

By the Committee on Governmental Oversight and Productivity;  
and Senators Posey and Baker

585-2187-05

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           97.012, F.S.; revising the duties of the  
4           Secretary of State and the Department of State  
5           relating to election laws; providing for  
6           rulemaking; authorizing the Secretary of State  
7           to delegate voter registration and records  
8           maintenance duties to voter registration  
9           officials; providing that the secretary has a  
10          duty to bring legal action to enforce the  
11          performance of county supervisors of elections  
12          or other officials performing duties relating  
13          to the Election Code; providing a prerequisite  
14          to bringing such an action; providing venue;  
15          requiring that courts give priority to such an  
16          action; providing penalties; providing for the  
17          adoption of rules; amending s. 97.021, F.S.;  
18          revising and providing definitions; amending s.  
19          97.026, F.S.; correcting a cross-reference;  
20          amending s. 97.051, F.S.; revising the oath  
21          taken by a person registering to vote; amending  
22          s. 97.052, F.S.; requiring that the uniform  
23          statewide voter registration application be  
24          accepted for replacement of a voter information  
25          card and signature update; revising the  
26          information the uniform statewide voter  
27          registration application must contain and must  
28          elicit from the applicant; amending s. 97.053,  
29          F.S.; revising the criteria for completeness of  
30          a voter registration application; specifying  
31          the possible valid recipients of a mailed voter

1 registration application; revising the  
2 information needed on a voter registration  
3 application to establish an applicant's  
4 eligibility; providing for verification of  
5 authenticity of certain voter registration  
6 application information; providing for a  
7 provisional ballot to be provided to an  
8 applicant if the application is not verified by  
9 a certain date; requiring a voter registration  
10 official to enter all voter registration  
11 applications into the voter registration system  
12 within a certain time period and forward such  
13 applications to the supervisor of elections;  
14 amending s. 97.0535, F.S.; providing for  
15 applicants who have no valid Florida driver's  
16 license, identification card, or social  
17 security number; amending s. 97.055, F.S.;  
18 specifying the information updates permitted  
19 for purposes of an upcoming election once  
20 registration books are closed; amending s.  
21 97.057, F.S.; revising the voter registration  
22 procedure by the Department of Highway Safety  
23 and Motor Vehicles; amending s. 97.058, F.S.;  
24 revising duties of voter registration agencies;  
25 amending s. 97.061, F.S.; revising special  
26 registration procedures for electors requiring  
27 assistance; amending s. 97.071, F.S.;  
28 redesignating the registration identification  
29 card as the voter information card; revising  
30 the required contents of the card; amending s.  
31 97.073, F.S.; revising the procedure by which

1 an applicant must supply missing information on  
2 the voter registration application; revising  
3 provisions relating to cancellation of previous  
4 registration; amending s. 97.1031, F.S.;  
5 revising provisions relating to notice of  
6 change of residence, name, or party  
7 affiliation; amending s. 97.105, F.S., relating  
8 to establishment of the permanent single  
9 registration system, to conform; amending s.  
10 98.015, F.S.; revising the duties of  
11 supervisors of elections; creating s. 98.035,  
12 F.S.; establishing a statewide voter  
13 registration system; requiring the Secretary of  
14 State to be responsible for the implementation,  
15 operation, and maintenance of the system;  
16 prohibiting the department from contracting  
17 with any other entity to operate the system;  
18 authorizing the department to adopt rules  
19 relating to the access, use, and operation of  
20 the system; amending s. 98.045, F.S.; revising  
21 provisions relating to administration of voter  
22 registration; providing for the responsibility  
23 of such administration to be undertaken by the  
24 department in lieu of supervisors of elections;  
25 specifying ineligibility criteria; revising  
26 provisions relating to removal of registered  
27 voters; revising provisions relating to public  
28 records access and retention; providing for the  
29 establishment of a statewide electronic  
30 database of valid residential street addresses;  
31 authorizing the department to adopt rules

1 relating to certain voter registration system  
2 forms; amending s. 98.065, F.S.; revising  
3 provisions relating to registration records  
4 maintenance; providing for change of address;  
5 providing limitations on notice and renewal;  
6 requiring supervisors of elections to certify  
7 to the department certain list maintenance  
8 activities; providing penalties; amending s.  
9 98.075, F.S.; providing for registration  
10 records maintenance by the department;  
11 providing procedures in cases involving  
12 duplicate registration, deceased persons,  
13 adjudication of mental incapacity, felony  
14 conviction, and other bases for ineligibility;  
15 providing procedures for removal; requiring  
16 supervisors of elections to certify to the  
17 department certain registration records  
18 maintenance activities; creating s. 98.0755,  
19 F.S.; providing for appeal of a determination  
20 of ineligibility; providing for jurisdiction,  
21 burden of proof, and trial costs; amending s.  
22 98.077, F.S.; revising provisions relating to  
23 updating a voter's signature; amending s.  
24 98.081, F.S., relating to removal of names from  
25 the statewide voter registration system, to  
26 conform; amending s. 98.093, F.S.; revising the  
27 duty of officials to furnish lists of deceased  
28 persons, persons adjudicated mentally  
29 incapacitated, and persons convicted of a  
30 felony; amending s. 98.212, F.S., relating to  
31 furnishing of statistical and other

1 information, to conform; amending s. 98.461,  
2 F.S.; authorizing use of an electronic database  
3 as a precinct register and use of an electronic  
4 device for voter signatures and witness  
5 initials; amending s. 100.371, F.S.; revising  
6 the procedure by which constitutional  
7 amendments proposed by initiative shall be  
8 placed on the ballot; amending s. 101.043,  
9 F.S.; revising requirements and procedures  
10 relating to identification required at polls;  
11 amending s. 101.045, F.S., relating to  
12 provisions for residence or name change at the  
13 polls, to conform; amending s. 101.048, F.S.,  
14 relating to provisional ballots, to conform;  
15 amending s. 101.161, F.S.; conforming a  
16 cross-reference; amending s. 101.56062, F.S.,  
17 relating to standards for accessible voting  
18 systems, to conform; amending s. 101.5608,  
19 F.S.; revising a provision relating to an  
20 elector's signature provided with  
21 identification prior to voting; creating s.  
22 101.573, F.S.; requiring supervisors of  
23 elections to file precinct-level election  
24 results; requiring the Department of State to  
25 adopt rules; amending s. 101.62, F.S.;  
26 conforming a cross-reference; amending ss.  
27 101.64 and 101.657, F.S.; requiring that the  
28 supervisor of elections indicate on each  
29 absentee or early voted ballot the precinct of  
30 the voter; amending s. 101.663, F.S., relating  
31 to change of residence, to conform; amending s.

1 101.6921, F.S., relating to delivery of special  
2 absentee ballots to certain first-time voters,  
3 to conform; amending s. 101.6923, F.S.,  
4 relating to special absentee ballot  
5 instructions for certain first-time voters, to  
6 conform; amending s. 102.012, F.S., relating to  
7 conduct of elections by inspectors and clerks,  
8 to conform; amending s. 104.013, F.S., relating  
9 to unauthorized use, possession, or destruction  
10 of voter information cards, to conform;  
11 amending s. 196.141, F.S., relating to  
12 homestead exemptions and duties of property  
13 appraisers, to conform; amending s. 120.54,  
14 F.S.; including certain rules pertaining to the  
15 Florida Election Code within the definition of  
16 emergency rules governing public health,  
17 safety, or welfare during specified times;  
18 amending s. 99.061, F.S.; providing the method  
19 of qualifying for nomination or election to the  
20 office of the state attorney or public  
21 defender; repealing s. 98.055, F.S., relating  
22 to registration list maintenance forms;  
23 repealing s. 98.095, F.S., relating to county  
24 registers open to inspection and copies;  
25 repealing s. 98.0977, F.S., relating to the  
26 statewide voter registration database and its  
27 operation and maintenance; repealing s.  
28 98.0979, F.S., relating to inspection of the  
29 statewide voter registration; repealing s.  
30 98.101, F.S., relating to specifications for  
31 permanent registration binders, files, and

1 forms; repealing s. 98.181, F.S., relating to  
2 duty of the supervisor of elections to make up  
3 indexes or records; repealing s. 98.231, F.S.,  
4 relating to duty of the supervisor of elections  
5 to furnish the department the number of  
6 registered electors; repealing s. 98.451, F.S.,  
7 relating to automation in processing  
8 registration data; repealing s. 98.481, F.S.,  
9 relating to challenges to electors; repealing  
10 s. 101.635, F.S., relating to distribution of  
11 blocks of printed ballots; providing effective  
12 dates.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsections (1), (2), and (11) of section  
17 97.012, Florida Statutes, are amended, and subsection (14) is  
18 added to that section, to read:

19 97.012 Secretary of State as chief election  
20 officer.--The Secretary of State is the chief election officer  
21 of the state, and it is his or her responsibility to:

22 (1) Obtain and maintain uniformity in the ~~application,~~  
23 ~~operation, and~~ interpretation and implementation of the  
24 election laws. In order to obtain and maintain uniformity in  
25 the interpretation and implementation of the elections laws,  
26 the Department of State may, pursuant to ss. 120.536(1) and  
27 120.54, adopt by rule uniform standards for the proper and  
28 equitable interpretation and implementation of the  
29 requirements of chapters 97 through 102 and 105 of the  
30 Election Code.

31

1           (2) Provide uniform standards for the proper and  
2 equitable implementation of the registration laws by  
3 administrative rule of the Department of State adopted  
4 pursuant to ss. 120.536(1) and 120.54.

5           (11) Create and administer ~~maintain~~ a statewide voter  
6 registration system as required by the Help America Vote Act  
7 of 2002 ~~database~~. The secretary may delegate voter  
8 registration duties and records maintenance activities to  
9 voter registration officials. Any responsibilities delegated  
10 by the secretary shall be performed in accordance with state  
11 and federal law.

12           (14) Bring and maintain such actions at law or in  
13 equity by mandamus or injunction to enforce the performance of  
14 any duties of a county supervisor of elections or any official  
15 performing duties with respect to chapters 97 through 102 and  
16 105 or to enforce compliance with a rule of the Department of  
17 State adopted to interpret or implement any of those chapters.

18           (a) Venue for such actions shall be in the Circuit  
19 Court of Leon County.

20           (b) When the secretary files an action under this  
21 section and not more than 60 days remain before an election as  
22 defined in s. 97.021, or during the time period after the  
23 election and before certification of the election pursuant to  
24 s. 102.112 or s. 102.121, the court, including an appellate  
25 court, shall set an immediate hearing, giving the case  
26 priority over other pending cases.

27           (c) Prior to filing an action to enforce performance  
28 of the duties of the supervisor of elections or any official  
29 described in this subsection, the secretary or his or her  
30 designee first must confer, or must make a good-faith attempt  
31 to confer, with the supervisor of elections or the official to



1 ensure compliance with chapters 97 through 102 and 105 or the  
2 rules of the Department of State adopted under any of those  
3 chapters.

