

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Floor: 1/RE/3R  
04/27/2007 07:44 PM

.  
. .  
. .  
. .  
. .  
. .

Senator Constantine moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (36) of section 97.021, Florida Statutes, is amended to read:

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

(36) "Third-party registration organization" means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

~~(a) A political party;~~

(a)~~(b)~~ A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or

(b)~~(c)~~ A person engaged in registering to vote or collecting voter registration applications as an employee or

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 agent of the division, supervisor of elections, Department of  
2 Highway Safety and Motor Vehicles, or a voter registration  
3 agency.

4 Section 2. Subsection (3) of section 97.0575, Florida  
5 Statutes, is amended to read:

6 97.0575 Third-party voter registrations.--

7 (3) A third-party voter registration organization that  
8 collects voter registration applications serves as a fiduciary  
9 to the applicant, ensuring that any voter registration  
10 application entrusted to the third-party voter registration  
11 organization, irrespective of party affiliation, race,  
12 ethnicity, or gender shall be promptly delivered to the  
13 division or the supervisor of elections. If a voter  
14 registration application collected by any third-party voter  
15 registration organization is not promptly delivered to the  
16 division or supervisor of elections, the ~~individual collecting~~  
17 ~~the voter registration application, the registered agent, and~~  
18 ~~those individuals responsible for the day-to-day operation of~~  
19 ~~the third-party voter registration organization, including, if~~  
20 ~~applicable, the entity's board of directors, president, vice~~  
21 ~~president, managing partner, or such other individuals engaged~~  
22 ~~in similar duties or functions, shall be personally and~~  
23 ~~jointly and severally~~ liable for the following fines:

24 (a) A fine in the amount of \$50 ~~\$250~~ for each  
25 application received by the division or the supervisor of  
26 elections more than 10 days after the applicant delivered the  
27 completed voter registration application to the third-party  
28 voter registration organization or any person, entity, or  
29 agent acting on its behalf. A fine in the amount of \$250 for  
30 each application received if the third-party registration  
31 organization or person, entity, or agency acting on its behalf

1 acted willfully.

2 (b) A fine in the amount of \$100 ~~\$500~~ for each  
3 application collected by a third-party voter registration  
4 organization or any person, entity, or agent acting on its  
5 behalf, prior to book closing for any given election for  
6 federal or state office and received by the division or the  
7 supervisor of elections after the book closing deadline for  
8 such election. A fine in the amount of \$500 for each  
9 application received if the third-party registration  
10 organization or person, entity, or agency acting on its behalf  
11 acted willfully.

12 (c) A fine in the amount of \$500 ~~\$5,000~~ for each  
13 application collected by a third-party voter registration  
14 organization or any person, entity, or agent acting on its  
15 behalf, which is not submitted to the division or supervisor  
16 of elections. A fine in the amount of \$1,000 for any  
17 application not submitted if the third-party registration  
18 organization or person, entity, or agency acting on its behalf  
19 acted willfully.

20  
21 The aggregate fine pursuant to this subsection which may be  
22 assessed against a third-party voter registration  
23 organization, including affiliate organizations, for  
24 violations committed in a calendar year shall be \$1,000. The  
25 fines provided in this subsection shall be reduced by  
26 three-fourths in cases in which the third-party voter  
27 registration organization has complied with subsection (1).  
28 The secretary shall waive the fines described in this  
29 subsection upon a showing that the failure to deliver the  
30 voter registration application promptly is based upon force  
31 majeure or impossibility of performance.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1           Section 3. Effective July 1, 2007, subsections (1),  
2 (2), (3), and (6) of section 103.101, Florida Statutes, are  
3 amended to read:

4           103.101 Presidential preference primary.--

5           (1) Each political party other than a minor political  
6 party shall, on the last ~~second~~ Tuesday in January ~~March~~ in  
7 each year the number of which is a multiple of 4, elect one  
8 person to be the candidate for nomination of such party for  
9 President of the United States or select delegates to the  
10 national nominating convention, as provided by party rule.

11           (2) There shall be a Presidential Candidate Selection  
12 Committee composed of the Secretary of State, who shall be a  
13 nonvoting chair; the Speaker of the House of Representatives;  
14 the President of the Senate; the minority leader of each house  
15 of the Legislature; and the chair of each political party  
16 required to have a presidential preference primary under this  
17 section.

18           (a) By October ~~December~~ 31 of the year preceding the  
19 ~~Florida~~ presidential preference primary, each political party  
20 shall submit to the Secretary of State a list of its  
21 presidential candidates to be placed on the presidential  
22 preference primary ballot or candidates entitled to have  
23 delegates appear on the presidential preference primary  
24 ballot. The Secretary of State shall prepare and publish a  
25 list of the names of the presidential candidates submitted.  
26 The Secretary of State shall submit such list of names of  
27 presidential candidates to the selection committee on the  
28 first Tuesday after the first Monday in November of the  
29 ~~January each year preceding the~~ a presidential preference  
30 primary ~~election is held~~. Each person designated as a  
31 presidential candidate shall have his or her name appear, or

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 have his or her delegates' names appear, on the presidential  
2 preference primary ballot unless all committee members of the  
3 same political party as the candidate agree to delete such  
4 candidate's name from the ballot. The selection committee  
5 shall meet in Tallahassee on the first Tuesday after the first  
6 Monday in November of the ~~January each year~~ preceding the a  
7 presidential preference primary ~~is held~~. The selection  
8 committee shall publicly announce and submit to the Department  
9 of State no later than 5 p.m. on the following day the names  
10 of presidential candidates who shall have their names appear,  
11 or who are entitled to have their delegates' names appear, on  
12 the presidential preference primary ballot. The Department of  
13 State shall immediately notify each presidential candidate  
14 designated by the committee. Such notification shall be in  
15 writing, by registered mail, with return receipt requested.

16 (b) Any presidential candidate whose name does not  
17 appear on the list submitted to the Secretary of State may  
18 request that the selection committee place his or her name on  
19 the ballot. Such request shall be made in writing to the  
20 Secretary of State no later than the second Tuesday after the  
21 first Monday in November of the year preceding the  
22 presidential preference primary ~~January~~.

23 (c) If a presidential candidate makes a request that  
24 the selection committee reconsider placing the candidate's  
25 name on the ballot, the selection committee will reconvene no  
26 later than the second Thursday after the first Monday in  
27 November of the year preceding the presidential preference  
28 primary ~~January~~ to reconsider placing the candidate's name on  
29 the ballot. The Department of State shall immediately notify  
30 such candidate of the selection committee's decision.

31 (3) A candidate's name shall be printed on the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 presidential preference primary ballot unless the candidate  
2 submits to the Department of State, prior to the second  
3 Tuesday after the first Monday in November of the year  
4 preceding the presidential preference primary ~~January~~, an  
5 affidavit stating that he or she is not now, and does not  
6 presently intend to become, a candidate for President at the  
7 upcoming nominating convention. If a candidate withdraws  
8 pursuant to this subsection, the Department of State shall  
9 notify the state executive committee that the candidate's name  
10 will not be placed on the ballot. The Department of State  
11 shall, no later than the third Tuesday after the first Monday  
12 in November of the year preceding the presidential preference  
13 primary ~~January~~, certify to each supervisor of elections the  
14 name of each candidate for political party nomination to be  
15 printed on the ballot.

16 (6) Delegates must qualify no later than the second  
17 Friday in November of the year preceding the presidential  
18 preference primary ~~January~~ in the manner provided by party  
19 rule.

20 Section 4. Effective July 1, 2007, subsection (3) is  
21 added to section 101.75, Florida Statutes, to read:

22 101.75 Municipal elections; change of dates for  
23 cause.--

24 (3) Notwithstanding any provision of local law, for  
25 any municipality whose election is scheduled to be held in  
26 March 2008, the governing body of the municipality,  
27 notwithstanding any municipal charter provision, may, by  
28 ordinance, move the date of the general municipal election in  
29 2008 and in each subsequent year that is a multiple of 4 to  
30 the date concurrent with the presidential preference primary.  
31 The dates for qualifying for the general municipal election

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 moved by the passage of such an ordinance shall be  
 2 specifically provided for in the ordinance and shall run for  
 3 no less than 14 days. The term of office for any elected  
 4 municipal official shall commence as provided by the relevant  
 5 municipal charter or ordinance, and the term of office for any  
 6 elected municipal official whose term was due to expire in  
 7 March 2008 shall expire as provided by the relevant municipal  
 8 charter or ordinance.

9           Section 5. Effective July 1, 2008, subsection (1) of  
 10 section 101.151, Florida Statutes, is amended to read:

11           101.151 Specifications for ballots.--

12           (1)(a) Marksense ballots shall be printed on paper of  
 13 such thickness that the printing cannot be distinguished from  
 14 the back and shall meet the specifications of the voting  
 15 system that will be used to tabulate the ballots.

16           (b) Early voting sites may employ a ballot-on-demand  
 17 production system to print individual marksense ballots,  
 18 including provisional ballots, for eligible electors pursuant  
 19 to s. 101.657. Ballot-on-demand technology may be used to  
 20 produce marksense absentee ballots. Not later than 30 days  
 21 before an election, the Secretary of State may also authorize  
 22 in writing the use of ballot-on-demand technology for the  
 23 production of election-day ballots.

24           Section 6. Effective July 1, 2008, section 101.56075,  
 25 Florida Statutes, is created to read:

26           101.56075 Voting methods.--

27           (1) Except as provided in subsection (2), all voting  
 28 shall be by marksense ballot utilizing a marking device for  
 29 the purpose of designating ballot selections.

30           (2) Persons with disabilities may vote on a voter  
 31 interface device that meets the voting system accessibility

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 requirements for individuals with disabilities pursuant to  
2 section 301 of the federal Help America Vote Act of 2002 and  
3 s. 101.56062.

4 (3) By 2012, persons with disabilities shall vote on a  
5 voter interface device that meets the voter accessibility  
6 requirements for individuals with disabilities under section  
7 301 of the federal Help America Vote Act of 2002 and s.  
8 101.56062, which are consistent with subsection (1) of this  
9 section.

10 Section 7. Effective July 1, 2008, subsection (5) is  
11 added to section 101.5612, Florida Statutes, to read:

12 101.5612 Testing of tabulating equipment.--

13 (5) Any tests involving marksense ballots pursuant to  
14 this section shall employ pre-printed ballots, if pre-printed  
15 ballots will be used in the election, and ballot-on-demand  
16 ballots, if ballot-on-demand technology will be used to  
17 produce ballots in the election, or both.

18 Section 8. Effective July 1, 2008, section 101.591,  
19 Florida Statutes, is amended to read:

20 (Substantial rewording of section. See  
21 s. 101.591, F.S., for present text.)

22 101.591 Voting system audit.--

23 (1) Immediately following the certification of each  
24 election, the county canvassing board or the local board  
25 responsible for certifying the election shall conduct a manual  
26 audit of the voting systems used in randomly selected  
27 precincts.

28 (2) The audit shall consist of a public manual tally  
29 of the votes cast in one randomly selected race that appears  
30 on the ballot. The tally sheet shall include election-day,  
31 absentee, early voting, provisional, and overseas ballots, in



Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 at least 1 percent but no more than 2 percent of the precincts  
 2 chosen at random by the county canvassing board or the local  
 3 board responsible for certifying the election. If 1 percent of  
 4 the precincts is less than one entire precinct, the audit  
 5 shall be conducted using at least one precinct chosen at  
 6 random by the county canvassing board or the local board  
 7 responsible for certifying the election. Such precincts shall  
 8 be selected at a publicly-noticed canvassing board meeting.

9       (3) The canvassing board shall post a notice of the  
 10 audit, including the date, time, and place, in four  
 11 conspicuous places in the county and on the home page of the  
 12 county supervisor of elections web site.

13       (4) The audit must be completed and the results made  
 14 public no later than 11:59 p.m. on the 7th day following  
 15 certification of the election by the county canvassing board  
 16 or the local board responsible for certifying the election.

17       (5) Within 15 days after completion of the audit, the  
 18 county canvassing board or the board responsible for  
 19 certifying the election shall provide a report with the  
 20 results of the audit to the Department of State in a standard  
 21 format as prescribed by the department. The report shall  
 22 contain, but is not limited to, the following items:

23           (a) The overall accuracy of audit.

24           (b) A description of any problems or discrepancies  
 25 encountered.

26           (c) The likely cause of such problems or  
 27 discrepancies.

28           (d) Recommended corrective action with respect to  
 29 avoiding or mitigating such circumstances in future elections.

30       Section 9. Effective upon this act becoming a law, the  
 31 Department of State shall adopt rules to implement the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 provisions of s. 101.591, Florida Statutes, as amended by  
 2 section 8 which prescribe detailed audit procedures for each  
 3 voting system, which shall be uniform to the extent  
 4 practicable, along with the standard form for audit reports.

5 Section 10. Effective upon this act becoming a law:

6 (1) Notwithstanding ss. 101.292-101.295 and s.  
 7 101.5604, Florida Statutes, as a condition of the state  
 8 purchasing optical scan voting equipment and ballot-on-demand  
 9 equipment to replace touchscreen equipment as provided in  
 10 section 11, each recipient county hereby authorizes the  
 11 Secretary of State to act as its agent to negotiate the  
 12 purchase of new equipment and the sale, exchange, or other  
 13 disposition of existing touchscreen voting equipment that is  
 14 not necessary to conduct voting for individuals with  
 15 disabilities. Further, each such county hereby designates the  
 16 Secretary of State as the authorized recipient of all proceeds  
 17 realized from the sale, exchange, or other disposition of the  
 18 voting equipment, after satisfying obligations or indebtedness  
 19 associated with the voting equipment, up to and including the  
 20 state's cost to fund the county's new equipment. The secretary  
 21 shall deposit the proceeds in the Grants and Donations Trust  
 22 Fund within 60 days after the sale, exchange, or other  
 23 disposition.

