

Bill No. CS for SB 2566

Amendment No. ____ Barcode 281196

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(a) "Marksense ~~Paper~~ ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed

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1 constitutional amendments or other questions or propositions
2 submitted to the electorate at any election, on which sheet of
3 paper an elector casts his or her vote.

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

9 (8) "Early voting" means casting a ballot prior to
10 election day at a location designated by the supervisor of
11 elections and depositing the voted ballot in the tabulation
12 system.

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

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

23 97.052 Uniform statewide voter registration
24 application.--

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

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

30 1. Initial registration.

31 2. Change of address.

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- 1 3. Change of party affiliation.
- 2 4. Change of name.
- 3 5. Replacement of voter registration identification
- 4 card.
- 5 6. Signature update.

6 (b) The department is responsible for printing the
7 uniform statewide voter registration application and the voter
8 registration application form prescribed by the Federal
9 Election Commission pursuant to the National Voter
10 Registration Act of 1993. The applications and forms must be
11 distributed, upon request, to the following:

- 12 1. Individuals seeking to register to vote.
- 13 2. Individuals or groups conducting voter registration
- 14 programs. A charge of 1 cent per application shall be assessed
- 15 on requests for 10,000 or more applications.
- 16 3. The Department of Highway Safety and Motor
- 17 Vehicles.
- 18 4. Voter registration agencies.
- 19 5. Armed forces recruitment offices.
- 20 6. Qualifying educational institutions.
- 21 7. Supervisors, who must make the applications and
- 22 forms available in the following manner:
- 23 a. By distributing the applications and forms in their
- 24 offices to any individual or group.
- 25 b. By distributing the applications and forms at other
- 26 locations designated by each supervisor.
- 27 c. By mailing the applications and forms to applicants
- 28 upon the request of the applicant.

29 (c) The uniform statewide voter registration
30 application may be reproduced by any of the entities described
31 in paragraph (b) private individual or group, provided the

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1 reproduced application is in the same format as the
2 application prescribed under this section.

3 Section 3. Effective January 1, 2005, section 99.095,
4 Florida Statutes, is amended to read:

5 (Substantial rewording of section. See s.

6 99.095, F.S., for present text.)

7 99.095 Petition process in lieu of qualifying fee and
8 party assessment.--

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

13 (2)(a) A candidate shall obtain the signatures of
14 voters in the geographical area represented by the office
15 sought equal to at least 1 percent of the total number of
16 voters of that geographical area, as shown by the compilation
17 by the department for the last preceding general election. No
18 signatures may be obtained until the candidate has filed the
19 appointment of campaign treasurer and designation of campaign
20 depository pursuant to s. 106.021.

21 (b) The format of the petition shall be prescribed by
22 the division and shall be used by candidates to reproduce
23 petitions for circulation. If the candidate is running for an
24 office that requires a group or district designation, the
25 petition must indicate that designation or the signatures are
26 not valid. A separate petition is required for each candidate.

27 (3) Each petition must be submitted before noon of the
28 28th day preceding the first day of the qualifying period for
29 the office sought to the supervisor of elections of the county
30 in which such petition was circulated. Each supervisor shall
31 check the signatures on the petitions to verify their status

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1 as voters in the county, district, or other geographical area
2 represented by the office sought. No later than the 7th day
3 prior to the first day of the qualifying period, the
4 supervisor shall certify the number of valid signatures.

5 (4)(a) Certifications for candidates for federal,
6 state, or multicounty district office shall be submitted to
7 the division. The division shall determine whether the
8 required number of signatures has been obtained and shall
9 notify the candidate.

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

14 (5) If the required number of signatures has been
15 obtained, the candidate is eligible to qualify pursuant to s.
16 99.061.

17 Section 4. Effective January 1, 2005, section 99.0955,
18 Florida Statutes, is amended to read:

19 99.0955 Candidates with no party affiliation; name on
20 general election ballot.--

21 (1) Each person seeking to qualify ~~for election~~ as a
22 candidate with no party affiliation shall file his or her
23 ~~qualifying qualification~~ papers and pay the qualifying fee, or
24 qualify by the petition process pursuant to s. 99.095,
25 ~~alternative method prescribed in subsection (3)~~ with the
26 officer and during the times and under the circumstances
27 prescribed in s. 99.061. Upon qualifying, the candidate is
28 entitled to have his or her name placed on the general
29 election ballot.

30 (2) The qualifying fee for candidates with no party
31 affiliation shall consist of a filing fee and an election

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1 ~~assessment. The amount of the filing fee is 3 percent of the~~
2 ~~annual salary of the office sought. The amount of the election~~
3 ~~assessment is 1 percent of the annual salary of the office~~
4 ~~sought. The election assessment shall be deposited into the~~
5 ~~Elections Commission Trust Fund. Filing fees paid to the~~
6 ~~Department of State shall be deposited into the General~~
7 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
8 ~~of elections shall be deposited into the general revenue fund~~
9 ~~of the county.~~

10 ~~(3)(a) A candidate with no party affiliation may, in~~
11 ~~lieu of paying the qualifying fee, qualify for office by the~~
12 ~~alternative method prescribed in this subsection. A candidate~~
13 ~~using this petitioning process shall file an oath with the~~
14 ~~officer before whom the candidate would qualify for the office~~
15 ~~stating that he or she intends to qualify by this alternative~~
16 ~~method. If the person is running for an office that requires a~~
17 ~~group or district designation, the candidate must indicate the~~
18 ~~designation in his or her oath. The oath shall be filed at any~~
19 ~~time after the first Tuesday after the first Monday in January~~
20 ~~of the year in which the election is held, but before the 21st~~
21 ~~day preceding the first day of the qualifying period for the~~
22 ~~office sought. The Department of State shall prescribe the~~
23 ~~form to be used in administering and filing the oath.~~
24 ~~Signatures may not be obtained by a candidate on any petition~~
25 ~~until the candidate has filed the oath required in this~~
26 ~~subsection. Upon receipt of the written oath from a candidate,~~
27 ~~the qualifying officer shall provide the candidate with~~
28 ~~petition forms in sufficient numbers to facilitate the~~
29 ~~gathering of signatures. If the candidate is running for an~~
30 ~~office that requires a group or district designation, the~~
31 ~~petition must indicate that designation or the signatures~~

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1 ~~obtained on the petition will not be counted.~~

2 ~~(b) A candidate shall obtain the signatures of a~~
3 ~~number of qualified electors in the geographical entity~~
4 ~~represented by the office sought equal to 1 percent of the~~
5 ~~registered electors of the geographical entity represented by~~
6 ~~the office sought, as shown by the compilation by the~~
7 ~~Department of State for the preceding general election.~~

8 ~~(c) Each petition must be submitted before noon of the~~
9 ~~21st day preceding the first day of the qualifying period for~~
10 ~~the office sought, to the supervisor of elections of the~~
11 ~~county for which such petition was circulated. Each supervisor~~
12 ~~to whom a petition is submitted shall check the signatures on~~
13 ~~the petition to verify their status as electors in the county,~~
14 ~~district, or other geographical entity represented by the~~
15 ~~office sought. Before the first day for qualifying, the~~
16 ~~supervisor shall certify the number shown as registered~~
17 ~~electors.~~

18 ~~(d)1. Certifications for candidates for federal,~~
19 ~~state, or multicounty district office shall be submitted to~~
20 ~~the Department of State. The Department of State shall~~
21 ~~determine whether the required number of signatures has been~~
22 ~~obtained for the name of the candidate to be placed on the~~
23 ~~ballot and shall notify the candidate.~~

24 ~~2. For candidates for county or district office not~~
25 ~~covered by subparagraph 1., the supervisor of elections shall~~
26 ~~determine whether the required number of signatures has been~~
27 ~~obtained for the name of the candidate to be placed on the~~
28 ~~ballot and shall notify the candidate.~~

29 ~~(e) If the required number of signatures has been~~
30 ~~obtained, the candidate shall, during the time prescribed for~~
31 ~~qualifying for office, submit a copy of the notice received~~

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1 ~~under paragraph (d) and file his or her qualifying papers and~~
 2 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

3 Section 5. Effective January 1, 2005, section 99.096,
 4 Florida Statutes, is amended to read:

5 99.096 Minor party candidates; names on ballot.--

6 (1) The executive committee of a minor political party
 7 shall, no later than noon of the third day prior to the first
 8 day of the qualifying period prescribed for federal
 9 candidates, submit to the Department of State a list of
 10 federal candidates nominated by the party to be on the general
 11 election ballot. ~~and~~ No later than noon of the third day prior
 12 to the first day of the qualifying period for state
 13 candidates, the executive committee of a minor party must
 14 ~~submit to the Department of State~~ the official list of the
 15 state, multicounty, and county ~~respective~~ candidates nominated
 16 by that party to be on the ballot in the general election to
 17 the filing officer for each of the candidates. ~~The Department~~
 18 ~~of State shall notify the appropriate supervisors of elections~~
 19 ~~of the name of each minor party candidate eligible to qualify~~
 20 ~~before such supervisor.~~ The official list of nominated
 21 candidates may not be changed by the party after having been
 22 filed with the filing officers ~~Department of State~~, except
 23 that candidates who have qualified may withdraw from the
 24 ballot pursuant to the provisions of this code, and vacancies
 25 in nominations may be filled pursuant to s. 100.111.

26 (2) Each person seeking to qualify for election as a
 27 candidate of a minor party shall file his or her qualifying
 28 ~~qualification~~ papers with, and pay the qualifying fee and, if
 29 one has been levied, the party assessment, or qualify by the
 30 petition process pursuant to s. 99.095 ~~alternative method~~
 31 ~~prescribed in subsection (3),~~ with the officer and at the

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1 times and under the circumstances provided in s. 99.061.

2 ~~(3)(a) A minor party candidate may, in lieu of paying~~
3 ~~the qualifying fee and party assessment, qualify for office by~~
4 ~~the alternative method prescribed in this subsection. A~~
5 ~~candidate using this petitioning process shall file an oath~~
6 ~~with the officer before whom the candidate would qualify for~~
7 ~~the office stating that he or she intends to qualify by this~~
8 ~~alternative method. If the person is running for an office~~
9 ~~that requires a group or district designation, the candidate~~
10 ~~must indicate the designation in his or her oath. The oath~~
11 ~~must be filed at any time after the first Tuesday after the~~
12 ~~first Monday in January of the year in which the election is~~
13 ~~held, but before the 21st day preceding the first day of the~~
14 ~~qualifying period for the office sought. The Department of~~
15 ~~State shall prescribe the form to be used in administering and~~
16 ~~filing the oath. Signatures may not be obtained by a candidate~~
17 ~~on any petition until the candidate has filed the oath~~
18 ~~required in this section. Upon receipt of the written oath~~
19 ~~from a candidate, the qualifying officer shall provide the~~
20 ~~candidate with petition forms in sufficient numbers to~~
21 ~~facilitate the gathering of signatures. If the candidate is~~
22 ~~running for an office that requires a group or district~~
23 ~~designation, the petition must indicate that designation or~~
24 ~~the signatures on such petition will not be counted.~~

25 ~~(b) A candidate shall obtain the signatures of a~~
26 ~~number of qualified electors in the geographical entity~~
27 ~~represented by the office sought equal to 1 percent of the~~
28 ~~registered electors in the geographical entity represented by~~
29 ~~the office sought, as shown by the compilation by the~~
30 ~~Department of State for the last preceding general election.~~

31 ~~(c) Each petition shall be submitted prior to noon of~~

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1 ~~the 21st day preceding the first day of the qualifying period~~
2 ~~for the office sought to the supervisor of elections of the~~
3 ~~county for which the petition was circulated. Each supervisor~~
4 ~~to whom a petition is submitted shall check the signatures on~~
5 ~~the petition to verify their status as electors in the county,~~
6 ~~district, or other geographical entity represented by the~~
7 ~~office sought. Before the first day for qualifying, the~~
8 ~~supervisor shall certify the number shown as registered~~
9 ~~electors.~~

10 ~~(d)1. Certifications for candidates for federal,~~
11 ~~state, or multicounty district office shall be submitted to~~
12 ~~the Department of State. The Department of State shall~~
13 ~~determine whether the required number of signatures has been~~
14 ~~obtained for the name of the candidate to be placed on the~~
15 ~~ballot and shall notify the candidate.~~

16 ~~2. For candidates for county or district office not~~
17 ~~covered by subparagraph 1., the supervisor of elections shall~~
18 ~~determine whether the required number of signatures has been~~
19 ~~obtained for the name of the candidate to be placed on the~~
20 ~~ballot and shall notify the candidate.~~

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

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

30 Section 6. Subsection (1) of section 100.011, Florida
31 Statutes, is amended to read:

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1 100.011 Opening and closing of polls, all elections;
 2 expenses.--
 3 (1) The polls shall be open at the voting places at
 4 7:00 a.m., on the day of the election, and shall be kept open
 5 until 7:00 p.m., of the same day, and the time shall be
 6 regulated by the customary time in standard use in the county
 7 seat of the locality. The inspectors shall make public
 8 proclamation of the opening and closing of the polls. During
 9 the election and canvass of the votes, the ballot box shall
 10 not be concealed. Any elector in line at the official closing
 11 of the polls shall be allowed to cast a vote in that election.

