

By Senator Hill

1-1563-05

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

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

31 prohibiting an individual from being appointed

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

31

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

2

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

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

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

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

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

16 Section 2. Subsection (10) of section 97.021, Florida
17 Statutes, is amended to read:

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

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

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

3 97.053 Acceptance of voter registration
4 applications.--

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

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

17 97.071 Registration identification card.--

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

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

27 98.065 Registration list maintenance programs.--

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

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

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

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

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

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

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

23 | 98.231 Supervisor of elections to furnish Department
24 | of State number of registered electors.--The supervisor of
25 | each county, not less than ~~within~~ 15 days ~~after the closing of~~
26 | ~~registration books~~ prior to the election, shall, for the
27 | county and for each legislative and congressional district in
28 | which such county or any portion thereof is located, advise
29 | the Department of State of the total number of registered
30 | electors of each political party in which any elector has
31 |

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

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

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

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

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

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

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

13
14 ~~... (Signature of voter whose address of legal residence has~~
15 ~~changed) ...~~

16
17 (b) an elector whose name changes because of marriage
18 or other legal process may be permitted to vote, provided such
19 elector completes ~~an affirmation in substantially the~~
20 ~~following form:~~

21
22 ~~Change of Name of Registered~~
23 ~~Voter~~

24
25 ~~Under penalties for false swearing, I, ... (New name of~~
26 ~~voter) ..., swear (or affirm) that my name has been changed~~
27 ~~because of marriage or other legal process. My former name and~~
28 ~~address of legal residence appear on the registration books of~~
29 ~~precinct ... as follows:~~

30 ~~Name~~
31 ~~Address~~

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

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

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

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

24 101.663 Electors; change of residence.--

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

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

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

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

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

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

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

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

30
31

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

5 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

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

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

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

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

28 8. VERY IMPORTANT. If you are an overseas voter, you
29 must include the date you signed the Voter's Certificate on
30 the line above (Date) or your ballot may not be counted.
31

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

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

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

12 101.67 Safekeeping of mailed ballots; deadline for
13 receiving absentee ballots.--

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

19 Section 14. Subsection (2) of section 101.6923,
20 Florida Statutes, is amended to read:

21 101.6923 Special absentee ballot instructions for
22 certain first-time voters.--

23 (2) A voter covered by this section shall be provided
24 with the following printed instructions with his or her
25 absentee ballot:

26
27 READ THESE INSTRUCTIONS CAREFULLY BEFORE
28 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
29 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
30 COUNT.
31

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

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

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

14 4. Place your marked ballot in the enclosed secrecy
15 envelope and seal the envelope.

16 5. Insert the secrecy envelope into the enclosed
17 envelope bearing the Voter's Certificate. Seal the envelope
18 and completely fill out the Voter's Certificate on the back of
19 the envelope.

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

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

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

28 a. Identification which must include your name and
29 photograph: current and valid Florida driver's license;
30 Florida identification card issued by the Department of
31 Highway Safety and Motor Vehicles; United States passport;

1 employee badge or identification; buyer's club identification
2 card; debit or credit card; military identification; student
3 identification; retirement center identification; neighborhood
4 association identification; entertainment identification; or
5 public assistance identification; or
6 b. Identification which shows your name and current
7 residence address: current utility bill, bank statement,
8 government check, paycheck, or government document (excluding
9 voter identification card).

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

12 a. You are 65 years of age or older.
13 b. You have a temporary or permanent physical
14 disability.
15 c. You are a member of a uniformed service on active
16 duty who, by reason of such active duty, will be absent from
17 the county on election day.
18 d. You are a member of the Merchant Marine who, by
19 reason of service in the Merchant Marine, will be absent from
20 the county on election day.
21 e. You are the spouse or dependent of a member
22 referred to in paragraph c. or paragraph d. who, by reason of
23 the active duty or service of the member, will be absent from
24 the county on election day.
25 f. You are currently residing outside the United
26 States.

27 8. Place the envelope bearing the Voter's Certificate
28 into the mailing envelope addressed to the supervisor. Insert
29 a copy of your identification in the mailing envelope. DO NOT
30 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
31

1 | BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
2 | CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

3 | 9. Mail, deliver, or have delivered the completed
4 | mailing envelope. Be sure there is sufficient postage if
5 | mailed.

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

12 | Section 15. Subsection (3) of section 101.6925,
13 | Florida Statutes, is amended to read:

14 | 101.6925 Canvassing special absentee ballots.--

15 | (3) If the identification is not enclosed in the
16 | mailing envelope and the voter has not indicated that he or
17 | she is exempt from the identification requirements, the
18 | supervisor shall check the voter registration records to
19 | determine if the voter's identification was previously
20 | received or the voter had previously notified the supervisor
21 | that he or she was exempt. The envelope with the Voter's
22 | Certificate shall not be opened unless the identification has
23 | been received or the voter has indicated that he or she is
24 | exempt. The ballot shall be treated as a provisional ballot
25 | until 9 7 p.m. on election day and shall not be canvassed
26 | unless the supervisor has received the required identification
27 | or written indication of exemption by 9 7 p.m. on election
28 | day.

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

31 |

1 99.061 Method of qualifying for nomination or election
2 to federal, state, county, or district office.--

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

22 (2) The provisions of any special act to the contrary
23 notwithstanding, each person seeking to qualify for nomination
24 or election to a county office, or district or special
25 district office not covered by subsection (1), shall file his
26 or her qualification papers with, and pay the qualifying fee,
27 which shall consist of the filing fee and election assessment,
28 and party assessment, if any has been levied, to, the
29 supervisor of elections of the county, or shall qualify by the
30 alternative method with the supervisor of elections, at any
31 time after noon of the 1st day for qualifying, which shall be

1 | the 64th ~~50th~~ day prior to the first primary or special
2 | district election, but not later than noon of the 60th ~~46th~~
3 | day prior to the date of the first primary or special district
4 | election. ~~However,~~ If a special district election is held at
5 | the same time as the second primary or general election,
6 | qualifying shall be the 50th day prior to the first primary,
7 | but not later than noon of the 46th day prior to the date of
8 | the first primary. Within 30 days after the closing of
9 | qualifying time, the supervisor of elections shall remit to
10 | the secretary of the state executive committee of the
11 | political party to which the candidate belongs the amount of
12 | the filing fee, two-thirds of which shall be used to promote
13 | the candidacy of candidates for county offices and the
14 | candidacy of members of the Legislature.

15 | Section 17. Subsection (1) of section 99.095, Florida
16 | Statutes, is amended to read:

17 | 99.095 Alternative method of qualifying.--

18 | (1) A person seeking to qualify for nomination to any
19 | office may qualify to have his or her name placed on the
20 | ballot for the first primary election by means of the
21 | petitioning process prescribed in this section. A person
22 | qualifying by this alternative method shall not be required to
23 | pay the qualifying fee or party assessment required by this
24 | chapter. A person using this petitioning process shall file an
25 | oath with the officer before whom the candidate would qualify
26 | for the office stating that he or she intends to qualify by
27 | this alternative method for the office sought. If the person
28 | is running for an office which will be grouped on the ballot
29 | with two or more similar offices to be filled at the same
30 | election, the candidate must indicate in his or her oath for
31 | which group or district office he or she is running. The oath

1 shall be filed at any time after the first Tuesday after the
2 first Monday in ~~November~~ January of the year immediately
3 preceding the year in which the first primary is held, but
4 prior to the 21st day preceding the first day of the
5 qualifying period for the office sought. The Department of
6 State shall prescribe the form to be used in administering and
7 filing such oath. No signatures shall be obtained by a
8 candidate on any nominating petition until the candidate has
9 filed the oath required in this section. If the person is
10 running for an office which will be grouped on the ballot with
11 two or more similar offices to be filled at the same election
12 and the petition does not indicate the group or district
13 office for which the person is running, the signatures
14 obtained on such petition will not be counted.

