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30 or booklet form; amending s. 101.253, F.S.; prescribing duties
 31 of the supervisor of elections with respect to ballots in cases
 32 of vacancy in nomination; amending s. 101.294, F.S.; prohibiting
 33 governing bodies from deploying uncertified voting equipment;
 34 prohibiting vendors of voting equipment from providing
 35 uncertified voting systems or their components or upgrades;
 36 requiring vendors of voting equipment to provide certifications
 37 that voting systems or their components or upgrades have been
 38 certified; amending s. 101.295, F.S.; providing penalties for
 39 providing voting systems or their components or upgrades in
 40 violation of law; amending s. 101.5606, F.S.; conforming
 41 terminology; providing an additional requirement for voting
 42 systems; amending s. 101.5608, F.S.; conforming terminology;
 43 amending s. 101.5612, F.S.; providing for testing of tabulating
 44 equipment prior to commencement of early voting and notice
 45 thereof; amending s. 101.5613, F.S.; specifying person
 46 responsible for examination of equipment for purposes of early
 47 voting; amending s. 101.595, F.S.; revising duties of the
 48 supervisor of elections with respect to reporting undervotes and
 49 overvotes; amending s. 101.6103, F.S.; allowing the canvassing
 50 of mail ballots to begin at 7 a.m. on the fourth day before the
 51 election; prohibiting the release of results prior to 7 p.m. on
 52 the day of the election; providing penalties; amending s.
 53 101.62, F.S.; deleting a provision relating to the duty of
 54 supervisors of elections with respect to requests for absentee
 55 ballots from overseas voters received after the Friday before
 56 the election; revising requirements for the mailing of absentee
 57 and advance absentee ballots; correcting a reference; amending
 58 s. 101.64, F.S.; revising the Voter's Certificate for absent

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59 electors to remove the requirement of an attesting witness;
 60 requiring absentee voters voting pursuant to the Uniformed and
 61 Overseas Citizens Absentee Voting Act to use a standard oath as
 62 prescribed by federal law; amending s. 101.65, F.S.; revising
 63 the instructions to absent electors to remove the requirement of
 64 an attesting witness; amending s. 101.657, F.S.; authorizing and
 65 providing requirements for early voting; providing for
 66 designation of certain facilities as early voting sites;
 67 amending s. 101.68, F.S.; removing the requirement of the
 68 signature of an attesting witness for an absentee ballot to be
 69 considered legal; amending s. 101.6921, F.S.; revising the
 70 instructions for special absentee ballots for certain first-time
 71 voters to remove the requirement of an attesting witness;
 72 amending s. 101.6923, F.S.; providing that the special absentee
 73 ballot instructions for certain first-time voters shall be
 74 substantially in a specified form; revising the Voter's
 75 Certificate for special absentee ballots for certain first-time
 76 voters to remove the requirement of an attesting witness;
 77 amending s. 101.694, F.S.; revising specifications for absentee
 78 envelopes printed for overseas voters; amending s. 101.6952,
 79 F.S., relating to absentee ballots received from overseas
 80 voters, to conform; amending s. 101.697, F.S.; requiring the
 81 Department of State to determine the security of electronic
 82 transmissions of certain election materials prior to rule
 83 adoption; amending s. 102.012, F.S.; providing for a single
 84 election board for each precinct; amending s. 102.071, F.S.;
 85 deleting the requirement that the certificate of results be
 86 prepared in triplicate; amending s. 102.111, F.S.; allowing the
 87 Elections Canvassing Commission to delegate the authority to

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88 order recounts to the chief election officer; amending s.
 89 102.141, F.S.; deleting the requirement that the canvass be
 90 filed with the county court judge; clarifying responsibility for
 91 ordering recounts; deleting the requirement for test of the
 92 tabulating equipment at the completion of the recount; extending
 93 the deadline for reporting results of the machine recount;
 94 amending s. 102.168, F.S.; revising provisions with respect to
 95 the time for contesting an election; declaring the county
 96 canvassing board and the Elections Canvassing Commission
 97 indispensable and proper parties in contested elections;
 98 amending s. 105.031, F.S.; exempting write-in candidates for the
 99 office of school board member from payment of the qualifying
 100 fee; amending s. 105.035, F.S.; revising procedures for
 101 qualifying as a candidate for judicial or school board office by
 102 petition; amending s. 106.011, F.S.; defining the term
 103 "eliminated candidate"; amending s. 106.021, F.S.; providing
 104 exceptions to a prohibition against making certain contributions
 105 or expenditures in connection with a campaign or activities of a
 106 political committee; authorizing reimbursement of expenses
 107 incurred in connection with a campaign or activities of a
 108 political committee; requiring disclosure of the names and
 109 addresses of persons reimbursed from a campaign account;
 110 providing for retroactive operation; amending s. 106.023, F.S.;
 111 providing that the execution and filing of the statement of
 112 candidate does not in and of itself create a presumption that a
 113 violation of ch. 106 or ch. 104, F.S., is a willful violation;
 114 amending s. 106.04, F.S.; reducing the fine for late filing of
 115 campaign finance reports by committees of continuous existence
 116 for the first 3 days; providing for deposit of fine proceeds

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117 into the General Revenue Fund; amending s. 106.07, F.S.;

118 revising requirements for filing campaign reports; revising

119 requirements with respect to timely filing of mailed reports;

120 requiring the reporting of the primary purposes of certain

121 expenditures made indirectly through a campaign treasurer for

122 certain goods and services; expanding grounds for appealing or

123 disputing a fine; requiring the Florida Elections Commission to

124 consider mitigating and aggravating circumstances in determining

125 the amount of a fine, if any, to be waived for late-filed

126 reports; providing for deposit of certain fine proceeds into the

127 General Revenue Fund; limiting investigation of alleged late

128 filing violations; providing for electronic filing of reports;

129 allowing electronic receipts to be used as proof of filing;

130 creating s. 106.0705, F.S.; providing for electronic filing of

131 campaign treasurer's reports; providing standards and

132 guidelines; providing penalties; amending s. 106.075, F.S.;

133 revising requirements with respect to reporting loans; amending

134 s. 106.08, F.S.; prohibiting candidates from expending funds

135 from their campaign accounts to obtain endorsements; providing

136 penalties; amending s. 106.087, F.S.; exempting committees of

137 continuous existence from certain prohibitions with respect to

138 independent expenditures; amending s. 106.09, F.S.; prohibiting

139 acceptance of certain contributions made by money order;

140 providing penalties; amending s. 106.11, F.S.; revising

141 provisions relating to reporting use of debit cards; amending s.

142 106.141, F.S.; providing for deposit into the General Revenue

143 Fund of reimbursed election assessments; amending s. 106.25,

144 F.S.; restricting the alleged violations the commission may

145 investigate to those specifically contained within a sworn

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146 complaint; providing restrictions on subsequent complaints based
 147 on the same facts or allegations as a prior complaint;
 148 authorizing respondents and complainants and their counsels to
 149 attend hearings at which probable cause is determined; requiring
 150 prior notice; permitting a brief oral statement; specifying
 151 bases for determining probable cause; amending s. 106.265, F.S.;
 152 providing liability of complainants for costs and reasonable
 153 attorney's fees under certain circumstances; providing for civil
 154 actions to collect such costs and fees; amending s. 106.29,
 155 F.S.; revising provisions relating to reports by political
 156 parties; providing that the proceeds of funds assessed against
 157 political parties for the late filing of reports shall be
 158 deposited into the General Revenue Fund; providing for
 159 determination of fine for electronically filed reports; amending
 160 s. 191.005, F.S.; requiring certain candidates for commissioner
 161 of an independent special fire control district to conduct their
 162 campaigns in accordance with ch. 106, F.S.; providing an
 163 exception; amending s. 287.057, F.S.; exempting certain voter
 164 education activities from competitive-solicitation requirements;
 165 requiring voting systems to meet certain requirements by a date
 166 certain; amending s. 22, ch. 2002-281, Laws of Florida; revising
 167 effective dates applicable to provisions in such law; repealing
 168 s. 98.181, F.S., relating to the supervisor of elections making
 169 up indexes or records; repealing s. 101.635, F.S., relating to
 170 distribution of blocks of printed ballots; repealing s. 102.061,
 171 F.S., relating to duties of election boards; repealing s.
 172 106.085, F.S., relating to independent expenditure notice
 173 requirements; repealing s. 106.144, F.S., relating to filing of
 174 statements by certain groups and organizations intending to make

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175 or making political advertisements endorsing or opposing
 176 candidates or issues; providing applicability of changes to
 177 provisions of ch. 106, F.S., to pending and future cases before
 178 the Florida Elections Commission; providing effective dates.

179
 180 Be It Enacted by the Legislature of the State of Florida:

181
 182 Section 1. Subsection (3) of section 97.021, Florida
 183 Statutes, is amended, subsections (8) through (37) are
 184 renumbered as subsections (9) through (38), respectively, a new
 185 subsection (8) is added to said section, and present subsection
 186 (38) is renumbered as subsection (39) and amended, to read:

187 97.021 Definitions.--For the purposes of this code, except
 188 where the context clearly indicates otherwise, the term:

189 (3) "Ballot" or "official ballot" when used in reference
 190 to:

191 (a) "Marksense Paper ~~Paper~~ ballots" means that printed sheet of
 192 paper, used in conjunction with an electronic or
 193 electromechanical vote tabulation voting system, containing the
 194 names of candidates, or a statement of proposed constitutional
 195 amendments or other questions or propositions submitted to the
 196 electorate at any election, on which sheet of paper an elector
 197 casts his or her vote.

198 (b) "Electronic or electromechanical devices" means a
 199 ballot that is voted by the process of electronically
 200 designating, including by touchscreen, or marking with a marking
 201 device for tabulation by automatic tabulating equipment or data
 202 processing equipment.

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203 (8) "Early voting" means casting a ballot prior to
 204 election day at a location designated by the supervisor of
 205 elections and depositing the voted ballot in the tabulation
 206 system.

207 ~~(39)(38)~~ "Voting system" means a method of casting and
 208 processing votes that functions wholly or partly by use of
 209 electromechanical or electronic apparatus or by use of marksense
 210 ~~paper~~ ballots and includes, but is not limited to, the
 211 procedures for casting and processing votes and the programs,
 212 operating manuals, supplies ~~tabulating cards~~, printouts, and
 213 other software necessary for the system's operation.

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

216 97.052 Uniform statewide voter registration application.--

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

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

- 221 1. Initial registration.
- 222 2. Change of address.
- 223 3. Change of party affiliation.
- 224 4. Change of name.
- 225 5. Replacement of voter registration identification card.
- 226 6. Signature update.

227 (b) The department is responsible for printing the uniform
 228 statewide voter registration application and the voter
 229 registration application form prescribed by the Federal Election
 230 Commission pursuant to the National Voter Registration Act of

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231 1993. The applications and forms must be distributed, upon
 232 request, to the following:

- 233 1. Individuals seeking to register to vote.
- 234 2. Individuals or groups conducting voter registration
 235 programs. A charge of 1 cent per application shall be assessed
 236 on requests for 10,000 or more applications.
- 237 3. The Department of Highway Safety and Motor Vehicles.
- 238 4. Voter registration agencies.
- 239 5. Armed forces recruitment offices.
- 240 6. Qualifying educational institutions.
- 241 7. Supervisors, who must make the applications and forms

242 available in the following manner:

- 243 a. By distributing the applications and forms in their
 244 offices to any individual or group.
- 245 b. By distributing the applications and forms at other
 246 locations designated by each supervisor.
- 247 c. By mailing the applications and forms to applicants
 248 upon the request of the applicant.

249 (c) The uniform statewide voter registration application
 250 may be reproduced by any of the entities described in paragraph
 251 (b) private individual or group, provided the reproduced
 252 application is in the same format as the application prescribed
 253 under this section.

254 Section 3. Paragraph (a) of subsection (7) of section
 255 99.061, Florida Statutes, is amended to read:

256 99.061 Method of qualifying for nomination or election to
 257 federal, state, county, or district office.--

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

261 1. A properly executed check drawn upon the candidate's
 262 campaign account in an amount not less than the fee required by
 263 s. 99.092 or, in lieu thereof, as applicable, the copy of the
 264 notice of obtaining ballot position pursuant to s. 99.095, ~~or~~
 265 ~~the undue burden oath authorized pursuant to s. 99.0955,~~ or s.
 266 99.096. If a candidate's check is returned by the bank for any
 267 reason, the filing officer shall immediately notify the
 268 candidate and the candidate shall, the end of qualifying
 269 notwithstanding, have 48 hours from the time such notification
 270 is received, excluding Saturdays, Sundays, and legal holidays,
 271 to pay the fee with a cashier's check purchased from funds of
 272 the campaign account. Failure to pay the fee as provided in this
 273 subparagraph shall disqualify the candidate.

274 2. The candidate's oath required by s. 99.021, which must
 275 contain the name of the candidate as it is to appear on the
 276 ballot; the office sought, including the district or group
 277 number if applicable; and the signature of the candidate, duly
 278 acknowledged.

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

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

283 5. The completed form for the appointment of campaign
 284 treasurer and designation of campaign depository, as required by
 285 s. 106.021.

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

288 Section 4. Effective January 1, 2005, section 99.095,
 289 Florida Statutes, is amended to read:

290 (Substantial rewording of section. See s.
 291 99.095, F.S., for present text.)

292 99.095 Petition process in lieu of qualifying fee and
 293 party assessment.--

294 (1) A person seeking to qualify as a candidate for any
 295 office is not required to pay the qualifying fee or party
 296 assessment required by this chapter if he or she meets the
 297 petition requirements of this section.

298 (2)(a) A candidate shall obtain the signatures of voters
 299 in the geographical area represented by the office sought equal
 300 to at least 1 percent of the total number of voters of that
 301 geographical area, as shown by the compilation by the department
 302 for the last preceding general election. No signatures may be
 303 obtained until the candidate has filed the appointment of
 304 campaign treasurer and designation of campaign depository
 305 pursuant to s. 106.021.

306 (b) The format of the petition shall be prescribed by the
 307 division and shall be used by candidates to reproduce petitions
 308 for circulation. If the candidate is running for an office that
 309 requires a group or district designation, the petition must
 310 indicate that designation or the signatures are not valid. A
 311 separate petition is required for each candidate.

312 (3) Each petition must be submitted before noon of the
 313 28th day preceding the first day of the qualifying period for
 314 the office sought to the supervisor of elections of the county

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315 in which such petition was circulated. Each supervisor shall
 316 check the signatures on the petitions to verify their status as
 317 voters in the county, district, or other geographical area
 318 represented by the office sought. No later than the 7th day
 319 prior to the first day of the qualifying period, the supervisor
 320 shall certify the number of valid signatures.

321 (4)(a) Certifications for candidates for federal, state,
 322 or multicounty district office shall be submitted to the
 323 division. The division shall determine whether the required
 324 number of signatures has been obtained and shall notify the
 325 candidate.

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

330 (5) If the required number of signatures has been
 331 obtained, the candidate is eligible to qualify pursuant to s.
 332 99.061.

333 Section 5. Effective January 1, 2005, section 99.0955,
 334 Florida Statutes, is amended to read:

335 99.0955 Candidates with no party affiliation; name on
 336 general election ballot.--

337 (1) Each person seeking to qualify ~~for election~~ as a
 338 candidate with no party affiliation shall file his or her
 339 qualifying qualification papers and pay the qualifying fee, or
 340 qualify by the petition process pursuant to s. 99.095,
 341 ~~alternative method prescribed in subsection (3)~~ with the officer
 342 and during the times and under the circumstances prescribed in

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343 s. 99.061. Upon qualifying, the candidate is entitled to have
 344 his or her name placed on the general election ballot.