12 Section 7. Paragraph (b) of subsection (4) of section
 13 100.111, Florida Statutes, is amended to read:

14 100.111 Filling vacancy.--

15 (4)

16 (b) If the vacancy in nomination occurs later than
 17 September 15, or if the vacancy in nomination occurs with
 18 respect to a candidate of a minor political party which has
 19 obtained a position on the ballot, no special primary election
 20 shall be held and the Department of State shall notify the
 21 chair of the appropriate state, district, or county political
 22 party executive committee of such party; and, within 7 days,
 23 the chair shall call a meeting of his or her executive
 24 committee to consider designation of a nominee to fill the
 25 vacancy. The name of any person so designated shall be
 26 submitted to the Department of State within 14 days ~~after of~~
 27 ~~notice to the chair in order that the person designated may~~
 28 ~~have his or her name printed or otherwise placed on the ballot~~
 29 ~~of the ensuing general election, but in no event shall the~~
 30 ~~supervisor of elections be required to place on a ballot a~~
 31 ~~name submitted less than 21 days prior to the election. If the~~

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1 name of the new nominee is submitted after the ballots have
2 been printed or programmed into the machines and the
3 supervisor of elections is not able to reprint or reprogram
4 the ballots or otherwise strike the former nominee's name and
5 insert the new nominee's name ~~vacancy occurs less than 21 days~~
6 ~~prior to the election~~, the person designated by the political
7 party will replace the former party nominee even though the
8 former party nominee's name will be on the ballot. Any ballots
9 cast for the former party nominee will be counted for the
10 person designated by the political party to replace the former
11 party nominee. If there is no opposition to the party nominee,
12 the person designated by the political party to replace the
13 former party nominee will be elected to office at the general
14 election. For purposes of this paragraph, the term "district
15 political party executive committee" means the members of the
16 state executive committee of a political party from those
17 counties comprising the area involving a district office.

18 Section 8. Subsection (1) of section 101.031, Florida
19 Statutes, is amended to read:

20 101.031 Instructions for electors.--

21 (1) The Department of State, or in case of municipal
22 elections the governing body of the municipality, shall print,
23 in large type on cards, instructions for the electors to use
24 in voting. ~~It shall provide not less than two cards for each~~
25 ~~voting precinct for each election and furnish such cards to~~
26 ~~each supervisor upon requisition.~~ Each supervisor of elections
27 shall send a sufficient number of these cards to the precincts
28 prior to an election. The election inspectors shall display
29 the cards in the polling places as information for electors.
30 The cards shall contain information about how to vote and such
31 other information as the Department of State may deem

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1 necessary. The cards must also include the list of rights and
2 responsibilities afforded to Florida voters, as described in
3 subsection (2).

4 Section 9. Effective January 1, 2006, subsections (2)
5 and (4) of section 101.048, Florida Statutes, are amended to
6 read:

7 101.048 Provisional ballots.--

8 (2)(a) The county canvassing board shall examine each
9 Provisional Ballot Voter's Certificate and Affirmation
10 ~~envelope~~ to determine if the person voting that ballot was
11 entitled to vote at the precinct where the person cast a vote
12 in the election and that the person had not already cast a
13 ballot in the election.

14 (b)1. If it is determined that the person was
15 registered and entitled to vote at the precinct where the
16 person cast a vote in the election, the canvassing board shall
17 compare the signature on the Provisional Ballot Voter's
18 Certificate and Affirmation ~~envelope~~ with the signature on the
19 voter's registration and, if it matches, shall count the
20 ballot.

21 2. If it is determined that the person voting the
22 provisional ballot was not registered or entitled to vote at
23 the precinct where the person cast a vote in the election, the
24 provisional ballot shall not be counted and the ballot shall
25 remain in the envelope containing the Provisional Ballot
26 Voter's Certificate and Affirmation and the envelope shall be
27 marked "Rejected as Illegal."

28 (4) Notwithstanding subsections (1)-(3) in counties
29 ~~where the voting system does not utilize a paper ballot~~, the
30 supervisor of elections may, and for persons with disabilities
31 shall, provide the appropriate provisional ballot to the voter

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1 by electronic means which meet the requirements of s.
2 101.56062 as provided for by the certified voting system. Each
3 person casting a provisional ballot by electronic means shall,
4 prior to casting his or her ballot, complete the Provisional
5 Ballot Voter's Certificate and Affirmation as provided in
6 subsection (3).

7 Section 10. Effective January 1, 2006, subsection (5)
8 of section 101.049, Florida Statutes, is amended to read:

9 101.049 Provisional ballots; special circumstances.--

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

14 Section 11. Subsections (1) and (2) of section
15 101.131, Florida Statutes, are amended to read:

16 101.131 Watchers at polls.--

17 (1) Each ~~political party and each~~ candidate may have
18 one poll watcher and each political party may have one poll
19 watcher and one at-large poll watcher in each polling room at
20 any one time during the election. No poll watcher shall be
21 permitted to come closer to the officials' table or the voting
22 booths than is reasonably necessary to properly perform his or
23 her functions, but each shall be allowed within the polling
24 room to watch and observe the conduct of electors and
25 officials. The poll watchers shall furnish their own materials
26 and necessities and shall not obstruct the orderly conduct of
27 any election. Each poll watcher shall be a qualified and
28 registered elector of the county in which he or she serves.

29 (2) Each political party and each candidate requesting
30 to have poll watchers shall designate, in writing, poll
31 watchers for each polling room precinct prior to noon of the

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1 second Tuesday preceding the election. Each political party
 2 may designate at least five additional at-large poll watchers,
 3 or one additional at-large poll watcher for every 10,000
 4 registered voters, whichever is greater, who shall be approved
 5 and have access to all polling rooms. The poll watchers for
 6 ~~each precinct~~ shall be approved by the supervisor of elections
 7 on or before the Tuesday before the election. The supervisor
 8 shall furnish to each polling room precinct a list of the poll
 9 watchers designated and approved for such polling room and a
 10 list of at-large poll watchers approved for all polling rooms
 11 ~~precinct.~~

12 Section 12. Subsection (1) of section 101.151, Florida
 13 Statutes, is amended to read:

14 101.151 Specifications for ballots.--

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

19 Section 13. Section 101.171, Florida Statutes, is
 20 amended to read:

21 101.171 Copy of constitutional amendment ~~to be~~
 22 ~~posted.~~--Whenever any amendment to the State Constitution is
 23 to be voted upon at any election, the Department of State
 24 shall have printed, and shall furnish to each supervisor of
 25 elections, a sufficient number of copies of the amendment
 26 either in poster or booklet form, and the supervisor shall
 27 have a copy thereof conspicuously posted or available at each
 28 precinct upon the day of election.

29 Section 14. Subsection (3) of section 101.253, Florida
 30 Statutes, is amended to read:

31 101.253 When names not to be printed on ballot.--

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

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

7 (b) Reprint or reprogram the ballot; or

8 (c) Provide notice in a newspaper of general
9 circulation in the county, post a notice in each voting booth,
10 and provide an insert with each absentee ballot mailed to a
11 voter explaining the consequences of a vote for the former
12 candidate. In no case shall the supervisor be required to
13 print on the ballot a name which is submitted less than 21
14 days prior to the election. In the event the ballots are
15 printed 21 days or more prior to the election, the name of any
16 candidate whose death, resignation, removal, or withdrawal
17 created a vacancy in office or nomination shall be stricken
18 from the ballot with a rubber stamp or appropriate printing
19 device, and the name of the new nominee shall be inserted on
20 the ballot in a like manner. The supervisor may, as an
21 alternative, reprint the ballots to include the name of the
22 new nominee.

23 Section 15. Section 101.294, Florida Statutes, is
24 amended to read:

25 101.294 Purchase and sale of voting equipment.--

26 (1) The Division of Elections of the Department of
27 State shall adopt uniform rules for the purchase, use, and
28 sale of voting equipment in the state. No governing body shall
29 purchase, ~~or~~ cause to be purchased, or deploy any voting
30 equipment unless such equipment has been certified for use in
31 this state by the Department of State.

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1 (2) Any governing body contemplating the purchase or
2 sale of voting equipment shall notify the Division of
3 Elections of such considerations. The division shall attempt
4 to coordinate the sale of excess or outmoded equipment by one
5 county with purchases of necessary equipment by other
6 counties.

7 (3) The division shall inform the governing bodies of
8 the various counties of the state of the availability of new
9 or used voting equipment and of sources available for
10 obtaining such equipment.

11 (4) No vendor of voting equipment shall provide an
12 uncertified voting system, voting system component, or voting
13 system upgrade to a governing body or supervisor of elections
14 in this state.

15 (5) Prior to or in conjunction with providing a voting
16 system, voting system component, or voting system upgrade, the
17 vendor shall provide the governing body or supervisor of
18 elections with a sworn certification that the voting system,
19 voting system component, or voting system upgrade being
20 provided has been certified by the Division of Elections.

21 Section 16. Section 101.295, Florida Statutes, is
22 amended to read:

23 101.295 Penalties for violation.--

24 (1) Any member of a governing body which purchases or
25 sells voting equipment in violation of the provisions of ss.
26 101.292-101.295, which member knowingly votes to purchase or
27 sell voting equipment in violation of the provisions of ss.
28 101.292-101.295, ~~commits is guilty of~~ a misdemeanor of the
29 first degree, punishable as provided by s. 775.082 or s.
30 775.083, and shall be subject to suspension from office on the
31 grounds of malfeasance.

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1 (2) Any vendor of voting equipment, chief executive
2 officer of such a vendor, or vendor representative who
3 provides a voting system, voting system component, or voting
4 system upgrade in violation of the provisions of this chapter
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, or s. 775.084.

7 Section 17. Subsection (4) of section 101.5606,
8 Florida Statutes, is amended, and, effective January 1, 2006,
9 subsection (16) is added to that section, to read:

10 101.5606 Requirements for approval of systems.--No
11 electronic or electromechanical voting system shall be
12 approved by the Department of State unless it is so
13 constructed that:

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

18 (16) All electronic voter interface devices are
19 capable of allowing voters to cast both regular and
20 provisional ballots while allowing the elections administrator
21 to preserve the secrecy of voted ballots.

22 Section 18. Subsection (1) of section 101.595, Florida
23 Statutes, is amended to read:

24 101.595 Analysis and reports of voting problems.--

25 (1) No later than December 15 of each general election
26 year, the supervisor of elections in each county shall report
27 to the Department of State the total number of overvotes and
28 undervotes in either the presidential or the gubernatorial
29 race, whichever is applicable ~~the first race appearing on the~~
30 ~~ballot pursuant to s. 101.151(2)~~, along with the likely
31 reasons for such overvotes and undervotes and other

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1 information as may be useful in evaluating the performance of
2 the voting system and identifying problems with ballot design
3 and instructions which may have contributed to voter
4 confusion.

5 Section 19. Subsection (1) of section 101.6103,
6 Florida Statutes, is amended, subsection (6) is renumbered as
7 subsection (7), and a new subsection (6) is added to that
8 section, to read:

9 101.6103 Mail ballot election procedure.--

10 (1) Except as otherwise provided in subsection(7)
11 ~~(6)~~, the supervisor of elections shall mail all official
12 ballots with a secrecy envelope, a return mailing envelope,
13 and instructions sufficient to describe the voting process to
14 each elector entitled to vote in the election not sooner than
15 the 20th day before the election and not later than the 10th
16 day before the date of the election. All such ballots shall be
17 mailed by first-class mail. Ballots shall be addressed to each
18 elector at the address appearing in the registration records
19 and placed in an envelope which is prominently marked "Do Not
20 Forward."