15 Section 18. Paragraph (a) of subsection (3) of section
16 99.0955, Florida Statutes, is amended to read:

17 99.0955 Candidates with no party affiliation; name on
18 general election ballot.--

19 (3)(a) A candidate with no party affiliation may, in
20 lieu of paying the qualifying fee, qualify for office by the
21 alternative method prescribed in this subsection. A candidate
22 using this petitioning process shall file an oath with the
23 officer before whom the candidate would qualify for the office
24 stating that he or she intends to qualify by this alternative
25 method. If the person is running for an office that requires a
26 group or district designation, the candidate must indicate the
27 designation in his or her oath. The oath shall be filed at any
28 time after the first Tuesday after the first Monday in
29 ~~November~~ January of the year immediately preceding the year in
30 which the election is held, but before the 21st day preceding
31 the first day of the qualifying period for the office sought.

1 The Department of State shall prescribe the form to be used in
2 administering and filing the oath. Signatures may not be
3 obtained by a candidate on any petition until the candidate
4 has filed the oath required in this subsection. Upon receipt
5 of the written oath from a candidate, the qualifying officer
6 shall provide the candidate with petition forms in sufficient
7 numbers to facilitate the gathering of signatures. If the
8 candidate is running for an office that requires a group or
9 district designation, the petition must indicate that
10 designation or the signatures obtained on the petition will
11 not be counted.

12 Section 19. Paragraph (a) of subsection (3) of section
13 99.096, Florida Statutes, is amended to read:

14 99.096 Minor party candidates; names on ballot.--

15 (3)(a) A minor party candidate may, in lieu of paying
16 the qualifying fee and party assessment, qualify for office by
17 the alternative method prescribed in this subsection. A
18 candidate using this petitioning process shall file an oath
19 with the officer before whom the candidate would qualify for
20 the office stating that he or she intends to qualify by this
21 alternative method. If the person is running for an office
22 that requires a group or district designation, the candidate
23 must indicate the designation in his or her oath. The oath
24 must be filed at any time after the first Tuesday after the
25 first Monday in ~~November~~ January of the year immediately
26 preceding the year in which the election is held, but before
27 the 21st day preceding the first day of the qualifying period
28 for the office sought. The Department of State shall prescribe
29 the form to be used in administering and filing the oath.
30 Signatures may not be obtained by a candidate on any petition
31 until the candidate has filed the oath required in this

1 section. Upon receipt of the written oath from a candidate,
2 the qualifying officer shall provide the candidate with
3 petition forms in sufficient numbers to facilitate the
4 gathering of signatures. If the candidate is running for an
5 office that requires a group or district designation, the
6 petition must indicate that designation or the signatures on
7 such petition will not be counted.

8 Section 20. Section 100.061, Florida Statutes, is
9 amended to read:

10 100.061 First primary election.--In each year in which
11 a general election is held, a first primary election for
12 nomination of candidates of political parties shall be held on
13 the Tuesday 15 ~~9~~ weeks prior to the general election. Each
14 candidate receiving a majority of the votes cast in each
15 contest in the first primary election shall be declared
16 nominated for such office. A second primary election shall be
17 held as provided by s. 100.091 in every contest in which a
18 candidate does not receive a majority.

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

21 100.091 Second primary election.--

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

27 Section 22. Subsection (1) of section 105.031, Florida
28 Statutes, is amended to read:

29 105.031 Qualification; filing fee; candidate's oath;
30 items required to be filed.--

31

1 (1) TIME OF QUALIFYING.--Except for candidates for
2 judicial office, nonpartisan candidates for multicounty office
3 shall qualify with the Division of Elections of the Department
4 of State and nonpartisan candidates for countywide or less
5 than countywide office shall qualify with the supervisor of
6 elections. Candidates for judicial office other than the
7 office of county court judge shall qualify with the Division
8 of Elections of the Department of State, and candidates for
9 the office of county court judge shall qualify with the
10 supervisor of elections of the county. Candidates for judicial
11 office shall qualify no earlier than noon of the 120th day,
12 and no later than noon of the 116th day, before the first
13 primary election. Candidates for the office of school board
14 member shall qualify no earlier than noon of the 64th ~~50th~~
15 day, and no later than noon of the 60th ~~46th~~ day, before the
16 first primary election. Filing shall be on forms provided for
17 that purpose by the Division of Elections and furnished by the
18 appropriate qualifying officer. Any person seeking to qualify
19 by the alternative method, as set forth in s. 105.035, if the
20 person has submitted the necessary petitions by the required
21 deadline and is notified after the fifth day prior to the last
22 day for qualifying that the required number of signatures has
23 been obtained, shall be entitled to subscribe to the
24 candidate's oath and file the qualifying papers at any time
25 within 5 days from the date he or she is notified that the
26 necessary number of signatures has been obtained. Any person
27 other than a write-in candidate who qualifies within the time
28 prescribed in this subsection shall be entitled to have his or
29 her name printed on the ballot.

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

1 106.07 Reports; certification and filing.--

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

16 (a) Except as provided in paragraph (b), following the
17 last day of qualifying for office, the reports shall be filed
18 on the 46th, 32nd, 18th, and 4th days immediately preceding
19 the first primary and on the 32nd, 18th, and 4th days
20 immediately preceding the second primary and general election,
21 for a candidate who is opposed in seeking nomination or
22 election to any office or, for a political committee, ~~or for a~~
23 ~~committee of continuous existence.~~

24 (b) Following the last day of qualifying for office,
25 any statewide candidate who has requested to receive
26 contributions from the Election Campaign Financing Trust Fund
27 or any statewide candidate in a race with a candidate who has
28 requested to receive contributions from the trust fund shall
29 file reports on the 4th, 11th, 18th, 25th, ~~and~~ 32nd, 39th, and
30 46th days prior to the first primary and general elections,
31

1 and on the 4th, 11th, 18th, and 25th, 32nd, and 39th days
2 prior to the second primary.

3 Section 24. Subsections (1) and (2) of section
4 101.048, Florida Statutes, are amended to read:

5 101.048 Provisional ballots.--

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

19 (2)(a) The county canvassing board shall examine each
20 provisional ballot envelope to determine if the person voting
21 that ballot was entitled to vote ~~at the precinct where the~~
22 ~~person cast a vote~~ in the election and that the person had not
23 already cast a ballot in the election.

