such
26 party. This subsection shall not apply to county executive
27 committees of such parties, leadership funds where the leader
28 is a member of such party,and organizations which are
29 chartered by the national executive committee of the party the
30 name, abbreviation, or symbol of which is to be used, or to
31 organizations using the name of any political party which

1 organizations have been in existence and organized on a
2 statewide basis for a period of 10 years.

3 Section 39. Effective upon becoming a law, subsection
4 (1) of section 103.091, Florida Statutes, is amended to read:
5 103.091 Political parties.--

6 (1)(a) Each political party of the state shall be
7 represented by a state executive committee. County executive
8 committees and other committees may be established in
9 accordance with the rules of the state executive committee. A
10 political party may provide for the selection of its national
11 committee and its state and county executive committees in
12 such manner as it deems proper. Unless otherwise provided by
13 party rule, the county executive committee of each political
14 party shall consist of at least two members, a man and a
15 woman, from each precinct, who shall be called the precinct
16 committeeman and committeewoman. For counties divided into 40
17 or more precincts, the state executive committee may adopt a
18 district unit of representation for such county executive
19 committees. Upon adoption of a district unit of
20 representation, the state executive committee shall request
21 the supervisor of elections of that county, with approval of
22 the board of county commissioners, to provide for election
23 districts as nearly equal in number of registered voters as
24 possible. Each county committeeman or committeewoman shall be
25 a resident of the precinct from which he or she is elected.

26 (b) There is created within each political party with
27 a "leader" as defined in s. 106.295, a leadership fund. Such
28 leadership fund, as provided for in s. 106.295, shall be an
29 instrumentality of the political party and function as a
30 subsidiary thereof pursuant to Chapter 106; however, it shall
31 not be subject to control, supervision, or direction of the

1 political party or any agent thereof, except for the leader
2 operating the leadership fund.

3 Section 40. Subsection (13) of section 106.011,
4 Florida Statutes, is amended to read:

5 106.011 Definitions.--As used in this chapter, the
6 following terms have the following meanings unless the context
7 clearly indicates otherwise:

8 (13) "Communications media" means broadcasting
9 stations, newspapers, magazines, outdoor advertising
10 facilities, printers, direct mailing companies, advertising
11 agencies, the Internet, and telephone companies; but with
12 respect to telephones, an expenditure shall be deemed to be an
13 expenditure for the use of communications media only if made
14 for the costs of telephones, paid telephonists, or automatic
15 telephone equipment to be used by a candidate or a political
16 committee to communicate with potential voters but excluding
17 any costs of telephones incurred by a volunteer for use of
18 telephones by such volunteer.

19 Section 41. Subsection (5) of section 106.11, Florida
20 Statutes, is amended to read:

21 106.11 Expenses of and expenditures by candidates and
22 political committees.--Each candidate and each political
23 committee which designates a primary campaign depository
24 pursuant to s. 106.021(1) shall make expenditures from funds
25 on deposit in such primary campaign depository only in the
26 following manner, with the exception of expenditures made from
27 petty cash funds provided by s. 106.12:

28 (5) A candidate who withdraws his or her candidacy,
29 becomes an unopposed candidate, or is eliminated as a
30 candidate or elected to office may expend funds from the
31 campaign account to:

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

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

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

8 (d) Dispose of surplus funds as provided in s.
9 106.141.

10 Section 42. Subsection (1) of section 106.141, Florida
11 Statutes, is amended to read:

12 106.141 Disposition of surplus funds by candidates.--

13 (1) Each candidate who withdraws his or her candidacy,
14 ~~becomes an unopposed candidate, or is eliminated as a~~
15 candidate, or is elected to office shall, no later than 90
16 days after such withdrawal, elimination, or election ~~within 90~~
17 ~~days~~, dispose of the funds on deposit in his or her campaign
18 account and file a report reflecting the disposition of all
19 remaining funds. Such candidate shall not accept any
20 contributions, nor shall any person accept contributions on
21 behalf of such candidate, after the candidate withdraws his or
22 her candidacy, becomes an unopposed candidate, or is
23 eliminated or elected. However, if a candidate receives a
24 refund check after all surplus funds have been disposed of,
25 the check may be endorsed by the candidate and the refund
26 disposed of under this section. An amended report must be
27 filed showing the refund and subsequent disposition.

