

By Senator Posey

24-1239A-05

1 A bill to be entitled
2 An act relating to electors and elections;
3 amending s. 97.012, F.S.; authorizing the
4 Secretary of State to issue binding directives
5 to the supervisors of elections or the county
6 canvassing boards; providing penalties for
7 failure to follow such a directive; authorizing
8 the Secretary of State to delegate certain
9 duties to voter registration officials;
10 amending s. 97.021, F.S.; redefining the term
11 "lists of registered electors" to include the
12 information maintained by the Department of
13 State in the statewide voter registration
14 system; defining the term "voter registration
15 official"; amending s. 97.051, F.S.; revising
16 the oath required upon registering to vote;
17 amending s. 97.052, F.S.; revising the contents
18 of the uniform statewide voter registration
19 application; amending s. 97.053, F.S.; revising
20 provisions governing the acceptance of voter
21 registration applications by the supervisor of
22 elections; requiring that an applicant complete
23 a registration application before the date of
24 book closing in order to be eligible to vote in
25 that election; revising the information
26 required on the registration application;
27 requiring the Department of State to verify the
28 authenticity or nonexistence of a registrant's
29 driver's license, identification card, or
30 social security number; providing for a
31 provisional ballot to be issued if such

1 information cannot be verified by the book
2 closing date; amending s. 97.0535, F.S.;
3 revising requirements for voters who register
4 by mail and who have not previously voted in
5 the state; amending s. 97.055, F.S.; limiting
6 the updates that may be made to registration
7 information following book closing; amending s.
8 97.057, F.S.; revising the requirements for
9 voter registration conducted by the Department
10 of Highway Safety and Motor Vehicles; requiring
11 that the department electronically transmit
12 information to the statewide voter registration
13 system; providing additional duties to the
14 Department of State and the Department of
15 Highway Safety and Motor Vehicles with respect
16 to retaining records, comparing address
17 information, and verifying the accuracy of
18 driver's license information; amending s.
19 97.058, F.S.; clarifying the duties of voter
20 registration agencies; amending s. 97.061,
21 F.S.; revising certain requirements for
22 registering electors who require assistance;
23 conforming provisions to changes made by the
24 act; amending s. 97.071, F.S.; specifying the
25 information to be included on the voter
26 information card; amending s. 97.073, F.S.,
27 relating to the disposition of voter
28 registration applications; conforming
29 provisions; amending s. 97.1031, F.S.; revising
30 requirements for a voter who changes his or her
31 residence, name, or party affiliation; amending

1 s. 97.105, F.S.; providing for the registration
2 of electors by voter registration officials;
3 amending s. 98.015, F.S.; revising the duties
4 of the supervisor of elections with respect to
5 the statewide voter registration system;
6 requiring that each supervisor maintain lists
7 of valid residential street addresses; creating
8 s. 98.035, F.S.; requiring that the Secretary
9 of State implement, operate, and maintain the
10 statewide voter registration system;
11 prohibiting the Department of State from
12 contracting with a private entity for operation
13 of the system; authorizing the department to
14 adopt rules; amending s. 98.045, F.S.;
15 requiring that the department determine the
16 eligibility of voter applicants; providing for
17 the removal of registered voters; requiring
18 that records be maintained for a specified
19 period; requiring that the department maintain
20 a statewide electronic database of valid street
21 addresses and make such database available to
22 the Department of Highway Safety and Motor
23 Vehicles; authorizing the department to adopt
24 rules; amending s. 98.065, F.S.; providing
25 requirements for the Department of State and
26 the Supervisors of Elections in maintaining
27 voter registration records; providing
28 requirements for address-confirmation notices;
29 prohibiting the removal of a voter's name from
30 the statewide voter registration system later
31 than a specified period before a federal

1 election under certain circumstances; amending
2 s. 98.075, F.S.; requiring that the department
3 identify duplicate registrations and
4 registrations of deceased persons, persons
5 adjudicated mentally incapacitated, and felons;
6 providing procedures for removal of such
7 persons from the statewide voter registration
8 system; creating s. 98.0755, F.S.; providing a
9 procedure for appealing a determination of
10 ineligibility in circuit court; amending s.
11 98.077, F.S.; revising the procedures for
12 updating a voter signature to conform to
13 changes made by the act; amending s. 98.081,
14 F.S.; providing requirements for the removal of
15 names from the statewide voter registration
16 system; conforming terminology; amending s.
17 98.093, F.S.; revising requirements by which
18 specified officials are required to furnish
19 information to the Department of State;
20 requiring the Department of Law Enforcement to
21 furnish lists of felons; requiring the Board of
22 Executive Clemency to furnish lists of
23 individuals who have been granted clemency;
24 requiring the Department of Corrections to
25 furnish lists of inmates; requiring the
26 Department of Highway Safety and Motor Vehicles
27 to furnish lists of individuals whose names
28 have been removed from the driver's license
29 database; amending s. 98.212, F.S.; requiring
30 that the Department of State furnish certain
31 statistical and other information to

1 universities and colleges, governmental
2 agencies, and political committees; amending s.
3 98.461, F.S., relating to voter registration
4 information; conforming provisions to changes
5 made by the act; amending s. 100.371, F.S.;
6 revising the date for filing initiative
7 petitions with the Secretary of State; revising
8 procedures for validating signatures;
9 authorizing the department to adopt rules;
10 amending s. 101.043, F.S.; specifying the types
11 of identification that constitute valid picture
12 identification for purposes of voter
13 identification; providing for electronically
14 recording signatures; amending s. 101.045,
15 F.S., relating to voting following a change in
16 residence or name; conforming provisions to
17 changes made by the act; amending s. 101.048,
18 F.S., relating to provisional ballots;
19 conforming provisions; amending s. 101.5608,
20 F.S.; providing for alternative methods of
21 recording a signature for purposes of voting;
22 amending s. 101.663, F.S.; deleting provisions
23 governing a change of residence to another
24 county in the state; amending ss. 101.6921 and
25 101.6923, F.S., relating to absentee ballots;
26 conforming cross-references and other
27 provisions; amending s. 102.012, F.S.;
28 requiring the supervisor to provide lists of
29 registered electors to the inspectors of
30 election; amending s. 104.051, F.S.; providing
31 for a civil penalty to be assessed against a

1 supervisor or member of a county canvassing
2 board for willful failure to following a
3 binding directive of the Secretary of State;
4 amending s. 120.52, F.S.; redefining the term
5 "rule" for purposes of ch. 120, F.S., to
6 exclude advisory opinions issued by the
7 Department of State and directives issued by
8 the Secretary of State; repealing ss. 98.055,
9 98.075, 98.095, 98.0977, 98.0979, 98.101,
10 98.181, 98.231, 98.451, and 98.481, F.S.,
11 relating to the maintenance of registration
12 lists, county registers, the voter registration
13 database, specifications for registration files
14 and forms, the supervisor's indexes and
15 records, duties of the supervisor, and
16 challenges to electors; providing effective
17 dates.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 97.012, Florida Statutes, is
22 amended to read:

23 97.012 Secretary of State as chief election
24 officer.--The Secretary of State is the chief election officer
25 of the state, and it is his or her responsibility to:

26 (1) Obtain and maintain uniformity in the application,
27 operation, and interpretation of the election laws. In
28 achieving this objective, the Secretary of State, or his or
29 her designee, may issue binding directives to the supervisors
30 of elections or the county canvassing boards when the
31 Secretary of State determines that a lack of uniformity exists

1 in the application, operation, or interpretation of the
2 election laws. A willful failure to follow directives issued
3 by the Secretary of State shall subject the violator to the
4 penalties in s. 104.051(5). The Secretary of State may file
5 complaints with the Florida Elections Commission alleging a
6 violation of s. 104.051(5).

7 (2) Provide uniform standards for the proper and
8 equitable implementation of the registration laws.

9 (3) Actively seek out and collect the data and
10 statistics necessary to knowledgeably scrutinize the
11 effectiveness of election laws.

12 (4) Provide technical assistance to the supervisors of
13 elections on voter education and election personnel training
14 services.

15 (5) Provide technical assistance to the supervisors of
16 elections on voting systems.

17 (6) Provide voter education assistance to the public.

18 (7) Coordinate the state's responsibilities under the
19 National Voter Registration Act of 1993.

20 (8) Provide training to all affected state agencies on
21 the necessary procedures for proper implementation of this
22 chapter.

23 (9) Ensure that all registration applications and
24 forms prescribed or approved by the department are in
25 compliance with the Voting Rights Act of 1965.

26 (10) Coordinate with the United States Department of
27 Defense so that armed forces recruitment offices administer
28 voter registration in a manner consistent with the procedures
29 set forth in this code for voter registration agencies.

30 (11) Create and administer ~~maintain~~ a statewide voter
31 registration system as required by the Help America Vote Act

1 of 2002 database. The Secretary of State may delegate duties
2 concerning voter registration and activities involving records
3 maintenance to voter registration officials. Any
4 responsibilities delegated by the Secretary of State shall be
5 performed in accordance with state and federal law.

6 (12) Maintain a voter fraud hotline and provide
7 election fraud education to the public.

8 (13) Designate an office within the department to be
9 responsible for providing information regarding voter
10 registration procedures and absentee ballot procedures to
11 absent uniformed services voters and overseas voters.

12 Section 2. Subsection (13) of section 97.021, Florida
13 Statutes, is amended, present subsections (38) and (39) of
14 that section are redesignated as subsections (39) and (40),
15 respectively, and a new subsection (38) is added to that
16 section, to read:

17 97.021 Definitions.--For the purposes of this code,
18 except where the context clearly indicates otherwise, the
19 term:

20 (13) "Lists of registered electors" means names and
21 associated information ~~copies of printed lists~~ of registered
22 electors maintained by the department in the statewide voter
23 registration system or generated or derived from the statewide
24 voter registration system. Lists may be produced in printed or
25 electronic format, ~~computer tapes or disks, or any other~~
26 ~~device used by the supervisor of elections to maintain voter~~
27 ~~records.~~

28 (38) "Voter registration official" means any
29 supervisor of elections or individual authorized by the
30 Secretary of State to accept voter registration applications
31

1 and execute updates to the statewide voter registration
2 system.

3 Section 3. Section 97.051, Florida Statutes, is
4 amended to read:

5 97.051 Oath upon registering.--A person registering to
6 vote must subscribe to the following oath: "I do solemnly
7 swear (or affirm) that I will protect and defend the
8 Constitution of the United States and the Constitution of the
9 State of Florida, that I am qualified to register as an
10 elector under the Constitution and laws of the State of
11 Florida, and that all information provided in this application
12 is true ~~I am a citizen of the United States and a legal~~
13 ~~resident of Florida.~~"

14 Section 4. Section 97.052, Florida Statutes, is
15 amended to read:

16 97.052 Uniform statewide voter registration
17 application.--

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

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

- 23 1. Initial registration.
- 24 2. Change of address.
- 25 3. Change of party affiliation.
- 26 4. Change of name.
- 27 5. Replacement of a voter information registration
28 ~~identification~~ card.
- 29 6. Signature update.

30 (b) The department is responsible for printing the
31 uniform statewide voter registration application and the voter

1 registration application form prescribed by the ~~Federal~~
2 Election Assistance Commission pursuant to federal law ~~the~~
3 ~~National Voter Registration Act of 1993~~. The applications and
4 forms must be distributed, upon request, to the following:

- 5 1. Individuals seeking to register to vote or update a
6 voter registration record.
- 7 2. Individuals or groups conducting voter registration
8 programs. A charge of 1 cent per application shall be assessed
9 on requests for 10,000 or more applications.
- 10 3. The Department of Highway Safety and Motor
11 Vehicles.
- 12 4. Voter registration agencies.
- 13 5. Armed forces recruitment offices.
- 14 6. Qualifying educational institutions.
- 15 7. Supervisors, who must make the applications and
16 forms available in the following manner:
 - 17 a. By distributing the applications and forms in their
18 offices to any individual or group.
 - 19 b. By distributing the applications and forms at other
20 locations designated by each supervisor.
 - 21 c. By mailing the applications and forms to applicants
22 upon the request of the applicant.
- 23 (c) The uniform statewide voter registration
24 application may be reproduced by any private individual or
25 group, provided the reproduced application is in the same
26 format as the application prescribed under this section.
- 27 (2) The uniform statewide voter registration
28 application must be designed to elicit the following
29 information from the applicant:
 - 30 (a) Last, first, and middle ~~Full~~ name, including any
31 suffix.

