

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

Barcode 952548

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

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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

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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.

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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

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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

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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

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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

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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



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

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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:

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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

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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. Section 99.012, Florida Statutes, is  
 31 amended to read:

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1 99.012 Restrictions on individuals qualifying for  
2 public office.--

3 (1) As used in this section:

4 (a) "Officer" means a person, whether elected or  
5 appointed, who has the authority to exercise the sovereign  
6 power of the state pertaining to an office recognized under  
7 the State Constitution or laws of the state. With respect to  
8 a municipality, the term "officer" means a person, whether  
9 elected or appointed, who has the authority to exercise  
10 municipal power as provided by the State Constitution, state  
11 laws, or municipal charter.

12 (b) "Subordinate officer" means a person who has been  
13 delegated the authority to exercise the sovereign power of the  
14 state by an officer. With respect to a municipality,  
15 subordinate officer means a person who has been delegated the  
16 authority to exercise municipal power by an officer.

17 (2) No person may qualify as a candidate for more than  
18 one public office, whether ~~federal~~, state, district, county,  
19 or municipal, if the terms or any part thereof run  
20 concurrently with each other.

21 (3)(a) No officer may qualify as a candidate for  
22 another public office, whether state, district, county, or  
23 municipal, if the terms or any part thereof run concurrently  
24 with each other, without resigning from the office he or she  
25 presently holds.

26 (b) The resignation is irrevocable.

27 (c) The written resignation must be submitted at least  
28 10 days prior to the first day of qualifying for the office he  
29 or she intends to seek.

30 (d) The resignation must be effective no later than  
31 the earlier of the following dates:

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1           1. The date the officer would take office, if elected;  
2 or

3           2. The date the officer's successor is required to  
4 take office.

5           (e)1. An elected district, county, or municipal  
6 officer must submit his or her resignation to the officer  
7 before whom he or she qualified for the office he or she  
8 holds, with a copy to the Governor and the Department of  
9 State.

10           2. An appointed district, county, or municipal officer  
11 must submit his or her resignation to the officer or authority  
12 which appointed him or her to the office he or she holds, with  
13 a copy to the Governor and the Department of State.

14           3. All other officers must submit their resignations  
15 to the Governor with a copy to the Department of State.

16           (f)1. With regard to an elective office, the  
17 resignation creates a vacancy in office to be filled by  
18 election. Persons may qualify as candidates for nomination  
19 and election as if the public officer's term were otherwise  
20 scheduled to expire.

21           2. With regard to an elective charter county office or  
22 elective municipal office, the vacancy created by the  
23 officer's resignation may be filled for that portion of the  
24 officer's unexpired term in a manner provided by the  
25 respective charter. The office is deemed vacant upon the  
26 effective date of the resignation submitted by the official in  
27 his or her letter of resignation.

28           (g) Any officer who submits his or her resignation,  
29 effective immediately or effective on a date prior to the date  
30 of his or her qualifying for office, may then qualify for  
31 office as a nonofficeholder, and the provisions of this

1 subsection do not apply.

2 ~~(4)(a) Any officer who qualifies for federal public~~  
3 ~~office must resign from the office he or she presently holds~~  
4 ~~if the terms or any part thereof run concurrently with each~~  
5 ~~other.~~

6 ~~(b) The resignation is irrevocable.~~

7 ~~(c) The resignation must be submitted no later than~~  
8 ~~the date upon which the officer qualifies for office.~~

9 ~~(d) The written resignation must be effective no later~~  
10 ~~than the earlier of the following dates:~~

11 ~~1. The date the officer would take office, if elected;~~  
12 ~~or~~

13 ~~2. The date the officer's successor is required to~~  
14 ~~take office.~~

15 ~~(e)1. An elected district, county, or municipal~~  
16 ~~officer must submit his or her resignation to the officer~~  
17 ~~before whom he or she qualified for the office he or she~~  
18 ~~holds, with a copy to the Governor and the Department of~~  
19 ~~State.~~

20 ~~2. An appointed district, county, or municipal officer~~  
21 ~~must submit his or her resignation to the officer or authority~~  
22 ~~which appointed him or her to the office he or she holds, with~~  
23 ~~a copy to the Governor and the Department of State.~~

