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1 A bill to be entitled
2 An act relating to elections; amending s. 97.021, F.S.;
3 revising definitions to change terminology relating to
4 paper ballots; conforming terminology; amending s. 97.052,
5 F.S.; revising provisions relating to purposes and
6 reproduction of the uniform statewide voter registration
7 application; amending ss. 99.061 and 99.092, F.S.;
8 conforming and removing obsolete references; amending s.
9 99.095, F.S.; revising provisions for qualifying by the
10 petition process in lieu of paying the qualifying fee and
11 any party assessment; amending ss. 99.0955, 99.096, and
12 99.09651, F.S., to conform; requiring the executive
13 committees of minor political parties to submit the
14 official lists of their candidates to the filing officers
15 for those candidates; amending s. 100.011, F.S.; providing
16 that electors in line at the closing of the polls shall be
17 allowed to vote; amending s. 100.111, F.S.; clarifying
18 applicability of votes cast for former nominee to new
19 nominee when new nominee's name doesn't appear on the
20 ballot due to lack of time; conforming references;
21 amending s. 100.141, F.S.; conforming references; amending
22 s. 100.361, F.S.; revising provisions relating to
23 municipal recall; requiring a letter of intent; providing
24 petition formats; providing for effect of resignation
25 after close of qualifying; amending s. 101.031, F.S.;
26 revising requirements for the printing and distribution of
27 voter instruction cards; amending s. 101.048, F.S.;
28 conforming terminology; amending s. 101.131, F.S.;
29 authorizing political parties to have a certain number of
30 at-large poll watchers; amending s. 101.151, F.S.;



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31 requiring marksense ballots to meet the specifications of
32 the voting system used to read the ballots; amending s.
33 101.171, F.S.; requiring copies of constitutional
34 amendments to be posted or made available in booklet form
35 at each precinct; amending s. 101.253, F.S.; revising
36 duties of the supervisor of elections with respect to
37 ballots printed or programmed into the voting devices
38 prior to death, resignation, removal, or withdrawal of a
39 candidate; amending ss. 101.5606, 101.5608, 101.5614, and
40 101.572, F.S.; conforming terminology; amending s.
41 101.595, F.S.; revising provisions relating to the
42 reporting and analysis of voting problems; amending s.
43 101.62, F.S.; conforming terminology; amending s. 101.694,
44 F.S.; revising specifications for absentee ballot
45 envelopes for overseas voters and providing for adoption
46 by rule; amending s. 102.012, F.S.; providing for the
47 appointment of a single election board for each precinct;
48 amending s. 102.071, F.S.; revising requirements for
49 certification and delivery of election results; amending
50 s. 102.111, F.S.; authorizing the Elections Canvassing
51 Commission to delegate to the chief election officer the
52 authority to order recounts; amending s. 102.141, F.S.,
53 relating to county canvassing board duties; specifying
54 responsibility for ordering recounts for various races;
55 revising requirements for the submission of returns by
56 county canvassing boards to the Department of State;
57 clarifying the time of submitting reports on the conduct
58 of the election; conforming terminology; amending s.
59 102.166, F.S.; specifying responsibility for ordering
60 manual recounts for various races; amending s. 102.168,



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61 F.S.; specifying indispensable and proper party defendants
62 in actions to contest various races in an election;
63 creating s. 103.092, F.S.; authorizing the solicitation
64 and acceptance of funds for political party property,
65 which shall not be considered campaign contributions;
66 amending s. 105.031, F.S.; clarifying that write-in
67 candidates for school board member are exempt from paying
68 the qualifying fee; conforming references; amending s.
69 105.035, F.S.; revising requirements for qualifying for
70 certain judicial offices and the office of school board
71 member by means of the petition process; amending s.
72 106.011, F.S.; revising the definition of "candidate" to
73 conform terminology; defining "eliminated candidate";
74 amending s. 106.023, F.S.; providing that execution and
75 filing of the Statement of Candidate does not create a
76 presumption of willfulness with respect to violation of
77 ch. 104, F.S., or ch. 106, F.S.; amending s. 106.04, F.S.;
78 reducing the fine for late filing of campaign finance
79 reports by committees of continuous existence for the
80 first 3 days; providing for deposit of fine proceeds into
81 the General Revenue Fund; amending s. 106.07, F.S.;
82 providing requirements for a presumption of timely filing
83 of campaign finance reports delivered by the United States
84 Postal Service; requiring the Florida Elections Commission
85 to consider mitigating and aggravating circumstances in
86 determining the amount of a fine, if any, for late-filed
87 reports; providing for deposit of certain fine proceeds
88 into the General Revenue Fund; creating s. 106.0705, F.S.;
89 requiring the filing of certain campaign treasurer's
90 reports by electronic means and providing requirements for



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91 such filings and the system used for such filings;
92 requiring the Division of Elections to adopt rules;
93 amending s. 106.075, F.S.; restricting the reporting of
94 loans exceeding a certain value made in the year preceding
95 election to those that are personal; amending s. 106.08,
96 F.S.; prohibiting candidates from making expenditures from
97 their campaign accounts for the purpose of receiving or
98 obtaining an endorsement; providing penalties; amending s.
99 106.087, F.S.; eliminating the prohibition on independent
100 expenditures by committees of continuous existence that
101 accept the use of public funds or resources to collect
102 member dues; amending s. 106.09, F.S.; prohibiting the
103 making or accepting of a contribution in excess of a
104 specified amount by means of a money order; providing
105 penalties; amending s. 106.11, F.S.; requiring the list of
106 persons authorized to use a debit card to be filed with
107 the filing officer; amending s. 106.141, F.S.; providing
108 for deposit into the General Revenue Fund of reimbursed
109 election assessments; conforming references; amending s.
110 106.25, F.S.; requiring sworn complaints to be based upon
111 personal knowledge of the complainant; authorizing
112 respondents and complainants and their counsels to attend
113 hearings at which probable cause is determined; requiring
114 prior notice; permitting a brief oral statement;
115 specifying bases for determining probable cause; amending
116 s. 106.29, F.S.; providing that the proceeds of funds
117 assessed against political parties for the late filing of
118 reports shall be deposited into the General Revenue Fund;
119 repealing s. 98.181, F.S., relating to duty of the
120 supervisor of elections to make up indexes or records;



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121 repealing s. 101.635, F.S., relating to distribution of
122 blocks of printed ballots; repealing s. 102.061, F.S.,
123 relating to duties of election board for counting ballots
124 and closing polls; repealing s. 106.085, F.S., relating to
125 the prohibition on unfair surprise through independent
126 expenditures; repealing s. 106.144, F.S., relating to
127 endorsements or opposition by certain groups and
128 organizations; amending s. 112.312, F.S.; conforming
129 terminology; reenacting ss. 189.405(2)(c) and (3)(b) and
130 191.005(1)(a), F.S., relating to qualifying of candidates
131 for boards of independent special districts and
132 independent special fire control districts, to incorporate
133 the amendment to s. 105.035, F.S., in references thereto;
134 amending s. 582.18, F.S.; conforming terminology;
135 providing an effective date.

136

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

138

139 Section 1. Paragraph (a) of subsection (3) and subsections
140 (4), (10), and (39) of section 97.021, Florida Statutes, are
141 amended to read:

142 97.021 Definitions.--For the purposes of this code, except
143 where the context clearly indicates otherwise, the term:

144 (3) "Ballot" or "official ballot" when used in reference
145 to:

146 (a) "Marksense Paper ~~Paper~~ ballots" means that printed sheet of
147 paper, used in conjunction with an electronic or
148 electromechanical vote tabulation voting system, containing the
149 names of candidates, or a statement of proposed constitutional
150 amendments or other questions or propositions submitted to the



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151 electorate at any election, on which sheet of paper an elector
152 casts his or her vote.

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

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

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

159 (c) Any person who receives contributions or makes
160 expenditures, or gives his or her consent for any other person
161 to receive contributions or make expenditures, with a view to
162 bringing about his or her nomination or election to, or
163 retention in, public office.

164 (d) Any person who appoints a treasurer and designates a
165 primary depository.

166 (e) Any person who files qualifying ~~qualification~~ papers
167 and subscribes to a candidate's oath as required by law.

168

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

171 (10) "Election costs" shall include, but not be limited
172 to, expenditures for all paper supplies such as envelopes,
173 instructions to voters, affidavits, reports, marksense ballots
174 ~~ballot cards~~, ballot booklets for absentee voters, postage, and
175 notices to voters; advertisements for registration book
176 closings, testing of voting equipment, sample ballots, and
177 polling places; forms used to qualify candidates; polling site
178 rental and equipment delivery and pickup; data processing time
179 and supplies; election records retention; and labor costs,



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180 including those costs uniquely associated with absentee ballot
 181 preparation, poll workers, and election night canvass.

182 (39) "Voting system" means a method of casting and
 183 processing votes that functions wholly or partly by use of
 184 electromechanical or electronic apparatus or by use of marksense
 185 ~~paper~~ ballots and includes, but is not limited to, the
 186 procedures for casting and processing votes and the programs,
 187 operating manuals, supplies ~~tabulating cards~~, printouts, and
 188 other software necessary for the system's operation.

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

191 97.052 Uniform statewide voter registration application.--

192 (1) The department shall prescribe a uniform statewide
 193 voter registration application for use in this state.

194 (a) The uniform statewide voter registration application
 195 must be accepted for any one or more of the following purposes:

- 196 1. Initial registration.
- 197 2. Change of address.
- 198 3. Change of party affiliation.
- 199 4. Change of name.
- 200 5. Replacement of voter registration identification card.
- 201 6. Update of signature.

202 (b) The department is responsible for printing the uniform
 203 statewide voter registration application and the voter
 204 registration application form prescribed by the Federal Election
 205 Commission pursuant to the National Voter Registration Act of
 206 1993. The applications and forms must be distributed, upon
 207 request, to the following:

- 208 1. Individuals seeking to register to vote.



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209 2. Individuals or groups conducting voter registration
210 programs. A charge of 1 cent per application shall be assessed
211 on requests for 10,000 or more applications.

212 3. The Department of Highway Safety and Motor Vehicles.

213 4. Voter registration agencies.

214 5. Armed forces recruitment offices.

215 6. Qualifying educational institutions.

216 7. Supervisors, who must make the applications and forms
217 available in the following manner:

218 a. By distributing the applications and forms in their
219 offices to any individual or group.

220 b. By distributing the applications and forms at other
221 locations designated by each supervisor.

222 c. By mailing the applications and forms to applicants
223 upon the request of the applicant.

224 (c) The uniform statewide voter registration application
225 may be reproduced by any of the individuals or entities
226 described in paragraph (b) ~~private individual or group~~, provided
227 the reproduced application is in the same format as the
228 application prescribed under this section.

229 Section 3. Subsections (1) and (2), paragraph (a) of
230 subsection (3), subsection (6), and paragraph (a) of subsection
231 (7) of section 99.061, Florida Statutes, are amended to read:

232 99.061 Method of qualifying for nomination or election to
233 federal, state, county, or district office.--

234 (1) The provisions of any special act to the contrary
235 notwithstanding, each person seeking to qualify for nomination
236 or election to a federal, state, or multicounty district office,
237 other than election to a judicial office as defined in chapter
238 105 or the office of school board member, shall file his or her



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239 qualifying ~~qualification~~ papers with, and pay the qualifying
240 fee, which shall consist of the filing fee and election
241 assessment, and party assessment, if any has been levied, to,
242 the Department of State, or qualify by the petition process
243 pursuant to s. 99.095 ~~alternative method~~ with the Department of
244 State, at any time after noon of the 1st day for qualifying,
245 which shall be as follows: the 120th day prior to the first
246 primary, but not later than noon of the 116th day prior to the
247 date of the first primary, for persons seeking to qualify for
248 nomination or election to federal office; and noon of the 50th
249 day prior to the first primary, but not later than noon of the
250 46th day prior to the date of the first primary, for persons
251 seeking to qualify for nomination or election to a state or
252 multicounty district office.

253 (2) The provisions of any special act to the contrary
254 notwithstanding, each person seeking to qualify for nomination
255 or election to a county office, or district or special district
256 office not covered by subsection (1), shall file his or her
257 qualifying ~~qualification~~ papers with, and pay the qualifying
258 fee, which shall consist of the filing fee and election
259 assessment, and party assessment, if any has been levied, to,
260 the supervisor of elections of the county, or shall qualify by
261 the petition process pursuant to s. 99.095 ~~alternative method~~
262 with the supervisor of elections, at any time after noon of the
263 1st day for qualifying, which shall be the 50th day prior to the
264 first primary or special district election, but not later than
265 noon of the 46th day prior to the date of the first primary or
266 special district election. However, if a special district
267 election is held at the same time as the second primary or
268 general election, qualifying shall be the 50th day prior to the



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269 first primary, but not later than noon of the 46th day prior to
270 the date of the first primary. Within 30 days after the closing
271 of qualifying time, the supervisor of elections shall remit to
272 the secretary of the state executive committee of the political
273 party to which the candidate belongs the amount of the filing
274 fee, two-thirds of which shall be used to promote the candidacy
275 of candidates for county offices and the candidacy of members of
276 the Legislature.

277 (3)(a) Each person seeking to qualify for election to
278 office as a write-in candidate shall file his or her qualifying
279 ~~qualification~~ papers with the respective qualifying officer at
280 any time after noon of the 1st day for qualifying, but not later
281 than noon of the last day of the qualifying period for the
282 office sought.

283 (6) Notwithstanding the qualifying period prescribed in
284 this section, if a candidate has submitted the necessary
285 petitions by the required deadline in order to qualify by the
286 petition process pursuant to s. 99.095 ~~alternative method~~ as a
287 candidate for nomination or election and the candidate is
288 notified after the 5th day prior to the last day for qualifying
289 that the required number of signatures has been obtained, the
290 candidate is entitled to subscribe to the candidate's oath and
291 file the qualifying papers at any time within 5 days after ~~from~~
292 the date the candidate is notified that the necessary number of
293 signatures has been obtained. Any candidate who qualifies within
294 the time prescribed in this subsection is entitled to have his
295 or her name printed on the ballot.

296 (7)(a) In order for a candidate to be qualified, the
297 following items must be received by the filing officer by the
298 end of the qualifying period:



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299 1. A properly executed check drawn upon the candidate's
300 campaign account in an amount not less than the fee required by
301 s. 99.092 or, in lieu thereof, as applicable, the copy of the
302 notice of obtaining ballot position pursuant to s. 99.095 ~~or the~~
303 ~~undue burden oath authorized pursuant to s. 99.0955 or s.~~
304 ~~99.096~~. If a candidate's check is returned by the bank for any
305 reason, the filing officer shall immediately notify the
306 candidate and the candidate shall, the end of qualifying
307 notwithstanding, have 48 hours from the time such notification
308 is received, excluding Saturdays, Sundays, and legal holidays,
309 to pay the fee with a cashier's check purchased from funds of
310 the campaign account. Failure to pay the fee as provided in this
311 subparagraph shall disqualify the candidate.

312 2. The candidate's oath required by s. 99.021, which must
313 contain the name of the candidate as it is to appear on the
314 ballot; the office sought, including the district or group
315 number if applicable; and the signature of the candidate, duly
316 acknowledged.

317 3. The loyalty oath required by s. 876.05, signed by the
318 candidate and duly acknowledged.

319 4. If the office sought is partisan, the written statement
320 of political party affiliation required by s. 99.021(1)(b).