- 1 (b) Date of birth.
- 2 (c) Address of legal residence.
- 3 (d) Mailing address, if different.
- 4 (e) County of legal residence.
- 5 ~~(f) Address of property for which the applicant has~~
6 ~~been granted a homestead exemption, if any.~~
- 7 ~~(f)(g)~~ Race or ethnicity that best describes the
8 applicant:
- 9 1. American Indian or Alaskan Native.
- 10 2. Asian or Pacific Islander.
- 11 3. Black, not Hispanic.
- 12 4. White, not Hispanic.
- 13 5. Hispanic.
- 14 ~~(g)(h)~~ State or country of birth.
- 15 ~~(h)(i)~~ Sex.
- 16 ~~(i)(j)~~ Party affiliation.
- 17 ~~(j)(k)~~ Whether the applicant needs assistance in
18 voting.
- 19 ~~(k)(l)~~ Name and address where last registered.
- 20 ~~(l)(m)~~ Last four digits of the applicant's social
21 security number.
- 22 ~~(m)(n)~~ Florida driver's license number or the
23 identification number from a Florida identification card
24 issued under s. 322.051.
- 25 (n) An indication if the applicant has not been issued
26 a Florida driver's license, a Florida identification card, or
27 a social security number.
- 28 (o) Telephone number~~(optional)~~.
- 29 (p) E-mail address.
- 30 ~~(q)(r)~~ Signature of applicant under penalty for false
31 swearing pursuant to s. 104.011, by which the person

1 subscribes to the oath required by s. 3, Art. VI of the State
2 Constitution and s. 97.051, and swears or affirms that the
3 information contained in the registration application is true.

4 ~~(r)~~~~(q)~~ Whether the application is being used for
5 initial registration, to update a voter registration record,
6 or to request a replacement voter information registration
7 ~~identification~~ card.

8 ~~(s)~~~~(r)~~ Whether the applicant is a citizen of the
9 United States by asking the question "Are you a citizen of the
10 United States of America?" and providing boxes for the
11 applicant to check to indicate whether the applicant is or is
12 not a citizen of the United States.

13 ~~(t)~~~~(s)~~ Whether ~~That~~ the applicant has ~~not~~ been
14 convicted of a felony, and ~~or~~, if convicted, has had his or
15 her civil rights restored by including the statement "I affirm
16 I am not a convicted felon, or if I am, my rights relating to
17 voting have been restored" and providing a box for the
18 applicant to affirm the statement.

19 ~~(u)~~~~(t)~~ Whether ~~That~~ the applicant has ~~not~~ been
20 adjudicated mentally incapacitated with respect to voting or,
21 if so adjudicated, has had his or her right to vote restored
22 by including the statement "I affirm I have not been
23 adjudicated mentally incapacitated with respect to voting or,
24 if I have, my competency has been restored" and providing a
25 box for the applicant to check to affirm the statement.

26
27 The registration application form must be in plain language
28 and designed so that convicted felons whose civil rights have
29 been restored and persons who have been adjudicated mentally
30 incapacitated and have had their voting rights restored are
31 not required to reveal their prior conviction or adjudication.

1 (3) The uniform statewide voter registration
2 application must also contain:

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

5 (b) A statement specifying each eligibility
6 requirement under s. 97.041.

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

9 (d) A statement that, if an applicant declines to
10 register to vote, the fact that the applicant has declined to
11 register will remain confidential and may be used only for
12 voter registration purposes.

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

19 ~~(f) A statement that informs the applicant that any~~
20 ~~person who has been granted a homestead exemption in this~~
21 ~~state, and who registers to vote in any precinct other than~~
22 ~~the one in which the property for which the homestead~~
23 ~~exemption has been granted, shall have that information~~
24 ~~forwarded to the property appraiser where such property is~~
25 ~~located, which may result in the person's homestead exemption~~
26 ~~being terminated and the person being subject to assessment of~~
27 ~~back taxes under s. 193.092, unless the homestead granted the~~
28 ~~exemption is being maintained as the permanent residence of a~~
29 ~~legal or natural dependent of the owner and the owner resides~~
30 ~~elsewhere.~~

31

1 ~~(f)(g)~~ A statement informing an the applicant who has
2 not been issued a Florida driver's license, a Florida
3 identification card, or a social security number that if the
4 application form is submitted by mail and the applicant is
5 registering for the first time in Florida, the applicant will
6 be required to provide identification prior to voting the
7 first time.

8 (4) A supervisor may produce a voter registration
9 application that has the supervisor's direct mailing address
10 if the department has reviewed the application and determined
11 that it is substantially the same as the uniform statewide
12 voter registration application.

13 (5) The voter registration application form prescribed
14 by the ~~Federal~~ Election Assistance Commission pursuant to
15 federal law ~~the National Voter Registration Act of 1993~~ or the
16 federal postcard application must be accepted as an
17 application for registration in this state if the completed
18 application or postcard application contains the information
19 required by the constitution and laws of this state.

20 Section 5. Section 97.053, Florida Statutes, is
21 amended to read:

22 97.053 Acceptance of voter registration
23 applications.--

24 (1) Voter registration applications, changes in
25 registration, and requests for a replacement voter information
26 ~~registration identification~~ card must be accepted in the
27 office of any supervisor, the division, a driver license
28 office, a voter registration agency, or an armed forces
29 recruitment office when hand delivered by the applicant or a
30 third party during the hours that office is open or when
31 mailed.

1 (2) A ~~completed~~ voter registration application is
2 complete and that contains the information necessary to
3 establish an applicant's eligibility pursuant to s. 97.041
4 becomes the official voter registration record of that
5 applicant when all information necessary to establish the
6 applicant's eligibility pursuant to s. 97.041 is received by a
7 voter registration official and verified pursuant to
8 subsection (6) the appropriate supervisor. If the applicant
9 fails to complete his or her voter registration application
10 before the date of book closing for an election, such
11 applicant is not eligible to vote in that election.

12 (3) The registration date for a valid initial voter
13 registration application that has been hand delivered is the
14 date when the application is received by a driver license
15 office, a voter registration agency, an armed forces
16 recruitment office, the division, or the office of any
17 supervisor in the state.

18 (4) The registration date for a valid initial voter
19 registration application that has been mailed to a driver
20 license office, a voter registration agency, an armed forces
21 recruitment office, the division, or the office of any
22 supervisor in the state and bears a clear postmark is the date
23 of that ~~the~~ postmark. If an initial voter registration
24 application that has been mailed does not bear a postmark or
25 if the postmark is unclear, the registration date is the date
26 the application registration is received by any voter
27 registration official supervisor or the division, unless it is
28 received within 5 days after the closing of the books for an
29 election, excluding Saturdays, Sundays, and legal holidays, in
30 which case the registration date is the book-closing date.

31

1 (5)(a) A voter registration application is complete if
2 it contains the following information necessary to establish
3 eligibility pursuant to s. 97.041:

- 4 1. The applicant's name.
- 5 2. The applicant's legal residence address.
- 6 3. The applicant's date of birth.
- 7 4. A mark in the checkbox affirming ~~An indication~~ that

8 the applicant is a citizen of the United States.

9 5.a. The applicant's current and valid Florida
10 driver's license number or~~7~~ the identification number from a
11 Florida identification card issued under s. 322.051;~~7~~ or

12 b. If the applicant has not been issued a current and
13 valid Florida driver's license or a Florida identification
14 card, the last four digits of the applicant's social security
15 number.

16
17 In the case where an applicant has not been issued a current
18 and valid Florida driver's license, Florida identification
19 card, or social security number, the applicant shall affirm
20 this fact in the manner prescribed in the uniform statewide
21 voter registration application.

22 6. A mark in the checkbox affirming ~~An indication~~ that
23 the applicant has not been convicted of a felony or that, if
24 convicted, has had his or her civil rights restored.

25 7. A mark in the checkbox affirming ~~An indication~~ that
26 the applicant has not been adjudicated mentally incapacitated
27 with respect to voting or that, if so adjudicated, has had his
28 or her right to vote restored.

29 8. The original signature or a digital signature
30 transmitted by the Department of Highway Safety and Motor
31 Vehicles of the applicant swearing or affirming under the

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

5 | (b) An applicant who fails to designate party
6 | affiliation must be registered without party affiliation. The
7 | supervisor must notify the voter by mail that the voter has
8 | been registered without party affiliation and that the voter
9 | may change party affiliation as provided in s. 97.1031.

10 | (6) A voter registration application may be accepted
11 | as valid only after the department has verified the
12 | authenticity or nonexistence of the driver's license number,
13 | the Florida identification card number, or last four digits of
14 | the social security number provided by the applicant. If a
15 | completed voter registration application has been received by
16 | the book closing deadline but the driver's license number,
17 | Florida identification card number, or last four digits of the
18 | social security number provided by the applicant cannot be
19 | verified before the applicant presents himself or herself to
20 | vote, the applicant shall be provided a provisional ballot.
21 | The provisional ballot shall be counted only if the
22 | application is verified by the end of the canvassing period or
23 | if the applicant presents evidence to the supervisor of
24 | elections which is sufficient to verify the authenticity of
25 | the driver's license number, Florida identification card
26 | number, or last four digits of the social security number
27 | provided on the application no later than 5 p.m. of the third
28 | day following the election.

29 | (7) All voter registration applications received by a
30 | voter registration official shall be entered into the
31 |

1 statewide voter registration system within 15 days after
2 receipt.

3 Section 6. Section 97.0535, Florida Statutes, is
4 amended to read:

5 97.0535 Special requirements for certain voters
6 ~~applicants~~--

7 (1) Each voter applicant who registers by mail and who
8 has never previously voted in the state and who the department
9 has verified has not been issued a current and valid Florida
10 driver's license, Florida identification card, or social
11 security number county shall be required to provide a copy of
12 a current and valid identification, as provided in subsection
13 (3), or indicate that he or she is exempt from the
14 requirements prior to voting. ~~Such~~ The applicant may provide
15 ~~the~~ identification or indication may be provided at the time
16 of registering, or at any time prior to voting for the first
17 time in the state county. If the voter registration
18 application clearly provides information from which a voter
19 registration official ~~the supervisor~~ can determine that the
20 voter applicant meets at least one of the exemptions in
21 subsection (4), the voter registration official supervisor
22 shall make the notation on the registration records of the
23 statewide voter registration system and the voter applicant
24 shall not be required to provide the identification required
25 by this section ~~further information that is required of first~~
26 ~~time voters who register by mail.~~

27 (2) The voter registration official supervisor of
28 ~~elections~~ shall, upon accepting the voter registration
29 application submitted under subsection (1) ~~for an applicant~~
30 ~~who registered by mail and who has not previously voted in the~~
31 ~~county~~, determine if the voter applicant provided the required

1 identification at the time of registering. If the required
2 identification was not provided, the supervisor shall notify
3 the voter ~~applicant~~ that he or she must provide the
4 identification prior to voting the first time in the state
5 ~~county~~.

6 (3)(a) The following forms of identification shall be
7 considered current and valid if they contain the name and
8 photograph of the voter ~~applicant~~ and have not expired:

- 9 ~~1. Florida driver's license.~~
- 10 ~~2. Florida identification card issued by the~~
11 ~~Department of Highway Safety and Motor Vehicles.~~
- 12 1.3. United States passport.
- 13 2.4. Employee badge or identification.
- 14 3.5. Buyer's club identification.
- 15 4.6. Debit or credit card.
- 16 5.7. Military identification.
- 17 6.8. Student identification.
- 18 7.9. Retirement center identification.
- 19 8.10. Neighborhood association identification.
- 20 9.11. Entertainment identification.
- 21 10.12. Public assistance identification.

22 (b) The following forms of identification shall be
23 considered current and valid if they contain the name and
24 current residence address of the voter ~~applicant~~:

- 25 1. Utility bill.
- 26 2. Bank statement.
- 27 3. Government check.
- 28 4. Paycheck.
- 29 5. Other government document (excluding voter
30 identification card).
- 31

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

3 (a) Persons 65 years of age or older.