4 Section 2. Subsection (13) of section 97.021, Florida  
5 Statutes, is amended, present subsections (38) and (39) are  
6 renumbered as subsections (39) and (40), respectively, and a  
7 new subsection (38) is added to that section, to read:

8 97.021 Definitions.--For the purposes of this code,  
9 except where the context clearly indicates otherwise, the  
10 term:

11 (13) "Lists of registered electors" means names and  
12 associated information ~~copies of printed lists~~ of registered  
13 electors maintained by the department in the statewide voter  
14 registration system or generated or derived from the statewide  
15 voter registration system. Lists may be produced in printed or  
16 electronic format, ~~computer tapes or disks, or any other~~  
17 ~~device used by the supervisor of elections to maintain voter~~  
18 ~~records.~~

19 (38) "Voter registration official" means any  
20 supervisor of elections or individual authorized by the  
21 Secretary of State to accept voter registration applications  
22 and execute updates to the statewide voter registration  
23 system.

24 Section 3. Section 97.026, Florida Statutes, is  
25 amended to read:

26 97.026 Forms to be available in alternative formats  
27 and via the Internet.--It is the intent of the Legislature  
28 that all forms required to be used in chapters 97-106 shall be  
29 made available upon request, in alternative formats. Such  
30 forms shall include absentee ballots as alternative formats  
31 for such ballots become available and the Division of

1 Elections is able to certify systems that provide them. The  
2 department may, pursuant to ss. 120.536(1) and 120.54, adopt  
3 rules to administer this section. Whenever possible, such  
4 forms, with the exception of absentee ballots, shall be made  
5 available by the Department of State via the Internet.  
6 Sections that contain such forms include, but are not limited  
7 to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,  
8 97.071, 97.073, 97.1031, ~~98.055~~, 98.075, 99.021, 100.361,  
9 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64,  
10 101.65, 101.657, 105.031, 106.023, and 106.087.

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

13 97.051 Oath upon registering.--A person registering to  
14 vote must subscribe to the following oath: "I do solemnly  
15 swear (or affirm) that I will protect and defend the  
16 Constitution of the United States and the Constitution of the  
17 State of Florida, that I am qualified to register as an  
18 elector under the Constitution and laws of the State of  
19 Florida, and that all information provided in this application  
20 is true ~~I am a citizen of the United States and a legal~~  
21 ~~resident of Florida.~~"

22 Section 5. Section 97.052, Florida Statutes, is  
23 amended to read:

24 97.052 Uniform statewide voter registration  
25 application.--

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

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

- 1           1. Initial registration.
- 2           2. Change of address.
- 3           3. Change of party affiliation.
- 4           4. Change of name.
- 5           5. Replacement of a voter information registration  
6 ~~identification~~ card.
- 7           6. Signature update.

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

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

1           (c) The uniform statewide voter registration  
2 application may be reproduced by any private individual or  
3 group, provided the reproduced application is in the same  
4 format as the application prescribed by rule under this  
5 section.

6           (2) The uniform statewide voter registration  
7 application must be designed to elicit the following  
8 information from the applicant:

9           (a) Last, first, and middle ~~Full~~ name, including any  
10 suffix.

11           (b) Date of birth.

12           (c) Address of legal residence.

13           (d) Mailing address, if different.

14           (e) County of legal residence.

15           ~~(f) Address of property for which the applicant has~~  
16 ~~been granted a homestead exemption, if any.~~

17           ~~(f)(g)~~ Race or ethnicity that best describes the  
18 applicant:

19           1. American Indian or Alaskan Native.

20           2. Asian or Pacific Islander.

21           3. Black, not Hispanic.

22           4. White, not Hispanic.

23           5. Hispanic.

24           ~~(g)(h)~~ State or country of birth.

25           ~~(h)(i)~~ Sex.

26           ~~(i)(j)~~ Party affiliation.

27           ~~(j)(k)~~ Whether the applicant needs assistance in  
28 voting.

29           ~~(k)(l)~~ Name and address where last registered.

30           ~~(l)(m)~~ Last four digits of the applicant's social  
31 security number.

1           ~~(m)(n)~~ Florida driver's license number or the  
2 identification number from a Florida identification card  
3 issued under s. 322.051.

4           (n) An indication, if applicable, that the applicant  
5 has not been issued a Florida driver's license, a Florida  
6 identification card, or a social security number.

7           (o) Telephone number (optional).

8           (p) Signature of applicant under penalty for false  
9 swearing pursuant to s. 104.011, by which the person  
10 subscribes to the oath required by s. 3, Art. VI of the State  
11 Constitution and s. 97.051, and swears or affirms that the  
12 information contained in the registration application is true.

13           (q) Whether the application is being used for initial  
14 registration, to update a voter registration record, or to  
15 request a replacement voter information registration  
16 identification card.

17           (r) Whether the applicant is a citizen of the United  
18 States by asking the question "Are you a citizen of the United  
19 States of America?" and providing boxes for the applicant to  
20 check to indicate whether the applicant is or is not a citizen  
21 of the United States.

22           (s) Whether ~~That~~ the applicant has ~~not~~ been convicted  
23 of a felony, and or, if convicted, has had his or her civil  
24 rights restored by including the statement "I affirm I am not  
25 a convicted felon or, if I am, my rights relating to voting  
26 have been restored." and providing a box for the applicant to  
27 check to affirm the statement.

28           (t) Whether ~~That~~ the applicant has ~~not~~ been  
29 adjudicated mentally incapacitated with respect to voting or,  
30 if so adjudicated, has had his or her right to vote restored  
31 by including the statement "I affirm I have not been

1 adjudicated mentally incapacitated with respect to voting or,  
2 if I have, my competency has been restored." and providing a  
3 box for the applicant to check to affirm the statement.  
4

5 The registration application ~~form~~ must be in plain language  
6 and designed so that convicted felons whose civil rights have  
7 been restored and persons who have been adjudicated mentally  
8 incapacitated and have had their voting rights restored are  
9 not required to reveal their prior conviction or adjudication.

10 (3) The uniform statewide voter registration  
11 application must also contain:

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

14 (b) A statement specifying each eligibility  
15 requirement under s. 97.041.

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

18 (d) A statement that, if an applicant declines to  
19 register to vote, the fact that the applicant has declined to  
20 register will remain confidential and may be used only for  
21 voter registration purposes.

22 (e) A statement that informs the applicant who chooses  
23 to register to vote or update a voter registration record that  
24 the office at which the applicant submits a voter registration  
25 application or updates a voter registration record will remain  
26 confidential and may be used only for voter registration  
27 purposes.

28 ~~(f) A statement that informs the applicant that any~~  
29 ~~person who has been granted a homestead exemption in this~~  
30 ~~state, and who registers to vote in any precinct other than~~  
31 ~~the one in which the property for which the homestead~~

1 ~~exemption has been granted, shall have that information~~  
2 ~~forwarded to the property appraiser where such property is~~  
3 ~~located, which may result in the person's homestead exemption~~  
4 ~~being terminated and the person being subject to assessment of~~  
5 ~~back taxes under s. 193.092, unless the homestead granted the~~  
6 ~~exemption is being maintained as the permanent residence of a~~  
7 ~~legal or natural dependent of the owner and the owner resides~~  
8 ~~elsewhere.~~

9       ~~(f)(g)~~ A statement informing an ~~the~~ applicant who has  
10 not been issued a Florida driver's license, a Florida  
11 identification card, or a social security number that if the  
12 application form is submitted by mail and the applicant is  
13 registering for the first time in this state, the applicant  
14 will be required to provide identification prior to voting the  
15 first time.

16       (4) A supervisor may produce a voter registration  
17 application that has the supervisor's direct mailing address  
18 if the department has reviewed the application and determined  
19 that it is substantially the same as the uniform statewide  
20 voter registration application.

21       (5) The voter registration application form prescribed  
22 by the ~~Federal~~ Election Assistance Commission pursuant to  
23 federal law ~~the National Voter Registration Act of 1993~~ or the  
24 federal postcard application must be accepted as an  
25 application for registration in this state if the completed  
26 application or postcard application contains the information  
27 required by the constitution and laws of this state.

28       Section 6. Section 97.053, Florida Statutes, is  
29 amended to read:

30       97.053 Acceptance of voter registration  
31 applications.--

1           (1) Voter registration applications, changes in  
2 registration, and requests for a replacement voter information  
3 ~~registration identification~~ card must be accepted in the  
4 office of any supervisor, the division, a driver license  
5 office, a voter registration agency, or an armed forces  
6 recruitment office when hand delivered by the applicant or a  
7 third party during the hours that office is open or when  
8 mailed.

9           (2) A ~~completed~~ voter registration application is  
10 complete and that contains the information necessary to  
11 ~~establish an applicant's eligibility pursuant to s. 97.041~~  
12 becomes the official voter registration record of that  
13 applicant when all information necessary to establish the  
14 applicant's eligibility pursuant to s. 97.041 is received by a  
15 voter registration official and verified pursuant to  
16 subsection (6) the appropriate supervisor. If the applicant  
17 fails to complete his or her voter registration application  
18 prior to the date of book closing for an election, then such  
19 applicant shall not be eligible to vote in that election.

20           (3) The registration date for a valid initial voter  
21 registration application that has been hand delivered is the  
22 date that the application is ~~when~~ received by a driver license  
23 office, a voter registration agency, an armed forces  
24 recruitment office, the division, or the office of any  
25 supervisor in the state.

26           (4) The registration date for a valid initial voter  
27 registration application that has been mailed to a driver  
28 license office, a voter registration agency, an armed forces  
29 recruitment office, the division, or the office of any  
30 supervisor in the state and bears a clear postmark is the date  
31 of that ~~the~~ postmark. If an initial voter registration



1 application that has been mailed does not bear a postmark or  
2 if the postmark is unclear, the registration date is the date  
3 the application ~~registration~~ is received by any supervisor or  
4 the division, unless it is received within 5 days after the  
5 closing of the books for an election, excluding Saturdays,  
6 Sundays, and legal holidays, in which case the registration  
7 date is the book-closing date.

8 (5)(a) A voter registration application is complete if  
9 it contains the following information necessary to establish  
10 the applicant's eligibility pursuant to s. 97.041, including:

- 11 1. The applicant's name.
- 12 2. The applicant's legal residence address.
- 13 3. The applicant's date of birth.
- 14 4. A mark in the checkbox affirming ~~An indication~~ that  
15 the applicant is a citizen of the United States.

16 5.a. The applicant's current and valid Florida  
17 driver's license number or~~7~~ the identification number from a  
18 Florida identification card issued under s. 322.051, or

19 b. If the applicant has not been issued a current and  
20 valid Florida driver's license or a Florida identification  
21 card, the last four digits of the applicant's social security  
22 number.

23  
24 In case an applicant has not been issued a current and valid  
25 Florida driver's license, Florida identification card, or  
26 social security number, the applicant shall affirm this fact  
27 in the manner prescribed in the uniform statewide voter  
28 registration application.

