

By Senator Hill

1-1514-04

See HB 1565

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.055, F.S.; eliminating the book-closing
4 period for voter registration; providing
5 registration and changes in registration at the
6 polls on election day; amending ss. 97.021,
7 97.053, 97.071, 98.065, 98.081, 98.231,
8 101.045, and 101.663, F.S., to conform;
9 repealing s. 97.0555, F.S., relating to late
10 registration, to conform; amending s. 100.011,
11 F.S.; delaying the closing of the polls;
12 amending ss. 101.65, 101.67, 101.6923, and
13 101.6925, F.S., to conform; amending ss. 99.061
14 and 105.031, F.S.; providing for earlier
15 qualifying for nomination or election to public
16 office; amending ss. 99.095, 99.0955, and
17 99.096, F.S.; providing for earlier filing of
18 the oath to qualify by the alternative method;
19 amending ss. 100.061 and 100.091, F.S.;
20 providing for earlier primary elections;
21 amending s. 106.07, F.S.; providing for
22 additional campaign finance reporting periods;
23 removing a reference to conform to changes made
24 by the act; amending s. 101.048, F.S.;
25 authorizing the voting of a provisional ballot
26 at a precinct in the county other than that of
27 a voter's legal residence under certain
28 circumstances; amending s. 101.151, F.S.;
29 restricting the length of ballots; amending s.
30 101.5606, F.S.; requiring voting systems
31 approved for use in this state to provide each

1 voter casting a ballot with a paper receipt
2 that indicates each vote cast on the ballot;
3 providing for phase-in of such requirement over
4 3 years and requiring the state to fully fund
5 the cost; amending s. 101.657, F.S.; revising
6 provisions relating to absentee voting to allow
7 for weekend voting; requiring the supervisor of
8 elections to provide additional locations for
9 absentee voting; authorizing the use of mobile
10 voting units for absentee voting; providing
11 limitations; amending s. 110.117, F.S.; making
12 General Election Day a paid holiday observed by
13 all state branches and agencies; reenacting s.
14 683.01(1)(r), F.S., relating to the designation
15 of General Election Day as a legal holiday;
16 amending s. 106.161, F.S.; requiring broadcast
17 television and radio stations to provide
18 certain free air time to candidates for public
19 office; creating a task force to rebut false or
20 inaccurate statements in political campaigns;
21 amending s. 106.08, F.S.; prohibiting political
22 committees from making contributions to
23 candidates for election to or retention in
24 office; providing a limit to contributions to
25 state and county executive committees of
26 political parties; removing provisions relating
27 to nonallocable items for purposes of limits on
28 contributions from political party committees
29 and a related reporting requirement; providing
30 penalties; amending s. 106.021, F.S.;

31 prohibiting an individual from being appointed

1 and serving as campaign treasurer for a
2 candidate and a political committee or any
3 combination of candidates and political
4 committees; removing expenditure authorization
5 for certain joint endorsements; amending s.
6 106.03, F.S.; requiring a political committee
7 to report information relating to any candidate
8 or political party the committee opposes;
9 amending s. 106.087, F.S.; removing expenditure
10 authorization for certain joint endorsements;
11 removing references to committees of continuous
12 existence; repealing s. 106.04, F.S., relating
13 to organization, certification, and duties of
14 committees of continuous existence; amending
15 ss. 98.095, 98.0979, 101.62, 102.031, 106.07,
16 106.12, 106.147, 106.148, 106.23, 106.265,
17 106.27, 106.29, 106.33, 111.075, 112.3148,
18 112.3149, 1004.28, 1004.70, and 1004.71, F.S.;
19 removing or correcting references, to conform;
20 amending s. 106.011, F.S.; revising and
21 removing definitions, to conform; expanding the
22 definition of "political advertisement";
23 amending s. 106.082, F.S.; revising provisions
24 relating to campaign financing restrictions on
25 candidacies for Commissioner of Agriculture;
26 removing references to committees of continuous
27 existence; repealing s. 106.32(3), F.S.,
28 relating to deposit of certain obsolete
29 assessments, to conform; providing an effective
30 date.
31

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

2

3 Section 1. Section 97.055, Florida Statutes, is
4 amended to read:

5 97.055 Registration period open ~~books~~; registration at
6 polls when closed for an election.--

7 (1) The registration books shall remain open for
8 purposes of registration and changes in registration as
9 authorized in this code and may not ~~must~~ ~~be closed on the 29th~~
10 ~~day before any each election and must remain closed until~~
11 ~~after that election. Any person who is eligible under s.~~
12 97.041 may register to vote or update a voter registration at
13 any time and in any manner authorized in this code, including
14 on the day of an election.~~If an election is called and there~~
15 ~~are fewer than 29 days before that election, the registration~~
16 ~~books must be closed immediately. When the registration books~~
17 ~~are closed for an election, voter registration and party~~
18 ~~changes must be accepted but only for the purpose of~~
19 ~~subsequent elections.~~However, party changes received between
20 the ~~book-closing~~ date of the first primary election and the
21 date of the second primary election are not effective until
22 after the second primary election.

23 (2) Any person eligible under s. 97.041 who wishes to
24 register to vote or update a voter registration on the day of
25 an election may do so at the polls, while the polls are open,
26 by completing a voter registration application to provide the
27 required information. However, if the person has previously
28 attempted to register either by mail or through the division,
29 a driver license office, a voter registration agency, or an
30 armed forces recruitment office and that registration has not
31 been received by the supervisor in time to include the

1 person's name on the registration books or precinct register
2 for that election, the person shall, prior to completing the
3 voter registration application at the polls, inform the
4 supervisor, deputy supervisor, or other authorized
5 registration official of the prior attempt to register. Any
6 such prior registration or update of such a registration
7 received by the supervisor after the election shall be
8 considered obviated or superseded by the registration or
9 update of a registration at the polls on the day of that
10 election.~~In computing the 29-day period for the closing of~~
11 ~~the registration books, the day of the election is excluded~~
12 ~~and all other days are included. If the 29th day preceding an~~
13 ~~election falls on a Sunday or a legal holiday, the~~
14 ~~registration books must be closed on the next day that is not~~
15 ~~a Sunday or a legal holiday.~~

16 Section 2. Subsection (9) of section 97.021, Florida
17 Statutes, is amended to read:

18 97.021 Definitions.--For the purposes of this code,
19 except where the context clearly indicates otherwise, the
20 term:

21 (9) "Election costs" shall include, but not be limited
22 to, expenditures for all paper supplies such as envelopes,
23 instructions to voters, affidavits, reports, ballot cards,
24 ballot booklets for absentee voters, postage, and notices to
25 voters; advertisements for ~~registration book closings~~, testing
26 of voting equipment, sample ballots, and polling places; forms
27 used to qualify candidates; polling site rental and equipment
28 delivery and pickup; data processing time and supplies;
29 election records retention; and labor costs, including those
30 costs uniquely associated with absentee ballot preparation,
31 poll workers, and election night canvass.

1 Section 3. Subsection (4) of section 97.053, Florida
2 Statutes, is amended to read:

3 97.053 Acceptance of voter registration
4 applications.--

5 (4) The registration date for a valid initial voter
6 registration application that has been mailed and bears a
7 clear postmark is the date of the postmark. If an initial
8 voter registration application that has been mailed does not
9 bear a postmark or if the postmark is unclear, the
10 registration date is the date the registration is received by
11 any supervisor or the division, ~~unless it is received within 5~~
12 ~~days after the closing of the books for an election, excluding~~
13 ~~Saturdays, Sundays, and legal holidays, in which case the~~
14 ~~registration date is the book-closing date.~~

15 Section 4. Subsection (3) of section 97.071, Florida
16 Statutes, is amended to read:

17 97.071 Registration identification card.--

18 (3) In the case of a change of name, address, or party
19 affiliation, the supervisor must issue the voter a new
20 registration identification card. However, a registration
21 identification card indicating a party affiliation change made
22 between the ~~book-closing~~ date of ~~for~~ the first primary
23 election and the date of the second primary election may not
24 be issued until after the second primary election.

25 Section 5. Subsection (5) of section 98.065, Florida
26 Statutes, is amended to read:

27 98.065 Registration list maintenance programs.--

28 (5) The supervisor must designate as inactive all
29 voters who have been sent an address confirmation final notice
30 and who have not returned the postage prepaid preaddressed
31 return form within 30 days. A voter on the inactive list must

1 be allowed to vote and to change the voter's name or address
2 of legal residence at the polls ~~pursuant to s. 101.045~~. Names
3 on the inactive list may not be used to calculate the number
4 of signatures needed on any petition or the quantity of voting
5 equipment needed.

6 Section 6. Subsections (1) and (3) of section 98.081,
7 Florida Statutes, are amended to read:

8 98.081 Names removed from registration books;
9 restrictions on reregistering; recordkeeping; restoration of
10 erroneously or illegally removed names.--

11 (1) Any person who requested that his or her name be
12 removed from the registration books between the ~~book-closing~~
13 date of the first primary and the date of the second primary
14 may not register in a different political party until after
15 the date of the second primary election.

16 (3) When the name of any elector has been erroneously
17 or illegally removed from the registration books, the name of
18 the elector shall be restored by the supervisor upon
19 satisfactory proof, ~~even though the registration period for~~
20 ~~that election is closed~~.

21 Section 7. Section 98.231, Florida Statutes, is
22 amended to read:

23 98.231 Supervisor of elections to furnish Department
24 of State number of registered electors.--The supervisor of
25 each county, not less than within 15 days ~~after the closing of~~
26 ~~registration books~~ prior to the election, shall, for the
27 county and for each legislative and congressional district in
28 which such county or any portion thereof is located, advise
29 the Department of State of the total number of registered
30 electors of each political party in which any elector has

31

1 registered and the number of electors registered as
2 independents or without party affiliation.

3 Section 8. Section 101.045, Florida Statutes, is
4 amended to read:

5 101.045 Electors must be registered in precinct;
6 provisions for residence or name change.--

7 (1) No person shall be permitted to vote in any
8 election precinct or district other than the one in which the
9 person has his or her legal residence and in which the person
10 is registered. However, a person temporarily residing outside
11 the county shall be registered in the precinct in which the
12 main office of the supervisor, as designated by the
13 supervisor, is located when the person has no permanent
14 address in the county and it is the person's intention to
15 remain a resident of Florida and of the county in which he or
16 she is registered to vote. Such persons who are registered in
17 the precinct in which the main office of the supervisor, as
18 designated by the supervisor, is located and who are residing
19 outside the county with no permanent address in the county
20 shall not be registered electors of a municipality and
21 therefore shall not be permitted to vote in any municipal
22 election.