24 (2) A county commission may choose to opt out of this  
 25 state funding scheme by filing a notice to that effect with  
 26 the Department of State no later than June 30, 2007. Any  
 27 county choosing to opt out shall continue to be governed by  
 28 the provisions of ss. 101.292-101.295 and s. 101.5604, Florida  
 29 Statutes, with respect to the purchase of new voting systems  
 30 and equipment.

31 Section 11. Effective July 1, 2007:

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1       (1) The Department of State is authorized to purchase:

2       (a) Election-day optical scan voting equipment, for  
3 the following counties: Broward, Charlotte, Collier,  
4 Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade,  
5 Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.

6       (b) Ballot-on-demand equipment for use at early voting  
7 sites, including optical scan tabulators, for the following  
8 counties: Bay, Brevard, Broward, Charlotte, Clay, Collier,  
9 Escambia, Hillsborough, Indian River, Jackson, Lake, Lee,  
10 Levy, Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange,  
11 Osceola, Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota,  
12 St. Johns, Sumter, Taylor, and Washington.

13       (2) The sum of \$27,861,850 is appropriated from the  
14 Grants and Donations Trust Fund to the Division of Elections  
15 within the Department of State for the purpose of implementing  
16 this section.

17       Section 12. Paragraph (b) of subsection (1) of section  
18 97.041, Florida Statutes, is amended to read:

19       97.041 Qualifications to register or vote.--

20       (1)

21       (b) A person who is otherwise qualified may  
22 preregister on or after that person's 17th birthday or receipt  
23 of a valid Florida driver's license, whichever occurs earlier,  
24 and may vote in any election occurring on or after that  
25 person's 18th birthday.

26       Section 13. Subsections (6) and (7) of section 97.053,  
27 Florida Statutes, are amended to read:

28       97.053 Acceptance of voter registration  
29 applications.--

30       (6) A voter registration application may be accepted  
31 as valid only after the department has verified the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 authenticity or nonexistence of the driver's license number,  
 2 the Florida identification card number, or the last four  
 3 digits of the social security number provided by the  
 4 applicant. If a completed voter registration application has  
 5 been received by the book-closing deadline but the driver's  
 6 license number, the Florida identification card number, or the  
 7 last four digits of the social security number provided by the  
 8 applicant cannot be verified, the applicant shall be notified  
 9 that the application is incomplete and that the voter must  
 10 provide evidence to the supervisor sufficient to verify the  
 11 authenticity of the number provided on the application. If the  
 12 voter provides the necessary evidence, the supervisor shall  
 13 place the voter's name on the registration rolls as an active  
 14 voter. If the voter has not provided the necessary evidence or  
 15 the number has not otherwise been verified prior to the  
 16 applicant presenting himself or herself to vote, the applicant  
 17 shall be provided a provisional ballot. The provisional ballot  
 18 shall be counted only if the application is verified by the  
 19 end of the canvassing period or if the applicant presents  
 20 evidence to the supervisor of elections sufficient to verify  
 21 the authenticity of the driver's license number, Florida  
 22 identification card number, or last four digits of the social  
 23 security number provided on the application no later than 5  
 24 p.m. of the second ~~third~~ day following the election.

25 (7) All voter registration applications received by a  
 26 voter registration official shall be entered into the  
 27 statewide voter registration system within 13 ~~15~~ days after  
 28 receipt. Once entered, the application shall be immediately  
 29 forwarded to the appropriate supervisor of elections.

30 Section 14. Paragraph (a) of subsection (1) of section  
 31 99.021, Florida Statutes, is amended to read:

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 99.021 Form of candidate oath.--

2 (1)(a)1. Each candidate, whether a party candidate, a  
3 candidate with no party affiliation, or a write-in candidate,  
4 in order to qualify for nomination or election to any office  
5 other than a judicial office as defined in chapter 105 or a  
6 federal office, shall take and subscribe to an oath or  
7 affirmation in writing. A printed copy of the oath or  
8 affirmation shall be furnished to the candidate by the officer  
9 before whom such candidate seeks to qualify and shall be  
10 substantially in the following form:

11  
12 State of Florida  
13 County of....

14 Before me, an officer authorized to administer oaths,  
15 personally appeared ...(please print name as you wish it to  
16 appear on the ballot)..., to me well known, who, being sworn,  
17 says that he or she is a candidate for the office of ....;  
18 that he or she is a qualified elector of .... County, Florida;  
19 that he or she is qualified under the Constitution and the  
20 laws of Florida to hold the office to which he or she desires  
21 to be nominated or elected; that he or she has taken the oath  
22 required by ss. 876.05-876.10, Florida Statutes; that he or  
23 she has qualified for no other public office in the state, the  
24 term of which office or any part thereof runs concurrent with  
25 that of the office he or she seeks; and that he or she has  
26 resigned from any office from which he or she is required to  
27 resign pursuant to s. 99.012, Florida Statutes.

28 ...(Signature of candidate)...  
29 ...(Address)...

30  
31 Sworn to and subscribed before me this .... day of ....,

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 ... (year) ..., at .... County, Florida.

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

3

4 2. Each candidate for federal office, whether a party  
5 candidate, a candidate with no party affiliation, or a  
6 write-in candidate, in order to qualify for nomination or  
7 election to office shall take and subscribe to an oath or  
8 affirmation in writing. A printed copy of the oath or  
9 affirmation shall be furnished to the candidate by the officer  
10 before whom such candidate seeks to qualify and shall be  
11 substantially in the following form:

12

13 State of Florida

14 County of \_\_\_\_\_

15 Before me, an officer authorized to administer oaths,  
16 personally appeared (please print name as you wish it to  
17 appear on the ballot), to me well known, who, being sworn,  
18 says that he or she is a candidate for the office of  
19 \_\_\_\_\_ ; that he or she is qualified under the Constitution  
20 and laws of the United States to hold the office to which he  
21 or she desires to be nominated or elected; that he or she has  
22 qualified for no other public office in the state, the term of  
23 which office or any part thereof runs concurrent with that of  
24 the office he or she seeks; and that he or she has resigned  
25 from any office from which he or she is required to resign  
26 pursuant to s. 99.012, Florida Statutes.

27 \_\_\_\_\_ (Signature of candidate)

28 \_\_\_\_\_ (Address)

29

30 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_

31 (year), at \_\_\_\_\_ County, Florida.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

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

2 Section 15. Section 99.061, Florida Statutes, is  
3 amended to read:

4 99.061 Method of qualifying for nomination or election  
5 to federal, state, county, or district office.--

6 (1) The provisions of any special act to the contrary  
7 notwithstanding, each person seeking to qualify for nomination  
8 or election to a federal, state, or multicounty district  
9 office, other than election to a judicial office as defined in  
10 chapter 105 or the office of school board member, shall file  
11 his or her qualification papers with, and pay the qualifying  
12 fee, which shall consist of the filing fee and election  
13 assessment, and party assessment, if any has been levied, to,  
14 the Department of State, or qualify by the petition process  
15 pursuant to s. 99.095 with the Department of State, at any  
16 time after noon of the 1st day for qualifying, which shall be  
17 as follows: the 120th day prior to the primary election, but  
18 not later than noon of the 116th day prior to the date of the  
19 primary election, for persons seeking to qualify for  
20 nomination or election to federal office or to the office of  
21 the state attorney or the public defender; and noon of the  
22 71st ~~50th~~ day prior to the primary election, but not later  
23 than noon of the 67th ~~46th~~ day prior to the date of the  
24 primary election, for persons seeking to qualify for  
25 nomination or election to a state or multicounty district  
26 office, other than the office of the state attorney or the  
27 public defender.

28 (2) The provisions of any special act to the contrary  
29 notwithstanding, each person seeking to qualify for nomination  
30 or election to a county office, or district ~~or special~~  
31 ~~district~~ office not covered by subsection (1), shall file his

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 or her qualification papers with, and pay the qualifying fee,  
2 which shall consist of the filing fee and election assessment,  
3 and party assessment, if any has been levied, to, the  
4 supervisor of elections of the county, or shall qualify by the  
5 petition process pursuant to s. 99.095 with the supervisor of  
6 elections, at any time after noon of the 1st day for  
7 qualifying, which shall be the 71st ~~50th~~ day prior to the  
8 primary election ~~or special district election~~, but not later  
9 than noon of the 67th ~~46th~~ day prior to the date of the  
10 primary election ~~or special district election~~. ~~However, if a~~  
11 ~~special district election is held at the same time as the~~  
12 ~~general election, qualifying shall be the 50th day prior to~~  
13 ~~the primary election, but not later than noon of the 46th day~~  
14 ~~prior to the date of the primary election~~. Within 30 days  
15 after the closing of qualifying time, the supervisor of  
16 elections shall remit to the secretary of the state executive  
17 committee of the political party to which the candidate  
18 belongs the amount of the filing fee, two-thirds of which  
19 shall be used to promote the candidacy of candidates for  
20 county offices and the candidacy of members of the  
21 Legislature.

22 (3) Notwithstanding the provisions of any special act  
23 to the contrary, each person seeking to qualify for election  
24 to a special district office shall qualify between noon of the  
25 71st day prior to the primary election and noon of the 67th  
26 day prior to the date of the primary election. Candidates for  
27 single county special districts shall qualify with the  
28 supervisor of elections in the county in which the district is  
29 located. If the district is a multicounty district, candidates  
30 shall qualify with the Department of State. All special  
31 district candidates shall qualify by paying a filing fee of



Barcode 941466

1 \$25 or qualify by the petition process pursuant to s. 99.095.  
 2 Notwithstanding s. 106.021, a candidate who does not collect  
 3 contributions and whose only expense is the filing fee or  
 4 signature verification fee is not required to appoint a  
 5 campaign treasurer or designate a primary campaign depository.

6       ~~(4)(3)~~(a) Each person seeking to qualify for election  
 7 to office as a write-in candidate shall file his or her  
 8 qualification papers with the respective qualifying officer at  
 9 any time after noon of the 1st day for qualifying, but not  
 10 later than noon of the last day of the qualifying period for  
 11 the office sought.

12       (b) Any person who is seeking election as a write-in  
 13 candidate shall not be required to pay a filing fee, election  
 14 assessment, or party assessment. A write-in candidate ~~is shall~~  
 15 not ~~be~~ entitled to have his or her name printed on any ballot;  
 16 however, space for the write-in candidate's name to be written  
 17 in ~~must shall~~ be provided on the general election ballot. ~~A No~~  
 18 person may ~~not~~ qualify as a write-in candidate if the person  
 19 has also otherwise qualified for nomination or election to  
 20 such office.

21       ~~(5)(4)~~ At the time of qualifying for office, each  
 22 candidate for a constitutional office shall file a full and  
 23 public disclosure of financial interests pursuant to s. 8,  
 24 Art. II of the State Constitution, and a candidate for any  
 25 other office, including local elective office, shall file a  
 26 statement of financial interests pursuant to s. 112.3145.

27       ~~(6)(5)~~ The Department of State shall certify to the  
 28 supervisor of elections, within 7 days after the closing date  
 29 for qualifying, the names of all duly qualified candidates for  
 30 nomination or election who have qualified with the Department  
 31 of State.

Barcode 941466

1           ~~(6) Notwithstanding the qualifying period prescribed~~  
2 ~~in this section, if a candidate has submitted the necessary~~  
3 ~~petitions by the required deadline in order to qualify by the~~  
4 ~~petition process pursuant to s. 99.095 as a candidate for~~  
5 ~~nomination or election and the candidate is notified after the~~  
6 ~~5th day prior to the last day for qualifying that the required~~  
7 ~~number of signatures has been obtained, the candidate is~~  
8 ~~entitled to subscribe to the candidate's oath and file the~~  
9 ~~qualifying papers at any time within 5 days from the date the~~  
10 ~~candidate is notified that the necessary number of signatures~~  
11 ~~has been obtained. Any candidate who qualifies within the time~~  
12 ~~prescribed in this subsection is entitled to have his or her~~  
13 ~~name printed on the ballot.~~

14           (7)(a) In order for a candidate to be qualified, the  
15 following items must be received by the filing officer by the  
16 end of the qualifying period:

17           1. A properly executed check drawn upon the  
18 candidate's campaign account in an amount not less than the  
19 fee required by s. 99.092 or, in lieu thereof, as applicable,  
20 the copy of the notice of obtaining ballot position pursuant  
21 to s. 99.095. The filing fee for a special district candidate  
22 is not required to be drawn upon the candidate's campaign  
23 account. If a candidate's check is returned by the bank for  
24 any reason, the filing officer shall immediately notify the  
25 candidate and the candidate shall, the end of qualifying  
26 notwithstanding, have 48 hours from the time such notification  
27 is received, excluding Saturdays, Sundays, and legal holidays,  
28 to pay the fee with a cashier's check purchased from funds of  
29 the campaign account. Failure to pay the fee as provided in  
30 this subparagraph shall disqualify the candidate.

31           2. The candidate's oath required by s. 99.021, which

Barcode 941466

1 must contain the name of the candidate as it is to appear on  
2 the ballot; the office sought, including the district or group  
3 number if applicable; and the signature of the candidate, duly  
4 acknowledged.