321 5. The completed form for the appointment of campaign
322 treasurer and designation of campaign depository, as required by
323 s. 106.021.

324 6. The full and public disclosure or statement of
325 financial interests required by subsection (4).

326 Section 4. Subsection (1) of section 99.092, Florida
327 Statutes, is amended to read:



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328 99.092 Qualifying fee of candidate; notification of
329 Department of State.--

330 (1) Each person seeking to qualify for nomination or
331 election to any office, except a person seeking to qualify by
332 the petitioning process ~~alternative method~~ pursuant to s.
333 ~~99.095, s. 99.0955, or s. 99.096~~ and except a person seeking to
334 qualify as a write-in candidate, shall pay a qualifying fee,
335 which shall consist of a filing fee and election assessment, to
336 the officer with whom the person qualifies, and any party
337 assessment levied, and shall attach the original or signed
338 duplicate of the receipt for his or her party assessment or pay
339 the same, in accordance with the provisions of s. 103.121, at
340 the time of filing his or her other qualifying papers. The
341 amount of the filing fee is 3 percent of the annual salary of
342 the office. The amount of the election assessment is 1 percent
343 of the annual salary of the office sought. The election
344 assessment shall be deposited into the Elections Commission
345 Trust Fund. The amount of the party assessment is 2 percent of
346 the annual salary. The annual salary of the office for purposes
347 of computing the filing fee, election assessment, and party
348 assessment shall be computed by multiplying 12 times the monthly
349 salary, excluding any special qualification pay, authorized for
350 such office as of July 1 immediately preceding the first day of
351 qualifying. No qualifying fee shall be returned to the candidate
352 unless the candidate withdraws his or her candidacy before the
353 last date to qualify. If a candidate dies prior to an election
354 and has not withdrawn his or her candidacy before the last date
355 to qualify, the candidate's qualifying fee shall be returned to
356 his or her designated beneficiary, and, if the filing fee or any
357 portion thereof has been transferred to the political party of



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358 the candidate, the Secretary of State shall direct the party to
359 return that portion to the designated beneficiary of the
360 candidate.

361 Section 5. Section 99.095, Florida Statutes, is amended to
362 read:

363 (Substantial rewording of section. See
364 s. 99.095, F.S., for present text.)

365 99.095 Petition process in lieu of qualifying fee and party
366 assessment.--

367 (1) A person seeking to qualify as a candidate for any
368 office, other than a judicial office as defined in s. 105.011 or
369 the office of school board member, is not required to pay the
370 qualifying fee or party assessment required by this chapter if he
371 or she meets the petition requirements of this section.

372 (2)(a) A candidate shall obtain the signatures of voters in
373 the geographical area represented by the office sought equal to
374 at least 1 percent of the total number of voters of that
375 geographical area, as shown by the compilation by the department
376 for the last preceding general election. No signatures may be
377 obtained until the candidate has filed the appointment of
378 campaign treasurer and designation of campaign depository
379 pursuant to s. 106.021.

380 (b) The format of the petition shall be prescribed by the
381 division and shall be used by candidates to reproduce petitions
382 for circulation. If the candidate is running for an office that
383 requires a group or district designation, the petition must
384 indicate that designation or the signatures are not valid. A
385 separate petition is required for each candidate.

386 (3) Each petition must be submitted before noon of the 28th
387 day preceding the first day of the qualifying period for the



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388 office sought to the supervisor of elections of the county in
389 which such petition was circulated. Each supervisor shall check
390 the signatures on the petitions to verify their status as voters
391 in the county, district, or other geographical area represented
392 by the office sought. No later than the 7th day prior to the 1st
393 day of the qualifying period, the supervisor shall certify the
394 number of valid signatures.

395 (4)(a) Certifications for candidates for federal, state, or
396 multicounty district office shall be submitted to the division.
397 The division shall determine whether the required number of
398 signatures has been obtained and shall notify the candidate.

399 (b) For candidates for county or district office not
400 covered by paragraph (a), the supervisor shall determine whether
401 the required number of signatures has been obtained and shall
402 notify the candidate.

403 (5) If the required number of signatures has been obtained,
404 the candidate is eligible to qualify pursuant to s. 99.061.

405 Section 6. Section 99.0955, Florida Statutes, is amended
406 to read:

407 99.0955 Candidates with no party affiliation; name on
408 general election ballot.--

409 (1) Each person seeking to qualify ~~for election~~ as a
410 candidate with no party affiliation shall file his or her
411 qualifying qualification papers and pay the qualifying fee, or
412 qualify by the petition process pursuant to s. 99.095,
413 ~~alternative method prescribed in subsection (3)~~ with the officer
414 and during the times and under the circumstances prescribed in
415 s. 99.061. Upon qualifying, the candidate is entitled to have
416 his or her name placed on the general election ballot.



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417 (2) The qualifying fee for candidates with no party
418 affiliation shall consist of a filing fee and an election
419 assessment. ~~The amount of the filing fee is 3 percent of the~~
420 ~~annual salary of the office sought. The amount of the election~~
421 ~~assessment is 1 percent of the annual salary of the office~~
422 ~~sought. The election assessment shall be deposited into the~~
423 ~~Elections Commission Trust Fund. Filing fees paid to the~~
424 ~~Department of State shall be deposited into the General Revenue~~
425 ~~Fund of the state. Filing fees paid to the supervisor of~~
426 ~~elections shall be deposited into the general revenue fund of~~
427 ~~the county.~~

428 ~~(3)(a) A candidate with no party affiliation may, in lieu~~
429 ~~of paying the qualifying fee, qualify for office by the~~
430 ~~alternative method prescribed in this subsection. A candidate~~
431 ~~using this petitioning process shall file an oath with the~~
432 ~~officer before whom the candidate would qualify for the office~~
433 ~~stating that he or she intends to qualify by this alternative~~
434 ~~method. If the person is running for an office that requires a~~
435 ~~group or district designation, the candidate must indicate the~~
436 ~~designation in his or her oath. The oath shall be filed at any~~
437 ~~time after the first Tuesday after the first Monday in January~~
438 ~~of the year in which the election is held, but before the 21st~~
439 ~~day preceding the first day of the qualifying period for the~~
440 ~~office sought. The Department of State shall prescribe the form~~
441 ~~to be used in administering and filing the oath. Signatures may~~
442 ~~not be obtained by a candidate on any petition until the~~
443 ~~candidate has filed the oath required in this subsection. Upon~~
444 ~~receipt of the written oath from a candidate, the qualifying~~
445 ~~officer shall provide the candidate with petition forms in~~
446 ~~sufficient numbers to facilitate the gathering of signatures. If~~



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447 ~~the candidate is running for an office that requires a group or~~
448 ~~district designation, the petition must indicate that~~
449 ~~designation or the signatures obtained on the petition will not~~
450 ~~be counted.~~

451 ~~(b) A candidate shall obtain the signatures of a number of~~
452 ~~qualified electors in the geographical entity represented by the~~
453 ~~office sought equal to 1 percent of the registered electors of~~
454 ~~the geographical entity represented by the office sought, as~~
455 ~~shown by the compilation by the Department of State for the~~
456 ~~preceding general election.~~

457 ~~(c) Each petition must be submitted before noon of the~~
458 ~~21st day preceding the first day of the qualifying period for~~
459 ~~the office sought, to the supervisor of elections of the county~~
460 ~~for which such petition was circulated. Each supervisor to whom~~
461 ~~a petition is submitted shall check the signatures on the~~
462 ~~petition to verify their status as electors in the county,~~
463 ~~district, or other geographical entity represented by the office~~
464 ~~sought. Before the first day for qualifying, the supervisor~~
465 ~~shall certify the number shown as registered electors.~~

466 ~~(d)1. Certifications for candidates for federal, state, or~~
467 ~~multicounty district office shall be submitted to the Department~~
468 ~~of State. The Department of State shall determine whether the~~
469 ~~required number of signatures has been obtained for the name of~~
470 ~~the candidate to be placed on the ballot and shall notify the~~
471 ~~candidate.~~

472 ~~2. For candidates for county or district office not~~
473 ~~covered by subparagraph 1., the supervisor of elections shall~~
474 ~~determine whether the required number of signatures has been~~
475 ~~obtained for the name of the candidate to be placed on the~~
476 ~~ballot and shall notify the candidate.~~



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477 ~~(c) If the required number of signatures has been~~
478 ~~obtained, the candidate shall, during the time prescribed for~~
479 ~~qualifying for office, submit a copy of the notice received~~
480 ~~under paragraph (d) and file his or her qualifying papers and~~
481 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

482 Section 7. Section 99.096, Florida Statutes, is amended to
483 read:

484 99.096 Minor party candidates; ~~names on ballot.~~--

485 (1) The executive committee of a minor political party
486 shall, no later than noon of the third day prior to the first
487 day of the qualifying period prescribed for federal candidates,
488 submit to the Department of State a list of federal candidates
489 nominated by the party to be on the general election ballot. ~~and~~
490 No later than noon of the third day prior to the first day of
491 the qualifying period for state candidates, the executive
492 committee of a minor political party must submit to the
493 ~~Department of State~~ the official list of the state, multicounty,
494 and county ~~respective~~ candidates nominated by that party to be
495 on the ballot in the general election to the filing officer for
496 each of the candidates. ~~The Department of State shall notify the~~
497 ~~appropriate supervisors of elections of the name of each minor~~
498 ~~party candidate eligible to qualify before such supervisor.~~ The
499 official list of nominated candidates may not be changed by the
500 party after having been filed with the filing officers
501 ~~Department of State~~, except that candidates who have qualified
502 may withdraw from the ballot pursuant to the provisions of this
503 code, and vacancies in nominations may be filled pursuant to s.
504 100.111.

505 (2) Each person seeking to qualify for election as a
506 candidate of a minor party shall file his or her qualifying



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507 ~~qualification papers with, and pay the qualifying fee and, if~~
508 ~~one has been levied, the party assessment, or qualify by the~~
509 ~~petition process pursuant to s. 99.095 alternative method~~
510 ~~prescribed in subsection (3), with the officer and at the times~~
511 ~~and under the circumstances provided in s. 99.061.~~

512 ~~(3)(a) A minor party candidate may, in lieu of paying the~~
513 ~~qualifying fee and party assessment, qualify for office by the~~
514 ~~alternative method prescribed in this subsection. A candidate~~
515 ~~using this petitioning process shall file an oath with the~~
516 ~~officer before whom the candidate would qualify for the office~~
517 ~~stating that he or she intends to qualify by this alternative~~
518 ~~method. If the person is running for an office that requires a~~
519 ~~group or district designation, the candidate must indicate the~~
520 ~~designation in his or her oath. The oath must be filed at any~~
521 ~~time after the first Tuesday after the first Monday in January~~
522 ~~of the year in which the election is held, but before the 21st~~
523 ~~day preceding the first day of the qualifying period for the~~
524 ~~office sought. The Department of State shall prescribe the form~~
525 ~~to be used in administering and filing the oath. Signatures may~~
526 ~~not be obtained by a candidate on any petition until the~~
527 ~~candidate has filed the oath required in this section. Upon~~
528 ~~receipt of the written oath from a candidate, the qualifying~~
529 ~~officer shall provide the candidate with petition forms in~~
530 ~~sufficient numbers to facilitate the gathering of signatures. If~~
531 ~~the candidate is running for an office that requires a group or~~
532 ~~district designation, the petition must indicate that~~
533 ~~designation or the signatures on such petition will not be~~
534 ~~counted.~~

535 ~~(b) A candidate shall obtain the signatures of a number of~~
536 ~~qualified electors in the geographical entity represented by the~~



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537 ~~office sought equal to 1 percent of the registered electors in~~
538 ~~the geographical entity represented by the office sought, as~~
539 ~~shown by the compilation by the Department of State for the last~~
540 ~~preceding general election.~~

541 ~~(c) Each petition shall be submitted prior to noon of the~~
542 ~~21st day preceding the first day of the qualifying period for~~
543 ~~the office sought to the supervisor of elections of the county~~
544 ~~for which the petition was circulated. Each supervisor to whom a~~
545 ~~petition is submitted shall check the signatures on the petition~~
546 ~~to verify their status as electors in the county, district, or~~
547 ~~other geographical entity represented by the office sought.~~
548 ~~Before the first day for qualifying, the supervisor shall~~
549 ~~certify the number shown as registered electors.~~

550 ~~(d)1. Certifications for candidates for federal, state, or~~
551 ~~multicounty district office shall be submitted to the Department~~
552 ~~of State. The Department of State shall determine whether the~~
553 ~~required number of signatures has been obtained for the name of~~
554 ~~the candidate to be placed on the ballot and shall notify the~~
555 ~~candidate.~~

556 ~~2. For candidates for county or district office not~~
557 ~~covered by subparagraph 1., the supervisor of elections shall~~
558 ~~determine whether the required number of signatures has been~~
559 ~~obtained for the name of the candidate to be placed on the~~
560 ~~ballot and shall notify the candidate.~~

561 ~~(e) If the required number of signatures has been~~
562 ~~obtained, the candidate shall, during the prescribed time for~~
563 ~~qualifying for office, submit a copy of the notice received~~
564 ~~under paragraph (d) and file his or her qualifying papers and~~
565 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~



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566 ~~(4) A minor party candidate whose name has been submitted~~
567 ~~pursuant to subsection (1) and who has qualified for office is~~
568 ~~entitled to have his or her name placed on the general election~~
569 ~~ballot.~~

570 Section 8. Subsection (1) of section 99.09651, Florida
571 Statutes, is amended to read:

572 99.09651 Signature requirements for ballot position in
573 year of apportionment.--

574 (1) In a year of apportionment, any candidate for
575 representative to Congress, state Senate, or state House of
576 Representatives seeking ballot position by the petition process
577 ~~alternative method~~ prescribed in s. 99.095, ~~s. 99.0955, or s.~~
578 ~~99.096~~ shall obtain at least the number of signatures equal to
579 one-third of 1 percent of the ideal population for the district
580 of the office being sought.

581 Section 9. Subsection (1) of section 100.011, Florida
582 Statutes, is amended to read:

583 100.011 Opening and closing of polls, all elections;
584 expenses.--

585 (1) The polls shall be open at the voting places at 7:00
586 a.m., on the day of the election, and shall be kept open until
587 7:00 p.m., of the same day, and the time shall be regulated by
588 the customary time in standard use in the county seat of the
589 locality. The inspectors shall make public proclamation of the
590 opening and closing of the polls. During the election and
591 canvass of the votes, the ballot box shall not be concealed. Any
592 elector in line at the official closing of the polls shall be
593 allowed to cast a vote in that election.