23 (2)(a) An elector who moves from the precinct within
24 the county in which the elector is registered may be permitted
25 to vote in the precinct to which he or she has moved his or
26 her legal residence or, ~~provided such elector completes an~~
27 ~~affirmation in substantially the following form:~~

28
29 ~~Change of Legal Residence of Registered~~
30 ~~Voter~~
31

1 ~~Under penalties for false swearing, I, ... (Name of voter) ...,~~
2 ~~swear (or affirm) that the former address of my legal~~
3 ~~residence was ... (Address of legal residence) ... in the~~
4 ~~municipality of ..., in ... County, Florida, and I was~~
5 ~~registered to vote in the ... precinct of ... County,~~
6 ~~Florida; that I have not voted in the precinct of my former~~
7 ~~registration in this election; that I now reside at~~
8 ~~... (Address of legal residence) ... in the Municipality of~~
9 ~~..., in ... County, Florida, and am therefore eligible to~~
10 ~~vote in the ... precinct of ... County, Florida; and I~~
11 ~~further swear (or affirm) that I am otherwise legally~~
12 ~~registered and entitled to vote.~~

13

14 ~~... (Signature of voter whose address of legal residence has~~
15 ~~changed) ...~~

16

17 ~~(b) an elector whose name changes because of marriage~~
18 ~~or other legal process may be permitted to vote, provided such~~
19 ~~elector completes an affirmation in substantially the~~
20 ~~following form:~~

21

22 ~~Change of Name of Registered~~
23 ~~Voter~~

24

25 ~~Under penalties for false swearing, I, ... (New name of~~
26 ~~voter) ..., swear (or affirm) that my name has been changed~~
27 ~~because of marriage or other legal process. My former name and~~
28 ~~address of legal residence appear on the registration books of~~
29 ~~precinct ... as follows:~~

30 ~~Name~~

31 ~~Address~~

1 Municipality.....
2 County.....
3 Florida, Zip.....
4 My present name and address of legal residence are as follows:
5 Name.....
6 Address.....
7 Municipality.....
8 County.....
9 Florida, Zip.....
10 and I further swear (or affirm) that I am otherwise legally
11 registered and entitled to vote.
12
13 ... (Signature of voter whose name has changed) ...
14 (c) Such affirmation, when completed and presented at
15 the precinct in which such elector is entitled to vote, and
16 upon verification of the elector's registration, shall entitle
17 such elector to vote as provided in this subsection. If the
18 elector's eligibility to vote cannot be determined, he or she
19 shall be entitled to vote a provisional ballot, subject to the
20 requirements and procedures in s. 101.048. Upon receipt of an
21 affirmation certifying a change in address of legal residence
22 or name, the supervisor shall as soon as practicable make the
23 necessary changes in the registration records of the county to
24 indicate the change in address of legal residence or name of
25 such elector.
26 (d) Instead of the affirmation contained in paragraph
27 (a) or paragraph (b), an elector may complete a voter
28 registration application that indicates the change of name or
29 change of address of legal residence or change of name.
30 **(b)(e)** A request for an absentee ballot pursuant to s.
31 101.62 which indicates that the elector has had a change of

1 address of legal residence from that in the supervisor's
2 records shall be sufficient as the notice to the supervisor of
3 change of address of legal residence required by this section.
4 Upon receipt of such request for an absentee ballot from an
5 elector who has changed his or her address of legal residence,
6 the supervisor shall provide the elector with the proper
7 ballot for the precinct in which the elector then has his or
8 her legal residence.

9 (3) When an elector's name does not appear on the
10 registration books or precinct register of the election
11 precinct in which the elector claims to be is registered, the
12 elector may have his or her name restored by completing a
13 voter registration application to provide the required
14 information indicating eligibility under s. 97.041 if the
15 ~~supervisor is otherwise satisfied that the elector is validly~~
16 ~~registered, that the elector's name has been erroneously~~
17 ~~omitted from the books, and that the elector is entitled to~~
18 ~~have his or her name restored.~~ The supervisor, ~~if he or she is~~
19 ~~satisfied as to the elector's previous registration,~~ shall
20 then allow such person to vote and shall thereafter issue a
21 duplicate registration identification card.

22 Section 9. Section 101.663, Florida Statutes, is
23 amended to read:

24 101.663 Electors; change of residence.--

25 (1) An elector who changes his or her residence to
26 another county in Florida from the county in Florida in which
27 he or she is registered as an elector must register in the
28 county of his or her new residence prior to being allowed to
29 vote in any election and may not vote, either in person or by
30 absentee ballot, in the county of his or her former residence
31 ~~after the books in the county to which the elector has changed~~

1 ~~his or her residence are closed for any general, primary, or~~
2 ~~special election shall be permitted to vote absentee in the~~
3 ~~county of his or her former residence in that election for~~
4 ~~President and Vice President, United States Senator, statewide~~
5 ~~offices, and statewide issues. Such person shall not be~~
6 ~~permitted to vote in the county of the person's former~~
7 ~~residence after the general election.~~

8 (2) An elector registered in this state who moves his
9 or her permanent residence to another state and who is
10 prohibited by the laws of that state from voting for the
11 offices of President and Vice President of the United States
12 may ~~shall~~ be permitted to vote absentee in the county of his
13 or her former residence for those offices.

14 Section 10. Section 97.0555, Florida Statutes, is
15 repealed.

16 Section 11. Subsection (1) of section 100.011, Florida
17 Statutes, is amended to read:

18 100.011 Opening and closing of polls, all elections;
19 expenses.--

20 (1) The polls shall be open at the voting places at 7
21 ~~7:00~~ a.m., on the day of the election, and shall be kept open
22 until 9 ~~7:00~~ p.m., of the same day, and the time shall be
23 regulated by the customary time in standard use in the county
24 seat of the locality. The inspectors shall make public
25 proclamation of the opening and closing of the polls. During
26 the election and canvass of the votes, the ballot box shall
27 not be concealed.

28 Section 12. Section 101.65, Florida Statutes, is
29 amended to read:

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1 101.65 Instructions to absent electors.--The
2 supervisor shall enclose with each absentee ballot separate
3 printed instructions in substantially the following form:
4

5 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

19 4. Place your marked ballot in the enclosed secrecy
20 envelope.

21 5. Insert the secrecy envelope into the enclosed
22 mailing envelope which is addressed to the supervisor.

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

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

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

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

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

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

14 Section 13. Subsection (2) of section 101.67, Florida
15 Statutes, is amended to read:

16 101.67 Safekeeping of mailed ballots; deadline for
17 receiving absentee ballots.--

18 (2) All marked absent electors' ballots to be counted
19 must be received by the supervisor by 9 ~~7~~ p.m. the day of the
20 election. All ballots received thereafter shall be marked with
21 the time and date of receipt and filed in the supervisor's
22 office.

23 Section 14. 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:

30
31

1 READ THESE INSTRUCTIONS CAREFULLY BEFORE
2 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
3 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
4 COUNT.
5

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

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

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

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

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

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

27 b. You must have your signature witnessed. Have the
28 witness sign above (Signature of Witness) and include his or
29 her address. No candidate may serve as an attesting witness.
30

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- 1 c. If you are an overseas voter, you must include the
2 date you signed the Voter's Certificate on the line above
3 (Date) or your ballot may not be counted.
- 4 6. Unless you meet one of the exemptions in Item 7.,
5 you must make a copy of one of the following forms of
6 identification:
- 7 a. Identification which must include your name and
8 photograph: current and valid Florida driver's license;
9 Florida identification card issued by the Department of
10 Highway Safety and Motor Vehicles; United States passport;
11 employee badge or identification; buyer's club identification
12 card; debit or credit card; military identification; student
13 identification; retirement center identification; neighborhood
14 association identification; entertainment identification; or
15 public assistance identification; or
- 16 b. Identification which shows your name and current
17 residence address: current utility bill, bank statement,
18 government check, paycheck, or government document (excluding
19 voter identification card).
- 20 7. The identification requirements of Item 6. do not
21 apply if you meet one of the following requirements:
- 22 a. You are 65 years of age or older.
- 23 b. You have a temporary or permanent physical
24 disability.
- 25 c. You are a member of a uniformed service on active
26 duty who, by reason of such active duty, will be absent from
27 the county on election day.
- 28 d. You are a member of the Merchant Marine who, by
29 reason of service in the Merchant Marine, will be absent from
30 the county on election day.
- 31

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

5 f. You are currently residing outside the United
6 States.

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

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

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

22 Section 15. Subsection (3) of section 101.6925,
23 Florida Statutes, is amended to read:

24 101.6925 Canvassing special absentee ballots.--

25 (3) If the identification is not enclosed in the
26 mailing envelope and the voter has not indicated that he or
27 she is exempt from the identification requirements, the
28 supervisor shall check the voter registration records to
29 determine if the voter's identification was previously
30 received or the voter had previously notified the supervisor
31 that he or she was exempt. The envelope with the Voter's

1 Certificate shall not be opened unless the identification has
2 been received or the voter has indicated that he or she is
3 exempt. The ballot shall be treated as a provisional ballot
4 until 9 7 p.m. on election day and shall not be canvassed
5 unless the supervisor has received the required identification
6 or written indication of exemption by 9 7 p.m. on election
7 day.

8 Section 16. Subsections (1) and (2) of section 99.061,
9 Florida Statutes, are amended to read:

10 99.061 Method of qualifying for nomination or election
11 to federal, state, county, or district office.--

12 (1) The provisions of any special act to the contrary
13 notwithstanding, each person seeking to qualify for nomination
14 or election to a federal, state, or multicounty district
15 office, other than election to a judicial office as defined in
16 chapter 105 or the office of school board member, shall file
17 his or her qualification papers with, and pay the qualifying
18 fee, which shall consist of the filing fee and election
19 assessment, and party assessment, if any has been levied, to,
20 the Department of State, or qualify by the alternative method
21 with the Department of State, at any time after noon of the
22 1st day for qualifying, which shall be as follows: the 120th
23 day prior to the first primary, but not later than noon of the
24 116th day prior to the date of the first primary, for persons
25 seeking to qualify for nomination or election to federal
26 office; and noon of the 64th ~~50th~~ day prior to the first
27 primary, but not later than noon of the 60th ~~46th~~ day prior to
28 the date of the first primary, for persons seeking to qualify
29 for nomination or election to a state or multicounty district
30 office.