24 (b)1. If it is determined that the person was
25 registered and entitled to vote ~~at the precinct where the~~
26 ~~person cast a vote~~ in the election, the canvassing board shall
27 compare the signature on the provisional ballot envelope with
28 the signature on the voter's registration and, if it matches,
29 shall count the ballot. The provisional ballot of a voter who
30 is otherwise entitled to vote shall not be rejected because
31 the voter did not cast his or her ballot in the precinct of

1 his or her legal residence. However, if the voter voted a
2 ballot to which he or she was not entitled, the canvassing
3 board shall duplicate the ballot for the races for which the
4 voter was entitled to vote in the precinct of the voter's
5 legal residence and count the races for which the voter was
6 entitled to vote.

7 2. If it is determined that the person voting the
8 provisional ballot was not registered or entitled to vote ~~at~~
9 ~~the precinct where the person cast a vote~~ in the election, the
10 provisional ballot shall not be counted and the ballot shall
11 remain in the envelope containing the Provisional Ballot
12 Voter's Certificate and Affirmation and the envelope shall be
13 marked "Rejected as Illegal."

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

17 101.151 Specifications for ballots.--

18 (8) A ballot may not exceed seven standard letter size
19 pages in length or the equivalent. The department shall
20 provide by rule what constitutes the equivalent ballot length
21 for voting systems that use a ballot card or paper ballot of a
22 different size and for electronic or electromechanical voting
23 systems that do not use a ballot card or paper ballot.

24 Section 26. Subsection (16) is added to section
25 101.5606, Florida Statutes, to read:

26 101.5606 Requirements for approval of systems.--No
27 electronic or electromechanical voting system shall be
28 approved by the Department of State unless it is so
29 constructed that:

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

1 Section 27. The implementation of the amendment of
2 section 101.5606, Florida Statutes, by this act requiring a
3 paper receipt for each voted ballot shall be phased in over a
4 3-year period, as determined by the Division of Elections of
5 the Department of State, and the cost of such implementation
6 shall be fully funded by the state by appropriation to the
7 division in the General Appropriations Act each fiscal year of
8 the phase-in period.

9 Section 28. Subsection (1) of section 101.657, Florida
10 Statutes, is amended to read:

11 101.657 Early voting.--

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

25 (b) Early voting shall begin 3 weeks ~~on the 15th day~~
26 before an election and end on the day before an election. For
27 purposes of a special election held pursuant to s. 100.101,
28 early voting shall begin on the 8th day before an election and
29 end on the day before an election. Early voting shall be
30 provided for at least 8 hours per day, including Saturday and
31 Sunday, beginning no later than 9 a.m., ~~weekday~~ during the

1 applicable periods. ~~Early voting shall also be provided for 8~~
2 ~~hours in the aggregate for each weekend during the applicable~~
3 ~~periods.~~

4 (c) The supervisor may authorize the use of mobile
5 units for purposes of early voting under this section,
6 provided the locations at which such units are set up do not
7 include any location regularly used by and associated with a
8 political party or partisan political organization.

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

11 110.117 Paid holidays.--

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

14 (a) New Year's Day.

15 (b) Birthday of Martin Luther King, Jr., third Monday
16 in January.

17 (c) Memorial Day.

18 (d) Independence Day.

19 (e) Labor Day.

20 (f) General Election Day.

21 ~~(g)(f)~~ Veterans' Day, November 11.

22 ~~(h)(g)~~ Thanksgiving Day.

23 ~~(i)(h)~~ Friday after Thanksgiving.

24 ~~(j)(i)~~ Christmas Day.

25

26 ~~(j)~~ If any of these holidays falls on Saturday, the preceding
27 Friday shall be observed as a holiday. If any of these
28 holidays falls on Sunday, the following Monday shall be
29 observed as a holiday.

30 Section 30. Paragraph (r) of subsection (1) of section
31 683.01, Florida Statutes, is reenacted to read:

1 683.01 Legal holidays.--

2 (1) The legal holidays, which are also public
3 holidays, are the following:

4 (r) General Election Day.

5 Section 31. Section 106.161, Florida Statutes, is
6 amended to read:

7 106.161 Air time available at the lowest unit
8 rate.--To the extent permitted by federal law, all broadcast
9 radio and television stations and all cable television
10 stations shall make air time available to candidates for
11 public office at the lowest unit rate. To the extent permitted
12 by federal law, all broadcast radio and television stations
13 must offer 2.5 minutes of free air time prior to each election
14 to each candidate for public office appearing on the ballot
15 for that election within the area the station covers.

16 Section 32. There is created a task force to rebut
17 false or inaccurate statements in political campaigns. Each
18 major political party regulated under chapter 103, Florida
19 Statutes, and each minor political party, as defined in
20 section 97.021(14), Florida Statutes, may select one member to
21 serve on the task force. Any rebuttal issued by the task force
22 shall be considered a public service announcement and not a
23 political advertisement and is not subject to reporting as a
24 contribution or expenditure under chapter 106, Florida
25 Statutes. The cost of disseminating the rebuttal shall be
26 borne equally by the political parties appointing members to
27 the task force.

28 Section 33. Section 106.08, Florida Statutes, is
29 amended to read:

30 106.08 Contributions; limitations on.--
31

1 (1)(a) ~~Except for political parties,~~ No person,
2 ~~political committee, or committee of continuous existence~~ may,
3 in any election, make contributions in excess of \$500 to any
4 candidate for election to or retention in office or to any
5 political committee supporting or opposing one or more
6 candidates. However, a political committee may not make a
7 contribution to any candidate for election to or retention in
8 office. Candidates for the offices of Governor and Lieutenant
9 Governor on the same ticket are considered a single candidate
10 for the purpose of this section.

11 (b)1. The contribution limits provided in this
12 subsection do not apply to contributions made by a state or
13 county executive committee of a political party regulated by
14 chapter 103 or to amounts contributed by a candidate to his or
15 her own campaign.

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

21 (c) The contribution limits of this subsection apply
22 to each election. For purposes of this subsection, the first
23 primary, second primary, and general election are separate
24 elections so long as the candidate is not an unopposed
25 candidate as defined in s. 106.011(14)(15). However, for the
26 purpose of contribution limits with respect to candidates for
27 retention as a justice or judge, there is only one election,
28 which is the general election. With respect to candidates in a
29 circuit holding an election for circuit judge or in a county
30 holding an election for county court judge, there are only two
31

1 | elections, which are the first primary election and general
2 | election.

3 | (2) A person may not make contributions to the state
4 | and county executive committees of a political party,
5 | including any subordinate committee of a state or county
6 | executive committee of a political party, which contributions,
7 | including in-kind contributions, in the aggregate in any
8 | calendar year exceed \$5,000.

9 | ~~(3)(2)(a)~~ A candidate may not accept contributions
10 | from national, state, including any subordinate committee of a
11 | national, state, or county committee of a political party, and
12 | county executive committees of a political party, which
13 | contributions in the aggregate exceed \$50,000, no more than
14 | \$25,000 of which may be accepted prior to the 28-day period
15 | immediately preceding the date of the general election.