24 ~~3. All other officers must submit their resignations~~  
25 ~~to the Governor with a copy to the Department of State.~~

26 ~~(f)1. The failure of an officer who qualifies for~~  
27 ~~federal public office to submit a resignation pursuant to this~~  
28 ~~subsection constitutes an automatic irrevocable resignation,~~  
29 ~~effective immediately, from the office he or she presently~~  
30 ~~holds.~~

31 ~~2. The Department of State shall send a notice of the~~

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1 ~~automatic resignation to the Governor, and in the case of a~~  
2 ~~district, county, or municipal officer, a copy to:~~  
3       ~~a. The officer before whom he or she qualified if the~~  
4 ~~officer held an elective office; or~~  
5       ~~b. The person or authority who appointed the officer~~  
6 ~~if the officer held an appointive office.~~  
7       ~~(g) The provisions of any special act to the contrary~~  
8 ~~notwithstanding, with regard to an elective office, the~~  
9 ~~resignation creates a vacancy in office to be filled by~~  
10 ~~election, thereby permitting persons to qualify as candidates~~  
11 ~~for nomination and election as if the officer's term were~~  
12 ~~otherwise scheduled to expire. With regard to an elective~~  
13 ~~charter county office or elective municipal office, the~~  
14 ~~vacancy created by the officer's resignation may be filled for~~  
15 ~~that portion of the officer's unexpired term in a manner~~  
16 ~~provided by the respective charter. The office is deemed~~  
17 ~~vacant upon the effective date of the resignation submitted by~~  
18 ~~the official in his or her letter of resignation.~~  
19       ~~(4)(5)~~ A person who is a subordinate officer, deputy  
20 sheriff, or police officer must resign effective upon  
21 qualifying pursuant to this chapter if the person is seeking  
22 to qualify for a public office that is currently held by an  
23 officer who has authority to appoint, employ, promote, or  
24 otherwise supervise that person and who has qualified as a  
25 candidate for reelection to that office.  
26       ~~(5)(6)~~ The name of any person who does not comply with  
27 this section may be removed from every ballot on which it  
28 appears when ordered by a circuit court upon the petition of  
29 an elector or the Department of State.  
30       ~~(6)(7)~~ This section does not apply to:  
31       (a) Political party offices.



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1 (b) Persons serving without salary as members of an  
2 appointive board or authority.

3 (c) Persons seeking any federal public office.

4 ~~(7)(8)~~ Nothing contained in subsections (3) and (4)  
5 relates to persons holding any federal office.

6 Section 15. Paragraph (a) of subsection (1) of section  
7 99.021, Florida Statutes, is amended to read:

8 99.021 Form of candidate oath.--

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

18

19 State of Florida

20 County of....

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

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1 that of the office he or she seeks; and that he or she has  
 2 resigned from any office from which he or she is required to  
 3 resign pursuant to s. 99.012, Florida Statutes.

4 ... (Signature of candidate) ...

5 ... (Address) ...

6  
 7 Sworn to and subscribed before me this .... day of ....,  
 8 ... (year) ..., at .... County, Florida.

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

10

11 2. Each candidate for federal office, whether a party  
 12 candidate, a candidate with no party affiliation, or a  
 13 write-in candidate, in order to qualify for nomination or  
 14 election to office shall take and subscribe to an oath or  
 15 affirmation in writing. A printed copy of the oath or  
 16 affirmation shall be furnished to the candidate by the officer  
 17 before whom such candidate seeks to qualify and shall be  
 18 substantially in the following form:

19

20 State of Florida

21 County of \_\_\_\_\_

22 Before me, an officer authorized to administer oaths,  
 23 personally appeared (please print name as you wish it to  
 24 appear on the ballot), to me well known, who, being sworn,  
 25 says that he or she is a candidate for the office of  
 26 \_\_\_\_\_ ; that he or she is qualified under the Constitution  
 27 and laws of the United States to hold the office to which he  
 28 or she desires to be nominated or elected; that he or she has  
 29 qualified for no other public office in the state, the term of  
 30 which office or any part thereof runs concurrent with that of  
 31 the office he or she seeks; and that he or she has resigned

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1 from any office from which he or she is required to resign  
2 pursuant to s. 99.012, Florida Statutes.