31

1 (2) The provisions of any special act to the contrary
2 notwithstanding, each person seeking to qualify for nomination
3 or election to a county office, or district or special
4 district office not covered by subsection (1), shall file his
5 or her qualification papers with, and pay the qualifying fee,
6 which shall consist of the filing fee and election assessment,
7 and party assessment, if any has been levied, to, the
8 supervisor of elections of the county, or shall qualify by the
9 alternative method with the supervisor of elections, at any
10 time after noon of the 1st day for qualifying, which shall be
11 the 64th ~~50th~~ day prior to the first primary or special
12 district election, but not later than noon of the 60th ~~46th~~
13 day prior to the date of the first primary or special district
14 election. ~~However,~~ If a special district election is held at
15 the same time as the second primary or general election,
16 qualifying shall be the 50th day prior to the first primary,
17 but not later than noon of the 46th day prior to the date of
18 the first primary. Within 30 days after the closing of
19 qualifying time, the supervisor of elections shall remit to
20 the secretary of the state executive committee of the
21 political party to which the candidate belongs the amount of
22 the filing fee, two-thirds of which shall be used to promote
23 the candidacy of candidates for county offices and the
24 candidacy of members of the Legislature.

25 Section 17. Subsection (1) of section 99.095, Florida
26 Statutes, is amended to read:

27 99.095 Alternative method of qualifying.--

28 (1) A person seeking to qualify for nomination to any
29 office may qualify to have his or her name placed on the
30 ballot for the first primary election by means of the
31 petitioning process prescribed in this section. A person

1 qualifying by this alternative method shall not be required to
2 pay the qualifying fee or party assessment required by this
3 chapter. A person using this petitioning process shall file an
4 oath with the officer before whom the candidate would qualify
5 for the office stating that he or she intends to qualify by
6 this alternative method for the office sought. If the person
7 is running for an office which will be grouped on the ballot
8 with two or more similar offices to be filled at the same
9 election, the candidate must indicate in his or her oath for
10 which group or district office he or she is running. The oath
11 shall be filed at any time after the first Tuesday after the
12 first Monday in November ~~January~~ of the year immediately
13 preceding the year in which the first primary is held, but
14 prior to the 21st day preceding the first day of the
15 qualifying period for the office sought. The Department of
16 State shall prescribe the form to be used in administering and
17 filing such oath. No signatures shall be obtained by a
18 candidate on any nominating petition until the candidate has
19 filed the oath required in this section. If the person is
20 running for an office which will be grouped on the ballot with
21 two or more similar offices to be filled at the same election
22 and the petition does not indicate the group or district
23 office for which the person is running, the signatures
24 obtained on such petition will not be counted.

25 Section 18. Paragraph (a) of subsection (3) of section
26 99.0955, Florida Statutes, is amended to read:

27 99.0955 Candidates with no party affiliation; name on
28 general election ballot.--

29 (3)(a) A candidate with no party affiliation may, in
30 lieu of paying the qualifying fee, qualify for office by the
31 alternative method prescribed in this subsection. A candidate

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

22 Section 19. Paragraph (a) of subsection (3) of section
23 99.096, Florida Statutes, is amended to read:

24 99.096 Minor party candidates; names on ballot.--

25 (3)(a) A minor party candidate may, in lieu of paying
26 the qualifying fee and party assessment, qualify for office by
27 the alternative method prescribed in this subsection. A
28 candidate using this petitioning process shall file an oath
29 with the officer before whom the candidate would qualify for
30 the office stating that he or she intends to qualify by this
31 alternative method. If the person is running for an office

1 that requires a group or district designation, the candidate
2 must indicate the designation in his or her oath. The oath
3 must be filed at any time after the first Tuesday after the
4 first Monday in November ~~January~~ of the year immediately
5 preceding the year in which the election is held, but before
6 the 21st day preceding the first day of the qualifying period
7 for the office sought. The Department of State shall prescribe
8 the form to be used in administering and filing the oath.
9 Signatures may not be obtained by a candidate on any petition
10 until the candidate has filed the oath required in this
11 section. Upon receipt of the written oath from a candidate,
12 the qualifying officer shall provide the candidate with
13 petition forms in sufficient numbers to facilitate the
14 gathering of signatures. If the candidate is running for an
15 office that requires a group or district designation, the
16 petition must indicate that designation or the signatures on
17 such petition will not be counted.

18 Section 20. Section 100.061, Florida Statutes, is
19 amended to read:

20 100.061 First primary election.--In each year in which
21 a general election is held, a first primary election for
22 nomination of candidates of political parties shall be held on
23 the Tuesday 15 ~~9~~ weeks prior to the general election. Each
24 candidate receiving a majority of the votes cast in each
25 contest in the first primary election shall be declared
26 nominated for such office. A second primary election shall be
27 held as provided by s. 100.091 in every contest in which a
28 candidate does not receive a majority.

29 Section 21. Subsection (1) of section 100.091, Florida
30 Statutes, is amended to read:

31 100.091 Second primary election.--

1 (1) In each year in which a general election is held,
2 a second primary election for nomination of candidates of
3 political parties where nominations were not made in the first
4 primary election shall be held on the Tuesday 8 ~~5~~ weeks prior
5 to the general election.

6 Section 22. Subsection (1) 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 (1) TIME OF QUALIFYING.--Except for candidates for
11 judicial office, nonpartisan candidates for multicounty office
12 shall qualify with the Division of Elections of the Department
13 of State and nonpartisan candidates for countywide or less
14 than countywide office shall qualify with the supervisor of
15 elections. Candidates for judicial office other than the
16 office of county court judge shall qualify with the Division
17 of Elections of the Department of State, and candidates for
18 the office of county court judge shall qualify with the
19 supervisor of elections of the county. Candidates for judicial
20 office shall qualify no earlier than noon of the 120th day,
21 and no later than noon of the 116th day, before the first
22 primary election. Candidates for the office of school board
23 member shall qualify no earlier than noon of the 64th ~~50th~~
24 day, and no later than noon of the 60th ~~46th~~ day, before the
25 first primary election. Filing shall be on forms provided for
26 that purpose by the Division of Elections and furnished by the
27 appropriate qualifying officer. Any person seeking to qualify
28 by the alternative method, as set forth in s. 105.035, if the
29 person has submitted the necessary petitions by the required
30 deadline and is notified after the fifth day prior to the last
31 day for qualifying that the required number of signatures has

1 | been obtained, shall be entitled to subscribe to the
2 | candidate's oath and file the qualifying papers at any time
3 | within 5 days from the date he or she is notified that the
4 | necessary number of signatures has been obtained. Any person
5 | other than a write-in candidate who qualifies within the time
6 | prescribed in this subsection shall be entitled to have his or
7 | her name printed on the ballot.

8 | Section 23. Paragraphs (a) and (b) of subsection (1)
9 | of section 106.07, Florida Statutes, are amended to read:

10 | 106.07 Reports; certification and filing.--

11 | (1) Each campaign treasurer designated by a candidate
12 | or political committee pursuant to s. 106.021 shall file
13 | regular reports of all contributions received, and all
14 | expenditures made, by or on behalf of such candidate or
15 | political committee. Reports shall be filed on the 10th day
16 | following the end of each calendar quarter from the time the
17 | campaign treasurer is appointed, except that, if the 10th day
18 | following the end of a calendar quarter occurs on a Saturday,
19 | Sunday, or legal holiday, the report shall be filed on the
20 | next following day which is not a Saturday, Sunday, or legal
21 | holiday. Quarterly reports shall include all contributions
22 | received and expenditures made during the calendar quarter
23 | which have not otherwise been reported pursuant to this
24 | section.

25 | (a) Except as provided in paragraph (b), following the
26 | last day of qualifying for office, the reports shall be filed
27 | on the 46th,32nd, 18th, and 4th days immediately preceding
28 | the first primary and on the 32nd,18th,and 4th days
29 | immediately preceding the second primary and general election,
30 | for a candidate who is opposed in seeking nomination or
31 |

1 election to any office, or for a political committee, ~~or for a~~
2 ~~committee of continuous existence.~~

3 (b) Following the last day of qualifying for office,
4 any statewide candidate who has requested to receive
5 contributions from the Election Campaign Financing Trust Fund
6 or any statewide candidate in a race with a candidate who has
7 requested to receive contributions from the trust fund shall
8 file reports on the 4th, 11th, 18th, 25th, ~~and~~ 32nd, 39th, and
9 46th days prior to the first primary and general elections,
10 and on the 4th, 11th, 18th, ~~and~~ 25th, 32nd, and 39th days
11 prior to the second primary.

12 Section 24. Subsections (1) and (2) of section
13 101.048, Florida Statutes, are amended to read:

14 101.048 Provisional ballots.--

15 (1) At all elections, a voter claiming to be properly
16 registered in the county and eligible to vote ~~at the precinct~~
17 in the election, but whose eligibility cannot be determined,
18 and other persons specified in the code shall be entitled to
19 vote a provisional ballot in the county in which the voter
20 claims to be registered, notwithstanding s. 101.045 or any
21 other provision of law to the contrary. Once voted, the
22 provisional ballot shall be placed in a secrecy envelope and
23 thereafter sealed in a provisional ballot envelope. The
24 provisional ballot shall be deposited in a ballot box. All
25 provisional ballots shall remain sealed in their envelopes for
26 return to the supervisor of elections. The department shall
27 prescribe the form of the provisional ballot envelope.

28 (2)(a) The county canvassing board shall examine each
29 provisional ballot envelope to determine if the person voting
30 that ballot was entitled to vote ~~at the precinct where the~~
31

1 ~~person cast a vote~~ in the election and that the person had not
2 already cast a ballot in the election.

3 (b)1. If it is determined that the person was
4 registered and entitled to vote ~~at the precinct where the~~
5 ~~person cast a vote~~ in the election, the canvassing board shall
6 compare the signature on the provisional ballot envelope with
7 the signature on the voter's registration and, if it matches,
8 shall count the ballot. The provisional ballot of a voter who
9 is otherwise entitled to vote shall not be rejected because
10 the voter did not cast his or her ballot in the precinct of
11 his or her legal residence. However, if the voter voted a
12 ballot to which he or she was not entitled, the canvassing
13 board shall duplicate the ballot for the races for which the
14 voter was entitled to vote in the precinct of the voter's
15 legal residence and count the races for which the voter was
16 entitled to vote.