5           3. The loyalty oath required by s. 876.05, signed by  
6 the candidate and duly acknowledged.

7           4. If the office sought is partisan, the written  
8 statement of political party affiliation required by s.  
9 99.021(1)(b).

10           5. The completed form for the appointment of campaign  
11 treasurer and designation of campaign depository, as required  
12 by s. 106.021.

13           6. The full and public disclosure or statement of  
14 financial interests required by subsection(5) ~~(4)~~. A public  
15 officer who has filed the full and public disclosure or  
16 statement of financial interests with the Commission on Ethics  
17 or the supervisor of elections prior to qualifying for office  
18 may file a copy of that disclosure at the time of qualifying.

19           (b) If the filing officer receives qualifying papers  
20 that do not include all items as required by paragraph (a)  
21 prior to the last day of qualifying, the filing officer shall  
22 make a reasonable effort to notify the candidate of the  
23 missing or incomplete items and shall inform the candidate  
24 that all required items must be received by the close of  
25 qualifying. A candidate's name as it is to appear on the  
26 ballot may not be changed after the end of qualifying.

27           (8) Notwithstanding the qualifying period prescribed  
28 in this section, a qualifying office may accept and hold  
29 qualifying papers submitted not earlier than 14 days prior to  
30 the beginning of the qualifying period, to be processed and  
31 filed during the qualifying period.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1           (9) Notwithstanding the qualifying period prescribed  
 2 by this section, in each year in which the Legislature  
 3 apportions the state, the qualifying period for persons  
 4 seeking to qualify for nomination or election to federal  
 5 office shall be between noon of the 71st ~~57th~~ day prior to the  
 6 primary election, but not later than noon of the 67th ~~53rd~~ day  
 7 prior to the primary election.

8           (10) The Department of State may prescribe by rule  
 9 requirements for filing papers to qualify as a candidate under  
 10 this section.

11           Section 16. Subsections (2) and (4) of section 99.095,  
 12 Florida Statutes, are amended to read:

13           99.095 Petition process in lieu of a qualifying fee  
 14 and party assessment.--

15           (2)(a) Except as provided in paragraph (b), a  
 16 candidate must ~~shall~~ obtain the number of signatures of voters  
 17 in the geographical area represented by the office sought  
 18 equal to at least 1 percent of the total number of registered  
 19 voters of that geographical area, as shown by the compilation  
 20 by the department for the immediately ~~last~~ preceding general  
 21 election. Signatures may not be obtained until the candidate  
 22 has filed the appointment of campaign treasurer and  
 23 designation of campaign depository pursuant to s. 106.021.

24           (b) A candidate for a special district office shall  
 25 obtain 25 signatures of voters in the geographical area  
 26 represented by the office sought.

27           (c)(b) The format of the petition shall be prescribed  
 28 by the division and shall be used by candidates to reproduce  
 29 petitions for circulation. If the candidate is running for an  
 30 office that requires a group or district designation, the  
 31 petition must indicate that designation and, if it does not,

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 the signatures are not valid. A separate petition is required  
 2 for each candidate.

3 (4)(a) Certifications for candidates for federal,  
 4 state, ~~or multicounty district,~~ or multicounty special  
 5 district office shall be submitted to the division no later  
 6 than the 7th day before the first day of the qualifying period  
 7 for the office sought. The division shall determine whether  
 8 the required number of signatures has been obtained and shall  
 9 notify the candidate.

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

14 Section 17. Effective upon this act becoming a law,  
 15 section 99.096, Florida Statutes, is amended to read:

16 99.096 Minor political party candidates; names on  
 17 ballot.--

18 ~~(1) No later than noon of the third day prior to the~~  
 19 ~~first day of the qualifying period prescribed for federal~~  
 20 ~~candidates, the executive committee of a minor political party~~  
 21 ~~shall submit to the Department of State a list of federal~~  
 22 ~~candidates nominated by the party to be on the general~~  
 23 ~~election ballot. No later than noon of the third day prior to~~  
 24 ~~the first day of the qualifying period for state candidates,~~  
 25 ~~the executive committee of a minor political party shall~~  
 26 ~~submit to the filing officer for each of the candidates the~~  
 27 ~~official list of the state, multicounty, and county candidates~~  
 28 ~~nominated by that party to be on the ballot in the general~~  
 29 ~~election. The official list of nominated candidates may not be~~  
 30 ~~changed by the party after having been filed with the filing~~  
 31 ~~officers, except that vacancies in nominations may be filled~~

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 ~~pursuant to s. 100.111.~~

2       (2) Each person seeking to qualify for election as a  
3 candidate of a minor political party shall file his or her  
4 qualifying papers with, and pay the qualifying fee and, if one  
5 has been levied, the party assessment, or qualify by the  
6 petition process pursuant to s. 99.095, with the officer and  
7 at the times and under the circumstances provided in s.  
8 99.061.

9           Section 18. Effective upon this act becoming a law,  
10 section 99.0965, Florida Statutes, is repealed.

11           Section 19. Paragraph (a) of subsection (2) of section  
12 100.041, Florida Statutes, is amended to read:

13           100.041 Officers chosen at general election.--

14           (2)(a) Each county commissioner from an odd-numbered  
15 district shall be elected at the general election in each year  
16 the number of which is a multiple of 4, for a 4-year term  
17 commencing on the second Tuesday following such election, and  
18 each county commissioner from an even-numbered district shall  
19 be elected at the general election in each even-numbered year  
20 the number of which is not a multiple of 4, for a 4-year term  
21 commencing on the second Tuesday following such election. A  
22 county commissioner is "elected" for purposes of this  
23 paragraph on the date that the county canvassing board  
24 certifies the results of the election pursuant to s. 102.151.

25           Section 20. Effective upon this act becoming a law,  
26 section 100.051, Florida Statutes, is amended to read:

27           100.051 Candidate's name on general election  
28 ballot.--The supervisor of elections of each county shall  
29 print on ballots to be used in the county at the next general  
30 election the names of candidates who have been nominated by a  
31 political party, ~~other than a minor political party,~~ and the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 candidates who have otherwise obtained a position on the  
2 general election ballot in compliance with the requirements of  
3 this code.

4 Section 21. Section 100.061, Florida Statutes, is  
5 amended to read:

6 100.061 Primary election.--In each year in which a  
7 general election is held, a primary election for nomination of  
8 candidates of political parties shall be held on the Tuesday  
9 10 ~~9~~ weeks prior to the general election. The candidate  
10 receiving the highest number of votes cast in each contest in  
11 the primary election shall be declared nominated for such  
12 office. If two or more candidates receive an equal and highest  
13 number of votes for the same office, such candidates shall  
14 draw lots to determine which candidate is nominated.

15 Section 22. Effective upon this act becoming a law,  
16 subsection (3) of section 100.111, Florida Statutes, is  
17 amended to read:

18 100.111 Filling vacancy.--

19 (3) Whenever there is a vacancy for which a special  
20 election is required pursuant to s. 100.101, the Governor,  
21 after consultation with the Secretary of State, shall fix the  
22 dates of a special primary election and a special election.  
23 Nominees of political parties ~~other than minor political~~  
24 ~~parties~~ shall be chosen under the primary laws of this state  
25 in the special primary election to become candidates in the  
26 special election. Prior to setting the special election dates,  
27 the Governor shall consider any upcoming elections in the  
28 jurisdiction where the special election will be held. The  
29 dates fixed by the Governor shall be specific days certain and  
30 shall not be established by the happening of a condition or  
31 stated in the alternative. The dates fixed shall provide a

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 minimum of 2 weeks between each election. In the event a  
2 vacancy occurs in the office of state senator or member of the  
3 House of Representatives when the Legislature is in regular  
4 legislative session, the minimum times prescribed by this  
5 subsection may be waived upon concurrence of the Governor, the  
6 Speaker of the House of Representatives, and the President of  
7 the Senate. If a vacancy occurs in the office of state senator  
8 and no session of the Legislature is scheduled to be held  
9 prior to the next general election, the Governor may fix the  
10 dates for the special primary election and for the special  
11 election to coincide with the dates of the primary election  
12 and general election. If a vacancy in office occurs in any  
13 district in the state Senate or House of Representatives or in  
14 any congressional district, and no session of the Legislature,  
15 or session of Congress if the vacancy is in a congressional  
16 district, is scheduled to be held during the unexpired portion  
17 of the term, the Governor is not required to call a special  
18 election to fill such vacancy.

19 (a) The dates for candidates to qualify in such  
20 special election or special primary election shall be fixed by  
21 the Department of State, and candidates shall qualify not  
22 later than noon of the last day so fixed. The dates fixed for  
23 qualifying shall allow a minimum of 14 days between the last  
24 day of qualifying and the special primary election.

25 (b) The filing of campaign expense statements by  
26 candidates in such special elections or special primaries and  
27 by committees making contributions or expenditures to  
28 influence the results of such special primaries or special  
29 elections shall be not later than such dates as shall be fixed  
30 by the Department of State, and in fixing such dates the  
31 Department of State shall take into consideration and be



Barcode 941466

1 governed by the practical time limitations.

2 (c) The dates for a candidate to qualify by the  
3 petition process pursuant to s. 99.095 in such special primary  
4 or special election shall be fixed by the Department of State.  
5 In fixing such dates the Department of State shall take into  
6 consideration and be governed by the practical time  
7 limitations. Any candidate seeking to qualify by the petition  
8 process in a special primary election shall obtain 25 percent  
9 of the signatures required by s. 99.095.

10 (d) The qualifying fees and party assessments of such  
11 candidates as may qualify shall be the same as collected for  
12 the same office at the last previous primary for that office.  
13 The party assessment shall be paid to the appropriate  
14 executive committee of the political party to which the  
15 candidate belongs.

16 (e) Each county canvassing board shall make as speedy  
17 a return of the result of such special primary elections and  
18 special elections as time will permit, and the Elections  
19 Canvassing Commission likewise shall make as speedy a canvass  
20 and declaration of the nominees as time will permit.

21 Section 23. Section 100.191, Florida Statutes, is  
22 amended to read:

23 100.191 General election laws applicable to special  
24 elections; returns.--All laws that are applicable to general  
25 elections are applicable to special elections or special  
26 primary elections to fill a vacancy in office or nomination,  
27 ~~except that the canvass of returns by the county canvassing~~  
28 ~~board of each county in which a special election is held shall~~  
29 ~~be made on the day following the election, and the certificate~~  
30 ~~of the result of the canvass shall be immediately forwarded to~~  
31 ~~the Department of State. The Elections Canvassing Commission~~

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 shall immediately, upon receipt of returns from the county in  
 2 which a special election is held, proceed to canvass the  
 3 returns and determine and declare the result thereof.

4 Section 24. Effective August 1, 2007, subsections (1)  
 5 and (3) of section 100.371, Florida Statutes, are amended,  
 6 present subsection (6) of that section is renumbered as  
 7 subsection (7) and amended, and a new subsection (6) is added  
 8 to that section, to read:

9 100.371 Initiatives; procedure for placement on  
 10 ballot.--

11 (1) Constitutional amendments proposed by initiative  
 12 shall be placed on the ballot for the general election,  
 13 provided the initiative petition has been filed with the  
 14 Secretary of State no later than February 1 of the year the  
 15 general election is held. A petition shall be deemed to be  
 16 filed with the Secretary of State upon the date the secretary  
 17 determines that valid and verified ~~the~~ petition forms have ~~has~~  
 18 been signed by the constitutionally required number and  
 19 distribution of electors under this code, subject to the right  
 20 of revocation established in this section.

21 (3) Each signature shall be dated when made and shall  
 22 be valid for a period of 4 years following such date, provided  
 23 all other requirements of law are met. The sponsor shall  
 24 submit signed and dated forms to the appropriate supervisor of  
 25 elections for verification as to the number of registered  
 26 electors whose valid signatures appear thereon. The supervisor  
 27 shall promptly verify the signatures within 30 days of receipt  
 28 of the petition forms and ~~upon~~ payment of the fee required by  
 29 s. 99.097. The supervisor shall promptly record ~~each valid~~  
 30 ~~signature~~ in the statewide voter registration system, in the  
 31 manner prescribed by the Secretary of State, the date each

Barcode 941466

1 form is received by the supervisor and the date the signature  
2 on the form is verified as valid. The supervisor may verify  
3 that the signature on a form is valid only if:

4 (a) The form contains the original signature of the  
5 purported elector.

6 (b) The purported elector has accurately recorded on  
7 the form the date on which he or she signed the form.

8 (c) The form accurately sets forth the purported  
9 elector's name, street address, county, and voter registration  
10 number or date of birth.

11 (d) The purported elector is, at the time he or she  
12 signs the form, a duly qualified and registered elector  
13 authorized to vote in the county in which his or her signature  
14 is submitted.

15  
16 The supervisor shall retain the signature forms for at least 1  
17 year following the election in which the issue appeared on the  
18 ballot or until the Division of Elections notifies the  
19 supervisors of elections that the committee which circulated  
20 the petition is no longer seeking to obtain ballot position.

21 (6)(a) An elector's signature on a petition form may  
22 be revoked within 150 days of the date on which he or she  
23 signed the petition form by submitting to the appropriate  
24 supervisor of elections a signed petition-revocation form  
25 adopted by rule for this purpose by the division.

26 (b) The petition-revocation form and the manner in  
27 which signatures are obtained, submitted, and verified shall  
28 be subject to the same relevant requirements and timeframes as  
29 the corresponding petition form and processes under this code  
30 and shall be approved by the Secretary of State before any  
31 signature on a petition-revocation form is obtained.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1       (c) Supervisors of elections shall provide  
2 petition-revocation forms to the public at all main and branch  
3 offices.