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594 Section 10. Paragraph (c) of subsection (3) and
595 subsections (4) and (6) of section 100.111, Florida Statutes,
596 are amended to read:

597 100.111 Filling vacancy.--

598 (3) Whenever there is a vacancy for which a special
599 election is required pursuant to s. 100.101(1)-(4), the
600 Governor, after consultation with the Secretary of State, shall
601 fix the date of a special first primary election, a special
602 second primary election, and a special election. Nominees of
603 political parties other than minor political parties shall be
604 chosen under the primary laws of this state in the special
605 primary elections to become candidates in the special election.
606 Prior to setting the special election dates, the Governor shall
607 consider any upcoming elections in the jurisdiction where the
608 special election will be held. The dates fixed by the Governor
609 shall be specific days certain and shall not be established by
610 the happening of a condition or stated in the alternative. The
611 dates fixed shall provide a minimum of 2 weeks between each
612 election. In the event a vacancy occurs in the office of state
613 senator or member of the House of Representatives when the
614 Legislature is in regular legislative session, the minimum times
615 prescribed by this subsection may be waived upon concurrence of
616 the Governor, the Speaker of the House of Representatives, and
617 the President of the Senate. If a vacancy occurs in the office
618 of state senator and no session of the Legislature is scheduled
619 to be held prior to the next general election, the Governor may
620 fix the dates for any special primary and for the special
621 election to coincide with the dates of the first and second
622 primary and general election. If a vacancy in office occurs in
623 any district in the state Senate or House of Representatives or



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624 in any congressional district, and no session of the
 625 Legislature, or session of Congress if the vacancy is in a
 626 congressional district, is scheduled to be held during the
 627 unexpired portion of the term, the Governor is not required to
 628 call a special election to fill such vacancy.

629 (c) The dates for a candidate to qualify by the petition
 630 process pursuant to s. 99.095 ~~alternative method~~ in such special
 631 primary or special election shall be fixed by the Department of
 632 State. In fixing such dates the Department of State shall take
 633 into consideration and be governed by the practical time
 634 limitations. Any candidate seeking to qualify by the petition
 635 process ~~alternative method~~ in a special primary election shall
 636 obtain 25 percent of the signatures required by s. 99.095, ~~s.~~
 637 ~~99.0955, or s. 99.096, as applicable.~~

638 (4)(a) In the event that death, resignation, withdrawal,
 639 removal, or any other cause or event should cause a party to
 640 have a vacancy in nomination which leaves no candidate for an
 641 office from such party, the Governor shall, after conferring
 642 with the Secretary of State, call a special primary election
 643 and, if necessary, a second special primary election to select
 644 for such office a nominee of such political party. The dates on
 645 which candidates may qualify for such special primary election
 646 shall be fixed by the Department of State, and the candidates
 647 shall qualify no later than noon of the last day so fixed. The
 648 filing of campaign expense statements by candidates in special
 649 primaries shall not be later than such dates as shall be fixed
 650 by the Department of State. In fixing such dates, the Department
 651 of State shall take into consideration and be governed by the
 652 practical time limitations. The qualifying fees and party
 653 assessment of such candidates as may qualify shall be the same



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654 as collected for the same office at the last previous primary
655 for that office. Each county canvassing board shall make as
656 speedy a return of the results of such primaries as time will
657 permit, and the Elections Canvassing Commission shall likewise
658 make as speedy a canvass and declaration of the nominees as time
659 will permit.

660 (b) If the vacancy in nomination occurs later than
661 September 15, or if the vacancy in nomination occurs with
662 respect to a candidate of a minor political party which has
663 obtained a position on the ballot, no special primary election
664 shall be held and the Department of State shall notify the chair
665 of the appropriate state, district, or county political party
666 executive committee of such party; and, within 7 days, the chair
667 shall call a meeting of his or her executive committee to
668 consider designation of a nominee to fill the vacancy. The name
669 of any person so designated shall be submitted to the Department
670 of State within 14 days after ~~of~~ notice to the chair ~~in order~~
671 ~~that the person designated may have his or her name printed or~~
672 ~~otherwise placed on the ballot of the ensuing general election,~~
673 ~~but in no event shall the supervisor of elections be required to~~
674 ~~place on a ballot a name submitted less than 21 days prior to~~
675 ~~the election.~~ If the name of the new nominee is submitted after
676 the ballots have been printed or programmed into the voting
677 devices and the supervisor of elections is not able to reprint
678 or reprogram the ballots or otherwise strike the former
679 nominee's name and insert the new nominee's name ~~vacancy occurs~~
680 ~~less than 21 days prior to the election,~~ the person designated
681 by the political party will replace the former party nominee
682 even though the former party nominee's name will be on the
683 ballot. Any ballots cast for the former party nominee will be



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684 counted for the person designated by the political party to
685 replace the former party nominee. If there is no opposition to
686 the party nominee, the person designated by the political party
687 to replace the former party nominee will be elected to office at
688 the general election. For purposes of this paragraph, the term
689 "district political party executive committee" means the members
690 of the state executive committee of a political party from those
691 counties comprising the area involving a district office.

692 (c) When, under the circumstances set forth in the
693 preceding paragraph, vacancies in nomination are required to be
694 filled by committee nominations, such vacancies shall be filled
695 by party rule. In any instance in which a nominee is selected by
696 a committee to fill a vacancy in nomination, such nominee shall
697 pay the same filing fee and take the same oath as the nominee
698 would have taken had he or she regularly qualified for election
699 to such office.

700 (d) Any person who, at the close of qualifying as
701 prescribed in ss. 99.061 and 105.031, was qualified for
702 nomination or election to or retention in a public office to be
703 filled at the ensuing general election is prohibited from
704 qualifying as a candidate to fill a vacancy in nomination for
705 any other office to be filled at that general election, even if
706 such person has withdrawn or been eliminated as a candidate for
707 the original office sought. However, this paragraph does not
708 apply to a candidate for the office of Lieutenant Governor who
709 applies to fill a vacancy in nomination for the office of
710 Governor on the same ticket or to a person who has withdrawn or
711 been eliminated as a candidate and who is subsequently
712 designated as a candidate for Lieutenant Governor under s.
713 99.063.



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714 (6) In the event that a vacancy occurs which leaves less
 715 than 4 weeks for a candidate seeking to qualify by the petition
 716 process pursuant to s. 99.095 ~~alternative method~~ to gather
 717 signatures for ballot position, the number of signatures
 718 required for ballot placement shall be 25 percent of the number
 719 of signatures required by s. 99.095, ~~s. 99.0955, or s. 99.096,~~
 720 ~~whichever is applicable.~~

721 Section 11. Subsection (2) of section 100.141, Florida
 722 Statutes, is amended to read:

723 100.141 Notice of special election to fill any vacancy in
 724 office or nomination.--

725 (2) The Department of State shall prepare a notice stating
 726 what offices and vacancies are to be filled in the special
 727 election, the date set for each special primary election and the
 728 special election, the dates fixed for qualifying for office, the
 729 dates fixed for qualifying by the petition process pursuant to
 730 s. 99.095 ~~alternative method~~, and the dates fixed for filing
 731 campaign expense statements.

732 Section 12. Section 100.361, Florida Statutes, is amended
 733 to read:

734 100.361 Municipal or charter county recall.--

735 (1) RECALL PETITION.--Any member of the governing body of
 736 a municipality or charter county, ~~hereinafter referred to in~~
 737 ~~this section as "municipality,"~~ may be removed from office by
 738 the electors of the municipality or charter county. When the
 739 official represents a district and is elected only by electors
 740 residing in that district, only electors from that district are
 741 eligible to sign the petition to recall that official and are
 742 entitled to vote in the recall election. When the official
 743 represents a district and is elected at-large by the electors of



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744 the municipality or charter county, all electors of the
745 municipality or charter county are eligible to sign the petition
746 to recall that official and are entitled to vote in the recall
747 election. Where used in this section, the term "district" shall
748 be construed to mean the area or region of a municipality or
749 charter county from which a member of the governing body is
750 elected by the electors from such area or region. Members may be
751 removed from office by the following procedure:

752 (a) A petition shall be prepared naming the person sought
753 to be recalled and containing a statement of grounds for recall
754 in not more than 200 words, using at least 10-point but not more
755 than 14-point type and no graphic or pictorial representation,
756 and limited solely to the grounds specified in paragraph (b). If
757 more than one member of the governing body is sought to be
758 recalled, whether such member is elected by the electors of a
759 district or by the electors of the municipality or charter
760 county at-large, a separate recall petition shall be prepared
761 for each member sought to be recalled.

762 1. In a municipality, charter county, or district of fewer
763 than 500 electors, the petition shall be signed by at least 50
764 electors ~~or by 10 percent of the total number of registered~~
765 ~~electors~~ of the municipality, charter county, or district as of
766 the preceding municipal or charter county election, ~~whichever is~~
767 ~~greater~~.

768 2. In a municipality, charter county, or district of 500
769 or more but fewer than 2,000 registered electors, the petition
770 shall be signed by at least 100 electors or by 10 percent of the
771 total number of registered electors of the municipality, charter
772 county, or district as of the preceding municipal or charter
773 county election, whichever is greater.



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774 3. In a municipality, charter county, or district of 2,000
775 or more but fewer than 5,000 registered electors, the petition
776 shall be signed by at least 250 electors or by 10 percent of the
777 total number of registered electors of the municipality, charter
778 county, or district as of the preceding municipal or charter
779 county election, whichever is greater.

780 4. In a municipality, charter county, or district of 5,000
781 or more but fewer than 10,000 registered electors, the petition
782 shall be signed by at least 500 electors or by 10 percent of the
783 total number of registered electors of the municipality, charter
784 county, or district as of the preceding municipal or charter
785 county election, whichever is greater.

786 5. In a municipality, charter county, or district of
787 10,000 or more but fewer than 25,000 registered electors, the
788 petition shall be signed by at least 1,000 electors or by 10
789 percent of the total number of registered electors of the
790 municipality, charter county, or district as of the preceding
791 municipal or charter county election, whichever is greater.

792 6. In a municipality, charter county, or district of
793 25,000 or more registered electors, the petition shall be signed
794 by at least 1,000 electors or by 5 percent of the total number
795 of registered electors of the municipality, charter county, or
796 district as of the preceding municipal or charter county
797 election, whichever is greater.

798
799 Electors of the municipality, charter county, or district making
800 charges contained in the statement of grounds for recall and
801 those signing the recall petition shall be designated as the
802 "committee." A specific person shall be designated in the
803 petition as chair of the committee to act for the committee.



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804 Electors of the municipality, charter county, or district are
 805 eligible to sign the petition. Signatures and oaths of witnesses
 806 shall be executed as provided in paragraph (c). Before
 807 collecting any signatures, the chair of the committee shall file
 808 a letter of intent with the clerk of the municipality or charter
 809 county, or his or her equivalent. All signatures shall be
 810 obtained ~~within a period of 30 days,~~ and the petition shall be
 811 filed within 30 days after receipt by the clerk of the letter of
 812 intent ~~the date the first signature is obtained on the petition.~~

813 (b) The grounds for removal of elected members of the
 814 governing body of a municipality or charter county ~~municipal~~
 815 ~~officials~~ shall, for the purposes of this act, be limited to the
 816 following and must be contained in the petition:

- 817 1. Malfeasance;
- 818 2. Misfeasance;
- 819 3. Neglect of duty;
- 820 4. Drunkenness;
- 821 5. Incompetence;
- 822 6. Permanent inability to perform official duties; and
- 823 7. Conviction of a felony involving moral turpitude.

824 (c) Each elector of the municipality or charter county
 825 signing a petition shall sign his or her name in ink or
 826 indelible pencil as registered in the office of the supervisor
 827 of elections and shall state on the petition his or her place of
 828 residence ~~and voting precinct.~~ Each petition shall be entitled
 829 "Recall Petition" and contain appropriate lines for the
 830 signature, printed name, and residence ~~street~~ address of the
 831 elector and an oath, to be executed by a witness thereof,
 832 verifying the fact that the witness saw each person sign the
 833 counterpart of the petition, that each signature appearing



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834 thereon is the genuine signature of the person it purports to
 835 be, and that the petition was signed in the presence of the
 836 witness on the date indicated. The "Recall Petition" shall be
 837 created in substantially the following form:

838
 839 RECALL PETITION

840
 841 (Statement of grounds for recall - 200 words or less)

842
 843 ... (Printed Name) ...

844 ... (Signature of Elector) ...

845 ... (Residence Address) ...

846 ... (Date of Birth) ...

847 ... (Date Signed) ...

848
 849 I, ... (printed name of witness) ..., do hereby swear or
 850 affirm that I have witnessed each person sign the petition, that
 851 each signature is the genuine signature of the person it
 852 purports to be, and that the petition was signed in the presence
 853 of the witness on the date indicated.

854
 855 Witness:

856
 857 ... (Signature) ... (Date) ...

858
 859 ... (Designated Committee Chair Information) ...

860
 861 (d) The petition shall be filed with the ~~auditor or~~ clerk
 862 ~~of the municipality or charter county, or his or her equivalent,~~
 863 ~~hereinafter referred to as clerk,~~ by the person designated as



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864 chair of the committee, and, when the petition is filed, the
865 clerk shall, within 5 days after receipt, submit such petition
866 to the county supervisor of elections who shall, within a period
867 of not more than 30 days after the petition is filed with the
868 supervisor, determine whether the petition contains the required
869 valid signatures. The petition cannot be amended after it is
870 filed with the clerk. The supervisor shall be paid by the
871 ~~persons or~~ committee chair seeking verification the sum of 10
872 cents for each name checked.

873 (e) If it is determined that the petition does not contain
874 the required signatures, the clerk shall, within 5 days after
875 notification by the supervisor of elections, so certify to the
876 governing body of the municipality or charter county and file
877 the petition without taking further action, and the matter shall
878 be at an end. No additional names may be added to the petition,
879 and the petition shall not be used in any other proceeding.

880 (f) If it is determined that the petition has the required
881 signatures, then the clerk shall, within 5 days after
882 notification by the supervisor of elections, ~~at once~~ serve upon
883 the person sought to be recalled a certified copy of the
884 petition. Within 5 days after receipt of the petition ~~service~~,
885 the person sought to be recalled may file with the clerk a
886 defensive statement of not more than 200 words, using at least
887 10-point but not more than 14-point type and no graphic or
888 pictorial representation. The clerk shall, within 5 days after
889 receipt of the defensive statement, prepare a sufficient number
890 of ~~typewritten, printed, or mimeographed~~ copies of the "Recall
891 Petition and Defense" ~~recall petition and defensive statement~~,
892 ~~as well as the names, addresses, and oaths on the original~~
893 ~~petition~~, and deliver them to the person who has been designated



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894 as chair of the committee and take his or her receipt therefor.
 895 ~~The Such prepared copies shall be entitled~~ "Recall Petition and
 896 Defense" ~~and~~ shall contain the statement of grounds for recall
 897 and the defensive statement along with lines and spaces for
 898 signatures and printed names of registered electors, place of
 899 residence, ~~election precinct number,~~ and date of signing,
 900 together with oaths to be executed by the witnesses ~~which~~
 901 ~~conform to the provisions of paragraph (c).~~ The clerk shall
 902 deliver forms sufficient to carry the signatures of 30 percent
 903 of the registered electors. The "Recall Petition and Defense"
 904 shall be created in substantially the following form:

905
 906 RECALL PETITION AND DEFENSE

907
 908 (Grounds for recall as stated in original recall petition)

909
 910 (Defensive statement - 200 words or less)

911
 912 ... (Printed Name) ...

913 ... (Signature of Elector) ...

914 ... (Residence Address) ...

915 ... (Date of Birth) ...

916 ... (Date Signed) ...

917
 918 I, ... (printed name of witness) ..., do hereby swear or
 919 affirm that I have witnessed each person sign the petition, that
 920 each signature is the genuine signature of the person it
 921 purports to be, and that the petition was signed in the presence
 922 of the witness on the date indicated.



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924 Witness:

925

926 ... (Signature) ... (Date) ...

927

928 ... (Designated Committee Chair Information) ...