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

24 Section 25. Subsection (8) of section 101.151, Florida
25 Statutes, is renumbered as subsection (9), and a new
26 subsection (8) is added to that section to read:

27 101.151 Specifications for ballots.--

28 (8) A ballot may not exceed seven standard letter size
29 pages in length or the equivalent. The department shall
30 provide by rule what constitutes the equivalent ballot length
31 for voting systems that use a ballot card or paper ballot of a

1 different size and for electronic or electromechanical voting
2 systems that do not use a ballot card or paper ballot.

3 Section 26. Subsection (16) is added to section
4 101.5606, Florida Statutes, to read:

5 101.5606 Requirements for approval of systems.--No
6 electronic or electromechanical voting system shall be
7 approved by the Department of State unless it is so
8 constructed that:

9 (16) It provides each voter casting a ballot with a
10 paper receipt that indicates each vote cast on the ballot.

11 Section 27. The implementation of the amendment of
12 section 101.5606, Florida Statutes, by this act requiring a
13 paper receipt for each voted ballot shall be phased in over a
14 3-year period, as determined by the Division of Elections of
15 the Department of State, and the cost of such implementation
16 shall be fully funded by the state by appropriation to the
17 division in the General Appropriations Act each fiscal year of
18 the phase-in period.

19 Section 28. Subsection (2) of section 101.657, Florida
20 Statutes, is amended to read:

21 101.657 Voting absentee ballots in person.--

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

29 (b) Three weeks prior to each primary and general
30 election, the supervisor of elections shall allow voting by
31 absentee ballot in the main office and each branch office each

1 day of the week, including Saturday and Sunday, for a period
2 of not less than 8 hours, beginning no later than 9 a.m. To
3 the extent practicable, the supervisor shall also provide for
4 voting by absentee ballot during this period in other
5 locations located equally throughout the county. Such
6 locations may include libraries, schools, and other facilities
7 used as polling places on election day.

8 (c) The supervisor may authorize the use of mobile
9 units for purposes of voting an absentee ballot under this
10 section, provided the locations at which such units are set up
11 do not include any location regularly used by and associated
12 with a political party or partisan political organization.

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

16
17 IN-OFFICE VOTER CERTIFICATE

18
19 I, _____, am a qualified elector in this election and
20 registered voter of _____ County, Florida. I do solemnly swear
21 or affirm that I am the person so listed on the voter
22 registration rolls of _____ County and that I reside at the
23 listed address. I understand that if I commit or attempt to
24 commit fraud in connection with voting, vote a fraudulent
25 ballot, or vote more than once in an election I could be
26 convicted of a felony of the third degree and both fined up to
27 \$5,000 and imprisoned for up to 5 years. I understand that my
28 failure to sign this certificate and have my signature
29 witnessed invalidates my ballot.

30
31

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

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

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

21 Section 29. Subsection (1) of section 110.117, Florida
22 Statutes, is amended to read:

23 110.117 Paid holidays.--

24 (1) The following holidays shall be paid holidays
25 observed by all state branches and agencies:

26 (a) New Year's Day.

27 (b) Birthday of Martin Luther King, Jr., third Monday
28 in January.

29 (c) Memorial Day.

30 (d) Independence Day.

31 (e) Labor Day.

1 (f) General Election Day.
2 ~~(g)(f)~~ Veterans' Day, November 11.
3 ~~(h)(g)~~ Thanksgiving Day.
4 ~~(i)(h)~~ Friday after Thanksgiving.
5 ~~(j)(i)~~ Christmas Day.
6
7 ~~(j)~~ If any of these holidays falls on Saturday, the preceding
8 Friday shall be observed as a holiday. If any of these
9 holidays falls on Sunday, the following Monday shall be
10 observed as a holiday.
11 Section 30. Paragraph (r) of subsection (1) of section
12 683.01, Florida Statutes, is reenacted to read:
13 683.01 Legal holidays.--
14 (1) The legal holidays, which are also public
15 holidays, are the following:
16 (r) General Election Day.
17 Section 31. Section 106.161, Florida Statutes, is
18 amended to read:
19 106.161 Air time available at the lowest unit
20 rate.--To the extent permitted by federal law, all broadcast
21 radio and television stations and all cable television
22 stations shall make air time available to candidates for
23 public office at the lowest unit rate. To the extent permitted
24 by federal law, all broadcast radio and television stations
25 must offer 2.5 minutes of free air time prior to each election
26 to each candidate for public office appearing on the ballot
27 for that election within the area the station covers.
28 Section 32. There is created a task force to rebut
29 false or inaccurate statements in political campaigns. Each
30 major political party regulated under chapter 103, Florida
31 Statutes, and each minor political party, as defined in s.

1 97.021(14), Florida Statutes, may select one member to serve
2 on the task force. Any rebuttal issued by the task force shall
3 be considered a public service announcement and not a
4 political advertisement and is not subject to reporting as a
5 contribution or expenditure under chapter 106, Florida
6 Statutes. The cost of disseminating the rebuttal shall be
7 borne equally by the political parties appointing members to
8 the task force.

9 Section 33. Section 106.08, Florida Statutes, is
10 amended to read:

11 106.08 Contributions; limitations on.--

12 (1)(a) ~~Except for political parties, No person,~~
13 ~~political committee, or committee of continuous existence may,~~
14 in any election, make contributions in excess of \$500 to any
15 candidate for election to or retention in office or to any
16 political committee supporting or opposing one or more
17 candidates. However, a political committee may not make a
18 contribution to any candidate for election to or retention in
19 office.Candidates for the offices of Governor and Lieutenant
20 Governor on the same ticket are considered a single candidate
21 for the purpose of this section.

22 (b)1. The contribution limits provided in this
23 subsection do not apply to contributions made by a state or
24 county executive committee of a political party regulated by
25 chapter 103 or to amounts contributed by a candidate to his or
26 her own campaign.

27 2. Notwithstanding the limits provided in this
28 subsection, an unemancipated child under the age of 18 years
29 of age may not make a contribution in excess of \$100 to any
30 candidate or to any political committee supporting one or more
31 candidates.

1 (c) The contribution limits of this subsection apply
2 to each election. For purposes of this subsection, the first
3 primary, second primary, and general election are separate
4 elections so long as the candidate is not an unopposed
5 candidate as defined in s. 106.011(14)~~(15)~~. However, for the
6 purpose of contribution limits with respect to candidates for
7 retention as a justice or judge, there is only one election,
8 which is the general election. With respect to candidates in a
9 circuit holding an election for circuit judge or in a county
10 holding an election for county court judge, there are only two
11 elections, which are the first primary election and general
12 election.

13 (2) A person may not make contributions to the state
14 and county executive committees of a political party,
15 including any subordinate committee of a state or county
16 executive committee of a political party, which contributions,
17 including in-kind contributions, in the aggregate in any
18 calendar year exceed \$5,000.

19 ~~(3)(2)(a)~~ A candidate may not accept contributions
20 from national, state, including any subordinate committee of a
21 national, state, or county committee of a political party, and
22 county executive committees of a political party, which
23 contributions in the aggregate exceed \$50,000, no more than
24 \$25,000 of which may be accepted prior to the 28-day period
25 immediately preceding the date of the general election.

26 ~~(b) Polling services, research services, costs for~~
27 ~~campaign staff, professional consulting services, and~~
28 ~~telephone calls are not contributions to be counted toward the~~
29 ~~contribution limits of paragraph (a). Any item not expressly~~
30 ~~identified in this paragraph as nonallocable is a contribution~~
31 ~~in an amount equal to the fair market value of the item and~~

1 ~~must be counted as allocable toward the \$50,000 contribution~~
2 ~~limits of paragraph (a). Nonallocable, in-kind contributions~~
3 ~~must be reported by the candidate under s. 106.07 and by the~~
4 ~~political party under s. 106.29.~~

5 (4)(3)(a) Any contribution received by a candidate
6 with opposition in an election or by the campaign treasurer or
7 a deputy campaign treasurer of such a candidate on the day of
8 that election or less than 5 days prior to the day of that
9 election must be returned by him or her to the person ~~or~~
10 ~~committee~~ contributing it and may not be used or expended by
11 or on behalf of the candidate.

12 (b) Except as otherwise provided in paragraph (c), any
13 contribution received by a candidate or by the campaign
14 treasurer or a deputy campaign treasurer of a candidate after
15 the date at which the candidate withdraws his or her
16 candidacy, or after the date the candidate is defeated,
17 becomes unopposed, or is elected to office must be returned to
18 the person ~~or committee~~ contributing it and may not be used or
19 expended by or on behalf of the candidate.

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

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

29 2. Any contribution received by a candidate or the
30 campaign treasurer or deputy campaign treasurer of a candidate
31 after the candidate has been notified in writing by the

1 department or supervisor that he or she has become unopposed
2 as a result of an independent or minor party candidate failing
3 to obtain the required number of petition signatures shall be
4 returned to the person, ~~political committee, or committee of~~
5 ~~continuous existence~~ contributing it and shall not be used or
6 expended by or on behalf of the candidate.

7 (5)~~(4)~~ Any contribution received by the chair,
8 campaign treasurer, or deputy campaign treasurer of a
9 political committee supporting or opposing a candidate with
10 opposition in an election or supporting or opposing an issue
11 on the ballot in an election on the day of that election or
12 less than 5 days prior to the day of that election may not be
13 obligated or expended by the committee until after the date of
14 the election.

15 (6)~~(5)~~(a) A person may not make any contribution
16 through or in the name of another, directly or indirectly, in
17 any election.

18 (b) Candidates, political committees, and political
19 parties may not solicit contributions from any religious,
20 charitable, civic, or other causes or organizations
21 established primarily for the public good.

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

27 1. A candidate, political committee, or political
28 party executive committee to make gifts of money in lieu of
29 flowers in memory of a deceased person;

30 2. A candidate to continue membership in, or make
31 regular donations from personal or business funds to,

1 religious, political party, civic, or charitable groups of
2 which the candidate is a member or to which the candidate has
3 been a regular donor for more than 6 months; or

4 3. A candidate to purchase, with campaign funds,
5 tickets, admission to events, or advertisements from
6 religious, civic, political party, or charitable groups.