28 Section 43. Section 106.1433, Florida Statutes, is
29 created to read:

30 106.1433 Florida Advertising campaign exposure;
31 electioneering advertisements; requirements.--

- 1 (1) As used in this section, the term:
2 (a) "Electioneering advertisement" means a paid
3 expression in any communications media prescribed in s.
4 106.011(13) published on the day of any election or any of the
5 the preceding 29 days which names or depicts a candidate for
6 office in that election or which references a clearly
7 identifiable ballot measure in that election. Any
8 advertisement that qualifies as an independent expenditure
9 pursuant to s. 106.011(5) or a political advertisement
10 pursuant to s. 106.011(17) is not an electioneering
11 advertisement for purposes of this section. However, the term
12 does not include:
13 1. A statement or depiction by an organization, in
14 existence prior to the time during which the candidate named
15 or depicted qualifies or the issue clearly-referenced is
16 placed on the ballot for that election, made in that
17 organization's newsletter, which newsletter is distributed
18 only to members of that organization.
19 2. An editorial endorsement by any newspaper, radio,
20 or television station or other recognized news medium.
21 (b) "Contribution" means:
22 1. A gift, subscription, conveyance, deposit, loan,
23 payment, or distribution of money or anything of value,
24 including contributions in kind having an attributable
25 monetary value in any form, made for the purpose of funding or
26 sponsoring an electioneering advertisement.
27 2. A transfer of funds between a political committee
28 or a committee or continuous existence and a person funding or
29 sponsoring an electioneering advertisement.
30 3. The payment, by any person other than a candidate
31 or political committee, of compensation for the personal

1 services of another person which are rendered to a person
2 funding or sponsoring an electioneering advertisement.

3 (c) "Expenditure" means a purchase, payment,
4 distribution, loan, advance, or gift of money or anything of
5 value made for the purpose of funding or sponsoring an
6 electioneering advertisement. However, the term does not
7 include a purchase, payment, distribution, loan, advance, or
8 gift of money or anything of value made for the purpose of
9 funding or sponsoring an electioneering advertisement when
10 made by an organization, in existence prior to the time during
11 which a candidate qualifies or a ballot measure is placed on
12 the ballot for that election, for the purpose of printing or
13 distributing such organization's newsletter, containing a
14 statement by such organization in support of or opposition to
15 a candidate or ballot measure, which newsletter is distributed
16 only to members of such organization.

17 (2) Each person that sponsors or funds an
18 electioneering advertisement must file regular reports of all
19 contributions received and all expenditures made by such
20 person with the same officer as a political committee
21 supporting or opposing the candidate named or depicted or the
22 ballot measure referenced in the advertisement. Such reports
23 must contain the same information and are subject to the same
24 filing requirements as reports required under s. 106.07 for
25 candidates not receiving public financing.

26 (3)(a) If the initial publication of the
27 electioneering advertisement occurs after the final regular
28 report is due under subsection (2) but prior to the closing of
29 the polls on election day, the person funding or sponsoring
30 the advertisement must file a report electronically with the
31 division no later than 1 hour after the initial publication of

1 the advertisement. The report must contain the same
2 information as required of a candidate by s. 106.07(4). Upon
3 receipt of the filing, the division shall electronically
4 transmit a confirmation of receipt to the person filing the
5 report. If the person is unable to file electronically for any
6 reason, a written report containing the required information
7 may be faxed or hand delivered to the division no later than 1
8 hour after the initial publication of the advertisement.
9 However, if a report due to be filed under this paragraph on a
10 Saturday, Sunday, or legal holiday cannot be electronically
11 filed because of problems with Internet communications, the
12 report must be filed either electronically, by facsimile, or
13 by hand delivery with the division no later than 10 a.m. on
14 the next business day.