4       (d) The petition-revocation form shall be filed with  
5 the supervisor of elections by February 1 preceding the next  
6 general election or, if the initiative amendment is not  
7 certified for ballot position in that election, by February 1  
8 preceding the next successive general election. The supervisor  
9 of elections shall promptly verify the signature on the  
10 petition-revocation form and process such revocation upon  
11 payment, in advance, of a fee of 10 cents or the actual cost  
12 of verifying such signature, whichever is less. The supervisor  
13 shall promptly record each valid and verified  
14 petition-revocation form in the statewide voter registration  
15 system in the manner prescribed by the Secretary of State.

16       ~~(7)(6)~~ The Department of State may adopt rules in  
17 accordance with s. 120.54 to carry out the provisions of  
18 subsections~~(1)-(6)~~ ~~(1)-(5)~~.

19       Section 25. Subsection (1) of section 101.043, Florida  
20 Statutes, is amended to read:

21       101.043 Identification required at polls.--

22       (1) The precinct register, as prescribed in s. 98.461,  
23 shall be used at the polls for the purpose of identifying the  
24 elector at the polls prior to allowing him or her to vote. The  
25 clerk or inspector shall require each elector, upon entering  
26 the polling place, to present one of the following current and  
27 valid picture identifications:

- 28           (a) Florida driver's license.
- 29           (b) Florida identification card issued by the  
30 Department of Highway Safety and Motor Vehicles.
- 31           (c) United States passport.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1       ~~(d) Employee badge or identification.~~

2       ~~(e) Buyer's club identification.~~

3       (d)~~(f)~~ Debit or credit card.

4       (e)~~(g)~~ Military identification.

5       (f)~~(h)~~ Student identification.

6       (g)~~(i)~~ Retirement center identification.

7       (h)~~(j)~~ Neighborhood association identification.

8       (i)~~(k)~~ Public assistance identification.

9

10 If the picture identification does not contain the signature  
11 of the voter, an additional identification that provides the  
12 voter's signature shall be required. The elector shall sign  
13 his or her name in the space provided on the precinct register  
14 or on an electronic device provided for recording the voter's  
15 signature. The clerk or inspector shall compare the signature  
16 with that on the identification provided by the elector and  
17 enter his or her initials in the space provided on the  
18 precinct register or on an electronic device provided for that  
19 purpose and allow the elector to vote if the clerk or  
20 inspector is satisfied as to the identity of the elector.

21           Section 26. Subsection (1) of section 101.048, Florida  
22 Statutes, is amended to read:

23           101.048 Provisional ballots.--

24           (1) At all elections, a voter claiming to be properly  
25 registered in the state and eligible to vote at the precinct  
26 in the election but whose eligibility cannot be determined, a  
27 person whom an election official asserts is not eligible, and  
28 other persons specified in the code shall be entitled to vote  
29 a provisional ballot. Once voted, the provisional ballot shall  
30 be placed in a secrecy envelope and thereafter sealed in a  
31 provisional ballot envelope. The provisional ballot shall be

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 deposited in a ballot box. All provisional ballots shall  
 2 remain sealed in their envelopes for return to the supervisor  
 3 of elections. The department shall prescribe the form of the  
 4 provisional ballot envelope. A person casting a provisional  
 5 ballot shall have the right to present written evidence  
 6 supporting his or her eligibility to vote to the supervisor of  
 7 elections by not later than 5 p.m. on the second ~~third~~ day  
 8 following the election.

9 Section 27. Subsection (1) of section 101.573, Florida  
 10 Statutes, is amended to read:

11 101.573 Record of votes by precinct.--

12 (1) Within 35 ~~75~~ days after the date of a municipal  
 13 election or runoff, whichever occurs later, a presidential  
 14 preference primary, a primary election, a special election, or  
 15 a general election, the supervisor of elections shall file  
 16 with the Department of State precinct-level election results,  
 17 in an electronic format specified by the Department of State,  
 18 ~~for that election cycle, including any primary elections.~~  
 19 Precinct-level election results shall separately record for  
 20 each precinct all demographic data associated with each  
 21 precinct at book close for each election, individual vote  
 22 history, the returns of ballots cast at the precinct location,  
 23 ~~to which have been added~~ the returns of absentee ballots cast  
 24 by voters registered in the precinct, and the returns of early  
 25 ballots cast by voters registered in the precinct. The data  
 26 are required to be cross referenced by political party and  
 27 other demographic information as defined by the Department of  
 28 State. The Department of State shall create a uniform system  
 29 for the collection and reporting of such precinct-level  
 30 election results and vote history.

31 Section 28. Subsections (6) and (8) of section

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 101.6103, Florida Statutes, are amended to read:

2 101.6103 Mail ballot election procedure.--

3 (6) The canvassing board may begin the canvassing of  
4 mail ballots at 7 a.m. on the sixth ~~fourth~~ day before the  
5 election, including processing the ballots through the  
6 tabulating equipment. However, results may not be released  
7 until after 7 p.m. on election day. Any canvassing board  
8 member or election employee who releases any result before 7  
9 p.m. on election day commits a felony of the third degree,  
10 punishable as provided in s. 775.082, s. 775.083, or s.  
11 775.084.

12 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise  
13 satisfies the requirements of subsection (5) shall be counted  
14 even if the elector dies after mailing the ballot but before  
15 election day, as long as, prior to the death of the voter, the  
16 ballot was:

17 (a) Postmarked by the United States Postal Service;

18 (b) Date-stamped with a verifiable tracking number by  
19 common carrier; or

20 (c) Already in the possession of the supervisor of  
21 elections.

22 Section 29. Effective July 1, 2007, subsections (1)  
23 and (4) of section 101.62, Florida Statutes, are amended to  
24 read:

25 101.62 Request for absentee ballots.--

26 (1)(a) The supervisor may accept a request for an  
27 absentee ballot from an elector in person or in writing.  
28 Except as provided in s. 101.694, one request shall be deemed  
29 sufficient to receive an absentee ballot for all elections  
30 through the next two regularly scheduled general elections

31 ~~which are held within a calendar year,~~ unless the elector or

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 the elector's designee indicates at the time the request is  
 2 made the elections for which the elector desires to receive an  
 3 absentee ballot. Such request may be considered canceled when  
 4 any first-class mail sent by the supervisor to the elector is  
 5 returned as undeliverable.

6 (b) The supervisor may accept a written or telephonic  
 7 request for an absentee ballot from the elector, or, if  
 8 directly instructed by the elector, a member of the elector's  
 9 immediate family, or the elector's legal guardian. For  
 10 purposes of this section, the term "immediate family" has the  
 11 same meaning as specified in paragraph (4)(b). The person  
 12 making the request must disclose:

- 13 1. The name of the elector for whom the ballot is
- 14 requested;
- 15 2. The elector's address;
- 16 3. The elector's date of birth;
- 17 4. The requester's name;
- 18 5. The requester's address;
- 19 6. The requester's driver's license number, if
- 20 available;
- 21 7. The requester's relationship to the elector; and
- 22 8. The requester's signature (written requests only).

23 (4)(a) To each absent qualified elector overseas who  
 24 has requested an absentee ballot, the supervisor of elections  
 25 shall mail an absentee ballot not less ~~fewer~~ than 35 days  
 26 before the primary election and not less than 45 days before  
 27 the ~~or~~ general election.

28 (b) The supervisor shall provide an absentee ballot to  
 29 each elector by whom a request for that ballot has been made  
 30 by one of the following means:

- 31 1. By nonforwardable, return-if-undeliverable mail to



Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 the elector's current mailing address on file with the  
2 supervisor, unless the elector specifies in the request that:

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

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

8 c. The elector is in a hospital, assisted-living  
9 facility, nursing home, short-term medical or rehabilitation  
10 facility, or correctional facility,

11  
12 in which case the supervisor shall mail the ballot by  
13 nonforwardable, return-if-undeliverable mail to any other  
14 address the elector specifies in the request.

15 2. By forwardable mail to voters who are entitled to  
16 vote by absentee ballot under the Uniformed and Overseas  
17 Citizens Absentee Voting Act.

18 3. By personal delivery before 7 p.m. on election day  
19 to the elector, upon presentation of the identification  
20 required in s. 101.043 ~~s. 101.657~~.

21 4. By delivery to a designee on election day or up to  
22 5 ~~4~~ days prior to the day of an election. Any elector may  
23 designate in writing a person to pick up the ballot for the  
24 elector; however, the person designated may not pick up more  
25 than two absentee ballots per election, other than the  
26 designee's own ballot, except that additional ballots may be  
27 picked up for members of the designee's immediate family. For  
28 purposes of this section, "immediate family" means the  
29 designee's spouse or the parent, child, grandparent, or  
30 sibling of the designee or of the designee's spouse. The  
31 designee shall provide to the supervisor the written

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

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

12 Section 30. Subsection (2) of section 101.68, Florida  
13 Statutes, is amended to read:

14 101.68 Canvassing of absentee ballot.--

15 (2)(a) The county canvassing board may begin the  
16 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~  
17 day before the election, but not later than noon on the day  
18 following the election. In addition, for any county using  
19 electronic tabulating equipment, the processing of absentee  
20 ballots through such tabulating equipment may begin at 7 a.m.  
21 on the sixth ~~fourth~~ day before the election. However,  
22 notwithstanding any such authorization to begin canvassing or  
23 otherwise processing absentee ballots early, no result shall  
24 be released until after the closing of the polls in that  
25 county on election day. Any supervisor of elections, deputy  
26 supervisor of elections, canvassing board member, election  
27 board member, or election employee who releases the results of  
28 a canvassing or processing of absentee ballots prior to the  
29 closing of the polls in that county on election day commits a  
30 felony of the third degree, punishable as provided in s.  
31 775.082, s. 775.083, or s. 775.084.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1           (b) To ensure that all absentee ballots to be counted  
2 by the canvassing board are accounted for, the canvassing  
3 board shall compare the number of ballots in its possession  
4 with the number of requests for ballots received to be counted  
5 according to the supervisor's file or list.

6           (c)1. The canvassing board shall, if the supervisor  
7 has not already done so, compare the signature of the elector  
8 on the voter's certificate with the signature of the elector  
9 in the registration books to see that the elector is duly  
10 registered in the county and to determine the legality of that  
11 absentee ballot. ~~Effective July 1, 2005,~~ The ballot of an  
12 elector who casts an absentee ballot shall be counted even if  
13 the elector dies on or before election day, as long as, prior  
14 to the death of the voter, the ballot was postmarked by the  
15 United States Postal Service, date-stamped with a verifiable  
16 tracking number by common carrier, or already in the  
17 possession of the supervisor of elections. An absentee ballot  
18 shall be considered illegal if it does not include the  
19 signature of the elector, as shown by the registration  
20 records. However, an absentee ballot shall not be considered  
21 illegal if the signature of the elector does not cross the  
22 seal of the mailing envelope. If the canvassing board  
23 determines that any ballot is illegal, a member of the board  
24 shall, without opening the envelope, mark across the face of  
25 the envelope: "rejected as illegal." The envelope and the  
26 ballot contained therein shall be preserved in the manner that  
27 official ballots voted are preserved.

28           2. If any elector or candidate present believes that  
29 an absentee ballot is illegal due to a defect apparent on the  
30 voter's certificate, he or she may, at any time before the  
31 ballot is removed from the envelope, file with the canvassing

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 board a protest against the canvass of that ballot, specifying  
 2 the precinct, the ballot, and the reason he or she believes  
 3 the ballot to be illegal. A challenge based upon a defect in  
 4 the voter's certificate may not be accepted after the ballot  
 5 has been removed from the mailing envelope.

6 (d) The canvassing board shall record the ballot upon  
 7 the proper record, unless the ballot has been previously  
 8 recorded by the supervisor. The mailing envelopes shall be  
 9 opened and the secrecy envelopes shall be mixed so as to make  
 10 it impossible to determine which secrecy envelope came out of  
 11 which signed mailing envelope; however, in any county in which  
 12 an electronic or electromechanical voting system is used, the  
 13 ballots may be sorted by ballot styles and the mailing  
 14 envelopes may be opened and the secrecy envelopes mixed  
 15 separately for each ballot style. The votes on absentee  
 16 ballots shall be included in the total vote of the county.

17 Section 31. Subsection (2) of section 102.112, Florida  
 18 Statutes, is amended to read:

19 102.112 Deadline for submission of county returns to  
 20 the Department of State.--

21 (2) Returns must be filed by 5 p.m. on the 7th day  
 22 following a primary election and by noon ~~5 p.m.~~ on the 12th  
 23 ~~11th~~ day following the general election. However, the  
 24 Department of State may correct typographical errors,  
 25 including the transposition of numbers, in any returns  
 26 submitted to the Department of State pursuant to s.  
 27 102.111(1).

28 Section 32. Present subsections (4) through (9) of  
 29 section 102.141, Florida Statutes, are renumbered as  
 30 subsections (5) through (10), respectively, present  
 31 subsections (4) and (6) of that section are amended, and a new

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 subsection (4) is added to that section, to read:

2 102.141 County canvassing board; duties.--

3 (4) The canvassing board shall submit by 11:59 p.m. on  
4 election night the preliminary returns it has received to the  
5 Department of State in a format provided by the department.