16 | ~~(b) Polling services, research services, costs for~~
17 | ~~campaign staff, professional consulting services, and~~
18 | ~~telephone calls are not contributions to be counted toward the~~
19 | ~~contribution limits of paragraph (a). Any item not expressly~~
20 | ~~identified in this paragraph as nonallocable is a contribution~~
21 | ~~in an amount equal to the fair market value of the item and~~
22 | ~~must be counted as allocable toward the \$50,000 contribution~~
23 | ~~limits of paragraph (a). Nonallocable, in kind contributions~~
24 | ~~must be reported by the candidate under s. 106.07 and by the~~
25 | ~~political party under s. 106.29.~~

26 | (4)(3)(a) Any contribution received by a candidate
27 | with opposition in an election or by the campaign treasurer or
28 | a deputy campaign treasurer of such a candidate on the day of
29 | that election or less than 5 days prior to the day of that
30 | election must be returned by him or her to the person ~~or~~

31 |

1 ~~committee~~ contributing it and may not be used or expended by
2 or on behalf of the candidate.

3 (b) Except as otherwise provided in paragraph (c), any
4 contribution received by a candidate or by the campaign
5 treasurer or a deputy campaign treasurer of a candidate after
6 the date at which the candidate withdraws his or her
7 candidacy, or after the date the candidate is defeated,
8 becomes unopposed, or is elected to office must be returned to
9 the person ~~or committee~~ contributing it and may not be used or
10 expended by or on behalf of the candidate.

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

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

20 2. Any contribution received by a candidate or the
21 campaign treasurer or deputy campaign treasurer of a candidate
22 after the candidate has been notified in writing by the
23 department or supervisor that he or she has become unopposed
24 as a result of an independent or minor party candidate failing
25 to obtain the required number of petition signatures shall be
26 returned to the person, ~~political committee, or committee of~~
27 ~~continuous existence~~ contributing it and shall not be used or
28 expended by or on behalf of the candidate.

29 (5)~~(4)~~ Any contribution received by the chair,
30 campaign treasurer, or deputy campaign treasurer of a
31 political committee supporting or opposing a candidate with

1 | opposition in an election or supporting or opposing an issue
2 | on the ballot in an election on the day of that election or
3 | less than 5 days prior to the day of that election may not be
4 | obligated or expended by the committee until after the date of
5 | the election.

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

9 | (b) Candidates, political committees, and political
10 | parties may not solicit contributions from any religious,
11 | charitable, civic, or other causes or organizations
12 | established primarily for the public good.

13 | (c) Candidates, political committees, and political
14 | parties may not make contributions, in exchange for political
15 | support, to any religious, charitable, civic, or other cause
16 | or organization established primarily for the public good. It
17 | is not a violation of this paragraph for:

18 | 1. A candidate, political committee, or political
19 | party executive committee to make gifts of money in lieu of
20 | flowers in memory of a deceased person;

21 | 2. A candidate to continue membership in, or make
22 | regular donations from personal or business funds to,
23 | religious, political party, civic, or charitable groups of
24 | which the candidate is a member or to which the candidate has
25 | been a regular donor for more than 6 months; or

26 | 3. A candidate to purchase, with campaign funds,
27 | tickets, admission to events, or advertisements from
28 | religious, civic, political party, or charitable groups.

29 | ~~(7)~~(6) A political party may not accept any
30 | contribution which has been specifically designated for the
31 | partial or exclusive use of a particular candidate. Any

1 contribution so designated must be returned to the contributor
2 and may not be used or expended by or on behalf of the
3 candidate.

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

26 (b) Any person who knowingly and willfully makes two
27 or more contributions in violation of subsection (1),
28 subsection (2), or subsection~~(6)~~, or any combination thereof,
29 ~~(5)~~ commits a felony of the third degree, punishable as
30 provided in s. 775.082, s. 775.083, or s. 775.084. If any
31 corporation, partnership, or other business entity or any

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

16 | ~~(9)(8)~~ Except when otherwise provided in subsection
17 | ~~(8)(7)~~, any person who knowingly and willfully violates any
18 | provision of this section shall, in addition to any other
19 | penalty prescribed by this chapter, pay to the state a sum
20 | equal to twice the amount contributed in violation of this
21 | chapter. Each campaign treasurer shall pay all amounts
22 | contributed in violation of this section to the state for
23 | deposit in the General Revenue Fund.

24 | ~~(9)(9)~~ This section does not apply to the transfer of
25 | funds between a primary campaign depository and a savings
26 | account or certificate of deposit or to any interest earned on
27 | such account or certificate.

28 | Section 34. Paragraph (c) of subsection (1) and
29 | subsection (3) of section 106.021, Florida Statutes, are
30 | amended to read:

31 |

1 106.021 Campaign treasurers; deputies; primary and
2 secondary depositories.--

3 (1)

4 (c) Any campaign treasurer or deputy treasurer
5 appointed pursuant to this section shall be a registered voter
6 in this state and shall, before such appointment may become
7 effective, have accepted appointment to such position in
8 writing and filed such acceptance with the officer before whom
9 the candidate is required to qualify or with the officer with
10 whom the political committee is required to file reports. An
11 individual may not be appointed and serve as campaign
12 treasurer of a candidate and a political committee or two or
13 more candidates and political committees. A candidate may
14 appoint herself or himself as campaign treasurer.

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

23 (a) Independent expenditures;

24 (b) Reimbursements to a candidate or any other
25 individual for expenses incurred in connection with the
26 campaign or activities of the political committee by a check
27 drawn upon the campaign account and reported pursuant to s.
28 106.07(4). After July 1, 2004, the full name and address of
29 each person to whom the candidate or other individual made
30 payment for which reimbursement was made by check drawn upon
31

1 the campaign account shall be reported pursuant to s.
2 106.07(4), together with the purpose of such payment;

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

8 106.07(4)(a)13.; or

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

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

18 106.03 Registration of political committees.--

19 (2) The statement of organization shall include:

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

21 (b) The names, addresses, and relationships of
22 affiliated or connected organizations;

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

24 (d) The name, address, and position of the custodian
25 of books and accounts;

26 (e) The name, address, and position of other principal
27 officers, including officers and members of the finance
28 committee, if any;

29 (f) The name, address, office sought, and party
30 affiliation of:

31

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

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

6 (g) Any issue or issues such organization is
7 supporting or opposing;

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

11 (i) A statement of whether the committee is a
12 continuing one;

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

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

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

20 Section 36. Section 106.04, Florida Statutes, is
21 repealed.

22 Section 37. Paragraph (d) of subsection (2) of section
23 98.095, Florida Statutes, is amended to read:

24 98.095 County registers open to inspection; copies.--

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

27 (d) Registered political committees, ~~registered~~
28 ~~committees of continuous existence~~, and political parties or
29 officials thereof, for political purposes only; and
30
31

1 Such information shall not be used for commercial purposes. No
2 person to whom a list of registered voters is made available
3 pursuant to this section, and no person who acquires such a
4 list, shall use any information contained therein for purposes
5 which are not related to elections, political or governmental
6 activities, voter registration, or law enforcement.