345 (2) The qualifying fee for candidates with no party
 346 affiliation shall consist of a filing fee and an election
 347 assessment. ~~The amount of the filing fee is 3 percent of the~~
 348 ~~annual salary of the office sought. The amount of the election~~
 349 ~~assessment is 1 percent of the annual salary of the office~~
 350 ~~sought. The election assessment shall be deposited into the~~
 351 ~~Elections Commission Trust Fund. Filing fees paid to the~~
 352 ~~Department of State shall be deposited into the General Revenue~~
 353 ~~Fund of the state. Filing fees paid to the supervisor of~~
 354 ~~elections shall be deposited into the general revenue fund of~~
 355 ~~the county.~~

356 (3)(a) ~~A candidate with no party affiliation may, in lieu~~
 357 ~~of paying the qualifying fee, qualify for office by the~~
 358 ~~alternative method prescribed in this subsection. A candidate~~
 359 ~~using this petitioning process shall file an oath with the~~
 360 ~~officer before whom the candidate would qualify for the office~~
 361 ~~stating that he or she intends to qualify by this alternative~~
 362 ~~method. If the person is running for an office that requires a~~
 363 ~~group or district designation, the candidate must indicate the~~
 364 ~~designation in his or her oath. The oath shall be filed at any~~
 365 ~~time after the first Tuesday after the first Monday in January~~
 366 ~~of the year in which the election is held, but before the 21st~~
 367 ~~day preceding the first day of the qualifying period for the~~
 368 ~~office sought. The Department of State shall prescribe the form~~
 369 ~~to be used in administering and filing the oath. Signatures may~~
 370 ~~not be obtained by a candidate on any petition until the~~
 371 ~~candidate has filed the oath required in this subsection. Upon~~

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372 ~~receipt of the written oath from a candidate, the qualifying~~
 373 ~~officer shall provide the candidate with petition forms in~~
 374 ~~sufficient numbers to facilitate the gathering of signatures. If~~
 375 ~~the candidate is running for an office that requires a group or~~
 376 ~~district designation, the petition must indicate that~~
 377 ~~designation or the signatures obtained on the petition will not~~
 378 ~~be counted.~~

379 ~~(b) A candidate shall obtain the signatures of a number of~~
 380 ~~qualified electors in the geographical entity represented by the~~
 381 ~~office sought equal to 1 percent of the registered electors of~~
 382 ~~the geographical entity represented by the office sought, as~~
 383 ~~shown by the compilation by the Department of State for the~~
 384 ~~preceding general election.~~

385 ~~(c) Each petition must be submitted before noon of the~~
 386 ~~21st day preceding the first day of the qualifying period for~~
 387 ~~the office sought, to the supervisor of elections of the county~~
 388 ~~for which such petition was circulated. Each supervisor to whom~~
 389 ~~a petition is submitted shall check the signatures on the~~
 390 ~~petition to verify their status as electors in the county,~~
 391 ~~district, or other geographical entity represented by the office~~
 392 ~~sought. Before the first day for qualifying, the supervisor~~
 393 ~~shall certify the number shown as registered electors.~~

394 ~~(d)1. Certifications for candidates for federal, state, or~~
 395 ~~multicounty district office shall be submitted to the Department~~
 396 ~~of State. The Department of State shall determine whether the~~
 397 ~~required number of signatures has been obtained for the name of~~
 398 ~~the candidate to be placed on the ballot and shall notify the~~
 399 ~~candidate.~~

400 ~~2. For candidates for county or district office not~~
 401 ~~covered by subparagraph 1., the supervisor of elections shall~~
 402 ~~determine whether the required number of signatures has been~~
 403 ~~obtained for the name of the candidate to be placed on the~~
 404 ~~ballot and shall notify the candidate.~~

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

410 Section 6. Effective January 1, 2005, section 99.096,
 411 Florida Statutes, is amended to read:

412 99.096 Minor party candidates; names on ballot.--

413 (1) The executive committee of a minor political party
 414 shall, no later than noon of the third day prior to the first
 415 day of the qualifying period prescribed for federal candidates,
 416 submit to the Department of State a list of federal candidates
 417 nominated by the party to be on the general election ballot. ~~and~~
 418 No later than noon of the third day prior to the first day of
 419 the qualifying period for state candidates, the executive
 420 committee of a minor party must ~~submit to the Department of~~
 421 ~~State~~ the official list of the state, multicounty, and county
 422 ~~respective~~ candidates nominated by that party to be on the
 423 ballot in the general election to the filing officer for each of
 424 the candidates. ~~The Department of State shall notify the~~
 425 ~~appropriate supervisors of elections of the name of each minor~~
 426 ~~party candidate eligible to qualify before such supervisor.~~ The
 427 official list of nominated candidates may not be changed by the
 428 party after having been filed with the filing officers

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429 ~~Department of State~~, except that candidates who have qualified
430 may withdraw from the ballot pursuant to the provisions of this
431 code, and vacancies in nominations may be filled pursuant to s.
432 100.111.

433 (2) Each person seeking to qualify for election as a
434 candidate of a minor party shall file his or her qualifying
435 ~~qualification~~ papers with, and pay the qualifying fee and, if
436 one has been levied, the party assessment, or qualify by the
437 petition process pursuant to s. 99.095 alternative method
438 ~~prescribed in subsection (3)~~, with the officer and at the times
439 and under the circumstances provided in s. 99.061.

440 (3)(a) ~~A minor party candidate may, in lieu of paying the~~
441 ~~qualifying fee and party assessment, qualify for office by the~~
442 ~~alternative method prescribed in this subsection. A candidate~~
443 ~~using this petitioning process shall file an oath with the~~
444 ~~officer before whom the candidate would qualify for the office~~
445 ~~stating that he or she intends to qualify by this alternative~~
446 ~~method. If the person is running for an office that requires a~~
447 ~~group or district designation, the candidate must indicate the~~
448 ~~designation in his or her oath. The oath must be filed at any~~
449 ~~time after the first Tuesday after the first Monday in January~~
450 ~~of the year in which the election is held, but before the 21st~~
451 ~~day preceding the first day of the qualifying period for the~~
452 ~~office sought. The Department of State shall prescribe the form~~
453 ~~to be used in administering and filing the oath. Signatures may~~
454 ~~not be obtained by a candidate on any petition until the~~
455 ~~candidate has filed the oath required in this section. Upon~~
456 ~~receipt of the written oath from a candidate, the qualifying~~
457 ~~officer shall provide the candidate with petition forms in~~

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458 ~~sufficient numbers to facilitate the gathering of signatures. If~~
 459 ~~the candidate is running for an office that requires a group or~~
 460 ~~district designation, the petition must indicate that~~
 461 ~~designation or the signatures on such petition will not be~~
 462 ~~counted.~~

463 ~~(b) A candidate shall obtain the signatures of a number of~~
 464 ~~qualified electors in the geographical entity represented by the~~
 465 ~~office sought equal to 1 percent of the registered electors in~~
 466 ~~the geographical entity represented by the office sought, as~~
 467 ~~shown by the compilation by the Department of State for the last~~
 468 ~~preceding general election.~~

469 ~~(c) Each petition shall be submitted prior to noon of the~~
 470 ~~21st day preceding the first day of the qualifying period for~~
 471 ~~the office sought to the supervisor of elections of the county~~
 472 ~~for which the petition was circulated. Each supervisor to whom a~~
 473 ~~petition is submitted shall check the signatures on the petition~~
 474 ~~to verify their status as electors in the county, district, or~~
 475 ~~other geographical entity represented by the office sought.~~
 476 ~~Before the first day for qualifying, the supervisor shall~~
 477 ~~certify the number shown as registered electors.~~

478 ~~(d)1. Certifications for candidates for federal, state, or~~
 479 ~~multicounty district office shall be submitted to the Department~~
 480 ~~of State. The Department of State shall determine whether the~~
 481 ~~required number of signatures has been obtained for the name of~~
 482 ~~the candidate to be placed on the ballot and shall notify the~~
 483 ~~candidate.~~

484 ~~2. For candidates for county or district office not~~
 485 ~~covered by subparagraph 1., the supervisor of elections shall~~
 486 ~~determine whether the required number of signatures has been~~

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487 ~~obtained for the name of the candidate to be placed on the~~
 488 ~~ballot and shall notify the candidate.~~

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

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

498 Section 7. Subsection (1) of section 100.011, Florida
 499 Statutes, is amended to read:

500 100.011 Opening and closing of polls, all elections;
 501 expenses.--

502 (1) The polls shall be open at the voting places at 7:00
 503 a.m., on the day of the election, and shall be kept open until
 504 7:00 p.m., of the same day, and the time shall be regulated by
 505 the customary time in standard use in the county seat of the
 506 locality. The inspectors shall make public proclamation of the
 507 opening and closing of the polls. During the election and
 508 canvass of the votes, the ballot box shall not be concealed. Any
 509 elector in line at the official closing of the polls shall be
 510 allowed to cast a vote in that election.

511 Section 8. Paragraph (b) of subsection (4) of section
 512 100.111, Florida Statutes, is amended to read:

513 100.111 Filling vacancy.--

514 (4)

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515 (b) If the vacancy in nomination occurs later than
516 September 15, or if the vacancy in nomination occurs with
517 respect to a candidate of a minor political party which has
518 obtained a position on the ballot, no special primary election
519 shall be held and the Department of State shall notify the chair
520 of the appropriate state, district, or county political party
521 executive committee of such party; and, within 7 days, the chair
522 shall call a meeting of his or her executive committee to
523 consider designation of a nominee to fill the vacancy. The name
524 of any person so designated shall be submitted to the Department
525 of State within 14 days after ~~of~~ notice to the chair ~~in order~~
526 ~~that the person designated may have his or her name printed or~~
527 ~~otherwise placed on the ballot of the ensuing general election,~~
528 ~~but in no event shall the supervisor of elections be required to~~
529 ~~place on a ballot a name submitted less than 21 days prior to~~
530 ~~the election.~~ If the name of the new nominee is submitted after
531 the ballots have been printed or programmed into the machines and
532 the supervisor of elections is not able to reprint or reprogram
533 the ballots or otherwise strike the former nominee's name and
534 insert the new nominee's name ~~vacancy occurs less than 21 days~~
535 ~~prior to the election,~~ the person designated by the political
536 party will replace the former party nominee even though the
537 former party nominee's name will be on the ballot. Any ballots
538 cast for the former party nominee will be counted for the person
539 designated by the political party to replace the former party
540 nominee. If there is no opposition to the party nominee, the
541 person designated by the political party to replace the former
542 party nominee will be elected to office at the general election.
543 For purposes of this paragraph, the term "district political

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544 party executive committee" means the members of the state
 545 executive committee of a political party from those counties
 546 comprising the area involving a district office.

547 Section 9. Paragraphs (b) and (c) of subsection (4) of
 548 section 101.015, Florida Statutes, are amended to read:

549 101.015 Standards for voting systems.--

550 (4)

551 (b) Each supervisor of elections shall establish written
 552 procedures to assure accuracy and security in his or her county,
 553 including procedures related to early voting pursuant to s.
 554 101.657. ~~and~~ Such procedures shall be reviewed in each odd-
 555 numbered year by the Department of State.

556 (c) Each supervisor of elections shall submit any
 557 revisions to the security procedures to the Department of State
 558 at least 45 days before early voting commences pursuant to s.
 559 101.657 in an ~~the first~~ election in which they are to take
 560 effect.

561 Section 10. Subsection (1) of section 101.031, Florida
 562 Statutes, is amended to read:

563 101.031 Instructions for electors.--

564 (1) The Department of State, or in case of municipal
 565 elections the governing body of the municipality, shall print,
 566 in large type on cards, instructions for the electors to use in
 567 voting. ~~It shall provide not less than two cards for each voting~~
 568 ~~precinct for each election and furnish such cards to each~~
 569 ~~supervisor upon requisition.~~ Each supervisor of elections shall
 570 send a sufficient number of these cards to the precincts prior
 571 to an election. The election inspectors shall display the cards
 572 in the polling places as information for electors. The cards

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573 shall contain information about how to vote and such other
 574 information as the Department of State may deem necessary. The
 575 cards must also include the list of rights and responsibilities
 576 afforded to Florida voters, as described in subsection (2).

577 Section 11. Effective January 1, 2006, subsections (2) and
 578 (4) of section 101.048, Florida Statutes, are amended to read:

579 101.048 Provisional ballots.--

580 (2)(a) The county canvassing board shall examine each
 581 Provisional Ballot Voter's Certificate and Affirmation ~~envelope~~
 582 to determine if the person voting that ballot was entitled to
 583 vote at the precinct where the person cast a vote in the
 584 election and that the person had not already cast a ballot in
 585 the election.

586 (b)1. If it is determined that the person was registered
 587 and entitled to vote at the precinct where the person cast a
 588 vote in the election, the canvassing board shall compare the
 589 signature on the Provisional Ballot Voter's Certificate and
 590 Affirmation ~~envelope~~ with the signature on the voter's
 591 registration and, if it matches, shall count the ballot.

592 2. If it is determined that the person voting the
 593 provisional ballot was not registered or entitled to vote at the
 594 precinct where the person cast a vote in the election, the
 595 provisional ballot shall not be counted and the ballot shall
 596 remain in the envelope containing the Provisional Ballot Voter's
 597 Certificate and Affirmation and the envelope shall be marked
 598 "Rejected as Illegal."

599 (4) Notwithstanding subsections (1)-(3) In counties where
 600 ~~the voting system does not utilize a paper ballot,~~ the
 601 supervisor of elections may, and for persons with disabilities

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602 shall, provide the appropriate provisional ballot to the voter
 603 by electronic means which meet the requirements of s. 101.56062
 604 as provided for by the certified voting system. Each person
 605 casting a provisional ballot by electronic means shall, prior to
 606 casting his or her ballot, complete the Provisional Ballot
 607 Voter's Certificate and Affirmation as provided in subsection
 608 (3).

609 Section 12. Effective January 1, 2006, subsection (5) of
 610 section 101.049, Florida Statutes, is amended to read:

611 101.049 Provisional ballots; special circumstances.--

612 (5) As an alternative, provisional ballots cast pursuant
 613 to this section may, and for persons with disabilities shall, be
 614 cast in accordance with the provisions of s. 101.048(4).

615 Section 13. Subsections (1) and (2) of section 101.131,
 616 Florida Statutes, are amended to read:

617 101.131 Watchers at polls.--

618 (1) Each ~~political party and each~~ candidate may have one
 619 poll watcher and each political party may have one poll watcher
 620 and one at-large poll watcher in each polling room at any one
 621 time during the election. No poll watcher shall be permitted to
 622 come closer to the officials' table or the voting booths than is
 623 reasonably necessary to properly perform his or her functions,
 624 but each shall be allowed within the polling room to watch and
 625 observe the conduct of electors and officials. The poll watchers
 626 shall furnish their own materials and necessities and shall not
 627 obstruct the orderly conduct of any election. Each poll watcher
 628 shall be a qualified and registered elector of the county in
 629 which he or she serves.

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630 (2) Each political party and each candidate requesting to
 631 have poll watchers shall designate, in writing, poll watchers
 632 for each polling room ~~precinct~~ prior to noon of the second
 633 Tuesday preceding the election. Each political party may
 634 designate at least five additional at-large poll watchers, or one
 635 additional at-large poll watcher for every 10,000 registered
 636 voters, whichever is greater, who shall be approved and have
 637 access to all polling rooms. The poll watchers ~~for each precinct~~
 638 shall be approved by the supervisor of elections on or before
 639 the Tuesday before the election. The supervisor shall furnish to
 640 each polling room ~~precinct~~ a list of the poll watchers
 641 designated and approved for such polling room and a list of at-
 642 large poll watchers approved for all polling rooms ~~precinct~~.

643 Section 14. Subsection (1) of section 101.151, Florida
 644 Statutes, is amended to read:

645 101.151 Specifications for ballots.--

646 (1) Marksense ~~Paper~~ ballots shall be printed on paper of
 647 such thickness that the printing cannot be distinguished from
 648 the back and shall meet the specifications of the voting system
 649 which will be used to read the ballots.

650 Section 15. Section 101.171, Florida Statutes, is amended
 651 to read:

652 101.171 Copy of constitutional amendment ~~to be~~
 653 ~~posted~~.--Whenever any amendment to the State Constitution is to
 654 be voted upon at any election, the Department of State shall
 655 have printed, and shall furnish to each supervisor of elections,
 656 a sufficient number of copies of the amendment either in poster
 657 or booklet form, and the supervisor shall have a copy thereof

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658 conspicuously posted or available at each precinct upon the day
 659 of election.

660 Section 16. Subsection (3) of section 101.253, Florida
 661 Statutes, is amended to read:

662 101.253 When names not to be printed on ballot.--

663 (3) In the event ballots are printed or programmed into
 664 the machines prior to the death, resignation, removal, or
 665 withdrawal of a candidate, the supervisor of elections, at his or
 666 her discretion, may:

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

669 (b) Reprint or reprogram the ballot; or

670 (c) Provide notice in a newspaper of general circulation in
 671 the county, post a notice in each voting booth, and provide an
 672 insert with each absentee ballot mailed to a voter explaining the
 673 consequences of a vote for the former candidate. In no case
 674 ~~shall the supervisor be required to print on the ballot a name~~
 675 ~~which is submitted less than 21 days prior to the election. In~~
 676 ~~the event the ballots are printed 21 days or more prior to the~~
 677 ~~election, the name of any candidate whose death, resignation,~~
 678 ~~removal, or withdrawal created a vacancy in office or nomination~~
 679 ~~shall be stricken from the ballot with a rubber stamp or~~
 680 ~~appropriate printing device, and the name of the new nominee~~
 681 ~~shall be inserted on the ballot in a like manner. The supervisor~~
 682 ~~may, as an alternative, reprint the ballots to include the name~~
 683 ~~of the new nominee.~~

684 Section 17. Section 101.294, Florida Statutes, is amended
 685 to read:

686 101.294 Purchase and sale of voting equipment.--

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687 (1) The Division of Elections of the Department of State
 688 shall adopt uniform rules for the purchase, use, and sale of
 689 voting equipment in the state. No governing body shall purchase,
 690 ~~or~~ cause to be purchased, or deploy any voting equipment unless
 691 such equipment has been certified for use in this state by the
 692 Department of State.