6 ~~(5)(4)~~ The canvassing board shall submit on forms or  
7 in formats provided by the division unofficial returns to the  
8 Department of State for each federal, statewide, state, or  
9 multicounty office or ballot measure no later than noon on the  
10 third day after any primary election and no later than noon on  
11 the fourth ~~fifth~~ day after any general or other election. Such  
12 returns shall include the canvass of all ballots as required  
13 by subsection (2), ~~except for provisional ballots, which~~  
14 ~~returns shall be reported at the time required for official~~  
15 ~~returns pursuant to s. 102.112(2).~~

16 ~~(7)(6)~~ If the unofficial returns reflect that a  
17 candidate for any office was defeated or eliminated by  
18 one-half of a percent or less of the votes cast for such  
19 office, that a candidate for retention to a judicial office  
20 was retained or not retained by one-half of a percent or less  
21 of the votes cast on the question of retention, or that a  
22 measure appearing on the ballot was approved or rejected by  
23 one-half of a percent or less of the votes cast on such  
24 measure, the board responsible for certifying the results of  
25 the vote on such race or measure shall order a recount of the  
26 votes cast with respect to such office or measure. The  
27 Elections Canvassing Commission is the board responsible for  
28 ordering federal, state, and multicounty recounts. A recount  
29 need not be ordered with respect to the returns for any  
30 office, however, if the candidate or candidates defeated or  
31 eliminated from contention for such office by one-half of a

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 percent or less of the votes cast for such office request in  
2 writing that a recount not be made.

3           (a) Each canvassing board responsible for conducting a  
4 recount shall put each marksense ballot through automatic  
5 tabulating equipment and determine whether the returns  
6 correctly reflect the votes cast. If any marksense ballot is  
7 physically damaged so that it cannot be properly counted by  
8 the automatic tabulating equipment during the recount, a true  
9 duplicate shall be made of the damaged ballot pursuant to the  
10 procedures in s. 101.5614(5). Immediately before the start of  
11 the recount, a test of the tabulating equipment shall be  
12 conducted as provided in s. 101.5612. If the test indicates no  
13 error, the recount tabulation of the ballots cast shall be  
14 presumed correct and such votes shall be canvassed  
15 accordingly. If an error is detected, the cause therefor shall  
16 be ascertained and corrected and the recount repeated, as  
17 necessary. The canvassing board shall immediately report the  
18 error, along with the cause of the error and the corrective  
19 measures being taken, to the Department of State. No later  
20 than 11 days after the election, the canvassing board shall  
21 file a separate incident report with the Department of State,  
22 detailing the resolution of the matter and identifying any  
23 measures that will avoid a future recurrence of the error.

24           (b) Each canvassing board responsible for conducting a  
25 recount where touchscreen ballots were used shall examine the  
26 counters on the precinct tabulators to ensure that the total  
27 of the returns on the precinct tabulators equals the overall  
28 election return. If there is a discrepancy between the overall  
29 election return and the counters of the precinct tabulators,  
30 the counters of the precinct tabulators shall be presumed  
31 correct and such votes shall be canvassed accordingly.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 (c) The canvassing board shall submit on forms or in  
 2 formats provided by the division a second set of unofficial  
 3 returns to the Department of State for each federal,  
 4 statewide, state, or multicounty office or ballot measure no  
 5 later than 3 p.m. on the fifth day after any primary election  
 6 and no later than 3 p.m. on the ninth ~~eighth~~ day after any  
 7 general election in which a recount was conducted pursuant to  
 8 this subsection. If the canvassing board is unable to complete  
 9 the recount prescribed in this subsection by the deadline, the  
 10 second set of unofficial returns submitted by the canvassing  
 11 board shall be identical to the initial unofficial returns and  
 12 the submission shall also include a detailed explanation of  
 13 why it was unable to timely complete the recount. However, the  
 14 canvassing board shall complete the recount prescribed in this  
 15 subsection, along with any manual recount prescribed in s.  
 16 102.166, and certify election returns in accordance with the  
 17 requirements of this chapter.

18 (d) The Department of State shall adopt detailed rules  
 19 prescribing additional recount procedures for each certified  
 20 voting system, which shall be uniform to the extent  
 21 practicable.

22 Section 33. Paragraph (b) of subsection (5) of section  
 23 102.166, Florida Statutes, is amended to read:

24 102.166 Manual recounts.--

25 (5) Procedures for a manual recount are as follows:

26 (b) Each duplicate ballot prepared pursuant to s.  
 27 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared  
 28 with the original ballot to ensure the correctness of the  
 29 duplicate.

30 Section 34. Subsection (3) is added to section  
 31 103.081, Florida Statutes, to read:

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1           103.081 Use of party name; political advertising.--

2           (3) A political party may file with the Department of  
3 State names of groups or committees associated with the  
4 political party. Such filed names may not be used without  
5 first obtaining the written permission of the chair of the  
6 state executive committee of the party.

7           Section 35. Subsections (1) and (4) and paragraph (b)  
8 of subsection (6) of section 103.091, Florida Statutes, are  
9 amended to read:

10           103.091 Political parties.--

11           (1) Each political party of the state shall be  
12 represented by a state executive committee. County executive  
13 committees and other committees may be established in  
14 accordance with the rules of the state executive committee. A  
15 political party may provide for the selection of its national  
16 committee and its state and county executive committees in  
17 such manner as it deems proper. Unless otherwise provided by  
18 party rule, the county executive committee of each political  
19 party shall consist of at least two members, a man and a  
20 woman, from each precinct, who shall be called the precinct  
21 committeeman and committeewoman. For counties divided into 40  
22 or more precincts, the state executive committee may adopt a  
23 district unit of representation for such county executive  
24 committees. Upon adoption of a district unit of  
25 representation, the state executive committee shall request  
26 the supervisor of elections of that county, with approval of  
27 the board of county commissioners, to provide for election  
28 districts as nearly equal in number of registered voters as  
29 possible. Each county committeeman or committeewoman shall be  
30 a resident of the precinct from which he or she is elected.

31 Each state committeeman or committeewoman must be a member in



Barcode 941466

1 good standing of the county executive committee for the county  
2 in which the state committeeman or committeewoman is a  
3 registered voter.

4           (4) Any political party other than a minor political  
5 party may by rule provide for the membership of its state or  
6 county executive committee to be elected for 4-year terms at  
7 the primary election in each year a presidential election is  
8 held. The terms shall commence on the first day of the month  
9 following each presidential general election; but the names of  
10 candidates for political party offices shall not be placed on  
11 the ballot at any other election. The results of such election  
12 shall be determined by a plurality of the votes cast. In such  
13 event, electors seeking to qualify for such office shall do so  
14 with the Department of State or supervisor of elections not  
15 earlier than noon of the 71st ~~57th~~ day, or later than noon of  
16 the 67th ~~53rd~~ day, preceding the primary election. The  
17 outgoing chair of each county executive committee shall,  
18 within 30 days after the committee members take office, hold  
19 an organizational meeting of all newly elected members for the  
20 purpose of electing officers. The chair of each state  
21 executive committee shall, within 60 days after the committee  
22 members take office, hold an organizational meeting of all  
23 newly elected members for the purpose of electing officers.

24           (6)

25           (b) Each state executive committee shall include, as  
26 at-large committeemen and committeewomen, all members of the  
27 United States Congress representing the State of Florida who  
28 are members of the political party, all statewide elected  
29 officials who are members of the party, 10 Florida registered  
30 voters who are members of the party as appointed by the  
31 Governor if the Governor is a member of the party, and the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 President of the Senate or the Minority Leader in the Senate,  
 2 and the Speaker of the House of Representatives or the  
 3 Minority Leader in the House of Representatives, whichever is  
 4 a member of the political party, and 20 members of the  
 5 Legislature who are members of the political party. Ten of  
 6 the legislators shall be appointed with the concurrence of the  
 7 state chair of the respective party, as follows: five to be  
 8 appointed by the President of the Senate; five by the Minority  
 9 Leader in the Senate; five by the Speaker of the House of  
 10 Representatives; and five by the Minority Leader in the House.

11 Section 36. Section 103.141, Florida Statutes, is  
 12 amended to read:

13 103.141 Removal of county executive committee member  
 14 for violation of oath.--

15 (1) Where the county executive committee by at least a  
 16 two-thirds majority vote of the members of the committee,  
 17 attending a meeting held after due notice has been given and  
 18 at which meeting a quorum is present, determines an incumbent  
 19 county executive committee member to be guilty of an offense  
 20 involving a violation of the member's oath of office, said  
 21 member so violating his or her oath shall be removed from  
 22 office and the office shall be deemed vacant. Provided,  
 23 however, if the county committee wrongfully removes a county  
 24 committee member and the committee member so wrongfully  
 25 removed files suit in the circuit court alleging his or her  
 26 removal was wrongful and wins said suit, the committee member  
 27 shall be restored to office and the county committee shall pay  
 28 the costs incurred by the wrongfully removed committee member  
 29 in bringing the suit, including reasonable attorney's fees.

30 (2) Any officer, county committeeman, county  
 31 committeewoman, precinct committeeman, precinct

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 committeewoman, or member of a county executive committee may  
2 be removed from office pursuant to s. 103.161. ~~Either the~~  
3 county or state executive committee is empowered to take  
4 judicial action in chancery against a county committee member  
5 for alleged violation of the member's oath of office in the  
6 circuit court of the county in which that committee member is  
7 an elector; provided, however, that the state committee may  
8 take such judicial action only when a county committee refuses  
9 to take such judicial action within 10 days after a charge is  
10 made. Procedure shall be as in other cases in chancery, and if  
11 the court shall find as fact that the defendant did violate  
12 his or her oath of office, it shall enter a decree removing  
13 the defendant from the county committee. If either such  
14 executive committee brings suit in the circuit court for the  
15 removal of a county committee member and loses said suit, such  
16 committee shall pay the court costs incurred in such suit by  
17 the committee member, including reasonable attorney's fees.

18       Section 37. Section 103.151, Florida Statutes, is  
19 repealed.

20       Section 38. Section 103.161, Florida Statutes, is  
21 created to read:

22       103.161 Removal or suspension of officers or members  
23 of state executive committee or county executive committee.--

24       (1) The chairman of the state executive committee is  
25 empowered to remove or suspend from an office within the  
26 chairman's political party any officer, state committeeman,  
27 state committeewoman, county committeeman, county  
28 committeewoman, precinct committeeman, precinct  
29 committeewoman, or other member of a state executive  
30 committee, county executive committee, political party club,  
31 or other organization using the political party name as

Barcode 941466

1 provided in s. 103.081 for a violation of the oath of office  
2 taken by such individual or for engaging in other activities  
3 described in this section.

4 (2) Such violation may include engaging in activities  
5 that have or could have injured the name or status of the  
6 political party or interfered with the activities of the  
7 political party. The chairman has sole discretion to determine  
8 if a violation occurred.

9 (3) Upon the chairman's determination that a violation  
10 of the oath of office occurred or that an individual engaged  
11 in other activities described in this section, the chairman  
12 may remove or suspend the individual from his or her office.  
13 If the chairman removes the individual from office, the office  
14 shall be deemed vacant upon the delivery of the chairman's  
15 written order of removal to the individual. When a vacancy in  
16 office is created, the chairman shall appoint an individual to  
17 serve through the end of the term of the office. If the  
18 chairman suspends the individual, the chairman shall determine  
19 the length of the suspension.

20 (4) An individual removed from office by the chairman  
21 shall not be eligible to serve on the state executive  
22 committee or any county executive committee of the political  
23 party for a period of no less than 4 years from the effective  
24 date of the removal.

25 Section 39. Subsection (1) of section 105.031, Florida  
26 Statutes, is amended to read:

27 105.031 Qualification; filing fee; candidate's oath;  
28 items required to be filed.--

29 (1) TIME OF QUALIFYING.--Except for candidates for  
30 judicial office, nonpartisan candidates for multicounty office  
31 shall qualify with the Division of Elections of the Department

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 of State and nonpartisan candidates for countywide or less  
 2 than countywide office shall qualify with the supervisor of  
 3 elections. Candidates for judicial office other than the  
 4 office of county court judge shall qualify with the Division  
 5 of Elections of the Department of State, and candidates for  
 6 the office of county court judge shall qualify with the  
 7 supervisor of elections of the county. Candidates for judicial  
 8 office shall qualify no earlier than noon of the 120th day,  
 9 and no later than noon of the 116th day, before the primary  
 10 election. Candidates for the office of school board member  
 11 shall qualify no earlier than noon of the 71st ~~50th~~ day, and  
 12 no later than noon of the 67th ~~46th~~ day, before the primary  
 13 election. Filing shall be on forms provided for that purpose  
 14 by the Division of Elections and furnished by the appropriate  
 15 qualifying officer. ~~Any person seeking to qualify by the~~  
 16 ~~petition process, as set forth in s. 105.035, who has~~  
 17 ~~submitted the necessary petitions by the required deadline and~~  
 18 ~~is notified after the fifth day prior to the last day for~~  
 19 ~~qualifying that the required number of signatures has been~~  
 20 ~~obtained, shall be entitled to subscribe to the candidate's~~  
 21 ~~oath and file the qualifying papers at any time within 5 days~~  
 22 ~~from the date he or she is notified that the necessary number~~  
 23 ~~of signatures has been obtained.~~ Any person other than a  
 24 write-in candidate who qualifies within the time prescribed in  
 25 this subsection shall be entitled to have his or her name  
 26 printed on the ballot.