7 Section 38. Paragraph (d) of subsection (2) of section
8 98.0979, Florida Statutes, is amended to read:

9 98.0979 Statewide voter registration database open to
10 inspection; copies.--

11 (2) The information provided by the division or
12 supervisor of elections pursuant to this section shall be
13 furnished only to:

14 (d) Registered political committees, ~~certified~~
15 ~~committees of continuous existence,~~ and political parties or
16 officials thereof, for political purposes only; and

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

19 101.62 Request for absentee ballots.--

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

1 Section 40. Paragraph (c) of subsection (3) of section
2 102.031, Florida Statutes, is amended to read:

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

6 (3)

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

12 1. Solicitation shall not be restricted if:

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

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

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

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

30 Section 41. Section 106.011, Florida Statutes, is
31 amended to read:

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

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

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

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

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

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

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

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

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

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

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

9 3. Organizations whose activities are limited to
10 making expenditures for electioneering communications or
11 accepting contributions for the purpose of making
12 electioneering communications; however, such organizations
13 shall be required to register and report contributions,
14 ~~including those received from committees of continuous~~
15 ~~existence,~~ and expenditures in the same manner, at the same
16 time, subject to the same penalties, and with the same filing
17 officer as a political committee supporting or opposing a
18 candidate or issue contained in the electioneering
19 communication. If any such organization would be required to
20 register and report with more than one filing officer, the
21 organization shall register and report solely with the
22 Division of Elections.

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

26 (2)(3) "Contribution" means:

27 (a) A gift, subscription, conveyance, deposit, loan,
28 payment, or distribution of money or anything of value,
29 including contributions in kind having an attributable
30 monetary value in any form, made for the purpose of
31

1 | influencing the results of an election or making an
2 | electioneering communication.

3 | (b) A transfer of funds between political committees,
4 | ~~between committees of continuous existence, or between a~~
5 | ~~political committee and a committee of continuous existence.~~

6 | (c) The payment, by any person other than a candidate
7 | or political committee, of compensation for the personal
8 | services of another person which are rendered to a candidate
9 | or political committee without charge to the candidate or
10 | committee for such services.

11 | (d) The transfer of funds by a campaign treasurer or
12 | deputy campaign treasurer between a primary depository and a
13 | separate interest-bearing account or certificate of deposit,
14 | and the term includes any interest earned on such account or
15 | certificate.

16 |
17 | Notwithstanding the foregoing meanings of "contribution," the
18 | word shall not be construed to include services, including,
19 | but not limited to, legal and accounting services, provided
20 | without compensation by individuals volunteering a portion or
21 | all of their time on behalf of a candidate or political
22 | committee. This definition shall not be construed to include
23 | editorial endorsements.

24 | ~~(3)(4)~~(a) "Expenditure" means a purchase, payment,
25 | distribution, loan, advance, transfer of funds by a campaign
26 | treasurer or deputy campaign treasurer between a primary
27 | depository and a separate interest-bearing account or
28 | certificate of deposit, or gift of money or anything of value
29 | made for the purpose of influencing the results of an election
30 | or making an electioneering communication. However,
31 | "expenditure" does not include a purchase, payment,

1 | distribution, loan, advance, or gift of money or anything of
2 | value made for the purpose of influencing the results of an
3 | election when made by an organization, in existence prior to
4 | the time during which a candidate qualifies or an issue is
5 | placed on the ballot for that election, for the purpose of
6 | printing or distributing such organization's newsletter,
7 | containing a statement by such organization in support of or
8 | opposition to a candidate or issue, which newsletter is
9 | distributed only to members of such organization.

10 | (b) As used in this chapter, an "expenditure" for an
11 | electioneering communication is made when the earliest of the
12 | following occurs:

13 | 1. A person executes a contract for applicable goods
14 | or services;

15 | 2. A person makes payment, in whole or in part, for
16 | applicable goods or services; or

17 | 3. The electioneering communication is publicly
18 | disseminated.

19 | ~~(4)~~(5)(a) "Independent expenditure" means an
20 | expenditure by a person for the purpose of expressly
21 | advocating the election or defeat of a candidate or the
22 | approval or rejection of an issue, which expenditure is not
23 | controlled by, coordinated with, or made upon consultation
24 | with, any candidate, political committee, or agent of such
25 | candidate or committee. An expenditure for such purpose by a
26 | person having a contract with the candidate, political
27 | committee, or agent of such candidate or committee in a given
28 | election period shall not be deemed an independent
29 | expenditure.

30 | (b) An expenditure for the purpose of expressly
31 | advocating the election or defeat of a candidate which is made

1 | by the national, state, or county executive committee of a
2 | political party, including any subordinate committee of a
3 | national, state, or county committee of a political party, or
4 | by any political committee ~~or committee of continuous~~
5 | ~~existence~~, or ~~any~~ other person, shall not be considered an
6 | independent expenditure if the committee or person:
7 | 1. Communicates with the candidate, the candidate's
8 | campaign, or an agent of the candidate acting on behalf of the
9 | candidate, including any pollster, media consultant,
10 | advertising agency, vendor, advisor, or staff member,
11 | concerning the preparation of, use of, or payment for, the
12 | specific expenditure or advertising campaign at issue; or
13 | 2. Makes a payment in cooperation, consultation, or
14 | concert with, at the request or suggestion of, or pursuant to
15 | any general or particular understanding with the candidate,
16 | the candidate's campaign, a political committee supporting the
17 | candidate, or an agent of the candidate relating to the
18 | specific expenditure or advertising campaign at issue; or
19 | 3. Makes a payment for the dissemination,
20 | distribution, or republication, in whole or in part, of any
21 | broadcast or any written, graphic, or other form of campaign
22 | material prepared by the candidate, the candidate's campaign,
23 | or an agent of the candidate, including any pollster, media
24 | consultant, advertising agency, vendor, advisor, or staff
25 | member; or
26 | 4. Makes a payment based on information about the
27 | candidate's plans, projects, or needs communicated to a member
28 | of the committee or person by the candidate or an agent of the
29 | candidate, provided the committee or person uses the
30 | information in any way, in whole or in part, either directly
31 |

1 or indirectly, to design, prepare, or pay for the specific
2 expenditure or advertising campaign at issue; or

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

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

13 b. Any person whose professional services have been
14 retained by a national, state, or county executive committee
15 of a political party that has made or intends to make
16 expenditures in connection with ~~or contributions to~~ the
17 candidate; or

18 6. After the last day of qualifying for statewide or
19 legislative office, retains the professional services of any
20 person also providing those services to the candidate in
21 connection with the candidate's pursuit of election to office;
22 or

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

25 (5)(6) "Election" means any primary election, special
26 primary election, general election, special election, or
27 municipal election held in this state for the purpose of
28 nominating or electing candidates to public office, choosing
29 delegates to the national nominating conventions of political
30 parties, or submitting an issue to the electors for their
31 approval or rejection.

1 ~~(6)~~~~(7)~~ "Issue" means any proposition which is required
2 by the State Constitution, by law or resolution of the
3 Legislature, or by the charter, ordinance, or resolution of
4 any political subdivision of this state to be submitted to the
5 electors for their approval or rejection at an election, or
6 any proposition for which a petition is circulated in order to
7 have such proposition placed on the ballot at any election.

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

14 ~~(8)~~~~(9)~~ "Campaign treasurer" means an individual
15 appointed by a candidate or political committee as provided in
16 this chapter.

17 ~~(9)~~~~(10)~~ "Public office" means any state, county,
18 municipal, or school or other district office or position
19 which is filled by vote of the electors.