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

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

5           8. The original signature or a digital signature  
6 transmitted by the Department of Highway Safety and Motor  
7 Vehicles of the applicant swearing or affirming under the  
8 penalty for false swearing pursuant to s. 104.011 that the  
9 information contained in the registration application is true  
10 and subscribing to the oath required by s. 3, Art. VI of the  
11 State Constitution and s. 97.051.

12           (b) An applicant who fails to designate party  
13 affiliation must be registered without party affiliation. The  
14 supervisor must notify the voter by mail that the voter has  
15 been registered without party affiliation and that the voter  
16 may change party affiliation as provided in s. 97.1031.

17           (6) A voter registration application may be accepted  
18 as valid only after the department has verified the  
19 authenticity or nonexistence of the driver's license number,  
20 the Florida identification card number, or the last four  
21 digits of the social security number provided by the  
22 applicant. If a completed voter registration application has  
23 been received by the book-closing deadline but the driver's  
24 license number, the Florida identification card number, or the  
25 last four digits of the social security number provided by the  
26 applicant cannot be verified prior to the applicant presenting  
27 himself or herself to vote, the applicant shall be provided a  
28 provisional ballot. The provisional ballot shall be counted  
29 only if the application is verified by the end of the  
30 canvassing period or if the applicant presents evidence to the  
31 supervisor of elections sufficient to verify the authenticity

1 of the driver's license number, Florida identification card  
2 number, or last four digits of the social security number  
3 provided on the application no later than 5 p.m. of the third  
4 day following the election.

5 (7) All voter registration applications received by a  
6 voter registration official shall be entered into the  
7 statewide voter registration system within 15 days after  
8 receipt. Once entered, the application shall be immediately  
9 forwarded to the appropriate supervisor of elections.

10 Section 7. Subsections (1), (2), and (3) of section  
11 97.0535, Florida Statutes, are amended to read:

12 97.0535 Special requirements for certain applicants.--

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

31

1 ~~information that is required of first time voters who register~~  
2 ~~by mail.~~

3           (2) The voter registration official ~~supervisor of~~  
4 ~~elections~~ shall, upon accepting the voter registration  
5 application submitted pursuant to subsection (1) ~~for an~~  
6 ~~applicant who registered by mail and who has not previously~~  
7 ~~voted in the county~~, determine if the applicant provided the  
8 required identification at the time of registering. If the  
9 required identification was not provided, the supervisor shall  
10 notify the applicant that he or she must provide the  
11 identification prior to voting the first time in the state  
12 ~~county~~.

13           (3)(a) The following forms of identification shall be  
14 considered current and valid if they contain the name and  
15 photograph of the applicant and have not expired:

- 16           ~~1. Florida driver's license.~~  
17           ~~2. Florida identification card issued by the~~  
18 ~~Department of Highway Safety and Motor Vehicles.~~  
19           ~~1.3.~~ United States passport.  
20           ~~2.4.~~ Employee badge or identification.  
21           ~~3.5.~~ Buyer's club identification.  
22           ~~4.6.~~ Debit or credit card.  
23           ~~5.7.~~ Military identification.  
24           ~~6.8.~~ Student identification.  
25           ~~7.9.~~ Retirement center identification.  
26           ~~8.10.~~ Neighborhood association identification.  
27           ~~9.11.~~ Entertainment identification.  
28           ~~10.12.~~ Public assistance identification.

29           (b) The following forms of identification shall be  
30 considered current and valid if they contain the name and  
31 current residence address of the applicant:

- 1           1. Utility bill.
- 2           2. Bank statement.
- 3           3. Government check.
- 4           4. Paycheck.
- 5           5. Other government document (excluding voter
- 6 identification card).

7           Section 8. Subsection (1) of section 97.055, Florida  
8 Statutes, is amended to read:

9           97.055 Registration books; when closed for an  
10 election.--

11           (1) The registration books must be closed on the 29th  
12 day before each election and must remain closed until after  
13 that election. If an election is called and there are fewer  
14 than 29 days before that election, the registration books must  
15 be closed immediately. When the registration books are closed  
16 for an election, only updates to a voter's name, address, and  
17 signature pursuant to ss. 98.077 and 101.045 will be permitted  
18 for purposes of the upcoming election. Voter registration  
19 applications and party changes must be accepted but only for  
20 the purpose of subsequent elections. However, party changes  
21 received between the book-closing date of the first primary  
22 election and the date of the second primary election are not  
23 effective until after the second primary election.

24           Section 9. Section 97.057, Florida Statutes, is  
25 amended to read:

26           97.057 Voter registration by the Department of Highway  
27 Safety and Motor Vehicles.--

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

- 1 (a) Apply for or renew a driver's license;
- 2 (b) Apply for or renew an identification card pursuant  
3 to chapter 322; or
- 4 (c) Change an address on an existing driver's license  
5 or identification card.
- 6 (2) The Department of Highway Safety and Motor  
7 Vehicles shall:
- 8 (a) Notify each individual, orally or in writing,  
9 that:
- 10 1. Information gathered for the completion of a  
11 driver's license or identification card application, renewal,  
12 or change of address can be automatically transferred to a  
13 voter registration application;
- 14 2. If additional information and a signature are  
15 provided, the voter registration application will be completed  
16 and sent to the proper election authority;
- 17 3. Information provided can also be used to update a  
18 voter registration record;
- 19 4. All declinations will remain confidential and may  
20 be used only for voter registration purposes; and
- 21 5. The particular driver license office in which the  
22 person applies to register to vote or updates a voter  
23 registration record will remain confidential and may be used  
24 only for voter registration purposes.
- 25 (b) Require a driver's license examiner to inquire  
26 orally, ~~or, if the applicant is hearing impaired,~~ inquire in  
27 writing ~~if the applicant is hearing impaired, and~~ whether the  
28 applicant wishes to register to vote or update a voter  
29 registration record during the completion of a driver's  
30 license or identification card application, renewal, or change  
31 of address.

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

3           a. All applicable information received by the  
4 Department of Highway Safety and Motor Vehicles in the course  
5 of filling out the forms necessary under subsection (1) must  
6 be transferred to a voter registration application.~~+~~

7           b. The additional necessary information must be  
8 obtained by the driver's license examiner and must not  
9 duplicate any information already obtained while completing  
10 the forms required under subsection (1).~~+~~~~and~~

11           c. A voter registration application with all of the  
12 applicant's voter registration information required to  
13 establish the applicant's eligibility pursuant to s. 97.041  
14 must be presented to the applicant to review and verify the  
15 voter registration information received and provide an  
16 electronic signature affirming the accuracy of the information  
17 provided sign.

18           2. If the applicant declines to register to vote,  
19 update the applicant's voter registration record, or change  
20 the applicant's address by either orally declining or by  
21 failing to sign the voter registration application, the  
22 Department of Highway Safety and Motor Vehicles must note such  
23 declination on its records and shall forward the declination  
24 to the statewide voter registration system ~~keep the~~  
25 ~~declination for 2 years but must forward a copy of the~~  
26 ~~unsigned voter registration application within 5 days after~~  
27 ~~receipt to the appropriate supervisor of elections.~~

28           (3) For the purpose of this section, the Department of  
29 Highway Safety and Motor Vehicles, with the approval of the  
30 Department of State, shall prescribe:  
31

1           (a) A voter registration application that is the same  
2 in content, format, and size as the uniform statewide voter  
3 registration application prescribed under s. 97.052; and

4           (b) A form that will inform applicants under  
5 subsection (1) of the information contained in paragraph  
6 (2)(a).

7           (4) The Department of Highway Safety and Motor  
8 Vehicles must electronically transmit ~~forward~~ completed voter  
9 registration applications within 24 hours after receipt to the  
10 statewide voter registration system. Completed paper voter  
11 registration applications received by the Department of  
12 Highway Safety and Motor Vehicles shall be forwarded within 5  
13 days after receipt to the supervisor of the county where the  
14 office that processed or received that application is located.

15           (5) The Department of Highway Safety and Motor  
16 Vehicles must send, with each driver's license renewal  
17 extension application authorized pursuant to s. 322.18(8), a  
18 uniform statewide voter registration application, the voter  
19 registration application prescribed under paragraph (3)(a), or  
20 a voter registration application developed especially for the  
21 purposes of this subsection by the Department of Highway  
22 Safety and Motor Vehicles, with the approval of the Department  
23 of State, which must meet the requirements of s. 97.052.

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

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

28           (b) Display any political preference or party  
29 allegiance;

30  
31



1 (c) Make any statement to an applicant or take any  
2 action the purpose or effect of which is to discourage the  
3 applicant from registering to vote; or

4 (d) Disclose any applicant's voter registration  
5 information except as needed for the administration of voter  
6 registration.

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

13 ~~(7)(8)~~ The Department of Highway Safety and Motor  
14 Vehicles shall collect data determined necessary by the  
15 Department of State for program evaluation and reporting to  
16 the ~~Federal~~ Election Assistance Commission pursuant to federal  
17 law ~~the National Voter Registration Act of 1993.~~

18 ~~(8)(9)~~ The Department of Highway Safety and Motor  
19 Vehicles must ensure that all voter registration services  
20 provided by driver license offices are in compliance with the  
21 Voting Rights Act of 1965.

22 (9) The Department of Highway Safety and Motor  
23 Vehicles shall retain complete records of voter registration  
24 information received, processed, and submitted to the  
25 statewide voter registration system by the Department of  
26 Highway Safety and Motor Vehicles. These records shall be for  
27 the explicit purpose of supporting audit and accounting  
28 controls established to ensure accurate and complete  
29 electronic transmission of records between the statewide voter  
30 registration system and the Department of Highway Safety and  
31 Motor Vehicles.

1           (10) The department shall provide the Department of  
2 Highway Safety and Motor Vehicles with an electronic database  
3 of street addresses valid for use as the legal residence  
4 address as required in s. 97.053(5). The Department of Highway  
5 Safety and Motor Vehicles shall compare the address provided  
6 by the applicant against the database of valid street  
7 addresses. If the address provided by the applicant does not  
8 match a valid street address in the database, the applicant  
9 will be asked to verify the address provided. The Department  
10 of Highway Safety and Motor Vehicles shall not reject any  
11 application for voter registration for which a valid match  
12 cannot be made.

13           (11) The Department of Highway Safety and Motor  
14 Vehicles shall enter into an agreement with the department to  
15 match information in the statewide voter registration system  
16 with information in the database of the Department of Highway  
17 Safety and Motor Vehicles to the extent required to verify the  
18 accuracy of the driver's license number, Florida  
19 identification number, or last four digits of the social  
20 security number provided on applications for voter  
21 registration as required in s. 97.053.

22           (12) The Department of Highway Safety and Motor  
23 Vehicles shall enter into an agreement with the Commissioner  
24 of Social Security as required by the Help America Vote Act of  
25 2002 to verify the last four digits of the social security  
26 number provided in applications for voter registration as  
27 required in s. 97.053.