27 Section 40. Paragraph (c) of subsection (1) of section  
 28 106.021, Florida Statutes, is amended to read:

29 106.021 Campaign treasurers; deputies; primary and  
 30 secondary depositories.--

31 (1)

Barcode 941466

1           (c) Any campaign treasurer or deputy treasurer  
2 appointed pursuant to this section ~~shall be a registered voter~~  
3 ~~in this state and~~ shall, before such appointment may become  
4 effective, have accepted appointment to such position in  
5 writing and filed such acceptance with the officer before whom  
6 the candidate is required to qualify or with the officer with  
7 whom the political committee is required to file reports. An  
8 individual may be appointed and serve as campaign treasurer of  
9 a candidate and a political committee or two or more  
10 candidates and political committees. A candidate may appoint  
11 herself or himself as campaign treasurer.

12           Section 41. Subsection (1) of section 106.04, Florida  
13 Statutes, is amended to read:

14           106.04 Committees of continuous existence.--

15           (1) In order to qualify as a committee of continuous  
16 existence for the purposes of this chapter, a group,  
17 organization, association, or other such entity which is  
18 involved in making contributions to candidates, political  
19 committees, or political parties, shall meet the following  
20 criteria:

21           (a) It shall be organized and operated in accordance  
22 with a written charter or set of bylaws which contains  
23 procedures for the election of officers and directors and  
24 which clearly defines membership in the organization; and

25           (b) At least 25 percent of the income of such  
26 organization, excluding interest, must be derived from dues or  
27 assessments payable on a regular basis by its membership  
28 pursuant to provisions contained in the charter or bylaws.  
29 Dues may be collected by a group, organization, association,  
30 or other such entity from its members and forwarded to the  
31 committee of continuous existence. The committee of continuous

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 existence shall report such dues as if it had received the  
2 dues directly from its members, in the manner prescribed in  
3 subsection (4).

4 Section 42. Section 106.055, Florida Statutes, is  
5 amended to read:

6 106.055 Valuation of in-kind contributions.--Any  
7 person who makes an in-kind contribution shall, at the time of  
8 making such contribution, place a value on such contribution,  
9 which valuation shall be the fair market value of such  
10 contribution. Travel conveyed upon private aircraft shall be  
11 valued at the actual cost of per person commercial air travel  
12 for the same or a substantially similar route.

13 Section 43. Subsection (10) is added to section  
14 106.08, Florida Statutes, to read:

15 106.08 Contributions; limitations on.--

16 (10) Contributions to a political committee or  
17 committee of continuous existence may be received by an  
18 affiliated organization and transferred to the bank account of  
19 the political committee or committee of continuous existence  
20 via check written from the affiliated organization if such  
21 contributions are specifically identified as intended to be  
22 contributed to the political committee or committee of  
23 continuous existence. All contributions received in this  
24 manner shall be reported pursuant to s. 106.07 by the  
25 political committee or committee of continuous existence as  
26 having been made by the original contributor.

27 Section 44. Section 106.09, Florida Statutes, is  
28 amended to read:

29 106.09 Cash contributions and contribution by  
30 cashier's checks.--

31 (1) A person may not make or accept a cash

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 contribution or contribution by means of a cashier's check in  
2 excess of \$50 ~~\$100~~.

3 (2)(a) Any person who makes or accepts a contribution  
4 in excess of \$50 ~~\$100~~ in violation of this section commits a  
5 misdemeanor of the first degree, punishable as provided in s.  
6 775.082 or s. 775.083.

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

11 Section 45. Subsection (1) of section 106.143, Florida  
12 Statutes, is amended to read:

13 106.143 Political advertisements circulated prior to  
14 election; requirements.--

15 (1)(a) Any political advertisement that is paid for by  
16 a candidate and that is published, displayed, or circulated  
17 prior to, or on the day of, any election must prominently  
18 state: "Political advertisement paid for and approved by  
19 ...(name of candidate)..., ...(party affiliation)..., for  
20 ...(office sought)...."

21 (b) Any other political advertisement published,  
22 displayed, or circulated prior to, or on the day of, any  
23 election must prominently:

24 1. Be marked "paid political advertisement" or with  
25 the abbreviation "pd. pol. adv."

26 2. State the name and address of the persons  
27 sponsoring the advertisement.

28 3.a.(I) State whether the advertisement and the cost  
29 of production is paid for or provided in kind by or at the  
30 expense of the entity publishing, displaying, broadcasting, or  
31 circulating the political advertisement; or



Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 (II) State who provided or paid for the advertisement  
2 and cost of production, if different from the source of  
3 sponsorship.

4 b. This subparagraph does not apply if the source of  
5 the sponsorship is patently clear from the content or format  
6 of the political advertisement.

7 (c) Any political advertisement made pursuant to s.  
8 106.021(3)(d) must be marked "paid political advertisement" or  
9 with the abbreviation "pd. pol. adv." and must prominently  
10 state, "Paid for and sponsored by ...(name of person paying  
11 for political advertisement). Approved by...(names of persons,  
12 party affiliation, and offices sought in the political  
13 advertisement)."...

14  
15 This subsection does not apply to campaign messages used by a  
16 candidate and the candidate's supporters if those messages are  
17 designed to be worn by a person.

18 Section 46. Section 106.17, Florida Statutes, is  
19 amended to read:

20 106.17 Polls and surveys relating to candidacies.--Any  
21 candidate, political committee, committee of continuous  
22 existence, electioneering communication organization, or state  
23 or county executive committee of a political party may  
24 authorize or conduct a political poll, survey, index, or  
25 measurement of any kind relating to candidacy for public  
26 office so long as the candidate, political committee,  
27 committee of continuous existence, electioneering  
28 communication organization, or political party maintains  
29 complete jurisdiction over the poll in all its aspects.

30 Section 47. Section 106.25, Florida Statutes, is  
31 amended to read:

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1           106.25 Reports of alleged violations to Florida  
2 Elections Commission; disposition of findings.--

3           (1) Jurisdiction to investigate and determine  
4 violations of this chapter and chapter 104 is vested in the  
5 Florida Elections Commission; however, nothing in this section  
6 limits the jurisdiction of any other officers or agencies of  
7 government empowered by law to investigate, act upon, or  
8 dispose of alleged violations of this code.

9           (2) The commission shall investigate all violations of  
10 this chapter and chapter 104, but only after having received  
11 either a sworn complaint or information reported to it under  
12 this subsection by the Division of Elections. Such sworn  
13 complaint must be based upon personal information or  
14 information other than hearsay. Any person, other than the  
15 division, having information of any violation of this chapter  
16 or chapter 104 shall file a sworn complaint with the  
17 commission. The commission shall investigate only those  
18 alleged violations specifically contained within the sworn  
19 complaint. If any complainant fails to allege all violations  
20 that arise from the facts or allegations alleged in a  
21 complaint, the commission shall be barred from investigating a  
22 subsequent complaint from such complainant that is based upon  
23 such facts or allegations that were raised or could have been  
24 raised in the first complaint. If the complaint includes  
25 allegations of violations relating to expense items reimbursed  
26 by a candidate, committee, or organization to the campaign  
27 account before a sworn complaint is filed, the commission  
28 shall be barred from investigating such allegations. Such  
29 sworn complaint shall state whether a complaint of the same  
30 violation has been made to any state attorney. Within 5 days  
31 after receipt of a sworn complaint, the commission shall

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 transmit a copy of the complaint to the alleged violator. If  
 2 the executive director finds that the complaint is legally  
 3 sufficient, the respondent shall be notified of such finding  
 4 by letter, which sets forth the statutory provisions alleged  
 5 to have been violated and the alleged factual basis that  
 6 supports the finding. All sworn complaints alleging violations  
 7 of the Florida Election Code over which the commission has  
 8 jurisdiction shall be filed with the commission within 2 years  
 9 after the alleged violations. The period of limitations is  
 10 tolled on the day a sworn complaint is filed with the  
 11 commission. The complainant may withdraw the sworn complaint  
 12 at any time prior to a probable cause hearing if good cause is  
 13 shown. Withdrawal shall be requested in writing, signed by the  
 14 complainant, and witnessed by a notary public, stating the  
 15 facts and circumstances constituting good cause. The executive  
 16 director shall prepare a written recommendation regarding  
 17 disposition of the request which shall be given to the  
 18 commission together with the request. "Good cause" shall be  
 19 determined based upon the legal sufficiency or insufficiency  
 20 of the complaint to allege a violation and the reasons given  
 21 by the complainant for wishing to withdraw the complaint. If  
 22 withdrawal is permitted, the commission must close the  
 23 investigation and the case. No further action may be taken.  
 24 The complaint will become a public record at the time of  
 25 withdrawal.

26 (3) For the purposes of commission jurisdiction, a  
 27 violation shall mean the willful performance of an act  
 28 prohibited by this chapter or chapter 104 or the willful  
 29 failure to perform an act required by this chapter or chapter  
 30 104. Willfulness is a determination of fact; however, at the  
 31 request of the respondent, willfulness may be considered and

Barcode 941466

1 determined in an informal hearing before the commission.

2           (4) The commission shall undertake a preliminary  
3 investigation to determine if the facts alleged in a sworn  
4 complaint or a matter initiated by the division constitute  
5 probable cause to believe that a violation has occurred. ~~The~~  
6 ~~respondent, the complainant, and their respective counsel~~  
7 ~~shall be permitted to attend the hearing at which the probable~~  
8 ~~cause determination is made. Notice of the hearing shall be~~  
9 ~~sent to the respondent and the complainant at least 14 days~~  
10 ~~prior to the date of the hearing. The respondent and his or~~  
11 ~~her counsel shall be permitted to make a brief oral statement~~  
12 ~~in the nature of oral argument to the commission before the~~  
13 ~~probable cause determination. The commission's determination~~  
14 ~~shall be based upon the investigator's report, the complaint,~~  
15 ~~and staff recommendations, as well as any written statements~~  
16 ~~submitted by the respondent and any oral statements made at~~  
17 ~~the hearing. No testimony or other evidence shall be accepted~~  
18 ~~at the hearing. Upon completion of the preliminary~~  
19 ~~investigation, the commission shall, by written report, find~~  
20 ~~probable cause or no probable cause to believe that this~~  
21 ~~chapter or chapter 104 has been violated.~~

22           (a) When the investigator's report is completed, the  
23 executive director shall notify the respondent that the report  
24 is completed and shall send to the respondent a copy of the  
25 investigator's report. The investigatory file and main  
26 complaint file shall be open for inspection by the respondent  
27 and the respondent's counsel at that time, and copies may be  
28 obtained at no more than cost.

29           (b) The respondent shall be given not less than 14  
30 days from the date of mailing of the investigator's report to  
31 file with the commission a written response to the

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 investigator's report. This time period may be shortened with  
2 the consent of the respondent, or without the consent of the  
3 respondent when the passage of time could reasonably be  
4 expected to render moot the ultimate disposition of the matter  
5 by the commission so long as reasonable notice under the  
6 circumstances is given.

7       (c) Counsel for the commission shall review the  
8 investigator's report and shall make a written recommendation  
9 to the commission for the disposition of the complaint. If the  
10 counsel for the commission recommends that the commission find  
11 probable cause, the recommendation shall include a statement  
12 of what charges shall be at issue. A copy of the  
13 recommendation shall be furnished to the respondent. The  
14 respondent shall be given not less than 14 days from the date  
15 of mailing of the recommendation of counsel for the commission  
16 to file with the commission a written response to the  
17 recommendation. This time period may be shortened with the  
18 consent of the respondent, or without the consent of the  
19 respondent when the passage of time could reasonably be  
20 expected to render moot the ultimate disposition of the matter  
21 by the commission, so long as the recommendation is furnished  
22 to the respondent within a reasonable period of time under the  
23 circumstances.

24       (d) The respondent and each complainant, their  
25 counsel, and the counsel for the commission shall be permitted  
26 to attend the hearing at which the probable cause  
27 determination is made. Notice of the hearing shall be sent to  
28 the respondent, each complainant, and counsel for the  
29 commission at least 14 days before the hearing. This time  
30 period may be shortened with the consent of the respondent, or  
31 without the consent of the respondent when the passage of time

1 could reasonably be expected to render moot the ultimate  
 2 disposition of the matter by the commission, so long as the  
 3 notice is furnished within a reasonable period of time under  
 4 the circumstances.

5 (e) The probable cause determination is the conclusion  
 6 of the preliminary investigation. The respondent and the  
 7 counsel for the commission shall be permitted to make brief  
 8 oral statements in the nature of oral argument to the  
 9 commission, based on the investigator's report, before the  
 10 probable cause determination. The commission's determination  
 11 shall be based upon the investigator's report, the  
 12 recommendation of counsel for the commission, the complaint,  
 13 and staff recommendations, as well as any written statements  
 14 submitted by the respondent and any oral statements made at  
 15 the hearing. No testimony or other evidence will be accepted  
 16 at the hearing.

17 (f) At its meeting to determine probable cause, the  
 18 commission may continue its determination to allow further  
 19 investigation; may order the issuance of a public report of  
 20 its investigation if it finds no probable cause to believe  
 21 that there has been a violation of this chapter or chapter  
 22 104, concluding the matter before it; may order a final,  
 23 public hearing of the complaint if it finds probable cause to  
 24 believe that there has been a violation of this chapter or  
 25 chapter 104; or may take such other action as it deems  
 26 necessary to resolve the complaint, consistent with due  
 27 process of law. In making its determination, the commission  
 28 may consider:

29 1. The sufficiency of the evidence against the  
 30 respondent, as contained in the investigator's report;

31 2. The admissions and other stipulations of the

1 respondent, if any;

2           3. The nature and circumstances of the respondent's  
3 actions;

4           4. The expense of further proceedings; and

5           5. Such other factors as it deems material to its  
6 decision.