20 ~~(10)~~~~(11)~~ "Campaign fund raiser" means any affair held
21 to raise funds to be used in a campaign for public office.

22 ~~(11)~~~~(12)~~ "Division" means the Division of Elections of
23 the Department of State.

24 ~~(12)~~~~(13)~~ "Communications media" means broadcasting
25 stations, newspapers, magazines, outdoor advertising
26 facilities, printers, direct mailing companies, advertising
27 agencies, the Internet, and telephone companies; but with
28 respect to telephones, an expenditure shall be deemed to be an
29 expenditure for the use of communications media only if made
30 for the costs of telephones, paid telephonists, or automatic
31 telephone equipment to be used by a candidate or a political

1 | committee to communicate with potential voters but excluding
2 | any costs of telephones incurred by a volunteer for use of
3 | telephones by such volunteer; however, with respect to the
4 | Internet, an expenditure shall be deemed an expenditure for
5 | use of communications media only if made for the cost of
6 | creating or disseminating a message on a computer information
7 | system accessible by more than one person but excluding
8 | internal communications of a campaign or of any group.

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

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

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

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

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

31 |

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

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

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

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

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

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

3 "Political advertisement" does not include:

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

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

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

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

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

24 (17)(18)(a) "Electioneering communication" means a
25 paid expression in any communications media prescribed in
26 subsection(12)(13) by means other than the spoken word in
27 direct conversation that:

28 1. Refers to or depicts a clearly identified candidate
29 for office or contains a clear reference indicating that an
30 issue is to be voted on at an election, without expressly
31

1 | advocating the election or defeat of a candidate or the
2 | passage or defeat of an issue.

3 | 2. For communications referring to or depicting a
4 | clearly identified candidate for office, is targeted to the
5 | relevant electorate. A communication is considered targeted if
6 | 1,000 or more persons in the geographic area the candidate
7 | would represent if elected will receive the communication.

8 | 3. For communications referring to or depicting a
9 | clearly identified candidate for office, is published after
10 | the end of the candidate qualifying period for the office
11 | sought by the candidate.

12 | 4. For communications containing a clear reference
13 | indicating that an issue is to be voted on at an election, is
14 | published after the issue is designated a ballot position or
15 | 120 days before the date of the election on the issue,
16 | whichever occurs first.

17 | (b) The term "electioneering communication" does not
18 | include:

19 | 1. A statement or depiction by an organization, in
20 | existence prior to the time during which a candidate named or
21 | depicted qualifies or an issue identified is placed on the
22 | ballot for that election, made in that organization's
23 | newsletter, which newsletter is distributed only to members of
24 | that organization.

25 | 2. An editorial endorsement, news story, commentary,
26 | or editorial by any newspaper, radio, television station, or
27 | other recognized news medium.

28 | 3. A communication that constitutes a public debate or
29 | forum that includes at least two opposing candidates for an
30 | office or one advocate and one opponent of an issue, or that
31 | solely promotes such a debate or forum and is made by or on

1 | behalf of the person sponsoring the debate or forum, provided
2 | that:

3 | a. The staging organization is either:

4 | (I) A charitable organization that does not make other
5 | electioneering communications and does not otherwise support
6 | or oppose any political candidate or political party; or

7 | (II) A newspaper, radio station, television station,
8 | or other recognized news medium; and

9 | b. The staging organization does not structure the
10 | debate to promote or advance one candidate or issue position
11 | over another.

12 | (c) For purposes of this chapter, an expenditure made
13 | for, or in furtherance of, an electioneering communication
14 | shall not be considered a contribution to or on behalf of any
15 | candidate.

16 | (d) For purposes of this chapter, an electioneering
17 | communication shall not constitute an independent expenditure
18 | nor be subject to the limitations applicable to independent
19 | expenditures.

20 | Section 42. Paragraph (d) of subsection (1), paragraph
21 | (a) of subsection (4), and subsection (7) of section 106.07,
22 | Florida Statutes, are amended to read:

23 | 106.07 Reports; certification and filing.--

24 | (1) Each campaign treasurer designated by a candidate
25 | or political committee pursuant to s. 106.021 shall file
26 | regular reports of all contributions received, and all
27 | expenditures made, by or on behalf of such candidate or
28 | political committee. Reports shall be filed on the 10th day
29 | following the end of each calendar quarter from the time the
30 | campaign treasurer is appointed, except that, if the 10th day
31 | following the end of a calendar quarter occurs on a Saturday,

1 Sunday, or legal holiday, the report shall be filed on the
2 next following day which is not a Saturday, Sunday, or legal
3 holiday. Quarterly reports shall include all contributions
4 received and expenditures made during the calendar quarter
5 which have not otherwise been reported pursuant to this
6 section.

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

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

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

21 1. The full name, address, and occupation, if any of
22 each person who has made one or more contributions to or for
23 such committee or candidate within the reporting period,
24 together with the amount and date of such contributions. For
25 corporations, the report must provide as clear a description
26 as practicable of the principal type of business conducted by
27 the corporation. However, if the contribution is \$100 or less
28 or is from a relative, as defined in s. 112.312, provided that
29 the relationship is reported, the occupation of the
30 contributor or the principal type of business need not be
31 listed.

1 2. The name and address of each political committee
2 from which the reporting committee ~~or the candidate~~ received,
3 or to which the reporting committee or candidate made, any
4 transfer of funds, together with the amounts and dates of all
5 transfers.

6 3. Each loan for campaign purposes to or from any
7 person or political committee within the reporting period,
8 together with the full names, addresses, and occupations, and
9 principal places of business, if any, of the lender and
10 endorsers, if any, and the date and amount of such loans.

11 4. A statement of each contribution, rebate, refund,
12 or other receipt not otherwise listed under subparagraphs 1.
13 through 3.

14 5. The total sums of all loans, in-kind contributions,
15 and other receipts by or for such committee or candidate
16 during the reporting period. The reporting forms shall be
17 designed to elicit separate totals for in-kind contributions,
18 loans, and other receipts.

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

27 7. The full name and address of each person to whom an
28 expenditure for personal services, salary, or reimbursement
29 for authorized expenses as provided in s. 106.021(3) has been
30 made and which is not otherwise reported, including the
31 amount, date, and purpose of such expenditure. However,

1 expenditures made from the petty cash fund provided for in s.
2 106.12 need not be reported individually.

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

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

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

11 11. A copy of each credit card statement which shall
12 be included in the next report following receipt thereof by
13 the candidate or political committee. Receipts for each credit
14 card purchase shall be retained by the treasurer with the
15 records for the campaign account.

16 12. The amount and nature of any separate
17 interest-bearing accounts or certificates of deposit and
18 identification of the financial institution in which such
19 accounts or certificates of deposit are located.

20 13. The primary purposes of an expenditure made
21 indirectly through a campaign treasurer pursuant to s.
22 106.021(3) for goods and services such as communications media
23 placement or procurement services, campaign signs, insurance,
24 and other expenditures that include multiple components as
25 part of the expenditure. The primary purpose of an expenditure
26 shall be that purpose, including integral and directly related
27 components, that comprises 80 percent of such expenditure.