21 (6) The canvassing board may begin the canvassing of
22 mail ballots at 7 a.m. on the fourth day before the election,
23 including processing the ballots through the tabulating
24 equipment. However, no results shall be released until after 7
25 p.m. on the day of the election. Any canvassing board member
26 or election employee who releases any result prior to 7 p.m.
27 on the day of the election commits a felony of the third
28 degree, punishable as provided in s. 775.082, s. 775.083, or
29 s. 775.084.

30 (7)(6) With respect to absent electors overseas
31 entitled to vote in the election, the supervisor of elections

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1 shall mail an official ballot with a secrecy envelope, a
2 return mailing envelope, and instructions sufficient to
3 describe the voting process to each such elector on a date
4 sufficient to allow such elector time to vote in the election
5 and to have his or her marked ballot reach the supervisor by 7
6 p.m. on the day of the election.

7 Section 20. Section 101.62, Florida Statutes, is
8 amended to read:

9 101.62 Request for absentee ballots.--

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

20 (b) The supervisor may accept a written or telephonic
21 request for an absentee ballot from the elector, or, if
22 directly instructed by the elector, a member of the elector's
23 immediate family, or the elector's legal guardian. For
24 purposes of this section, the term "immediate family" has the
25 same meaning as specified in paragraph(3)(4)(b). The person
26 making the request must disclose:

- 27 1. The name of the elector for whom the ballot is
28 requested;
- 29 2. The elector's address;
- 30 3. The elector's date of birth;
- 31 4. The requester's name;

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- 1 5. The requester's address;
- 2 6. The requester's driver's license number, if
- 3 available;
- 4 7. The requester's relationship to the elector; and
- 5 8. The requester's signature (written requests only).

6 ~~(2) If a request for an absentee ballot is received~~
 7 ~~after the Friday before the election by the supervisor of~~
 8 ~~elections from an absent elector overseas, the supervisor~~
 9 ~~shall send a notice to the elector acknowledging receipt of~~
 10 ~~his or her request and notifying the elector that the ballot~~
 11 ~~will not be forwarded due to insufficient time for return of~~
 12 ~~the ballot by the required deadline.~~

13 ~~(2)(3)~~ For each request for an absentee ballot
 14 received, the supervisor shall record the date the request was
 15 made, the date the absentee ballot was delivered or mailed,
 16 the date the ballot was received by the supervisor, and such
 17 other information he or she may deem necessary. This
 18 information shall be confidential and exempt from the
 19 provisions of s. 119.07(1) and shall be made available to or
 20 reproduced only for a canvassing board, an election official,
 21 a political party or official thereof, a candidate who has
 22 filed qualification papers and is opposed in an upcoming
 23 election, and registered political committees or registered
 24 committees of continuous existence, for political purposes
 25 only.

26 ~~(3)(4)~~(a) To each absent qualified elector overseas
 27 who has requested an absentee ballot, the supervisor of
 28 elections shall, not fewer than 35 days before the first
 29 primary election, mail an absentee ballot. Not fewer than 45
 30 days before the second primary and general election, the
 31 supervisor of elections shall mail an absentee ballot. ~~If the~~

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

31 (b) As soon as the remainder of the absentee ballots

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1 are printed, the supervisor shall provide an absentee ballot
2 to each elector by whom a request for that ballot has been
3 made by one of the following means:

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

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

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

12 c. The elector is in a hospital, assisted-living
13 facility, nursing home, short-term medical or rehabilitation
14 facility, or correctional facility,

15
16 in which case the supervisor shall mail the ballot by
17 nonforwardable, return-if-undeliverable mail to any other
18 address the elector specifies in the request.

19 2. By forwardable mail to voters who are entitled to
20 vote by absentee ballot under the Uniformed and Overseas
21 Citizens Absentee Voting Act.

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

24 4. By delivery to a designee on election day or up to
25 4 days prior to the day of an election. Any elector may
26 designate in writing a person to pick up the ballot for the
27 elector; however, the person designated may not pick up more
28 than two absentee ballots per election, other than the
29 designee's own ballot, except that additional ballots may be
30 picked up for members of the designee's immediate family. For
31 purposes of this section, "immediate family" means the

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1 designee's spouse or the parent, child, grandparent, or
2 sibling of the designee or of the designee's spouse. The
3 designee shall provide to the supervisor the written
4 authorization by the elector and a picture identification of
5 the designee and must complete an affidavit. The designee
6 shall state in the affidavit that the designee is authorized
7 by the elector to pick up that ballot and shall indicate if
8 the elector is a member of the designee's immediate family
9 and, if so, the relationship. The department shall prescribe
10 the form of the affidavit. If the supervisor is satisfied that
11 the designee is authorized to pick up the ballot and that the
12 signature of the elector on the written authorization matches
13 the signature of the elector on file, the supervisor shall
14 give the ballot to that designee for delivery to the elector.

15 ~~(4)(5)~~ In the event that the Elections Canvassing
16 Commission is unable to certify the results of an election for
17 a state office in time to comply with subsection ~~(3)(4)~~, the
18 Department of State is authorized to prescribe rules for a
19 ballot to be sent to absent electors overseas.

20 ~~(5)(6)~~ Nothing other than the materials necessary to
21 vote absentee shall be mailed or delivered with any absentee
22 ballot.

23 Section 21. Section 101.64, Florida Statutes, is
24 amended to read:

25 101.64 Delivery of absentee ballots; envelopes;
26 form.--

27 (1) The supervisor shall enclose with each absentee
28 ballot two envelopes: a secrecy envelope, into which the
29 absent elector shall enclose his or her marked ballot; and a
30 mailing envelope, into which the absent elector shall then
31 place the secrecy envelope, which shall be addressed to the

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1 supervisor and also bear on the back side a certificate in
2 substantially the following form:

3

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

6

7 VOTER'S CERTIFICATE

8 I, _____, do solemnly swear or affirm that I am a
9 qualified and registered voter of _____ County, Florida, and
10 that I have not and will not vote more than one ballot in this
11 election. I understand that if I commit or attempt to commit
12 any fraud in connection with voting, vote a fraudulent ballot,
13 or vote more than once in an election, I can be convicted of a
14 felony of the third degree and fined up to \$5,000 and/or
15 imprisoned for up to 5 years. I also understand that failure
16 to sign this certificate ~~and have my signature properly~~
17 ~~witnessed~~ will invalidate my ballot.

18

19 ... (Date) (Voter's Signature) ...

20

21 ~~Note: Your Signature Must Be Witnessed By One Witness~~
22 ~~18 Years of Age or Older as provided in the Instruction Sheet.~~

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

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

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

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

28 (2) The certificate shall be arranged on the back of
29 the mailing envelope so that the lines for the signature
30 ~~signatures~~ of the absent elector is ~~and the attesting witness~~

31 ~~are~~ across the seal of the envelope; however, no statement

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1 shall appear on the envelope which indicates that a signature
2 of the voter ~~or witness~~ must cross the seal of the envelope.
3 The absent elector ~~and the attesting witness~~ shall execute the
4 certificate on the envelope.

5 (3) In lieu of the Voter's Certificate provided in
6 this section, the supervisor of elections shall provide each
7 person voting absentee under the Uniformed and Overseas
8 Citizens Absentee Voting Act with the standard oath prescribed
9 by the presidential designee.

10 Section 22. Section 101.65, Florida Statutes, is
11 amended to read:

12 101.65 Instructions to absent electors.--The
13 supervisor shall enclose with each absentee ballot separate
14 printed instructions in substantially the following form:

15
16 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

30 4. Place your marked ballot in the enclosed secrecy
31 envelope.

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1 5. Insert the secrecy envelope into the enclosed
2 mailing envelope which is addressed to the supervisor.

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

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

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

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

15 ~~9.10.~~ Mail, deliver, or have delivered the completed
16 mailing envelope. Be sure there is sufficient postage if
17 mailed.

18 ~~10.11.~~ FELONY NOTICE. It is a felony under Florida law
19 to accept any gift, payment, or gratuity in exchange for your
20 vote for a candidate. It is also a felony under Florida law to
21 vote in an election using a false identity or false address,
22 or under any other circumstances making your ballot false or
23 fraudulent.

24 Section 23. Paragraph (c) of subsection (2) of section
25 101.68, Florida Statutes, is amended to read:

26 101.68 Canvassing of absentee ballot.--

27 (2)

28 (c)1. The canvassing board shall, if the supervisor
29 has not already done so, compare the signature of the elector
30 on the voter's certificate with the signature of the elector
31 in the registration books to see that the elector is duly

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1 registered in the county and to determine the legality of that
2 absentee ballot. An absentee ballot shall be considered
3 illegal if it does not include the signature of the elector,
4 as shown by the registration records, ~~and the signature and~~
5 ~~address of an attesting witness~~. However, an absentee ballot
6 shall not be considered illegal if the signature of the
7 elector ~~or attesting witness~~ does not cross the seal of the
8 mailing envelope. If the canvassing board determines that any
9 ballot is illegal, a member of the board shall, without
10 opening the envelope, mark across the face of the envelope:
11 "rejected as illegal." The envelope and the ballot contained
12 therein shall be preserved in the manner that official ballots
13 voted are preserved.

14 2. If any elector or candidate present believes that
15 an absentee ballot is illegal due to a defect apparent on the
16 voter's certificate, he or she may, at any time before the
17 ballot is removed from the envelope, file with the canvassing
18 board a protest against the canvass of that ballot, specifying
19 the precinct, the ballot, and the reason he or she believes
20 the ballot to be illegal. A challenge based upon a defect in
21 the voter's certificate may not be accepted after the ballot
22 has been removed from the mailing envelope.

23 Section 24. Subsection (2) of section 101.6923,
24 Florida Statutes, is amended to read:

25 101.6923 Special absentee ballot instructions for
26 certain first-time voters.--

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

30

31 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR

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1 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
2 BALLOT NOT TO COUNT.

3

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

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

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

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

19 5. Insert the secrecy envelope into the enclosed
20 envelope bearing the Voter's Certificate. Seal the envelope
21 and completely fill out the Voter's Certificate on the back of
22 the envelope.

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

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

28 ~~b.c.~~ If you are an overseas voter, you must include
29 the date you signed the Voter's Certificate on the line above
30 (Date) or your ballot may not be counted.

31 6. Unless you meet one of the exemptions in Item 7.,

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1 you must make a copy of one of the following forms of
2 identification:

3 a. Identification which must include your name and
4 photograph: current and valid Florida driver's license;
5 Florida identification card issued by the Department of
6 Highway Safety and Motor Vehicles; United States passport;
7 employee badge or identification; buyer's club identification
8 card; debit or credit card; military identification; student
9 identification; retirement center identification; neighborhood
10 association identification; entertainment identification; or
11 public assistance identification; or

12 b. Identification which shows your name and current
13 residence address: current utility bill, bank statement,
14 government check, paycheck, or government document (excluding
15 voter identification card).

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

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

19 b. You have a temporary or permanent physical
20 disability.

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

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

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

31 f. You are currently residing outside the United

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1 States.

2 8. Place the envelope bearing the Voter's Certificate
3 into the mailing envelope addressed to the supervisor. Insert
4 a copy of your identification in the mailing envelope. DO NOT
5 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
6 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
7 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

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

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

19 101.694 Mailing of ballots upon receipt of federal
20 postcard application.--

21 (3) Absentee envelopes printed for overseas voters
22 shall meet the specifications as determined by the Division of
23 Elections in conjunction with the Federal Voting Assistance
24 Program of the United States Department of Defense and the
25 United States Postal Service. ~~There shall be printed across~~
26 ~~the face of each envelope in which a ballot is sent to a~~
27 ~~federal postcard applicant, or is returned by such applicant~~
28 ~~to the supervisor, two parallel horizontal red bars, each~~
29 ~~one-quarter inch wide, extending from one side of the envelope~~
30 ~~to the other side, with an intervening space of one-quarter~~
31 ~~inch, the top bar to be 11/4 inches from the top of the~~

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1 ~~envelope, and with the words "Official Election Balloting~~
 2 ~~Material via Air Mail," or similar language, between the bars.~~
 3 ~~There shall be printed in the upper right corner of each such~~
 4 ~~envelope, in a box, the words "Free of U. S. Postage,~~
 5 ~~including Air Mail." All printing on the face of each envelope~~
 6 ~~shall be in red, and there shall be printed in red in the~~
 7 ~~upper left corner of each ballot envelope an appropriate~~
 8 ~~inscription or blanks for return address of sender. Additional~~
 9 ~~specifications may be prescribed by rule of the Division of~~
 10 ~~Elections upon recommendation of the presidential designee~~
 11 ~~under the Uniformed and Overseas Citizens Absentee Voting Act.~~
 12 Otherwise, the envelopes shall be the same as those used in
 13 sending ballots to, or receiving them from, other absentee
 14 voters.