7  
8 If the commission finds probable cause, the commission shall  
9 determine what charges shall be at issue.

10           ~~(g)(a)~~ If no probable cause is found, the commission  
11 shall dismiss the case and the case shall become a matter of  
12 public record, except as otherwise provided in this section,  
13 together with a written statement of the findings of the  
14 preliminary investigation and a summary of the facts which the  
15 commission shall send to the complainant and the alleged  
16 violator. A finding of no probable cause by the commission is  
17 a full adjudication of all such matters. The commission may  
18 not charge a respondent in a subsequent complaint alleging  
19 violations based upon the same actions, nonactions, or  
20 circumstances wherein the commission found no probable cause.

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

26           ~~(i)~~1. Upon a commission finding of probable cause, the  
27 counsel for the commission shall attempt to reach a consent  
28 agreement with the respondent.

29           2. A consent agreement is not binding upon either  
30 party unless and until it is signed by the respondent and by  
31 counsel for the commission upon approval by the commission.

Barcode 941466

1           3. Nothing herein shall be construed to prevent the  
2 commission from entering into a consent agreement with a  
3 respondent prior to a commission finding of probable cause if  
4 a respondent indicates in writing a desire to enter into  
5 negotiations directed towards reaching such a consent  
6 agreement. Any consent agreement reached under this  
7 subparagraph is subject to the provisions of subparagraph 2.  
8 and shall have the same force and effect as a consent  
9 agreement reached after the commission finding of probable  
10 cause.

11           (j) If a consent agreement is reached between the  
12 commission and the respondent, counsel for the commission  
13 shall send a copy of the signed agreement to both complainant  
14 and respondent.

15  
16 In a case where probable cause is found, the commission shall  
17 make a preliminary determination to consider the matter or to  
18 refer the matter to the state attorney for the judicial  
19 circuit in which the alleged violation occurred.

20 Notwithstanding any other provisions of this section, the  
21 commission may, at its discretion, dismiss any complaint at  
22 any stage of disposition if it determines that the public  
23 interest would not be served by proceeding further, in which  
24 case the commission shall issue a public report stating with  
25 particularity its reasons for the dismissal.

26           (5) ~~Unless when there are disputed issues of material~~  
27 ~~fact in a proceeding conducted under ss. 120.569 and 120.57, a~~  
28 ~~person alleged by the Elections Commission to have committed a~~  
29 ~~violation of this chapter or chapter 104 elects may elect,~~  
30 ~~within 30 days after the date of the filing of the~~  
31 ~~commission's allegations, to have a formal or informal hearing~~



Barcode 941466

1 conducted before the commission, or elects to resolve the  
 2 complaint by consent order, such person shall be entitled to a  
 3 formal administrative hearing conducted by an administrative  
 4 law judge in the Division of Administrative Hearings. The  
 5 administrative law judge in such proceedings shall enter a  
 6 final order subject to appeal as provided in s. 120.68.

7           (6) It is the duty of a state attorney receiving a  
 8 complaint referred by the commission to investigate the  
 9 complaint promptly and thoroughly; to undertake such criminal  
 10 or civil actions as are justified by law; and to report to the  
 11 commission the results of such investigation, the action  
 12 taken, and the disposition thereof. The failure or refusal of  
 13 a state attorney to prosecute or to initiate action upon a  
 14 complaint or a referral by the commission shall not bar  
 15 further action by the commission under this chapter.

16           (7) Every sworn complaint filed pursuant to this  
 17 chapter with the commission, every investigation and  
 18 investigative report or other paper of the commission with  
 19 respect to a violation of this chapter or chapter 104, and  
 20 every proceeding of the commission with respect to a violation  
 21 of this chapter or chapter 104 is confidential, is exempt from  
 22 the provisions of ss. 119.07(1) and 286.011, and is exempt  
 23 from publication in the Florida Administrative Weekly of any  
 24 notice or agenda with respect to any proceeding relating to  
 25 such violation, except under the following circumstances:

- 26           (a) As provided in subsection (6);
- 27           (b) Upon a determination of probable cause or no  
 28 probable cause by the commission; or
- 29           (c) For proceedings conducted with respect to appeals  
 30 of fines levied by filing officers for the late filing of  
 31 reports required by this chapter.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1  
2 However, a complainant is not bound by the confidentiality  
3 provisions of this section. In addition, confidentiality may  
4 be waived in writing by the person against whom the complaint  
5 has been filed or the investigation has been initiated. If a  
6 finding of probable cause in a case is entered within 30 days  
7 prior to the date of the election with respect to which the  
8 alleged violation occurred, such finding and the proceedings  
9 and records relating to such case shall not become public  
10 until noon of the day following such election. When two or  
11 more persons are being investigated by the commission with  
12 respect to an alleged violation of this chapter or chapter  
13 104, the commission may not publicly enter a finding of  
14 probable cause or no probable cause in the case until a  
15 finding of probable cause or no probable cause for the entire  
16 case has been determined. However, once the confidentiality of  
17 any case has been breached, the person or persons under  
18 investigation have the right to waive the confidentiality of  
19 the case, thereby opening up the proceedings and records to  
20 the public. Any person who discloses any information or  
21 matter made confidential by the provisions of this subsection  
22 commits a misdemeanor of the first degree, punishable as  
23 provided in s. 775.082 or s. 775.083.

24 (8) Any person who files a complaint pursuant to this  
25 section while knowing that the allegations contained in such  
26 complaint are false or without merit commits a misdemeanor of  
27 the first degree, punishable as provided in s. 775.082 or s.  
28 775.083.

29 (9) The commission shall maintain a database of all  
30 final orders and agency actions. Such database shall be  
31 available to the public and shall be maintained in such a

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 manner as to be searchable, at a minimum, by issue, statutes,  
2 individuals, or entities referenced.

3 Section 48. Subsection (4) of section 106.35, Florida  
4 Statutes, is amended to read:

5 106.35 Distribution of funds.--

6 (4) Distribution of funds shall be made beginning on  
7 the 32nd day prior to the primary ~~within 7 days after the~~  
8 ~~close of qualifying~~ and every 7 days thereafter.

9 Section 49. Section 112.51, Florida Statutes, is  
10 amended to read:

11 112.51 Municipal officers; suspension; removal from  
12 office.--

13 (1) By executive order stating the grounds for the  
14 suspension and filed with the Secretary of State, the Governor  
15 may suspend from office any elected or appointed municipal  
16 official for malfeasance, misfeasance, neglect of duty,  
17 habitual drunkenness, incompetence, or permanent inability to  
18 perform official duties.

19 (2) Whenever any elected or appointed municipal  
20 official is arrested for a felony or for a misdemeanor related  
21 to the duties of office or is indicted or informed against for  
22 the commission of a federal felony or misdemeanor or state  
23 felony or misdemeanor, the Governor has the power to suspend  
24 such municipal official from office.

25 (3) The suspension of such official by the Governor  
26 creates a temporary vacancy in such office during the  
27 suspension. Any temporary vacancy in office created by  
28 suspension of an official under the provisions of this section  
29 shall be filled by a temporary appointment to such office for  
30 the period of the suspension. Such temporary appointment  
31 shall be made in the same manner and by the same authority by

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 | which a permanent vacancy in such office is filled as provided  
2 | by law. If no provision for filling a permanent vacancy in  
3 | such office is provided by law, the temporary appointment  
4 | shall be made by the Governor.

5 |         (4) No municipal official who has been suspended from  
6 | office under this section may perform any official act, duty,  
7 | or function during his or her suspension; receive any pay or  
8 | allowance during his or her suspension; or be entitled to any  
9 | of the emoluments or privileges of his or her office during  
10 | suspension.

11 |         (5) If the municipal official is convicted of any of  
12 | the charges contained in the indictment or information by  
13 | reason of which he or she was suspended under the provisions  
14 | of this section, the Governor shall remove such municipal  
15 | official from office. If a person was selected to fill the  
16 | temporary vacancy pursuant to subsection (3), that person  
17 | shall serve the remaining balance, if any, of the removed  
18 | official's term of office. Otherwise, any vacancy created by  
19 | the removal shall be filled as provided by law. For the  
20 | purposes of this section, any person who pleads guilty or nolo  
21 | contendere or who is found guilty shall be deemed to have been  
22 | convicted, notwithstanding a suspension of sentence or a  
23 | withholding of adjudication.

24 |         (6) If the municipal official is acquitted or found  
25 | not guilty or is otherwise cleared of the charges which were  
26 | the basis of the arrest, indictment, or information by reason  
27 | of which he or she was suspended under the provisions of this  
28 | section, then the Governor shall forthwith revoke the  
29 | suspension and restore such municipal official to office; and  
30 | the official shall be entitled to and be paid full back pay  
31 | and such other emoluments or allowances to which he or she

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 would have been entitled for the full period of time of the  
2 suspension. If, during the suspension, the term of office of  
3 the municipal official expires and a successor is either  
4 appointed or elected, such back pay, emoluments, or allowances  
5 shall only be paid for the duration of the term of office  
6 during which the municipal official was suspended under the  
7 provisions of this section, and he or she shall not be  
8 reinstated.

9           Section 50. Section 106.37, Florida Statutes, is  
10 repealed.

11           Section 51. Subsections (2) and (3) of section  
12 189.405, Florida Statutes, are amended to read:

13           189.405 Elections; general requirements and  
14 procedures; education programs.--

15           (2)(a) Any independent special district located  
16 entirely in a single county may provide for the conduct of  
17 district elections by the supervisor of elections for that  
18 county. Any independent special district that conducts its  
19 elections through the office of the supervisor shall make  
20 election procedures consistent with the Florida Election Code.

21           (b) Any independent special district not conducting  
22 district elections through the supervisor of elections shall  
23 report to the supervisor in a timely manner the purpose, date,  
24 authorization, procedures, and results of each election  
25 conducted by the district.

26           (c) A candidate for a position on a governing board of  
27 a single-county special district that has its elections  
28 conducted by the supervisor of elections shall qualify for the  
29 office with the county supervisor of elections in whose  
30 jurisdiction the district is located. Elections for governing  
31 board members elected by registered electors shall be

Barcode 941466

1 nonpartisan, except when partisan elections are specified by a  
 2 district's charter. Candidates shall qualify as directed by  
 3 chapter 99. ~~by paying a filing fee equal to 3 percent of the~~  
 4 ~~salary or honorarium paid for the office, or a filing fee of~~  
 5 ~~\$25, whichever is more. Alternatively, candidates may qualify~~  
 6 ~~by submitting a petition that contains the signatures of at~~  
 7 ~~least 3 percent of the district's registered electors, or any~~  
 8 ~~lesser amount of signatures directed by chapter 99, chapter~~  
 9 ~~582, or other general or special law. No election or party~~  
 10 ~~assessment shall be levied if the election is nonpartisan. The~~  
 11 ~~qualifying fee shall be remitted to the general revenue fund~~  
 12 ~~of the qualifying officer to help defray the cost of the~~  
 13 ~~election. The petition form shall be submitted and checked in~~  
 14 ~~the same manner as those for nonpartisan judicial candidates~~  
 15 ~~pursuant to s. 105.035.~~

16 (3)(a) If a multicounty special district has a  
 17 popularly elected governing board, elections for the purpose  
 18 of electing members to such board shall conform to the Florida  
 19 Election Code, chapters 97-106.

20 (b) With the exception of those districts conducting  
 21 elections on a one-acre/one-vote basis, qualifying for  
 22 multicounty special district governing board positions shall  
 23 be coordinated by the Department of State. Elections for  
 24 governing board members elected by registered electors shall  
 25 be nonpartisan, except when partisan elections are specified  
 26 by a district's charter. Candidates shall qualify as directed  
 27 by chapter 99. ~~by paying a filing fee equal to 3 percent of~~  
 28 ~~the salary or honorarium paid for the office, or a filing fee~~  
 29 ~~of \$25, whichever is more. Alternatively, candidates may~~  
 30 ~~qualify by submitting a petition that contains the signatures~~  
 31 ~~of at least 3 percent of the district's registered electors,~~

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 ~~or any lesser amount of signatures directed by chapter 99,~~  
2 ~~chapter 582, or other general or special law. No election or~~  
3 ~~party assessment shall be levied if the election is~~  
4 ~~nonpartisan.~~ The qualifying fee shall be remitted to the  
5 Department of State. ~~The petition form shall be submitted and~~  
6 ~~checked in the same manner as those for nonpartisan judicial~~  
7 ~~candidates pursuant to s. 105.035.~~

8 Section 52. Paragraph (a) of subsection (1) of section  
9 191.005, Florida Statutes, is amended to read:

10 191.005 District boards of commissioners; membership,  
11 officers, meetings.--

12 (1)(a) With the exception of districts whose governing  
13 boards are appointed collectively by the Governor, the county  
14 commission, and any cooperating city within the county, the  
15 business affairs of each district shall be conducted and  
16 administered by a five-member board. All three-member boards  
17 existing on the effective date of this act shall be converted  
18 to five-member boards, except those permitted to continue as a  
19 three-member board by special act adopted in 1997 or  
20 thereafter. The board shall be elected in nonpartisan  
21 elections by the electors of the district. Except as provided  
22 in this act, such elections shall be held at the time and in  
23 the manner prescribed by law for holding general elections in  
24 accordance with s. 189.405(2)(a) and (3), and each member  
25 shall be elected for a term of 4 years and serve until the  
26 member's successor assumes office. Candidates for the board of  
27 a district shall qualify as directed by chapter 99. ~~with the~~  
28 ~~county supervisor of elections in whose jurisdiction the~~  
29 ~~district is located. If the district is a multicounty~~  
30 ~~district, candidates shall qualify with the Department of~~  
31 ~~State. All candidates may qualify by paying a filing fee of~~

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 ~~§25 or by obtaining the signatures of at least 25 registered~~  
2 ~~electors of the district on petition forms provided by the~~  
3 ~~supervisor of elections which petitions shall be submitted and~~  
4 ~~checked in the same manner as petitions filed by nonpartisan~~  
5 ~~judicial candidates pursuant to s. 105.035. Notwithstanding s.~~  
6 ~~106.021, a candidate who does not collect contributions and~~  
7 ~~whose only expense is the filing fee is not required to~~  
8 ~~appoint a campaign treasurer or designate a primary campaign~~  
9 ~~depository.~~

10 Section 53. Paragraph (a) of subsection (1) of section  
11 582.18, Florida Statutes, is amended to read:

12 582.18 Election of supervisors of each district.--

13 (1) The election of supervisors for each soil and  
14 water conservation district shall be held every 2 years. The  
15 elections shall be held at the time of the general election  
16 provided for by s. 100.041. The office of the supervisor of a  
17 soil and water conservation district is a nonpartisan office,  
18 and candidates for such office are prohibited from campaigning  
19 or qualifying for election based on party affiliation.