7 (7)~~(6)~~ A political party may not accept any
8 contribution which has been specifically designated for the
9 partial or exclusive use of a particular candidate. Any
10 contribution so designated must be returned to the contributor
11 and may not be used or expended by or on behalf of the
12 candidate.

13 (8)~~(7)~~(a) Any person who knowingly and willfully makes
14 no more than one contribution in violation of subsection (1),
15 subsection (2), or subsection~~(6)~~(5), or any person who
16 knowingly and willfully fails or refuses to return any
17 contribution as required in subsection~~(4)~~(3), commits a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083. If any corporation, partnership, or
20 other business entity or any political party or, political
21 ~~committee, or committee of continuous existence~~ is convicted
22 of knowingly and willfully violating any provision punishable
23 under this paragraph, it shall be fined not less than \$1,000
24 and not more than \$10,000. If it is a domestic entity, it may
25 be ordered dissolved by a court of competent jurisdiction; if
26 it is a foreign or nonresident business entity, its right to
27 do business in this state may be forfeited. Any officer,
28 partner, agent, attorney, or other representative of a
29 corporation, partnership, or other business entity or of a
30 political party or, political committee, ~~or committee of~~
31 ~~continuous existence~~ who aids, abets, advises, or participates

1 in a violation of any provision punishable under this
2 paragraph commits a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 (b) Any person who knowingly and willfully makes two
5 or more contributions in violation of subsection (1),
6 subsection (2), or subsection (6), or any combination thereof,
7 ~~(5)~~ commits a felony of the third degree, punishable as
8 provided in s. 775.082, s. 775.083, or s. 775.084. If any
9 corporation, partnership, or other business entity or any
10 political party or, political committee, ~~or committee of~~
11 ~~continuous existence~~ is convicted of knowingly and willfully
12 violating any provision punishable under this paragraph, it
13 shall be fined not less than \$10,000 and not more than
14 \$50,000. If it is a domestic entity, it may be ordered
15 dissolved by a court of competent jurisdiction; if it is a
16 foreign or nonresident business entity, its right to do
17 business in this state may be forfeited. Any officer, partner,
18 agent, attorney, or other representative of a corporation,
19 partnership, or other business entity, ~~or of a political~~
20 ~~committee, committee of continuous existence, or political~~
21 party who aids, abets, advises, or participates in a violation
22 of any provision punishable under this paragraph commits a
23 felony of the third degree, punishable as provided in s.
24 775.082, s. 775.083, or s. 775.084.

25 ~~(9)(8)~~ Except when otherwise provided in subsection
26 ~~(8)(7)~~, any person who knowingly and willfully violates any
27 provision of this section shall, in addition to any other
28 penalty prescribed by this chapter, pay to the state a sum
29 equal to twice the amount contributed in violation of this
30 chapter. Each campaign treasurer shall pay all amounts
31

1 contributed in violation of this section to the state for
2 deposit in the General Revenue Fund.

3 (10)~~(9)~~ This section does not apply to the transfer of
4 funds between a primary campaign depository and a savings
5 account or certificate of deposit or to any interest earned on
6 such account or certificate.

7 Section 34. Paragraph (c) of subsection (1) and
8 subsection (3) of section 106.021, Florida Statutes, are
9 amended to read:

10 106.021 Campaign treasurers; deputies; primary and
11 secondary depositories.--

12 (1)

13 (c) Any campaign treasurer or deputy treasurer
14 appointed pursuant to this section shall be a registered voter
15 in this state and shall, before such appointment may become
16 effective, have accepted appointment to such position in
17 writing and filed such acceptance with the officer before whom
18 the candidate is required to qualify or with the officer with
19 whom the political committee is required to file reports. An
20 individual may not be appointed and serve as campaign
21 treasurer of a candidate and a political committee or two or
22 more candidates and political committees. A candidate may
23 appoint herself or himself as campaign treasurer.

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

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

13 Section 35. Subsection (2) of section 106.03, Florida
14 Statutes, is amended to read:

15 106.03 Registration of political committees.--

16 (2) The statement of organization shall include:

17 (a) The name and address of the committee;

18 (b) The names, addresses, and relationships of
19 affiliated or connected organizations;

20 (c) The area, scope, or jurisdiction of the committee;

21 (d) The name, address, and position of the custodian
22 of books and accounts;

23 (e) The name, address, and position of other principal
24 officers, including officers and members of the finance
25 committee, if any;

26 (f) The name, address, office sought, and party
27 affiliation of:

28 1. Each candidate whom the committee is supporting or
29 opposing;

30
31

1 2. Any other individual, if any, whom the committee is
2 supporting or opposing for nomination for election, or
3 election, to any public office whatever;

4 (g) Any issue or issues such organization is
5 supporting or opposing;

6 (h) If the committee is supporting or opposing the
7 entire ticket of any party, a statement to that effect and the
8 name of the party;

9 (i) A statement of whether the committee is a
10 continuing one;

11 (j) Plans for the disposition of residual funds which
12 will be made in the event of dissolution;

13 (k) A listing of all banks, safe-deposit boxes, or
14 other depositories used for committee funds; and

15 (l) A statement of the reports required to be filed by
16 the committee with federal officials, if any, and the names,
17 addresses, and positions of such officials.

18 Section 36. Section 106.04, Florida Statutes, is
19 repealed.

20 Section 37. Paragraph (d) of subsection (2) of section
21 98.095, Florida Statutes, is amended to read:

22 98.095 County registers open to inspection; copies.--

23 (2) The information provided by the supervisor
24 pursuant to this section shall be furnished only to:

25 (d) Registered political committees, ~~registered~~
26 ~~committees of continuous existence,~~ and political parties or
27 officials thereof, for political purposes only; and

28
29 Such information shall not be used for commercial purposes. No
30 person to whom a list of registered voters is made available
31 pursuant to this section, and no person who acquires such a

1 list, shall use any information contained therein for purposes
2 which are not related to elections, political or governmental
3 activities, voter registration, or law enforcement.

4 Section 38. Paragraph (d) of subsection (2) of section
5 98.0979, Florida Statutes, is amended to read:

6 98.0979 Statewide voter registration database open to
7 inspection; copies.--

8 (2) The information provided by the division or
9 supervisor of elections pursuant to this section shall be
10 furnished only to:

11 (d) Registered political committees, ~~certified~~
12 ~~committees of continuous existence~~, and political parties or
13 officials thereof, for political purposes only; and

14 Section 39. Subsection (3) of section 101.62, Florida
15 Statutes, is amended to read:

16 101.62 Request for absentee ballots.--

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

29 Section 40. Paragraph (c) of subsection (3) of section
30 102.031, Florida Statutes, is amended to read:

31

1 102.031 Maintenance of good order at polls;
2 authorities; persons allowed in polling rooms; unlawful
3 solicitation of voters.--

4 (3)

5 (c) No person, political committee, ~~committee of~~
6 ~~continuous existence~~, or other group or organization may
7 solicit voters within 50 feet of the entrance to any polling
8 place, or polling room where the polling place is also a
9 polling room, on the day of any election.

10 1. Solicitation shall not be restricted if:

11 a. Conducted from a separately marked area within the
12 50-foot zone so as not to disturb, hinder, impede, obstruct,
13 or interfere with voter access to the polling place or polling
14 room entrance; and

15 b. The solicitation activities and subject matter are
16 clearly and easily identifiable by the voters as an activity
17 in which they may voluntarily participate; or

18 c. Conducted on property within the 50-foot zone which
19 is a residence, established business, private property,
20 sidewalk, park, or property traditionally utilized as a public
21 area for discussion.

22 2. Solicitation shall not be permitted within the
23 50-foot zone on a public sidewalk or other similar means of
24 access to the polling room if it is clearly identifiable to
25 the poll workers that the solicitation is impeding,
26 obstructing, or interfering with voter access to the polling
27 room or polling place.

28 Section 41. Section 106.011, Florida Statutes, is
29 amended to read:

30
31

1 106.011 Definitions.--As used in this chapter, the
2 following terms have the following meanings unless the context
3 clearly indicates otherwise:

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

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

8 a. Accepts contributions for the purpose of making
9 contributions to any ~~candidate, political committee, committee~~
10 ~~of continuous existence, or~~ political party;

11 b. Accepts contributions for the purpose of expressly
12 advocating the election or defeat of a candidate or the
13 passage or defeat of an issue;

14 c. Makes expenditures that expressly advocate the
15 election or defeat of a candidate or the passage or defeat of
16 an issue; or

17 d. Makes contributions to a common fund, other than a
18 joint checking account between spouses, from which
19 contributions are made to any ~~candidate, political committee,~~
20 ~~committee of continuous existence, or~~ political party.

21 2. The sponsor of a proposed constitutional amendment
22 by initiative who intends to seek the signatures of registered
23 electors.

24 (b) Notwithstanding paragraph (a), the following
25 entities are not considered political committees for purposes
26 of this chapter:

27 1. ~~Organizations which are certified by the Department~~
28 ~~of State as committees of continuous existence pursuant to s.~~
29 ~~106.04, National political parties, and the state and county~~
30 executive committees of political parties regulated by chapter
31 103.

1 2. Corporations regulated by chapter 607 or chapter
2 617 or other business entities formed for purposes other than
3 to support or oppose issues or candidates, if their political
4 activities are limited to contributions to ~~candidates,~~
5 political parties, or political committees or expenditures in
6 support of or opposition to an issue from corporate or
7 business funds and if no contributions are received by such
8 corporations or business entities.

9 ~~(2) "Committee of continuous existence" means any~~
10 ~~group, organization, association, or other such entity which~~
11 ~~is certified pursuant to the provisions of s. 106.04.~~

12 (2)(3) "Contribution" means:

13 (a) A gift, subscription, conveyance, deposit, loan,
14 payment, or distribution of money or anything of value,
15 including contributions in kind having an attributable
16 monetary value in any form, made for the purpose of
17 influencing the results of an election.

18 (b) A transfer of funds between political committees,
19 ~~between committees of continuous existence, or between a~~
20 ~~political committee and a committee of continuous existence.~~

21 (c) The payment, by any person other than a candidate
22 or political committee, of compensation for the personal
23 services of another person which are rendered to a candidate
24 or political committee without charge to the candidate or
25 committee for such services.