15 Section 26. Subsection (2) of section 101.6952,
 16 Florida Statutes, is amended to read:

17 101.6952 Absentee ballots for overseas voters.--

18 (2) For absentee ballots received from overseas
 19 voters, there is a presumption that the envelope was mailed on
 20 the date stated ~~and witnessed~~ on the outside of the return
 21 envelope, regardless of the absence of a postmark on the
 22 mailed envelope or the existence of a postmark date that is
 23 later than the date of the election.

24 Section 27. Section 101.697, Florida Statutes, is
 25 amended to read:

26 101.697 Electronic transmission of election
 27 materials.--The Department of State shall adopt rules to
 28 authorize a supervisor of elections to accept a request for an
 29 absentee ballot and a voted absentee ballot by facsimile
 30 machine or other electronic means from overseas voters, if the
 31 department can be assured that the security of the

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1 transmission of the ballot is able to be established. The
2 rules must provide that in order to accept a voted ballot, the
3 verification of the voter must be established, the security of
4 the transmission must be established, and each ballot received
5 must be recorded.

6 Section 28. Section 102.012, Florida Statutes, is
7 amended to read:

8 102.012 Inspectors and clerks to conduct elections.--

9 (1) The supervisor of elections of each county, at
10 least 20 days prior to the holding of any election, shall
11 appoint an two election board boards for each precinct in the
12 county; ~~however, the supervisor of elections may, in any~~
13 ~~election, appoint one election board if the supervisor has~~
14 ~~reason to believe that only one is necessary.~~ The clerk shall
15 be in charge of, and responsible for, seeing that the election
16 board carries out its duties and responsibilities. Each
17 inspector and each clerk shall take and subscribe to an oath
18 or affirmation, which shall be written or printed, to the
19 effect that he or she will perform the duties of inspector or
20 clerk of election, respectively, according to law and will
21 endeavor to prevent all fraud, deceit, or abuse in conducting
22 the election. The oath may be taken before an officer
23 authorized to administer oaths or before any of the persons
24 who are to act as inspectors, one of them to swear the others,
25 and one of the others sworn thus, in turn, to administer the
26 oath to the one who has not been sworn. The oaths shall be
27 returned with the poll list and the returns of the election to
28 the supervisor. In all questions that may arise before the
29 members of an election board, the decision of a majority of
30 them shall decide the question. The supervisor of elections of
31 each county shall be responsible for the attendance and

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1 diligent performance of his or her duties by each clerk and
2 inspector.

3 (2) Each member of the election board shall be able to
4 read and write the English language and shall be a registered
5 qualified elector of the county in which the member is
6 appointed or a person who has preregistered to vote, pursuant
7 to s. 97.041(1)(b), in the county in which the member is
8 appointed. No election board shall be composed solely of
9 members of one political party; however, in any primary in
10 which only one party has candidates appearing on the ballot,
11 all clerks and inspectors may be of that party. Any person
12 whose name appears as an opposed candidate for any office
13 shall not be eligible to serve on an election board.

14 (3) The supervisor shall furnish inspectors of
15 election for each precinct with the registration books divided
16 alphabetically as will best facilitate the holding of an
17 election. The supervisor shall also furnish to the inspectors
18 of election at the polling place at each precinct in the
19 supervisor's county a sufficient number of forms and blanks
20 for use on election day.

21 (4)~~(a)~~ The election board of each precinct shall
22 attend the polling place by 6 a.m. of the day of the election
23 and shall arrange the furniture, stationery, and voting
24 equipment.

25 ~~(b)~~ The An election board shall conduct the voting,
26 beginning and closing at the time set forth in s. 100.011. ~~If~~
27 ~~more than one board has been appointed, the second board~~
28 ~~shall, upon the closing of the polls, come on duty and count~~
29 ~~the votes cast. In such case, the first board shall turn over~~
30 ~~to the second board all closed ballot boxes, registration~~
31 ~~books, and other records of the election at the time the~~

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1 ~~boards change. The second board shall continue counting until~~
2 ~~the count is complete or until 7 a.m. the next morning, and,~~
3 ~~if the count is not completed at that time, the first board~~
4 ~~that conducted the election shall again report for duty and~~
5 ~~complete the count. The second board shall turn over to the~~
6 ~~first board all ballots counted, all ballots not counted, and~~
7 ~~all registration books and other records and shall advise the~~
8 ~~first board as to what has transpired in tabulating the~~
9 ~~results of the election.~~

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

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

17 Section 29. Section 102.071, Florida Statutes, is
18 amended to read:

19 102.071 Tabulation of votes and proclamation of
20 results ~~where ballots are used.~~--The election board shall post
21 at the polls, for the benefit of the public, the results of
22 the voting for each office or other item on the ballot as the
23 count is completed. Upon completion of all counts in all
24 races, a certificate ~~triplicate certificates~~ of the results
25 shall be drawn up by the inspectors and clerk at each precinct
26 upon a form provided by the supervisor of elections which
27 shall contain the name of each person voted for, for each
28 office, and the number of votes cast for each person for such
29 office; and, if any question is submitted, the certificate
30 shall also contain the number of votes cast for and against
31 the question. The certificate shall be signed by the

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1 inspectors and clerk, and ~~one of the certificates~~ shall be
2 delivered without delay ~~by one of the inspectors~~, securely
3 sealed, to the supervisor for immediate publication; ~~the~~
4 ~~duplicate copy of the certificate shall be delivered to the~~
5 ~~county court judge; and the remaining copy shall be enclosed~~
6 ~~in the ballot box together with the oaths of inspectors and~~
7 ~~clerks~~. All the ballot boxes, ballots, ballot stubs,
8 memoranda, and papers of all kinds used in the election shall
9 also be transmitted, after being sealed by the inspectors, to
10 ~~with the certificates of result of the election to be filed in~~
11 the supervisor's office. Registration books and the poll lists
12 shall not be placed in the ballot boxes but shall be returned
13 to the supervisor.

14 Section 30. Subsection (3) is added to section
15 102.111, Florida Statutes, to read:

16 102.111 Elections Canvassing Commission.--

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

20 Section 31. Subsections (3), (4), (5), (6), and (8) of
21 section 102.141, Florida Statutes, are amended to read:

22 102.141 County canvassing board; duties.--

23 (3) The canvass, except the canvass of absentee
24 electors' returns and the canvass of provisional ballots,
25 shall be made from the returns and certificates of the
26 inspectors as signed and filed by them with the ~~county court~~
27 ~~judge and supervisor, respectively~~, and the county canvassing
28 board shall not change the number of votes cast for a
29 candidate, nominee, constitutional amendment, or other measure
30 submitted to the electorate of the county, respectively, in
31 any polling place, as shown by the returns. All returns shall

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1 be made to the board on or before 2 a.m. of the day following
2 any primary, general, special, or other election. If the
3 returns from any precinct are missing, if there are any
4 omissions on the returns from any precinct, or if there is an
5 obvious error on any such returns, the canvassing board shall
6 order a retabulation ~~recount~~ of the returns from such
7 precinct. Before canvassing such returns, the canvassing board
8 shall examine the tabulation of the ballots cast in such
9 precinct and determine whether the returns correctly reflect
10 the votes cast. If there is a discrepancy between the returns
11 and the tabulation of the ballots cast, the tabulation of the
12 ballots cast shall be presumed correct and such votes shall be
13 canvassed accordingly.

14 (4) The canvassing board shall submit unofficial
15 returns on forms or formats provided by the division to the
16 Department of State for each federal, statewide, state, or
17 multicounty office or ballot measure no later than noon on the
18 second day after any primary, general, special, or other
19 election. Such returns shall include the canvass of all
20 ballots as required by subsection (2).

21 (5) If the county canvassing board determines that the
22 unofficial returns may contain a counting error in which the
23 vote tabulation system failed to count votes that were
24 properly marked in accordance with the instructions on the
25 ballot, the county canvassing board shall:

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

28 (b) Request that the Department of State verify the
29 tabulation software. When the Department of State verifies
30 such software, the department shall compare the software used
31 to tabulate the votes with the software filed with the

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1 department pursuant to s. 101.5607 and check the election
2 parameters.

3 (6) If the unofficial returns reflect that a candidate
4 for any office was defeated or eliminated by one-half of a
5 percent or less of the votes cast for such office, that a
6 candidate for retention to a judicial office was retained or
7 not retained by one-half of a percent or less of the votes
8 cast on the question of retention, or that a measure appearing
9 on the ballot was approved or rejected by one-half of a
10 percent or less of the votes cast on such measure, the board
11 responsible for certifying the results of the vote on such
12 race or measure shall order a recount of the votes cast with
13 respect to such office or measure. The county canvassing board
14 is the board responsible for ordering county and local
15 recounts. The Elections Canvassing Commission is the board
16 responsible for ordering federal, state, and multicounty
17 recounts. A recount need not be ordered with respect to the
18 returns for any office, however, if the candidate or
19 candidates defeated or eliminated from contention for such
20 office by one-half of a percent or less of the votes cast for
21 such office request in writing that a recount not be made.

22 (a) ~~In counties with voting systems that use paper~~
23 ~~ballots,~~ Each canvassing board responsible for conducting a
24 recount shall put each marksense ballot through automatic
25 tabulating equipment and determine whether the returns
26 correctly reflect the votes cast. If any marksense ~~paper~~
27 ballot is physically damaged so that it cannot be properly
28 counted by the automatic tabulating equipment during the
29 recount, a true duplicate shall be made of the damaged ballot
30 pursuant to the procedures in s. 101.5614(5). Immediately
31 before the start of the recount ~~and after completion of the~~

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1 ~~count~~, a test of the tabulating equipment shall be conducted
2 as provided in s. 101.5612. If the test indicates no error,
3 the recount tabulation of the ballots cast shall be presumed
4 correct and such votes shall be canvassed accordingly. If an
5 error is detected, the cause therefor shall be ascertained and
6 corrected and the recount repeated, as necessary. The
7 canvassing board shall immediately report the error, along
8 with the cause of the error and the corrective measures being
9 taken, to the Department of State. No later than 11 days after
10 the election, the canvassing board shall file a separate
11 incident report with the Department of State, detailing the
12 resolution of the matter and identifying any measures that
13 will avoid a future recurrence of the error.

14 (b) ~~In counties with voting systems that do not use~~
15 ~~paper ballots~~, Each canvassing board responsible for
16 conducting a recount where touchscreen ballots were used shall
17 examine the counters on the precinct tabulators to ensure that
18 the total of the returns on the precinct tabulators equals the
19 overall election return. If there is a discrepancy between the
20 overall election return and the counters of the precinct
21 tabulators, the counters of the precinct tabulators shall be
22 presumed correct and such votes shall be canvassed
23 accordingly.

24 (c) The canvassing board shall submit a second set of
25 unofficial returns on forms or formats provided by the
26 division to the Department of State for each federal,
27 statewide, state, or multicounty office or ballot measure no
28 later than noon on the fourth ~~third~~ day after any election in
29 which a recount was conducted pursuant to this subsection. If
30 the canvassing board is unable to complete the recount
31 prescribed in this subsection by the deadline, the second set

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1 of unofficial returns submitted by the canvassing board shall
2 be identical to the initial unofficial returns and the
3 submission shall also include a detailed explanation of why it
4 was unable to timely complete the recount. However, the
5 canvassing board shall complete the recount prescribed in this
6 subsection, along with any manual recount prescribed in s.
7 102.166, and certify election returns in accordance with the
8 requirements of this chapter.

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

13 (8) At the same time that the official results of an
14 election are certified to the Department of State, the county
15 canvassing board shall file a report with the Division of
16 Elections on the conduct of the election. The report shall
17 contain information relating to any problems incurred as a
18 result of equipment malfunctions either at the precinct level
19 or at a counting location, any difficulties or unusual
20 circumstances encountered by an election board or the
21 canvassing board, and any other additional information which
22 the canvassing board feels should be made a part of the
23 official election record. Such reports shall be maintained on
24 file in the Division of Elections and shall be available for
25 public inspection. The division shall utilize the reports
26 submitted by the canvassing boards to determine what problems
27 may be likely to occur in other elections and disseminate such
28 information, along with possible solutions, to the supervisors
29 of elections.