4 (b) Persons with a temporary or permanent physical
5 disability.

6 (c) Members of the uniformed service on active duty
7 who, by reason of such active duty, are absent from the county
8 on election day.

9 (d) Members of the Merchant Marine who, by reason of
10 service in the Merchant Marine, are absent from the county on
11 election day.

12 (e) The spouse or dependent of a member referred to in
13 paragraph (c) or paragraph (d) who, by reason of the active
14 duty or service of the member, is absent from the county on
15 election day.

16 (f) Persons currently residing outside the United
17 States who are eligible to vote in Florida.

18 Section 7. Subsection (1) of section 97.055, Florida
19 Statutes, is amended to read:

20 97.055 Registration books; when closed for an
21 election.--

22 (1) The registration books must be closed on the 29th
23 day before each election and must remain closed until after
24 that election. If an election is called and there are fewer
25 than 29 days before that election, the registration books must
26 be closed immediately. When the registration books are closed
27 for an election, updates to a voter's name, address, and
28 signature pursuant to ss. 98.077 and 101.045 shall be
29 permitted only for purposes of the upcoming election. Voter
30 registration applications and party changes must be accepted
31 but only for the purpose of subsequent elections. However,

1 party changes received between the book-closing date of the
2 first primary election and the date of the second primary
3 election are not effective until after the second primary
4 election.

5 Section 8. Section 97.057, Florida Statutes, is
6 amended to read:

7 97.057 Voter registration by the Department of Highway
8 Safety and Motor Vehicles.--

9 (1) The Department of Highway Safety and Motor
10 Vehicles shall provide the opportunity to register to vote or
11 to update a voter registration record to each individual who
12 comes to an office of that department to:

13 (a) Apply for or renew a driver's license;

14 (b) Apply for or renew an identification card pursuant
15 to chapter 322; or

16 (c) Change an address on an existing driver's license
17 or identification card.

18 (2) The Department of Highway Safety and Motor
19 Vehicles shall:

20 (a) Notify each individual, orally or in writing,
21 that:

22 1. Information gathered for the completion of a
23 driver's license or identification card application, renewal,
24 or change of address can be automatically transferred to a
25 voter registration application;

26 2. If additional information and a signature are
27 provided, the voter registration application will be completed
28 and sent to the proper election authority;

29 3. Information provided can also be used to update a
30 voter registration record;

31

1 4. All declinations will remain confidential and may
2 be used only for voter registration purposes; and

3 5. The particular driver license office in which the
4 person applies to register to vote or updates a voter
5 registration record will remain confidential and may be used
6 only for voter registration purposes.

7 (b) Require a driver's license examiner to inquire
8 orally, or, if the applicant is hearing impaired, inquire in
9 writing ~~if the applicant is hearing impaired, and~~ whether the
10 applicant wishes to register to vote or update a voter
11 registration record during the completion of a driver's
12 license or identification card application, renewal, or change
13 of address.

14 1. If the applicant chooses to register to vote or to
15 update a voter registration record:

16 a. All applicable information received by the
17 Department of Highway Safety and Motor Vehicles in the course
18 of filling out the forms necessary under subsection (1) must
19 be transferred to a voter registration application;

20 b. The additional necessary information must be
21 obtained by the driver's license examiner and must not
22 duplicate any information already obtained while completing
23 the forms required under subsection (1); and

24 c. A voter registration application with all of the
25 applicant's voter registration information must be presented
26 to the applicant to review and verify the voter registration
27 information received and provide an electronic signature
28 affirming the accuracy of the information provided ~~sign~~.

29 2. If the applicant declines to register to vote,
30 update the applicant's voter registration record, or change
31 the applicant's address by either orally declining or by

1 failing to sign the voter registration application, the
2 Department of Highway Safety and Motor Vehicles must note such
3 declination on its records and shall forward the declination
4 to the statewide voter registration system ~~keep the~~
5 ~~declination for 2 years but must forward a copy of the~~
6 ~~unsigned voter registration application within 5 days after~~
7 ~~receipt to the appropriate supervisor of elections.~~

8 (3) For the purpose of this section, the Department of
9 Highway Safety and Motor Vehicles, with the approval of the
10 Department of State, shall prescribe:

11 (a) A voter registration application that is the same
12 in content, ~~format, and size~~ as the uniform statewide voter
13 registration application prescribed under s. 97.052; and

14 (b) A form that will inform applicants under
15 subsection (1) of the information contained in paragraph
16 (2)(a).

17 (4) The Department of Highway Safety and Motor
18 Vehicles must electronically transmit forward completed voter
19 registration applications within 24 hours to the statewide
20 voter registration system. Completed paper voter registration
21 applications received by the Department of Highway Safety and
22 Motor Vehicles shall be forwarded to the department within 5
23 ~~days after receipt to the supervisor of the county where the~~
24 ~~office that processed or received that application is located.~~

25 (5) The Department of Highway Safety and Motor
26 Vehicles must send, with each driver's license renewal
27 extension application authorized pursuant to s. 322.18(8), a
28 uniform statewide voter registration application, the voter
29 registration application prescribed under paragraph (3)(a), or
30 a voter registration application developed especially for the
31 purposes of this subsection by the Department of Highway

1 Safety and Motor Vehicles, with the approval of the Department
2 of State, which must meet the requirements of s. 97.052.

3 (6) A person providing voter registration services for
4 a driver license office may not:

5 (a) Seek to influence an applicant's political
6 preference or party registration;

7 (b) Display any political preference or party
8 allegiance;

9 (c) Make any statement to an applicant or take any
10 action the purpose or effect of which is to discourage the
11 applicant from registering to vote; or

12 (d) Disclose any applicant's voter registration
13 information except as needed for the administration of voter
14 registration.

15 ~~(7) The Department of Highway Safety and Motor~~
16 ~~Vehicles shall compile lists, by county, of those individuals~~
17 ~~whose names have been purged from its driver's license~~
18 ~~database because they have been licensed in another state and~~
19 ~~shall provide those lists annually to the appropriate~~
20 ~~supervisors.~~

21 (7)(8) The Department of Highway Safety and Motor
22 Vehicles shall collect data determined necessary by the
23 Department of State for program evaluation and reporting to
24 the ~~Federal~~ Election Assistance Commission pursuant to federal
25 law ~~the National Voter Registration Act of 1993.~~

26 (8)(9) The Department of Highway Safety and Motor
27 Vehicles must ensure that all voter registration services
28 provided by driver license offices are in compliance with the
29 Voting Rights Act of 1965.

30 (9) The Department of Highway Safety and Motor
31 Vehicles shall retain complete records of voter registration

1 information received, processed, and submitted to the
2 statewide voter registration system. These records shall be
3 for the explicit purpose of supporting audit and accounting
4 controls established to ensure accurate and complete
5 electronic transmission of records between the statewide voter
6 registration system and the Department of Highway Safety and
7 Motor Vehicles.

8 (10) The department shall provide the Department of
9 Highway Safety and Motor Vehicles with an electronic database
10 of street addresses which is valid for use as the legal
11 residence address as required in s. 97.053(5). The Department
12 of Highway Safety and Motor Vehicles shall compare the address
13 provided by the applicant against the database of valid street
14 addresses. If the address provided by the applicant does not
15 match a valid street address in the database, the applicant
16 shall be asked to verify the address provided. The Department
17 of Highway Safety and Motor Vehicles may not reject any
18 application for voter registration for which a valid match
19 cannot be made.

20 (11) The Department of Highway Safety and Motor
21 Vehicles shall enter into an agreement with the department to
22 match information in the statewide voter registration system
23 with information in the database of the Department of Highway
24 Safety and Motor Vehicles to the extent that is required to
25 verify the accuracy of the driver's license number, the
26 Florida identification number, or last four digits of the
27 social security number provided on applications for voter
28 registration as required in s. 97.053.

29 (12) The Department of Highway Safety and Motor
30 Vehicles shall enter into an agreement with the Commissioner
31 of Social Security as required by the Help America Vote Act of

1 2002 to verify the last four digits of the social security
2 number provided in applications for voter registration as
3 required in s. 97.053.

4 Section 9. Subsections (6), (7), and (9) of section
5 97.058, Florida Statutes, are amended to read:

6 97.058 Voter registration agencies.--

7 (6) A voter registration agency must forward all
8 completed and incomplete voter registration applications
9 within 5 days after receipt to the supervisor of the county
10 where the agency that processed or received that application
11 is located.

12 (7) A voter registration agency must retain
13 declinations for a period of 2 years, during which time the
14 declinations are not considered a record of the client
15 pursuant to the laws governing the agency's records. ~~However,~~
16 ~~a voter registration agency must forward a copy of each~~
17 ~~incompleted voter registration application within 5 days after~~
18 ~~receipt to the appropriate supervisor of elections.~~

19 (9) A voter registration agency must collect data
20 determined necessary by the department for program evaluation
21 and reporting to the ~~Federal~~ Election Assistance Commission
22 pursuant to federal law ~~the National Voter Registration Act of~~
23 ~~1993.~~

24 Section 10. Section 97.061, Florida Statutes, is
25 amended to read:

26 97.061 Special registration for electors requiring
27 assistance.--

28 (1) Any person who is eligible to register and who is
29 unable to read or write or who, because of some disability,
30 needs assistance in voting shall upon that person's request be
31 registered ~~by the supervisor~~ under the procedure prescribed by

1 this section and shall be entitled to receive assistance at
2 the polls under the conditions prescribed by this section.

3 (2) If a person is qualified to register pursuant to
4 this section, the voter registration official ~~supervisor~~ shall
5 note in that person's registration record that the person
6 needs assistance in voting.

7 (3) The precinct register generated by the supervisor
8 shall contain ~~Upon registering any person pursuant to this~~
9 ~~section, the supervisor must make a notation on the~~
10 ~~registration books or records which are delivered to the polls~~
11 ~~on election day~~ that such person is eligible for assistance in
12 voting, and the supervisor shall ~~may issue such person a~~
13 ~~special registration identification card or make a some~~
14 notation on the voter information ~~regular registration~~
15 ~~identification~~ card that such person is eligible for
16 assistance in voting. Such person shall be entitled to receive
17 the assistance of two election officials or some other person
18 of his or her own choice, other than the person's employer,
19 the agent of the person's employer, or an officer or agent of
20 the person's union, without the necessity of executing the
21 "Declaration to Secure Assistance" prescribed in s. 101.051.
22 Such person shall notify the supervisor of any change in his
23 or her condition which makes it unnecessary for him or her to
24 receive assistance in voting.

25 Section 11. Section 97.071, Florida Statutes, is
26 amended to read:

27 97.071 Voter information ~~Registration identification~~
28 card.--

29 (1) The department shall prescribe by rule a voter
30 information ~~registration identification~~ card that must be
31 furnished by the supervisor to all registered voters residing

1 ~~in the county. The card registering under the permanent single~~
2 ~~registration system and~~ must contain:

3 (a) Voter's registration number.
4 (b) Date of registration.
5 (c) Full name.
6 (d) Party affiliation.
7 ~~(e) Date of birth.~~
8 ~~(f) Race or ethnicity, if provided by the applicant.~~
9 ~~(g) Sex, if provided by the applicant.~~
10 (e)(h) Address of legal residence.
11 (f)(i) Precinct number.
12 (g)(j) Name of supervisor and contact information.
13 ~~(k) Place for voter's signature.~~
14 (h)(l) Other information deemed necessary by the
15 department.

16 (2) A voter may receive a replacement voter
17 information ~~of a registration identification~~ card by providing
18 a signed, written request for a replacement card to a voter
19 registration official ~~the supervisor~~. Upon verification of
20 registration, the supervisor shall issue the voter a duplicate
21 card without charge.

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

30 Section 12. Section 97.073, Florida Statutes, is
31 amended to read:

1 97.073 Disposition of voter registration applications;
2 cancellation notice.--

3 (1) The supervisor must notify each applicant of the
4 disposition of the applicant's voter registration application.
5 The notice must inform the applicant that the application has
6 been approved, is incomplete, has been denied, or is a
7 duplicate of a current registration. A voter information
8 ~~registration identification~~ card sent to an applicant
9 constitutes notice of approval of registration. If the
10 application is incomplete, the supervisor must request that
11 the applicant supply the missing information using a voter
12 registration application signed by the applicant in writing
13 ~~and sign a statement that the additional information is true~~
14 ~~and correct~~. A notice of denial must inform the applicant of
15 the reason the application was denied.