28           Section 10. Subsections (6), (7), and (9) of section  
29 97.058, Florida Statutes, are amended to read:

30           97.058 Voter registration agencies.--

31

1           (6) A voter registration agency must forward all  
2 completed and incomplete voter registration applications  
3 within 5 days after receipt to the supervisor of the county  
4 where the agency that processed or received that application  
5 is located.

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

13           (9) A voter registration agency must collect data  
14 determined necessary by the department, as provided by rule,  
15 for program evaluation and reporting to the ~~Federal~~ Election  
16 Assistance Commission pursuant to federal law ~~the National~~  
17 ~~Voter Registration Act of 1993.~~

18           Section 11. Section 97.061, Florida Statutes, is  
19 amended to read:

20           97.061 Special registration for electors requiring  
21 assistance.--

22           (1) Any person who is eligible to register and who is  
23 unable to read or write or who, because of some disability,  
24 needs assistance in voting shall upon that person's request be  
25 registered ~~by the supervisor~~ under the procedure prescribed by  
26 this section and shall be entitled to receive assistance at  
27 the polls under the conditions prescribed by this section. The  
28 department may adopt rules to administer this section.

29           (2) If a person is qualified to register pursuant to  
30 this section, the voter registration official ~~supervisor~~ shall  
31

1 note in that person's registration record that the person  
2 needs assistance in voting.

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

21 Section 12. Section 97.071, Florida Statutes, is  
22 amended to read:

23 97.071 Voter information ~~Registration identification~~  
24 ~~card.--~~

25 (1) A voter information ~~registration identification~~  
26 card shall ~~must~~ be furnished by the supervisor to all  
27 registered voters residing in the supervisor's county. The  
28 card ~~registering under the permanent single registration~~  
29 ~~system and~~ must contain:

- 30 (a) Voter's registration number.  
31 (b) Date of registration.

1 (c) Full name.  
2 (d) Party affiliation.  
3 (e) Date of birth.  
4 ~~(f) Race or ethnicity, if provided by the applicant.~~  
5 ~~(g) Sex, if provided by the applicant.~~  
6 (f)(h) Address of legal residence.  
7 (g)(i) Precinct number.  
8 (h)(j) Name of supervisor and contact information of  
9 supervisor.  
10 ~~(k) Place for voter's signature.~~  
11 (i)(l) Other information deemed necessary by the  
12 supervisor department.  
13 (2) A voter may receive a replacement voter  
14 information ~~of a registration identification~~ card by providing  
15 a signed, written request for a replacement card to a voter  
16 registration official ~~the supervisor~~. Upon verification of  
17 registration, the supervisor shall issue the voter a duplicate  
18 card without charge.  
19 (3) In the case of a change of name, address, or party  
20 affiliation, the supervisor shall ~~must~~ issue the voter a new  
21 voter information ~~registration identification~~ card. However, a  
22 voter information ~~registration identification~~ card indicating  
23 a party affiliation change made between the book-closing date  
24 for the first primary election and the date of the second  
25 primary election may not be issued until after the second  
26 primary election.  
27 Section 13. Section 97.073, Florida Statutes, is  
28 amended to read:  
29 97.073 Disposition of voter registration applications;  
30 cancellation notice.--  
31

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

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

20           Section 14. Section 97.1031, Florida Statutes, is  
21 amended to read:

22           97.1031 Notice of change of residence within the same  
23 county, change of name, or change of party affiliation.--

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

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

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

13 ~~(2)(3)~~ When an elector seeks to change party  
14 affiliation, the elector shall ~~must~~ provide notice ~~a signed,~~  
15 ~~written notification~~ of such intent to a voter registration  
16 official using a voter registration application signed by the  
17 elector. A voter information the supervisor and obtain a  
18 registration identification card reflecting the new party  
19 affiliation shall be issued by the supervisor to the elector,  
20 subject to the issuance restriction in s. 97.071(3).

21 ~~(3)(4)~~ The voter registration official ~~supervisor~~  
22 shall make the necessary changes in the elector's records as  
23 soon as practical upon receipt of such notice of a change of  
24 address of legal residence, name, or party affiliation ~~and~~  
25 ~~shall issue the new registration identification card as~~  
26 ~~required by s. 97.071(3).~~

27 Section 15. Section 97.105, Florida Statutes, is  
28 amended to read:

29 97.105 Permanent single registration system  
30 established.--A permanent single registration system for the  
31 registration of electors to qualify them to vote in all

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

9 |       Section 16. Subsections (3), (10), and (11) of section  
10 | 98.015, Florida Statutes, are amended, and subsection (12) is  
11 | added to that section, to read:

12 |       98.015 Supervisor of elections; election, tenure of  
13 | office, compensation, custody of books, office hours,  
14 | successor, seal; appointment of deputy supervisors; duties.--

15 |       (3) The supervisor shall update voter registration  
16 | information, enter new voter registrations into the statewide  
17 | voter registration system, and act as is the official  
18 | custodian of documents received by the supervisor related to  
19 | the registration of electors and changes in voter registration  
20 | status of electors of the supervisor's county ~~the registration~~  
21 | ~~books and has the exclusive control of matters pertaining to~~  
22 | ~~registration of electors.~~

23 |       (10) Each supervisor shall ~~must~~ ensure that all voter  
24 | registration and list maintenance procedures conducted by such  
25 | supervisor are in compliance with any applicable requirements  
26 | prescribed by rule of the department through the statewide  
27 | voter registration system or prescribed by for that county  
28 | ~~under~~ the Voting Rights Act of 1965, the National Voter  
29 | Registration Act of 1993, or the Help America Vote Act of  
30 | 2002.

31 |



1           (11) Each supervisor shall ensure that any voter  
2 registration system used by the supervisor for administering  
3 his or her duties as a voter registration official complies  
4 with the specifications and procedures established by rule of  
5 the department and the statewide voter registration system  
6 ~~Each supervisor of elections shall forward to the property~~  
7 ~~appraiser for the county in which the homestead is claimed the~~  
8 ~~name of the person and the address of the homestead of each~~  
9 ~~person who registers to vote at an address other than that at~~  
10 ~~which the person claims a homestead exemption, as disclosed on~~  
11 ~~the uniform statewide voter registration application pursuant~~  
12 ~~to s. 97.052.~~

13           (12) Each supervisor shall maintain a list of valid  
14 residential street addresses for purposes of verifying the  
15 legal addresses of voters residing in the supervisor's county.  
16 The supervisor shall make all reasonable efforts to coordinate  
17 with county 911 service providers, property appraisers, the  
18 United States Postal Service, or other agencies as necessary  
19 to ensure the continued accuracy of such list. The supervisor  
20 shall provide the list of valid residential addresses to the  
21 statewide voter registration system in the manner and  
22 frequency specified by rule of the department.

23           Section 17. Section 98.035, Florida Statutes, is  
24 created to read:

25           98.035 Statewide voter registration system;  
26 implementation, operation, and maintenance.--

27           (1) The Secretary of State, as chief election officer  
28 of the state, shall be responsible for implementing,  
29 operating, and maintaining, in a uniform and nondiscriminatory  
30 manner, a single, uniform, official, centralized, interactive,  
31 computerized statewide voter registration system as required

1 by the Help America Vote Act of 2002. The department may adopt  
2 rules to administer this section.

3 (2) The statewide voter registration system must  
4 contain the name and registration information of every legally  
5 registered voter in the state. All voters shall be assigned a  
6 unique identifier. The system shall be the official list of  
7 registered voters in the state and shall provide secured  
8 access by authorized voter registration officials. The system  
9 shall enable voter registration officials to provide, access,  
10 and update voter registration information.

11 (3) The department may not contract with any other  
12 entity for the operation of the statewide voter registration  
13 system.

14 (4) The implementation of the statewide voter  
15 registration system shall not prevent any supervisor of  
16 elections from acquiring, maintaining, or using any hardware  
17 or software necessary or desirable to carry out the  
18 supervisor's responsibilities related to the use of voter  
19 registration information or the conduct of elections, provided  
20 that such hardware or software does not conflict with the  
21 operation of the statewide voter registration system.

22 (5) The department may adopt rules governing the  
23 access, use, and operation of the statewide voter registration  
24 system to ensure security, uniformity, and integrity of the  
25 system.

26 Section 18. Section 98.045, Florida Statutes, is  
27 amended to read:

28 98.045 Administration of voter registration.--

29 (1) ELIGIBILITY OF APPLICANT.--~~The Each~~ supervisor  
30 must ensure that any eligible applicant for voter registration  
31 is registered to vote and that each application for voter

1 registration is processed in accordance with law. The  
2 supervisor shall determine whether a voter registration  
3 applicant is ineligible based on any of the following:

4 (a) The failure to complete a voter registration  
5 application as specified in s. 97.053.

6 (b) The applicant is deceased.

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

9 (d) The applicant has been adjudicated mentally  
10 incapacitated with respect to the right to vote and such right  
11 has not been restored.

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

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

15 (g) The applicant is a fictitious person.

16 (h) The applicant has provided an address of legal  
17 residence that is not his or her legal residence.

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

22 (2) REMOVAL OF REGISTERED VOTERS.--

23 (a) Once a voter is registered, the name of that voter  
24 may not be removed from the statewide voter registration  
25 system ~~books~~ except at the written request of the voter, by  
26 reason of the voter's conviction of a felony or adjudication  
27 as mentally incapacitated with respect to voting, by death of  
28 the voter, or pursuant to a registration list maintenance  
29 program or other registration list maintenance activity  
30 conducted pursuant to s. 98.065 or s. 98.075, ~~or s. 98.0977.~~  
31

1           **(b)(2)** Information received by a voter registration  
2 official ~~supervisor~~ from an election official in another state  
3 jurisdiction indicating that a registered voter in this state  
4 ~~the supervisor's county~~ has registered to vote in that other  
5 state jurisdiction shall be considered as a written request  
6 from the voter to have the voter's name removed from the  
7 statewide voter registration system ~~books of the supervisor's~~  
8 ~~county.~~

9           **(3)** PUBLIC RECORDS ACCESS AND  
10 RETENTION. ~~Notwithstanding the provisions of ss. 98.095 and~~  
11 ~~98.0977,~~ Each supervisor shall maintain for at least 2 years,  
12 and make available for public inspection and copying, all  
13 records concerning implementation of registration list  
14 maintenance programs and activities conducted pursuant to ss.  
15 98.065 and, 98.075, ~~and 98.0977.~~ The records must include  
16 lists of the name and address of each person to whom a ~~an~~  
17 ~~address confirmation final~~ notice was sent and information as  
18 to whether each such person responded to the mailing, but may  
19 not include any information that is confidential or exempt  
20 from public records requirements under this code.

21           **(4)** STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL  
22 STREET ADDRESSES. ~~--~~

23           **(a)** The department shall compile and maintain a  
24 statewide electronic database of valid residential street  
25 addresses from the information provided by the supervisors of  
26 elections pursuant to s. 98.015. The department shall evaluate  
27 the information provided by the supervisors of elections to  
28 identify any duplicate addresses and any address that may  
29 overlap county boundaries.