20 (a) Each candidate for supervisor for such district  
21 shall qualify as directed by chapter 99. ~~be nominated by~~  
22 ~~nominating petition subscribed by 25 or more qualified~~  
23 ~~electors of such district. Candidates shall obtain signatures~~  
24 ~~on petition forms prescribed by the Department of State and~~  
25 ~~furnished by the appropriate qualifying officer. In~~  
26 ~~multicounty districts, the appropriate qualifying officer is~~  
27 ~~the Secretary of State; in single-county districts, the~~  
28 ~~appropriate qualifying officer is the supervisor of elections.~~  
29 ~~Such forms may be obtained at any time after the first Tuesday~~  
30 ~~after the first Monday in January preceding the election, but~~  
31 ~~prior to the 21st day preceding the first day of the~~



Barcode 941466

1 ~~qualifying period for state office. Each petition shall be~~  
2 ~~submitted, prior to noon of the 21st day preceding the first~~  
3 ~~day of the qualifying period for state office, to the~~  
4 ~~supervisor of elections of the county for which such petition~~  
5 ~~was circulated. The supervisor of elections shall check the~~  
6 ~~signatures on the petition to verify their status as electors~~  
7 ~~in the district. Prior to the first date for qualifying, the~~  
8 ~~supervisor of elections shall determine whether the required~~  
9 ~~single-county signatures have been obtained; and she or he~~  
10 ~~shall so notify the candidate. In the case of a multicounty~~  
11 ~~candidate, the supervisor of elections shall check the~~  
12 ~~signatures on petitions and shall, prior to the first date for~~  
13 ~~qualifying for office, certify to the Department of State the~~  
14 ~~number shown as registered electors of the district. The~~  
15 ~~Department of State shall determine if the required number of~~  
16 ~~signatures has been obtained for multicounty candidates and~~  
17 ~~shall so notify the candidate. If the required number of~~  
18 ~~signatures has been obtained for the name of the candidate to~~  
19 ~~be placed on the ballot, the candidate shall, during the time~~  
20 ~~prescribed for qualifying for office in s. 99.061, submit a~~  
21 ~~copy of the notice to, and file her or his qualification~~  
22 ~~papers with, the qualifying officer and take the oath~~  
23 ~~prescribed in s. 99.021.~~

24 Section 54. Subsection (1) of section 876.05, Florida  
25 Statutes, is amended to read:

26 876.05 Public employees; oath.--

27 (1) All persons who now or hereafter are employed by  
28 or who now or hereafter are on the payroll of the state, or  
29 any of its departments and agencies, subdivisions, counties,  
30 cities, school boards and districts of the free public school  
31 system of the state or counties, or institutions of higher

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 | learning, and all candidates for public office, except  
 2 | candidates for federal office, are required to take an oath  
 3 | before any person duly authorized to take acknowledgments of  
 4 | instruments for public record in the state in the following  
 5 | form:

6 |  
 7 |       I, ....., a citizen of the State of Florida and of the  
 8 | United States of America, and being employed by or an officer  
 9 | of .... and a recipient of public funds as such employee or  
 10 | officer, do hereby solemnly swear or affirm that I will  
 11 | support the Constitution of the United States and of the State  
 12 | of Florida.

13 |       Section 55. At the time of qualification, all write-in  
 14 | candidates must reside within the district represented by the  
 15 | office sought.

16 |       Section 56. If any provision of this act or its  
 17 | application to any person or circumstance is held invalid, the  
 18 | invalidity does not affect other provisions or applications of  
 19 | the act which can be given effect without the invalid  
 20 | provision or application, and to this end the provisions of  
 21 | this act are severable.

22 |       Section 57. Except as otherwise expressly provided in  
 23 | this act and except for this section, which shall take effect  
 24 | upon becoming a law, this act shall take effect January 1,  
 25 | 2008.

26 |  
 27 |

28 | ===== T I T L E   A M E N D M E N T =====

29 | And the title is amended as follows:

30 |       Delete everything before the enacting clause

31 |

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 and insert:

2                                   A bill to be entitled

3           An act relating to elections; amending s.

4           97.021, F.S.; redefining the term "third-party

5           registration organization"; amending s.

6           97.0575, F.S.; revising fines applicable to

7           violations of requirements relating to

8           third-party voter registrations; amending s.

9           103.121, F.S.; revising the dates relating to

10          the presidential preference primary; amending

11          s. 101.75, F.S.; authorizing municipalities to

12          move their election date by ordinance to

13          coincide with the presidential preference

14          primary; amending s. 101.151, F.S.; authorizing

15          the use of ballot-on-demand technology to

16          produce certain marksense ballots; creating s.

17          101.56075, F.S.; requiring all voting to be by

18          marksense ballot; providing an exemption for

19          voters with disabilities; requiring voter

20          interface devices for individuals with

21          disabilities by a specified date; amending s.

22          101.5612, F.S.; requiring the use of certain

23          marksense ballots for pre-election testing;

24          amending s. 101.591, F.S.; requiring

25          post-election, random audits of voting systems;

26          providing general audit procedures; mandating

27          that audit results be reported to the

28          Department of State; prescribing requirements

29          for audit reports; granting rulemaking

30          authority to the department to adopt detailed,

31          uniform audit procedures and a standard audit

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 reporting form; providing procedures for the  
2 purchase of new voting systems and ballot  
3 equipment and the disposition of existing  
4 touchscreen voting systems for certain  
5 counties; authorizing the Department of State  
6 to purchase optical scan voting equipment and  
7 ballot-on-demand equipment for certain  
8 counties; appropriating funds for such purpose;  
9 amending s. 97.041, F.S.; authorizing qualified  
10 persons to preregister to vote on or after  
11 receipt of a valid driver's license; amending  
12 s. 97.053, F.S.; requiring an applicant for  
13 voter registration to be notified when the  
14 application cannot be verified; providing for  
15 registration upon presentation of evidence of a  
16 driver's license number, identification card  
17 number, or the last four digits of the  
18 applicant's social security number; changing  
19 the time within which a person casting a  
20 provisional ballot may present evidence of  
21 eligibility to vote; changing the time for  
22 voter registrations to be entered into the  
23 statewide voter registration system; amending  
24 s. 99.021, F.S.; prescribing form of oath for  
25 candidates for federal office; amending s.  
26 99.061, F.S.; prescribing times for qualifying  
27 for nomination or election; prescribing  
28 specific procedures for qualifying for special  
29 district office; providing that the filing fee  
30 of a candidate for a special district election  
31 need not be drawn on a campaign account;

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 amending s. 99.095, F.S.; prescribing the  
2 number of signatures required for a candidate  
3 for special district office to qualify by  
4 petition; prescribing the time for  
5 certification to the Division of Elections of  
6 certain candidates qualifying by petition;  
7 amending s. 99.096, F.S.; changing manner of  
8 candidate selection by minor political parties;  
9 repealing s. 99.0965, F.S., relating to the  
10 selection of minor party candidates; amending  
11 s. 100.041, F.S.; prescribing the time when a  
12 county commissioner is deemed elected; amending  
13 s. 100.051, F.S.; revising requirements  
14 relating to candidates' whose names must be  
15 printed on general election ballots; amending  
16 s. 100.061, F.S.; changing the date of the  
17 primary election; amending s. 100.111, F.S.;  
18 revising provisions relating to choosing  
19 political party nominees for a special  
20 election; amending s. 100.191, F.S.; revising  
21 the time for canvassing special election  
22 returns; amending s. 100.371, F.S.; requiring  
23 initiative petition forms to be signed by the  
24 constitutionally required distribution of  
25 electors; amending timeframes for verifying  
26 petition signatures; prescribing information  
27 that must be on a petition initiative form, and  
28 conditions with which the elector signing it  
29 must comply, before the form may be verified;  
30 providing procedures for revocation of a  
31 signature on a petition form; amending s.

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 101.043, F.S.; revising forms of identification  
2 accepted at the polls; amending s. 101.048,  
3 F.S.; changing the time within which a person  
4 casting a provisional ballot may present  
5 evidence of eligibility to vote; amending s.  
6 101.573, F.S.; changing the time for filing  
7 precinct-level election results; requiring such  
8 results to be filed with respect to special  
9 elections; prescribing requirements for such  
10 data; amending s. 101.6103, F.S.; changing the  
11 time to begin canvassing mail ballots; amending  
12 s. 101.62, F.S.; revising the period of  
13 effectiveness of a request for an absentee  
14 ballot; revising the time for sending an  
15 absentee ballot to an overseas elector;  
16 revising time period for providing absentee  
17 ballots; amending s. 101.68, F.S.; changing the  
18 time to begin canvassing absentee ballots;  
19 amending s. 102.112, F.S.; changing the  
20 deadline for submitting county returns to the  
21 Department of State; amending s. 102.141, F.S.;  
22 requiring submission of preliminary returns in  
23 certain format by election night to the  
24 Department of State; changing the time to  
25 submit unofficial returns; amending s. 102.166,  
26 F.S.; conforming a cross-reference; amending s.  
27 103.081, F.S.; allowing political parties to  
28 file with the Department of State names of  
29 groups associated with a party; prescribing  
30 conditions on the use of those filed names;  
31 amending s. 103.091, F.S.; revising the number

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 of and the qualifications for state  
2 committeemen and committeewomen; changing the  
3 times for qualifying for election to a  
4 political party executive committee; amending  
5 s. 103.141, F.S.; providing that officers and  
6 members of a county executive committee may be  
7 removed from office pursuant to s. 103.161;  
8 repealing s. 103.151, F.S., relating to the  
9 removal of a state executive committee member  
10 for violation of the member's oath of office;  
11 creating s. 103.161, F.S.; providing for the  
12 removal or suspension of officers and members  
13 of a state or county executive committee for  
14 violation of the officer's or member's oath of  
15 office; prescribing procedures for such removal  
16 and restrictions after removal; amending s.  
17 105.031, F.S.; changing the times for  
18 qualifying for school board candidates;  
19 amending s. 106.021, F.S.; revising  
20 qualifications for a campaign treasurer and  
21 deputy treasurer for a candidate or political  
22 committee; amending s. 106.04, F.S.;  
23 authorizing certain entities to collect and  
24 forward membership dues to committees of  
25 continuous existence; amending s. 106.055,  
26 F.S.; prescribing valuation method for travel  
27 on a private aircraft; amending s. 106.08,  
28 F.S.; prescribing procedures for receiving and  
29 transferring contributions made to political  
30 committees and committees of continuous  
31 existence; amending s. 106.09, F.S.; revising

Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 prohibition on making or accepting a cash  
2 contribution; amending s. 106.143, F.S.;  
3 providing disclosure requirements for political  
4 advertisements made pursuant to s.  
5 106.021(3)(d), F.S.; amending s. 106.17, F.S.;  
6 revising who may authorize or conduct polls or  
7 surveys relating to candidates; amending s.  
8 106.25, F.S.; revising requirements for  
9 complaints filed alleging violations of  
10 chapters 106 and 104, F.S.; revising procedures  
11 after certain complaints are filed; providing  
12 for the withdrawal of certain complaints;  
13 providing for the Florida Elections Commission  
14 to maintain a searchable database of all final  
15 orders and agency actions and providing  
16 requirements for such database; amending s.  
17 106.35, F.S.; revising the time for the  
18 Division of Elections to distribute funds to  
19 candidates; amending s. 112.51, F.S.; providing  
20 for filling vacancies created when a municipal  
21 officer has been removed from office; repealing  
22 s. 106.37, F.S., relating to willful violations  
23 of campaign finance laws; amending s. 189.405,  
24 F.S.; revising qualification procedures for  
25 candidates for special district office;  
26 amending s. 191.005, F.S.; revising  
27 qualification procedures for candidates for  
28 independent special fire control district  
29 boards of commissioners; amending s. 582.18,  
30 F.S.; revising qualification procedures for  
31 candidates for soil and water conservation



Bill No. CS/HB 537, 1st Eng.

Barcode 941466

1 district supervisors; amending s. 876.05, F.S.;  
2 exempting candidates for federal office from  
3 taking the public employees' oath; requiring  
4 that all write-in candidates reside within the  
5 district of the office sought at the time of  
6 qualification; providing for severability;  
7 providing effective dates.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31