16 (2) Within 2 weeks after approval of a voter
17 registration application that indicates that the applicant was
18 previously registered in another state jurisdiction, the
19 department supervisor ~~supervisor~~ must notify the registration official in
20 the prior state jurisdiction that the applicant is now
21 registered in Florida ~~the supervisor's county~~.

22 Section 13. Section 97.1031, Florida Statutes, is
23 amended to read:

24 97.1031 Notice of change of residence ~~within the same~~
25 ~~county~~, change of name, or change of party.--

26 (1) When an elector moves from the address named on
27 that person's voter registration record to another address
28 within the state or changes his or her name by marriage or
29 other legal process same county, the elector must submit the
30 new information to a voter registration official using a voter
31 registration application signed by the elector provide

1 ~~notification of such move to the supervisor of elections of~~
2 ~~that county. The elector may provide the supervisor a signed,~~
3 ~~written notice or may notify the supervisor by telephone or~~
4 ~~electronic means. However, notification of such move other~~
5 ~~than by signed, written notice must include the elector's date~~
6 ~~of birth. A voter information registration identification card~~
7 ~~reflecting the new information address of legal residence~~
8 ~~shall be issued to the elector as provided in subsection(3)~~
9 ~~(4).~~

10 ~~(2) When the name of an elector is changed by marriage~~
11 ~~or other legal process, the elector must provide a signed,~~
12 ~~written notification of such change to the supervisor and~~
13 ~~obtain a registration identification card reflecting the new~~
14 ~~name.~~

15 ~~(2)(3)~~ When an elector seeks to change party
16 affiliation, the elector must provide notice a signed, written
17 notification of such intent to a voter registration official
18 using a voter registration application signed by the elector.
19 A voter information the supervisor and obtain a registration
20 identification card reflecting the new party affiliation shall
21 be issued by the supervisor to the elector, subject to the
22 issuance restriction in s. 97.071(3).

23 ~~(3)(4)~~ The voter registration official ~~supervisor~~
24 shall make the necessary changes in the elector's records as
25 soon as practical upon receipt of such notice of a change of
26 address of legal residence, name, or party affiliation ~~and~~
27 ~~shall issue the new registration identification card as~~
28 ~~required by s. 97.071(3).~~

29 Section 14. Section 97.105, Florida Statutes, is
30 amended to read:
31

1 97.105 Permanent single registration system
2 established.--A permanent single registration system for the
3 registration of electors to qualify them to vote in all
4 elections is provided for the several counties and
5 municipalities. This system shall be put into use by all
6 municipalities and shall be in lieu of any other system of
7 municipal registration. Electors shall be registered pursuant
8 to in pursuance of this system by a voter registration
9 official ~~the supervisor or by a deputy supervisor~~, and
10 electors registered shall not thereafter be required to
11 register or reregister except as provided by law.

12 Section 15. Section 98.015, Florida Statutes, is
13 amended to read:

14 98.015 Supervisor of elections; election, tenure of
15 office, compensation, custody of books, office hours,
16 successor, seal; appointment of deputy supervisors; duties.--

17 (1) A supervisor of elections shall be elected in each
18 county at the general election in each year the number of
19 which is a multiple of four for a 4-year term commencing on
20 the first Tuesday after the first Monday in January succeeding
21 his or her election. Each supervisor shall, before performing
22 any of his or her duties, take the oath prescribed in s. 5,
23 Art. II of the State Constitution.

24 (2) The supervisor's compensation shall be paid by the
25 board of county commissioners.

26 (3) The supervisor shall update voter registration
27 information, enter new voter registrations into the statewide
28 voter registration system, and act as ~~is~~ the official
29 custodian of documents received by the supervisor related to
30 the registration of electors and changes in the status of
31 voter registration ~~the registration books and has the~~

1 ~~exclusive control of matters pertaining to registration of~~
2 ~~electors.~~

3 (4) At a minimum, the office of the supervisor must be
4 open Monday through Friday, excluding legal holidays, for a
5 period of not less than 8 hours per day, beginning no later
6 than 9 a.m.

7 (5) The supervisor shall preserve statements and other
8 information required to be filed with the supervisor's office
9 pursuant to chapter 106 for a period of 10 years from date of
10 receipt.

11 (6) The supervisor shall, upon leaving office, deliver
12 to his or her successor immediately all records belonging to
13 the office.

14 (7) Each supervisor is authorized to obtain for the
15 office an impression seal approved by the department. An
16 impression of the seal with a description thereof shall be
17 filed with the department. The supervisor is empowered to
18 attach an impression of the seal upon official documents and
19 certificates executed over the supervisor's signature and take
20 oaths and acknowledgments under the supervisor's seal in
21 matters pertaining to the office. However, said seal need not
22 be affixed to registration certificates.

23 (8) Each supervisor may select and appoint, subject to
24 removal by the supervisor, as many deputy supervisors as are
25 necessary, whose compensation must be paid by the supervisor
26 and who shall have the same powers and whose acts shall have
27 the same effect as the acts of the supervisor; except that the
28 supervisor shall limit the power to appoint deputy supervisors
29 to designated deputy supervisors. Each deputy supervisor
30 shall, before entering office, take an oath in writing that he
31 or she will faithfully perform the duties of the deputy

1 supervisor's office, which oath must be acknowledged by the
2 supervisor or a designated deputy supervisor and must be filed
3 in the office of the supervisor.

4 (9) Each supervisor must make training in the proper
5 implementation of voter registration procedures available to
6 any individual, group, center for independent living, or
7 public library in the supervisor's county.

8 (10) Each supervisor must ensure that all voter
9 registration and list maintenance procedures conducted by such
10 supervisor are in compliance with any applicable requirements
11 prescribed by the department through the statewide voter
12 registration system or prescribed by for that county under the
13 Voting Rights Act of 1965, the National Voter Registration Act
14 of 1993, or the Help America Vote Act of 2002.

15 (11) Each supervisor must ensure that any voter
16 registration system used by the supervisor for administering
17 his or her duties as a voter registration official complies
18 with the specifications and procedures established by the
19 department and the statewide voter registration system.

20 (12) Each supervisor of elections shall maintain lists
21 of valid residential street addresses for purposes of
22 verifying the legal address of voters residing in the county.
23 The supervisor shall make all reasonable efforts to coordinate
24 with county 911 service providers, property appraisers, the
25 United States Postal Service, or other agencies as necessary
26 to ensure the continued accuracy of such lists. The supervisor
27 shall provide the list of valid residential addresses to the
28 statewide voter registration system in the manner and
29 frequency specified by the department.

30 ~~(11) Each supervisor of elections shall forward to the~~
31 ~~property appraiser for the county in which the homestead is~~

1 ~~claimed the name of the person and the address of the~~
2 ~~homestead of each person who registers to vote at an address~~
3 ~~other than that at which the person claims a homestead~~
4 ~~exemption, as disclosed on the uniform statewide voter~~
5 ~~registration application pursuant to s. 97.052.~~

6 Section 16. Section 98.035, Florida Statutes, is
7 created to read:

8 98.035 Statewide voter registration system;
9 implementation, operation, and maintenance.--

10 (1) The Secretary of State, as chief election officer
11 of the state, shall be responsible for implementing,
12 operating, and maintaining, in a uniform and nondiscriminatory
13 manner, a single, uniform, official, centralized, interactive,
14 and computerized statewide voter registration system as
15 required by the Help America Vote Act of 2002.

16 (2) The statewide voter registration system must
17 contain the name and registration information of every legally
18 registered voter in the state. All voters shall be assigned a
19 unique identifier. The system shall be the official list of
20 registered voters in the state and shall provide secured
21 access by authorized voter registration officials. The system
22 shall enable voter registration officials to provide, access,
23 and update voter registration information.

24 (3) The department may not contract with any private
25 entity for the operation of the statewide voter registration
26 system.

27 (4) The implementation of the statewide voter
28 registration system does not prevent any supervisor of
29 elections from acquiring, maintaining, or using any hardware
30 or software necessary or desirable to carry out his or her
31 responsibilities related to the use of voter registration

1 information or the conduct of elections. However, such
2 hardware or software may not conflict with the operation of
3 the statewide voter registration system.

4 (5) The department may adopt rules governing the
5 access, use, and operation of the statewide voter registration
6 system to ensure the security, uniformity, and integrity of
7 the system.

8 Section 17. Section 98.045, Florida Statutes, is
9 amended to read:

10 (Substantial rewording of section. See
11 s. 98.045, F.S., for present text.)

12 98.045 Administration of voter registration.--

13 (1) ELIGIBILITY OF APPLICANT.--The department must
14 ensure that any eligible applicant for voter registration is
15 registered to vote and that each application for voter
16 registration is processed in accordance with law. The
17 department shall determine whether a voter registration
18 applicant is ineligible based on any of the following:

19 (a) The failure of the applicant to complete a voter
20 registration application as specified in s. 97.053.

21 (b) The applicant is deceased.

22 (c) The applicant has been convicted of a felony for
23 which his or her civil rights have not been restored.

24 (d) The applicant has been adjudicated mentally
25 incapacitated with respect to the right to vote and such right
26 has not been restored.

27 (e) The applicant does not meet the age requirement
28 pursuant to s. 97.041.

29 (f) The applicant is not a United States citizen.

30 (g) The applicant is a fictitious person.

31

1 (h) The applicant has provided an address of legal
2 residence which is not his or her legal residence.

3 (i) The applicant has provided a driver's license
4 number, Florida identification card number, or last four
5 digits of a social security number that is not verifiable by
6 the department.

7 (2) REMOVAL OF REGISTERED VOTERS.--

8 (a) Once a voter is registered, the name of that voter
9 may not be removed from the statewide voter registration
10 system except at the written request of the voter, by reason
11 of the voter's conviction of a felony or adjudication as
12 mentally incapacitated with respect to voting, by death of the
13 voter, or pursuant to maintenance activity of the registration
14 list conducted pursuant to s. 98.065 or s. 98.075.

15 (b) Information received by a voter registration
16 official from an election official in another state indicating
17 that a registered voter in Florida has registered to vote in
18 that other state shall be considered as a written request from
19 the voter to have the voter's name removed from the statewide
20 voter registration system.

21 (3) PUBLIC RECORDS ACCESS AND RETENTION.--Each voter
22 registration official shall maintain for at least 2 years, and
23 make available for public inspection and copying, all records
24 concerning implementation of registration list maintenance
25 programs and activities conducted pursuant to s. 98.065 or s.
26 98.075. The records must include lists of the name and address
27 of each person to whom notices were sent and information as to
28 whether each such person responded to the mailing, but may not
29 include any information that is confidential or exempt from
30 public-records requirements under this code.

31

1 (4) STATEWIDE ELECTRONIC DATABASE OF VALID STREET
2 ADDRESSES.--

3 (a) The department shall compile and maintain a
4 statewide electronic database of valid street addresses from
5 the information provided by the supervisors of elections
6 pursuant to s. 98.015. The department shall evaluate the
7 information provided by the supervisors of elections to
8 identify any duplicate addresses and any address that may
9 overlap county boundaries.

10 (b) The department shall make the statewide database
11 of valid street addresses available to the Department of
12 Highway Safety and Motor Vehicles as provided in s.
13 97.057(10). The Department of Highway Safety and Motor
14 Vehicles shall use the database for purposes of validating the
15 legal residential addresses provided in voter registration
16 applications received by the Department of Highway Safety and
17 Motor Vehicles.

18 (5) FORMS.--The department may prescribe by rule forms
19 necessary to conduct maintenance of records in the statewide
20 voter registration system.

21 Section 18. Section 98.065, Florida Statutes, is
22 amended to read:

23 98.065 Registration list maintenance programs.--

24 (1) The supervisor must conduct a general registration
25 list maintenance program to protect the integrity of the
26 electoral process by ensuring the maintenance of accurate and
27 current voter registration records in the statewide voter
28 registration system. The program must be uniform,
29 nondiscriminatory, and in compliance with the Voting Rights
30 Act of 1965, the National Voter Registration Act of 1993, and
31 the Help America Vote Act of 2002. As used in this subsection,

1 the term "nondiscriminatory" applies equally to persons with
2 disabilities.