30           **(b)** The department shall make the statewide database  
31 of valid street addresses available to the Department of

1 Highway Safety and Motor Vehicles as provided in s.  
2 97.057(10). The Department of Highway Safety and Motor  
3 Vehicles shall use the database for purposes of validating the  
4 legal residential addresses provided in voter registration  
5 applications received by the Department of Highway Safety and  
6 Motor Vehicles.

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

10 Section 19. Section 98.065, Florida Statutes, as  
11 amended by chapter 2002-281, Laws of Florida, is amended to  
12 read:

13 98.065 Registration list maintenance programs.--

14 (1) The supervisor must conduct a general registration  
15 list maintenance program to protect the integrity of the  
16 electoral process by ensuring the maintenance of accurate and  
17 current voter registration records in the statewide voter  
18 registration system. The program must be uniform,  
19 nondiscriminatory, and in compliance with the Voting Rights  
20 Act of 1965, the National Voter Registration Act of 1993, and  
21 the Help America Vote Act of 2002. As used in this subsection,  
22 the term "nondiscriminatory" applies to and includes persons  
23 with disabilities.

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

27 (a) Change-of-address information supplied by the  
28 United States Postal Service through its licensees is used to  
29 identify registered voters whose addresses might have changed;  
30  
31

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

4 (c) Change-of-address information is identified from  
5 returned nonforwardable return-if-undeliverable address  
6 confirmation requests mailed to all registered voters who have  
7 not voted in the last 2 years and who did not make a written  
8 request that their registration records be updated during that  
9 time.

10 (3) A registration list maintenance program must be  
11 conducted by each supervisor, at a minimum, in each  
12 odd-numbered year and must be completed not later than 90 days  
13 prior to the date of any federal election. All list  
14 maintenance actions associated with each voter must be  
15 entered, tracked, and maintained in the statewide voter  
16 registration system.

17 (4)(a) If the supervisor receives change-of-address  
18 information pursuant to the activities conducted in subsection  
19 (2), from jury notices signed by the voter and returned to the  
20 courts, from the Department of Highway Safety and Motor  
21 Vehicles, or from other sources, which information indicates  
22 that the legal address of a registered voter might have  
23 changed, the supervisor shall send by forwardable  
24 return-if-undeliverable mail an address confirmation notice to  
25 the address at which the voter was last registered. A  
26 supervisor may also send an address confirmation notice to any  
27 voter who the supervisor has reason to believe has moved from  
28 his or her legal residence.

29 (b) The address confirmation notice shall contain a  
30 postage prepaid preaddressed return form on which:  
31

1           1. If the voter has changed his or her address of  
2 legal residence to a location outside the state, the voter  
3 shall mark that the voter's legal residence has changed to a  
4 location outside the state. The form shall also include  
5 information on how to register in the new state in order to be  
6 eligible to vote. The form must be returned within 30 days  
7 after the date of the notice. The completed form shall  
8 constitute a request to be removed from the statewide voter  
9 registration system.

10           2. If the voter has changed his or her address of  
11 legal residence to a location inside the state, the voter  
12 shall set forth the updated or corrected address and submit  
13 the return form within 30 days after the date of the notice.  
14 The completed form shall constitute a request to update the  
15 statewide voter registration system with the updated or  
16 corrected address information.

17           3. If the voter has not changed his or her address of  
18 legal residence as printed on the address confirmation notice,  
19 the voter shall confirm that his or her address of legal  
20 residence has not changed and submit the form within 30 days  
21 after the date of the notice.

22           (c) The supervisor must designate as inactive all  
23 voters who have been sent an address confirmation notice and  
24 who have not returned the postage prepaid preaddressed return  
25 form within 30 days or for which an address confirmation  
26 notice has been returned as undeliverable. Names on the  
27 inactive list may not be used to calculate the number of  
28 signatures needed on any petition. A voter on the inactive  
29 list may be restored to the active list of voters upon the  
30 voter updating his or her registration, requesting an absentee  
31 ballot, or appearing to vote. However, if the voter does not

1 update his or her voter registration information, request an  
2 absentee ballot, or vote by the second general election after  
3 being placed on the inactive list, the voter's name shall be  
4 removed from the statewide voter registration system and the  
5 voter shall be required to reregister to have his or her name  
6 restored to the statewide voter registration system.

7 (5) A notice may not be issued pursuant to this  
8 section and a voter's name may not be removed from the  
9 statewide voter registration system later than 90 days prior  
10 to the date of a federal election. However, this section does  
11 not preclude the removal of the name of a voter from the  
12 statewide voter registration system at any time upon the  
13 voter's written request, by reason of the voter's death, or  
14 upon a determination of the voter's ineligibility as provided  
15 in s. 98.075(7).

16 (6)(a) No later than July 31 and January 31 of each  
17 year, the supervisor must certify to the department the list  
18 maintenance activities conducted during the first 6 months and  
19 the second 6 months of the year, respectively, including the  
20 number of address confirmation requests sent, the number of  
21 voters designated as inactive, and the number of voters  
22 removed from the statewide voter registration system.

23 (b) If, based on the certification provided pursuant  
24 to paragraph (a), the department determines that a supervisor  
25 has not conducted the list maintenance activities required by  
26 this section, the department shall conduct the appropriate  
27 list maintenance activities for that county. Failure to  
28 conduct list maintenance activities as required in this  
29 section constitutes a violation of s. 104.051. A voter's name  
30 may not be removed from the registration books later than 90  
31 days prior to the date of a federal election. However, nothing



1 ~~in this section shall preclude the removal of the name of a~~  
2 ~~voter from the voter registration books, at any time and~~  
3 ~~without prior notification, upon the written request of the~~  
4 ~~voter, by reason of conviction of the voter of a felony, by~~  
5 ~~reason of adjudication of the voter as mentally incapacitated~~  
6 ~~with respect to voting, by reason of the death of the voter,~~  
7 ~~or upon a determination of ineligibility as provided in s.~~  
8 ~~98.075(3).~~

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

13 ~~(a) The voter has moved within the supervisor's~~  
14 ~~county, the supervisor must change the registration records to~~  
15 ~~show the new address and must send the voter a notice of the~~  
16 ~~change by forwardable mail, including a postage prepaid~~  
17 ~~preaddressed return form with which the voter may verify or~~  
18 ~~correct the address information.~~

19 ~~(b) The voter has moved outside the supervisor's~~  
20 ~~county, or contains no forwarding address, the supervisor~~  
21 ~~shall send an address confirmation final notice and remove the~~  
22 ~~name of the voter from the registration record if that voter~~  
23 ~~did not:~~

- 24 ~~1. Return the postage prepaid preaddressed return~~  
25 ~~form;~~  
26 ~~2. Appear to vote;~~  
27 ~~3. Change the voter's registration; or~~  
28 ~~4. Request an absentee ballot~~

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1 ~~during the period beginning on the date when the address~~  
2 ~~confirmation final notice was sent and ending on the day after~~  
3 ~~the date of the second general election thereafter.~~

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

13 Section 20. Section 98.075, Florida Statutes, is  
14 amended to read:

15 (Substantial rewording of section. See  
16 s. 98.075, F.S., for present text.)

17 98.075 Registration records maintenance activities;  
18 ineligibility determinations.--

19 (1) MAINTENANCE OF RECORDS.--The department shall  
20 protect the integrity of the electoral process by ensuring the  
21 maintenance of accurate and current voter registration  
22 records. List maintenance activities must be uniform,  
23 nondiscriminatory, and in compliance with the Voting Rights  
24 Act of 1965, the National Voter Registration Act of 1993, and  
25 the Help America Vote Act of 2002. The department may adopt by  
26 rule uniform standards and procedures to interpret and  
27 administer this section.

28 (2) DUPLICATE REGISTRATION.--The department shall  
29 identify those voters who are registered more than once or  
30 those applicants whose registration applications would result  
31

1 in duplicate registrations. The most recent application shall  
2 be deemed an update to the voter registration record.

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

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

27 (5) FELONY CONVICTION.--The department shall identify  
28 those registered voters who have been convicted of a felony  
29 and whose rights have not been restored by comparing  
30 information received from, but not limited to, a clerk of the  
31 circuit court, the Board of Executive Clemency, the Department

1 of Corrections, the Department of Law Enforcement, or a United  
2 States Attorney's Office, as provided in s. 98.093. The  
3 department shall review such information and make an initial  
4 determination as to whether the information is credible and  
5 reliable. If the department determines that the information is  
6 credible and reliable, the department shall notify the  
7 supervisor and provide a copy of the supporting documentation  
8 indicating the potential ineligibility of the voter to be  
9 registered. Upon receipt of the notice that the department has  
10 made a determination of initial credibility and reliability,  
11 the supervisor shall adhere to the procedures set forth in  
12 subsection (7) prior to the removal of a registered voter's  
13 name from the statewide voter registration system.

14 (6) OTHER BASES FOR INELIGIBILITY.--If the department  
15 or supervisor receives information other than from the sources  
16 identified in subsections (2)-(5) that a registered voter does  
17 not meet the age requirement pursuant to s. 97.041, is not a  
18 United States citizen, is a fictitious person, or has listed a  
19 residence that is not his or her legal residence, the  
20 supervisor shall adhere to the procedures set forth in  
21 subsection (7) prior to the removal of a registered voter's  
22 name from the statewide voter registration system.

23 (7) PROCEDURES FOR REMOVAL.--

24 (a) If the supervisor receives notice or information  
25 pursuant to subsections (4)-(6), the supervisor of the county  
26 in which the voter is registered shall:

27 1. Notify the registered voter of his or her potential  
28 ineligibility by mail within 7 days after receipt of notice or  
29 information. The notice shall include:

30  
31

1           a. A statement of the basis for the registered voter's  
2 potential ineligibility and a copy of any documentation upon  
3 which the potential ineligibility is based.

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

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

12           d. A statement that, if the voter is denying the  
13 accuracy of the information underlying the potential  
14 ineligibility, the voter has a right to request a hearing for  
15 the purpose of determining eligibility.

16           e. Instructions for the registered voter to contact  
17 the supervisor of elections of the county in which the voter  
18 is registered if assistance is needed in resolving the matter.

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

21           2. If the mailed notice is returned as undeliverable,  
22 the supervisor shall publish notice once in a newspaper of  
23 general circulation in the county in which the voter was last  
24 registered. The notice shall contain the following:

25           a. The voter's name and address.

26           b. A statement that the voter is potentially  
27 ineligible to be registered to vote.

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

1           d. An instruction for the voter to contact the  
2 supervisor no later than 30 days after the date of the  
3 published notice to receive information regarding the basis  
4 for the potential ineligibility and the procedure to resolve  
5 the matter.

6           e. An instruction to the voter that, if further  
7 assistance is needed, the voter should contact the supervisor  
8 of elections of the county in which the voter is registered.