26 (d) The transfer of funds by a campaign treasurer or
27 deputy campaign treasurer between a primary depository and a
28 separate interest-bearing account or certificate of deposit,
29 and the term includes any interest earned on such account or
30 certificate.

31

1 Notwithstanding the foregoing meanings of "contribution," the
2 word shall not be construed to include services, including,
3 but not limited to, legal and accounting services, provided
4 without compensation by individuals volunteering a portion or
5 all of their time on behalf of a candidate or political
6 committee. This definition shall not be construed to include
7 editorial endorsements.

8 (3)~~(4)~~ "Expenditure" means a purchase, payment,
9 distribution, loan, advance, transfer of funds by a campaign
10 treasurer or deputy campaign treasurer between a primary
11 depository and a separate interest-bearing account or
12 certificate of deposit, or gift of money or anything of value
13 made for the purpose of influencing the results of an
14 election. However, "expenditure" does not include a purchase,
15 payment, distribution, loan, advance, or gift of money or
16 anything of value made for the purpose of influencing the
17 results of an election when made by an organization, in
18 existence prior to the time during which a candidate qualifies
19 or an issue is placed on the ballot for that election, for the
20 purpose of printing or distributing such organization's
21 newsletter, containing a statement by such organization in
22 support of or opposition to a candidate or issue, which
23 newsletter is distributed only to members of such
24 organization.

25 (4)~~(5)~~(a) "Independent expenditure" means an
26 expenditure by a person for the purpose of advocating the
27 election or defeat of a candidate or the approval or rejection
28 of an issue, which expenditure is not controlled by,
29 coordinated with, or made upon consultation with, any
30 candidate, political committee, or agent of such candidate or
31 committee. An expenditure for such purpose by a person having

1 a contract with the candidate, political committee, or agent
2 of such candidate or committee in a given election period
3 shall not be deemed an independent expenditure.

4 (b) An expenditure for the purpose of advocating the
5 election or defeat of a candidate which is made by the
6 national, state, or county executive committee of a political
7 party, including any subordinate committee of a national,
8 state, or county committee of a political party, or by any
9 political committee ~~or committee of continuous existence,~~ or
10 ~~any~~ other person, shall not be considered an independent
11 expenditure if the committee or person:

12 1. Communicates with the candidate, the candidate's
13 campaign, or an agent of the candidate acting on behalf of the
14 candidate, including any pollster, media consultant,
15 advertising agency, vendor, advisor, or staff member,
16 concerning the preparation of, use of, or payment for, the
17 specific expenditure or advertising campaign at issue; or

18 2. Makes a payment in cooperation, consultation, or
19 concert with, at the request or suggestion of, or pursuant to
20 any general or particular understanding with the candidate,
21 the candidate's campaign, a political committee supporting the
22 candidate, or an agent of the candidate relating to the
23 specific expenditure or advertising campaign at issue; or

24 3. Makes a payment for the dissemination,
25 distribution, or republication, in whole or in part, of any
26 broadcast or any written, graphic, or other form of campaign
27 material prepared by the candidate, the candidate's campaign,
28 or an agent of the candidate, including any pollster, media
29 consultant, advertising agency, vendor, advisor, or staff
30 member; or

31

1 4. Makes a payment based on information about the
2 candidate's plans, projects, or needs communicated to a member
3 of the committee or person by the candidate or an agent of the
4 candidate, provided the committee or person uses the
5 information in any way, in whole or in part, either directly
6 or indirectly, to design, prepare, or pay for the specific
7 expenditure or advertising campaign at issue; or

8 5. After the last day of qualifying for statewide or
9 legislative office, consults about the candidate's plans,
10 projects, or needs in connection with the candidate's pursuit
11 of election to office and the information is used in any way
12 to plan, create, design, or prepare an independent expenditure
13 or advertising campaign, with:

14 a. Any officer, director, employee, or agent of a
15 national, state, or county executive committee of a political
16 party that has made or intends to make expenditures in
17 connection with ~~or contributions to~~ the candidate; or

18 b. Any person whose professional services have been
19 retained by a national, state, or county executive committee
20 of a political party that has made or intends to make
21 expenditures in connection with ~~or contributions to~~ the
22 candidate; or

23 6. After the last day of qualifying for statewide or
24 legislative office, retains the professional services of any
25 person also providing those services to the candidate in
26 connection with the candidate's pursuit of election to office;
27 or

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

30 (5)(6) "Election" means any primary election, special
31 primary election, general election, special election, or

1 municipal election held in this state for the purpose of
2 nominating or electing candidates to public office, choosing
3 delegates to the national nominating conventions of political
4 parties, or submitting an issue to the electors for their
5 approval or rejection.

6 (6)~~(7)~~ "Issue" means any proposition which is required
7 by the State Constitution, by law or resolution of the
8 Legislature, or by the charter, ordinance, or resolution of
9 any political subdivision of this state to be submitted to the
10 electors for their approval or rejection at an election, or
11 any proposition for which a petition is circulated in order to
12 have such proposition placed on the ballot at any election.

13 (7)~~(8)~~ "Person" means an individual or a corporation,
14 association, firm, partnership, joint venture, joint stock
15 company, club, organization, estate, trust, business trust,
16 syndicate, or other combination of individuals having
17 collective capacity. The term includes a political party or~~or~~
18 political committee, ~~or committee of continuous existence.~~

19 (8)~~(9)~~ "Campaign treasurer" means an individual
20 appointed by a candidate or political committee as provided in
21 this chapter.

22 (9)~~(10)~~ "Public office" means any state, county,
23 municipal, or school or other district office or position
24 which is filled by vote of the electors.

25 (10)~~(11)~~ "Campaign fund raiser" means any affair held
26 to raise funds to be used in a campaign for public office.

27 (11)~~(12)~~ "Division" means the Division of Elections of
28 the Department of State.

29 (12)~~(13)~~ "Communications media" means broadcasting
30 stations, newspapers, magazines, outdoor advertising
31 facilities, printers, direct mailing companies, advertising

1 agencies, and telephone companies; but with respect to
2 telephones, an expenditure shall be deemed to be an
3 expenditure for the use of communications media only if made
4 for the costs of telephones, paid telephonists, or automatic
5 telephone equipment to be used by a candidate or a political
6 committee to communicate with potential voters but excluding
7 any costs of telephones incurred by a volunteer for use of
8 telephones by such volunteer.

9 (13)~~(14)~~ "Filing officer" means the person before whom
10 a candidate qualifies or the agency or officer with whom a
11 political committee registers, ~~or the agency by whom a~~
12 ~~committee of continuous existence is certified.~~

13 (14)~~(15)~~ "Unopposed candidate" means a candidate for
14 nomination or election to an office who, after the last day on
15 which any person, including a write-in candidate, may qualify,
16 is without opposition in the election at which the office is
17 to be filled or who is without such opposition after such date
18 as a result of any primary election or of withdrawal by other
19 candidates seeking the same office. A candidate is not an
20 unopposed candidate if there is a vacancy to be filled under
21 s. 100.111(4), if there is a legal proceeding pending
22 regarding the right to a ballot position for the office sought
23 by the candidate, or if the candidate is seeking retention as
24 a justice or judge.

25 (15)~~(16)~~ "Candidate" means any person to whom any one
26 or more of the following apply:

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

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

31

1 (c) Any person who receives contributions or makes
2 expenditures, or consents for any other person to receive
3 contributions or make expenditures, with a view to bring about
4 his or her nomination or election to, or retention in, public
5 office.

6 (d) Any person who appoints a treasurer and designates
7 a primary depository.

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

10
11 However, this definition does not include any candidate for a
12 political party executive committee.

13 (16)(a)~~(17)~~ "Political advertisement" means a paid
14 expression in any communications media prescribed in
15 subsection~~(12)~~~~(13)~~, whether radio, television, newspaper,
16 magazine, periodical, campaign literature, direct mail, or
17 display or by means other than the spoken word in direct
18 conversation, which shall support or oppose any candidate,
19 elected public official, or issue. In addition, an
20 advertisement is presumed to be a political advertisement if
21 it is a paid expression in any communications media described
22 in subsection (12), whether radio, television, newspaper,
23 magazine, periodical, campaign literature, direct mail, or
24 display or by means other than the spoken word in direct
25 conversation, which substantially mentions or shows a clearly
26 identifiable candidate for election or reelection and is
27 distributed at any point during the period following the last
28 day of qualifying for that candidacy through the ensuing
29 general election and which, when examined by a reasonable
30 person, would be understood as a communication made for the
31 purpose of influencing the results of an election on that

1 candidacy during that period and for which aggregate
2 expenditures on like advertisements exceed \$1,000.

3 (b) ~~However,~~ "Political advertisement" does not
4 include:

5 1. ~~(a)~~ A statement by an organization, in existence
6 prior to the time during which a candidate qualifies or an
7 issue is placed on the ballot for that election, in support of
8 or opposition to a candidate or issue, in that organization's
9 newsletter, which newsletter is distributed only to the
10 members of that organization.

11 2. ~~(b)~~ Editorial endorsements by any newspaper, radio
12 or television station, or other recognized news medium.

13 3. A paid expression in any communications media which
14 mentions or shows a clearly identifiable candidate for
15 election or reelection which:

16 a. Advertises a business rather than the candidate, is
17 paid for out of funds of that business, and is similar to
18 other advertisements for that business which have mentioned or
19 shown the candidate and have been distributed regularly over a
20 period of at least 1 year before the qualifying period for
21 that candidacy; or

22 b. Is distributed or broadcast only to areas other
23 than the geographical area of the electorate for that
24 candidacy.

25 Section 42. Paragraph (d) of subsection (1), paragraph
26 (a) of subsection (4), and subsection (7) of section 106.07,
27 Florida Statutes, are amended to read:

28 106.07 Reports; certification and filing.--

29 (1) Each campaign treasurer designated by a candidate
30 or political committee pursuant to s. 106.021 shall file
31 regular reports of all contributions received, and all

1 expenditures made, by or on behalf of such candidate or
2 political committee. Reports shall be filed on the 10th day
3 following the end of each calendar quarter from the time the
4 campaign treasurer is appointed, except that, if the 10th day
5 following the end of a calendar quarter occurs on a Saturday,
6 Sunday, or legal holiday, the report shall be filed on the
7 next following day which is not a Saturday, Sunday, or legal
8 holiday. Quarterly reports shall include all contributions
9 received and expenditures made during the calendar quarter
10 which have not otherwise been reported pursuant to this
11 section.