30 Section 32. Section 102.168, Florida Statutes, is
31 amended to read:

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1 102.168 Contest of election.--

2 (1) Except as provided in s. 102.171, the
 3 certification of election or nomination of any person to
 4 office, or of the result on any question submitted by
 5 referendum, may be contested in the circuit court by any
 6 unsuccessful candidate for such office or nomination thereto
 7 or by any elector qualified to vote in the election related to
 8 such candidacy, or by any taxpayer, respectively.

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

15 (3) The complaint shall set forth the grounds on which
 16 the contestant intends to establish his or her right to such
 17 office or set aside the result of the election on a submitted
 18 referendum. The grounds for contesting an election under this
 19 section are:

20 (a) Misconduct, fraud, or corruption on the part of
 21 any election official or any member of the canvassing board
 22 sufficient to change or place in doubt the result of the
 23 election.

24 (b) Ineligibility of the successful candidate for the
 25 nomination or office in dispute.

26 (c) Receipt of a number of illegal votes or rejection
 27 of a number of legal votes sufficient to change or place in
 28 doubt the result of the election.

29 (d) Proof that any elector, election official, or
 30 canvassing board member was given or offered a bribe or reward
 31 in money, property, or any other thing of value for the

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1 purpose of procuring the successful candidate's nomination or
2 election or determining the result on any question submitted
3 by referendum.

4 (4) The county canvassing board ~~or Elections~~
5 ~~Canvassing Commission~~ shall be an indispensable and the proper
6 party defendant in county and local elections; the Elections
7 Canvassing Commission shall be an indispensable and proper
8 party defendant in federal, state, and multicounty races; and
9 the successful candidate shall be an indispensable party to
10 any action brought to contest the election or nomination of a
11 candidate.

12 (5) A statement of the grounds of contest may not be
13 rejected, nor the proceedings dismissed, by the court for any
14 want of form if the grounds of contest provided in the
15 statement are sufficient to clearly inform the defendant of
16 the particular proceeding or cause for which the nomination or
17 election is contested.

18 (6) A copy of the complaint shall be served upon the
19 defendant and any other person named therein in the same
20 manner as in other civil cases under the laws of this state.
21 Within 10 days after the complaint has been served, the
22 defendant must file an answer admitting or denying the
23 allegations on which the contestant relies or stating that the
24 defendant has no knowledge or information concerning the
25 allegations, which shall be deemed a denial of the
26 allegations, and must state any other defenses, in law or
27 fact, on which the defendant relies. If an answer is not filed
28 within the time prescribed, the defendant may not be granted a
29 hearing in court to assert any claim or objection that is
30 required by this subsection to be stated in an answer.

31 (7) Any candidate, qualified elector, or taxpayer

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1 presenting such a contest to a circuit judge is entitled to an
2 immediate hearing. However, the court in its discretion may
3 limit the time to be consumed in taking testimony, with a view
4 therein to the circumstances of the matter and to the
5 proximity of any succeeding election.

6 Section 33. Subsection (3) of section 105.031, Florida
7 Statutes, is amended to read:

8 105.031 Qualification; filing fee; candidate's oath;
9 items required to be filed.--

10 (3) QUALIFYING FEE.--Each candidate qualifying for
11 election to a judicial office or the office of school board
12 member, except write-in judicial or school board candidates,
13 shall, during the time for qualifying, pay to the officer with
14 whom he or she qualifies a qualifying fee, which shall consist
15 of a filing fee and an election assessment, or qualify by the
16 alternative method. The amount of the filing fee is 3 percent
17 of the annual salary of the office sought. The amount of the
18 election assessment is 1 percent of the annual salary of the
19 office sought. The Department of State shall forward all
20 filing fees to the Department of Revenue for deposit in the
21 Elections Commission Trust Fund. The supervisor of elections
22 shall forward all filing fees to the Elections Commission
23 Trust Fund. The election assessment shall be deposited into
24 the Elections Commission Trust Fund. The annual salary of the
25 office for purposes of computing the qualifying fee shall be
26 computed by multiplying 12 times the monthly salary authorized
27 for such office as of July 1 immediately preceding the first
28 day of qualifying. This subsection shall not apply to
29 candidates qualifying for retention to judicial office.

30 Section 34. Effective January 1, 2005, section
31 105.035, Florida Statutes, is amended to read:

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1 105.035 Alternative method of qualifying for certain
2 judicial offices and the office of school board member.--

3 (1) A person seeking to qualify for election to the
4 office of circuit judge or county court judge or the office of
5 school board member may qualify for election to such office by
6 means of the petitioning process prescribed in this section. A
7 person qualifying by this alternative method shall not be
8 required to pay the qualifying fee required by this chapter. ~~A~~
9 ~~person using this petitioning process shall file an oath with~~
10 ~~the officer before whom the candidate would qualify for the~~
11 ~~office stating that he or she intends to qualify by this~~
12 ~~alternative method for the office sought. Such oath shall be~~
13 ~~filed at any time after the first Tuesday after the first~~
14 ~~Monday in January of the year in which the election is held,~~
15 ~~but prior to the 21st day preceding the first day of the~~
16 ~~qualifying period for the office sought. The form of such oath~~
17 ~~shall be prescribed by the Division of Elections. No~~
18 ~~signatures shall be obtained until the person has filed the~~
19 ~~oath prescribed in this subsection.~~

20 (2) ~~Upon receipt of a written oath from a candidate,~~
21 ~~the qualifying officer shall provide~~ The candidate with a
22 petition format shall be prescribed by the Division of
23 Elections and shall ~~to~~ be used by the candidate to reproduce
24 petitions for circulation. If the candidate is running for an
25 office which will be grouped on the ballot with two or more
26 similar offices to be filled at the same election, the
27 candidate's petition must indicate, prior to the obtaining of
28 registered electors' signatures, for which group or district
29 office the candidate is running.

30 (3) Each candidate for election to a judicial office
31 or the office of school board member shall obtain the

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1 signature of a number of qualified electors equal to at least
2 1 percent of the total number of registered electors of the
3 district, circuit, county, or other geographic entity
4 represented by the office sought as shown by the compilation
5 by the Department of State for the last preceding general
6 election. A separate petition shall be circulated for each
7 candidate availing himself or herself of the provisions of
8 this section. No signatures may be obtained until the
9 candidate has filed the appointment of campaign treasurer and
10 designation of campaign depository pursuant to s. 106.021.

11 (4)(a) Each candidate seeking to qualify for election
12 to the office of circuit judge or the office of school board
13 member from a multicounty school district pursuant to this
14 section shall file a separate petition from each county from
15 which signatures are sought. Each petition shall be submitted,
16 prior to noon of the 28th ~~21st~~ day preceding the first day of
17 the qualifying period for the office sought, to the supervisor
18 of elections of the county for which such petition was
19 circulated. Each supervisor of elections to whom a petition is
20 submitted shall check the signatures on the petition to verify
21 their status as electors of that county and of the geographic
22 area represented by the office sought. No later than the 7th
23 day prior to the first date for qualifying, the supervisor
24 shall certify the number shown as registered electors and
25 submit such certification to the Division of Elections. The
26 division shall determine whether the required number of
27 signatures has been obtained for the name of the candidate to
28 be placed on the ballot and shall notify the candidate. If the
29 required number of signatures has been obtained, the candidate
30 shall, during the time prescribed for qualifying for office,
31 submit a copy of such notice and file his or her qualifying

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1 papers and oath prescribed in s. 105.031 with the Division of
2 Elections. Upon receipt of the copy of such notice and
3 qualifying papers, the division shall certify the name of the
4 candidate to the appropriate supervisor or supervisors of
5 elections as having qualified for the office sought.

6 (b) Each candidate seeking to qualify for election to
7 the office of county court judge or the office of school board
8 member from a single county school district pursuant to this
9 section shall submit his or her petition, prior to noon of the
10 28th ~~21st~~ day preceding the first day of the qualifying period
11 for the office sought, to the supervisor of elections of the
12 county for which such petition was circulated. The supervisor
13 shall check the signatures on the petition to verify their
14 status as electors of the county and of the geographic area
15 represented by the office sought. No later than the 7th day
16 prior to the first date for qualifying, the supervisor shall
17 determine whether the required number of signatures has been
18 obtained for the name of the candidate to be placed on the
19 ballot and shall notify the candidate. If the required number
20 of signatures has been obtained, the candidate shall, during
21 the time prescribed for qualifying for office, submit a copy
22 of such notice and file his or her qualifying papers and oath
23 prescribed in s. 105.031 with the qualifying officer. Upon
24 receipt of the copy of such notice and qualifying papers, such
25 candidate shall be entitled to have his or her name printed on
26 the ballot.

27 Section 35. Subsection (18) is added to section
28 106.011, Florida Statutes, to read:

29 106.011 Definitions.--As used in this chapter, the
30 following terms have the following meanings unless the context
31 clearly indicates otherwise:

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1 (18) "Eliminated candidate" means a candidate for
 2 electd office who failed to receive a sufficient number of
 3 votes to be certified as the winner of an election or as a
 4 runoff candidate in an election. Candidates who file a timely
 5 contest of an election as provided for in s. 102.168 shall not
 6 be considered eliminated for the purposes of receiving
 7 contributions and making expenditures solely for the purpose
 8 of paying legal fees and costs associated with the candidate's
 9 contest of the election.

10 Section 36. (1) Subsection (3) of section 106.021,
 11 Florida Statutes, is amended to read:

12 106.021 Campaign treasurers; deputies; primary and
 13 secondary depositories.--

14 (3) ~~Except for independent expenditures,~~ No
 15 contribution or expenditure, including contributions or
 16 expenditures of a candidate or of the candidate's family,
 17 shall be directly or indirectly made or received in
 18 furtherance of the candidacy of any person for nomination or
 19 election to political office in the state or on behalf of any
 20 political committee except through the duly appointed campaign
 21 treasurer of the candidate or political committee, subject to
 22 the following exceptions: ~~however,~~

23 (a) Independent expenditures;

24 (b) Reimbursements to a candidate or any other
 25 individual may be reimbursed for expenses incurred in
 26 connection with the campaign or activities of the political
 27 committee for travel, food and beverage, office supplies, and
 28 mementos expressing gratitude to campaign supporters by a
 29 check drawn upon the campaign account and reported pursuant to
 30 s. 106.07(4). After July 1, 2004, the full name and address of
 31 each person to whom the candidate or other individual made

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1 payment for which reimbursement was made by check drawn upon
2 the campaign account shall be reported pursuant to s.
3 106.07(4), together with the purpose of such payment;

4 (c) Expenditures made indirectly through a treasurer
5 for goods or services, such as communications media placement
6 or procurement services, campaign signs, insurance, or other
7 expenditures that include multiple integral components as part
8 of the expenditure and reported pursuant to s.

9 106.07(4)(a)13.; or

10 (d) ~~In addition,~~ Expenditures ~~may be~~ made directly by
11 any political committee or political party regulated by
12 chapter 103 for obtaining time, space, or services in or by
13 any communications medium for the purpose of jointly endorsing
14 three or more candidates, and any such expenditure shall not
15 be considered a contribution or expenditure to or on behalf of
16 any such candidates for the purposes of this chapter.

17 (2) The amendment to section 106.021(3)(b), Florida
18 Statutes, made by this section shall operate retroactively to
19 January 1, 2002.

20 Section 37. Section 106.023, Florida Statutes, is
21 amended to read:

22 106.023 Statement of candidate.--

23 (1) Each candidate must file a statement with the
24 qualifying officer within 10 days after filing the appointment
25 of campaign treasurer and designation of campaign depository,
26 stating that the candidate has read and understands the
27 requirements of this chapter. Such statement shall be provided
28 by the filing officer and shall be in substantially the
29 following form:

30

31 STATEMENT OF CANDIDATE

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

... (Signature of candidate) (Date) ...