3 \_\_\_\_\_  
(Signature of candidate)

4 \_\_\_\_\_  
(Address)

5  
6 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
7 (year), at \_\_\_\_\_ County, Florida.

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

9 Section 16. Section 99.061, Florida Statutes, is  
10 amended to read:

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

13 (1) The provisions of any special act to the contrary  
14 notwithstanding, each person seeking to qualify for nomination  
15 or election to a federal, state, or multicounty district  
16 office, other than election to a judicial office as defined in  
17 chapter 105 or the office of school board member, shall file  
18 his or her qualification papers with, and pay the qualifying  
19 fee, which shall consist of the filing fee and election  
20 assessment, and party assessment, if any has been levied, to,  
21 the Department of State, or qualify by the petition process  
22 pursuant to s. 99.095 with the Department of State, at any  
23 time after noon of the 1st day for qualifying, which shall be  
24 as follows: the 120th day prior to the primary election, but  
25 not later than noon of the 116th day prior to the date of the  
26 primary election, for persons seeking to qualify for  
27 nomination or election to federal office or to the office of  
28 the state attorney or the public defender; and noon of the  
29 71st ~~50th~~ day prior to the primary election, but not later  
30 than noon of the 67th ~~46th~~ day prior to the date of the  
31 primary election, for persons seeking to qualify for

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1 nomination or election to a state or multicounty district  
 2 office, other than the office of the state attorney or the  
 3 public defender.

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

29           (3) Notwithstanding the provisions of any special act  
 30 to the contrary, each person seeking to qualify for election  
 31 to a special district office shall qualify between noon of the

1 71st day prior to the primary election and noon of the 67th  
2 day prior to the date of the primary election. Candidates for  
3 single county special districts shall qualify with the  
4 supervisor of elections in the county in which the district is  
5 located. If the district is a multicounty district, candidates  
6 shall qualify with the Department of State. All special  
7 district candidates shall qualify by paying a filing fee of  
8 \$25 or qualify by the petition process pursuant to s. 99.095.  
9 Notwithstanding s. 106.021, a candidate who does not collect  
10 contributions and whose only expense is the filing fee or  
11 signature verification fee is not required to appoint a  
12 campaign treasurer or designate a primary campaign depository.

13       ~~(4)(3)~~(a) Each person seeking to qualify for election  
14 to office as a write-in candidate shall file his or her  
15 qualification papers with the respective qualifying officer at  
16 any time after noon of the 1st day for qualifying, but not  
17 later than noon of the last day of the qualifying period for  
18 the office sought.

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

28       ~~(5)(4)~~ At the time of qualifying for office, each  
29 candidate for a constitutional office shall file a full and  
30 public disclosure of financial interests pursuant to s. 8,  
31 Art. II of the State Constitution, and a candidate for any

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1 other office, including local elective office, shall file a  
2 statement of financial interests pursuant to s. 112.3145.

3 ~~(6)(5)~~ The Department of State shall certify to the  
4 supervisor of elections, within 7 days after the closing date  
5 for qualifying, the names of all duly qualified candidates for  
6 nomination or election who have qualified with the Department  
7 of State.

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

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

- 24 1. A properly executed check drawn upon the  
25 candidate's campaign account in an amount not less than the  
26 fee required by s. 99.092 or, in lieu thereof, as applicable,  
27 the copy of the notice of obtaining ballot position pursuant  
28 to s. 99.095. The filing fee for a special district candidate  
29 is not required to be drawn upon the candidate's campaign  
30 account. If a candidate's check is returned by the bank for  
31 any reason, the filing officer shall immediately notify the

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1 candidate and the candidate shall, the end of qualifying  
 2 notwithstanding, have 48 hours from the time such notification  
 3 is received, excluding Saturdays, Sundays, and legal holidays,  
 4 to pay the fee with a cashier's check purchased from funds of  
 5 the campaign account. Failure to pay the fee as provided in  
 6 this subparagraph shall disqualify the candidate.