3 (2) A supervisor must incorporate one or more of the
4 following procedures in the supervisor's biennial registration
5 list maintenance program under which:

6 (a) Change-of-address information supplied by the
7 United States Postal Service through its licensees is used to
8 identify registered voters whose addresses might have changed;

9 (b) Change-of-address information is identified from
10 returned nonforwardable return-if-undeliverable mail sent to
11 all registered voters in the county; or

12 (c) Change-of-address information is identified from
13 returned nonforwardable return-if-undeliverable address
14 confirmation requests mailed to all registered voters who have
15 not voted in the last 2 years and who did not make a written
16 request that their registration records be updated during that
17 time.

18 (3) A registration list maintenance program must be
19 conducted by each supervisor, at a minimum, in each
20 odd-numbered year and must be completed not later than 90 days
21 prior to the date of any federal election. A voter's name may
22 not be removed from the statewide voter registration system
23 ~~books~~ later than 90 days prior to the date of a federal
24 election. However, nothing in this section shall preclude the
25 removal of the name of a voter from the statewide voter
26 registration system ~~books~~, at any time and without prior
27 notification, upon the written request of the voter, by reason
28 of conviction of the voter of a felony, by reason of
29 adjudication of the voter as mentally incapacitated with
30 respect to voting, by reason of the death of the voter, or
31 upon a determination of ineligibility as provided in s. 98.075

1 ~~s. 98.075(3)~~. All list maintenance actions associated with a
2 voter must be entered, tracked, and maintained in the
3 statewide voter registration system.

4 (4) If the supervisor receives change-of-address
5 information pursuant to the activities conducted in subsection
6 (2), from jury notices signed by the voter and returned to the
7 courts, or from the Department of Highway Safety and Motor
8 Vehicles or other sources indicating that the legal address of
9 a registered voter might have changed, the supervisor shall
10 send, by forwardable return-if-undeliverable mail, an
11 address-confirmation notice to the address where the voter was
12 last registered. A supervisor may also send an
13 address-confirmation notice to any voter whom the supervisor
14 has reason to believe has moved from his or her legal
15 residence.

16 (b) The address-confirmation notice shall contain a
17 postage-prepaid, preaddressed return form. The return form
18 shall state that:

19 1. If the voter has changed address of legal residence
20 to a location outside the state, the voter should mark on the
21 return form that the voter's legal residence has changed to a
22 location outside the state. The form shall also include
23 information on how to register in the new state in order to be
24 eligible to vote. The form shall be returned within 30 days
25 after the date of the notice. The completed form shall
26 constitute a request to be removed from the statewide voter
27 registration system.

28 2. If the voter has changed address of legal residence
29 to a location inside the state, the voter should complete the
30 return form with the updated or corrected address and submit
31 the return form within 30 days after the date of the notice.

1 The completed form shall constitute a request to update the
2 statewide voter registration system with the updated or
3 corrected address information.

4 3. If the voter has not changed address of legal
5 residence as printed on the address-confirmation notice, the
6 voter should confirm on the return form that the voter's
7 address of legal residence has not changed and submit the form
8 within 30 days after the date of the notice.

9 (c) The supervisor must designate as inactive all
10 voters who have been sent an address-confirmation notice and
11 who have not returned the postage-prepaid, preaddressed return
12 form within 30 days or for which an address-confirmation
13 notice has been returned as undeliverable. Names on the
14 inactive list may not be used to calculate the number of
15 signatures needed on any petition. A voter on the inactive
16 list may be restored to the active list of voters upon the
17 voter updating his or her registration, requesting an absentee
18 ballot, or appearing to vote. However, if the voter does not
19 update his or her voter registration information, request an
20 absentee ballot, or vote by the second general election after
21 being placed on the inactive list, the voter's name shall be
22 removed from the statewide voter registration system and the
23 voter shall be required to reregister to have his or her name
24 restored to the statewide registration system.

25 (5) No notice may be issued pursuant to this section
26 and no voter's name may be removed from the statewide voter
27 registration system later than 90 days prior to the date of a
28 federal election. However, nothing in this section shall
29 preclude the removal of the name of a voter from the statewide
30 voter registration system at any time upon the voter's written
31 request, by reason of the voter's death, or upon a

1 determination of the voter's ineligibility as provided in s.
2 98.075(7).

3 (6)(a) By July 31 and January 31 of each year, the
4 supervisor must certify to the department the list maintenance
5 activities conducted during the first 6 months and the second
6 6 months of the year, respectively, including the number of
7 address-confirmation requests sent, the number of
8 address-confirmation final notices sent, the number of voters
9 designated as inactive, and the number of voters removed from
10 the statewide voter registration system.

11 (b) If based on the certification provided pursuant to
12 paragraph (a), the department finds that a supervisor has not
13 conducted the list-maintenance activities required by this
14 section, the department shall conduct the appropriate
15 list-maintenance activities for that county. Failure to
16 conduct list-maintenance activities as required by this
17 section constitutes a violation of s. 104.051.

18 ~~(4) If the supervisor receives change of address~~
19 ~~information from the United States Postal Service or its~~
20 ~~licensees or from jury notices signed by the voter and~~
21 ~~returned to the courts, which indicates that:~~

22 ~~(a) The voter has moved within the supervisor's~~
23 ~~county, the supervisor must change the registration records to~~
24 ~~show the new address and must send the voter a notice of the~~
25 ~~change by forwardable mail, including a postage prepaid~~
26 ~~preaddressed return form with which the voter may verify or~~
27 ~~correct the address information.~~

28 ~~(b) The voter has moved outside the supervisor's~~
29 ~~county, or contains no forwarding address, the supervisor~~
30 ~~shall send an address confirmation final notice and remove the~~
31

1 ~~name of the voter from the registration record if that voter~~
2 ~~did not:~~

3 1. ~~Return the postage prepaid preaddressed return~~
4 ~~form;~~

5 2. ~~Appear to vote;~~

6 3. ~~Change the voter's registration; or~~

7 4. ~~Request an absentee ballot~~

8
9 ~~during the period beginning on the date when the address~~
10 ~~confirmation final notice was sent and ending on the day after~~
11 ~~the date of the second general election thereafter.~~

12 (5) ~~The supervisor must designate as inactive all~~
13 ~~voters who have been sent an address confirmation final notice~~
14 ~~and who have not returned the postage prepaid preaddressed~~
15 ~~return form within 30 days. A voter on the inactive list must~~
16 ~~be allowed to vote and to change the voter's name or address~~
17 ~~of legal residence at the polls pursuant to s. 101.045. Names~~
18 ~~on the inactive list may not be used to calculate the number~~
19 ~~of signatures needed on any petition or the quantity of voting~~
20 ~~equipment needed.~~

21 Section 19. Section 98.075, Florida Statutes, is
22 amended to read:

23 (Substantial rewording of section. See

24 s. 98.075, F.S., for present text.)

25 98.075 Registration records maintenance activities;
26 ineligibility determinations.--

27 (1) MAINTENANCE OF RECORDS.--The department shall
28 protect the integrity of the electoral process by ensuring the
29 maintenance of accurate and current voter registration
30 records. List maintenance activities must be uniform,
31 nondiscriminatory, and in compliance with the Voting Rights

1 Act of 1965, the National Voter Registration Act of 1993, and
2 the Help America Vote Act of 2002.

3 (2) DUPLICATE REGISTRATION.--The department shall
4 identify those voters who are registered more than once or
5 those applicants whose registration applications would result
6 in duplicate registrations. The most recent application shall
7 be deemed an update to the voter registration record.

8 (3) DECEASED PERSONS.--The department shall identify
9 those registered voters who are deceased by comparing
10 information on the lists of deceased persons received from the
11 Department of Health as provided in s. 98.093. Upon receipt of
12 such information through the statewide voter registration
13 system, the supervisor shall remove the name of the registered
14 voter.

15 (4) ADJUDICATION OF MENTAL INCAPACITY.--The department
16 shall identify those registered voters who have been
17 adjudicated mentally incapacitated with respect to voting and
18 who have not had their voting rights restored by comparing
19 information received from the clerk of the circuit court as
20 provided in s. 98.093. The department shall review such
21 information and make an initial determination whether the
22 information is credible and reliable. If the initial
23 determination is that the information is credible and
24 reliable, the department shall notify the supervisor and
25 provide a copy of the supporting documentation indicating the
26 potential ineligibility. Upon receipt of notice that the
27 department has made an initial determination of credibility
28 and reliability, the supervisor shall adhere to the procedures
29 set forth in subsection (7) before removing a registered voter
30 from the statewide voter registration system.

31

1 (5) FELONY CONVICTION.--The department shall identify
2 those registered voters who have been convicted of a felony
3 and whose rights have not been restored by comparing
4 information received from, but not limited to, a clerk of the
5 circuit court, the Board of Executive Clemency, the Department
6 of Corrections, the Department of Law Enforcement, or a United
7 States Attorney's Office, as provided in s. 98.093. The
8 department shall review such information and make an initial
9 determination whether the information is credible and
10 reliable. If the initial determination is that the information
11 is credible and reliable, the department shall notify the
12 supervisor and provide a copy of the supporting documentation
13 indicating the potential ineligibility. Upon receipt of notice
14 that the department has made an initial determination of
15 credibility and reliability, the supervisor shall adhere to
16 the procedures set forth in subsection (7) before removing a
17 registered voter's name from the statewide voter registration
18 system.

19 (6) OTHER BASIS FOR INELIGIBILITY.--If the department
20 or voter registration official receives information other than
21 from the sources identified in subsections (2)-(5) that a
22 registered voter does not meet the age requirement pursuant to
23 s. 97.041, is not a United States citizen, is a fictitious
24 person, or has listed a residence that is not his or her legal
25 residence, the supervisor shall adhere to the procedures set
26 forth in subsection (7) before removing a registered voter's
27 name from the statewide voter registration system.

28 (7) PROCEDURES FOR REMOVAL.--

29 (a) If the supervisor receives notice or information
30 pursuant to subsections (4)-(6), the supervisor of the county
31 where the voter is registered shall:

1 1. Notify the registered voter of his or her potential
2 ineligibility by mail within 7 days after receipt of the
3 information. The notice must include:

4 a. A statement of the basis for the registered voter's
5 potential ineligibility and a copy of any documentation upon
6 which the potential ineligibility is based.

7 b. A statement that failure to respond within 30 days
8 after the date of the notice may result in a determination of
9 ineligibility and removal of the registered voter's name from
10 the statewide voter registration system.

11 c. A return form that requires the registered voter to
12 admit or deny the accuracy of the information underlying the
13 potential ineligibility for purposes of a final determination
14 by the supervisor.

15 d. A statement that if the voter is denying the
16 accuracy of the information underlying the potential
17 ineligibility the voter has a right to request a hearing for
18 the purpose of determining eligibility.

19 e. Instructions for the registered voter to contact
20 the supervisor of elections of the county where the voter is
21 registered if assistance is needed in resolving the matter.

22 f. Instructions for seeking restoration of civil
23 rights following a felony conviction, if applicable.

24 2. If the mailed notice is returned as undeliverable,
25 the supervisor shall publish notice once in a newspaper of
26 general circulation in the county where the voter was last
27 registered. The notice must contain the following:

28 a. The voter's name and address.

29 b. A statement that the voter is potentially
30 ineligible to be registered to vote.

31

1 c. A statement that failure to respond within 30 days
2 after the date the notice is published may result in a
3 determination of ineligibility by the supervisor and removal
4 of the registered voter's name from the statewide voter
5 registration system.

6 d. An instruction for the voter to contact the
7 supervisor no later than 30 days after the date of the
8 published notice to receive information regarding the basis
9 for the potential ineligibility and the procedure to resolve
10 the matter.

11 e. An instruction to the voter that if further
12 assistance is needed the voter should contact the supervisor
13 of elections of the county where the voter is registered.