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

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

19 2. The system be reasonably secure and be designed to
20 elicit the name, address, birthdate, and any other information
21 necessary to authenticate the identity of the person
22 submitting the report.

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

26 (4)(a) The following persons shall be responsible for
27 filing the reports required in subsections (2) and (3), shall
28 certify as to the correctness of each report, and shall bear
29 the responsibility for the accuracy and veracity of each
30 report:

31

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

4 2. The committee chair and treasurer of the committee,
5 if the person funding or sponsoring the electioneering
6 advertisement is a political committee, committee of
7 continuous existence, or executive committee of a political
8 party;

9 3. The individual, if the person funding or sponsoring
10 the electioneering advertisement is a natural person who is
11 not a candidate; or

12 4. The organization's most senior officer, or, if
13 there is no formal organizational structure, the principal
14 organizer, if the person funding or sponsoring the
15 electioneering advertisement is a group other than a political
16 committee, committee of continuous existence, or executive
17 committee of a political party. The name, address, and title
18 of the designated individual must be filed with the division
19 in writing prior to, or contemporaneous with, the filing of
20 the initial report.

21
22 Such a person is liable for violations of report filing
23 requirements to the same extent as candidates pursuant to ss.
24 106.07(5), 106.19, and 106.265.

25 (b) In addition to the penalties prescribed in
26 paragraph (a), the person funding or sponsoring an
27 electioneering advertisement and the person responsible for
28 reporting pursuant to this subsection shall be jointly and
29 severally liable for late filing fines assessed by the Florida
30 Elections Commission pursuant to s. 106.07(8). Any such person
31

1 may appeal or dispute the fine in accordance with the
2 provisions of s. 106.07(8)(c).

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

10 (6)(a) If the person funding an electioneering
11 advertisement is an individual subject to certifying reports
12 pursuant to subparagraph (4)(a)1. or subparagraph (4)(a)3.,
13 the advertisement must prominently state, "Paid advertisement
14 paid for and approved by ... (Name of person funding the
15 electioneering advertisement)...," followed by the address of
16 the person funding the advertisement.

17 (b) If the person funding an electioneering
18 advertisement is a group, organization, or committee subject
19 to certifying reports pursuant to subparagraph (4)(a)2. or
20 subparagraph (4)(a)4., the advertisement must prominently
21 state, "Paid advertisement paid for and approved by ... (Name
22 and title of individual(s) required to certify reports)... of
23 ...(name of group, organization, or committee)...," followed
24 by the address of the group, organization, or committee.

25 (c) The Florida Elections Commission is authorized,
26 upon finding a violation of this subsection, to impose a civil
27 penalty in the form of fines not to exceed \$5,000 or the total
28 cost of the advertisements without the proper disclaimer,
29 whichever is greater. In determining the amount of the
30 penalty, the commission must consider any mitigating or
31 aggravating circumstances prescribed in s. 106.265. This

1 penalty shall substitute for the penalties provided in s.
2 106.265, shall be deposited into the General Revenue Fund of
3 the state, and, if necessary, shall be collected pursuant to
4 s. 106.265(2).

5 (7) Except for contributions from leadership funds, a
6 person may not make a contribution through or in the name of
7 another, directly or indirectly, for the purpose of funding an
8 electioneering advertisement.

9 Section 44. Section 106.1437, Florida Statutes, is
10 amended to read:

11 106.1437 Miscellaneous advertisements.--Any
12 advertisement, other than a political advertisement, on
13 billboards, bumper stickers, radio, or television, or in a
14 newspaper, a magazine, or a periodical, intended to influence
15 public policy or the vote of a public official, shall clearly
16 designate the sponsor of such advertisement by including a
17 clearly readable statement of sponsorship. If the
18 advertisement is broadcast on television, the advertisement
19 shall also contain a verbal statement of sponsorship. This
20 section shall not apply to an editorial endorsement nor to any
21 "electioneering advertisement" that includes a sponsorship
22 disclaimer pursuant to s. 106.1433.

23 Section 45. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of
26 the act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are severable.

29 Section 46. Except as otherwise expressly provided in
30 this act, this act shall take effect January 1, 2004.

31