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

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

Section 38. Paragraph (a) of subsection (8) of section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.--

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

Section 39. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and paragraphs (a), (c), and (d) of subsection (8) of section 106.07, Florida Statutes, are amended to read:

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1 106.07 Reports; certification and filing.--
2 (2)(a) All reports required of a candidate by this
3 section shall be filed with the officer before whom the
4 candidate is required by law to qualify. All candidates who
5 file with the Department of State shall file the original and
6 one copy of their reports. In addition, a copy of each report
7 for candidates for other than statewide office who qualify
8 with the Department of State shall be filed with the
9 supervisor of elections in the county where the candidate
10 resides. Reports shall be filed not later than 5 p.m. of the
11 day designated; however, any report postmarked by the United
12 States Postal Service no later than midnight of the day
13 designated shall be deemed to have been filed in a timely
14 manner. Any report received by the filing officer within 5
15 days after the designated due date that was delivered by the
16 United States Postal Service shall be deemed timely filed
17 unless it has a postmark that indicates that the report was
18 mailed after the designated due date. A certificate of mailing
19 obtained from and dated by the United States Postal Service at
20 the time of mailing, or a receipt from an established courier
21 company, which bears a date on or before the date on which the
22 report is due, shall be proof of mailing in a timely manner.
23 Reports shall contain information of all previously unreported
24 contributions received and expenditures made as of the
25 preceding Friday, except that the report filed on the Friday
26 immediately preceding the election shall contain information
27 of all previously unreported contributions received and
28 expenditures made as of the day preceding that designated due
29 date. All such reports shall be open to public inspection.

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

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1 1. The full name, address, and occupation, if any of
2 each person who has made one or more contributions to or for
3 such committee or candidate within the reporting period,
4 together with the amount and date of such contributions. For
5 corporations, the report must provide as clear a description
6 as practicable of the principal type of business conducted by
7 the corporation. However, if the contribution is \$100 or less
8 or is from a relative, as defined in s. 112.312, provided that
9 the relationship is reported, the occupation of the
10 contributor or the principal type of business need not be
11 listed.

12 2. The name and address of each political committee
13 from which the reporting committee or the candidate received,
14 or to which the reporting committee or candidate made, any
15 transfer of funds, together with the amounts and dates of all
16 transfers.

17 3. Each loan for campaign purposes to or from any
18 person or political committee within the reporting period,
19 together with the full names, addresses, and occupations, and
20 principal places of business, if any, of the lender and
21 endorsers, if any, and the date and amount of such loans.

22 4. A statement of each contribution, rebate, refund,
23 or other receipt not otherwise listed under subparagraphs 1.
24 through 3.

25 5. The total sums of all loans, in-kind contributions,
26 and other receipts by or for such committee or candidate
27 during the reporting period. The reporting forms shall be
28 designed to elicit separate totals for in-kind contributions,
29 loans, and other receipts.

30 6. The full name and address of each person to whom
31 expenditures have been made by or on behalf of the committee

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1 or candidate within the reporting period; the amount, date,
2 and purpose of each such expenditure; and the name and address
3 of, and office sought by, each candidate on whose behalf such
4 expenditure was made. However, expenditures made from the
5 petty cash fund provided by s. 106.12 need not be reported
6 individually.

7 7. The full name and address of each person to whom an
8 expenditure for personal services, salary, or reimbursement
9 for authorized expenses as provided in s. 106.021(3) has been
10 made and which is not otherwise reported, including the
11 amount, date, and purpose of such expenditure. However,
12 expenditures made from the petty cash fund provided for in s.
13 106.12 need not be reported individually.

14 8. The total amount withdrawn and the total amount
15 spent for petty cash purposes pursuant to this chapter during
16 the reporting period.

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

19 10. The amount and nature of debts and obligations
20 owed by or to the committee or candidate, which relate to the
21 conduct of any political campaign.

22 11. A copy of each credit card statement which shall
23 be included in the next report following receipt thereof by
24 the candidate or political committee. Receipts for each credit
25 card purchase shall be retained by the treasurer with the
26 records for the campaign account.

27 12. The amount and nature of any separate
28 interest-bearing accounts or certificates of deposit and
29 identification of the financial institution in which such
30 accounts or certificates of deposit are located.

31 13. The primary purposes of an expenditure made

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1 indirectly through a campaign treasurer pursuant to s.
 2 106.021(3) for goods and services such as communications media
 3 placement or procurement services, campaign signs, insurance,
 4 and other expenditures that include multiple components as
 5 part of the expenditure. The primary purpose of an expenditure
 6 shall be that purpose, including integral and directly related
 7 components, that comprises 80 percent of such expenditure.

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

15 1. In the General Revenue Elections Commission Trust
 16 Fund, in the case of a candidate for state office or a
 17 political committee that registers with the Division of
 18 Elections; or

19 2. In the general revenue fund of the political
 20 subdivision, in the case of a candidate for an office of a
 21 political subdivision or a political committee that registers
 22 with an officer of a political subdivision.

23
 24 No separate fine shall be assessed for failure to file a copy
 25 of any report required by this section.

26 (c) Any candidate or chair of a political committee
 27 may appeal or dispute the fine, based upon, but not limited
 28 to, unusual circumstances surrounding the failure to file on
 29 the designated due date, and may request and shall be entitled
 30 to a hearing before the Florida Elections Commission, which
 31 shall have the authority to waive the fine in whole or in

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1 part. The Florida Elections Commission must consider the
2 mitigating and aggravating circumstances contained in s.
3 106.265(1) when determining the amount of a fine, if any, to
4 be waived. Any such request shall be made within 20 days after
5 receipt of the notice of payment due. In such case, the
6 candidate or chair of the political committee shall, within
7 the 20-day period, notify the filing officer in writing of his
8 or her intention to bring the matter before the commission.

9 (d) The appropriate filing officer shall notify the
10 Florida Elections Commission of the repeated late filing by a
11 candidate or political committee, the failure of a candidate
12 or political committee to file a report after notice, or the
13 failure to pay the fine imposed. The commission shall
14 investigate only those alleged late filing violations
15 specifically identified by the filing officer and as set forth
16 in the notification. Any other alleged violations must be
17 separately stated and reported by the division to the
18 commission under s. 106.25(2).

19 Section 40. Effective January 1, 2005, paragraph (a)
20 of subsection (2) of section 106.07, Florida Statutes, as
21 amended by this act, and paragraph (b) of subsection (2),
22 subsection (3), and paragraph (b) of subsection (8) of that
23 section, are amended to read:

24 106.07 Reports; certification and filing.--

25 (2)(a) All reports required of a candidate by this
26 section shall be filed with the officer before whom the
27 candidate is required by law to qualify. All candidates who
28 file with the Department of State shall file ~~the original and~~
29 ~~one copy of~~ their reports pursuant to s. 106.0705. In
30 addition, a copy of each report for candidates for other than
31 statewide office who qualify with the Department of State

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1 shall be filed with the supervisor of elections in the county
2 where the candidate resides. Except as provided in s.
3 106.0705, reports shall be filed not later than 5 p.m. of the
4 day designated; however, any report postmarked by the United
5 States Postal Service no later than midnight of the day
6 designated shall be deemed to have been filed in a timely
7 manner. Any report received by the filing officer within 5
8 days after the designated due date that was delivered by the
9 United States Postal Service shall be deemed timely filed
10 unless it has a postmark that indicates that the report was
11 mailed after the designated due date. A certificate of mailing
12 obtained from and dated by the United States Postal Service at
13 the time of mailing, or a receipt from an established courier
14 company, which bears a date on or before the date on which the
15 report is due, shall be proof of mailing in a timely manner.
16 Reports shall contain information of all previously unreported
17 contributions received and expenditures made as of the
18 preceding Friday, except that the report filed on the Friday
19 immediately preceding the election shall contain information
20 of all previously unreported contributions received and
21 expenditures made as of the day preceding that designated due
22 date. All such reports shall be open to public inspection.

23 (b)1. Any report which is deemed to be incomplete by
24 the officer with whom the candidate qualifies shall be
25 accepted on a conditional basis, and the campaign treasurer
26 shall be notified by registered mail as to why the report is
27 incomplete and be given 3 days from receipt of such notice to
28 file an addendum to the report providing all information
29 necessary to complete the report in compliance with this
30 section. Failure to file a complete report after such notice
31 constitutes a violation of this chapter.

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1 2. In lieu of the notice by registered mail as
2 required in subparagraph 1., the qualifying officer may notify
3 the campaign treasurer by telephone that the report is
4 incomplete and request the information necessary to complete
5 the report. If, however, such information is not received by
6 the qualifying officer within 3 days after ~~of~~ the telephone
7 request therefor, notice shall be sent by registered mail as
8 provided in subparagraph 1.

9 (3) Reports required of a political committee shall be
10 filed with the agency or officer before whom such committee
11 registers pursuant to s. 106.03(3) and shall be subject to the
12 same filing conditions as established for candidates' reports.
13 ~~Only committees that file with the Department of State shall~~
14 ~~file the original and one copy of their reports.~~ Incomplete
15 reports by political committees shall be treated in the manner
16 provided for incomplete reports by candidates in subsection
17 (2).

18 (8)

19 (b) Upon determining that a report is late, the filing
20 officer shall immediately notify the candidate or chair of the
21 political committee as to the failure to file a report by the
22 designated due date and that a fine is being assessed for each
23 late day. The fine shall be \$50 per day for the first 3 days
24 late and, thereafter, \$500 per day for each late day, not to
25 exceed 25 percent of the total receipts or expenditures,
26 whichever is greater, for the period covered by the late
27 report. However, for the reports immediately preceding each
28 primary and general election, the fine shall be \$500 per day
29 for each late day, not to exceed 25 percent of the total
30 receipts or expenditures, whichever is greater, for the period
31 covered by the late report. For reports required under s.

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1 106.141(7), the fine is \$50 per day for each late day, not to
 2 exceed 25 percent of the total receipts or expenditures,
 3 whichever is greater, for the period covered by the late
 4 report. Upon receipt of the report, the filing officer shall
 5 determine the amount of the fine which is due and shall notify
 6 the candidate or chair. The filing officer shall determine the
 7 amount of the fine due based upon the earliest of the
 8 following:

- 9 1. When the report is actually received by such
 10 officer.
- 11 2. When the report is postmarked.
- 12 3. When the certificate of mailing is dated.
- 13 4. When the receipt from an established courier
 14 company is dated.
- 15 5. When the electronic receipt issued pursuant to s.
 16 106.0705 is dated.

17
 18 Such fine shall be paid to the filing officer within 20 days
 19 after receipt of the notice of payment due, unless appeal is
 20 made to the Florida Elections Commission pursuant to paragraph
 21 (c). In the case of a candidate, such fine shall not be an
 22 allowable campaign expenditure and shall be paid only from
 23 personal funds of the candidate. An officer or member of a
 24 political committee shall not be personally liable for such
 25 fine.

26 Section 41. Effective January 1, 2005, section
 27 106.0705, Florida Statutes, is created to read:

28 106.0705 Electronic filing of campaign treasurer's
 29 reports.--

30 (1) As used in this section, "electronic filing
 31 system" means an Internet system for recording and reporting

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1 campaign finance activity by reporting period.

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

6 (b) Each political committee, committee of continuous
7 existence, or state executive committee that is required to
8 file reports with the division under s. 106.04, s. 106.07, or
9 s. 106.29, as applicable, must file such reports with the
10 division by means of the division's electronic filing system.

11 (c) Each person or organization that is required to
12 file reports with the division under s. 106.071 must file such
13 reports with the division by means of the division's
14 electronic filing system.

15 (3) Reports filed pursuant to this section shall be
16 completed and filed through the electronic filing system not
17 later than midnight of the day designated. Reports not filed
18 by midnight of the day designated are late filed and are
19 subject to the penalties under s. 106.04(8), s. 106.07(8), or
20 s. 106.29(3), as applicable.

21 (4) Each report filed pursuant to this section is
22 considered to be under oath by the candidate and treasurer or
23 the chair and treasurer, whichever is applicable, and such
24 persons are subject to the provisions of s. 106.04(4)(d), s.
25 106.07(5), or s. 106.29(2), as applicable. Persons given a
26 secure sign-on to the electronic filing system are responsible
27 for protecting such from disclosure and are responsible for
28 all filings using such credentials, unless they have notified
29 the division that their credentials have been compromised.

30 (5) The electronic filing system developed by the
31 division must:

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

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

4 (c) Provide for direct entry of campaign finance
5 information as well as upload of such information from
6 campaign finance software certified by the division.

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

9 (6) The division shall adopt rules pursuant to ss.
10 120.536(1) and 120.54 to administer this section and provide
11 for the reports required to be filed pursuant to this section.

12 Such rules shall, at a minimum, provide:

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

15 (b) For the issuance of an electronic receipt to the
16 person submitting the report indicating and verifying that the
17 report has been filed.