14 3. If a registered voter fails to respond to a notice
15 pursuant to subparagraph 1. or subparagraph 2., the supervisor
16 shall make a final determination of the voter's eligibility.
17 If the supervisor determines that the voter is ineligible, the
18 supervisor shall remove the name of the registered voter from
19 the statewide voter registration system. The supervisor shall
20 notify the registered voter of the supervisor's determination
21 and action.

22 4. If a registered voter responds to the notice
23 pursuant to subparagraph 1. or subparagraph 2. and admits the
24 accuracy of the information underlying the potential
25 ineligibility, the supervisor shall make a final determination
26 of ineligibility and shall remove the voter's name from the
27 statewide voter registration system. The supervisor shall
28 notify the registered voter of the supervisor's determination
29 and action.

30 5. If a registered voter responds to the notice issued
31 pursuant to subparagraph 1. or subparagraph 2. and denies the

1 accuracy of the information underlying the potential
2 ineligibility but does not request a hearing, the supervisor
3 shall review the evidence and make a final determination of
4 eligibility. If such registered voter requests a hearing, the
5 supervisor shall send notice to the registered voter to attend
6 a hearing at a time and place specified in the notice. Upon
7 hearing all evidence presented at the hearing, the supervisor
8 shall make a final determination of eligibility. If the
9 supervisor determines that the registered voter is ineligible,
10 the supervisor shall remove the voter's name from the
11 statewide voter registration system and notify the registered
12 voter of the supervisor's determination and action.

13 (b) The following provisions apply to this subsection:

14 1. All determinations of eligibility shall be based on
15 a preponderance of the evidence.

16 2. All proceedings are exempt from the provisions of
17 chapter 120.

18 3. Any notice shall be sent to the registered voter by
19 certified mail, return receipt requested, or by other means
20 that provides a verification of receipt or shall be published
21 in a newspaper of general circulation where the voter was last
22 registered, whichever is applicable.

23 4. The supervisor shall remove the name of any
24 registered voter from the statewide voter registration system
25 only after the supervisor makes a determination that the voter
26 is ineligible to vote.

27 5. Any voter whose name has been removed from the
28 statewide voter registration system pursuant to a
29 determination of ineligibility may appeal that determination
30 under the provisions of s. 98.0755.

31

1 6. Any voter whose name was removed from the statewide
2 voter registration system on the basis of a determination of
3 ineligibility who subsequently becomes eligible to vote must
4 reregister in order to have his or her name restored to the
5 statewide voter registration system.

6 (8)(a) Twice each year, by July 31 and January 31, the
7 supervisor must certify to the department the activities
8 conducted pursuant to this section during the first 6 months
9 and the second 6 months of the year, respectively. The
10 certification shall include the number of persons to whom
11 notices were sent pursuant to subsection (7), the number of
12 persons who responded to the notices, the number of notices
13 returned as undeliverable, the number of notices published in
14 the newspaper, the number of hearings conducted, and the
15 number of persons removed from the statewide voter
16 registration systems and the reasons for such removals.

17 (b) If, based on the certification provided pursuant
18 to paragraph (a), the department finds that a supervisor has
19 not conducted the activities required by this section, the
20 department shall conduct the appropriate activities for that
21 county. Failure to conduct the activities as required in this
22 section constitutes a violation of s. 104.051.

23 Section 20. Section 98.0755, Florida Statutes, is
24 created to read:

25 98.0755 Appeal of determination of ineligibility.--An
26 appeal of the department's determination of ineligibility
27 pursuant to s. 98.075(7) may be taken to the circuit court in
28 and for the county where the person was registered. Notice of
29 appeal must be filed within the time and in the manner
30 provided by the Florida Rules of Appellate Procedure and acts
31 as supersedeas. Trial in the circuit court is de novo and

1 governed by the rules of that court. Unless the person can
2 show that his or her name was erroneously or illegally removed
3 from the statewide voter registration system, or that he or
4 she is indigent, the person must bear the costs of the trial
5 in the circuit court. Otherwise, the cost of the appeal must
6 be paid by the department.

7 Section 21. Section 98.077, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See
10 s. 98.077, F.S., for present text.)
11 98.077 Update of voter signature.--

12 (1) A registered voter may update his or her signature
13 on file in the statewide voter registration system at any time
14 using a voter registration application submitted to a voter
15 registration official.

16 (2) The department and supervisors of elections shall
17 include in any correspondence sent to registered voters, other
18 than postcard notifications and notices relating to
19 eligibility, information regarding when, where, and how to
20 update the voter's signature and shall provide the voter with
21 information concerning how to obtain a voter registration
22 application from a voter registration official which can be
23 returned to update the signature.

24 (3) At least once during each general election year,
25 the supervisor shall publish in a newspaper of general
26 circulation or other newspaper in the county deemed
27 appropriate by the supervisor a notice specifying when, where,
28 or how a voter can update his or her signature that is on file
29 and how a voter can obtain a voter registration application
30 from a voter registration official to do so.

31

1 Section 22. Section 98.081, Florida Statutes, is
2 amended to read:

3 98.081 Names removed from the statewide voter
4 registration system books; restrictions on reregistering;
5 recordkeeping; restoration of erroneously or illegally removed
6 names.--

7 (1) Any person who requested that his or her name be
8 removed from the statewide voter registration system books
9 between the book-closing date of the first primary and the
10 date of the second primary may not register in a different
11 political party until after the date of the second primary
12 election.

13 (2) When the name of any elector is removed from the
14 statewide voter registration system books pursuant to s.
15 98.065 ~~or~~, s. 98.075, ~~or s. 98.093~~, the elector's original
16 registration application form shall be retained by the voter
17 registration official having custody of the application filed
18 ~~alphabetically in the office of the supervisor~~. As
19 alternatives, registrations removed from the statewide voter
20 registration system books may be microfilmed and such
21 microfilms substituted for the original registration
22 applications forms; or, when voter registration information,
23 including the voter's signature, is maintained digitally or on
24 electronic, magnetic, or optic media, such stored information
25 may be substituted for the original registration application
26 ~~form~~. Such microfilms or stored information shall be retained
27 by the voter registration official having in the custody of
28 ~~the supervisor~~. In the event the original registration
29 applications forms are microfilmed or maintained digitally or
30 on electronic or other media, such originals may be destroyed
31 in accordance with the schedule approved by the Bureau of

1 Archives and Records Management of the Division of Library and
2 Information Services of the department.

3 (3) When the name of any elector has been erroneously
4 or illegally removed from the statewide voter registration
5 system books, the name of the elector shall be restored by a
6 voter registration official ~~the supervisor~~ upon satisfactory
7 proof, even though the registration period for that election
8 is closed.

9 Section 23. Section 98.093, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 98.093, F.S., for present text.)

13 98.093 Duty of officials to furnish lists of deceased
14 persons, persons adjudicated mentally incapacitated, and
15 persons convicted of a felony.--

16 (1) In order to ensure the maintenance of accurate and
17 current voter registration records, it is necessary for the
18 department to receive certain information from state and
19 federal officials and entities. The department and supervisors
20 of elections shall use the information provided from the
21 sources specified in subsection (2) to conduct maintenance of
22 the voter registration records.

23 (2) To the maximum extent feasible, state and local
24 government agencies shall facilitate provision of information
25 and access to data to the department, including, but not
26 limited to, databases that contain reliable criminal records
27 and records of deceased persons. State and local government
28 agencies that provide such data shall do so without charge if
29 the direct cost incurred by those agencies is not significant.

30 (a) The Department of Health shall furnish monthly to
31 the department a list containing the name, address, date of

1 birth, date of death, social security number, race, and sex of
2 each deceased person 17 years of age or older.

3 (b) Each clerk of the circuit court shall furnish
4 monthly to the department a list of those persons who have
5 been adjudicated mentally incapacitated with respect to voting
6 during the preceding calendar month, a list of those persons
7 whose mental capacity with respect to voting has been restored
8 during the preceding calendar month, and a list of those
9 persons who have returned signed jury notices during the
10 preceding months to the clerk of the circuit court indicating
11 a change of address. Each list shall include the name,
12 address, date of birth, race, sex, and Florida driver's
13 license number, Florida identification card number, or social
14 security number of each such person, whichever is available.

15 (c) Upon receipt of information from the United States
16 Attorney listing persons convicted of a felony in federal
17 court, the department shall use such information to identify
18 registered voters or applicants for voter registration who may
19 be potentially ineligible based on information provided in
20 accordance with s. 98.075.

21 (d) The Department of Law Enforcement shall furnish
22 monthly to the department a list of those individuals who have
23 been convicted of a felony in the preceding month or any
24 updates to prior records which have occurred in the preceding
25 month. The list shall contain the name, address, date of
26 birth, race, sex, date of conviction, county of conviction,
27 social security number, and a unique identifier of each
28 conviction of each person.

29 (e) The Board of Executive Clemency shall furnish
30 monthly to the department a list of those individuals granted
31 clemency in the preceding month or any updates to prior

1 records which have occurred in the preceding month. The list
2 shall contain the case number of the Board of Executive
3 Clemency, name, address, date of birth, race, sex, social
4 security number if available, references to record identifiers
5 assigned by the Department of Corrections, a unique identifier
6 of each clemency case, and the effective date of clemency of
7 each individual.

8 (f) The Department of Corrections shall furnish
9 monthly to the department a list of those individuals
10 transferred to the Department of Corrections in the preceding
11 month or any updates to prior records which have occurred in
12 the preceding month. The list shall contain the name, address,
13 date of birth, race, sex, social security number, record
14 identification number of the Department of Corrections, and
15 associated felony conviction record number of the Department
16 of Law Enforcement for each individual.

17 (g) The Department of Highway Safety and Motor
18 Vehicles shall furnish monthly to the department a list of
19 those individuals whose names have been removed from the
20 driver's license database because they have been licensed in
21 another state. The list shall contain the name, address, date
22 of birth, sex, social security number, and driver's license
23 number of each such individual.

24 (3) This section does not limit or restrict the
25 supervisor in his or her duty to remove the names of persons
26 from the statewide voter registration system pursuant to s.
27 98.075(7) upon information received from other sources.

28 Section 24. Section 98.212, Florida Statutes, is
29 amended to read:

30 98.212 The department and supervisors to furnish
31 statistical and other information.--

1 (1)(a) Upon written request, the department and the
2 supervisors of the respective counties ~~supervisors~~ shall, as
3 promptly as possible, furnish to recognized public or private
4 universities and senior colleges within the state, to state or
5 county governmental agencies, and to recognized political
6 party committees statistical information for the purpose of
7 analyzing election returns and results.

8 (b) The department and any supervisor ~~Supervisors~~ may
9 require reimbursement for any part or all of the actual
10 expenses of supplying any information requested under
11 paragraph (a). For the purposes of this subsection, the
12 department and supervisors may use the services of any
13 research and statistical personnel that may be supplied.

14 (c) Lists of names submitted to the department and the
15 supervisors of the respective counties ~~supervisors~~ for
16 indication of registration or nonregistration or of party
17 affiliation shall be processed at any time at cost, except
18 that in no case shall the charge exceed 10 cents for each name
19 on which the information is furnished.

20 (2) The supervisors shall provide information as
21 requested by the department for program evaluation and
22 reporting to the ~~Federal~~ Election Assistance Commission
23 pursuant to federal law ~~the National Voter Registration Act of~~
24 ~~1993~~.

25 Section 25. Section 98.461, Florida Statutes, is
26 amended to read:

27 98.461 Registration application form, precinct
28 register; contents.--A registration application form, approved
29 by the Department of State, containing the information
30 required in s. 97.052 shall be retained by the voter
31 registration official receiving the application filed

1 ~~alphabetically in the office of the supervisor as the master~~
2 ~~list of electors of the county.~~ However, the registration
3 applications forms may be microfilmed and such microfilms
4 substituted for the original registration applications forms;
5 or, when voter registration information, including the voter's
6 signature, is maintained digitally or on electronic, magnetic,
7 or optic media, such stored information may be substituted for
8 the original registration application form. Such microfilms or
9 stored information shall be retained in the custody of the
10 voter registration official receiving the application
11 ~~supervisor of elections.~~ In the event the original
12 registration applications forms are microfilmed or maintained
13 digitally or on electronic or other media, such originals may
14 be destroyed in accordance with the schedule approved by the
15 Bureau of Archives and Records Management of the Division of
16 Library and Information Services of the Department of State.
17 ~~As an alternative, the information from the registration form,~~
18 ~~including the signature, may be electronically reproduced and~~
19 ~~stored as provided in s. 98.451.~~

20 (2) A computer printout or electronic database shall
21 be used at the polls as a precinct register ~~in lieu of the~~
22 ~~registration books~~. The precinct register shall contain the
23 date of the election, the precinct number, and the following
24 information concerning each registered elector: last name,
25 first name, ~~and~~ middle name or initial, and suffix; party
26 affiliation; residence address; registration number; date of
27 birth; sex, if provided; ~~race, if provided~~; whether the voter
28 needs assistance in voting; and such other additional
29 information as to readily identify the elector. The precinct
30 register shall also contain a space for the elector's
31 signature and a space for the initials of the witnessing clerk

1 or inspector or an electronic device may be provided for this
2 purpose.