693 (2) Any governing body contemplating the purchase or sale
 694 of voting equipment shall notify the Division of Elections of
 695 such considerations. The division shall attempt to coordinate
 696 the sale of excess or outmoded equipment by one county with
 697 purchases of necessary equipment by other counties.

698 (3) The division shall inform the governing bodies of the
 699 various counties of the state of the availability of new or used
 700 voting equipment and of sources available for obtaining such
 701 equipment.

702 (4) No vendor of voting equipment shall provide an
 703 uncertified voting system, voting system component, or voting
 704 system upgrade to a governing body or supervisor of elections in
 705 this state.

706 (5) Prior to or in conjunction with providing a voting
 707 system, voting system component, or voting system upgrade, the
 708 vendor shall provide the governing body or supervisor of
 709 elections with a sworn certification that the voting system,
 710 voting system component, or voting system upgrade being provided
 711 has been certified by the Division of Elections.

712 Section 18. Section 101.295, Florida Statutes, is amended
 713 to read:

714 101.295 Penalties for violation.--

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715 (1) Any member of a governing body which purchases or
 716 sells voting equipment in violation of the provisions of ss.
 717 101.292-101.295, which member knowingly votes to purchase or
 718 sell voting equipment in violation of the provisions of ss.
 719 101.292-101.295, commits ~~is guilty of~~ a misdemeanor of the first
 720 degree, punishable as provided by s. 775.082 or s. 775.083, and
 721 shall be subject to suspension from office on the grounds of
 722 malfeasance.

723 (2) Any vendor of voting equipment, chief executive
 724 officer of such a vendor, or vendor representative who provides a
 725 voting system, voting system component, or voting system upgrade
 726 in violation of the provisions of this chapter commits a felony
 727 of the third degree, punishable as provided in s. 775.082, s.
 728 775.083, or s. 775.084.

729 Section 19. Subsection (4) of section 101.5606, Florida
 730 Statutes, is amended, and, effective January 1, 2006, subsection
 731 (16) is added to said section, to read:

732 101.5606 Requirements for approval of systems.--No
 733 electronic or electromechanical voting system shall be approved
 734 by the Department of State unless it is so constructed that:

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

739 (16) All electronic voter interface devices are capable of
 740 allowing voters to cast both regular and provisional ballots
 741 while allowing the elections administrator to preserve the
 742 secrecy of voted ballots.

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

745 101.5608 Voting by electronic or electromechanical method;
746 procedures.--

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

750 (a) After receiving a ballot from an inspector, the
751 elector shall, without leaving the polling place, retire to a
752 booth or compartment and mark the ballot. After preparing his or
753 her ballot, the elector shall place the ballot in a secrecy
754 envelope with the stub exposed or shall fold over that portion
755 on which write-in votes may be cast, as instructed, so that the
756 ballot will be deposited in the ballot box without exposing the
757 voter's choices. Before the ballot is deposited in the ballot
758 box, the inspector shall detach the exposed stub and place it in
759 a separate envelope for audit purposes; when a fold-over ballot
760 is used, the entire ballot shall be placed in the ballot box.

761 (b) Any voter who spoils his or her ballot or makes an
762 error may return the ballot to the election official and secure
763 another ballot, except that in no case shall a voter be
764 furnished more than three ballots. If the vote tabulation device
765 has rejected a ballot, the ballot shall be considered spoiled
766 and a new ballot shall be provided to the voter unless the voter
767 chooses to cast the rejected ballot. The election official,
768 without examining the original ballot, shall state the possible
769 reasons for the rejection and shall provide instruction to the
770 voter pursuant to s. 101.5611. A spoiled ballot shall be
771 preserved, without examination, in an envelope provided for that

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772 purpose. The stub shall be removed from the ballot and placed in
773 an envelope.

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

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

782 Section 21. Subsection (2) of section 101.5612, Florida
783 Statutes, is amended to read:

784 101.5612 Testing of tabulating equipment.--

785 (2) On any day not more than 10 days prior to the
786 commencement of early voting as provided in s. 101.657 ~~election~~
787 ~~day~~, the supervisor of elections shall have the automatic
788 tabulating equipment publicly tested to ascertain that the
789 equipment will correctly count the votes cast for all offices
790 and on all measures. Public notice of the time and place of the
791 test shall be given at least 48 hours prior thereto by
792 publication once in one or more newspapers of general
793 circulation in the county or, if there is no newspaper of
794 general circulation in the county, by posting the ~~such~~ notice in
795 at least four conspicuous places in the county. The supervisor
796 or the municipal elections official may, at the time of
797 qualifying, give written notice of the time and location of the
798 ~~such~~ public preelection test to each candidate qualifying with
799 that office and obtain a signed receipt that the ~~such~~ notice has
800 been given. The Department of State shall give written notice to

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801 each statewide candidate at the time of qualifying, or
 802 immediately at the end of qualifying, that the voting equipment
 803 will be tested and advise each ~~such~~ candidate to contact the
 804 county supervisor of elections as to the time and location of
 805 the public preelection test. The supervisor or the municipal
 806 elections official shall, at least 15 days prior to the
 807 commencement of early voting as provided in s. 101.657 an
 808 ~~election~~, send written notice by certified mail to the county
 809 party chair of each political party and to all candidates for
 810 other than statewide office whose names appear on the ballot in
 811 the county and who did not receive written notification from the
 812 supervisor or municipal elections official at the time of
 813 qualifying, stating the time and location of the public
 814 preelection test of the automatic tabulating equipment. The
 815 canvassing board shall convene, and each member of the
 816 canvassing board shall certify to the accuracy of the test. For
 817 the test, the canvassing board may designate one member to
 818 represent it. The test shall be open to representatives of the
 819 political parties, the press, and the public. Each political
 820 party may designate one person with expertise in the computer
 821 field who shall be allowed in the central counting room when all
 822 tests are being conducted and when the official votes are being
 823 counted. The ~~Such~~ designee shall not interfere with the normal
 824 operation of the canvassing board.

825 Section 22. Section 101.5613, Florida Statutes, is amended
 826 to read:

827 101.5613 Examination of equipment during voting.--A member
 828 of the election board or, for purposes of early voting pursuant
 829 to s. 101.657, a representative of the supervisor of elections,

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830 shall occasionally examine the face of the voting device and the
 831 ballot information to determine that the device and the ballot
 832 information have not been damaged or tampered with.

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

835 101.595 Analysis and reports of voting problems.--

836 (1) No later than December 15 of each general election
 837 year, the supervisor of elections in each county shall report to
 838 the Department of State the total number of overvotes and
 839 undervotes in either the presidential or the gubernatorial race,
 840 whichever is applicable ~~the first race appearing on the ballot~~
 841 ~~pursuant to s. 101.151(2)~~, along with the likely reasons for
 842 such overvotes and undervotes and other information as may be
 843 useful in evaluating the performance of the voting system and
 844 identifying problems with ballot design and instructions which
 845 may have contributed to voter confusion.

846 Section 24. Subsection (1) of section 101.6103, Florida
 847 Statutes, is amended, subsection (6) is renumbered as subsection
 848 (7), and a new subsection (6) is added to said section, to read:

849 101.6103 Mail ballot election procedure.--

850 (1) Except as otherwise provided in subsection (7) ~~(6)~~,
 851 the supervisor of elections shall mail all official ballots with
 852 a secrecy envelope, a return mailing envelope, and instructions
 853 sufficient to describe the voting process to each elector
 854 entitled to vote in the election not sooner than the 20th day
 855 before the election and not later than the 10th day before the
 856 date of the election. All such ballots shall be mailed by first-
 857 class mail. Ballots shall be addressed to each elector at the

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858 address appearing in the registration records and placed in an
 859 envelope which is prominently marked "Do Not Forward."

860 (6) The canvassing board may begin the canvassing of mail
 861 ballots at 7 a.m. on the fourth day before the election,
 862 including processing the ballots through the tabulating
 863 equipment. However, no results shall be released until after 7
 864 p.m. on the day of the election. Any canvassing board member or
 865 election employee who releases any result prior to 7 p.m. on the
 866 day of the election commits a felony of the third degree,
 867 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

868 (7)~~(6)~~ With respect to absent electors overseas entitled
 869 to vote in the election, the supervisor of elections shall mail
 870 an official ballot with a secrecy envelope, a return mailing
 871 envelope, and instructions sufficient to describe the voting
 872 process to each such elector on a date sufficient to allow such
 873 elector time to vote in the election and to have his or her
 874 marked ballot reach the supervisor by 7 p.m. on the day of the
 875 election.

876 Section 25. Section 101.62, Florida Statutes, is amended
 877 to read:

878 101.62 Request for absentee ballots.--

879 (1)(a) The supervisor may accept a request for an absentee
 880 ballot from an elector in person or in writing. Except as
 881 provided in s. 101.694, one request shall be deemed sufficient
 882 to receive an absentee ballot for all elections which are held
 883 within a calendar year, unless the elector or the elector's
 884 designee indicates at the time the request is made the elections
 885 for which the elector desires to receive an absentee ballot.
 886 Such request may be considered canceled when any first-class

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887 mail sent by the supervisor to the elector is returned as
 888 undeliverable.

889 (b) The supervisor may accept a written or telephonic
 890 request for an absentee ballot from the elector, or, if directly
 891 instructed by the elector, a member of the elector's immediate
 892 family, or the elector's legal guardian. For purposes of this
 893 section, the term "immediate family" has the same meaning as
 894 specified in paragraph (3)~~(4)~~(b). The person making the request
 895 must disclose:

- 896 1. The name of the elector for whom the ballot is
- 897 requested;
- 898 2. The elector's address;
- 899 3. The elector's date of birth;
- 900 4. The requester's name;
- 901 5. The requester's address;
- 902 6. The requester's driver's license number, if available;
- 903 7. The requester's relationship to the elector; and
- 904 8. The requester's signature (written requests only).

905 ~~(2) If a request for an absentee ballot is received after~~
 906 ~~the Friday before the election by the supervisor of elections~~
 907 ~~from an absent elector overseas, the supervisor shall send a~~
 908 ~~notice to the elector acknowledging receipt of his or her~~
 909 ~~request and notifying the elector that the ballot will not be~~
 910 ~~forwarded due to insufficient time for return of the ballot by~~
 911 ~~the required deadline.~~

912 (2)~~(3)~~ For each request for an absentee ballot received,
 913 the supervisor shall record the date the request was made, the
 914 date the absentee ballot was delivered or mailed, the date the
 915 ballot was received by the supervisor, and such other

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916 information he or she may deem necessary. This information shall
 917 be confidential and exempt from the provisions of s. 119.07(1)
 918 and shall be made available to or reproduced only for a
 919 canvassing board, an election official, a political party or
 920 official thereof, a candidate who has filed qualification papers
 921 and is opposed in an upcoming election, and registered political
 922 committees or registered committees of continuous existence, for
 923 political purposes only.

924 ~~(3)(4)~~(a) To each absent qualified elector overseas who
 925 has requested an absentee ballot, the supervisor of elections
 926 shall, not fewer than 35 days before the first primary election,
 927 mail an absentee ballot. Not fewer than 45 days before the
 928 second primary and general election, the supervisor of elections
 929 shall mail an absentee ballot. If the regular absentee ballots
 930 are not available, the supervisor shall mail an advance absentee
 931 ballot to those persons requesting ballots for such elections.
 932 The advance absentee ballot for the second primary shall be the
 933 same as the first primary absentee ballot as to the names of
 934 candidates, except that for any offices where there are only two
 935 candidates, those offices and all political party executive
 936 committee offices shall be omitted. Except as provided in s.
 937 99.063(4), the advance absentee ballot for the general election
 938 shall be as specified in s. 101.151, except that in the case of
 939 candidates of political parties where nominations were not made
 940 in the first primary, the names of the candidates placing first
 941 and second in the first primary election shall be printed on the
 942 advance absentee ballot. The advance absentee ballot or advance
 943 absentee ballot information booklet shall be of a different
 944 color for each election and also a different color from the

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945 absentee ballots for the first primary, second primary, and
 946 general election. The supervisor shall mail an advance absentee
 947 ballot for the second primary and general election to each
 948 qualified absent elector for whom a request is received until
 949 the absentee ballots are printed. The supervisor shall enclose
 950 with the advance second primary absentee ballot and advance
 951 general election absentee ballot an explanation stating that the
 952 absentee ballot for the election will be mailed as soon as it is
 953 printed; and, if both the advance absentee ballot and the
 954 absentee ballot for the election are returned in time to be
 955 counted, only the absentee ballot will be counted. The
 956 Department of State may prescribe by rule the requirements for
 957 preparing and mailing absentee ballots to absent qualified
 958 electors overseas.

959 (b) As soon as the remainder of the absentee ballots are
 960 printed, the supervisor shall provide an absentee ballot to each
 961 elector by whom a request for that ballot has been made by one
 962 of the following means:

963 1. By nonforwardable, return-if-undeliverable mail to the
 964 elector's current mailing address on file with the supervisor,
 965 unless the elector specifies in the request that:

966 a. The elector is absent from the county and does not plan
 967 to return before the day of the election;

968 b. The elector is temporarily unable to occupy the
 969 residence because of hurricane, tornado, flood, fire, or other
 970 emergency or natural disaster; or

971 c. The elector is in a hospital, assisted-living facility,
 972 nursing home, short-term medical or rehabilitation facility, or
 973 correctional facility,

974
975 in which case the supervisor shall mail the ballot by
976 nonforwardable, return-if-undeliverable mail to any other
977 address the elector specifies in the request.

978 2. By forwardable mail to voters who are entitled to vote
979 by absentee ballot under the Uniformed and Overseas Citizens
980 Absentee Voting Act.

981 3. By personal delivery to the elector, upon presentation
982 of the identification required in s. 101.657.

983 4. By delivery to a designee on election day or up to 4
984 days prior to the day of an election. Any elector may designate
985 in writing a person to pick up the ballot for the elector;
986 however, the person designated may not pick up more than two
987 absentee ballots per election, other than the designee's own
988 ballot, except that additional ballots may be picked up for
989 members of the designee's immediate family. For purposes of this
990 section, "immediate family" means the designee's spouse or the
991 parent, child, grandparent, or sibling of the designee or of the
992 designee's spouse. The designee shall provide to the supervisor
993 the written authorization by the elector and a picture
994 identification of the designee and must complete an affidavit.
995 The designee shall state in the affidavit that the designee is
996 authorized by the elector to pick up that ballot and shall
997 indicate if the elector is a member of the designee's immediate
998 family and, if so, the relationship. The department shall
999 prescribe the form of the affidavit. If the supervisor is
1000 satisfied that the designee is authorized to pick up the ballot
1001 and that the signature of the elector on the written
1002 authorization matches the signature of the elector on file, the

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1003 supervisor shall give the ballot to that designee for delivery
 1004 to the elector.

1005 (4)~~(5)~~ In the event that the Elections Canvassing
 1006 Commission is unable to certify the results of an election for a
 1007 state office in time to comply with subsection (3) ~~(4)~~, the
 1008 Department of State is authorized to prescribe rules for a
 1009 ballot to be sent to absent electors overseas.

1010 (5)~~(6)~~ Nothing other than the materials necessary to vote
 1011 absentee shall be mailed or delivered with any absentee ballot.

1012 Section 26. Section 101.64, Florida Statutes, is amended
 1013 to read:

1014 101.64 Delivery of absentee ballots; envelopes; form.--

1015 (1) The supervisor shall enclose with each absentee ballot
 1016 two envelopes: a secrecy envelope, into which the absent elector
 1017 shall enclose his or her marked ballot; and a mailing envelope,
 1018 into which the absent elector shall then place the secrecy
 1019 envelope, which shall be addressed to the supervisor and also
 1020 bear on the back side a certificate in substantially the
 1021 following form:

1022
 1023 Note: Please Read Instructions Carefully Before
 1024 Marking Ballot and Completing Voter's Certificate.