18 Section 42. Effective January 1, 2005, section
19 106.075, Florida Statutes, is amended to read:

20 106.075 Elected officials; report of personal loans
21 made in year preceding election; limitation on contributions
22 to pay personal loans.--

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

30 (2) Any person who makes a contribution to an
31 individual to pay all or part of a personal loan incurred, in

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1 the 12 months preceding the election, to be used for the
2 individual's campaign, may not contribute more than the amount
3 which is allowed in s. 106.08(1).

4 Section 43. Effective January 1, 2005, paragraph (d)
5 is added to subsection (5) of section 106.08, Florida
6 Statutes, to read:

7 106.08 Contributions; limitations on.--

8 (5)

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

12 Section 44. Effective January 1, 2005, subsection (2)
13 of section 106.087, Florida Statutes, is amended to read:

14 106.087 Independent expenditures; contribution limits;
15 restrictions on political parties and, political committees,
16 ~~and committees of continuous existence.--~~

17 (2)(a) Any political committee ~~or committee of~~
18 ~~continuous existence~~ that accepts the use of public funds,
19 equipment, personnel, or other resources to collect dues from
20 its members agrees not to make independent expenditures in
21 support of or opposition to a candidate or elected public
22 official. However, expenditures may be made for the sole
23 purpose of jointly endorsing three or more candidates.

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

29 Section 45. Effective January 1, 2005, section 106.09,
30 Florida Statutes, is amended to read:

31 106.09 Cash contributions and contributions

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1 ~~contribution by cashier's check or money order checks.--~~

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

5 (2)(a) Any person who makes or accepts a contribution
6 in excess of \$100 in violation of this section commits a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

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

13 Section 46. Effective January 1, 2005, subsection (2)
14 of section 106.11, Florida Statutes, is amended to read:

15 106.11 Expenses of and expenditures by candidates and
16 political committees.--Each candidate and each political
17 committee which designates a primary campaign depository
18 pursuant to s. 106.021(1) shall make expenditures from funds
19 on deposit in such primary campaign depository only in the
20 following manner, with the exception of expenditures made from
21 petty cash funds provided by s. 106.12:

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

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

27 2. Debit cards are issued in the name of the
28 treasurer, deputy treasurer, or authorized user and state
29 "Campaign Account of ... (name of candidate or political
30 committee)"

31 3. No more than three debit cards are requested and

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1 issued.

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

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

8 6. The person using the debit card does not receive
9 cash as part of, or independent of, any transaction for goods
10 or services.

11 7. All receipts for debit card transactions contain:

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

13 b. The exact amount of the expenditure.

14 c. The name of the payee.

15 d. The signature of the campaign treasurer, deputy
16 treasurer, or authorized user.

17 e. The exact purpose for which the expenditure is
18 authorized.

19

20 Any information required by this subparagraph but not included
21 on the debit card transaction receipt may be handwritten on,
22 or attached to, the receipt by the authorized user before
23 submission to the treasurer.

24 (b) Debit cards are not subject to the requirements of
25 paragraph (1)(b).

26 Section 47. Subsections (2) and (4) of section 106.25,
27 Florida Statutes, are amended to read:

28 106.25 Reports of alleged violations to Florida
29 Elections Commission; disposition of findings.--

30 (2) The commission shall investigate all violations of
31 this chapter and chapter 104, but only after having received

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1 either a sworn complaint or information reported to it under
2 this subsection by the Division of Elections. Any person,
3 other than the division, having information of any violation
4 of this chapter or chapter 104 shall file a sworn complaint
5 with the commission. Such sworn complaint shall be based upon
6 personal knowledge or independent research of the complainant.
7 The commission shall investigate only those alleged violations
8 specifically contained within the sworn complaint. If any
9 complainant fails to allege all violations that arise from the
10 facts or allegations alleged in a complaint or specifically
11 reported by the division, the commission shall be barred from
12 investigating a subsequent complaint from such complainant
13 that is based upon such facts or allegations that were raised
14 or could have been raised in the first complaint. Such sworn
15 complaint shall state whether a complaint of the same
16 violation has been made to any state attorney. Within 5 days
17 after receipt of a sworn complaint, the commission shall
18 transmit a copy of the complaint to the alleged violator. All
19 sworn complaints alleging violations of the Florida Election
20 Code over which the commission has jurisdiction shall be filed
21 with the commission within 2 years after ~~of~~ the alleged
22 violations. The period of limitations is tolled on the day a
23 sworn complaint is filed with the commission.

24 (4) The commission shall undertake a preliminary
25 investigation to determine if the facts alleged in a sworn
26 complaint or a matter initiated by the division constitute
27 probable cause to believe that a violation has occurred. The
28 respondent, the complainant, and their respective counsels
29 shall be permitted to attend the hearing at which the probable
30 cause determination is made. Notice of the hearing shall be
31 sent to the respondent and the complainant at least 14 days

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1 prior to the date of the hearing. The respondent and his or
2 her counsel shall be permitted to make a brief oral statement
3 in the nature of oral argument to the commission before the
4 probable cause determination. The commission's determination
5 shall be based upon the investigator's report, the complaint,
6 and staff recommendations, as well as any written statements
7 submitted by the respondent and any oral statements made at
8 the hearing. No testimony or other evidence shall be accepted
9 at the hearing. Upon completion of the preliminary
10 investigation, the commission shall, by written report, find
11 probable cause or no probable cause to believe that this
12 chapter or chapter 104 has been violated.

13 (a) If no probable cause is found, the commission
14 shall dismiss the case and the case shall become a matter of
15 public record, except as otherwise provided in this section,
16 together with a written statement of the findings of the
17 preliminary investigation and a summary of the facts which the
18 commission shall send to the complainant and the alleged
19 violator.

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

25

26 In a case where probable cause is found, the commission shall
27 make a preliminary determination to consider the matter or to
28 refer the matter to the state attorney for the judicial
29 circuit in which the alleged violation occurred.

30 Section 48. Paragraph (a) of subsection (3) of section
31 106.29, Florida Statutes, is amended to read:

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1 106.29 Reports by political parties; restrictions on
2 contributions and expenditures; penalties.--

3 (3)(a) Any state or county executive committee failing
4 to file a report on the designated due date shall be subject
5 to a fine as provided in paragraph (b) for each late day. The
6 fine shall be assessed by the filing officer, and the moneys
7 collected shall be deposited in the General Revenue Elections
8 ~~Commission Trust~~ Fund.

9 Section 49. Effective January 1, 2005, paragraph (b)
10 of subsection (3) of section 106.29, Florida Statutes, is
11 amended to read:

12 106.29 Reports by political parties; restrictions on
13 contributions and expenditures; penalties.--

14 (3)

15 (b) Upon determining that a report is late, the filing
16 officer shall immediately notify the chair of the executive
17 committee as to the failure to file a report by the designated
18 due date and that a fine is being assessed for each late day.
19 The fine shall be \$1,000 for a state executive committee, and
20 \$50 for a county executive committee, per day for each late
21 day, not to exceed 25 percent of the total receipts or
22 expenditures, whichever is greater, for the period covered by
23 the late report. However, if an executive committee fails to
24 file a report on the Friday immediately preceding the general
25 election, the fine shall be \$10,000 per day for each day a
26 state executive committee is late and \$500 per day for each
27 day a county executive committee is late. Upon receipt of the
28 report, the filing officer shall determine the amount of the
29 fine which is due and shall notify the chair. The filing
30 officer shall determine the amount of the fine due based upon
31 the earliest of the following:

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1 1. When the report is actually received by such
2 officer.

3 2. When the report is postmarked.

4 3. When the certificate of mailing is dated.

5 4. When the receipt from an established courier
6 company is dated.

7 5. When the electronic receipt issued pursuant to s.
8 106.0705 is dated.

9 Such fine shall be paid to the filing officer within 20 days
10 after receipt of the notice of payment due, unless appeal is
11 made to the Florida Elections Commission pursuant to paragraph
12 (c). An officer or member of an executive committee shall not
13 be personally liable for such fine.

14 Section 50. Subsection (1) of section 191.005, Florida
15 Statutes, is amended to read:

16 191.005 District boards of commissioners; membership,
17 officers, meetings.--

18 (1)(a) With the exception of districts whose governing
19 boards are appointed collectively by the Governor, the county
20 commission, and any cooperating city within the county, the
21 business affairs of each district shall be conducted and
22 administered by a five-member board. All three-member boards
23 existing on the effective date of this act shall be converted
24 to five-member boards, except those permitted to continue as a
25 three-member board by special act adopted in 1997 or
26 thereafter. The board shall be elected in nonpartisan
27 elections by the electors of the district. Except as provided
28 in this act, such elections shall be held at the time and in
29 the manner prescribed by law for holding general elections in
30 accordance with s. 189.405(2)(a) and (3), and each member
31 shall be elected for a term of 4 years and serve until the

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1 member's successor assumes office. Candidates for the board of
2 a district shall qualify with the county supervisor of
3 elections in whose jurisdiction the district is located. If
4 the district is a multicounty district, candidates shall
5 qualify with the Department of State. All candidates may
6 qualify by paying a filing fee of \$25 or by obtaining the
7 signatures of at least 25 registered electors of the district
8 on petition forms provided by the supervisor of elections
9 which petitions shall be submitted and checked in the same
10 manner as petitions filed by nonpartisan judicial candidates
11 pursuant to s. 105.035.

12 (b) Each candidate who collects or expends campaign
13 contributions shall conduct his or her campaign for
14 commissioner of an independent special fire control district
15 in accordance with the provisions of chapter 106. However,
16 candidates who receive no contributions and make no other
17 expenditures except for petition verification or the \$25
18 filing fee may be exempt from the provisions of chapter 106
19 requiring the establishment of bank accounts and the
20 appointment of campaign treasurers, as long as they have no
21 opposition. If opposition is confirmed by the qualifying
22 officer at the close of the qualifying period, opposed
23 candidates shall open a campaign account, designate a campaign
24 treasurer within 5 days after the end of qualifying, and be
25 responsible for all other requirements of chapter 106.

26 (c)(b)1. At the next general election following the
27 effective date of this act, or on or after the effective date
28 of a special act or general act of local application creating
29 a new district, the members of the board shall be elected by
30 the electors of the district in the manner provided in this
31 section. The office of each member of the board is designated

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1 as being a seat on the board, distinguished from each of the
2 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat
3 designation does not designate a geographical subdistrict
4 unless such subdistrict exists on the effective date of this
5 act, in which case the candidates must reside in the
6 subdistrict, and only electors of the subdistrict may vote in
7 the election for the member from that subdistrict. Each
8 candidate for a seat on the board shall designate, at the time
9 the candidate qualifies, the seat on the board for which the
10 candidate is qualifying. The name of each candidate who
11 qualifies for election to a seat on the board shall be
12 included on the ballot in a way that clearly indicates the
13 seat for which the candidate is a candidate. The candidate for
14 each seat who receives the most votes cast for a candidate for
15 the seat shall be elected to the board.

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

21 3. If, on the effective date of this act, a district
22 does not elect the members of its board, the entire board
23 shall be elected in accordance with this section. However, in
24 the first election following the effective date of this act,
25 seats 1, 3, and 5 shall be designated for 4-year terms and
26 seats 2 and 4 shall be designated for 2-year terms.

27 4. If, on the effective date of this act, the district
28 has an elected three-member board, one of the two seats added
29 by this act shall, for the first election following the
30 effective date of this act, be designated for a 4-year term
31 and the other for a 2-year term, unless the terms of the three

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

5 5. If the district has an elected three-member board
6 designated to remain three members by special act adopted in
7 1997 or thereafter, the terms of the board members shall be
8 staggered. In the first election following the effective date
9 of this act, seats 1 and 3 shall be designated for 4-year
10 terms, and seat 2 for a 2-year term.

11 ~~(d)(c)~~ The board of any district may request the local
12 legislative delegation that represents the area within the
13 district to create by special law geographical subdistricts
14 for board seats. Any board of five members or larger elected
15 on a subdistrict basis as of the effective date of this act
16 shall continue to elect board members from such previously
17 designated subdistricts, and this act shall not require the
18 elimination of board seats from such boards.