28 (7) Notwithstanding any other provisions of this
29 chapter, in any reporting period during which a candidate or
30 ~~political committee, or committee of continuous existence~~ has
31 not received funds, made any contributions, or expended any

1 reportable funds, the filing of the required report for that
2 period is waived. However, the next report filed must specify
3 that the report covers the entire period between the last
4 submitted report and the report being filed, and any candidate
5 or, political committee, ~~or committee of continuous existence~~
6 not reporting by virtue of this subsection on dates prescribed
7 elsewhere in this chapter shall notify the filing officer in
8 writing on the prescribed reporting date that no report is
9 being filed on that date.

10 Section 43. Subsections (1), (2), and (3) of section
11 106.082, Florida Statutes, are amended to read:

12 106.082 Commissioner of Agriculture candidates;
13 campaign contribution limits.--

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

28 (2) No candidate for the office of Commissioner of
29 Agriculture may solicit or accept a campaign contribution in
30 excess of \$100 from any director, officer, or lobbyist of a
31 business which ~~or person who~~ is licensed or inspected or

1 otherwise authorized to do business as a food outlet or
2 convenience store pursuant to chapter 500; ~~or any director,~~
3 ~~officer, lobbyist, or controlling interest of that person or~~
4 ~~business; or any political committee or committee of~~
5 ~~continuous existence that represents that person.~~

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

24 Section 44. Paragraph (a) of subsection (1) and
25 subsection (2) of section 106.087, Florida Statutes, are
26 amended to read:

27 106.087 Independent expenditures; contribution limits;
28 restrictions on political parties and ~~and~~ political committees,
29 ~~and committees of continuous existence.--~~

30 (1)(a) As a condition of receiving a rebate of filing
31 fees and party assessment funds pursuant to s. 99.061(2), s.

1 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
2 treasurer of a state or county executive committee shall take
3 and subscribe to an oath or affirmation in writing. During the
4 qualifying period for state candidates and prior to
5 distribution of such funds, a printed copy of the oath or
6 affirmation shall be filed with the Secretary of State and
7 shall be substantially in the following form:

8
9 State of Florida
10 County of....

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

26 ... (Signature of committee officer) ...
27 ... (Address) ...

28
29 Sworn to and subscribed before me this day of,
30 ...(year)..., at County, Florida.

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

1
2 (2)(a) Any political committee ~~or committee of~~
3 ~~continuous existence~~ that accepts the use of public funds,
4 equipment, personnel, or other resources to collect dues from
5 its members agrees not to make independent expenditures in
6 support of or opposition to a candidate or elected public
7 official. ~~However, expenditures may be made for the sole~~
8 ~~purpose of jointly endorsing three or more candidates.~~

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

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

16 106.12 Petty cash funds allowed.--

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

22 Section 46. Paragraph (b) of subsection (3) of section
23 106.147, Florida Statutes, is amended to read:

24 106.147 Telephone solicitation; disclosure
25 requirements; prohibitions; exemptions; penalties.--

26 (3)

27 (b) For purposes of paragraph (a), the term "person"
28 includes any candidate; any officer of any political
29 committee, ~~committee of continuous existence,~~ or political
30 party executive committee; any officer, partner, attorney, or
31 other representative of a corporation, partnership, or other

1 business entity; and any agent or other person acting on
2 behalf of any candidate, political committee, ~~committee of~~
3 ~~continuous existence~~, political party executive committee, or
4 corporation, partnership, or other business entity.

5 Section 47. Subsection (2) of section 106.23, Florida
6 Statutes, is amended to read:

7 106.23 Powers of the Division of Elections.--

8 (2) The Division of Elections shall provide advisory
9 opinions when requested by any supervisor of elections,
10 candidate, local officer having election-related duties,
11 political party, political committee, ~~committee of continuous~~
12 ~~existence~~, or other person or organization engaged in
13 political activity, relating to any provisions or possible
14 violations of Florida election laws with respect to actions
15 such supervisor, candidate, local officer having
16 election-related duties, political party, committee, person,
17 or organization has taken or proposes to take. Requests for
18 advisory opinions must be submitted in accordance with rules
19 adopted by the Department of State. A written record of all
20 such opinions issued by the division, sequentially numbered,
21 dated, and indexed by subject matter, shall be retained. A
22 copy shall be sent to said person or organization upon
23 request. Any such person or organization, acting in good faith
24 upon such an advisory opinion, shall not be subject to any
25 criminal penalty provided for in this chapter. The opinion,
26 until amended or revoked, shall be binding on any person or
27 organization who sought the opinion or with reference to whom
28 the opinion was sought, unless material facts were omitted or
29 misstated in the request for the advisory opinion.

30 Section 48. Subsections (1) and (2) of section
31 106.265, Florida Statutes, are amended to read:

1 106.265 Civil penalties.--

2 (1) The commission is authorized upon the finding of a
3 violation of this chapter or chapter 104 to impose civil
4 penalties in the form of fines not to exceed \$1,000 per count.
5 In determining the amount of such civil penalties, the
6 commission shall consider, among other mitigating and
7 aggravating circumstances:

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

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

10 (c) The appropriateness of such penalty to the
11 financial resources of the person, political committee,
12 ~~committee of continuous existence,~~ or political party; and

13 (d) Whether the person, political committee, ~~committee~~
14 ~~of continuous existence,~~ or political party has shown good
15 faith in attempting to comply with the provisions of this
16 chapter or chapter 104.

17 (2) If any person, political committee, ~~committee of~~
18 ~~continuous existence,~~ or political party fails or refuses to
19 pay to the commission any civil penalties assessed pursuant to
20 the provisions of this section, the commission shall be
21 responsible for collecting the civil penalties resulting from
22 such action.

23 Section 49. Subsection (2) of section 106.27, Florida
24 Statutes, is amended to read:

25 106.27 Determinations by commission; legal
26 disposition.--

27 (2) Civil actions may be brought by the commission for
28 relief, including permanent or temporary injunctions,
29 restraining orders, or any other appropriate order for the
30 imposition of civil penalties provided by this chapter. Such
31 civil actions shall be brought by the commission in the

1 appropriate court of competent jurisdiction, and the venue
2 shall be in the county in which the alleged violation occurred
3 or in which the alleged violator or violators are found,
4 reside, or transact business. Upon a proper showing that such
5 person, political committee, ~~committee of continuous~~
6 ~~existence~~, or political party has engaged, or is about to
7 engage, in prohibited acts or practices, a permanent or
8 temporary injunction, restraining order, or other order shall
9 be granted without bond by such court, and the civil fines
10 provided by this chapter may be imposed.

11 Section 50. Subsection (6) of section 106.29, Florida
12 Statutes, is amended to read:

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

15 (6)(a) The national, state, and county executive
16 committees of a political party may not contribute to any
17 candidate any amount in excess of the limits contained in s.
18 106.08(3) ~~s. 106.08(2)~~, and all contributions required to be
19 reported under ~~s. 106.08(2)~~ by the national executive
20 committee of a political party shall be reported by the state
21 executive committee of that political party.