1025
 1026 VOTER'S CERTIFICATE

1027 I, _____, do solemnly swear or affirm that I am a qualified
 1028 and registered voter of _____ County, Florida, and that I have
 1029 not and will not vote more than one ballot in this election. I
 1030 understand that if I commit or attempt to commit any fraud in
 1031 connection with voting, vote a fraudulent ballot, or vote more

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1032 than once in an election, I can be convicted of a felony of the
 1033 third degree and fined up to \$5,000 and/or imprisoned for up to
 1034 5 years. I also understand that failure to sign this certificate
 1035 ~~and have my signature properly witnessed~~ will invalidate my
 1036 ballot.

1037
 1038 ... (Date) (Voter's Signature) ...

1039
 1040 ~~Note: Your Signature Must Be Witnessed By One Witness 18 Years~~
 1041 ~~of Age or Older as provided in the Instruction Sheet.~~

1042
 1043 ~~I swear or affirm that the voter signed this Voter's Certificate~~
 1044 ~~in my presence.~~

1045
 1046 ~~... (Signature of Witness) ...~~

1047
 1048 ~~... (Address) ...~~

1049 ~~... (City/State) ...~~

1050
 1051 (2) The certificate shall be arranged on the back of the
 1052 mailing envelope so that the lines for the signature ~~signatures~~
 1053 of the absent elector is ~~and the attesting witness~~ are across
 1054 the seal of the envelope; however, no statement shall appear on
 1055 the envelope which indicates that a signature of the voter ~~or~~
 1056 ~~witness~~ must cross the seal of the envelope. The absent elector
 1057 ~~and the attesting witness~~ shall execute the certificate on the
 1058 envelope.

1059 (3) In lieu of the Voter's Certificate provided in this
 1060 section, the supervisor of elections shall provide each person

CODING: Words **stricken** are deletions; words **underlined** are additions.

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1061 voting absentee under the Uniformed and Overseas Citizens
 1062 Absentee Voting Act with the standard oath prescribed by the
 1063 presidential designee.

1064 Section 27. Section 101.65, Florida Statutes, is amended
 1065 to read:

1066 101.65 Instructions to absent electors.--The supervisor
 1067 shall enclose with each absentee ballot separate printed
 1068 instructions in substantially the following form:

1069

1070 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1071 1. VERY IMPORTANT. In order to ensure that your absentee
 1072 ballot will be counted, it should be completed and returned as
 1073 soon as possible so that it can reach the supervisor of
 1074 elections of the county in which your precinct is located no
 1075 later than 7 p.m. on the day of the election.

1076 2. Mark your ballot in secret as instructed on the ballot.
 1077 You must mark your own ballot unless you are unable to do so
 1078 because of blindness, disability, or inability to read or write.

1079 3. Mark only the number of candidates or issue choices for
 1080 a race as indicated on the ballot. If you are allowed to "Vote
 1081 for One" candidate and you vote for more than one candidate,
 1082 your vote in that race will not be counted.

1083 4. Place your marked ballot in the enclosed secrecy
 1084 envelope.

1085 5. Insert the secrecy envelope into the enclosed mailing
 1086 envelope which is addressed to the supervisor.

1087 6. Seal the mailing envelope and completely fill out the
 1088 Voter's Certificate on the back of the mailing envelope.

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1089 7. VERY IMPORTANT. In order for your absentee ballot to be
 1090 counted, you must sign your name on the line above (Voter's
 1091 Signature).

1092 8. VERY IMPORTANT. If you are an overseas voter, you must
 1093 include the date you signed the Voter's Certificate on the line
 1094 above (Date) or your ballot may not be counted.

1095 ~~9. VERY IMPORTANT. In order for your absentee ballot to be~~
 1096 ~~counted, it must include the signature and address of a witness~~
 1097 ~~18 years of age or older affixed to the Voter's Certificate. No~~
 1098 ~~candidate may serve as an attesting witness.~~

1099 ~~9.10.~~ Mail, deliver, or have delivered the completed
 1100 mailing envelope. Be sure there is sufficient postage if mailed.

1101 ~~10.11.~~ FELONY NOTICE. It is a felony under Florida law to
 1102 accept any gift, payment, or gratuity in exchange for your vote
 1103 for a candidate. It is also a felony under Florida law to vote
 1104 in an election using a false identity or false address, or under
 1105 any other circumstances making your ballot false or fraudulent.

1106 Section 28. Section 101.657, Florida Statutes, is amended
 1107 to read:

1108 101.657 Early voting absentee ballots in person.--

1109 ~~(1) Any qualified and registered elector may pick up and~~
 1110 ~~vote an absentee ballot in person at the office of, and under~~
 1111 ~~the supervision of, the supervisor of elections. Before~~
 1112 ~~receiving the ballot, the elector must present a current and~~
 1113 ~~valid picture identification as provided in s. 97.0535(3)(a). If~~
 1114 ~~the elector fails to furnish the required identification, or if~~
 1115 ~~the supervisor is in doubt as to the identity of the elector,~~
 1116 ~~the supervisor must follow the procedure prescribed in s.~~
 1117 ~~101.49. If the elector who fails to furnish the required~~

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1118 ~~identification is a first-time voter who registered by mail and~~
 1119 ~~has not provided the required identification to the supervisor~~
 1120 ~~of elections prior to voting, the elector shall be allowed to~~
 1121 ~~vote a provisional ballot. The canvassing board shall compare~~
 1122 ~~the signature on the provisional ballot envelope with the~~
 1123 ~~signature on the voter's registration and, if the signatures~~
 1124 ~~match, shall count the ballot.~~

1125 (1)(a)(2) ~~As an alternative to the provisions of ss.~~
 1126 ~~101.64 and 101.65,~~ The supervisor of elections shall ~~may~~ allow
 1127 an elector to vote early ~~cast an absentee ballot~~ in the main or
 1128 branch office of the supervisor by depositing the voted ballot
 1129 in a voting device used by the supervisor to collect or tabulate
 1130 ballots. In order for a branch office to be used for early
 1131 voting, it shall be a full-service facility of the supervisor and
 1132 shall have been designated as such at least 1 year prior to the
 1133 election. The supervisor may designate any city hall or public
 1134 library as an early voting site; however, if so designated, the
 1135 site must be geographically located so as to provide all voters
 1136 in the county an equal opportunity to cast a ballot, insofar as
 1137 is practicable. The results or tabulation may not be made before
 1138 the close of the polls on election day.

1139 (b) Early voting shall begin on the 15th day before an
 1140 election and end on the day before an election. For purposes of
 1141 a special election held pursuant to s. 100.101, early voting
 1142 shall begin on the 8th day before an election and end on the day
 1143 before an election. Early voting shall be provided for at least
 1144 8 hours per day during the applicable periods and may be
 1145 provided on weekend days.

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1146 (2)(a) The elector must provide identification ~~as required~~
 1147 ~~in subsection (1)~~ and must complete an Early Voting In-Office
 1148 Voter Certificate in substantially the following form:

1149
 1150 EARLY VOTING ~~IN-OFFICE~~ VOTER CERTIFICATE

1151
 1152 I, _____, am a qualified elector in this election and registered
 1153 voter of _____ County, Florida. I do solemnly swear or affirm
 1154 that I am the person so listed on the voter registration rolls
 1155 of _____ County and that I reside at the listed address. I
 1156 understand that if I commit or attempt to commit fraud in
 1157 connection with voting, vote a fraudulent ballot, or vote more
 1158 than once in an election I could be convicted of a felony of the
 1159 third degree and both fined up to \$5,000 and imprisoned for up
 1160 to 5 years. I understand that my failure to sign this
 1161 certificate ~~and have my signature witnessed~~ invalidates my
 1162 ballot.

1163
 1164
 1165 ... (Voter's Signature) ...

1166
 1167 ... (Address) ...

1168
 1169 ... (City/State) ...

1170
 1171 ~~... (Name of Witness) ...~~

1172
 1173 ~~... (Signature of Witness) ...~~

1174

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1175 ~~... (Type of identification provided) ...~~

1176

1177 (b) Any elector may challenge an elector seeking to vote
 1178 early ~~east an absentee ballot~~ under the provisions of s.
 1179 101.111. Any challenged voter ~~ballot~~ must vote ~~be placed in a~~
 1180 provisional ~~regular absentee ballot envelope~~. The canvassing
 1181 board shall review the ballot and decide the validity of the
 1182 ballot by majority vote.

1183 (c) The canvass of returns for ballots cast under this
 1184 subsection shall be substantially the same as votes cast by
 1185 electors in precincts, as provided in s. 101.5614.

1186 Section 29. Paragraph (c) of subsection (2) of section
 1187 101.68, Florida Statutes, is amended to read:

1188 101.68 Canvassing of absentee ballot.--

1189 (2)

1190 (c)1. The canvassing board shall, if the supervisor has
 1191 not already done so, compare the signature of the elector on the
 1192 voter's certificate with the signature of the elector in the
 1193 registration books to see that the elector is duly registered in
 1194 the county and to determine the legality of that absentee
 1195 ballot. An absentee ballot shall be considered illegal if it
 1196 does not include the signature of the elector, as shown by the
 1197 registration records, ~~and the signature and address of an~~
 1198 ~~attesting witness~~. However, an absentee ballot shall not be
 1199 considered illegal if the signature of the elector ~~or attesting~~
 1200 ~~witness~~ does not cross the seal of the mailing envelope. If the
 1201 canvassing board determines that any ballot is illegal, a member
 1202 of the board shall, without opening the envelope, mark across
 1203 the face of the envelope: "rejected as illegal." The envelope

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1204 and the ballot contained therein shall be preserved in the
 1205 manner that official ballots voted are preserved.

1206 2. If any elector or candidate present believes that an
 1207 absentee ballot is illegal due to a defect apparent on the
 1208 voter's certificate, he or she may, at any time before the
 1209 ballot is removed from the envelope, file with the canvassing
 1210 board a protest against the canvass of that ballot, specifying
 1211 the precinct, the ballot, and the reason he or she believes the
 1212 ballot to be illegal. A challenge based upon a defect in the
 1213 voter's certificate may not be accepted after the ballot has
 1214 been removed from the mailing envelope.

1215 Section 30. Subsections (3) and (4) of section 101.6921,
 1216 Florida Statutes, are amended to read:

1217 101.6921 Delivery of special absentee ballot to certain
 1218 first-time voters.--

1219 (3) The Voter's Certificate shall be in substantially the
 1220 following form:

1221
 1222 Note: Please Read Instructions Carefully Before Marking Ballot
 1223 and Completing Voter's Certificate

1224
 1225 VOTER'S CERTIFICATE

1226
 1227 I, _____, do solemnly swear or affirm that I am a qualified
 1228 and registered voter of _____ County, Florida, and that I have
 1229 not and will not vote more than one ballot in this election. I
 1230 understand that if I commit or attempt to commit any fraud in
 1231 connection with voting, vote a fraudulent ballot, or vote more
 1232 than once in an election, I can be convicted of a felony of the

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1233 third degree and fined up to \$5,000 and/or imprisoned for up to
 1234 5 years. I also understand that failure to sign this certificate
 1235 ~~and have my signature properly witnessed~~ will invalidate my
 1236 ballot. I understand that unless I meet one of the exemptions
 1237 below, I must provide a copy of a current and valid
 1238 identification as provided in the instruction sheet to the
 1239 supervisor of elections in order for my ballot to count.

1240 I further certify that I am exempt from the requirements to
 1241 furnish a copy of a current and valid identification with my
 1242 ballot because of one or more of the following (check all that
 1243 apply):

1244 [] I am 65 years of age or older.

1245 [] I have a permanent or temporary physical disability.

1246 [] I am a member of a uniformed service on active duty
 1247 who, by reason of such active duty, will be absent from the
 1248 county on election day.

1249 [] I am a member of the Merchant Marine who, by reason of
 1250 service in the Merchant Marine, will be absent from the county
 1251 on election day.

1252 [] I am the spouse or dependent of a member of the
 1253 uniformed service or Merchant Marine who, by reason of the
 1254 active duty or service of the member, will be absent from the
 1255 county on election day.

1256 [] I am currently residing outside the United States.

1257
 1258 ... (Date) Voter's Signature ...

1259
 1260 ~~Note: Your signature must be witnessed by one witness 18 years~~
 1261 ~~of age or older as provided in the instruction sheet.~~

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

~~... (Signature of Witness) ...~~

~~... (Address) ...~~

~~... (City/State) ...~~

(4) The certificate shall be arranged on the back of the envelope so that the lines for the signature ~~signatures~~ of the absent elector is ~~and the attesting witness are~~ across the seal of the envelope.

Section 31. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

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

(2) A voter covered by this section shall be provided with ~~the following~~ printed instructions with his or her absentee ballot in substantially the following form:

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

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county

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1291 in which your precinct is located no later than 7 p.m. on the
 1292 date of the election.

1293 2. Mark your ballot in secret as instructed on the ballot.
 1294 You must mark your own ballot unless you are unable to do so
 1295 because of blindness, disability, or inability to read or write.

1296 3. Mark only the number of candidates or issue choices for
 1297 a race as indicated on the ballot. If you are allowed to "Vote
 1298 for One" candidate and you vote for more than one, your vote in
 1299 that race will not be counted.

1300 4. Place your marked ballot in the enclosed secrecy
 1301 envelope and seal the envelope.

1302 5. Insert the secrecy envelope into the enclosed envelope
 1303 bearing the Voter's Certificate. Seal the envelope and
 1304 completely fill out the Voter's Certificate on the back of the
 1305 envelope.

1306 a. You must sign your name on the line above (Voter's
 1307 Signature).

1308 ~~b. You must have your signature witnessed. Have the~~
 1309 ~~witness sign above (Signature of Witness) and include his or her~~
 1310 ~~address. No candidate may serve as an attesting witness.~~

1311 b.e. If you are an overseas voter, you must include the
 1312 date you signed the Voter's Certificate on the line above (Date)
 1313 or your ballot may not be counted.

1314 6. Unless you meet one of the exemptions in Item 7., you
 1315 must make a copy of one of the following forms of
 1316 identification:

1317 a. Identification which must include your name and
 1318 photograph: current and valid Florida driver's license; Florida
 1319 identification card issued by the Department of Highway Safety

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1320 and Motor Vehicles; United States passport; employee badge or
 1321 identification; buyer's club identification card; debit or
 1322 credit card; military identification; student identification;
 1323 retirement center identification; neighborhood association
 1324 identification; entertainment identification; or public
 1325 assistance identification; or

1326 b. Identification which shows your name and current
 1327 residence address: current utility bill, bank statement,
 1328 government check, paycheck, or government document (excluding
 1329 voter identification card).

1330 7. The identification requirements of Item 6. do not apply
 1331 if you meet one of the following requirements:

1332 a. You are 65 years of age or older.

1333 b. You have a temporary or permanent physical disability.

1334 c. You are a member of a uniformed service on active duty
 1335 who, by reason of such active duty, will be absent from the
 1336 county on election day.

1337 d. You are a member of the Merchant Marine who, by reason
 1338 of service in the Merchant Marine, will be absent from the
 1339 county on election day.

1340 e. You are the spouse or dependent of a member referred to
 1341 in paragraph c. or paragraph d. who, by reason of the active
 1342 duty or service of the member, will be absent from the county on
 1343 election day.

1344 f. You are currently residing outside the United States.

1345 8. Place the envelope bearing the Voter's Certificate into
 1346 the mailing envelope addressed to the supervisor. Insert a copy
 1347 of your identification in the mailing envelope. DO NOT PUT YOUR
 1348 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR

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1349 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1350 BALLOT WILL NOT COUNT.

1351 9. Mail, deliver, or have delivered the completed mailing
1352 envelope. Be sure there is sufficient postage if mailed.

1353 10. FELONY NOTICE. It is a felony under Florida law to
1354 accept any gift, payment, or gratuity in exchange for your vote
1355 for a candidate. It is also a felony under Florida law to vote
1356 in an election using a false identity or false address, or under
1357 any other circumstances making your ballot false or fraudulent.