19 Section 51. Paragraph (f) of subsection (5) of section
20 287.057, Florida Statutes, is amended to read:

21 287.057 Procurement of commodities or contractual
22 services.--

23 (5) When the purchase price of commodities or
24 contractual services exceeds the threshold amount provided in
25 s. 287.017 for CATEGORY TWO, no purchase of commodities or
26 contractual services may be made without receiving competitive
27 sealed bids, competitive sealed proposals, or competitive
28 sealed replies unless:

29 (f) The following contractual services and commodities
30 are not subject to the competitive-solicitation requirements
31 of this section:

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- 1 1. Artistic services.
- 2 2. Academic program reviews.
- 3 3. Lectures by individuals.
- 4 4. Auditing services.
- 5 5. Legal services, including attorney, paralegal,
- 6 expert witness, appraisal, or mediator services.
- 7 6. Health services involving examination, diagnosis,
- 8 treatment, prevention, medical consultation, or
- 9 administration.
- 10 7. Services provided to persons with mental or
- 11 physical disabilities by not-for-profit corporations which
- 12 have obtained exemptions under the provisions of s. 501(c)(3)
- 13 of the United States Internal Revenue Code or when such
- 14 services are governed by the provisions of Office of
- 15 Management and Budget Circular A-122. However, in acquiring
- 16 such services, the agency shall consider the ability of the
- 17 vendor, past performance, willingness to meet time
- 18 requirements, and price.
- 19 8. Medicaid services delivered to an eligible Medicaid
- 20 recipient by a health care provider who has not previously
- 21 applied for and received a Medicaid provider number from the
- 22 Agency for Health Care Administration. However, this exception
- 23 shall be valid for a period not to exceed 90 days after the
- 24 date of delivery to the Medicaid recipient and shall not be
- 25 renewed by the agency.
- 26 9. Family placement services.
- 27 10. Prevention services related to mental health,
- 28 including drug abuse prevention programs, child abuse
- 29 prevention programs, and shelters for runaways, operated by
- 30 not-for-profit corporations. However, in acquiring such
- 31 services, the agency shall consider the ability of the vendor,

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1 past performance, willingness to meet time requirements, and
2 price.

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

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

6 13. Services or commodities provided by governmental
7 agencies.

8 14. Voter education activities of the Department of
9 State or the supervisors of elections, either individually or
10 in the aggregate or with their respective professional
11 associations.

12 Section 52. (1) All electronic and electromechanical
13 voting systems certified after July 1, 2005, must meet the
14 requirements of s. 101.56062, Florida Statutes, except
15 paragraph (1)(d).

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

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

26 Section 53. Section 22 of chapter 2002-281, Laws of
27 Florida, is amended to read:

28 Section 22. Except as otherwise expressly provided in
29 this act, sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 of this
30 act shall take effect January 1, 2005, and section 12 of this
31 act shall take effect the earlier of January 1, 2006, or one

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1 year after the legislature adopts the general appropriations
2 act specifically appropriating to the Department of State, for
3 distribution to the counties, ~~\$8.7 million~~ or such other
4 amounts as it determines and appropriates for the specific
5 purpose of funding this act.

6 Section 54. Sections 98.181, 101.635, 102.061,
7 106.085, and 106.144, Florida Statutes, are repealed.

8 Section 55. To provide for uniformity of the
9 proceedings, both the procedural and substantive amendments to
10 the provisions of chapter 106, Florida Statutes, by this act
11 shall apply to all cases before the Florida Elections
12 Commission pending on or filed on or after the effective date
13 of this act.

14 Section 56. Except as otherwise expressly provided in
15 this act, this act shall take effect upon becoming a law.

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 insert:

23 A bill to be entitled
24 An act relating to elections; amending s.
25 97.021, F.S.; redesignating "paper ballot" as
26 "marksense ballot"; defining the term "early
27 voting"; redefining the term "voting system";
28 amending s. 97.052, F.S.; providing an
29 additional purpose for statewide voter
30 registration applications and revising who may
31 reproduce such applications; amending s.

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1 99.0955, F.S.; revising method of qualification
2 by candidates with no party affiliation;
3 amending s. 99.096, F.S.; revising method of
4 qualification by minor party candidates;
5 amending s. 100.011, F.S.; providing that
6 electors in line to vote at the closing of the
7 polls must be allowed to vote; amending s.
8 100.111, F.S.; revising procedures to be
9 followed in the event of a vacancy in
10 nomination; amending s. 101.031, F.S.; revising
11 requirements regarding the furnishing of
12 instructions for electors; amending ss. 101.048
13 and 101.049, F.S.; providing for voting of
14 provisional ballots by persons with
15 disabilities; revising a reference; amending s.
16 101.131, F.S.; authorizing political parties to
17 have a certain number of at-large poll
18 watchers; revising provisions for designation
19 of poll watchers; amending s. 101.151, F.S.;
20 revising specifications for ballots; amending
21 s. 101.171, F.S.; providing for copies of
22 constitutional amendments to be provided in
23 poster or booklet form; amending s. 101.253,
24 F.S.; prescribing duties of the supervisor of
25 elections with respect to ballots in cases of
26 vacancy in nomination; amending s. 101.294,
27 F.S.; prohibiting governing bodies from
28 deploying uncertified voting equipment;
29 prohibiting vendors of voting equipment from
30 providing uncertified voting systems or their
31 components or upgrades; requiring vendors of

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1 voting equipment to provide certifications that
2 voting systems or their components or upgrades
3 have been certified; amending s. 101.295, F.S.;
4 providing penalties for providing voting
5 systems or their components or upgrades in
6 violation of law; amending s. 101.5606, F.S.;
7 conforming terminology; providing an additional
8 requirement for voting systems; amending s.
9 101.595, F.S.; revising duties of the
10 supervisor of elections with respect to
11 reporting undervotes and overvotes; amending s.
12 101.6103, F.S.; allowing the canvassing of mail
13 ballots to begin at 7 a.m. on the fourth day
14 before the election; prohibiting the release of
15 results prior to 7 p.m. on the day of the
16 election; providing penalties; amending s.
17 101.62, F.S.; deleting a provision relating to
18 the duty of supervisors of elections with
19 respect to requests for absentee ballots from
20 overseas voters received after the Friday
21 before the election; revising requirements for
22 the mailing of absentee and advance absentee
23 ballots; correcting a reference; amending s.
24 101.64, F.S.; revising the Voter's Certificate
25 for absent electors to remove the requirement
26 of an attesting witness; requiring absentee
27 voters voting pursuant to the Uniformed and
28 Overseas Citizens Absentee Voting Act to use a
29 standard oath as prescribed by federal law;
30 amending s. 101.65, F.S.; revising the
31 instructions to absent electors to remove the

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1 requirement of an attesting witness; amending
2 s. 101.68, F.S.; removing the requirement of
3 the signature of an attesting witness for an
4 absentee ballot to be considered legal;
5 amending s. 101.6923, F.S.; providing that the
6 special absentee ballot instructions for
7 certain first-time voters shall be
8 substantially in a specified form; revising the
9 Voter's Certificate for special absentee
10 ballots for certain first-time voters to remove
11 the requirement of an attesting witness;
12 amending s. 101.694, F.S.; revising
13 specifications for absentee envelopes printed
14 for overseas voters; amending s. 101.6952,
15 F.S., relating to absentee ballots received
16 from overseas voters, to conform; amending s.
17 101.697, F.S.; requiring the Department of
18 State to determine the security of electronic
19 transmissions of certain election materials
20 prior to rule adoption; amending s. 102.012,
21 F.S.; providing for a single election board for
22 each precinct; amending s. 102.071, F.S.;
23 deleting the requirement that the certificate
24 of results be prepared in triplicate; amending
25 s. 102.111, F.S.; allowing the Elections
26 Canvassing Commission to delegate the authority
27 to order recounts to the chief election
28 officer; amending s. 102.141, F.S.; deleting
29 the requirement that the canvass be filed with
30 the county court judge; clarifying
31 responsibility for ordering recounts; deleting

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1 the requirement for test of the tabulating
2 equipment at the completion of the recount;
3 extending the deadline for reporting results of
4 the machine recount; amending s. 102.168, F.S.;
5 revising provisions with respect to the time
6 for contesting an election; declaring the
7 county canvassing board and the Elections
8 Canvassing Commission indispensable and proper
9 parties in contested elections; amending s.
10 105.031, F.S.; exempting write-in candidates
11 for the office of school board member from
12 payment of the qualifying fee; amending s.
13 105.035, F.S.; revising procedures for
14 qualifying as a candidate for judicial or
15 school board office by petition; amending s.
16 106.011, F.S.; defining the term "eliminated
17 candidate"; amending s. 106.021, F.S.;
18 providing exceptions to a prohibition against
19 making certain contributions or expenditures in
20 connection with a campaign or activities of a
21 political committee; authorizing reimbursement
22 of expenses incurred in connection with a
23 campaign or activities of a political
24 committee; requiring disclosure of the names
25 and addresses of persons reimbursed from a
26 campaign account; providing for retroactive
27 operation; amending s. 106.023, F.S.; providing
28 that the execution and filing of the statement
29 of candidate does not in and of itself create a
30 presumption that a violation of ch. 106 or ch.
31 104, F.S., is a willful violation; amending s.

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1 106.04, F.S.; reducing the fine for late filing
2 of campaign finance reports by committees of
3 continuous existence for the first 3 days;
4 providing for deposit of fine proceeds into the
5 General Revenue Fund; amending s. 106.07, F.S.;
6 revising requirements for filing campaign
7 reports; revising requirements with respect to
8 timely filing of mailed reports; requiring the
9 reporting of the primary purposes of certain
10 expenditures made indirectly through a campaign
11 treasurer for certain goods and services;
12 expanding grounds for appealing or disputing a
13 fine; requiring the Florida Elections
14 Commission to consider mitigating and
15 aggravating circumstances in determining the
16 amount of a fine, if any, to be waived for
17 late-filed reports; providing for deposit of
18 certain fine proceeds into the General Revenue
19 Fund; limiting investigation of alleged late
20 filing violations; providing for electronic
21 filing of reports; allowing electronic receipts
22 to be used as proof of filing; creating s.
23 106.0705, F.S.; providing for electronic filing
24 of campaign treasurer's reports; providing
25 standards and guidelines; providing penalties;
26 amending s. 106.075, F.S.; revising
27 requirements with respect to reporting loans;
28 amending s. 106.08, F.S.; prohibiting
29 candidates from expending funds from their
30 campaign accounts to obtain endorsements;
31 providing penalties; amending s. 106.087, F.S.;

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1 exempting committees of continuous existence
2 from certain prohibitions with respect to
3 independent expenditures; amending s. 106.09,
4 F.S.; prohibiting acceptance of certain
5 contributions made by money order; providing
6 penalties; amending s. 106.11, F.S.; revising
7 provisions relating to reporting use of debit
8 cards; amending s. 106.25, F.S.; requiring
9 sworn complaints to be based upon personal
10 knowledge or independent research of the
11 complainant; restricting the alleged violations
12 the commission may investigate to those
13 specifically contained within a sworn
14 complaint; providing restrictions on subsequent
15 complaints based on the same facts or
16 allegations as a prior complaint; authorizing
17 respondents and complainants and their counsels
18 to attend hearings at which probable cause is
19 determined; requiring prior notice; permitting
20 a brief oral statement; specifying bases for
21 determining probable cause; amending s. 106.29,
22 F.S.; revising provisions relating to reports
23 by political parties; providing that the
24 proceeds of funds assessed against political
25 parties for the late filing of reports shall be
26 deposited into the General Revenue Fund;
27 providing for determination of fine for
28 electronically filed reports; amending s.
29 191.005, F.S.; requiring certain candidates for
30 commissioner of an independent special fire
31 control district to conduct their campaigns in

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1 accordance with ch. 106, F.S.; providing an
2 exception; amending s. 287.057, F.S.; exempting
3 certain voter education activities from
4 competitive-solicitation requirements;
5 requiring voting systems to meet certain
6 requirements by a date certain; amending s. 22,
7 ch. 2002-281, Laws of Florida; revising
8 effective dates applicable to provisions in
9 such law; repealing s. 98.181, F.S., relating
10 to the supervisor of elections making up
11 indexes or records; repealing s. 101.635, F.S.,
12 relating to distribution of blocks of printed
13 ballots; repealing s. 102.061, F.S., relating
14 to duties of election boards; repealing s.
15 106.085, F.S., relating to independent
16 expenditure notice requirements; repealing s.
17 106.144, F.S., relating to filing of statements
18 by certain groups and organizations intending
19 to make or making political advertisements
20 endorsing or opposing candidates or issues;
21 providing applicability of changes to
22 provisions of ch. 106, F.S., to pending and
23 future cases before the Florida Elections
24 Commission; providing effective dates.

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