929

930

931 (g) Upon receipt of the "Recall Petition and Defense,"
 932 the committee may circulate the "Recall Petition and Defense"
 933 ~~them~~ to obtain the signatures of 15 percent of the electors as
 934 of the last regularly scheduled election in the jurisdiction of
 935 the recall. ~~Any elector who signs a recall petition shall have~~
 936 ~~the right to demand in writing that his or her name be stricken~~
 937 ~~from the petition. A written demand signed by the elector shall~~
 938 ~~be filed with the clerk and upon receipt of the demand the clerk~~
 939 ~~shall strike the name of the elector from the petition and place~~
 940 ~~his or her initials to the side of the signature stricken.~~
 941 ~~However,~~ No signature may be stricken after the clerk has
 942 delivered the "Recall Petition and Defense" to the supervisor of
 943 elections for verification.

944 (h) Within 60 days after the date of receipt by the chair
 945 ~~delivery~~ of the "Recall Petition and Defense," ~~to the chair,~~ the
 946 chair shall file with the clerk the "Recall Petition and
 947 Defense" which bears the signatures of electors. The clerk
 948 shall, within 5 days after receipt from the chair, assemble all
 949 signed petitions, check to see that each petition is properly
 950 verified by the oath of a witness, and submit such petitions to
 951 the county supervisor of elections, who shall determine the
 952 number of valid signatures, ~~purge the names withdrawn,~~ certify
 953 within 30 days whether 15 percent of the qualified electors from



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954 the last regularly scheduled election in the jurisdiction of the
955 recall of the municipality have signed the petitions, and report
956 his or her findings to the governing body and the clerk. The
957 supervisor shall be paid by the persons or committee seeking
958 verification the sum of 10 cents for each name checked.

959 (i) If the petitions do not contain the required
960 signatures, the clerk shall report such fact to the governing
961 body and file the petitions, the proceedings shall be
962 terminated, and the petitions shall not again be used. If the
963 signatures do amount to at least 15 percent of the qualified
964 electors from the last regularly scheduled election in the
965 jurisdiction of the recall, the clerk shall serve notice of that
966 fact upon the person sought to be recalled and deliver to the
967 governing body a certificate as to the percentage of qualified
968 voters who signed.

969 (2) RECALL ELECTION.--If the person designated in the
970 petition files with the clerk, ~~within 5 days after the last-~~
971 ~~mentioned notice,~~ his or her written resignation, the clerk
972 shall, within 5 days after receipt of the resignation, at once
973 notify the governing body of that fact, and the resignation
974 shall be irrevocable. The governing body shall then proceed to
975 fill the vacancy according to the provisions of the appropriate
976 law. However, if the resignation is filed with the clerk after
977 the close of the qualifying period set for that seat, the recall
978 election shall still be held to fill the vacancy created by the
979 resignation. In the absence of a resignation, the chief judge of
980 the judicial circuit in which the municipality or charter county
981 is located shall fix a day for holding a recall election for the
982 removal of those not resigning. Any such election shall be held
983 not less than 30 days or more than 60 days after notice required



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984 under paragraph (1)(i) the expiration of the 5-day period last-
985 mentioned and at the same time as any other general or special
986 election held within the period; but if no such election is to
987 be held within that period, the judge shall call a special
988 recall election to be held within the period aforesaid.

989 (3) BALLOTS.--The ballots at the recall election shall
990 conform to the following: With respect to each person whose
991 removal is sought, the question shall be submitted: "Shall ...
992 (name of person) ... be removed from the office of ... (title
993 and district or ward number, as applicable) ... by recall?"
994 Immediately following each question there shall be printed on
995 the ballots the two propositions in the order here set forth:
996 "... (name of person) ... should be removed from office."
997 "... (name of person) ... should not be removed from
998 office."

999 (4) FILLING OF VACANCIES; SPECIAL ELECTIONS.--

1000 (a) If an election is held for the recall of members
1001 elected only at-large, candidates to succeed them for the
1002 unexpired terms shall be voted upon at the same election and
1003 shall be elected in the same manner as provided by the
1004 appropriate law for the election of candidates at general
1005 elections. Candidates shall not be elected to succeed any
1006 particular member. If only one member is removed, the candidate
1007 receiving the highest number of votes shall be declared elected
1008 to fill the vacancy. If more than one member is removed,
1009 candidates equal in number to the number of members removed
1010 shall be declared elected to fill the vacancies; and, among the
1011 successful candidates, those receiving the greatest number of
1012 votes shall be declared elected for the longest terms. Cases of



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1013 ties, and all other matters not herein specially provided for,
1014 shall be determined by the rules governing elections generally.

1015 (b) If an election is held for the recall of members
1016 elected only from districts, candidates to succeed them for the
1017 unexpired terms shall be voted upon at a special election called
1018 by the chief judge of the judicial circuit in which the
1019 districts are located not less than 30 days or more than 60 days
1020 after the expiration of the recall election. The qualifying
1021 period, for purposes of this section, shall be established by
1022 the chief judge of the judicial circuit after consultation with
1023 the clerk or election official. Any candidate seeking election
1024 to fill the unexpired term of a recalled district municipal or
1025 charter county official shall reside in the district represented
1026 by the recalled official and qualify for office in the manner
1027 required by law. Each candidate receiving the highest number of
1028 votes for each office in the special district recall election
1029 shall be declared elected to fill the unexpired term of the
1030 recalled official. Candidates seeking election to fill a vacancy
1031 created by the removal of a municipal or charter county official
1032 shall be subject to the provisions of chapter 106.

1033 (c) When an election is held for the recall of members of
1034 the governing body composed of both members elected at-large and
1035 from districts, candidates to succeed them for the unexpired
1036 terms shall be voted upon at a special election as provided in
1037 paragraph (b).

1038 (d) However, in any recall election held pursuant to
1039 paragraph (b) or paragraph (c), if only one member is voted to
1040 be removed from office, the vacancy created by the recall shall
1041 be filled by the governing body according to the provisions of
1042 the appropriate law for filling vacancies.



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1043 (5) EFFECT OF RESIGNATIONS.--If the member of the
1044 governing body being recalled resigns from office prior to the
1045 recall election, the remaining members shall fill the vacancy
1046 created according to the appropriate law for filling vacancies.
1047 However, if the resignation is filed with the clerk after the
1048 close of the qualifying period set for that seat, the recall
1049 election shall still be held to fill the vacancy created by the
1050 resignation. If all of the members of the governing body are
1051 sought to be recalled and all of the members resign prior to the
1052 recall election, the recall election shall be canceled, and a
1053 special election shall be called to fill the unexpired terms of
1054 the resigning members. If all of the members of the governing
1055 body are sought to be recalled and any of the members resign
1056 prior to the recall election, the proceedings for the recall of
1057 members not resigning and the election of successors to fill the
1058 unexpired terms shall continue and have the same effect as
1059 though there had been no resignation.

1060 (6) WHEN PETITION MAY BE FILED.--No petition to recall any
1061 member of the governing body of a municipality or charter county
1062 shall be filed until the member has served one-fourth of his or
1063 her term of office. No person removed by a recall, or resigning
1064 after a petition has been filed against him or her, shall be
1065 eligible to be appointed to the governing body within a period
1066 of 2 years after the date of such recall or resignation. The
1067 clerk shall preserve in his or her office all papers comprising
1068 or connected with a petition for recall for a period of 2 years
1069 after they were filed. This method of removing members of the
1070 governing body of a municipality or charter county is in
1071 addition to such other methods now or hereafter provided by the
1072 general laws of this state.



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1073 (7) OFFENSES RELATING TO PETITIONS.--No person shall
1074 impersonate another, purposely write his or her name or
1075 residence falsely in the signing of any petition for recall or
1076 forge any name thereto, or sign any paper with knowledge that he
1077 or she is not a qualified elector of the municipality or charter
1078 county. No expenditures for campaigning for or against an
1079 officer being recalled shall be made until the date on which the
1080 recall election is to be held is publicly announced. The
1081 committee and the person ~~officer~~ being recalled shall be subject
1082 to chapter 106. No person shall employ or pay another to accept
1083 employment or payment for circulating or witnessing a recall
1084 petition. Any person violating any of the provisions of this
1085 section shall be deemed guilty of a misdemeanor of the second
1086 degree and shall, upon conviction, be punished as provided by
1087 law.

1088 (8) INTENT.--It is the intent of the Legislature that the
1089 recall procedures provided in this act shall be uniform
1090 statewide. Therefore, all municipal charter, county charter, and
1091 special law provisions which are contrary to the provisions of
1092 this act are hereby repealed to the extent of this conflict.

1093 (9) PROVISIONS APPLICABLE.--The provisions of this act
1094 shall apply to cities and charter counties whether or not they
1095 have adopted recall provisions.

1096 Section 13. Subsection (1) of section 101.031, Florida
1097 Statutes, is amended to read:

1098 101.031 Instructions for electors.--

1099 (1) The Department of State, ~~or in case of municipal~~
1100 ~~elections the governing body of the municipality~~, shall print,
1101 in large type on cards, instructions for the electors to use in
1102 voting. ~~It shall provide not less than two cards for each voting~~



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1103 ~~precinct for each election and furnish such cards to each~~
1104 ~~supervisor upon requisition.~~ Each supervisor of elections shall
1105 send a sufficient number of these cards to the precincts prior
1106 to an election. The election inspectors shall display the cards
1107 in the polling places as information for electors. The cards
1108 shall contain information about how to vote and such other
1109 information as the Department of State may deem necessary. The
1110 cards must also include the list of rights and responsibilities
1111 afforded to Florida voters, as described in subsection (2).

1112 Section 14. Subsection (4) of section 101.048, Florida
1113 Statutes, is amended to read:

1114 101.048 Provisional ballots.--

1115 (4) In counties where the voting system does not utilize a
1116 marksense ~~paper~~ ballot, the supervisor of elections shall
1117 provide the appropriate provisional ballots to each polling
1118 place.

1119 Section 15. Section 101.131, Florida Statutes, is amended
1120 to read:

1121 101.131 Watchers at polls.--

1122 (1) Each ~~political party and each~~ candidate may have one
1123 poll watcher and each political party may have one poll watcher
1124 and one at-large poll watcher in each polling room at any one
1125 time during the election. No poll watcher shall be permitted to
1126 come closer to the officials' table or the voting booths than is
1127 reasonably necessary to properly perform his or her functions,
1128 but each shall be allowed within the polling room to watch and
1129 observe the conduct of electors and officials. The poll watchers
1130 shall furnish their own materials and necessities and shall not
1131 obstruct the orderly conduct of any election. Each poll watcher



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1132 shall be a qualified and registered elector of the county in
 1133 which he or she serves.

1134 (2) Each party and each candidate requesting to have poll
 1135 watchers shall designate, in writing, poll watchers for each
 1136 precinct prior to noon of the second Tuesday preceding the
 1137 election. Each party may designate at least 5 additional at-
 1138 large poll watchers, or one additional at-large poll watcher per
 1139 10,000 registered voters, whichever is greater, who shall be
 1140 approved and have access to all precincts. The poll watchers ~~for~~
 1141 ~~each precinct~~ shall be approved by the supervisor of elections
 1142 on or before the Tuesday before the election. The supervisor
 1143 shall furnish to each precinct a list of the poll watchers
 1144 designated and approved for such precinct and a list of poll
 1145 watchers approved for all precincts.

1146 (3) No candidate or sheriff, deputy sheriff, police
 1147 officer, or other law enforcement officer may be designated as a
 1148 poll watcher.

1149 Section 16. Subsection (1) of section 101.151, Florida
 1150 Statutes, is amended to read:

1151 101.151 Specifications for ballots.--

1152 (1) Marksense Paper ballots shall be printed on paper of
 1153 such thickness that the printing cannot be distinguished from
 1154 the back and shall meet the specifications of the voting system
 1155 which will be used to read the ballots.

1156 Section 17. Section 101.171, Florida Statutes, is amended
 1157 to read:

1158 101.171 Copy of constitutional amendment ~~to be~~
 1159 ~~posted~~.--Whenever any amendment to the State Constitution is to
 1160 be voted upon at any election, the Department of State shall
 1161 have printed, and shall furnish to each supervisor of elections,



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1162 a sufficient number of copies of the amendment either in poster
1163 or booklet form, and the supervisor shall have a copy thereof
1164 conspicuously posted or available at each precinct upon the day
1165 of election.

1166 Section 18. Section 101.253, Florida Statutes, is amended
1167 to read:

1168 101.253 When names not to be printed on ballot.--

1169 (1) No candidate's name, which candidate is required to
1170 qualify with a supervisor of elections for any primary or
1171 general election, shall be printed on the ballot if such
1172 candidate has notified the supervisor of elections in writing,
1173 under oath, on or before the 42nd day before the election that
1174 the candidate will not accept the nomination or office for which
1175 he or she filed qualifying ~~qualification~~ papers. The supervisor
1176 of elections may, in his or her discretion with the approval of
1177 the Department of State, allow such a candidate to withdraw
1178 after the 42nd day before an election, upon receipt of written
1179 notice, sworn to under oath, that the candidate will not accept
1180 the nomination or office for which he or she qualified.

1181 (2) No candidate's name, which candidate is required to
1182 qualify with the Department of State for any primary or general
1183 election, shall be printed on the ballot if such candidate has
1184 notified the Department of State in writing, under oath, on or
1185 before the 42nd day before the election that the candidate will
1186 not accept the nomination or office for which he or she filed
1187 qualifying ~~qualification~~ papers. The Department of State may in
1188 its discretion allow such a candidate to withdraw after the 42nd
1189 day before an election upon receipt of a written notice, sworn
1190 to under oath, that the candidate will not accept the nomination
1191 or office for which he or she qualified.



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1192 (3) In the event ballots are printed or programmed into
 1193 the voting devices prior to the death, resignation, removal, or
 1194 withdrawal of a candidate, the supervisor of elections, at his or
 1195 her discretion, may:

1196 (a) Strike the name of the candidate and, if necessary,
 1197 insert the name of the new nominee;

1198 (b) Reprint or reprogram the ballot; or

1199 (c) Provide notice in a newspaper of general circulation in
 1200 the county and post a notice in each voting booth and provide an
 1201 insert with each absentee ballot mailed to a voter explaining the
 1202 consequences of a vote for the former candidate. In no case
 1203 shall the supervisor be required to print on the ballot a name
 1204 which is submitted less than 21 days prior to the election. In
 1205 the event the ballots are printed 21 days or more prior to the
 1206 election, the name of any candidate whose death, resignation,
 1207 removal, or withdrawal created a vacancy in office or nomination
 1208 shall be stricken from the ballot with a rubber stamp or
 1209 appropriate printing device, and the name of the new nominee
 1210 shall be inserted on the ballot in a like manner. The supervisor
 1211 may, as an alternative, reprint the ballots to include the name
 1212 of the new nominee.

1213 Section 19. Subsection (4) of section 101.5606, Florida
 1214 Statutes, is amended to read:

1215 101.5606 Requirements for approval of systems.--No
 1216 electronic or electromechanical voting system shall be approved
 1217 by the Department of State unless it is so constructed that:

1218 (4) For systems using marksense ~~paper~~ ballots, it accepts
 1219 a rejected ballot pursuant to subsection (3) if a voter chooses
 1220 to cast the ballot, but records no vote for any office that has
 1221 been overvoted or undervoted.