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

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

25           5. If a registered voter responds to the notice issued  
26 pursuant to subparagraph 1. or subparagraph 2. and denies the  
27 accuracy of the information underlying the potential  
28 ineligibility but does not request a hearing, the supervisor  
29 shall review the evidence and make a final determination of  
30 eligibility. If such registered voter requests a hearing, the  
31 supervisor shall send notice to the registered voter to attend

1 a hearing at a time and place specified in the notice. Upon  
2 hearing all evidence presented at the hearing, the supervisor  
3 shall make a determination of eligibility. If the supervisor  
4 determines that the registered voter is ineligible, the  
5 supervisor shall remove the voter's name from the statewide  
6 voter registration system and notify the registered voter of  
7 the supervisor's determination and action.

8 (b) The following shall apply to this subsection:

9 1. All determinations of eligibility shall be based on  
10 a preponderance of the evidence.

11 2. All proceedings are exempt from the provisions of  
12 chapter 120.

13 3. Any notice shall be sent to the registered voter by  
14 certified mail, return receipt requested, or other means that  
15 provides a verification of receipt or shall be published in a  
16 newspaper of general circulation where the voter was last  
17 registered, whichever is applicable.

18 4. The supervisor shall remove the name of any  
19 registered voter from the statewide voter registration system  
20 only after the supervisor makes a final determination that the  
21 voter is ineligible to vote.

22 5. Any voter whose name has been removed from the  
23 statewide voter registration system pursuant to a  
24 determination of ineligibility may appeal that determination  
25 under the provisions of s. 98.0755.

26 6. Any voter whose name was removed from the statewide  
27 voter registration system on the basis of a determination of  
28 ineligibility who subsequently becomes eligible to vote must  
29 reregister in order to have his or her name restored to the  
30 statewide voter registration system.

31 (8) CERTIFICATION.--

1           (a) No later than July 31 and January 31 of each year,  
2 the supervisor shall certify to the department the activities  
3 conducted pursuant to this section during the first 6 months  
4 and the second 6 months of the year, respectively. The  
5 certification shall include the number of persons to whom  
6 notices were sent pursuant to subsection (7), the number of  
7 persons who responded to the notices, the number of notices  
8 returned as undeliverable, the number of notices published in  
9 the newspaper, the number of hearings conducted, and the  
10 number of persons removed from the statewide voter  
11 registration systems and the reasons for such removals.

12           (b) If, based on the certification provided pursuant  
13 to paragraph (a), the department determines that a supervisor  
14 has not satisfied the requirements of this section, the  
15 department shall satisfy the appropriate requirements for that  
16 county. Failure to satisfy the requirements of this section  
17 shall constitute a violation of s. 104.051.

18           Section 21. Section 98.0755, Florida Statutes, is  
19 created to read:

20           98.0755 Appeal of determination of  
21 ineligibility.--Appeal of the supervisor's determination of  
22 ineligibility pursuant to s. 98.075(7) may be taken to the  
23 circuit court in and for the county where the person was  
24 registered. Notice of appeal must be filed within the time and  
25 in the manner provided by the Florida Rules of Appellate  
26 Procedure and acts as supersedeas. Trial in the circuit court  
27 is de novo and governed by the rules of that court. Unless the  
28 person can show that his or her name was erroneously or  
29 illegally removed from the statewide voter registration  
30 system, or that he or she is indigent, the person must bear  
31 the costs of the trial in the circuit court. Otherwise, the



1 cost of the appeal must be paid by the supervisor of  
2 elections.

3 Section 22. Section 98.077, Florida Statutes, is  
4 amended to read:

5 98.077 Update of voter signature.--

6 (1) A registered voter may update his or her signature  
7 on file in the statewide voter registration system at any time  
8 using a voter registration application submitted to a voter  
9 registration official.

10 (2) The department and supervisors ~~supervisor~~ of  
11 elections shall include in any correspondence, other than  
12 postcard notifications and notices relating to eligibility,  
13 sent to a ~~provide to each~~ registered voter information  
14 regarding ~~of the county the opportunity to update his or her~~  
15 ~~signature on file at the supervisor's office by providing~~  
16 ~~notification of the ability to do so in any correspondence,~~  
17 ~~other than postcard notifications, sent to the voter. The~~  
18 ~~notice shall advise~~ when, where, and how to update the voter's  
19 signature and shall provide the voter information on how to  
20 obtain a voter registration application form from a voter  
21 registration official which ~~the supervisor that~~ can be  
22 returned to update the signature.

23 (3) In addition, At least once during each general  
24 election year, the supervisor shall publish in a newspaper of  
25 general circulation or other newspaper in the county deemed  
26 appropriate by the supervisor a notice specifying when, where,  
27 or how a voter can update his or her signature that is on file  
28 and ~~or~~ how a voter can obtain a voter registration application  
29 form from a voter registration official ~~the supervisor~~ to do  
30 so.  
31

1           (4) All signature updates for use in verifying  
2 absentee and provisional ballots must be received by the  
3 appropriate supervisor of elections no later than the start of  
4 the canvassing of absentee ballots by the canvassing board.  
5 The signature on file at the start of the canvass of the  
6 absentees is the signature that shall be used in verifying the  
7 signature on the absentee and provisional ballot certificates.

8           Section 23. Section 98.081, Florida Statutes, is  
9 amended to read:

10           98.081 Names removed from the statewide voter  
11 registration system books; restrictions on reregistering;  
12 recordkeeping; restoration of erroneously or illegally removed  
13 names.--

14           (1) Any person who requested that his or her name be  
15 removed from the statewide voter registration system books  
16 between the book-closing date of the first primary and the  
17 date of the second primary may not register in a different  
18 political party until after the date of the second primary  
19 election.

20           (2) When the name of any elector is removed from the  
21 statewide voter registration system books pursuant to s.  
22 98.065 ~~or~~, s. 98.075, ~~or s. 98.093~~, the elector's original  
23 registration application form shall be retained by the  
24 supervisor of elections having custody of the application  
25 ~~filed alphabetically in the office of the supervisor~~. As  
26 alternatives, registrations removed from the statewide voter  
27 registration system books may be microfilmed and such  
28 microfilms substituted for the original registration  
29 applications forms; or, when voter registration information,  
30 including the voter's signature, is maintained digitally or on  
31 electronic, magnetic, or optic media, such stored information

1 | may be substituted for the original registration application  
2 | ~~form~~. Such microfilms or stored information shall be retained  
3 | by the supervisor of elections having in the custody of the  
4 | ~~supervisor~~. In the event the original registration  
5 | applications forms are microfilmed or maintained digitally or  
6 | on electronic or other media, such originals may be destroyed  
7 | in accordance with the schedule approved by the Bureau of  
8 | Archives and Records Management of the Division of Library and  
9 | Information Services of the department.

10 |         (3) When the name of any elector has been erroneously  
11 | or illegally removed from the statewide voter registration  
12 | system books, the name of the elector shall be restored by a  
13 | voter registration official ~~the supervisor~~ upon satisfactory  
14 | proof, even though the registration period for that election  
15 | is closed.

16 |         Section 24. Section 98.093, Florida Statutes, is  
17 | amended to read:

18 |         98.093 Duty of officials to furnish lists of deceased  
19 | persons, persons adjudicated mentally incapacitated, and  
20 | persons convicted of a felony.--

21 |         (1) In order to ensure the maintenance of accurate and  
22 | current voter registration records, it is necessary for the  
23 | department to receive certain information from state and  
24 | federal officials and entities. The department and supervisors  
25 | of elections shall use the information provided from the  
26 | sources in subsection (2) to maintain the voter registration  
27 | records.

28 |         (2) To the maximum extent feasible, state and local  
29 | government agencies shall facilitate provision of information  
30 | and access to data to the department, including, but not  
31 | limited to, databases that contain reliable criminal records

1 and records of deceased persons. State and local government  
2 agencies that provide such data shall do so without charge if  
3 the direct cost incurred by those agencies is not significant.

4 (a) The Department of Health shall furnish monthly to  
5 the department ~~each supervisor of elections~~ a list containing  
6 the name, address, date of birth, date of death, social  
7 security number, race, and sex of each deceased person 17  
8 years of age or older ~~who was a resident of such supervisor's~~  
9 ~~county.~~

10 (b)(2) Each clerk of the circuit court shall furnish  
11 monthly to the department, ~~at least once each month, deliver~~  
12 ~~to each supervisor of elections~~ a list of those persons who  
13 have been adjudicated mentally incapacitated with respect to  
14 voting during the preceding calendar month, a list of those  
15 persons whose mental capacity with respect to voting has been  
16 restored during the preceding calendar month, and a list of  
17 those persons who have returned signed jury notices during the  
18 preceding months to the clerk of the circuit court indicating  
19 a change of address. Each list shall include ~~stating~~ the name,  
20 address, date of birth, race, ~~and~~ sex, ~~and, whichever is~~  
21 available, the Florida driver's license number, Florida  
22 identification card number, or social security number of each  
23 ~~such~~ person ~~convicted of a felony during the preceding~~  
24 ~~calendar month who was a resident of that supervisor's county,~~  
25 ~~a list stating the name, address, date of birth, race, and sex~~  
26 ~~of each person adjudicated mentally incapacitated with respect~~  
27 ~~to voting during the preceding calendar month who was a~~  
28 ~~resident of that supervisor's county, and a list stating the~~  
29 ~~name, address, date of birth, race, and sex of each person~~  
30 ~~whose mental capacity with respect to voting has been restored~~  
31 ~~who was a resident of that supervisor's county.~~

1           ~~(c)(3)~~ Upon receipt of information from the United  
2 States Attorney, listing persons convicted of a felony in  
3 federal court, the department shall use such information to  
4 identify registered voters or applicants for voter  
5 registration who may be potentially ineligible based on  
6 information provided in accordance with s. 98.075 immediately  
7 ~~forward such information to the supervisor of elections for~~  
8 ~~the county where the offender resides.~~

9           (d) The Department of Law Enforcement shall furnish  
10 monthly to the department a list of those persons who have  
11 been convicted of a felony in the preceding month or any  
12 updates to prior records which have occurred in the preceding  
13 month. The list shall contain the name, address, date of  
14 birth, race, sex, date of conviction, county of conviction,  
15 and social security number and a unique identifier of each  
16 conviction of each person.

17           (e) The Board of Executive Clemency shall furnish  
18 monthly to the department a list of those persons granted  
19 clemency in the preceding month or any updates to prior  
20 records which have occurred in the preceding month. The list  
21 shall contain the Board of Executive Clemency case number,  
22 name, address, date of birth, race, sex, social security  
23 number, if available, and references to record identifiers  
24 assigned by the Department of Corrections, a unique identifier  
25 of each clemency case, and the effective date of clemency of  
26 each person.

27           (f) The Department of Corrections shall furnish  
28 monthly to the department a list of those persons transferred  
29 to the Department of Corrections in the preceding month or any  
30 updates to prior records which have occurred in the preceding  
31 month. The list shall contain the name, address, date of

1 birth, race, sex, social security number, Department of  
2 Corrections record identification number, and associated  
3 Department of Law Enforcement felony conviction record number  
4 of each person.