3 Section 26. Effective January 1, 2007, section
4 100.371, Florida Statutes, as amended by section 9 of chapter
5 2002-281, Laws of Florida, is amended to read:

6 100.371 Initiatives; procedure for placement on
7 ballot.--

8 (1) Constitutional amendments proposed by initiative
9 shall be placed on the ballot for the general election if the
10 initiative has been filed with ~~occurring in excess of 90 days~~
11 ~~from the certification of ballot position by~~ the Secretary of
12 State no later than February 1 of the year the general
13 election is held. A petition shall be deemed to be filed with
14 the Secretary of State upon the date the Secretary of State
15 determines that the petition has been signed by the
16 constitutionally required number of electors.

17 ~~(2) Such certification shall be issued when the~~
18 ~~Secretary of State has received verification certificates from~~
19 ~~the supervisors of elections indicating that the requisite~~
20 ~~number and distribution of valid signatures of electors have~~
21 ~~been submitted to and verified by the supervisors. Every~~
22 ~~signature shall be dated when made and shall be valid for a~~
23 ~~period of 4 years following such date, provided all other~~
24 ~~requirements of law are complied with.~~

25 ~~(2)(3)~~ The sponsor of an initiative amendment shall,
26 prior to obtaining any signatures, register as a political
27 committee pursuant to s. 106.03 and submit the text of the
28 proposed amendment to the Secretary of State, with the form on
29 which the signatures will be affixed, and shall obtain the
30 approval of the Secretary of State of such form. The Secretary
31 of State shall adopt rules pursuant to s. 120.54 prescribing

1 the style and requirements of such form. Upon filing with the
2 Secretary of State, the text of the proposed amendment and all
3 forms filed in connection with this section must, upon
4 request, be made available in alternative formats.

5 ~~(3)(4)~~ Each signature must be dated when made and is
6 valid for 4 years following such date if all other
7 requirements of law are met. The sponsor shall submit signed
8 and dated forms to the appropriate supervisor of elections for
9 verification as to the number of registered electors whose
10 valid signatures appear thereon. The supervisor shall promptly
11 verify the signatures upon payment of the fee required by s.
12 99.097. The supervisor shall promptly record each valid
13 signature in the statewide voter registration system in the
14 manner prescribed by the Secretary of State. ~~Upon completion~~
15 ~~of verification, the supervisor shall execute a certificate~~
16 ~~indicating the total number of signatures checked, the number~~
17 ~~of signatures verified as valid and as being of registered~~
18 ~~electors, and the distribution by congressional district. This~~
19 ~~certificate shall be immediately transmitted to the Secretary~~
20 ~~of State.~~ The supervisor shall retain the signature forms for
21 at least 1 year following the election in which the issue
22 appeared on the ballot or until the Division of Elections
23 notifies the supervisors of elections that the committee which
24 circulated the petition is no longer seeking to obtain ballot
25 position.

26 ~~(4)(5)~~ The Secretary of State shall determine from the
27 signatures verified by the ~~verification certificates received~~
28 ~~from~~ supervisors of elections and recorded in the statewide
29 voter registration system the total number of verified valid
30 signatures and the distribution of such signatures by
31 congressional districts. Upon a determination that the

1 requisite number and distribution of valid signatures have
2 been obtained, the secretary shall issue a certificate of
3 ballot position for that proposed amendment and shall assign a
4 designating number pursuant to s. 101.161. ~~A petition shall be~~
5 ~~deemed to be filed with the Secretary of State upon the date~~
6 ~~of the receipt by the secretary of a certificate or~~
7 ~~certificates from supervisors of elections indicating the~~
8 ~~petition has been signed by the constitutionally required~~
9 ~~number of electors.~~

10 (5)~~(6)~~(a) Within 45 days after receipt of a proposed
11 revision or amendment to the State Constitution by initiative
12 petition from the Secretary of State ~~or, within 30 days after~~
13 ~~such receipt if receipt occurs 120 days or less before the~~
14 ~~election at which the question of ratifying the amendment will~~
15 ~~be presented~~, the Financial Impact Estimating Conference shall
16 complete an analysis and financial impact statement to be
17 placed on the ballot of the estimated increase or decrease in
18 any revenues or costs to state or local governments resulting
19 from the proposed initiative. The Financial Impact Estimating
20 Conference shall submit the financial impact statement to the
21 Attorney General and Secretary of State.

22 (b)1. The Financial Impact Estimating Conference shall
23 provide an opportunity for any proponents or opponents of the
24 initiative to submit information and may solicit information
25 or analysis from any other entities or agencies, including the
26 Office of Economic and Demographic Research. All meetings of
27 the Financial Impact Estimating Conference shall be open to
28 the public as provided in chapter 286.

29 2. The Financial Impact Estimating Conference is
30 established to review, analyze, and estimate the financial
31 impact of amendments to or revisions of the State Constitution

1 | proposed by initiative. The Financial Impact Estimating
2 | Conference shall consist of four principals: one person from
3 | the Executive Office of the Governor; the coordinator of the
4 | Office of Economic and Demographic Research, or his or her
5 | designee; one person from the professional staff of the
6 | Senate; and one person from the professional staff of the
7 | House of Representatives. Each principal shall have
8 | appropriate fiscal expertise in the subject matter of the
9 | initiative. A Financial Impact Estimating Conference may be
10 | appointed for each initiative.

11 | 3. Principals of the Financial Impact Estimating
12 | Conference shall reach a consensus or majority concurrence on
13 | a clear and unambiguous financial impact statement, no more
14 | than 75 words in length, and immediately submit the statement
15 | to the Attorney General. Nothing in this subsection prohibits
16 | the Financial Impact Estimating Conference from setting forth
17 | a range of potential impacts in the financial impact
18 | statement. Any financial impact statement that a court finds
19 | not to be in accordance with this section shall be remanded
20 | solely to the Financial Impact Estimating Conference for
21 | redrafting. The Financial Impact Estimating Conference shall
22 | redraft the financial impact statement within 15 days.

23 | 4. If the members of the Financial Impact Estimating
24 | Conference are unable to agree on the statement required by
25 | this subsection, or if the Supreme Court has rejected the
26 | initial submission by the Financial Impact Estimating
27 | Conference and no redraft has been approved by the Supreme
28 | Court by 5 p.m. on the 75th day before the election, the
29 | following statement shall appear on the ballot pursuant to s.
30 | 101.161(1): "The financial impact of this measure, if any,
31 | cannot be reasonably determined at this time."

1 (c) The financial impact statement must be separately
2 contained and be set forth after the ballot summary as
3 required in s. 101.161(1).

4 (d)1. Any financial impact statement that the Supreme
5 Court finds not to be in accordance with this subsection shall
6 be remanded solely to the Financial Impact Estimating
7 Conference for redrafting, provided the court's advisory
8 opinion is rendered at least 75 days before the election at
9 which the question of ratifying the amendment will be
10 presented. The Financial Impact Estimating Conference shall
11 prepare and adopt a revised financial impact statement no
12 later than 5 p.m. on the 15th day after the date of the
13 court's opinion.

14 2. If, by 5 p.m. on the 75th day before the election,
15 the Supreme Court has not issued an advisory opinion on the
16 initial financial impact statement prepared by the Financial
17 Impact Estimating Conference for an initiative amendment that
18 otherwise meets the legal requirements for ballot placement,
19 the financial impact statement shall be deemed approved for
20 placement on the ballot.

21 3. In addition to the financial impact statement
22 required by this subsection, the Financial Impact Estimating
23 Conference shall draft an initiative financial information
24 statement. The initiative financial information statement
25 should describe in greater detail than the financial impact
26 statement any projected increase or decrease in revenues or
27 costs that the state or local governments would likely
28 experience if the ballot measure were approved. If
29 appropriate, the initiative financial information statement
30 may include both estimated dollar amounts and a description
31 placing the estimated dollar amounts into context. The

1 initiative financial information statement must include both a
2 summary of not more than 500 words and additional detailed
3 information that includes the assumptions that were made to
4 develop the financial impacts, workpapers, and any other
5 information deemed relevant by the Financial Impact Estimating
6 Conference.

7 4. The Department of State shall have printed, and
8 shall furnish to each supervisor of elections, a copy of the
9 summary from the initiative financial information statements.
10 The supervisors shall have the summary from the initiative
11 financial information statements available at each polling
12 place and at the main office of the supervisor of elections
13 upon request.

14 5. The Secretary of State and the Office of Economic
15 and Demographic Research shall make available on the Internet
16 each initiative financial information statement in its
17 entirety. In addition, each supervisor of elections whose
18 office has a website shall post the summary from each
19 initiative financial information statement on the website.
20 Each supervisor shall include the Internet addresses for the
21 information statements on the Secretary of State's and the
22 Office of Economic and Demographic Research's websites in the
23 publication or mailing required by s. 101.20.

24 ~~(6)(7)~~ The Department of State may adopt rules in
25 accordance with s. 120.54 to carry out the provisions of
26 subsections ~~(1)-(5)(1)-(6)~~.

27 Section 27. Section 101.043, Florida Statutes, is
28 amended to read:

29 101.043 Identification required at polls.--

30 (1) The precinct register, as prescribed in s. 98.461,
31 shall be used at the polls ~~in lieu of the registration books~~

1 for the purpose of identifying the elector at the polls prior
2 to allowing him or her to vote. The clerk or inspector shall
3 require each elector, upon entering the polling place, to
4 present one of the following ~~a~~ current and valid picture
5 ~~identifications: identification as provided in s.~~
6 ~~97.0535(3)(a).~~

7 (a) Florida driver's license.

8 (b) Florida identification card issued by the
9 Department of Highway Safety and Motor Vehicles.

10 (c) United States passport.

11 (d) Employee badge or identification.

12 (e) Buyer's club identification.

13 (f) Debit or credit card.

14 (g) Military identification.

15 (h) Student identification.

16 (i) Retirement center identification.

17 (j) Neighborhood association identification.

18 (k) Entertainment identification.

19 (l) Public assistance identification.

20
21 If the picture identification does not contain the signature
22 of the voter, an additional identification that provides the
23 voter's signature shall be required. The elector shall sign
24 his or her name in the space provided on the precinct register
25 or on an electronic device provided for recording the voter's
26 signature. ~~and~~ The clerk or inspector shall compare the
27 signature with that on the identification provided by the
28 elector and enter his or her initials in the space provided on
29 the precinct register or on an electronic device provided for
30 that purpose and allow the elector to vote if the clerk or
31 inspector is satisfied as to the identity of the elector.

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

6 (3) If the elector who fails to furnish the required
7 identification is a an elector subject to s. 97.0535
8 ~~first time voter who registered by mail~~ and has not provided
9 the required identification to a voter registration official
10 ~~the supervisor of elections~~ prior to election day, the elector
11 shall be allowed to vote a provisional ballot. The canvassing
12 board shall determine the validity of the ballot pursuant to
13 s. 101.048(2).

14 Section 28. Section 101.045, Florida Statutes, is
15 amended to read:

16 101.045 Electors must be registered in precinct;
17 provisions for residence or name change.--

18 (1) No person shall be permitted to vote in any
19 election precinct or district other than the one in which the
20 person has his or her legal residence and in which the person
21 is registered. However, a person temporarily residing outside
22 the county shall be registered in the precinct in which the
23 main office of the supervisor, as designated by the
24 supervisor, is located when the person has no permanent
25 address in the county and it is the person's intention to
26 remain a resident of Florida and of the county in which he or
27 she is registered to vote. Such persons who are registered in
28 the precinct in which the main office of the supervisor, as
29 designated by the supervisor, is located and who are residing
30 outside the county with no permanent address in the county
31 shall not be registered electors of a municipality and

1 therefore shall not be permitted to vote in any municipal
2 election.