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1222 Section 20. Subsections (2) and (3) of section 101.5608,
1223 Florida Statutes, are amended to read:

1224 101.5608 Voting by electronic or electromechanical method;
1225 procedures.--

1226 (2) When an electronic or electromechanical voting system
1227 utilizes a marksense ~~ballot card or paper~~ ballot, the following
1228 procedures shall be followed:

1229 (a) After receiving a ballot from an inspector, the
1230 elector shall, without leaving the polling place, retire to a
1231 booth or compartment and mark the ballot. After preparing his or
1232 her ballot, the elector shall place the ballot in a secrecy
1233 envelope with the stub exposed or shall fold over that portion
1234 on which write-in votes may be cast, as instructed, so that the
1235 ballot will be deposited in the ballot box without exposing the
1236 voter's choices. Before the ballot is deposited in the ballot
1237 box, the inspector shall detach the exposed stub and place it in
1238 a separate envelope for audit purposes; when a fold-over ballot
1239 is used, the entire ballot shall be placed in the ballot box.

1240 (b) Any voter who spoils his or her ballot or makes an
1241 error may return the ballot to the election official and secure
1242 another ballot, except that in no case shall a voter be
1243 furnished more than three ballots. If the vote tabulation device
1244 has rejected a ballot, the ballot shall be considered spoiled
1245 and a new ballot shall be provided to the voter unless the voter
1246 chooses to cast the rejected ballot. The election official,
1247 without examining the original ballot, shall state the possible
1248 reasons for the rejection and shall provide instruction to the
1249 voter pursuant to s. 101.5611. A spoiled ballot shall be
1250 preserved, without examination, in an envelope provided for that



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1251 purpose. The stub shall be removed from the ballot and placed in
 1252 an envelope.

1253 (c) The supervisor of elections shall prepare for each
 1254 polling place at least one ballot box to contain the ballots of
 1255 a particular precinct, and each ballot box shall be plainly
 1256 marked with the name of the precinct for which it is intended.

1257 (3) The Department of State shall promulgate rules
 1258 regarding voting procedures to be used when an electronic or
 1259 electromechanical voting system is of a type which does not
 1260 utilize a marksense ~~ballot card or paper~~ ballot.

1261 Section 21. Subsection (4) of section 101.5614, Florida
 1262 Statutes, is amended to read:

1263 101.5614 Canvass of returns.--

1264 (4) If marksense ballots ~~ballot cards~~ are used, and
 1265 separate write-in ballots or envelopes for casting write-in
 1266 votes are used, write-in ballots or the envelopes on which
 1267 write-in ballots have been cast shall be serially numbered,
 1268 starting with the number one, and the same number shall be
 1269 placed on the marksense ballot ~~card~~ of the voter. This process
 1270 may be completed at either the precinct by the election board or
 1271 at the central counting location. For each ballot or ballot and
 1272 ballot envelope on which write-in votes have been cast, the
 1273 canvassing board shall compare the write-in votes with the votes
 1274 cast on the marksense ballot ~~card~~; if the total number of votes
 1275 for any office exceeds the number allowed by law, a notation to
 1276 that effect, specifying the office involved, shall be entered on
 1277 the back of the marksense ballot ~~card~~ or in a margin if voting
 1278 areas are printed on both sides of the marksense ballot ~~card~~.
 1279 Such votes shall not be counted. All valid votes shall be
 1280 tallied by the canvassing board.



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1281 Section 22. Section 101.572, Florida Statutes, is amended
 1282 to read:

1283 101.572 Public inspection of ballots.--The official
 1284 ballots ~~and ballot cards~~ received from election boards and
 1285 removed from absentee ballot mailing envelopes shall be open for
 1286 public inspection or examination while in the custody of the
 1287 supervisor of elections or the county canvassing board at any
 1288 reasonable time, under reasonable conditions; however, no
 1289 persons other than the supervisor of elections or his or her
 1290 employees or the county canvassing board shall handle any
 1291 official ballot ~~or ballot card~~. The supervisor of elections
 1292 shall make a reasonable effort to notify all candidates whose
 1293 names appear on such ballots ~~or ballot cards~~ by telephone or
 1294 otherwise of the time and place of the inspection or
 1295 examination. All such candidates, or their representatives,
 1296 shall be allowed to be present during the inspection or
 1297 examination.

1298 Section 23. Subsection (1) of section 101.595, Florida
 1299 Statutes, is amended to read:

1300 101.595 Analysis and reports of voting problems.--

1301 (1) No later than December 15 of each general election
 1302 year, the supervisor of elections in each county shall report to
 1303 the Department of State the total number of overvotes and
 1304 undervotes in either the presidential or the gubernatorial
 1305 election, whichever is applicable ~~the first race appearing on~~
 1306 ~~the ballot pursuant to s. 101.151(2)~~, along with the likely
 1307 reasons for such overvotes and undervotes and other information
 1308 as may be useful in evaluating the performance of the voting
 1309 system and identifying problems with ballot design and
 1310 instructions which may have contributed to voter confusion.



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1311 Section 24. Subsection (3) of section 101.62, Florida
 1312 Statutes, is amended to read:

1313 101.62 Request for absentee ballots.--

1314 (3) For each request for an absentee ballot received, the
 1315 supervisor shall record the date the request was made, the date
 1316 the absentee ballot was delivered or mailed, the date the ballot
 1317 was received by the supervisor, and such other information he or
 1318 she may deem necessary. This information shall be confidential
 1319 and exempt from the provisions of s. 119.07(1) and shall be made
 1320 available to or reproduced only for a canvassing board, an
 1321 election official, a political party or official thereof, a
 1322 candidate who has filed qualifying ~~qualification~~ papers and is
 1323 opposed in an upcoming election, and registered political
 1324 committees or registered committees of continuous existence, for
 1325 political purposes only.

1326 Section 25. Subsection (3) of section 101.694, Florida
 1327 Statutes, is amended to read:

1328 101.694 Mailing of ballots upon receipt of federal
 1329 postcard application.--

1330 (3) Absentee ballot envelopes printed for overseas voters
 1331 shall meet the specifications determined by the Division of
 1332 Elections in conjunction with the Federal Voting Assistance
 1333 Program of the United States Department of Defense and the United
 1334 States Postal Service. The division shall adopt the
 1335 specifications by rule. ~~There shall be printed across the face~~
 1336 ~~of each envelope in which a ballot is sent to a federal postcard~~
 1337 ~~applicant, or is returned by such applicant to the supervisor,~~
 1338 ~~two parallel horizontal red bars, each one-quarter inch wide,~~
 1339 ~~extending from one side of the envelope to the other side, with~~
 1340 ~~an intervening space of one-quarter inch, the top bar to be 1⁺/₄~~



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1341 ~~inches from the top of the envelope, and with the words~~
 1342 ~~"Official Election Balloting Material via Air Mail," or similar~~
 1343 ~~language, between the bars. There shall be printed in the upper~~
 1344 ~~right corner of each such envelope, in a box, the words "Free of~~
 1345 ~~U. S. Postage, including Air Mail." All printing on the face of~~
 1346 ~~each envelope shall be in red, and there shall be printed in red~~
 1347 ~~in the upper left corner of each ballot envelope an appropriate~~
 1348 ~~inscription or blanks for return address of sender. Additional~~
 1349 ~~specifications may be prescribed by rule of the Division of~~
 1350 ~~Elections upon recommendation of the presidential designee under~~
 1351 ~~the Uniformed and Overseas Citizens Absentee Voting Act.~~
 1352 Otherwise, the envelopes shall be the same as those used in
 1353 sending ballots to, or receiving them from, other absentee
 1354 voters.

1355 Section 26. Section 102.012, Florida Statutes, is amended
 1356 to read:

1357 102.012 Inspectors and clerks to conduct elections.--

1358 (1) The supervisor of elections of each county, at least
 1359 20 days prior to the holding of any election, shall appoint an
 1360 ~~two~~ election board ~~boards~~ for each precinct in the county;
 1361 ~~however, the supervisor of elections may, in any election,~~
 1362 ~~appoint one election board if the supervisor has reason to~~
 1363 ~~believe that only one is necessary.~~ The clerk shall be in charge
 1364 of, and responsible for, seeing that the election board carries
 1365 out its duties and responsibilities. Each inspector and each
 1366 clerk shall take and subscribe to an oath or affirmation, which
 1367 shall be written or printed, to the effect that he or she will
 1368 perform the duties of inspector or clerk of election,
 1369 respectively, according to law and will endeavor to prevent all
 1370 fraud, deceit, or abuse in conducting the election. The oath may



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1371 be taken before an officer authorized to administer oaths or
1372 before any of the persons who are to act as inspectors, one of
1373 them to swear the others, and one of the others sworn thus, in
1374 turn, to administer the oath to the one who has not been sworn.
1375 The oaths shall be returned with the poll list and the returns
1376 of the election to the supervisor. In all questions that may
1377 arise before the members of an election board, the decision of a
1378 majority of them shall decide the question. The supervisor of
1379 elections of each county shall be responsible for the attendance
1380 and diligent performance of his or her duties by each clerk and
1381 inspector.

1382 (2) Each member of the election board shall be able to
1383 read and write the English language and shall be a registered
1384 qualified elector of the county in which the member is appointed
1385 or a person who has preregistered to vote, pursuant to s.
1386 97.041(1)(b), in the county in which the member is appointed. No
1387 election board shall be composed solely of members of one
1388 political party; however, in any primary in which only one party
1389 has candidates appearing on the ballot, all clerks and
1390 inspectors may be of that party. Any person whose name appears
1391 as an opposed candidate for any office shall not be eligible to
1392 serve on an election board.

1393 (3) The supervisor shall furnish inspectors of election
1394 for each precinct with the registration books divided
1395 alphabetically as will best facilitate the holding of an
1396 election. The supervisor shall also furnish to the inspectors of
1397 election at the polling place at each precinct in the
1398 supervisor's county a sufficient number of forms and blanks for
1399 use on election day.



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1400 (4)(a) The election board of each precinct shall attend
1401 the polling place by 6 a.m. of the day of the election and shall
1402 arrange the furniture, stationery, and voting equipment.

1403 ~~(b) An election board shall conduct the voting, beginning~~
1404 ~~and closing at the time set forth in s. 100.011. If more than~~
1405 ~~one board has been appointed, the second board shall, upon the~~
1406 ~~closing of the polls, come on duty and count the votes cast. In~~
1407 ~~such case, the first board shall turn over to the second board~~
1408 ~~all closed ballot boxes, registration books, and other records~~
1409 ~~of the election at the time the boards change. The second board~~
1410 ~~shall continue counting until the count is complete or until 7~~
1411 ~~a.m. the next morning, and, if the count is not completed at~~
1412 ~~that time, the first board that conducted the election shall~~
1413 ~~again report for duty and complete the count. The second board~~
1414 ~~shall turn over to the first board all ballots counted, all~~
1415 ~~ballots not counted, and all registration books and other~~
1416 ~~records and shall advise the first board as to what has~~
1417 ~~transpired in tabulating the results of the election.~~

1418 ~~(5) In precincts in which there are more than 1,000~~
1419 ~~registered electors, the supervisor of elections shall appoint~~
1420 ~~additional election boards necessary for the election.~~

1421 ~~(6) In any precinct in which there are fewer than 300~~
1422 ~~registered electors, it is not necessary to appoint two election~~
1423 ~~boards, but one such board will suffice. Such board shall be~~
1424 ~~composed of at least one inspector and one clerk.~~

1425 Section 27. Section 102.071, Florida Statutes, is amended
1426 to read:

1427 102.071 Tabulation of votes and proclamation of results
1428 ~~where ballots are used.~~--The election board shall post at the
1429 polls, for the benefit of the public, the results of the voting



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1430 for each office or other item on the ballot as the count is
1431 completed. Upon completion of all counts in all races, a
1432 certificate ~~triplicate certificates~~ of the results shall be
1433 drawn up by the inspectors and clerk at each precinct upon a
1434 form provided by the supervisor of elections which shall contain
1435 the name of each person voted for, for each office, and the
1436 number of votes cast for each person for such office; and, if
1437 any question is submitted, the certificate shall also contain
1438 the number of votes cast for and against the question. The
1439 certificate shall be signed by the inspectors and clerk, ~~and one~~
1440 ~~of the certificates~~ shall be delivered without delay ~~by one of~~
1441 ~~the inspectors~~, securely sealed, to the supervisor for immediate
1442 publication; ~~the duplicate copy of the certificate shall be~~
1443 ~~delivered to the county court judge; and the remaining copy~~
1444 ~~shall be enclosed in the ballot box together with the oaths of~~
1445 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot
1446 stubs, memoranda, and papers of all kinds used in the election
1447 shall also be transmitted, after being sealed by the inspectors,
1448 to ~~with the certificates of result of the election to be filed~~
1449 ~~in~~ the supervisor's office. Registration books and the poll
1450 lists shall not be placed in the ballot boxes but shall be
1451 returned to the supervisor.

1452 Section 28. Section 102.111, Florida Statutes, is amended
1453 to read:

1454 102.111 Elections Canvassing Commission.--

1455 (1) The Elections Canvassing Commission shall consist of
1456 the Governor and two members of the Cabinet selected by the
1457 Governor. If a member of the Elections Canvassing Commission is
1458 unable to serve for any reason, the Governor shall appoint a
1459 remaining member of the Cabinet. If there is a further vacancy,



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1460 the remaining members of the commission shall agree on another
1461 elected official to fill the vacancy. The Elections Canvassing
1462 Commission shall, as soon as the official results are compiled
1463 from all counties, certify the returns of the election and
1464 determine and declare who has been elected for each federal,
1465 state, and multicounty office.

1466 (2) The Division of Elections shall provide the staff
1467 services required by the Elections Canvassing Commission.

1468 (3) The Elections Canvassing Commission may delegate the
1469 authority to order recounts pursuant to ss. 102.141(6) and
1470 102.166 to the chief election officer. Such delegation shall be
1471 made at a public meeting.

1472 Section 29. Subsections (3), (4), (6), and (8) of section
1473 102.141, Florida Statutes, are amended to read:

1474 102.141 County canvassing board; duties.--

1475 (3) The canvass, except the canvass of absentee electors'
1476 returns and the canvass of provisional ballots, shall be made
1477 from the returns and certificates of the inspectors as signed
1478 and filed by them with the ~~county court judge and~~ supervisor,
1479 ~~respectively~~, and the county canvassing board shall not change
1480 the number of votes cast for a candidate, nominee,
1481 constitutional amendment, or other measure submitted to the
1482 electorate of the county, respectively, in any polling place, as
1483 shown by the returns. All returns shall be made to the board on
1484 or before 2 a.m. of the day following any primary, general,
1485 special, or other election. If the returns from any precinct are
1486 missing, if there are any omissions on the returns from any
1487 precinct, or if there is an obvious error on any such returns,
1488 the canvassing board shall order a retabulation ~~recount~~ of the
1489 returns from such precinct. Before canvassing such returns, the



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1490 canvassing board shall examine the tabulation of the ballots
1491 cast in such precinct and determine whether the returns
1492 correctly reflect the votes cast. If there is a discrepancy
1493 between the returns and the tabulation of the ballots cast, the
1494 tabulation of the ballots cast shall be presumed correct and
1495 such votes shall be canvassed accordingly.

1496 (4) The canvassing board shall submit unofficial returns,
1497 on forms or in formats provided by the division, to the
1498 Department of State for each federal, statewide, state, or
1499 multicounty office or ballot measure no later than noon on the
1500 second day after any primary, general, special, or other
1501 election. Such returns shall include the canvass of all ballots
1502 as required by subsection (2).