1358 Section 32. Subsection (3) of section 101.694, Florida
1359 Statutes, is amended to read:

1360 101.694 Mailing of ballots upon receipt of federal
1361 postcard application.--

1362 (3) Absentee envelopes printed for overseas voters shall
1363 meet the specifications as determined by the Division of
1364 Elections in conjunction with the Federal Voting Assistance
1365 Program of the United States Department of Defense and the United
1366 States Postal Service. ~~There shall be printed across the face of~~
1367 ~~each envelope in which a ballot is sent to a federal postcard~~
1368 ~~applicant, or is returned by such applicant to the supervisor,~~
1369 ~~two parallel horizontal red bars, each one-quarter inch wide,~~
1370 ~~extending from one side of the envelope to the other side, with~~
1371 ~~an intervening space of one-quarter inch, the top bar to be 1³/₄~~
1372 ~~inches from the top of the envelope, and with the words~~
1373 ~~"Official Election Balloting Material via Air Mail," or similar~~
1374 ~~language, between the bars. There shall be printed in the upper~~
1375 ~~right corner of each such envelope, in a box, the words "Free of~~
1376 ~~U. S. Postage, including Air Mail." All printing on the face of~~
1377 ~~each envelope shall be in red, and there shall be printed in red~~

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1378 ~~in the upper left corner of each ballot envelope an appropriate~~
 1379 ~~inscription or blanks for return address of sender. Additional~~
 1380 ~~specifications may be prescribed by rule of the Division of~~
 1381 ~~Elections upon recommendation of the presidential designee under~~
 1382 ~~the Uniformed and Overseas Citizens Absentee Voting Act.~~
 1383 Otherwise, the envelopes shall be the same as those used in
 1384 sending ballots to, or receiving them from, other absentee
 1385 voters.

1386 Section 33. Subsection (2) of section 101.6952, Florida
 1387 Statutes, is amended to read:

1388 101.6952 Absentee ballots for overseas voters.--

1389 (2) For absentee ballots received from overseas voters,
 1390 there is a presumption that the envelope was mailed on the date
 1391 stated ~~and witnessed~~ on the outside of the return envelope,
 1392 regardless of the absence of a postmark on the mailed envelope
 1393 or the existence of a postmark date that is later than the date
 1394 of the election.

1395 Section 34. Section 101.697, Florida Statutes, is amended
 1396 to read:

1397 101.697 Electronic transmission of election
 1398 materials.--The Department of State shall adopt rules to
 1399 authorize a supervisor of elections to accept a request for an
 1400 absentee ballot and a voted absentee ballot by facsimile machine
 1401 or other electronic means from overseas voters, if the
 1402 department can be assured that the security of the transmission
 1403 of the ballot is able to be established. The rules must provide
 1404 that in order to accept a voted ballot, the verification of the
 1405 voter must be established, the security of the transmission must
 1406 be established, and each ballot received must be recorded.

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1407 Section 35. Section 102.012, Florida Statutes, is amended
 1408 to read:

1409 102.012 Inspectors and clerks to conduct elections.--

1410 (1) The supervisor of elections of each county, at least
 1411 20 days prior to the holding of any election, shall appoint an
 1412 ~~two~~ election board ~~boards~~ for each precinct in the county+
 1413 ~~however, the supervisor of elections may, in any election,~~
 1414 ~~appoint one election board if the supervisor has reason to~~
 1415 ~~believe that only one is necessary.~~ The clerk shall be in charge
 1416 of, and responsible for, seeing that the election board carries
 1417 out its duties and responsibilities. Each inspector and each
 1418 clerk shall take and subscribe to an oath or affirmation, which
 1419 shall be written or printed, to the effect that he or she will
 1420 perform the duties of inspector or clerk of election,
 1421 respectively, according to law and will endeavor to prevent all
 1422 fraud, deceit, or abuse in conducting the election. The oath may
 1423 be taken before an officer authorized to administer oaths or
 1424 before any of the persons who are to act as inspectors, one of
 1425 them to swear the others, and one of the others sworn thus, in
 1426 turn, to administer the oath to the one who has not been sworn.
 1427 The oaths shall be returned with the poll list and the returns
 1428 of the election to the supervisor. In all questions that may
 1429 arise before the members of an election board, the decision of a
 1430 majority of them shall decide the question. The supervisor of
 1431 elections of each county shall be responsible for the attendance
 1432 and diligent performance of his or her duties by each clerk and
 1433 inspector.

1434 (2) Each member of the election board shall be able to
 1435 read and write the English language and shall be a registered

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1436 qualified elector of the county in which the member is appointed
 1437 or a person who has preregistered to vote, pursuant to s.
 1438 97.041(1)(b), in the county in which the member is appointed. No
 1439 election board shall be composed solely of members of one
 1440 political party; however, in any primary in which only one party
 1441 has candidates appearing on the ballot, all clerks and
 1442 inspectors may be of that party. Any person whose name appears
 1443 as an opposed candidate for any office shall not be eligible to
 1444 serve on an election board.

1445 (3) The supervisor shall furnish inspectors of election
 1446 for each precinct with the registration books divided
 1447 alphabetically as will best facilitate the holding of an
 1448 election. The supervisor shall also furnish to the inspectors of
 1449 election at the polling place at each precinct in the
 1450 supervisor's county a sufficient number of forms and blanks for
 1451 use on election day.

1452 (4)(a) The election board of each precinct shall attend
 1453 the polling place by 6 a.m. of the day of the election and shall
 1454 arrange the furniture, stationery, and voting equipment.

1455 (b) The ~~An~~ election board shall conduct the voting,
 1456 beginning and closing at the time set forth in s. 100.011. ~~If~~
 1457 ~~more than one board has been appointed, the second board shall,~~
 1458 ~~upon the closing of the polls, come on duty and count the votes~~
 1459 ~~east. In such case, the first board shall turn over to the~~
 1460 ~~second board all closed ballot boxes, registration books, and~~
 1461 ~~other records of the election at the time the boards change. The~~
 1462 ~~second board shall continue counting until the count is complete~~
 1463 ~~or until 7 a.m. the next morning, and, if the count is not~~
 1464 ~~completed at that time, the first board that conducted the~~

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1465 ~~election shall again report for duty and complete the count. The~~
 1466 ~~second board shall turn over to the first board all ballots~~
 1467 ~~counted, all ballots not counted, and all registration books and~~
 1468 ~~other records and shall advise the first board as to what has~~
 1469 ~~transpired in tabulating the results of the election.~~

1470 ~~(5) In precincts in which there are more than 1,000~~
 1471 ~~registered electors, the supervisor of elections shall appoint~~
 1472 ~~additional election boards necessary for the election.~~

1473 ~~(6) In any precinct in which there are fewer than 300~~
 1474 ~~registered electors, it is not necessary to appoint two election~~
 1475 ~~boards, but one such board will suffice. Such board shall be~~
 1476 ~~composed of at least one inspector and one clerk.~~

1477 Section 36. Section 102.071, Florida Statutes, is amended
 1478 to read:

1479 102.071 Tabulation of votes and proclamation of results
 1480 ~~where ballots are used.--~~The election board shall post at the
 1481 polls, for the benefit of the public, the results of the voting
 1482 for each office or other item on the ballot as the count is
 1483 completed. Upon completion of all counts in all races, a
 1484 certificate ~~triplicate certificates~~ of the results shall be
 1485 drawn up by the inspectors and clerk at each precinct upon a
 1486 form provided by the supervisor of elections which shall contain
 1487 the name of each person voted for, for each office, and the
 1488 number of votes cast for each person for such office; and, if
 1489 any question is submitted, the certificate shall also contain
 1490 the number of votes cast for and against the question. The
 1491 certificate shall be signed by the inspectors and clerk, ~~and one~~
 1492 ~~of the certificates~~ shall be delivered without delay ~~by one of~~
 1493 ~~the inspectors~~, securely sealed, to the supervisor for immediate

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1494 ~~publication; the duplicate copy of the certificate shall be~~
 1495 ~~delivered to the county court judge; and the remaining copy~~
 1496 ~~shall be enclosed in the ballot box together with the oaths of~~
 1497 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot
 1498 stubs, memoranda, and papers of all kinds used in the election
 1499 shall also be transmitted, after being sealed by the inspectors,
 1500 to with the certificates of result of the election to be filed
 1501 ~~in~~ the supervisor's office. Registration books and the poll
 1502 lists shall not be placed in the ballot boxes but shall be
 1503 returned to the supervisor.

1504 Section 37. Subsection (3) is added to section 102.111,
 1505 Florida Statutes, to read:

1506 102.111 Elections Canvassing Commission.--

1507 (3) The Elections Canvassing Commission may delegate to
 1508 the chief election officer the authority to order recounts
 1509 pursuant to ss. 102.141(6) and 102.166.

1510 Section 38. Subsections (3), (4), (5), (6), and (8) of
 1511 section 102.141, Florida Statutes, are amended to read:

1512 102.141 County canvassing board; duties.--

1513 (3) The canvass, except the canvass of absentee electors'
 1514 returns and the canvass of provisional ballots, shall be made
 1515 from the returns and certificates of the inspectors as signed
 1516 and filed by them with the ~~county court judge and~~ supervisor,
 1517 ~~respectively,~~ and the county canvassing board shall not change
 1518 the number of votes cast for a candidate, nominee,
 1519 constitutional amendment, or other measure submitted to the
 1520 electorate of the county, respectively, in any polling place, as
 1521 shown by the returns. All returns shall be made to the board on
 1522 or before 2 a.m. of the day following any primary, general,

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1523 special, or other election. If the returns from any precinct are
 1524 missing, if there are any omissions on the returns from any
 1525 precinct, or if there is an obvious error on any such returns,
 1526 the canvassing board shall order a retabulation ~~recount~~ of the
 1527 returns from such precinct. Before canvassing such returns, the
 1528 canvassing board shall examine the tabulation of the ballots
 1529 cast in such precinct and determine whether the returns
 1530 correctly reflect the votes cast. If there is a discrepancy
 1531 between the returns and the tabulation of the ballots cast, the
 1532 tabulation of the ballots cast shall be presumed correct and
 1533 such votes shall be canvassed accordingly.

1534 (4) The canvassing board shall submit unofficial returns
 1535 on forms or formats provided by the division to the Department
 1536 of State for each federal, statewide, state, or multicounty
 1537 office or ballot measure no later than noon on the second day
 1538 after any primary, general, special, or other election. Such
 1539 returns shall include the canvass of all ballots as required by
 1540 subsection (2).

1541 (5) If the county canvassing board determines that the
 1542 unofficial returns may contain a counting error in which the
 1543 vote tabulation system failed to count votes that were properly
 1544 marked in accordance with the instructions on the ballot, the
 1545 county canvassing board shall:

1546 (a) Correct the error and retabulate ~~recount~~ the affected
 1547 ballots with the vote tabulation system; or

1548 (b) Request that the Department of State verify the
 1549 tabulation software. When the Department of State verifies such
 1550 software, the department shall compare the software used to

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1551 tabulate the votes with the software filed with the department
 1552 pursuant to s. 101.5607 and check the election parameters.

1553 (6) If the unofficial returns reflect that a candidate for
 1554 any office was defeated or eliminated by one-half of a percent
 1555 or less of the votes cast for such office, that a candidate for
 1556 retention to a judicial office was retained or not retained by
 1557 one-half of a percent or less of the votes cast on the question
 1558 of retention, or that a measure appearing on the ballot was
 1559 approved or rejected by one-half of a percent or less of the
 1560 votes cast on such measure, the board responsible for certifying
 1561 the results of the vote on such race or measure shall order a
 1562 recount of the votes cast with respect to such office or
 1563 measure. The county canvassing board is the board responsible
 1564 for ordering county and local recounts. The Elections Canvassing
 1565 Commission is the board responsible for ordering federal, state,
 1566 and multicounty recounts. A recount need not be ordered with
 1567 respect to the returns for any office, however, if the candidate
 1568 or candidates defeated or eliminated from contention for such
 1569 office by one-half of a percent or less of the votes cast for
 1570 such office request in writing that a recount not be made.

1571 (a) ~~In counties with voting systems that use paper~~
 1572 ~~ballots,~~ Each canvassing board responsible for conducting a
 1573 recount shall put each marksense ballot through automatic
 1574 tabulating equipment and determine whether the returns correctly
 1575 reflect the votes cast. If any marksense ~~paper~~ ballot is
 1576 physically damaged so that it cannot be properly counted by the
 1577 automatic tabulating equipment during the recount, a true
 1578 duplicate shall be made of the damaged ballot pursuant to the
 1579 procedures in s. 101.5614(5). Immediately before the start of

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1580 the recount ~~and after completion of the count~~, a test of the
 1581 tabulating equipment shall be conducted as provided in s.
 1582 101.5612. If the test indicates no error, the recount tabulation
 1583 of the ballots cast shall be presumed correct and such votes
 1584 shall be canvassed accordingly. If an error is detected, the
 1585 cause therefor shall be ascertained and corrected and the
 1586 recount repeated, as necessary. The canvassing board shall
 1587 immediately report the error, along with the cause of the error
 1588 and the corrective measures being taken, to the Department of
 1589 State. No later than 11 days after the election, the canvassing
 1590 board shall file a separate incident report with the Department
 1591 of State, detailing the resolution of the matter and identifying
 1592 any measures that will avoid a future recurrence of the error.

1593 (b) ~~In counties with voting systems that do not use paper~~
 1594 ~~ballots~~, Each canvassing board responsible for conducting a
 1595 recount where touchscreen ballots were used shall examine the
 1596 counters on the precinct tabulators to ensure that the total of
 1597 the returns on the precinct tabulators equals the overall
 1598 election return. If there is a discrepancy between the overall
 1599 election return and the counters of the precinct tabulators, the
 1600 counters of the precinct tabulators shall be presumed correct
 1601 and such votes shall be canvassed accordingly.

1602 (c) The canvassing board shall submit a second set of
 1603 unofficial returns on forms or formats provided by the division
 1604 to the Department of State for each federal, statewide, state,
 1605 or multicounty office or ballot measure no later than noon on
 1606 the fourth ~~third~~ day after any election in which a recount was
 1607 conducted pursuant to this subsection. If the canvassing board
 1608 is unable to complete the recount prescribed in this subsection

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1609 by the deadline, the second set of unofficial returns submitted
 1610 by the canvassing board shall be identical to the initial
 1611 unofficial returns and the submission shall also include a
 1612 detailed explanation of why it was unable to timely complete the
 1613 recount. However, the canvassing board shall complete the
 1614 recount prescribed in this subsection, along with any manual
 1615 recount prescribed in s. 102.166, and certify election returns
 1616 in accordance with the requirements of this chapter.

1617 (d) The Department of State shall adopt detailed rules
 1618 prescribing additional recount procedures for each certified
 1619 voting system, which shall be uniform to the extent practicable.

1620 (8) At the same time that the official results of an
 1621 election are certified to the Department of State, the county
 1622 canvassing board shall file a report with the Division of
 1623 Elections on the conduct of the election. The report shall
 1624 contain information relating to any problems incurred as a
 1625 result of equipment malfunctions either at the precinct level or
 1626 at a counting location, any difficulties or unusual
 1627 circumstances encountered by an election board or the canvassing
 1628 board, and any other additional information which the canvassing
 1629 board feels should be made a part of the official election
 1630 record. Such reports shall be maintained on file in the Division
 1631 of Elections and shall be available for public inspection. The
 1632 division shall utilize the reports submitted by the canvassing
 1633 boards to determine what problems may be likely to occur in
 1634 other elections and disseminate such information, along with
 1635 possible solutions, to the supervisors of elections.

1636 Section 39. Section 102.168, Florida Statutes, is amended
 1637 to read:

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1638 102.168 Contest of election.--

1639 (1) Except as provided in s. 102.171, the certification of
 1640 election or nomination of any person to office, or of the result
 1641 on any question submitted by referendum, may be contested in the
 1642 circuit court by any unsuccessful candidate for such office or
 1643 nomination thereto or by any elector qualified to vote in the
 1644 election related to such candidacy, or by any taxpayer,
 1645 respectively.

1646 (2) Such contestant shall file a complaint, together with
 1647 the fees prescribed in chapter 28, with the clerk of the circuit
 1648 court within 10 days after midnight of the date the last ~~county~~
 1649 ~~canvassing~~ board responsible for certifying the results
 1650 officially empowered to canvass the returns certifies the
 1651 results of the election being contested.

1652 (3) The complaint shall set forth the grounds on which the
 1653 contestant intends to establish his or her right to such office
 1654 or set aside the result of the election on a submitted
 1655 referendum. The grounds for contesting an election under this
 1656 section are:

1657 (a) Misconduct, fraud, or corruption on the part of any
 1658 election official or any member of the canvassing board
 1659 sufficient to change or place in doubt the result of the
 1660 election.

1661 (b) Ineligibility of the successful candidate for the
 1662 nomination or office in dispute.

1663 (c) Receipt of a number of illegal votes or rejection of a
 1664 number of legal votes sufficient to change or place in doubt the
 1665 result of the election.