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

29 Section 51. Section 106.33, Florida Statutes, is
30 amended to read:

31

1 106.33 Election campaign financing; eligibility.--Each
2 candidate for the office of Governor or member of the Cabinet
3 who desires to receive contributions from the Election
4 Campaign Financing Trust Fund shall, upon qualifying for
5 office, file a request for such contributions with the filing
6 officer on forms provided by the Division of Elections. If a
7 candidate requesting contributions from the fund desires to
8 have such funds distributed by electronic fund transfers, the
9 request shall include information necessary to implement that
10 procedure. For the purposes of ss. 106.30-106.36, candidates
11 for Governor and Lieutenant Governor on the same ticket shall
12 be considered as a single candidate. To be eligible to receive
13 contributions from the fund, a candidate may not be an
14 unopposed candidate as defined in s. 106.011(14)(~~15~~) and must:
15 (1) Agree to abide by the expenditure limits provided
16 in s. 106.34.
17 (2)(a) Raise contributions as follows:
18 1. One hundred fifty thousand dollars for a candidate
19 for Governor.
20 2. One hundred thousand dollars for a candidate for
21 Cabinet office.
22 (b) Contributions from individuals who at the time of
23 contributing are not state residents may not be used to meet
24 the threshold amounts in paragraph (a). For purposes of this
25 paragraph, any person validly registered to vote in this state
26 shall be considered a state resident.
27 (3) Limit loans or contributions from the candidate's
28 personal funds to \$25,000 and contributions from national,
29 state, and county executive committees of a political party to
30 \$25,000 in the aggregate, which loans or contributions shall
31

1 not qualify for meeting the threshold amounts in subsection
2 (2).

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

5 Section 52. Section 111.075, Florida Statutes, is
6 amended to read:

7 111.075 Elected officials; prohibition concerning
8 political ~~certain~~ committees.--Elected officials are
9 prohibited from being employed by, or acting as a consultant
10 for compensation to, a political committee ~~or committee of~~
11 ~~continuous existence~~.

12 Section 53. Subsections (3) and (4) and paragraph (a)
13 of subsection (5) of section 112.3148, Florida Statutes, are
14 amended to read:

15 112.3148 Reporting and prohibited receipt of gifts by
16 individuals filing full or limited public disclosure of
17 financial interests and by procurement employees.--

18 (3) A reporting individual or procurement employee is
19 prohibited from soliciting any gift from a political committee
20 ~~or committee of continuous existence~~, as defined in s.
21 106.011, or from a lobbyist who lobbies the reporting
22 individual's or procurement employee's agency, or the partner,
23 firm, employer, or principal of such lobbyist, where such gift
24 is for the personal benefit of the reporting individual or
25 procurement employee, another reporting individual or
26 procurement employee, or any member of the immediate family of
27 a reporting individual or procurement employee.

28 (4) A reporting individual or procurement employee or
29 any other person on his or her behalf is prohibited from
30 knowingly accepting, directly or indirectly, a gift from a
31 political committee ~~or committee of continuous existence~~, as

1 defined in s. 106.011, or from a lobbyist who lobbies the
2 reporting individual's or procurement employee's agency, or
3 directly or indirectly on behalf of the partner, firm,
4 employer, or principal of a lobbyist, if he or she knows or
5 reasonably believes that the gift has a value in excess of
6 \$100; however, such a gift may be accepted by such person on
7 behalf of a governmental entity or a charitable organization.
8 If the gift is accepted on behalf of a governmental entity or
9 charitable organization, the person receiving the gift shall
10 not maintain custody of the gift for any period of time beyond
11 that reasonably necessary to arrange for the transfer of
12 custody and ownership of the gift.

13 (5)(a) A political committee ~~or a committee of~~
14 ~~continuous existence~~, as defined in s. 106.011; a lobbyist who
15 lobbies a reporting individual's or procurement employee's
16 agency; the partner, firm, employer, or principal of a
17 lobbyist; or another on behalf of the lobbyist or partner,
18 firm, principal, or employer of the lobbyist is prohibited
19 from giving, either directly or indirectly, a gift that has a
20 value in excess of \$100 to the reporting individual or
21 procurement employee or any other person on his or her behalf;
22 however, such person may give a gift having a value in excess
23 of \$100 to a reporting individual or procurement employee if
24 the gift is intended to be transferred to a governmental
25 entity or a charitable organization.

26 Section 54. Subsections (3) and (4) of section
27 112.3149, Florida Statutes, are amended to read:

28 112.3149 Solicitation and disclosure of honoraria.--
29 (3) A reporting individual or procurement employee is
30 prohibited from knowingly accepting an honorarium from a
31 political committee ~~or committee of continuous existence~~, as

1 defined in s. 106.011, from a lobbyist who lobbies the
2 reporting individual's or procurement employee's agency, or
3 from the employer, principal, partner, or firm of such a
4 lobbyist.

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

11 Section 55. Subsection (4) of section 1004.28, Florida
12 Statutes, is amended to read:

13 1004.28 Direct-support organizations; use of property;
14 board of directors; activities; audit; facilities.--

15 (4) ACTIVITIES; RESTRICTION.--A university
16 direct-support organization is prohibited from giving, either
17 directly or indirectly, any gift to a political committee ~~or~~
18 ~~committee of continuous existence~~ as defined in s. 106.011 for
19 any purpose other than those certified by a majority roll call
20 vote of the governing board of the direct-support organization
21 at a regularly scheduled meeting as being directly related to
22 the educational mission of the university.

23 Section 56. Paragraph (d) of subsection (4) of section
24 1004.70, Florida Statutes, is amended to read:

25 1004.70 Community college direct-support
26 organizations.--

27 (4) ACTIVITIES; RESTRICTIONS.--

28 (d) A community college direct-support organization is
29 prohibited from giving, either directly or indirectly, any
30 gift to a political committee ~~or committee of continuous~~
31 ~~existence~~ as defined in s. 106.011 for any purpose other than

1 those certified by a majority roll call vote of the governing
2 board of the direct-support organization at a regularly
3 scheduled meeting as being directly related to the educational
4 mission of the community college.

5 Section 57. Paragraph (c) of subsection (4) of section
6 1004.71, Florida Statutes, is amended to read:

7 1004.71 Statewide community college direct-support
8 organizations.--

9 (4) RESTRICTIONS.--

10 (c) A statewide community college direct-support
11 organization is prohibited from giving, either directly or
12 indirectly, any gift to a political committee ~~or committee of~~
13 ~~continuous existence~~ as defined in s. 106.011 for any purpose
14 other than those certified by a majority roll call vote of the
15 governing board of the direct-support organization at a
16 regularly scheduled meeting as being directly related to the
17 educational mission of the State Board of Education.

18 Section 58. Subsection (3) of section 106.32, Florida
19 Statutes, is repealed.

20 Section 59. This act shall take effect January 1,
21 2006.

22 *****

23
24 SENATE SUMMARY

25 Revises various provisions of law relating to elections.
26 Providing that registration books not close before an
27 election. Provides for later poll closing. Allows earlier
28 qualifying for nomination or election to office.
29 Authorizes voting a provisional ballot at a precinct
30 other than the one in which the voter is registered in
31 certain circumstances. Increases the period of early
voting. Requires broadcast media to provide free air time
to candidates. Creates a task force to rebut false or
inaccurate campaign statements. Repeals provisions
relating to committees of continuous existence.