1503 (6) If the unofficial returns reflect that a candidate for
1504 any office was defeated or eliminated by one-half of a percent
1505 or less of the votes cast for such office, that a candidate for
1506 retention to a judicial office was retained or not retained by
1507 one-half of a percent or less of the votes cast on the question
1508 of retention, or that a measure appearing on the ballot was
1509 approved or rejected by one-half of a percent or less of the
1510 votes cast on such measure, the board responsible for certifying
1511 the results of the vote on such race or measure shall order a
1512 recount of the votes cast with respect to such office or
1513 measure. The county canvassing board is the board responsible
1514 for ordering county and local recounts, and the Elections
1515 Canvassing Commission is the board responsible for ordering
1516 federal, state, and multicounty recounts. A recount need not be
1517 ordered with respect to the returns for any office, however, if
1518 the candidate or candidates defeated or eliminated from
1519 contention for such office by one-half of a percent or less of



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1520 the votes cast for such office request in writing that a recount
1521 not be made.

1522 (a) ~~In counties with voting systems that use paper~~
1523 ~~ballots,~~ Each canvassing board responsible for conducting a
1524 recount shall put each marksense ballot through automatic
1525 tabulating equipment and determine whether the returns correctly
1526 reflect the votes cast. If any marksense ~~paper~~ ballot is
1527 physically damaged so that it cannot be properly counted by the
1528 automatic tabulating equipment during the recount, a true
1529 duplicate shall be made of the damaged ballot pursuant to the
1530 procedures in s. 101.5614(5). Immediately before the start of
1531 the recount and after completion of the count, a test of the
1532 tabulating equipment shall be conducted as provided in s.
1533 101.5612. If the test indicates no error, the recount tabulation
1534 of the ballots cast shall be presumed correct and such votes
1535 shall be canvassed accordingly. If an error is detected, the
1536 cause therefor shall be ascertained and corrected and the
1537 recount repeated, as necessary. The canvassing board shall
1538 immediately report the error, along with the cause of the error
1539 and the corrective measures being taken, to the Department of
1540 State. No later than 11 days after the election, the canvassing
1541 board shall file a separate incident report with the Department
1542 of State, detailing the resolution of the matter and identifying
1543 any measures that will avoid a future recurrence of the error.

1544 (b) ~~In counties with voting systems that do not use paper~~
1545 ~~ballots,~~ Each canvassing board responsible for conducting a
1546 recount where touchscreen ballots were used shall examine the
1547 counters on the precinct tabulators to ensure that the total of
1548 the returns on the precinct tabulators equals the overall
1549 election return. If there is a discrepancy between the overall



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1550 election return and the counters of the precinct tabulators, the
1551 counters of the precinct tabulators shall be presumed correct
1552 and such votes shall be canvassed accordingly.

1553 (c) The canvassing board shall submit a second set of
1554 unofficial returns, on forms or in formats provided by the
1555 division, to the Department of State for each federal,
1556 statewide, state, or multicounty office or ballot measure no
1557 later than noon on the fourth ~~third~~ day after any election in
1558 which a recount was conducted pursuant to this subsection. If
1559 the canvassing board is unable to complete the recount
1560 prescribed in this subsection by the deadline, the second set of
1561 unofficial returns submitted by the canvassing board shall be
1562 identical to the initial unofficial returns and the submission
1563 shall also include a detailed explanation of why it was unable
1564 to timely complete the recount. However, the canvassing board
1565 shall complete the recount prescribed in this subsection, along
1566 with any manual recount prescribed in s. 102.166, and certify
1567 election returns in accordance with the requirements of this
1568 chapter.

1569 (8) At the same time that the official results of an
1570 election are certified to the Department of State, the county
1571 canvassing board shall file a report with the Division of
1572 Elections on the conduct of the election. The report shall
1573 contain information relating to any problems incurred as a
1574 result of equipment malfunctions either at the precinct level or
1575 at a counting location, any difficulties or unusual
1576 circumstances encountered by an election board or the canvassing
1577 board, and any other additional information which the canvassing
1578 board feels should be made a part of the official election
1579 record. Such reports shall be maintained on file in the Division



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1580 of Elections and shall be available for public inspection. The
 1581 division shall utilize the reports submitted by the canvassing
 1582 boards to determine what problems may be likely to occur in
 1583 other elections and disseminate such information, along with
 1584 possible solutions, to the supervisors of elections.

1585 Section 30. Subsection (1) of section 102.166, Florida
 1586 Statutes, is amended to read:

1587 102.166 Manual recounts.--

1588 (1) If the second set of unofficial returns pursuant to s.
 1589 102.141 indicates that a candidate for any office was defeated
 1590 or eliminated by one-quarter of a percent or less of the votes
 1591 cast for such office, that a candidate for retention to a
 1592 judicial office was retained or not retained by one-quarter of a
 1593 percent or less of the votes cast on the question of retention,
 1594 or that a measure appearing on the ballot was approved or
 1595 rejected by one-quarter of a percent or less of the votes cast
 1596 on such measure, the board responsible for certifying the
 1597 results of the vote on such race or measure shall order a manual
 1598 recount of the overvotes and undervotes cast in the entire
 1599 geographic jurisdiction of such office or ballot measure. The
 1600 county canvassing board is the board responsible for ordering
 1601 county and local manual recounts, and the Elections Canvassing
 1602 Commission is the board responsible for ordering federal, state,
 1603 and multicounty manual recounts.

1604 Section 31. Section 102.168, Florida Statutes, is amended
 1605 to read:

1606 102.168 Contest of election.--

1607 (1) Except as provided in s. 102.171, the certification of
 1608 election or nomination of any person to office, or of the result
 1609 on any question submitted by referendum, may be contested in the



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1610 circuit court by any unsuccessful candidate for such office or
1611 nomination thereto or by any elector qualified to vote in the
1612 election related to such candidacy, or by any taxpayer,
1613 respectively.

1614 (2) Such contestant shall file a complaint, together with
1615 the fees prescribed in chapter 28, with the clerk of the circuit
1616 court within 10 days after midnight of the date the last board
1617 responsible for certifying the results officially ~~county~~
1618 ~~canvassing board empowered to canvass the returns~~ certifies the
1619 results of the election being contested.

1620 (3) The complaint shall set forth the grounds on which the
1621 contestant intends to establish his or her right to such office
1622 or set aside the result of the election on a submitted
1623 referendum. The grounds for contesting an election under this
1624 section are:

1625 (a) Misconduct, fraud, or corruption on the part of any
1626 election official or any member of the canvassing board
1627 sufficient to change or place in doubt the result of the
1628 election.

1629 (b) Ineligibility of the successful candidate for the
1630 nomination or office in dispute.

1631 (c) Receipt of a number of illegal votes or rejection of a
1632 number of legal votes sufficient to change or place in doubt the
1633 result of the election.

1634 (d) Proof that any elector, election official, or
1635 canvassing board member was given or offered a bribe or reward
1636 in money, property, or any other thing of value for the purpose
1637 of procuring the successful candidate's nomination or election
1638 or determining the result on any question submitted by
1639 referendum.



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1640 (4) The county canvassing board ~~or Elections Canvassing~~
 1641 ~~Commission~~ shall be an indispensable and the proper party
 1642 defendant for a county or local race, the Elections Canvassing
 1643 Commission shall be an indispensable and proper party defendant
 1644 for a federal, state, or multicounty race, and the successful
 1645 candidate shall be an indispensable party to any action brought
 1646 to contest the election or nomination of a candidate.

1647 (5) A statement of the grounds of contest may not be
 1648 rejected, nor the proceedings dismissed, by the court for any
 1649 want of form if the grounds of contest provided in the statement
 1650 are sufficient to clearly inform the defendant of the particular
 1651 proceeding or cause for which the nomination or election is
 1652 contested.

1653 (6) A copy of the complaint shall be served upon the
 1654 defendant and any other person named therein in the same manner
 1655 as in other civil cases under the laws of this state. Within 10
 1656 days after the complaint has been served, the defendant must
 1657 file an answer admitting or denying the allegations on which the
 1658 contestant relies or stating that the defendant has no knowledge
 1659 or information concerning the allegations, which shall be deemed
 1660 a denial of the allegations, and must state any other defenses,
 1661 in law or fact, on which the defendant relies. If an answer is
 1662 not filed within the time prescribed, the defendant may not be
 1663 granted a hearing in court to assert any claim or objection that
 1664 is required by this subsection to be stated in an answer.

1665 (7) Any candidate, qualified elector, or taxpayer
 1666 presenting such a contest to a circuit judge is entitled to an
 1667 immediate hearing. However, the court in its discretion may
 1668 limit the time to be consumed in taking testimony, with a view



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1669 therein to the circumstances of the matter and to the proximity
1670 of any succeeding election.

1671 Section 32. Section 103.092, Florida Statutes, is created
1672 to read:

1673 103.092 Political party property.--A political party may
1674 solicit and accept funds for the purchase, lease, construction,
1675 or renovation of land and buildings used by the political party
1676 and tangible personal property used in such realty. Such funds
1677 shall be maintained in an account separate and apart from other
1678 political party accounts and shall not be considered
1679 contributions under chapter 106.

1680 Section 33. Subsections (1) and (3) of section 105.031,
1681 Florida Statutes, are amended to read:

1682 105.031 Qualification; filing fee; candidate's oath; items
1683 required to be filed.--

1684 (1) TIME OF QUALIFYING.--Except for candidates for
1685 judicial office, nonpartisan candidates for multicounty office
1686 shall qualify with the Division of Elections of the Department
1687 of State and nonpartisan candidates for countywide or less than
1688 countywide office shall qualify with the supervisor of
1689 elections. Candidates for judicial office other than the office
1690 of county court judge shall qualify with the Division of
1691 Elections of the Department of State, and candidates for the
1692 office of county court judge shall qualify with the supervisor
1693 of elections of the county. Candidates for judicial office shall
1694 qualify no earlier than noon of the 120th day, and no later than
1695 noon of the 116th day, before the first primary election.
1696 Candidates for the office of school board member shall qualify
1697 no earlier than noon of the 50th day, and no later than noon of
1698 the 46th day, before the first primary election. Filing shall be



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1699 on forms provided for that purpose by the Division of Elections
1700 and furnished by the appropriate qualifying officer. Any person
1701 seeking to qualify by the petition process pursuant to
1702 ~~alternative method, as set forth in~~ s. 105.035, if the person
1703 has submitted the necessary petitions by the required deadline
1704 and is notified after the fifth day prior to the last day for
1705 qualifying that the required number of signatures has been
1706 obtained, shall be entitled to subscribe to the candidate's oath
1707 and file the qualifying papers at any time within 5 days after
1708 ~~from~~ the date he or she is notified that the necessary number of
1709 signatures has been obtained. Any person other than a write-in
1710 candidate who qualifies within the time prescribed in this
1711 subsection shall be entitled to have his or her name printed on
1712 the ballot.

1713 (3) QUALIFYING FEE.--Each candidate qualifying for
1714 election to a judicial office or the office of school board
1715 member, except write-in judicial or school board member
1716 candidates, shall, during the time for qualifying, pay to the
1717 officer with whom he or she qualifies a qualifying fee, which
1718 shall consist of a filing fee and an election assessment, or
1719 qualify by the petition process pursuant to s. 105.035
1720 ~~alternative method~~. The amount of the filing fee is 3 percent of
1721 the annual salary of the office sought. The amount of the
1722 election assessment is 1 percent of the annual salary of the
1723 office sought. The Department of State shall forward all filing
1724 fees to the Department of Revenue for deposit in the Elections
1725 Commission Trust Fund. The supervisor of elections shall forward
1726 all filing fees to the Elections Commission Trust Fund. The
1727 election assessment shall be deposited into the Elections
1728 Commission Trust Fund. The annual salary of the office for



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1729 purposes of computing the qualifying fee shall be computed by
 1730 multiplying 12 times the monthly salary authorized for such
 1731 office as of July 1 immediately preceding the first day of
 1732 qualifying. This subsection shall not apply to candidates
 1733 qualifying for retention to judicial office.

1734 Section 34. Section 105.035, Florida Statutes, is amended
 1735 to read:

1736 105.035 Petition process ~~Alternative method~~ of qualifying
 1737 for certain judicial offices and the office of school board
 1738 member.--

1739 (1) A person seeking to qualify for election to the office
 1740 of circuit judge or county court judge or the office of school
 1741 board member may qualify for election to such office by means of
 1742 the petition ~~petitioning~~ process prescribed in this section. A
 1743 person qualifying by this petition process ~~alternative method~~
 1744 shall not be required to pay the qualifying fee required by this
 1745 chapter. ~~A person using this petitioning process shall file an~~
 1746 ~~oath with the officer before whom the candidate would qualify~~
 1747 ~~for the office stating that he or she intends to qualify by this~~
 1748 ~~alternative method for the office sought. Such oath shall be~~
 1749 ~~filed at any time after the first Tuesday after the first Monday~~
 1750 ~~in January of the year in which the election is held, but prior~~
 1751 ~~to the 21st day preceding the first day of the qualifying period~~
 1752 ~~for the office sought. The form of such oath shall be prescribed~~
 1753 ~~by the Division of Elections. No signatures shall be obtained~~
 1754 ~~until the person has filed the oath prescribed in this~~
 1755 ~~subsection.~~

1756 (2) The ~~Upon receipt of a written oath from a candidate,~~
 1757 ~~the qualifying officer shall provide the candidate with a~~
 1758 ~~petition format~~ shall be prescribed by the Division of Elections



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1759 and shall ~~to~~ be used by the candidate to reproduce petitions for
1760 circulation. If the candidate is running for an office which
1761 will be grouped on the ballot with two or more similar offices
1762 to be filled at the same election, the candidate's petition must
1763 indicate, prior to the obtaining of registered electors'
1764 signatures, for which group or district office the candidate is
1765 running.

1766 (3) Each candidate for election to a judicial office or
1767 the office of school board member shall obtain the signature of
1768 a number of qualified electors equal to at least 1 percent of
1769 the total number of registered electors of the district,
1770 circuit, county, or other geographic entity represented by the
1771 office sought as shown by the compilation by the Department of
1772 State for the last preceding general election. A separate
1773 petition shall be circulated for each candidate availing himself
1774 or herself of the provisions of this section. Signatures may not
1775 be obtained until the candidate has filed the appointment of
1776 campaign treasurer and designation of campaign depository
1777 pursuant to s. 106.021.

1778 (4)(a) Each candidate seeking to qualify for election to
1779 the office of circuit judge or the office of school board member
1780 from a multicounty school district pursuant to this section
1781 shall file a separate petition from each county from which
1782 signatures are sought. Each petition shall be submitted, prior
1783 to noon of the 28th ~~21st~~ day preceding the first day of the
1784 qualifying period for the office sought, to the supervisor of
1785 elections of the county for which such petition was circulated.
1786 Each supervisor of elections to whom a petition is submitted
1787 shall check the signatures on the petition to verify their
1788 status as electors of that county and of the geographic area



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1789 represented by the office sought. No later than the 7th day
1790 prior to the first date for qualifying, the supervisor shall
1791 certify the number shown as registered electors and submit such
1792 certification to the Division of Elections. The division shall
1793 determine whether the required number of signatures has been
1794 obtained for the name of the candidate to be placed on the
1795 ballot and shall notify the candidate. If the required number of
1796 signatures has been obtained, the candidate shall, during the
1797 time prescribed for qualifying for office, submit a copy of such
1798 notice and file his or her qualifying papers and oath prescribed
1799 in s. 105.031 with the Division of Elections. Upon receipt of
1800 the copy of such notice and qualifying papers, the division
1801 shall certify the name of the candidate to the appropriate
1802 supervisor or supervisors of elections as having qualified for
1803 the office sought.