1666 (d) Proof that any elector, election official, or
 1667 canvassing board member was given or offered a bribe or reward
 1668 in money, property, or any other thing of value for the purpose
 1669 of procuring the successful candidate's nomination or election
 1670 or determining the result on any question submitted by
 1671 referendum.

1672 (4) The county canvassing board ~~or Elections Canvassing~~
 1673 ~~Commission~~ shall be an indispensable and the proper party
 1674 defendant in county and local elections; the Elections
 1675 Canvassing Commission shall be an indispensable and proper party
 1676 defendant in federal, state, and multicounty races; and the
 1677 successful candidate shall be an indispensable party to any
 1678 action brought to contest the election or nomination of a
 1679 candidate.

1680 (5) A statement of the grounds of contest may not be
 1681 rejected, nor the proceedings dismissed, by the court for any
 1682 want of form if the grounds of contest provided in the statement
 1683 are sufficient to clearly inform the defendant of the particular
 1684 proceeding or cause for which the nomination or election is
 1685 contested.

1686 (6) A copy of the complaint shall be served upon the
 1687 defendant and any other person named therein in the same manner
 1688 as in other civil cases under the laws of this state. Within 10
 1689 days after the complaint has been served, the defendant must
 1690 file an answer admitting or denying the allegations on which the
 1691 contestant relies or stating that the defendant has no knowledge
 1692 or information concerning the allegations, which shall be deemed
 1693 a denial of the allegations, and must state any other defenses,
 1694 in law or fact, on which the defendant relies. If an answer is

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1695 not filed within the time prescribed, the defendant may not be
 1696 granted a hearing in court to assert any claim or objection that
 1697 is required by this subsection to be stated in an answer.

1698 (7) Any candidate, qualified elector, or taxpayer
 1699 presenting such a contest to a circuit judge is entitled to an
 1700 immediate hearing. However, the court in its discretion may
 1701 limit the time to be consumed in taking testimony, with a view
 1702 therein to the circumstances of the matter and to the proximity
 1703 of any succeeding election.

1704 Section 40. Subsection (3) of section 105.031, Florida
 1705 Statutes, is amended to read:

1706 105.031 Qualification; filing fee; candidate's oath; items
 1707 required to be filed.--

1708 (3) QUALIFYING FEE.--Each candidate qualifying for
 1709 election to a judicial office or the office of school board
 1710 member, except write-in judicial or school board candidates,
 1711 shall, during the time for qualifying, pay to the officer with
 1712 whom he or she qualifies a qualifying fee, which shall consist
 1713 of a filing fee and an election assessment, or qualify by the
 1714 alternative method. The amount of the filing fee is 3 percent of
 1715 the annual salary of the office sought. The amount of the
 1716 election assessment is 1 percent of the annual salary of the
 1717 office sought. The Department of State shall forward all filing
 1718 fees to the Department of Revenue for deposit in the Elections
 1719 Commission Trust Fund. The supervisor of elections shall forward
 1720 all filing fees to the Elections Commission Trust Fund. The
 1721 election assessment shall be deposited into the Elections
 1722 Commission Trust Fund. The annual salary of the office for
 1723 purposes of computing the qualifying fee shall be computed by

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1724 multiplying 12 times the monthly salary authorized for such
 1725 office as of July 1 immediately preceding the first day of
 1726 qualifying. This subsection shall not apply to candidates
 1727 qualifying for retention to judicial office.

1728 Section 41. Effective January 1, 2005, section 105.035,
 1729 Florida Statutes, is amended to read:

1730 105.035 Alternative method of qualifying for certain
 1731 judicial offices and the office of school board member.--

1732 (1) A person seeking to qualify for election to the office
 1733 of circuit judge or county court judge or the office of school
 1734 board member may qualify for election to such office by means of
 1735 the petitioning process prescribed in this section. A person
 1736 qualifying by this alternative method shall not be required to
 1737 pay the qualifying fee required by this chapter. ~~A person using
 1738 this petitioning process shall file an oath with the officer
 1739 before whom the candidate would qualify for the office stating
 1740 that he or she intends to qualify by this alternative method for
 1741 the office sought. Such oath shall be filed at any time after
 1742 the first Tuesday after the first Monday in January of the year
 1743 in which the election is held, but prior to the 21st day
 1744 preceding the first day of the qualifying period for the office
 1745 sought. The form of such oath shall be prescribed by the
 1746 Division of Elections. No signatures shall be obtained until the
 1747 person has filed the oath prescribed in this subsection.~~

1748 (2) ~~Upon receipt of a written oath from a candidate, the
 1749 qualifying officer shall provide The candidate with a petition
 1750 format shall be prescribed by the Division of Elections and
 1751 shall ~~to~~ be used by the candidate to reproduce petitions for
 1752 circulation. If the candidate is running for an office which~~

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1753 will be grouped on the ballot with two or more similar offices
 1754 to be filled at the same election, the candidate's petition must
 1755 indicate, prior to the obtaining of registered electors'
 1756 signatures, for which group or district office the candidate is
 1757 running.

1758 (3) Each candidate for election to a judicial office or
 1759 the office of school board member shall obtain the signature of
 1760 a number of qualified electors equal to at least 1 percent of
 1761 the total number of registered electors of the district,
 1762 circuit, county, or other geographic entity represented by the
 1763 office sought as shown by the compilation by the Department of
 1764 State for the last preceding general election. A separate
 1765 petition shall be circulated for each candidate availing himself
 1766 or herself of the provisions of this section. No signatures may
 1767 be obtained until the candidate has filed the appointment of
 1768 campaign treasurer and designation of campaign depository
 1769 pursuant to s. 106.021.

1770 (4)(a) Each candidate seeking to qualify for election to
 1771 the office of circuit judge or the office of school board member
 1772 from a multicounty school district pursuant to this section
 1773 shall file a separate petition from each county from which
 1774 signatures are sought. Each petition shall be submitted, prior
 1775 to noon of the 28th ~~21st~~ day preceding the first day of the
 1776 qualifying period for the office sought, to the supervisor of
 1777 elections of the county for which such petition was circulated.
 1778 Each supervisor of elections to whom a petition is submitted
 1779 shall check the signatures on the petition to verify their
 1780 status as electors of that county and of the geographic area
 1781 represented by the office sought. No later than the 7th day

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1782 prior to the first date for qualifying, the supervisor shall
 1783 certify the number shown as registered electors and submit such
 1784 certification to the Division of Elections. The division shall
 1785 determine whether the required number of signatures has been
 1786 obtained for the name of the candidate to be placed on the
 1787 ballot and shall notify the candidate. If the required number of
 1788 signatures has been obtained, the candidate shall, during the
 1789 time prescribed for qualifying for office, submit a copy of such
 1790 notice and file his or her qualifying papers and oath prescribed
 1791 in s. 105.031 with the Division of Elections. Upon receipt of
 1792 the copy of such notice and qualifying papers, the division
 1793 shall certify the name of the candidate to the appropriate
 1794 supervisor or supervisors of elections as having qualified for
 1795 the office sought.

1796 (b) Each candidate seeking to qualify for election to the
 1797 office of county court judge or the office of school board
 1798 member from a single county school district pursuant to this
 1799 section shall submit his or her petition, prior to noon of the
 1800 28th ~~21st~~ day preceding the first day of the qualifying period
 1801 for the office sought, to the supervisor of elections of the
 1802 county for which such petition was circulated. The supervisor
 1803 shall check the signatures on the petition to verify their
 1804 status as electors of the county and of the geographic area
 1805 represented by the office sought. No later than the 7th day
 1806 prior to the first date for qualifying, the supervisor shall
 1807 determine whether the required number of signatures has been
 1808 obtained for the name of the candidate to be placed on the
 1809 ballot and shall notify the candidate. If the required number of
 1810 signatures has been obtained, the candidate shall, during the

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1811 time prescribed for qualifying for office, submit a copy of such
 1812 notice and file his or her qualifying papers and oath prescribed
 1813 in s. 105.031 with the qualifying officer. Upon receipt of the
 1814 copy of such notice and qualifying papers, such candidate shall
 1815 be entitled to have his or her name printed on the ballot.

1816 Section 42. Subsection (18) is added to section 106.011,
 1817 Florida Statutes, to read:

1818 106.011 Definitions.--As used in this chapter, the
 1819 following terms have the following meanings unless the context
 1820 clearly indicates otherwise:

1821 (18) "Eliminated candidate" means a candidate for elected
 1822 office who failed to receive a sufficient number of votes to be
 1823 certified as the winner of an election or as a runoff candidate
 1824 in an election. Candidates who file a timely contest of an
 1825 election as provided for in s. 102.168 shall not be considered
 1826 eliminated for the purposes of receiving contributions and
 1827 making expenditures solely for the purpose of paying legal fees
 1828 and costs associated with the candidate's contest of the
 1829 election.

1830 Section 43. (1) Subsection (3) of section 106.021,
 1831 Florida Statutes, is amended to read:

1832 106.021 Campaign treasurers; deputies; primary and
 1833 secondary depositories.--

1834 (3) ~~Except for independent expenditures,~~ No contribution
 1835 or expenditure, including contributions or expenditures of a
 1836 candidate or of the candidate's family, shall be directly or
 1837 indirectly made or received in furtherance of the candidacy of
 1838 any person for nomination or election to political office in the
 1839 state or on behalf of any political committee except through the

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1840 duly appointed campaign treasurer of the candidate or political
 1841 committee, subject to the following exceptions: ~~however,~~

1842 (a) Independent expenditures;

1843 (b) Reimbursements to a candidate or any other individual
 1844 ~~may be reimbursed~~ for expenses incurred in connection with the
 1845 campaign or activities of the political committee for travel,
 1846 ~~food and beverage, office supplies, and mementos expressing~~
 1847 ~~gratitude to campaign supporters~~ by a check drawn upon the
 1848 campaign account and reported pursuant to s. 106.07(4). After
 1849 July 1, 2004, the full name and address of each person to whom
 1850 the candidate or other individual made payment for which
 1851 reimbursement was made by check drawn upon the campaign account
 1852 shall be reported pursuant to s. 106.07(4), together with the
 1853 purpose of such payment;

1854 (c) Expenditures made indirectly through a treasurer for
 1855 goods or services, such as communications media placement or
 1856 procurement services, campaign signs, insurance, or other
 1857 expenditures that include multiple integral components as part
 1858 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
 1859 or

1860 (d) In addition, ~~Expenditures may be~~ made directly by any
 1861 political committee or political party regulated by chapter 103
 1862 for obtaining time, space, or services in or by any
 1863 communications medium for the purpose of jointly endorsing three
 1864 or more candidates, and any such expenditure shall not be
 1865 considered a contribution or expenditure to or on behalf of any
 1866 such candidates for the purposes of this chapter.

1867 (2) The amendment to s. 106.021(3)(b), Florida Statutes,
 1868 made by this section shall operate retroactively to January 1,
 1869 2002.

1870 Section 44. Section 106.023, Florida Statutes, is amended
 1871 to read:

1872 106.023 Statement of candidate.--

1873 (1) Each candidate must file a statement with the
 1874 qualifying officer within 10 days after filing the appointment
 1875 of campaign treasurer and designation of campaign depository,
 1876 stating that the candidate has read and understands the
 1877 requirements of this chapter. Such statement shall be provided
 1878 by the filing officer and shall be in substantially the
 1879 following form:

1880
 1881 STATEMENT OF CANDIDATE

1882
 1883 I, _____, candidate for the office of _____, have received,
 1884 read, and understand the requirements of Chapter 106, Florida
 1885 Statutes.

1886
 1887 ... (Signature of candidate) (Date) ...

1888
 1889 Willful failure to file this form is a violation of ss.
 1890 106.19(1)(c) and 106.25(3), F.S.

1891 (2) The execution and filing of the statement of candidate
 1892 does not in and of itself create a presumption that any
 1893 violation of this chapter or chapter 104 is a willful violation
 1894 as defined in s. 106.37.

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1895 Section 45. Paragraph (a) of subsection (8) of section
 1896 106.04, Florida Statutes, is amended to read:

1897 106.04 Committees of continuous existence.--

1898 (8)(a) Any committee of continuous existence failing to
 1899 file a report on the designated due date shall be subject to a
 1900 fine. The fine shall be \$50 per day for the first 3 days late
 1901 and, thereafter, \$500 per day for each late day, not to exceed
 1902 25 percent of the total receipts or expenditures, whichever is
 1903 greater, for the period covered by the late report. The fine
 1904 shall be assessed by the filing officer, and the moneys
 1905 collected shall be deposited in the General Revenue Elections
 1906 ~~Commission Trust~~ Fund. No separate fine shall be assessed for
 1907 failure to file a copy of any report required by this section.

1908 Section 46. Paragraph (a) of subsection (2), paragraph (a)
 1909 of subsection (4), and paragraphs (a), (c), and (d) of
 1910 subsection (8) of section 106.07, Florida Statutes, are amended
 1911 to read:

1912 106.07 Reports; certification and filing.--

1913 (2)(a) All reports required of a candidate by this section
 1914 shall be filed with the officer before whom the candidate is
 1915 required by law to qualify. All candidates who file with the
 1916 Department of State shall file the original and one copy of
 1917 their reports. In addition, a copy of each report for candidates
 1918 for other than statewide office who qualify with the Department
 1919 of State shall be filed with the supervisor of elections in the
 1920 county where the candidate resides. Reports shall be filed not
 1921 later than 5 p.m. of the day designated; however, any report
 1922 postmarked by the United States Postal Service no later than
 1923 midnight of the day designated shall be deemed to have been

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1924 filed in a timely manner. Any report received by the filing
 1925 officer within 5 days after the designated due date that was
 1926 delivered by the United States Postal Service shall be deemed
 1927 timely filed unless it has a postmark that indicates that the
 1928 report was mailed after the designated due date. A certificate
 1929 of mailing obtained from and dated by the United States Postal
 1930 Service at the time of mailing, or a receipt from an established
 1931 courier company, which bears a date on or before the date on
 1932 which the report is due, shall be proof of mailing in a timely
 1933 manner. Reports shall contain information of all previously
 1934 unreported contributions received and expenditures made as of
 1935 the preceding Friday, except that the report filed on the Friday
 1936 immediately preceding the election shall contain information of
 1937 all previously unreported contributions received and
 1938 expenditures made as of the day preceding that designated due
 1939 date. All such reports shall be open to public inspection.

1940 (4)(a) Each report required by this section shall contain:

1941 1. The full name, address, and occupation, if any of each
 1942 person who has made one or more contributions to or for such
 1943 committee or candidate within the reporting period, together
 1944 with the amount and date of such contributions. For
 1945 corporations, the report must provide as clear a description as
 1946 practicable of the principal type of business conducted by the
 1947 corporation. However, if the contribution is \$100 or less or is
 1948 from a relative, as defined in s. 112.312, provided that the
 1949 relationship is reported, the occupation of the contributor or
 1950 the principal type of business need not be listed.

1951 2. The name and address of each political committee from
 1952 which the reporting committee or the candidate received, or to

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1953 which the reporting committee or candidate made, any transfer of
 1954 funds, together with the amounts and dates of all transfers.

1955 3. Each loan for campaign purposes to or from any person
 1956 or political committee within the reporting period, together
 1957 with the full names, addresses, and occupations, and principal
 1958 places of business, if any, of the lender and endorsers, if any,
 1959 and the date and amount of such loans.

1960 4. A statement of each contribution, rebate, refund, or
 1961 other receipt not otherwise listed under subparagraphs 1.
 1962 through 3.

1963 5. The total sums of all loans, in-kind contributions, and
 1964 other receipts by or for such committee or candidate during the
 1965 reporting period. The reporting forms shall be designed to
 1966 elicit separate totals for in-kind contributions, loans, and
 1967 other receipts.

1968 6. The full name and address of each person to whom
 1969 expenditures have been made by or on behalf of the committee or
 1970 candidate within the reporting period; the amount, date, and
 1971 purpose of each such expenditure; and the name and address of,
 1972 and office sought by, each candidate on whose behalf such
 1973 expenditure was made. However, expenditures made from the petty
 1974 cash fund provided by s. 106.12 need not be reported
 1975 individually.

1976 7. The full name and address of each person to whom an
 1977 expenditure for personal services, salary, or reimbursement for
 1978 authorized expenses as provided in s. 106.021(3) has been made
 1979 and which is not otherwise reported, including the amount, date,
 1980 and purpose of such expenditure. However, expenditures made from

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1981 the petty cash fund provided for in s. 106.12 need not be
 1982 reported individually.