5       (g) The Department of Highway Safety and Motor  
6 Vehicles shall furnish monthly to the department a list of  
7 those persons whose names have been removed from the driver's  
8 license database because they have been licensed in another  
9 state. The list shall contain the name, address, date of  
10 birth, sex, social security number, and driver's license  
11 number of each such person.

12       ~~(4) Upon receipt of any such list, the supervisor~~  
13 ~~shall remove from the registration books the name of any~~  
14 ~~person listed who is deceased, convicted of a felony, or~~  
15 ~~adjudicated mentally incapacitated with respect to voting. A~~  
16 ~~person who has had his or her mental capacity with respect to~~  
17 ~~voting restored or who has had his or her right to vote~~  
18 ~~restored after conviction of a felony shall be required to~~  
19 ~~reregister to have his or her name restored to the~~  
20 ~~registration books.~~

21       ~~(3)(5)~~ Nothing in this section shall limit or restrict  
22 the supervisor in his or her duty to remove the names of ~~such~~  
23 persons from the statewide voter registration system pursuant  
24 to s. 98.075(7) based upon ~~books after verification of~~  
25 information received from other sources.

26       Section 25. Section 98.212, Florida Statutes, is  
27 amended to read:

28       98.212 Department and supervisors to furnish  
29 statistical and other information.--

30       (1)(a) Upon written request, the department and any  
31 supervisor of the respective counties ~~supervisors~~ shall, as

1 promptly as possible, furnish to recognized public or private  
2 universities and senior colleges within the state, to state or  
3 county governmental agencies, and to recognized political  
4 party committees statistical information for the purpose of  
5 analyzing election returns and results.

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

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

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

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

25 98.461 Registration application form, precinct  
26 register; contents.--

27 (1) A registration application form, approved by the  
28 Department of State, containing the information required in s.  
29 97.052 shall be retained by the supervisor of elections of the  
30 county of the applicant's registration filed alphabetically in  
31 ~~the office of the supervisor as the master list of electors of~~

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

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



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

3 Section 27. 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  
10 provided the initiative has been filed with ~~occurring in~~  
11 ~~excess of 90 days from the certification of ballot position by~~  
12 the Secretary of State no later than February 1 of the year  
13 the general election is held. A petition shall be deemed to be  
14 filed with the Secretary of State upon the date the secretary  
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 shall be dated when made and  
6 | shall be valid for a period of 4 years following such date,  
7 | provided all other requirements of law are met. The sponsor  
8 | shall submit signed and dated forms to the appropriate  
9 | supervisor of elections for verification as to the number of  
10 | registered electors whose valid signatures appear thereon. The  
11 | supervisor shall promptly verify the signatures upon payment  
12 | of the fee required by s. 99.097. The supervisor shall  
13 | promptly record each valid signature in the statewide voter  
14 | registration system in the manner prescribed by the Secretary  
15 | of State. Upon completion of verification, the supervisor  
16 | shall execute a certificate indicating the total number of  
17 | signatures checked, the number of signatures verified as valid  
18 | and as being of registered electors, and the distribution by  
19 | congressional district. This certificate shall be immediately  
20 | transmitted to the Secretary of State. The supervisor shall  
21 | retain the signature forms for at least 1 year following the  
22 | election in which the issue appeared on the ballot or until  
23 | the Division of Elections notifies the supervisors of  
24 | elections that the committee which circulated the petition is  
25 | no longer seeking to obtain ballot 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 28. Subsections (1) and (3) of section  
28 101.043, Florida Statutes, are 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:

6 (a) Florida driver's license.

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

9 (c) United States passport.

10 (d) Employee badge or identification.

11 (e) Buyer's club identification.

12 (f) Debit or credit card.

13 (g) Military identification.

14 (h) Student identification.

15 (i) Retirement center identification.

16 (j) Neighborhood association identification.

17 (k) Entertainment identification.

18 (l) Public assistance identification ~~as provided in s.~~  
19 ~~97.0535(3)(a).~~

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

9           Section 29. Subsections (2) and (3) of section  
10 101.045, Florida Statutes, are amended to read:

11           101.045 Electors must be registered in precinct;  
12 provisions for residence or name change.--

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

18                           Change of Legal Residence of Registered  
19   Voter

20  
21 Under penalties for false swearing, I, (Name of voter) ,  
22 swear (or affirm) that the former address of my legal  
23 residence was (Address of legal residence) in the  
24 municipality of \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and I was  
25 registered to vote in the \_\_\_\_\_ precinct of \_\_\_\_\_ County,  
26 Florida; that I have not voted in the precinct of my former  
27 registration in this election; that I now reside at (Address  
28 of legal residence) in the Municipality of \_\_\_\_\_, in \_\_\_\_\_  
29 County, Florida, and am therefore eligible to vote in the  
30 \_\_\_\_\_ precinct of \_\_\_\_\_ County, Florida; and I further swear  
31



1 (or affirm) that I am otherwise legally registered and  
2 entitled to vote.

3 (Signature of voter whose address of legal  
4 residence has changed)

5 (b) An elector whose name changes because of marriage  
6 or other legal process may be permitted to vote, provided such  
7 elector completes an affirmation in substantially the  
8 following form:

9 Change of Name of Registered  
10 Voter

11  
12 Under penalties for false swearing, I, (New name of voter) ,  
13 swear (or affirm) that my name has been changed  
14 because of marriage or other legal process. My former name and  
15 address of legal residence appear on the registration records  
16 ~~books~~ of precinct \_\_\_\_\_ as follows:

17 Name

18 Address

19 Municipality

20 County

21 Florida, Zip

22 My present name and address of legal residence are as follows:

23 Name

24 Address

25 Municipality

26 County

27 Florida, Zip

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

30 (Signature of voter whose name has changed)

31

1           (c) Such affirmation, when completed and presented at  
2 the precinct in which such elector is entitled to vote, and  
3 upon verification of the elector's registration, shall entitle  
4 such elector to vote as provided in this subsection. If the  
5 elector's eligibility to vote cannot be determined, he or she  
6 shall be entitled to vote a provisional ballot, subject to the  
7 requirements and procedures in s. 101.048. Upon receipt of an  
8 affirmation certifying a change in address of legal residence  
9 or name, the supervisor shall as soon as practicable make the  
10 necessary changes in the statewide voter registration system  
11 ~~records of the county~~ to indicate the change in address of  
12 legal residence or name of such elector.

13           (d) Instead of the affirmation contained in paragraph  
14 (a) or paragraph (b), an elector may complete a voter  
15 registration application that indicates the change of name or  
16 change of address of legal residence.

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

27           ~~(3) When an elector's name does not appear on the~~  
28 ~~registration books of the election precinct in which the~~  
29 ~~elector is registered, the elector may have his or her name~~  
30 ~~restored if the supervisor is otherwise satisfied that the~~  
31 ~~elector is validly registered, that the elector's name has~~

1 ~~been erroneously omitted from the books, and that the elector~~  
2 ~~is entitled to have his or her name restored. The supervisor,~~  
3 ~~if he or she is satisfied as to the elector's previous~~  
4 ~~registration, shall allow such person to vote and shall~~  
5 ~~thereafter issue a duplicate registration identification card.~~

6 Section 30. Subsection (1) of section 101.048, Florida  
7 Statutes, is amended to read:

8 101.048 Provisional ballots.--

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

20 Section 31. Subsection (1) of section 101.161, Florida  
21 Statutes, is amended to read:

22 101.161 Referenda; ballots.--

23 (1) Whenever a constitutional amendment or other  
24 public measure is submitted to the vote of the people, the  
25 substance of such amendment or other public measure shall be  
26 printed in clear and unambiguous language on the ballot after  
27 the list of candidates, followed by the word "yes" and also by  
28 the word "no," and shall be styled in such a manner that a  
29 "yes" vote will indicate approval of the proposal and a "no"  
30 vote will indicate rejection. The wording of the substance of  
31 the amendment or other public measure and the ballot title to

1 appear on the ballot shall be embodied in the joint  
2 resolution, constitutional revision commission proposal,  
3 constitutional convention proposal, taxation and budget reform  
4 commission proposal, or enabling resolution or ordinance.  
5 Except for amendments and ballot language proposed by joint  
6 resolution, the substance of the amendment or other public  
7 measure shall be an explanatory statement, not exceeding 75  
8 words in length, of the chief purpose of the measure. In  
9 addition, for every amendment proposed by initiative, the  
10 ballot shall include, following the ballot summary, a separate  
11 financial impact statement concerning the measure prepared by  
12 the Financial Impact Estimating Conference in accordance with  
13 s. 100.371(5)(6). The ballot title shall consist of a caption,  
14 not exceeding 15 words in length, by which the measure is  
15 commonly referred to or spoken of.

16 Section 32. Subsection (2) of section 101.56062,  
17 Florida Statutes, as created by chapter 2002-281, Laws of  
18 Florida, is amended to read:

19 101.56062 Standards for accessible voting systems.--

20 (2) Such voting system must include at least one  
21 accessible voter interface device installed in each polling  
22 place ~~precinct~~ which meets the requirements of this section,  
23 except for paragraph (1)(d).

24 Section 33. Subsection (1) of section 101.5608,  
25 Florida Statutes, is amended to read:

26 101.5608 Voting by electronic or electromechanical  
27 method; procedures.--

28 (1) Each elector desiring to vote shall be identified  
29 to the clerk or inspector of the election as a duly qualified  
30 elector of such election and shall sign his or her name on the  
31 ~~in ink or indelible pencil to an identification blank,~~

1 ~~signature slip, precinct register, or other form or device~~  
2 ~~provided by the supervisor ballot stub on which the ballot~~  
3 ~~serial number may be recorded.~~ The inspector shall compare the  
4 signature with the signature on the identification provided by  
5 the elector. If the inspector is reasonably sure that the  
6 person is entitled to vote, the inspector shall provide the  
7 person with a ballot.

8 Section 34. Effective August 1, 2006, section 101.573,  
9 Florida Statutes, is created to read:

10 101.573 Record of votes by precinct.--

11 (1) Within 75 days after the date of a municipal  
12 election or runoff, whichever occurs later, a presidential  
13 preference primary, or a general election, the supervisor of  
14 elections shall file with the Department of State  
15 precinct-level election results for that election cycle,  
16 including any primary elections. Precinct-level election  
17 results shall record for each precinct the returns of ballots  
18 cast at the precinct location to which have been added the  
19 returns of absentee and early ballots cast by voters  
20 registered in the precinct.

21 (2) The Department of State shall adopt rules pursuant  
22 to ss. 120.536(1) and 120.54 prescribing the form by which  
23 supervisors of elections shall submit election results for  
24 each precinct.