1804 (b) Each candidate seeking to qualify for election to the
1805 office of county court judge or the office of school board
1806 member from a single county school district pursuant to this
1807 section shall submit his or her petition, prior to noon of the
1808 28th ~~21st~~ day preceding the first day of the qualifying period
1809 for the office sought, to the supervisor of elections of the
1810 county for which such petition was circulated. The supervisor
1811 shall check the signatures on the petition to verify their
1812 status as electors of the county and of the geographic area
1813 represented by the office sought. No later than the 7th day
1814 prior to the first date for qualifying, the supervisor shall
1815 determine whether the required number of signatures has been
1816 obtained for the name of the candidate to be placed on the
1817 ballot and shall notify the candidate. If the required number of
1818 signatures has been obtained, the candidate shall, during the



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1819 time prescribed for qualifying for office, submit a copy of such
 1820 notice and file his or her qualifying papers and oath prescribed
 1821 in s. 105.031 with the qualifying officer. Upon receipt of the
 1822 copy of such notice and qualifying papers, such candidate shall
 1823 be entitled to have his or her name printed on the ballot.

1824 Section 35. Subsection (16) of section 106.011, Florida
 1825 Statutes, is amended, and subsection (18) is added to said
 1826 section, to read:

1827 106.011 Definitions.--As used in this chapter, the
 1828 following terms have the following meanings unless the context
 1829 clearly indicates otherwise:

1830 (16) "Candidate" means any person to whom any one or more
 1831 of the following apply:

1832 (a) Any person who seeks to qualify for nomination or
 1833 election by means of the petitioning process.

1834 (b) Any person who seeks to qualify for election as a
 1835 write-in candidate.

1836 (c) Any person who receives contributions or makes
 1837 expenditures, or consents for any other person to receive
 1838 contributions or make expenditures, with a view to bring about
 1839 his or her nomination or election to, or retention in, public
 1840 office.

1841 (d) Any person who appoints a treasurer and designates a
 1842 primary depository.

1843 (e) Any person who files qualifying ~~qualification~~ papers
 1844 and subscribes to a candidate's oath as required by law.

1845
 1846 However, this definition does not include any candidate for a
 1847 political party executive committee.



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1848 (18) "Eliminated candidate" means a candidate for elected
 1849 office who failed to receive a sufficient number of votes to be
 1850 certified as the winner of an election or as a runoff candidate
 1851 in an election. Candidates who timely file a contest of an
 1852 election as provided for in s. 102.168 are not considered
 1853 eliminated for the purposes of receiving contributions and
 1854 making expenditures solely for the purpose of paying legal fees
 1855 and costs associated with the candidate's contest of the
 1856 election.

1857 Section 36. Section 106.023, Florida Statutes, is amended
 1858 to read:

1859 106.023 Statement of candidate.--Each candidate must file
 1860 a statement with the qualifying officer within 10 days after
 1861 filing the appointment of campaign treasurer and designation of
 1862 campaign depository, stating that the candidate has read and
 1863 understands the requirements of this chapter. Such statement
 1864 shall be provided by the filing officer and shall be in
 1865 substantially the following form:

1866
 1867 STATEMENT OF CANDIDATE

1869 I, _____, candidate for the office of _____, have received,
 1870 read, and understand the requirements of Chapter 106, Florida
 1871 Statutes.

1872
 1873 ... (Signature of candidate) (Date) ...

1874
 1875 Willful failure to file this form is a violation of ss.
 1876 106.19(1)(c) and 106.25(3), F.S. However, the execution and
 1877 filing of this form does not create a presumption that any



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1878 violation of chapter 104, F.S., or chapter 106, F.S., is a
1879 willful violation within the meaning of s. 106.37, F.S.

1880 Section 37. Paragraph (a) of subsection (8) of section
1881 106.04, Florida Statutes, is amended to read:

1882 106.04 Committees of continuous existence.--

1883 (8)(a) Any committee of continuous existence failing to
1884 file a report on the designated due date shall be subject to a
1885 fine. The fine shall be \$50 per day for the first 3 days late
1886 and, thereafter, \$500 per day for each late day, not to exceed
1887 25 percent of the total receipts or expenditures, whichever is
1888 greater, for the period covered by the late report. The fine
1889 shall be assessed by the filing officer, and the moneys
1890 collected shall be deposited in the General Revenue Elections
1891 ~~Commission Trust~~ Fund. No separate fine shall be assessed for
1892 failure to file a copy of any report required by this section.

1893 Section 38. Paragraph (a) of subsection (2) and paragraphs
1894 (a) and (c) of subsection (8) of section 106.07, Florida
1895 Statutes, are amended to read:

1896 106.07 Reports; certification and filing.--

1897 (2)(a) All reports required of a candidate by this section
1898 shall be filed with the officer before whom the candidate is
1899 required by law to qualify. All candidates who file with the
1900 Department of State shall file the original and one copy of
1901 their reports. In addition, a copy of each report for candidates
1902 for other than statewide office who qualify with the Department
1903 of State shall be filed with the supervisor of elections in the
1904 county where the candidate resides. Reports shall be filed not
1905 later than 5 p.m. of the day designated; however, any report
1906 postmarked by the United States Postal Service no later than
1907 midnight of the day designated shall be deemed to have been



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1908 filed in a timely manner. Reports received by the filing officer
 1909 within 5 days after the designated due date delivered by the
 1910 United States Postal Service shall be deemed as being timely
 1911 filed unless the postmark indicates the report was mailed after
 1912 the designated due date. A certificate of mailing obtained from
 1913 and dated by the United States Postal Service at the time of
 1914 mailing, or a receipt from an established courier company, which
 1915 bears a date on or before the date on which the report is due,
 1916 shall be proof of mailing in a timely manner. Reports shall
 1917 contain information of all previously unreported contributions
 1918 received and expenditures made as of the preceding Friday,
 1919 except that the report filed on the Friday immediately preceding
 1920 the election shall contain information of all previously
 1921 unreported contributions received and expenditures made as of
 1922 the day preceding that designated due date. All such reports
 1923 shall be open to public inspection.

1924 (8)(a) Any candidate or political committee failing to
 1925 file a report on the designated due date shall be subject to a
 1926 fine as provided in paragraph (b) for each late day, and, in the
 1927 case of a candidate, such fine shall be paid only from personal
 1928 funds of the candidate. The fine shall be assessed by the filing
 1929 officer and the moneys collected shall be deposited:

1930 1. In the General Revenue ~~Elections Commission Trust~~ Fund,
 1931 in the case of a candidate for state office or a political
 1932 committee that registers with the Division of Elections; or

1933 2. In the general revenue fund of the political
 1934 subdivision, in the case of a candidate for an office of a
 1935 political subdivision or a political committee that registers
 1936 with an officer of a political subdivision.

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1938 No separate fine shall be assessed for failure to file a copy of
 1939 any report required by this section.

1940 (c) Any candidate or chair of a political committee may
 1941 appeal or dispute the fine, ~~based upon unusual circumstances~~
 1942 ~~surrounding the failure to file on the designated due date,~~ and
 1943 may request and shall be entitled to a hearing before the
 1944 Florida Elections Commission, which shall have the authority to
 1945 waive the fine in whole or in part. The commission must consider
 1946 the criteria contained in s. 106.265(1) when determining the
 1947 amount of a fine, if any, to be imposed. Any such request shall
 1948 be made within 20 days after receipt of the notice of payment
 1949 due. In such case, the candidate or chair of the political
 1950 committee shall, within the 20-day period, notify the filing
 1951 officer in writing of his or her intention to bring the matter
 1952 before the commission.

1953 Section 39. Section 106.0705, Florida Statutes, is created
 1954 to read:

1955 106.0705 Electronic filing of campaign treasurer's
 1956 reports.--

1957 (1)(a) Each candidate who is required to file reports
 1958 pursuant to s. 106.07 with the division and who accepts
 1959 contributions or makes expenditures in an aggregate amount in
 1960 excess of \$10,000 for the office sought must file such reports
 1961 with the division by electronic means.

1962 (b) Each political committee, committee of continuous
 1963 existence, or state executive committee that is required to file
 1964 reports with the division under s. 106.04, s. 106.07, or s.
 1965 106.29, as applicable, and that accepts contributions or makes
 1966 expenditures in an aggregate amount in excess of \$10,000 in a



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1967 calendar year must file such reports with the division by
1968 electronic means.

1969 (c) Each person or organization that is required to file
1970 reports with the division under s. 106.071 and that accepts
1971 contributions or makes expenditures in an aggregate amount in
1972 excess of \$10,000 in a calendar year must file such reports with
1973 the division by electronic means.

1974 (d) Reports required to be filed pursuant to s. 106.04, s.
1975 106.07, s. 106.071, or s. 106.29 that are not subject to the
1976 electronic filing provisions of this section may be on forms
1977 provided by the division.

1978 (2) Reports filed pursuant to this section shall be filed
1979 no later than midnight of the day designated. Reports not
1980 received by midnight of the day designated are late filed and are
1981 subject to the penalties under s. 106.04(8), s. 106.07(8), or s.
1982 106.29(3), as applicable.

1983 (3) Each report filed pursuant to this section is
1984 considered to be under oath by the candidate and treasurer or the
1985 chair and treasurer, whichever is applicable, and such persons
1986 are subject to the provisions of s. 106.04(4)(d), s. 106.07(5),
1987 or s. 106.29(2), as applicable. Each person given a user
1988 identification (ID) and password to the electronic campaign
1989 filing system is responsible for protecting such from disclosure
1990 and is responsible for all filings using such credentials, unless
1991 the person has notified the division that his or her user ID has
1992 been compromised.

1993 (4) The electronic filing system developed by the division
1994 must:

1995 (a) Be based on access by means of the Internet.



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1996 (b) Be accessible by anyone with Internet access using
 1997 standard web-browsing software.

1998 (c) Provide for direct entry of campaign finance
 1999 information as well as download of such information from campaign
 2000 finance software certified by the division.

2001 (d) Provide a method that verifies the identity of the
 2002 person submitting the report.

2003 (5) The division shall adopt rules pursuant to ss.
 2004 120.536(1) and 120.54 to administer this section and provide for
 2005 the reports required to be filed pursuant to this section. Such
 2006 rules shall, at a minimum, provide for:

2007 (a) Alternate filing procedures in case of failure by the
 2008 division's web server.

2009 (b) Issuance of an electronic receipt to the person
 2010 submitting the report indicating and verifying that the report
 2011 has been filed and received.

2012 Section 40. Section 106.075, Florida Statutes, is amended
 2013 to read:

2014 106.075 Elected officials; report of personal loans made
 2015 in year preceding election; limitation on contributions to pay
 2016 loans.--

2017 (1) A person who is elected to office must report all
 2018 personal loans, exceeding \$500 in value, made to him or her and
 2019 used for campaign purposes, and made in the 12 months preceding
 2020 his or her election to office, to the filing officer. The report
 2021 must be made, in the manner prescribed by the Department of
 2022 State, within 10 days after being elected to office.

2023 (2) Any person who makes a contribution to an individual
 2024 to pay all or part of a loan incurred, in the 12 months
 2025 preceding the election, to be used for the individual's



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2026 campaign, may not contribute more than the amount which is
 2027 allowed in s. 106.08(1).

2028 Section 41. Subsection (5) of section 106.08, Florida
 2029 Statutes, is amended to read:

2030 106.08 Contributions; limitations on.--

2031 (5)(a) A person may not make any contribution through or
 2032 in the name of another, directly or indirectly, in any election.

2033 (b) Candidates, political committees, and political
 2034 parties may not solicit contributions from any religious,
 2035 charitable, civic, or other causes or organizations established
 2036 primarily for the public good.

2037 (c) Candidates, political committees, and political
 2038 parties may not make contributions, in exchange for political
 2039 support, to any religious, charitable, civic, or other cause or
 2040 organization established primarily for the public good. It is
 2041 not a violation of this paragraph for:

2042 1. A candidate, political committee, or political party
 2043 executive committee to make gifts of money in lieu of flowers in
 2044 memory of a deceased person;

2045 2. A candidate to continue membership in, or make regular
 2046 donations from personal or business funds to, religious,
 2047 political party, civic, or charitable groups of which the
 2048 candidate is a member or to which the candidate has been a
 2049 regular donor for more than 6 months; or

2050 3. A candidate to purchase, with campaign funds, tickets,
 2051 admission to events, or advertisements from religious, civic,
 2052 political party, or charitable groups.

2053 (d) Candidates may not make expenditures from their
 2054 campaign accounts for the purpose of receiving or obtaining an
 2055 endorsement from any person, group, or organization.



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2056 Section 42. Section 106.087, Florida Statutes, is amended
 2057 to read:

2058 106.087 Independent expenditures; contribution limits;
 2059 restrictions on political parties and, political committees, ~~and~~
 2060 ~~committees of continuous existence.--~~

2061 (1)(a) As a condition of receiving a rebate of filing fees
 2062 and party assessment funds pursuant to s. 99.061(2), s.
 2063 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
 2064 treasurer of a state or county executive committee shall take
 2065 and subscribe to an oath or affirmation in writing. During the
 2066 qualifying period for state candidates and prior to distribution
 2067 of such funds, a printed copy of the oath or affirmation shall
 2068 be filed with the Secretary of State and shall be substantially
 2069 in the following form:

2070
 2071 State of Florida
 2072 County of _____

2073 Before me, an officer authorized to administer oaths,
 2074 personally appeared ... (name) ..., to me well known, who,
 2075 being sworn, says that he or she is the ... (title) ... of the
 2076 ... (name of party) ... (state or specified county) ...
 2077 executive committee; that the executive committee has not made,
 2078 either directly or indirectly, an independent expenditure in
 2079 support of or opposition to a candidate or elected public
 2080 official in the prior 6 months; that the executive committee
 2081 will not make, either directly or indirectly, an independent
 2082 expenditure in support of or opposition to a candidate or
 2083 elected public official, through and including the upcoming
 2084 general election; and that the executive committee will not



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2085 violate the contribution limits applicable to candidates under
 2086 s. 106.08(2), Florida Statutes.

2087 ... (Signature of committee officer) ...

2088 ... (Address) ...

2089
 2090 Sworn to and subscribed before me this ____ day of _____, ...
 2091 (year) ..., at ____ County, Florida.

2092 ... (Signature and title of officer administering oath) ...

2093
 2094 (b) Any executive committee found to have violated the
 2095 provisions of the oath or affirmation in this section prior to
 2096 receiving funds shall be ineligible to receive the rebate for
 2097 that general election year.

2098 (c) Any executive committee found to have violated the
 2099 provisions of the oath or affirmation in this section after
 2100 receiving funds shall be ineligible to receive the rebate from
 2101 candidates qualifying for the following general election cycle.

2102 (d) Any funds not distributed to the state or county
 2103 executive committee pursuant to this section shall be deposited
 2104 into the General Revenue Fund of the state.