1983 8. The total amount withdrawn and the total amount spent
 1984 for petty cash purposes pursuant to this chapter during the
 1985 reporting period.

1986 9. The total sum of expenditures made by such committee or
 1987 candidate during the reporting period.

1988 10. The amount and nature of debts and obligations owed by
 1989 or to the committee or candidate, which relate to the conduct of
 1990 any political campaign.

1991 11. A copy of each credit card statement which shall be
 1992 included in the next report following receipt thereof by the
 1993 candidate or political committee. Receipts for each credit card
 1994 purchase shall be retained by the treasurer with the records for
 1995 the campaign account.

1996 12. The amount and nature of any separate interest-bearing
 1997 accounts or certificates of deposit and identification of the
 1998 financial institution in which such accounts or certificates of
 1999 deposit are located.

2000 13. The primary purposes of an expenditure made indirectly
 2001 through a campaign treasurer pursuant to s. 106.021(3) for goods
 2002 and services such as communications media placement or
 2003 procurement services, campaign signs, insurance, and other
 2004 expenditures that include multiple components as part of the
 2005 expenditure. The primary purpose of an expenditure shall be that
 2006 purpose, including integral and directly related components,
 2007 that comprises 80 percent of such expenditure.

2008 (8)(a) Any candidate or political committee failing to
 2009 file a report on the designated due date shall be subject to a

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2010 fine as provided in paragraph (b) for each late day, and, in the
 2011 case of a candidate, such fine shall be paid only from personal
 2012 funds of the candidate. The fine shall be assessed by the filing
 2013 officer and the moneys collected shall be deposited:

2014 1. In the General Revenue ~~Elections Commission Trust~~ Fund,
 2015 in the case of a candidate for state office or a political
 2016 committee that registers with the Division of Elections; or

2017 2. In the general revenue fund of the political
 2018 subdivision, in the case of a candidate for an office of a
 2019 political subdivision or a political committee that registers
 2020 with an officer of a political subdivision.

2021
 2022 No separate fine shall be assessed for failure to file a copy of
 2023 any report required by this section.

2024 (c) Any candidate or chair of a political committee may
 2025 appeal or dispute the fine, based upon, but not limited to,
 2026 unusual circumstances surrounding the failure to file on the
 2027 designated due date, and may request and shall be entitled to a
 2028 hearing before the Florida Elections Commission, which shall
 2029 have the authority to waive the fine in whole or in part. The
 2030 Florida Elections Commission must consider the mitigating and
 2031 aggravating circumstances contained in s. 106.265(1) when
 2032 determining the amount of a fine, if any, to be waived. Any such
 2033 request shall be made within 20 days after receipt of the notice
 2034 of payment due. In such case, the candidate or chair of the
 2035 political committee shall, within the 20-day period, notify the
 2036 filing officer in writing of his or her intention to bring the
 2037 matter before the commission.

2038 (d) The appropriate filing officer shall notify the
 2039 Florida Elections Commission of the repeated late filing by a
 2040 candidate or political committee, the failure of a candidate or
 2041 political committee to file a report after notice, or the
 2042 failure to pay the fine imposed. The commission shall
 2043 investigate only those alleged late filing violations
 2044 specifically identified by the filing officer and as set forth
 2045 in the notification. Any other alleged violations must be
 2046 separately stated and reported by the division to the commission
 2047 under s. 106.25(2).

2048 Section 47. Effective January 1, 2005, paragraph (a) of
 2049 subsection (2) of section 106.07, Florida Statutes, as amended
 2050 by this act, and paragraph (b) of subsection (2), subsection
 2051 (3), and paragraph (b) of subsection (8) of said section, are
 2052 amended to read:

2053 106.07 Reports; certification and filing.--

2054 (2)(a) All reports required of a candidate by this section
 2055 shall be filed with the officer before whom the candidate is
 2056 required by law to qualify. All candidates who file with the
 2057 Department of State shall file ~~the original and one copy of~~
 2058 their reports pursuant to s. 106.0705. In addition, a copy of
 2059 each report for candidates for other than statewide office who
 2060 qualify with the Department of State shall be filed with the
 2061 supervisor of elections in the county where the candidate
 2062 resides. Except as provided in s. 106.0705, reports shall be
 2063 filed not later than 5 p.m. of the day designated; however, any
 2064 report postmarked by the United States Postal Service no later
 2065 than midnight of the day designated shall be deemed to have been
 2066 filed in a timely manner. Any report received by the filing

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2067 officer within 5 days after the designated due date that was
 2068 delivered by the United States Postal Service shall be deemed
 2069 timely filed unless it has a postmark that indicates that the
 2070 report was mailed after the designated due date. A certificate
 2071 of mailing obtained from and dated by the United States Postal
 2072 Service at the time of mailing, or a receipt from an established
 2073 courier company, which bears a date on or before the date on
 2074 which the report is due, shall be proof of mailing in a timely
 2075 manner. Reports shall contain information of all previously
 2076 unreported contributions received and expenditures made as of
 2077 the preceding Friday, except that the report filed on the Friday
 2078 immediately preceding the election shall contain information of
 2079 all previously unreported contributions received and
 2080 expenditures made as of the day preceding that designated due
 2081 date. All such reports shall be open to public inspection.

2082 (b)1. Any report which is deemed to be incomplete by the
 2083 officer with whom the candidate qualifies shall be accepted on a
 2084 conditional basis, and the campaign treasurer shall be notified
 2085 by registered mail as to why the report is incomplete and be
 2086 given 3 days from receipt of such notice to file an addendum to
 2087 the report providing all information necessary to complete the
 2088 report in compliance with this section. Failure to file a
 2089 complete report after such notice constitutes a violation of
 2090 this chapter.

2091 2. In lieu of the notice by registered mail as required in
 2092 subparagraph 1., the qualifying officer may notify the campaign
 2093 treasurer by telephone that the report is incomplete and request
 2094 the information necessary to complete the report. If, however,
 2095 such information is not received by the qualifying officer

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2096 within 3 days after ~~of~~ the telephone request therefor, notice
 2097 shall be sent by registered mail as provided in subparagraph 1.

2098 (3) Reports required of a political committee shall be
 2099 filed with the agency or officer before whom such committee
 2100 registers pursuant to s. 106.03(3) and shall be subject to the
 2101 same filing conditions as established for candidates' reports.
 2102 ~~Only committees that file with the Department of State shall~~
 2103 ~~file the original and one copy of their reports.~~ Incomplete
 2104 reports by political committees shall be treated in the manner
 2105 provided for incomplete reports by candidates in subsection (2).

2106 (8)

2107 (b) Upon determining that a report is late, the filing
 2108 officer shall immediately notify the candidate or chair of the
 2109 political committee as to the failure to file a report by the
 2110 designated due date and that a fine is being assessed for each
 2111 late day. The fine shall be \$50 per day for the first 3 days
 2112 late and, thereafter, \$500 per day for each late day, not to
 2113 exceed 25 percent of the total receipts or expenditures,
 2114 whichever is greater, for the period covered by the late report.
 2115 However, for the reports immediately preceding each primary and
 2116 general election, the fine shall be \$500 per day for each late
 2117 day, not to exceed 25 percent of the total receipts or
 2118 expenditures, whichever is greater, for the period covered by
 2119 the late report. For reports required under s. 106.141(7), the
 2120 fine is \$50 per day for each late day, not to exceed 25 percent
 2121 of the total receipts or expenditures, whichever is greater, for
 2122 the period covered by the late report. Upon receipt of the
 2123 report, the filing officer shall determine the amount of the
 2124 fine which is due and shall notify the candidate or chair. The

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2125 filing officer shall determine the amount of the fine due based
 2126 upon the earliest of the following:

- 2127 1. When the report is actually received by such officer.
- 2128 2. When the report is postmarked.
- 2129 3. When the certificate of mailing is dated.
- 2130 4. When the receipt from an established courier company is
- 2131 dated.
- 2132 5. When the electronic receipt issued pursuant to s.
- 2133 106.0705 is dated.

2134
 2135 Such fine shall be paid to the filing officer within 20 days
 2136 after receipt of the notice of payment due, unless appeal is
 2137 made to the Florida Elections Commission pursuant to paragraph
 2138 (c). In the case of a candidate, such fine shall not be an
 2139 allowable campaign expenditure and shall be paid only from
 2140 personal funds of the candidate. An officer or member of a
 2141 political committee shall not be personally liable for such
 2142 fine.

2143 Section 48. Effective January 1, 2005, section 106.0705,
 2144 Florida Statutes, is created to read:

2145 106.0705 Electronic filing of campaign treasurer's
 2146 reports.--

2147 (1) As used in this section, "electronic filing system"
 2148 means an Internet system for recording and reporting campaign
 2149 finance activity by reporting period.

2150 (2)(a) Each candidate who is required to file reports
 2151 pursuant to s. 106.07 with the division must file such reports
 2152 with the division by means of the division's electronic filing
 2153 system.

2154 (b) Each political committee, committee of continuous
2155 existence, or state executive committee that is required to file
2156 reports with the division under s. 106.04, s. 106.07, or s.
2157 106.29, as applicable, must file such reports with the division
2158 by means of the division's electronic filing system.

2159 (c) Each person or organization that is required to file
2160 reports with the division under s. 106.071 must file such
2161 reports with the division by means of the division's electronic
2162 filing system.

2163 (3) Reports filed pursuant to this section shall be
2164 completed and filed through the electronic filing system not
2165 later than midnight of the day designated. Reports not filed by
2166 midnight of the day designated are late filed and are subject to
2167 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),
2168 as applicable.

2169 (4) Each report filed pursuant to this section is
2170 considered to be under oath by the candidate and treasurer or
2171 the chair and treasurer, whichever is applicable, and such
2172 persons are subject to the provisions of s. 106.04(4)(d), s.
2173 106.07(5), or s. 106.29(2), as applicable. Persons given a
2174 secure sign-on to the electronic filing system are responsible
2175 for protecting such from disclosure and are responsible for all
2176 filings using such credentials, unless they have notified the
2177 division that their credentials have been compromised.

2178 (5) The electronic filing system developed by the division
2179 must:

2180 (a) Be based on access by means of the Internet.

2181 (b) Be accessible by anyone with Internet access using
2182 standard web-browsing software.

2183 (c) Provide for direct entry of campaign finance
 2184 information as well as upload of such information from campaign
 2185 finance software certified by the division.

2186 (d) Provide a method that prevents unauthorized access to
 2187 electronic filing system functions.

2188 (6) The division shall adopt rules pursuant to ss.
 2189 120.536(1) and 120.54 to administer this section and provide for
 2190 the reports required to be filed pursuant to this section. Such
 2191 rules shall, at a minimum, provide:

2192 (a) Alternate filing procedures in case the division's
 2193 electronic filing system is not operable.

2194 (b) For the issuance of an electronic receipt to the
 2195 person submitting the report indicating and verifying that the
 2196 report has been filed.

2197 Section 49. Effective January 1, 2005, section 106.075,
 2198 Florida Statutes, is amended to read:

2199 106.075 Elected officials; report of personal loans made
 2200 in year preceding election; limitation on contributions to pay
 2201 personal loans.--

2202 (1) A person who is elected to office must report all
 2203 personal loans, exceeding \$500 in value, made to him or her and
 2204 used for campaign purposes, and made in the 12 months preceding
 2205 his or her election to office, to the filing officer. The report
 2206 must be made, in the manner prescribed by the Department of
 2207 State, within 10 days after being elected to office.

2208 (2) Any person who makes a contribution to an individual
 2209 to pay all or part of a personal loan incurred, in the 12 months
 2210 preceding the election, to be used for the individual's

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2211 campaign, may not contribute more than the amount which is
 2212 allowed in s. 106.08(1).

2213 Section 50. Effective January 1, 2005, paragraph (d) is
 2214 added to subsection (5) of section 106.08, Florida Statutes, to
 2215 read:

2216 106.08 Contributions; limitations on.--

2217 (5)

2218 (d) Candidates may not make expenditures from their
 2219 campaign accounts for the purpose of receiving or obtaining an
 2220 endorsement from any person, group, or organization.

2221 Section 51. Effective January 1, 2005, subsection (2) of
 2222 section 106.087, Florida Statutes, is amended to read:

2223 106.087 Independent expenditures; contribution limits;
 2224 restrictions on political parties and, political committees, ~~and~~
 2225 ~~committees of continuous existence.--~~

2226 (2)(a) Any political committee ~~or committee of continuous~~
 2227 ~~existence~~ that accepts the use of public funds, equipment,
 2228 personnel, or other resources to collect dues from its members
 2229 agrees not to make independent expenditures in support of or
 2230 opposition to a candidate or elected public official. However,
 2231 expenditures may be made for the sole purpose of jointly
 2232 endorsing three or more candidates.

2233 (b) Any political committee ~~or committee of continuous~~
 2234 ~~existence~~ that violates this subsection is liable for a civil
 2235 fine of up to \$5,000 to be determined by the Florida Elections
 2236 Commission or the entire amount of the expenditures, whichever
 2237 is greater.

2238 Section 52. Effective January 1, 2005, section 106.09,
 2239 Florida Statutes, is amended to read:

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2240 106.09 Cash contributions and contributions ~~contribution~~
 2241 by cashier's check or money order ~~checks~~.--

2242 (1) A person may not make or accept a cash contribution or
 2243 contribution by means of a cashier's check or money order in
 2244 excess of \$100.

2245 (2)(a) Any person who makes or accepts a contribution in
 2246 excess of \$100 in violation of this section commits a
 2247 misdemeanor of the first degree, punishable as provided in s.
 2248 775.082 or s. 775.083.

2249 (b) Any person who knowingly and willfully makes or
 2250 accepts a contribution in excess of \$5,000 in violation of this
 2251 section commits a felony of the third degree, punishable as
 2252 provided in s. 775.082, s. 775.083, or s. 775.084.

2253 Section 53. Effective January 1, 2005, subsection (2) of
 2254 section 106.11, Florida Statutes, is amended to read:

2255 106.11 Expenses of and expenditures by candidates and
 2256 political committees.--Each candidate and each political
 2257 committee which designates a primary campaign depository
 2258 pursuant to s. 106.021(1) shall make expenditures from funds on
 2259 deposit in such primary campaign depository only in the
 2260 following manner, with the exception of expenditures made from
 2261 petty cash funds provided by s. 106.12:

2262 (2)(a) For purposes of this section, debit cards are
 2263 considered bank checks, if:

2264 1. Debit cards are obtained from the same bank that has
 2265 been designated as the candidate's or political committee's
 2266 primary campaign depository.

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2267 2. Debit cards are issued in the name of the treasurer,
 2268 deputy treasurer, or authorized user and state "Campaign Account
 2269 of ... (name of candidate or political committee)"

2270 3. No more than three debit cards are requested and
 2271 issued.

2272 4. Before a debit card is used, a list of all persons
 2273 authorized to use the card is filed with the filing officer
 2274 division.

2275 5. All debit cards issued to a candidate's campaign or a
 2276 political committee expire no later than midnight of the last
 2277 day of the month of the general election.

2278 6. The person using the debit card does not receive cash
 2279 as part of, or independent of, any transaction for goods or
 2280 services.

2281 7. All receipts for debit card transactions contain:

2282 a. The last four digits of the debit card number.

2283 b. The exact amount of the expenditure.

2284 c. The name of the payee.

2285 d. The signature of the campaign treasurer, deputy
 2286 treasurer, or authorized user.

2287 e. The exact purpose for which the expenditure is
 2288 authorized.

2289
 2290 Any information required by this subparagraph but not included
 2291 on the debit card transaction receipt may be handwritten on, or
 2292 attached to, the receipt by the authorized user before
 2293 submission to the treasurer.

2294 (b) Debit cards are not subject to the requirements of
 2295 paragraph (1)(b).

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2296 Section 54. Subsection (6) of section 106.141, Florida
 2297 Statutes, is amended to read:
 2298 106.141 Disposition of surplus funds by candidates.--
 2299 (6) Prior to disposing of funds pursuant to subsection (4)
 2300 or transferring funds into an office account pursuant to
 2301 subsection (5), any candidate who filed an oath stating that he
 2302 or she was unable to pay the election assessment or fee for
 2303 verification of petition signatures without imposing an undue
 2304 burden on his or her personal resources or on resources
 2305 otherwise available to him or her, or who filed both such oaths,
 2306 or who qualified by the alternative method and was not required
 2307 to pay an election assessment, shall reimburse the state or
 2308 local governmental entity, whichever is applicable, for such
 2309 waived assessment or fee or both. Such reimbursement shall be
 2310 made first for the cost of petition verification and then, if
 2311 funds are remaining, for the amount of the election assessment.
 2312 If there are insufficient funds in the account to pay the full
 2313 amount of either the assessment or the fee or both, the
 2314 remaining funds shall be disbursed in the above manner until no
 2315 funds remain. All funds disbursed pursuant to this subsection
 2316 shall be remitted to the qualifying officer. Any reimbursement
 2317 for petition verification costs which are reimbursable by the
 2318 state shall be forwarded by the qualifying officer to the state
 2319 for deposit in the General Revenue Fund. All reimbursements for
 2320 the amount of the election assessment shall be forwarded by the
 2321 qualifying officer to the Department of State for deposit in the
 2322 General Revenue ~~Elections Commission Trust~~ Fund.