25 Section 35. Paragraph (a) of subsection (4) of section  
26 101.62, Florida Statutes, is amended to read:

27 101.62 Request for absentee ballots.--

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

1 | before the second primary and general election, the supervisor  
2 | of elections shall mail an advance absentee ballot to those  
3 | persons requesting ballots for such elections. The advance  
4 | absentee ballot for the second primary shall be the same as  
5 | the first primary absentee ballot as to the names of  
6 | candidates, except that for any offices where there are only  
7 | two candidates, those offices and all political party  
8 | executive committee offices shall be omitted. Except as  
9 | provided in ss. 99.063(4) and 100.371(5)(~~6~~), the advance  
10 | absentee ballot for the general election shall be as specified  
11 | in s. 101.151, except that in the case of candidates of  
12 | political parties where nominations were not made in the first  
13 | primary, the names of the candidates placing first and second  
14 | in the first primary election shall be printed on the advance  
15 | absentee ballot. The advance absentee ballot or advance  
16 | absentee ballot information booklet shall be of a different  
17 | color for each election and also a different color from the  
18 | absentee ballots for the first primary, second primary, and  
19 | general election. The supervisor shall mail an advance  
20 | absentee ballot for the second primary and general election to  
21 | each qualified absent elector for whom a request is received  
22 | until the absentee ballots are printed. The supervisor shall  
23 | enclose with the advance second primary absentee ballot and  
24 | advance general election absentee ballot an explanation  
25 | stating that the absentee ballot for the election will be  
26 | mailed as soon as it is printed; and, if both the advance  
27 | absentee ballot and the absentee ballot for the election are  
28 | returned in time to be counted, only the absentee ballot will  
29 | be counted. The Department of State may prescribe by rule the  
30 | requirements for preparing and mailing absentee ballots to  
31 | absent qualified electors overseas.

1           Section 36. Subsection (3) is added to section 101.64,  
2 Florida Statutes, to read:

3           101.64 Delivery of absentee ballots; envelopes;  
4 form.--

5           (3) The supervisor shall mark, code, indicate on, or  
6 otherwise track the precinct of the absent elector for each  
7 absentee ballot.

8           Section 37. Paragraph (a) of subsection (1) of section  
9 101.657, Florida Statutes, is amended to read:

10           101.657 Early voting.--

11           (1)(a) The supervisor of elections shall allow an  
12 elector to vote early in the main or branch office of the  
13 supervisor by depositing the voted ballot in a voting device  
14 used by the supervisor to collect or tabulate ballots. The  
15 supervisor shall mark, code, indicate on, or otherwise track  
16 the voter's precinct for each early voted ballot. In order for  
17 a branch office to be used for early voting, it shall be a  
18 full-service facility of the supervisor and shall have been  
19 designated as such at least 1 year prior to the election. The  
20 supervisor may designate any city hall or public library as  
21 early voting sites; however, if so designated, the sites must  
22 be geographically located so as to provide all voters in the  
23 county an equal opportunity to cast a ballot, insofar as is  
24 practicable. The results or tabulation may not be made before  
25 the close of the polls on election day.

26           Section 38. Section 101.663, Florida Statutes, is  
27 amended to read:

28           101.663 Electors; change of residence to another  
29 state.--

30           ~~(1) An elector who changes his or her residence to~~  
31 ~~another county in Florida from the county in Florida in which~~

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

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

16       Section 39. Subsection (1) of section 101.6921,  
17 Florida Statutes, is amended to read:

18       101.6921 Delivery of special absentee ballot to  
19 certain first-time voters.--

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

25       Section 40. Section 101.6923, Florida Statutes, is  
26 amended to read:

27       101.6923 Special absentee ballot instructions for  
28 certain first-time voters.--

29       (1) The provisions of this section apply to voters who  
30 are subject to the provisions of s. 97.0535 ~~registered to vote~~  
31 ~~by mail, who have not previously voted in the county,~~ and who



1 have not provided the identification or information required  
2 by s. 97.0535 by the time the absentee ballot is mailed.

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

6  
7 READ THESE INSTRUCTIONS CAREFULLY BEFORE  
8 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE  
9 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
10 COUNT.

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

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

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

24 4. Place your marked ballot in the enclosed secrecy  
25 envelope and seal the envelope.

26 5. Insert the secrecy envelope into the enclosed  
27 envelope bearing the Voter's Certificate. Seal the envelope  
28 and completely fill out the Voter's Certificate on the back of  
29 the envelope.

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

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

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

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

16           b. Identification which shows your name and current  
17 residence address: current utility bill, bank statement,  
18 government check, paycheck, or government document (excluding  
19 voter identification card).

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

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

23           b. You have a temporary or permanent physical  
24 disability.

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

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

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

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

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

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

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

22 Section 41. Subsection (3) of section 102.012, Florida  
23 Statutes, is amended to read:

24 102.012 Inspectors and clerks to conduct elections.--

25 (3) The supervisor shall furnish inspectors of  
26 election for each precinct with the list of registered  
27 electors for that precinct ~~registration books divided~~  
28 ~~alphabetically as will best facilitate the holding of an~~  
29 ~~election~~. The supervisor shall also furnish to the inspectors  
30 of election at the polling place at each precinct in the  
31

1 supervisor's county a sufficient number of forms and blanks  
2 for use on election day.

3 Section 42. Subsections (1), (2), and (3) of section  
4 104.013, Florida Statutes, are amended to read:

5 104.013 Unauthorized use, possession, or destruction  
6 of voter information ~~registration identification~~ card.--

7 (1) It is unlawful for any person knowingly to have in  
8 his or her possession any blank, forged, stolen, fictitious,  
9 counterfeit, or unlawfully issued voter information  
10 ~~registration identification~~ card unless possession by such  
11 person has been duly authorized by the supervisor.

12 (2) It is unlawful for any person to barter, trade,  
13 sell, or give away a voter information ~~registration~~  
14 ~~identification~~ card unless said person has been duly  
15 authorized to issue a voter information ~~registration~~  
16 ~~identification~~ card.

17 (3) It is unlawful for any person willfully to destroy  
18 or deface the information ~~registration identification~~ card of  
19 a duly registered voter.

20 Section 43. Section 196.141, Florida Statutes, is  
21 amended to read:

22 196.141 Homestead exemptions; duty of property  
23 appraiser.--

24 ~~(1)~~ The property appraiser shall examine each claim  
25 for exemption filed with or referred to him or her and shall  
26 allow the same, if found to be in accordance with law, by  
27 marking the same approved and by making the proper deductions  
28 on the tax books.

29 ~~(2)~~ ~~The property appraiser shall examine each~~  
30 ~~referral, of a person registering to vote at an address~~  
31 ~~different from the one where the person has filed for a~~

1 ~~homestead exemption, which has been provided by a supervisor~~  
2 ~~of elections pursuant to s. 98.015. The property appraiser~~  
3 ~~shall initiate procedures to terminate a person's homestead~~  
4 ~~exemption and assess back taxes, if appropriate, if the person~~  
5 ~~claiming such exemption is not entitled to the exemption under~~  
6 ~~law.~~

7 Section 44. Subsection (4) of section 120.54, Florida  
8 Statutes, is amended to read:

9 120.54 Rulemaking.--

10 (4) EMERGENCY RULES.--

11 (a) If an agency finds that an immediate danger to the  
12 public health, safety, or welfare requires emergency action,  
13 the agency may adopt any rule necessitated by the immediate  
14 danger. The agency may adopt a rule by any procedure which is  
15 fair under the circumstances if:

16 1. The procedure provides at least the procedural  
17 protection given by other statutes, the State Constitution, or  
18 the United States Constitution.

19 2. The agency takes only that action necessary to  
20 protect the public interest under the emergency procedure.

21 3. The agency publishes in writing at the time of, or  
22 prior to, its action the specific facts and reasons for  
23 finding an immediate danger to the public health, safety, or  
24 welfare and its reasons for concluding that the procedure used  
25 is fair under the circumstances. In any event, notice of  
26 emergency rules, other than those of educational units or  
27 units of government with jurisdiction in only one or a part of  
28 one county, including the full text of the rules, shall be  
29 published in the first available issue of the Florida  
30 Administrative Weekly and provided to the committee. The  
31

1 agency's findings of immediate danger, necessity, and  
2 procedural fairness shall be judicially reviewable.

3 (b) Rules pertaining to the public health, safety, or  
4 welfare shall include rules pertaining to perishable  
5 agricultural commodities or rules pertaining to the  
6 interpretation and implementation of the requirements of  
7 chapters 97 through 102 and 105 of the Election Code which are  
8 filed when not more than 60 days remain before an election as  
9 defined in s. 97.021 or which are filed during the time period  
10 after the election and before certification of the election  
11 pursuant to s. 102.112 or s. 102.12.

12 (c) An emergency rule adopted under this subsection  
13 shall not be effective for a period longer than 90 days and  
14 shall not be renewable, except during the pendency of a  
15 challenge to proposed rules addressing the subject of the  
16 emergency rule. However, the agency may take identical action  
17 by the rulemaking procedures specified in this chapter.

18 (d) Subject to applicable constitutional and statutory  
19 provisions, an emergency rule becomes effective immediately on  
20 filing, or on a date less than 20 days thereafter if specified  
21 in the rule, if the adopting agency finds that such effective  
22 date is necessary because of immediate danger to the public  
23 health, safety, or welfare.

24 Section 45. Subsection (1) of section 99.061, Florida  
25 Statutes, is amended to read:

26 99.061 Method of qualifying for nomination or election  
27 to federal, state, county, or district office.--

28 (1) The provisions of any special act to the contrary  
29 notwithstanding, each person seeking to qualify for nomination  
30 or election to a federal, state, or multicounty district  
31 office, other than election to a judicial office as defined in

1 chapter 105 or the office of school board member, shall file  
2 his or her qualification papers with, and pay the qualifying  
3 fee, which shall consist of the filing fee and election  
4 assessment, and party assessment, if any has been levied, to,  
5 the Department of State, or qualify by the alternative method  
6 with the Department of State, at any time after noon of the  
7 1st day for qualifying, which shall be as follows: the 120th  
8 day prior to the first primary, but not later than noon of the  
9 116th day prior to the date of the first primary, for persons  
10 seeking to qualify for nomination or election to federal  
11 office or the office of the state attorney or public defender;  
12 and noon of the 50th day prior to the first primary, but not  
13 later than noon of the 46th day prior to the date of the first  
14 primary, for persons seeking to qualify for nomination or  
15 election to a state or multicounty district office, other than  
16 the office of state attorney or public defender.

17 Section 46. Sections 98.055, 98.095, 98.0977, 98.0979,  
18 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida  
19 Statutes, are repealed.

20 Section 47. Except as otherwise expressly provided in  
21 this act, this act shall take effect January 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2176

Provides additional rulemaking authority to the Department of State.

Provides authority to the secretary to bring enforcement actions in the circuit court.

Provides venue in Leon County.

Provides priority for scheduling these actions during election periods.

Requires the department to confer with supervisors of elections to obtain uniformity in election laws prior to bringing actions.