2105 (2)(a) Any political committee ~~or committee of continuous~~
 2106 ~~existence~~ that accepts the use of public funds, equipment,
 2107 personnel, or other resources to collect dues from its members
 2108 agrees not to make independent expenditures in support of or
 2109 opposition to a candidate or elected public official. However,
 2110 expenditures may be made for the sole purpose of jointly
 2111 endorsing three or more candidates.

2112 (b) Any political committee ~~or committee of continuous~~
 2113 ~~existence~~ that violates this subsection is liable for a civil
 2114 fine of up to \$5,000 to be determined by the Florida Elections



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2115 Commission or the entire amount of the expenditures, whichever
2116 is greater.

2117 Section 43. Section 106.09, Florida Statutes, is amended
2118 to read:

2119 106.09 Cash contributions and contribution by cashier's
2120 checks or money orders.--

2121 (1) A person may not make or accept a cash contribution or
2122 contribution by means of a cashier's check or money order in
2123 excess of \$100.

2124 (2)(a) Any person who makes or accepts a contribution in
2125 excess of \$100 in violation of this section commits a
2126 misdemeanor of the first degree, punishable as provided in s.
2127 775.082 or s. 775.083.

2128 (b) Any person who knowingly and willfully makes or
2129 accepts a contribution in excess of \$5,000 in violation of this
2130 section commits a felony of the third degree, punishable as
2131 provided in s. 775.082, s. 775.083, or s. 775.084.

2132 Section 44. Paragraph (a) of subsection (2) of section
2133 106.11, Florida Statutes, is amended to read:

2134 106.11 Expenses of and expenditures by candidates and
2135 political committees.--Each candidate and each political
2136 committee which designates a primary campaign depository
2137 pursuant to s. 106.021(1) shall make expenditures from funds on
2138 deposit in such primary campaign depository only in the
2139 following manner, with the exception of expenditures made from
2140 petty cash funds provided by s. 106.12:

2141 (2)(a) For purposes of this section, debit cards are
2142 considered bank checks, if:



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2143 1. Debit cards are obtained from the same bank that has
2144 been designated as the candidate's or political committee's
2145 primary campaign depository.

2146 2. Debit cards are issued in the name of the treasurer,
2147 deputy treasurer, or authorized user and state "Campaign Account
2148 of ... (name of candidate or political committee)"

2149 3. No more than three debit cards are requested and
2150 issued.

2151 4. Before a debit card is used, a list of all persons
2152 authorized to use the card is filed with the filing officer
2153 ~~division~~.

2154 5. All debit cards issued to a candidate's campaign or a
2155 political committee expire no later than midnight of the last
2156 day of the month of the general election.

2157 6. The person using the debit card does not receive cash
2158 as part of, or independent of, any transaction for goods or
2159 services.

2160 7. All receipts for debit card transactions contain:

2161 a. The last four digits of the debit card number.

2162 b. The exact amount of the expenditure.

2163 c. The name of the payee.

2164 d. The signature of the campaign treasurer, deputy
2165 treasurer, or authorized user.

2166 e. The exact purpose for which the expenditure is
2167 authorized.

2168

2169 Any information required by this subparagraph but not included
2170 on the debit card transaction receipt may be handwritten on, or
2171 attached to, the receipt by the authorized user before
2172 submission to the treasurer.



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2173 Section 45. Subsection (6) of section 106.141, Florida
 2174 Statutes, is amended to read:

2175 106.141 Disposition of surplus funds by candidates.--

2176 (6) Prior to disposing of funds pursuant to subsection (4)
 2177 or transferring funds into an office account pursuant to
 2178 subsection (5), any candidate who filed an oath stating that he
 2179 or she was unable to pay the election assessment or fee for
 2180 verification of petition signatures without imposing an undue
 2181 burden on his or her personal resources or on resources
 2182 otherwise available to him or her, or who filed both such oaths,
 2183 or who qualified by the petition process pursuant to s. 99.095
 2184 or s. 105.035 ~~alternative method~~ and was not required to pay an
 2185 election assessment, shall reimburse the state or local
 2186 governmental entity, whichever is applicable, for such waived
 2187 assessment or fee or both. Such reimbursement shall be made
 2188 first for the cost of petition verification and then, if funds
 2189 are remaining, for the amount of the election assessment. If
 2190 there are insufficient funds in the account to pay the full
 2191 amount of either the assessment or the fee or both, the
 2192 remaining funds shall be disbursed in the above manner until no
 2193 funds remain. All funds disbursed pursuant to this subsection
 2194 shall be remitted to the qualifying officer. Any reimbursement
 2195 for petition verification costs which are reimbursable by the
 2196 state shall be forwarded by the qualifying officer to the state
 2197 for deposit in the General Revenue Fund. All reimbursements for
 2198 the amount of the election assessment shall be forwarded by the
 2199 qualifying officer to the Department of State for deposit in the
 2200 General Revenue ~~Elections Commission Trust~~ Fund.

2201 Section 46. Subsections (2) and (4) of section 106.25,
 2202 Florida Statutes, are amended to read:



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2203 106.25 Reports of alleged violations to Florida Elections
 2204 Commission; disposition of findings.--

2205 (2) The commission shall investigate all violations of
 2206 this chapter and chapter 104, but only after having received
 2207 either a sworn complaint or information reported to it by the
 2208 Division of Elections. Any person, other than the division,
 2209 having information of any violation of this chapter or chapter
 2210 104 shall file a sworn complaint with the commission. Such sworn
 2211 complaint must be based upon personal knowledge of the
 2212 complainant. Such sworn complaint shall state whether a
 2213 complaint of the same violation has been made to any state
 2214 attorney. Within 5 days after receipt of a sworn complaint, the
 2215 commission shall transmit a copy of the complaint to the alleged
 2216 violator. All sworn complaints alleging violations of the
 2217 Florida Election Code over which the commission has jurisdiction
 2218 shall be filed with the commission within 2 years of the alleged
 2219 violations. The period of limitations is tolled on the day a
 2220 sworn complaint is filed with the commission.

2221 (4) The commission shall undertake a preliminary
 2222 investigation to determine if the facts alleged in a sworn
 2223 complaint or a matter initiated by the division constitute
 2224 probable cause to believe that a violation has occurred. The
 2225 respondent, the complainant, and their respective counsels shall
 2226 be permitted to attend the hearing at which the probable cause
 2227 determination is made. Notice of the hearing shall be sent to
 2228 the respondent and the complainant at least 14 days prior to the
 2229 date of the hearing. The respondent and his or her counsel shall
 2230 be permitted to make a brief oral statement in the nature of
 2231 oral argument to the commission before the probable cause
 2232 determination. The commission's determination shall be based



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2233 upon the investigator's report, the complaint, and staff
 2234 recommendations, as well as any written statements submitted by
 2235 the respondent and any oral statements made at the hearing. No
 2236 testimony or other evidence shall be accepted at the hearing.
 2237 Upon completion of the preliminary investigation, the commission
 2238 shall, by written report, find probable cause or no probable
 2239 cause to believe that this chapter or chapter 104 has been
 2240 violated.

2241 (a) If no probable cause is found, the commission shall
 2242 dismiss the case and the case shall become a matter of public
 2243 record, except as otherwise provided in this section, together
 2244 with a written statement of the findings of the preliminary
 2245 investigation and a summary of the facts which the commission
 2246 shall send to the complainant and the alleged violator.

2247 (b) If probable cause is found, the commission shall so
 2248 notify the complainant and the alleged violator in writing. All
 2249 documents made or received in the disposition of the complaint
 2250 shall become public records upon a finding by the commission.

2251
 2252 In a case where probable cause is found, the commission shall
 2253 make a preliminary determination to consider the matter or to
 2254 refer the matter to the state attorney for the judicial circuit
 2255 in which the alleged violation occurred.

2256 Section 47. Paragraph (a) of subsection (3) of section
 2257 106.29, Florida Statutes, is amended to read:

2258 106.29 Reports by political parties; restrictions on
 2259 contributions and expenditures; penalties.--

2260 (3)(a) Any state or county executive committee failing to
 2261 file a report on the designated due date shall be subject to a
 2262 fine as provided in paragraph (b) for each late day. The fine



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2263 shall be assessed by the filing officer, and the moneys
 2264 collected shall be deposited in the General Revenue Elections
 2265 ~~Commission~~ Trust Fund.

2266 Section 48. Sections 98.181, 101.635, 102.061, 106.085,
 2267 and 106.144, Florida Statutes, are repealed.

2268 Section 49. Subsection (6) of section 112.312, Florida
 2269 Statutes, is amended to read:

2270 112.312 Definitions.--As used in this part and for
 2271 purposes of the provisions of s. 8, Art. II of the State
 2272 Constitution, unless the context otherwise requires:

2273 (6) "Candidate" means any person who has filed a statement
 2274 of financial interest and qualifying ~~qualification~~ papers, has
 2275 subscribed to the candidate's oath as required by s. 99.021, and
 2276 seeks by election to become a public officer. This definition
 2277 expressly excludes a committeeman or committeewoman regulated by
 2278 chapter 103 and persons seeking any other office or position in
 2279 a political party.

2280 Section 50. For the purpose of incorporating the amendment
 2281 to section 105.035, Florida Statutes, in references thereto,
 2282 paragraph (c) of subsection (2) and paragraph (b) of subsection
 2283 (3) of section 189.405, Florida Statutes, are reenacted to read:

2284 189.405 Elections; general requirements and procedures;
 2285 education programs.--

2286 (2)

2287 (c) A candidate for a position on a governing board of a
 2288 single-county special district that has its elections conducted
 2289 by the supervisor of elections shall qualify for the office with
 2290 the county supervisor of elections in whose jurisdiction the
 2291 district is located. Elections for governing board members
 2292 elected by registered electors shall be nonpartisan, except when



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2293 partisan elections are specified by a district's charter.
2294 Candidates shall qualify by paying a filing fee equal to 3
2295 percent of the salary or honorarium paid for the office, or a
2296 filing fee of \$25, whichever is more. Alternatively, candidates
2297 may qualify by submitting a petition that contains the
2298 signatures of at least 3 percent of the district's registered
2299 electors, or any lesser amount of signatures directed by chapter
2300 99, chapter 582, or other general or special law. No election or
2301 party assessment shall be levied if the election is nonpartisan.
2302 The qualifying fee shall be remitted to the general revenue fund
2303 of the qualifying officer to help defray the cost of the
2304 election. The petition form shall be submitted and checked in
2305 the same manner as those for nonpartisan judicial candidates
2306 pursuant to s. 105.035.

2307 (3)

2308 (b) With the exception of those districts conducting
2309 elections on a one-acre/one-vote basis, qualifying for
2310 multicounty special district governing board positions shall be
2311 coordinated by the Department of State. Elections for governing
2312 board members elected by registered electors shall be
2313 nonpartisan, except when partisan elections are specified by a
2314 district's charter. Candidates shall qualify by paying a filing
2315 fee equal to 3 percent of the salary or honorarium paid for the
2316 office, or a filing fee of \$25, whichever is more.
2317 Alternatively, candidates may qualify by submitting a petition
2318 that contains the signatures of at least 3 percent of the
2319 district's registered electors, or any lesser amount of
2320 signatures directed by chapter 99, chapter 582, or other general
2321 or special law. No election or party assessment shall be levied
2322 if the election is nonpartisan. The qualifying fee shall be



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2323 remitted to the Department of State. The petition form shall be
 2324 submitted and checked in the same manner as those for
 2325 nonpartisan judicial candidates pursuant to s. 105.035.

2326 Section 51. For the purpose of incorporating the amendment
 2327 to section 105.035, Florida Statutes, in references thereto,
 2328 paragraph (a) of subsection (1) of section 191.005, Florida
 2329 Statutes, is reenacted to read:

2330 191.005 District boards of commissioners; membership,
 2331 officers, meetings.--

2332 (1)(a) With the exception of districts whose governing
 2333 boards are appointed collectively by the Governor, the county
 2334 commission, and any cooperating city within the county, the
 2335 business affairs of each district shall be conducted and
 2336 administered by a five-member board. All three-member boards
 2337 existing on the effective date of this act shall be converted to
 2338 five-member boards, except those permitted to continue as a
 2339 three-member board by special act adopted in 1997 or thereafter.
 2340 The board shall be elected in nonpartisan elections by the
 2341 electors of the district. Except as provided in this act, such
 2342 elections shall be held at the time and in the manner prescribed
 2343 by law for holding general elections in accordance with s.
 2344 189.405(2)(a) and (3), and each member shall be elected for a
 2345 term of 4 years and serve until the member's successor assumes
 2346 office. Candidates for the board of a district shall qualify
 2347 with the county supervisor of elections in whose jurisdiction
 2348 the district is located. If the district is a multicounty
 2349 district, candidates shall qualify with the Department of State.
 2350 All candidates may qualify by paying a filing fee of \$25 or by
 2351 obtaining the signatures of at least 25 registered electors of
 2352 the district on petition forms provided by the supervisor of



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2353 elections which petitions shall be submitted and checked in the
 2354 same manner as petitions filed by nonpartisan judicial
 2355 candidates pursuant to s. 105.035.

2356 Section 52. Paragraph (a) of subsection (1) of section
 2357 582.18, Florida Statutes, is amended to read:

2358 582.18 Election of supervisors of each district.--

2359 (1) The election of supervisors for each soil and water
 2360 conservation district shall be held every 2 years. The elections
 2361 shall be held at the time of the general election provided for
 2362 by s. 100.041. The office of the supervisor of a soil and water
 2363 conservation district is a nonpartisan office, and candidates
 2364 for such office are prohibited from campaigning or qualifying
 2365 for election based on party affiliation.

2366 (a) Each candidate for supervisor for such district shall
 2367 be nominated by nominating petition subscribed by 25 or more
 2368 qualified electors of such district. Candidates shall obtain
 2369 signatures on petition forms prescribed by the Department of
 2370 State and furnished by the appropriate qualifying officer. In
 2371 multicounty districts, the appropriate qualifying officer is the
 2372 Secretary of State; in single-county districts, the appropriate
 2373 qualifying officer is the supervisor of elections. Such forms
 2374 may be obtained at any time after the first Tuesday after the
 2375 first Monday in January preceding the election, but prior to the
 2376 21st day preceding the first day of the qualifying period for
 2377 state office. Each petition shall be submitted, prior to noon of
 2378 the 21st day preceding the first day of the qualifying period
 2379 for state office, to the supervisor of elections of the county
 2380 for which such petition was circulated. The supervisor of
 2381 elections shall check the signatures on the petition to verify
 2382 their status as electors in the district. Prior to the first



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2383 date for qualifying, the supervisor of elections shall determine
 2384 whether the required single-county signatures have been
 2385 obtained; and she or he shall so notify the candidate. In the
 2386 case of a multicounty candidate, the supervisor of elections
 2387 shall check the signatures on petitions and shall, prior to the
 2388 first date for qualifying for office, certify to the Department
 2389 of State the number shown as registered electors of the
 2390 district. The Department of State shall determine if the
 2391 required number of signatures has been obtained for multicounty
 2392 candidates and shall so notify the candidate. If the required
 2393 number of signatures has been obtained for the name of the
 2394 candidate to be placed on the ballot, the candidate shall,
 2395 during the time prescribed for qualifying for office in s.
 2396 99.061, submit a copy of the notice to, and file her or his
 2397 qualifying ~~qualification~~ papers with, the qualifying officer and
 2398 take the oath prescribed in s. 99.021.

2399 Section 53. This act shall take effect January 1, 2004.