12 (d)1. When a special election is called to fill a
13 vacancy in office, all political committees ~~and committees of~~
14 ~~continuous existence~~ making contributions or expenditures to
15 influence the results of such special election shall file
16 campaign treasurers' reports with the filing officer on the
17 dates set by the Department of State pursuant to s. 100.111.

18 2. When an election is called for an issue to appear
19 on the ballot at a time when no candidates are scheduled to
20 appear on the ballot, all political committees making
21 contributions or expenditures in support of or in opposition
22 to such issue shall file reports on the 18th and 4th days
23 prior to such election.

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

26 1. The full name, address, and occupation, if any of
27 each person who has made one or more contributions to or for
28 such committee or candidate within the reporting period,
29 together with the amount and date of such contributions. For
30 corporations, the report must provide as clear a description
31 as practicable of the principal type of business conducted by

1 the corporation. However, if the contribution is \$100 or less
2 or is from a relative, as defined in s. 112.312, provided that
3 the relationship is reported, the occupation of the
4 contributor or the principal type of business need not be
5 listed.

6 2. The name and address of each political committee
7 from which the reporting committee ~~or the candidate~~ received,
8 or to which the reporting committee or candidate made, any
9 transfer of funds, together with the amounts and dates of all
10 transfers.

11 3. Each loan for campaign purposes to or from any
12 person or political committee within the reporting period,
13 together with the full names, addresses, and occupations, and
14 principal places of business, if any, of the lender and
15 endorsers, if any, and the date and amount of such loans.

16 4. A statement of each contribution, rebate, refund,
17 or other receipt not otherwise listed under subparagraphs 1.
18 through 3.

19 5. The total sums of all loans, in-kind contributions,
20 and other receipts by or for such committee or candidate
21 during the reporting period. The reporting forms shall be
22 designed to elicit separate totals for in-kind contributions,
23 loans, and other receipts.

24 6. The full name and address of each person to whom
25 expenditures have been made by or on behalf of the committee
26 or candidate within the reporting period; the amount, date,
27 and purpose of each such expenditure; and the name and address
28 of, and office sought by, each candidate on whose behalf such
29 expenditure was made. However, expenditures made from the
30 petty cash fund provided by s. 106.12 need not be reported
31 individually.

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

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

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

13 10. The amount and nature of debts and obligations
14 owed by or to the committee or candidate, which relate to the
15 conduct of any political campaign.

16 11. A copy of each credit card statement which shall
17 be included in the next report following receipt thereof by
18 the candidate or political committee. Receipts for each credit
19 card purchase shall be retained by the treasurer with the
20 records for the campaign account.

21 12. The amount and nature of any separate
22 interest-bearing accounts or certificates of deposit and
23 identification of the financial institution in which such
24 accounts or certificates of deposit are located.

25 (7) Notwithstanding any other provisions of this
26 chapter, in any reporting period during which a candidate or
27 ~~political committee, or committee of continuous existence~~ has
28 not received funds, made any contributions, or expended any
29 reportable funds, the filing of the required report for that
30 period is waived. However, the next report filed must specify
31 that the report covers the entire period between the last

1 submitted report and the report being filed, and any candidate
2 ~~or political committee, or committee of continuous existence~~
3 not reporting by virtue of this subsection on dates prescribed
4 elsewhere in this chapter shall notify the filing officer in
5 writing on the prescribed reporting date that no report is
6 being filed on that date.

7 Section 43. Subsections (1), (2), and (3) of section
8 106.082, Florida Statutes, are amended to read:

9 106.082 Commissioner of Agriculture candidates;
10 campaign contribution limits.--

11 (1) No director, officer, or lobbyist of a business
12 which is inspected, licensed, or otherwise authorized to do
13 business as a food outlet or convenience store pursuant to
14 chapter 500; ~~or any director, officer, lobbyist, or~~
15 ~~controlling interest of that business; and no political~~
16 ~~committee or committee of continuous existence representing~~
17 ~~the interests of such business~~ shall make or solicit a
18 contribution in excess of \$100, for any election, to or on
19 behalf of any candidate for the office of Commissioner of
20 Agriculture. The provisions of this subsection shall not
21 prevent any candidate for the office of Commissioner of
22 Agriculture or members of that candidate's immediate family
23 from contributing to that candidate's campaign as otherwise
24 permitted by law.

25 (2) No candidate for the office of Commissioner of
26 Agriculture may solicit or accept a campaign contribution in
27 excess of \$100 from any director, officer, or lobbyist of a
28 business which ~~or person who~~ is licensed or inspected or
29 otherwise authorized to do business as a food outlet or
30 convenience store pursuant to chapter 500; ~~or any director,~~
31 ~~officer, lobbyist, or controlling interest of that person or~~

1 ~~business; or any political committee or committee of~~
2 ~~continuous existence that represents that person.~~

3 (3) No employee of the Department of Agriculture may
4 solicit a campaign contribution for any candidate for the
5 office of Commissioner of Agriculture from any director,
6 officer, or lobbyist of a person or business which who is
7 licensed, inspected, or otherwise authorized to do business as
8 a food outlet or convenience store pursuant to chapter 500~~7~~ or
9 ~~any director, officer, lobbyist, or controlling interest of~~
10 ~~that person; or any political committee or committee of~~
11 ~~continuous existence that represents that person.~~ For purposes
12 of this section, "employee of the department" means any person
13 employed in the Department of Agriculture holding a position
14 in the Senior Management Service as defined in s. 110.402; any
15 person holding a position in the Selected Exempt Service as
16 defined in s. 110.602; any person having authority over food
17 outlet or convenience store regulation, or inspection
18 supervision; or any person, hired on a contractual basis,
19 having the power normally conferred upon such person, by
20 whatever title.

21 Section 44. Paragraph (a) of subsection (1) and
22 subsection (2) of section 106.087, Florida Statutes, are
23 amended to read:

24 106.087 Independent expenditures; contribution limits;
25 restrictions on political parties and political committees~~,~~
26 ~~and committees of continuous existence.--~~

27 (1)(a) As a condition of receiving a rebate of filing
28 fees and party assessment funds pursuant to s. 99.061(2), s.
29 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
30 treasurer of a state or county executive committee shall take
31 and subscribe to an oath or affirmation in writing. During the

1 qualifying period for state candidates and prior to
2 distribution of such funds, a printed copy of the oath or
3 affirmation shall be filed with the Secretary of State and
4 shall be substantially in the following form:

5

6 State of Florida
7 County of....

8 Before me, an officer authorized to administer oaths,
9 personally appeared ...(name)..., to me well known, who, being
10 sworn, says that he or she is the ...(title)... of the
11 ...(name of party)... ...(state or specified county)...
12 executive committee; that the executive committee has not
13 made, either directly or indirectly, an independent
14 expenditure in support of or opposition to a candidate or
15 elected public official in the prior 6 months; that the
16 executive committee will not make, either directly or
17 indirectly, an independent expenditure in support of or
18 opposition to a candidate or elected public official, through
19 and including the upcoming general election; and that the
20 executive committee will not violate the contribution limits
21 applicable to candidates under s. 106.08(3)~~(2)~~, Florida
22 Statutes.

23 ...(Signature of committee officer)...
24 ...(Address)...

25

26 Sworn to and subscribed before me this day of,
27 ...(year)..., at County, Florida.

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

29

30 (2)(a) Any political committee ~~or committee of~~
31 ~~continuous existence~~ that accepts the use of public funds,

1 equipment, personnel, or other resources to collect dues from
2 its members agrees not to make independent expenditures in
3 support of or opposition to a candidate or elected public
4 official. ~~However, expenditures may be made for the sole~~
5 ~~purpose of jointly endorsing three or more candidates.~~

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

11 Section 45. Subsection (3) of section 106.12, Florida
12 Statutes, is amended to read:

13 106.12 Petty cash funds allowed.--

14 (3) The petty cash fund so provided shall be spent
15 only in amounts less than \$100 and only for office supplies,
16 transportation expenses, and other necessities. Petty cash
17 shall not be used for the purchase of time, space, or services
18 from communications media as defined in s. 106.011(12)~~(13)~~.

19 Section 46. Paragraph (b) of subsection (3) of section
20 106.147, Florida Statutes, is amended to read:

21 106.147 Telephone solicitation; disclosure
22 requirements; prohibitions; exemptions; penalties.--

23 (3)

24 (b) For purposes of paragraph (a), the term "person"
25 includes any candidate; any officer of any political
26 committee, ~~committee of continuous existence,~~ or political
27 party executive committee; any officer, partner, attorney, or
28 other representative of a corporation, partnership, or other
29 business entity; and any agent or other person acting on
30 behalf of any candidate, political committee, ~~committee of~~

31

1 ~~continuous existence~~, political party executive committee, or
2 corporation, partnership, or other business entity.

3 Section 47. Section 106.148, Florida Statutes, is
4 amended to read:

5 106.148 Disclosure of on-line computer
6 solicitation.--A message placed on an information system
7 accessible by computer by a candidate, political party, or
8 political committee, ~~or committee of continuous existence~~, or
9 an agent of any such candidate, party, or committee, which
10 message is accessible by more than one person, other than an
11 internal communication of the party, committee, or campaign,
12 must include a statement disclosing all information required
13 of political advertisements under s. 106.143.

14 Section 48. Subsection (2) of section 106.23, Florida
15 Statutes, is amended to read:

16 106.23 Powers of the Division of Elections.--

17 (2) The Division of Elections shall provide advisory
18 opinions when requested by any supervisor of elections,
19 candidate, local officer having election-related duties,
20 political party, political committee, ~~committee of continuous~~
21 ~~existence~~, or other person or organization engaged in
22 political activity, relating to any provisions or possible
23 violations of Florida election laws with respect to actions
24 such supervisor, candidate, local officer having
25 election-related duties, political party, committee, person,
26 or organization has taken or proposes to take. Requests for
27 advisory opinions must be submitted in accordance with rules
28 adopted by the Department of State. A written record of all
29 such opinions issued by the division, sequentially numbered,
30 dated, and indexed by subject matter, shall be retained. A
31 copy shall be sent to said person or organization upon

1 request. Any such person or organization, acting in good faith
2 upon such an advisory opinion, shall not be subject to any
3 criminal penalty provided for in this chapter. The opinion,
4 until amended or revoked, shall be binding on any person or
5 organization who sought the opinion or with reference to whom
6 the opinion was sought, unless material facts were omitted or
7 misstated in the request for the advisory opinion.