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

8
9 Change of Legal Residence of Registered
10 Voter
11
12 Under penalties for false swearing, I, ...(Name of voter)...,
13 swear (or affirm) that the former address of my legal
14 residence was ...(Address of legal residence)... in the
15 municipality of, in County, Florida, and I was
16 registered to vote in the precinct of County,
17 Florida; that I have not voted in the precinct of my former
18 registration in this election; that I now reside at
19 ...(Address of legal residence)... in the Municipality of
20, in County, Florida, and am therefore eligible to
21 vote in the precinct of County, Florida; and I
22 further swear (or affirm) that I am otherwise legally
23 registered and entitled to vote.

24
25 ...(Signature of voter whose address of legal residence has
26 changed)...

27
28 (b) An elector whose name changes because of marriage
29 or other legal process may be permitted to vote, provided such
30 elector completes an affirmation in substantially the
31 following form:

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Change of Name of Registered
Voter

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

- Name.....
 - Address.....
 - Municipality.....
 - County.....
 - Florida, Zip.....
- My present name and address of legal residence are as follows:
- Name.....
 - Address.....
 - Municipality.....
 - County.....
 - Florida, Zip.....

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose name has changed)...

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the

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

1 requirements and procedures in s. 101.048. Upon receipt of an
2 affirmation certifying a change in address of legal residence
3 or name, the supervisor shall as soon as practicable make the
4 necessary changes in the statewide voter registration system
5 ~~records of the county~~ to indicate the change in address of
6 legal residence or name of such elector.

7 (d) Instead of the affirmation contained in paragraph
8 (a) or paragraph (b), an elector may complete a voter
9 registration application that indicates the change of name or
10 change of address of legal residence.

11 ~~(c) A request for an absentee ballot pursuant to s.~~
12 ~~101.62 which indicates that the elector has had a change of~~
13 ~~address of legal residence from that in the supervisor's~~
14 ~~records shall be sufficient as the notice to the supervisor of~~
15 ~~change of address of legal residence required by this section.~~
16 ~~Upon receipt of such request for an absentee ballot from an~~
17 ~~elector who has changed his or her address of legal residence,~~
18 ~~the supervisor shall provide the elector with the proper~~
19 ~~ballot for the precinct in which the elector then has his or~~
20 ~~her legal residence.~~

21 ~~(3) When an elector's name does not appear on the~~
22 ~~registration books of the election precinct in which the~~
23 ~~elector is registered, the elector may have his or her name~~
24 ~~restored if the supervisor is otherwise satisfied that the~~
25 ~~elector is validly registered, that the elector's name has~~
26 ~~been erroneously omitted from the books, and that the elector~~
27 ~~is entitled to have his or her name restored. The supervisor,~~
28 ~~if he or she is satisfied as to the elector's previous~~
29 ~~registration, shall allow such person to vote and shall~~
30 ~~thereafter issue a duplicate registration identification card.~~

31

1 Section 29. Subsection (1) of section 101.048, Florida
2 Statutes, is amended to read:

3 101.048 Provisional ballots.--

4 (1) At all elections, a voter claiming to be properly
5 registered in the state ~~county~~ and eligible to vote at the
6 precinct in the election, but whose eligibility cannot be
7 determined, and other persons specified in the code shall be
8 entitled to vote a provisional ballot. Once voted, the
9 provisional ballot shall be placed in a secrecy envelope and
10 thereafter sealed in a provisional ballot envelope. The
11 provisional ballot shall be deposited in a ballot box. All
12 provisional ballots shall remain sealed in their envelopes for
13 return to the supervisor of elections. The department shall
14 prescribe the form of the provisional ballot envelope.

15 Section 30. Subsection (1) of section 101.5608,
16 Florida Statutes, is amended to read:

17 101.5608 Voting by electronic or electromechanical
18 method; procedures.--

19 (1) Each elector desiring to vote shall be identified
20 to the clerk or inspector of the election as a duly qualified
21 elector of such election and shall sign his or her name on the
22 ~~in ink or indelible pencil to an identification blank,~~
23 ~~signature slip,~~ precinct register, or other form or device
24 provided by the supervisor ~~ballot stub on which the ballot~~
25 ~~serial number may be recorded.~~ The inspector shall compare the
26 signature with the signature on the identification provided by
27 the elector. If the inspector is reasonably sure that the
28 person is entitled to vote, the inspector shall provide the
29 person with a ballot.

30 Section 31. Section 101.663, Florida Statutes, is
31 amended to read:

1 101.663 Electors; change of residence.--

2 ~~(1) An elector who changes his or her residence to~~
3 ~~another county in Florida from the county in Florida in which~~
4 ~~he or she is registered as an elector after the books in the~~
5 ~~county to which the elector has changed his or her residence~~
6 ~~are closed for any general, primary, or special election shall~~
7 ~~be permitted to vote absentee in the county of his or her~~
8 ~~former residence in that election for President and Vice~~
9 ~~President, United States Senator, statewide offices, and~~
10 ~~statewide issues. Such person shall not be permitted to vote~~
11 ~~in the county of the person's former residence after the~~
12 ~~general election.~~

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

19 Section 32. Subsection (1) of section 101.6921,
20 Florida Statutes, is amended to read:

21 101.6921 Delivery of special absentee ballot to
22 certain first-time voters.--

23 (1) The provisions of this section apply to voters who
24 are subject to s. 97.0535 ~~registered to vote by mail, who have~~
25 ~~not previously voted in the county,~~ and who have not provided
26 the identification or certification required by s. 97.0535 by
27 the time the absentee ballot is mailed.

28 Section 33. Section 101.6923, Florida Statutes, is
29 amended to read:

30 101.6923 Special absentee ballot instructions for
31 certain first-time voters.--

1 (1) The provisions of this section apply to voters who
2 ~~are subject to s. 97.0535 registered to vote by mail, who have~~
3 ~~not previously voted in the county,~~ and who have not provided
4 the identification or information required by s. 97.0535 by
5 the time the absentee ballot is mailed.

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

9
10 READ THESE INSTRUCTIONS CAREFULLY BEFORE
11 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
12 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
13 COUNT.

14
15 1. In order to ensure that your absentee ballot will
16 be counted, it should be completed and returned as soon as
17 possible so that it can reach the supervisor of elections of
18 the county in which your precinct is located no later than 7
19 p.m. on the date of the election.

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

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

28 4. Place your marked ballot in the enclosed secrecy
29 envelope and seal the envelope.

30 5. Insert the secrecy envelope into the enclosed
31 envelope bearing the Voter's Certificate. Seal the envelope

1 and completely fill out the Voter's Certificate on the back of
2 the envelope.

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

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

8 6. Unless you meet one of the exemptions in Item 7.,
9 you must make a copy of one of the following forms of
10 identification:

11 a. Identification which must include your name and
12 photograph: ~~current and valid Florida driver's license;~~
13 ~~Florida identification card issued by the Department of~~
14 ~~Highway Safety and Motor Vehicles;~~ United States passport;
15 employee badge or identification; buyer's club identification
16 card; debit or credit card; military identification; student
17 identification; retirement center identification; neighborhood
18 association identification; entertainment identification; or
19 public assistance identification; or

20 b. Identification which shows your name and current
21 residence address: current utility bill, bank statement,
22 government check, paycheck, or government document (excluding
23 voter identification card).

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

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

27 b. You have a temporary or permanent physical
28 disability.

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

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

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

8 f. You are currently residing outside the United
9 States.

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

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

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

25 Section 34. Subsection (3) of section 102.012, Florida
26 Statutes, is amended to read:

27 102.012 Inspectors and clerks to conduct elections.--

28 (3) The supervisor shall furnish inspectors of
29 election for each precinct with the list of registered
30 electors for that precinct ~~registration books divided~~
31 ~~alphabetically as will best facilitate the holding of an~~

1 ~~election.~~ The supervisor shall also furnish to the inspectors
2 of election at the polling place at each precinct in the
3 supervisor's county a sufficient number of forms and blanks
4 for use on election day.

5 Section 35. Section 104.051, Florida Statutes, is
6 amended to read:

7 104.051 Violations; neglect of duty; corrupt
8 practices.--

9 (1) Any official who willfully violates any of the
10 provisions of this election code shall be excluded from the
11 polls. Any election official who is excluded shall be replaced
12 as provided in this code.

13 (2) Any official who willfully refuses or willfully
14 neglects to perform his or her duties as prescribed by this
15 election code ~~commits is guilty of~~ a misdemeanor of the first
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (3) Any official who performs his or her duty as
18 prescribed by this election code fraudulently or corruptly
19 ~~commits is guilty of~~ a felony of the third degree, punishable
20 as provided in s. 775.082, s. 775.083, or s. 775.084.

21 (4) Any supervisor, deputy supervisor, or election
22 employee who attempts to influence or interfere with any
23 elector voting a ballot commits a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 (5)(a) Any supervisor or member of a county canvassing
27 board who willfully fails to follow a binding directive issued
28 pursuant to s. 97.012 shall be subject to a civil penalty of
29 up to \$1,000 per violation, which fine shall be paid out of
30 the personal funds of the supervisor or member of the county
31 canvassing board. Only the Secretary of State may file a

1 complaint to the Florida Elections Commission alleging willful
2 failure to follow a binding directive.

3 (b) A member of a canvassing board shall not be liable
4 for a civil penalty under this section if the member was not
5 on the prevailing side of a vote of the canvassing board that
6 is contrary to a binding directive.

7 Section 36. Subsection (15) of section 120.52, Florida
8 Statutes, is amended to read:

9 120.52 Definitions.--As used in this act:

10 (15) "Rule" means each agency statement of general
11 applicability that implements, interprets, or prescribes law
12 or policy or describes the procedure or practice requirements
13 of an agency and includes any form which imposes any
14 requirement or solicits any information not specifically
15 required by statute or by an existing rule. The term also
16 includes the amendment or repeal of a rule. The term does not
17 include:

18 (a) Internal management memoranda which do not affect
19 either the private interests of any person or any plan or
20 procedure important to the public and which have no
21 application outside the agency issuing the memorandum.

22 (b) Legal memoranda or opinions issued to an agency by
23 the Attorney General or agency legal opinions prior to their
24 use in connection with an agency action.

25 (c) The preparation or modification of:

- 26 1. Agency budgets.
27 2. Statements, memoranda, or instructions to state
28 agencies issued by the Chief Financial Officer or Comptroller
29 as chief fiscal officer of the state and relating or
30 pertaining to claims for payment submitted by state agencies
31 to the Chief Financial Officer or Comptroller.

1 3. Contractual provisions reached as a result of
2 collective bargaining.

3 4. Memoranda issued by the Executive Office of the
4 Governor relating to information resources management.

5 (d) Advisory opinions issued by the Department of
6 State pursuant to s. 106.23(2) and directives issued by the
7 Secretary of State pursuant to s. 97.012(1).

8 Section 37. Sections 98.055, 98.075, 98.095, 98.0977,
9 98.0979, 98.101, 98.181, 98.231, 98.451, and 98.481, Florida
10 Statutes, are repealed.

11 Section 38. Except as otherwise expressly provided in
12 this act, this act shall take effect January 1, 2006.

13
14 *****

15 SENATE SUMMARY

16 Revises various provisions of the Florida Election Code
17 in order to comply with the Help America Vote Act of
18 2002. Requires the Department of State to maintain a
19 statewide voter registration system. Revises requirements
20 for confirming a voter's eligibility to vote. Revises the
21 information that is required to be submitted upon
22 registering to vote. Provides for the electronic
23 transmission of information and for electronic
24 signatures. Revises the procedures for removing a voter
25 from the registration rolls. Provides for the Secretary
26 of State to issue binding directives to the supervisors
27 of elections and the county canvassing boards. Provides
28 for a civil penalty for failure to comply with such a
29 directive. (See bill for details.)
30
31