2323 Section 55. Subsections (2) and (4) of section 106.25,
 2324 Florida Statutes, are amended to read:

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2325 106.25 Reports of alleged violations to Florida Elections
 2326 Commission; disposition of findings.--

2327 (2) The commission shall investigate all violations of
 2328 this chapter and chapter 104, but only after having received
 2329 either a sworn complaint or information reported to it under
 2330 this subsection by the Division of Elections. Any person, other
 2331 than the division, having information of any violation of this
 2332 chapter or chapter 104 shall file a sworn complaint with the
 2333 commission. The commission shall investigate only those alleged
 2334 violations specifically contained within the sworn complaint. If
 2335 any complainant fails to allege all violations that arise from
 2336 the facts or allegations alleged in a complaint, the commission
 2337 shall be barred from investigating a subsequent complaint from
 2338 such complainant that is based upon such facts or allegations
 2339 that were raised or could have been raised in the first
 2340 complaint. Such sworn complaint shall state whether a complaint
 2341 of the same violation has been made to any state attorney.
 2342 Within 5 days after receipt of a sworn complaint, the commission
 2343 shall transmit a copy of the complaint to the alleged violator.
 2344 All sworn complaints alleging violations of the Florida Election
 2345 Code over which the commission has jurisdiction shall be filed
 2346 with the commission within 2 years after ~~of~~ the alleged
 2347 violations. The period of limitations is tolled on the day a
 2348 sworn complaint is filed with the commission.

2349 (4) The commission shall undertake a preliminary
 2350 investigation to determine if the facts alleged in a sworn
 2351 complaint or a matter initiated by the division constitute
 2352 probable cause to believe that a violation has occurred. The
 2353 respondent, the complainant, and their respective counsels shall

2354 be permitted to attend the hearing at which the probable cause
 2355 determination is made. Notice of the hearing shall be sent to
 2356 the respondent and the complainant at least 14 days prior to the
 2357 date of the hearing. The respondent and his or her counsel shall
 2358 be permitted to make a brief oral statement in the nature of
 2359 oral argument to the commission before the probable cause
 2360 determination. The commission's determination shall be based
 2361 upon the investigator's report, the complaint, and staff
 2362 recommendations, as well as any written statements submitted by
 2363 the respondent and any oral statements made at the hearing. No
 2364 testimony or other evidence shall be accepted at the hearing.
 2365 Upon completion of the preliminary investigation, the commission
 2366 shall, by written report, find probable cause or no probable
 2367 cause to believe that this chapter or chapter 104 has been
 2368 violated.

2369 (a) If no probable cause is found, the commission shall
 2370 dismiss the case and the case shall become a matter of public
 2371 record, except as otherwise provided in this section, together
 2372 with a written statement of the findings of the preliminary
 2373 investigation and a summary of the facts which the commission
 2374 shall send to the complainant and the alleged violator.

2375 (b) If probable cause is found, the commission shall so
 2376 notify the complainant and the alleged violator in writing. All
 2377 documents made or received in the disposition of the complaint
 2378 shall become public records upon a finding by the commission.

2379
 2380 In a case where probable cause is found, the commission shall
 2381 make a preliminary determination to consider the matter or to

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2382 refer the matter to the state attorney for the judicial circuit
 2383 in which the alleged violation occurred.

2384 Section 56. Subsection (5) is added to section 106.265,
 2385 Florida Statutes, to read:

2386 106.265 Civil penalties.--

2387 (5) In any case in which the commission determines that a
 2388 person has filed a complaint against another person with a
 2389 malicious intent to injure the reputation of the person
 2390 complained against by filing the complaint with knowledge that
 2391 the complaint contains one or more false allegations or with
 2392 reckless disregard for whether the complaint contains false
 2393 allegations of fact material to a violation of this chapter or
 2394 chapter 104, the complainant shall be liable for costs and
 2395 reasonable attorney's fees incurred in the defense of the person
 2396 complained against, including the costs and reasonable
 2397 attorney's fees incurred in proving entitlement to and the
 2398 amount of costs and fees. If the complainant fails to pay such
 2399 costs and fees voluntarily within 30 days following such finding
 2400 by the commission, the commission shall forward such information
 2401 to the Department of Legal Affairs, which shall bring a civil
 2402 action in a court of competent jurisdiction to recover the
 2403 amount of such costs and fees awarded by the commission.

2404 Section 57. Paragraph (a) of subsection (3) of section
 2405 106.29, Florida Statutes, is amended to read:

2406 106.29 Reports by political parties; restrictions on
 2407 contributions and expenditures; penalties.--

2408 (3)(a) Any state or county executive committee failing to
 2409 file a report on the designated due date shall be subject to a
 2410 fine as provided in paragraph (b) for each late day. The fine

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2411 shall be assessed by the filing officer, and the moneys
 2412 collected shall be deposited in the General Revenue Elections
 2413 ~~Commission~~ Trust Fund.

2414 Section 58. Effective January 1, 2005, paragraph (b) of
 2415 subsection (3) of section 106.29, Florida Statutes, is amended
 2416 to read:

2417 106.29 Reports by political parties; restrictions on
 2418 contributions and expenditures; penalties.--

2419 (3)

2420 (b) Upon determining that a report is late, the filing
 2421 officer shall immediately notify the chair of the executive
 2422 committee as to the failure to file a report by the designated
 2423 due date and that a fine is being assessed for each late day.
 2424 The fine shall be \$1,000 for a state executive committee, and
 2425 \$50 for a county executive committee, per day for each late day,
 2426 not to exceed 25 percent of the total receipts or expenditures,
 2427 whichever is greater, for the period covered by the late report.
 2428 However, if an executive committee fails to file a report on the
 2429 Friday immediately preceding the general election, the fine
 2430 shall be \$10,000 per day for each day a state executive
 2431 committee is late and \$500 per day for each day a county
 2432 executive committee is late. Upon receipt of the report, the
 2433 filing officer shall determine the amount of the fine which is
 2434 due and shall notify the chair. The filing officer shall
 2435 determine the amount of the fine due based upon the earliest of
 2436 the following:

- 2437 1. When the report is actually received by such officer.
- 2438 2. When the report is postmarked.
- 2439 3. When the certificate of mailing is dated.

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2440 4. When the receipt from an established courier company is
 2441 dated.

2442 5. When the electronic receipt issued pursuant to s.
 2443 106.0705 is dated.

2444
 2445 Such fine shall be paid to the filing officer within 20 days
 2446 after receipt of the notice of payment due, unless appeal is
 2447 made to the Florida Elections Commission pursuant to paragraph
 2448 (c). An officer or member of an executive committee shall not be
 2449 personally liable for such fine.

2450 Section 59. Subsection (1) of section 191.005, Florida
 2451 Statutes, is amended to read:

2452 191.005 District boards of commissioners; membership,
 2453 officers, meetings.--

2454 (1)(a) With the exception of districts whose governing
 2455 boards are appointed collectively by the Governor, the county
 2456 commission, and any cooperating city within the county, the
 2457 business affairs of each district shall be conducted and
 2458 administered by a five-member board. All three-member boards
 2459 existing on the effective date of this act shall be converted to
 2460 five-member boards, except those permitted to continue as a
 2461 three-member board by special act adopted in 1997 or thereafter.
 2462 The board shall be elected in nonpartisan elections by the
 2463 electors of the district. Except as provided in this act, such
 2464 elections shall be held at the time and in the manner prescribed
 2465 by law for holding general elections in accordance with s.
 2466 189.405(2)(a) and (3), and each member shall be elected for a
 2467 term of 4 years and serve until the member's successor assumes
 2468 office. Candidates for the board of a district shall qualify

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2469 with the county supervisor of elections in whose jurisdiction
 2470 the district is located. If the district is a multicounty
 2471 district, candidates shall qualify with the Department of State.
 2472 All candidates may qualify by paying a filing fee of \$25 or by
 2473 obtaining the signatures of at least 25 registered electors of
 2474 the district on petition forms provided by the supervisor of
 2475 elections which petitions shall be submitted and checked in the
 2476 same manner as petitions filed by nonpartisan judicial
 2477 candidates pursuant to s. 105.035.

2478 (b) Each candidate who collects or expends campaign
 2479 contributions shall conduct his or her campaign for commissioner
 2480 of an independent special fire control district in accordance
 2481 with the provisions of chapter 106. However, candidates who
 2482 receive no contributions and make no other expenditures except
 2483 for petition verification or the \$25 filing fee may be exempt
 2484 from the provisions of chapter 106 requiring the establishment
 2485 of bank accounts and the appointment of campaign treasurers, as
 2486 long as they have no opposition. If opposition is confirmed by
 2487 the qualifying officer at the close of the qualifying period,
 2488 opposed candidates shall open a campaign account, designate a
 2489 campaign treasurer within 5 days after the end of qualifying,
 2490 and be responsible for all other requirements of chapter 106.

2491 (c)(b)1. At the next general election following the
 2492 effective date of this act, or on or after the effective date of
 2493 a special act or general act of local application creating a new
 2494 district, the members of the board shall be elected by the
 2495 electors of the district in the manner provided in this section.
 2496 The office of each member of the board is designated as being a
 2497 seat on the board, distinguished from each of the other seats by

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2498 a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does
 2499 not designate a geographical subdistrict unless such subdistrict
 2500 exists on the effective date of this act, in which case the
 2501 candidates must reside in the subdistrict, and only electors of
 2502 the subdistrict may vote in the election for the member from
 2503 that subdistrict. Each candidate for a seat on the board shall
 2504 designate, at the time the candidate qualifies, the seat on the
 2505 board for which the candidate is qualifying. The name of each
 2506 candidate who qualifies for election to a seat on the board
 2507 shall be included on the ballot in a way that clearly indicates
 2508 the seat for which the candidate is a candidate. The candidate
 2509 for each seat who receives the most votes cast for a candidate
 2510 for the seat shall be elected to the board.

2511 2. If, on the effective date of this act, a district
 2512 presently in existence elects members of its board, the next
 2513 election shall be conducted in accordance with this section, but
 2514 this section does not require the early expiration of any
 2515 member's term of office by more than 60 days.

2516 3. If, on the effective date of this act, a district does
 2517 not elect the members of its board, the entire board shall be
 2518 elected in accordance with this section. However, in the first
 2519 election following the effective date of this act, seats 1, 3,
 2520 and 5 shall be designated for 4-year terms and seats 2 and 4
 2521 shall be designated for 2-year terms.

2522 4. If, on the effective date of this act, the district has
 2523 an elected three-member board, one of the two seats added by
 2524 this act shall, for the first election following the effective
 2525 date of this act, be designated for a 4-year term and the other
 2526 for a 2-year term, unless the terms of the three existing seats

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2527 all expire within 6 months of the first election following the
 2528 effective date of this act, in which case seats 1, 3, and 5
 2529 shall be designated for 4-year terms and seats 2 and 4 shall be
 2530 designated for 2-year terms.

2531 5. If the district has an elected three-member board
 2532 designated to remain three members by special act adopted in
 2533 1997 or thereafter, the terms of the board members shall be
 2534 staggered. In the first election following the effective date of
 2535 this act, seats 1 and 3 shall be designated for 4-year terms,
 2536 and seat 2 for a 2-year term.

2537 (d)~~(e)~~ The board of any district may request the local
 2538 legislative delegation that represents the area within the
 2539 district to create by special law geographical subdistricts for
 2540 board seats. Any board of five members or larger elected on a
 2541 subdistrict basis as of the effective date of this act shall
 2542 continue to elect board members from such previously designated
 2543 subdistricts, and this act shall not require the elimination of
 2544 board seats from such boards.

2545 Section 60. Paragraph (f) of subsection (5) of section
 2546 287.057, Florida Statutes, is amended to read:

2547 287.057 Procurement of commodities or contractual
 2548 services.--

2549 (5) When the purchase price of commodities or contractual
 2550 services exceeds the threshold amount provided in s. 287.017 for
 2551 CATEGORY TWO, no purchase of commodities or contractual services
 2552 may be made without receiving competitive sealed bids,
 2553 competitive sealed proposals, or competitive sealed replies
 2554 unless:

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2555 (f) The following contractual services and commodities are
 2556 not subject to the competitive-solicitation requirements of this
 2557 section:

- 2558 1. Artistic services.
- 2559 2. Academic program reviews.
- 2560 3. Lectures by individuals.
- 2561 4. Auditing services.
- 2562 5. Legal services, including attorney, paralegal, expert
 2563 witness, appraisal, or mediator services.
- 2564 6. Health services involving examination, diagnosis,
 2565 treatment, prevention, medical consultation, or administration.
- 2566 7. Services provided to persons with mental or physical
 2567 disabilities by not-for-profit corporations which have obtained
 2568 exemptions under the provisions of s. 501(c)(3) of the United
 2569 States Internal Revenue Code or when such services are governed
 2570 by the provisions of Office of Management and Budget Circular A-
 2571 122. However, in acquiring such services, the agency shall
 2572 consider the ability of the vendor, past performance,
 2573 willingness to meet time requirements, and price.
- 2574 8. Medicaid services delivered to an eligible Medicaid
 2575 recipient by a health care provider who has not previously
 2576 applied for and received a Medicaid provider number from the
 2577 Agency for Health Care Administration. However, this exception
 2578 shall be valid for a period not to exceed 90 days after the date
 2579 of delivery to the Medicaid recipient and shall not be renewed
 2580 by the agency.
- 2581 9. Family placement services.
- 2582 10. Prevention services related to mental health,
 2583 including drug abuse prevention programs, child abuse prevention

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2584 programs, and shelters for runaways, operated by not-for-profit
 2585 corporations. However, in acquiring such services, the agency
 2586 shall consider the ability of the vendor, past performance,
 2587 willingness to meet time requirements, and price.

2588 11. Training and education services provided to injured
 2589 employees pursuant to s. 440.49(1).

2590 12. Contracts entered into pursuant to s. 337.11.

2591 13. Services or commodities provided by governmental
 2592 agencies.

2593 14. Voter education activities of the Department of State
 2594 or the supervisors of elections, either individually or in the
 2595 aggregate or with their respective professional associations.

2596 Section 61. (1) All electronic and electromechanical
 2597 voting systems certified after July 1, 2005, must meet the
 2598 requirements of s. 101.56062, Florida Statutes, except paragraph
 2599 (1)(d).

2600 (2) Any purchase of a voting system by any county,
 2601 municipality, or the state after July 1, 2004, must include a
 2602 contract for future upgrades and sufficient equipment to meet
 2603 the requirements of ss. 101.5606 and 101.56062, Florida
 2604 Statutes, as amended by this act.

2605 (3) All electronic and electromechanical voting systems in
 2606 use on or after January 1, 2006, must be certified to meet and
 2607 be deployed in a configuration which meets the requirements of
 2608 ss. 101.5606 and 101.56062, Florida Statutes, as amended by this
 2609 act.

2610 Section 62. Section 22 of chapter 2002-281, Laws of
 2611 Florida, is amended to read:

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2612 Section 22. Except as otherwise expressly provided in this
 2613 act, sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 of this act
 2614 shall take effect January 1, 2005, and section 12 of this act
 2615 shall take effect the earlier of January 1, 2006, or one year
 2616 after the legislature adopts the general appropriations act
 2617 specifically appropriating to the Department of State, for
 2618 distribution to the counties, ~~\$8.7 million or such other~~ amounts
 2619 as it determines and appropriates for the specific purpose of
 2620 funding this act.

2621 Section 63. Sections 98.181, 101.635, 102.061, 106.085,
 2622 and 106.144, Florida Statutes, are repealed.

2623 Section 64. To provide for uniformity of the proceedings,
 2624 both the procedural and substantive amendments to the provisions
 2625 of chapter 106, Florida Statutes, by this act shall apply to all
 2626 cases before the Florida Elections Commission pending on or
 2627 filed on or after the effective date of this act.

2628 Section 65. Except as otherwise provided herein, this act
 2629 shall take effect upon becoming a law.