8 Section 49. Subsections (1) and (2) of section
9 106.265, Florida Statutes, are amended to read:

10 106.265 Civil penalties.--

11 (1) The commission is authorized upon the finding of a
12 violation of this chapter or chapter 104 to impose civil
13 penalties in the form of fines not to exceed \$1,000 per count.
14 In determining the amount of such civil penalties, the
15 commission shall consider, among other mitigating and
16 aggravating circumstances:

17 (a) The gravity of the act or omission;

18 (b) Any previous history of similar acts or omissions;

19 (c) The appropriateness of such penalty to the
20 financial resources of the person, political committee,
21 ~~committee of continuous existence,~~ or political party; and

22 (d) Whether the person, political committee, ~~committee~~
23 ~~of continuous existence,~~ or political party has shown good
24 faith in attempting to comply with the provisions of this
25 chapter or chapter 104.

26 (2) If any person, political committee, ~~committee of~~
27 ~~continuous existence,~~ or political party fails or refuses to
28 pay to the commission any civil penalties assessed pursuant to
29 the provisions of this section, the commission shall be
30 responsible for collecting the civil penalties resulting from
31 such action.

1 Section 50. Subsection (2) of section 106.27, Florida
2 Statutes, is amended to read:

3 106.27 Determinations by commission; legal
4 disposition.--

5 (2) Civil actions may be brought by the commission for
6 relief, including permanent or temporary injunctions,
7 restraining orders, or any other appropriate order for the
8 imposition of civil penalties provided by this chapter. Such
9 civil actions shall be brought by the commission in the
10 appropriate court of competent jurisdiction, and the venue
11 shall be in the county in which the alleged violation occurred
12 or in which the alleged violator or violators are found,
13 reside, or transact business. Upon a proper showing that such
14 person, political committee, ~~committee of continuous~~
15 ~~existence~~, or political party has engaged, or is about to
16 engage, in prohibited acts or practices, a permanent or
17 temporary injunction, restraining order, or other order shall
18 be granted without bond by such court, and the civil fines
19 provided by this chapter may be imposed.

20 Section 51. Subsection (6) of section 106.29, Florida
21 Statutes, is amended to read:

22 106.29 Reports by political parties; restrictions on
23 contributions and expenditures; penalties.--

24 (6)(a) The national, state, and county executive
25 committees of a political party may not contribute to any
26 candidate any amount in excess of the limits contained in s.
27 106.08(3)(2), ~~and all contributions required to be reported~~
28 ~~under s. 106.08(2) by the national executive committee of a~~
29 ~~political party shall be reported by the state executive~~
30 ~~committee of that political party.~~

31

1 (b) A violation of the contribution limits contained
2 in s. 106.08~~(3)~~~~(2)~~ is a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083. A civil
4 penalty equal to three times the amount in excess of the
5 limits contained in s. 106.08~~(3)~~~~(2)~~ shall be assessed against
6 any executive committee found in violation thereof.

7 Section 52. Section 106.33, Florida Statutes, is
8 amended to read:

9 106.33 Election campaign financing; eligibility.--Each
10 candidate for the office of Governor or member of the Cabinet
11 who desires to receive contributions from the Election
12 Campaign Financing Trust Fund shall, upon qualifying for
13 office, file a request for such contributions with the filing
14 officer on forms provided by the Division of Elections. If a
15 candidate requesting contributions from the fund desires to
16 have such funds distributed by electronic fund transfers, the
17 request shall include information necessary to implement that
18 procedure. For the purposes of ss. 106.30-106.36, candidates
19 for Governor and Lieutenant Governor on the same ticket shall
20 be considered as a single candidate. To be eligible to receive
21 contributions from the fund, a candidate may not be an
22 unopposed candidate as defined in s. 106.011~~(14)~~~~(15)~~ and must:

23 (1) Agree to abide by the expenditure limits provided
24 in s. 106.34.

25 (2)(a) Raise contributions as follows:

26 1. One hundred fifty thousand dollars for a candidate
27 for Governor.

28 2. One hundred thousand dollars for a candidate for
29 Cabinet office.

30 (b) Contributions from individuals who at the time of
31 contributing are not state residents may not be used to meet

1 the threshold amounts in paragraph (a). For purposes of this
2 paragraph, any person validly registered to vote in this state
3 shall be considered a state resident.

4 (3) Limit loans or contributions from the candidate's
5 personal funds to \$25,000 and contributions from national,
6 state, and county executive committees of a political party to
7 \$25,000 in the aggregate, which loans or contributions shall
8 not qualify for meeting the threshold amounts in subsection
9 (2).

10 (4) Submit to a postelection audit of the campaign
11 account by the division.

12 Section 53. Section 111.075, Florida Statutes, is
13 amended to read:

14 111.075 Elected officials; prohibition concerning
15 political ~~certain~~ committees.--Elected officials are
16 prohibited from being employed by, or acting as a consultant
17 for compensation to, a political committee ~~or committee of~~
18 ~~continuous existence~~.

19 Section 54. Subsections (3) and (4) and paragraph (a)
20 of subsection (5) of section 112.3148, Florida Statutes, are
21 amended to read:

22 112.3148 Reporting and prohibited receipt of gifts by
23 individuals filing full or limited public disclosure of
24 financial interests and by procurement employees.--

25 (3) A reporting individual or procurement employee is
26 prohibited from soliciting any gift from a political committee
27 ~~or committee of continuous existence~~, as defined in s.
28 106.011, or from a lobbyist who lobbies the reporting
29 individual's or procurement employee's agency, or the partner,
30 firm, employer, or principal of such lobbyist, where such gift
31 is for the personal benefit of the reporting individual or

1 procurement employee, another reporting individual or
2 procurement employee, or any member of the immediate family of
3 a reporting individual or procurement employee.

4 (4) A reporting individual or procurement employee or
5 any other person on his or her behalf is prohibited from
6 knowingly accepting, directly or indirectly, a gift from a
7 political committee ~~or committee of continuous existence~~, as
8 defined in s. 106.011, or from a lobbyist who lobbies the
9 reporting individual's or procurement employee's agency, or
10 directly or indirectly on behalf of the partner, firm,
11 employer, or principal of a lobbyist, if he or she knows or
12 reasonably believes that the gift has a value in excess of
13 \$100; however, such a gift may be accepted by such person on
14 behalf of a governmental entity or a charitable organization.
15 If the gift is accepted on behalf of a governmental entity or
16 charitable organization, the person receiving the gift shall
17 not maintain custody of the gift for any period of time beyond
18 that reasonably necessary to arrange for the transfer of
19 custody and ownership of the gift.

20 (5)(a) A political committee ~~or a committee of~~
21 ~~continuous existence~~, as defined in s. 106.011; a lobbyist who
22 lobbies a reporting individual's or procurement employee's
23 agency; the partner, firm, employer, or principal of a
24 lobbyist; or another on behalf of the lobbyist or partner,
25 firm, principal, or employer of the lobbyist is prohibited
26 from giving, either directly or indirectly, a gift that has a
27 value in excess of \$100 to the reporting individual or
28 procurement employee or any other person on his or her behalf;
29 however, such person may give a gift having a value in excess
30 of \$100 to a reporting individual or procurement employee if
31

1 the gift is intended to be transferred to a governmental
2 entity or a charitable organization.

3 Section 55. Subsections (3) and (4) of section
4 112.3149, Florida Statutes, are amended to read:

5 112.3149 Solicitation and disclosure of honoraria.--

6 (3) A reporting individual or procurement employee is
7 prohibited from knowingly accepting an honorarium from a
8 political committee ~~or committee of continuous existence~~, as
9 defined in s. 106.011, from a lobbyist who lobbies the
10 reporting individual's or procurement employee's agency, or
11 from the employer, principal, partner, or firm of such a
12 lobbyist.

13 (4) A political committee ~~or committee of continuous~~
14 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
15 reporting individual's or procurement employee's agency, or
16 the employer, principal, partner, or firm of such a lobbyist
17 is prohibited from giving an honorarium to a reporting
18 individual or procurement employee.

19 Section 56. Subsection (4) of section 1004.28, Florida
20 Statutes, is amended to read:

21 1004.28 Direct-support organizations; use of property;
22 board of directors; activities; audit; facilities.--

23 (4) ACTIVITIES; RESTRICTION.--A university
24 direct-support organization is prohibited from giving, either
25 directly or indirectly, any gift to a political committee ~~or~~
26 ~~committee of continuous existence~~ as defined in s. 106.011 for
27 any purpose other than those certified by a majority roll call
28 vote of the governing board of the direct-support organization
29 at a regularly scheduled meeting as being directly related to
30 the educational mission of the university.

31

1 Section 57. Paragraph (d) of subsection (4) of section
2 1004.70, Florida Statutes, is amended to read:

3 1004.70 Community college direct-support
4 organizations.--

5 (4) ACTIVITIES; RESTRICTIONS.--
6 (d) A community college direct-support organization is
7 prohibited from giving, either directly or indirectly, any
8 gift to a political committee ~~or committee of continuous~~
9 ~~existence~~ as defined in s. 106.011 for any purpose other than
10 those certified by a majority roll call vote of the governing
11 board of the direct-support organization at a regularly
12 scheduled meeting as being directly related to the educational
13 mission of the community college.

14 Section 58. Paragraph (c) of subsection (4) of section
15 1004.71, Florida Statutes, is amended to read:

16 1004.71 Statewide community college direct-support
17 organizations.--

18 (4) RESTRICTIONS.--
19 (c) A statewide community college direct-support
20 organization is prohibited from giving, either directly or
21 indirectly, any gift to a political committee ~~or committee of~~
22 ~~continuous existence~~ as defined in s. 106.011 for any purpose
23 other than those certified by a majority roll call vote of the
24 governing board of the direct-support organization at a
25 regularly scheduled meeting as being directly related to the
26 educational mission of the State Board of Education.

27 Section 59. Subsection (3) of section 106.32, Florida
28 Statutes, is repealed.

29 Section 60. This act shall take effect January 1,
30 2005.

31