7           2. The candidate's oath required by s. 99.021, which  
 8 must contain the name of the candidate as it is to appear on  
 9 the ballot; the office sought, including the district or group  
 10 number if applicable; and the signature of the candidate, duly  
 11 acknowledged.

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

14           4. If the office sought is partisan, the written  
 15 statement of political party affiliation required by s.  
 16 99.021(1)(b).

17           5. The completed form for the appointment of campaign  
 18 treasurer and designation of campaign depository, as required  
 19 by s. 106.021.

20           6. The full and public disclosure or statement of  
 21 financial interests required by subsection(5) ~~(4)~~. A public  
 22 officer who has filed the full and public disclosure or  
 23 statement of financial interests with the Commission on Ethics  
 24 or the supervisor of elections prior to qualifying for office  
 25 may file a copy of that disclosure at the time of qualifying.

26           (b) If the filing officer receives qualifying papers  
 27 that do not include all items as required by paragraph (a)  
 28 prior to the last day of qualifying, the filing officer shall  
 29 make a reasonable effort to notify the candidate of the  
 30 missing or incomplete items and shall inform the candidate  
 31 that all required items must be received by the close of

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1 | qualifying. A candidate's name as it is to appear on the  
 2 | ballot may not be changed after the end of qualifying.

3 |         (8) Notwithstanding the qualifying period prescribed  
 4 | in this section, a qualifying office may accept and hold  
 5 | qualifying papers submitted not earlier than 14 days prior to  
 6 | the beginning of the qualifying period, to be processed and  
 7 | filed during the qualifying period.

8 |         (9) Notwithstanding the qualifying period prescribed  
 9 | by this section, in each year in which the Legislature  
 10 | apportions the state, the qualifying period for persons  
 11 | seeking to qualify for nomination or election to federal  
 12 | office shall be between noon of the 71st ~~57th~~ day prior to the  
 13 | primary election, but not later than noon of the 67th ~~53rd~~ day  
 14 | prior to the primary election.

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

18 |         Section 17. Subsections (2) and (4) of section 99.095,  
 19 | Florida Statutes, are amended to read:

20 |         99.095 Petition process in lieu of a qualifying fee  
 21 | and party assessment.--

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

31 |         (b) A candidate for a special district office shall



1 obtain 25 signatures of voters in the geographical area  
2 represented by the office sought.

3       ~~(c)(b)~~ The format of the petition shall be prescribed  
4 by the division and shall be used by candidates to reproduce  
5 petitions for circulation. If the candidate is running for an  
6 office that requires a group or district designation, the  
7 petition must indicate that designation and, if it does not,  
8 the signatures are not valid. A separate petition is required  
9 for each candidate.

10       (4)(a) Certifications for candidates for federal,  
11 state, ~~or~~ multicounty district, or multicounty special  
12 district office shall be submitted to the division no later  
13 than the 7th day before the first day of the qualifying period  
14 for the office sought. The division shall determine whether  
15 the required number of signatures has been obtained and shall  
16 notify the candidate.

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

21       Section 18. Effective upon this act becoming a law,  
22 section 99.096, Florida Statutes, is amended to read:

23       99.096 Minor political party candidates; names on  
24 ballot.--

25       ~~(1) No later than noon of the third day prior to the~~  
26 ~~first day of the qualifying period prescribed for federal~~  
27 ~~candidates, the executive committee of a minor political party~~  
28 ~~shall submit to the Department of State a list of federal~~  
29 ~~candidates nominated by the party to be on the general~~  
30 ~~election ballot. No later than noon of the third day prior to~~  
31 ~~the first day of the qualifying period for state candidates,~~

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1 ~~the executive committee of a minor political party shall~~  
2 ~~submit to the filing officer for each of the candidates the~~  
3 ~~official list of the state, multicounty, and county candidates~~  
4 ~~nominated by that party to be on the ballot in the general~~  
5 ~~election. The official list of nominated candidates may not be~~  
6 ~~changed by the party after having been filed with the filing~~  
7 ~~officers, except that vacancies in nominations may be filled~~  
8 ~~pursuant to s. 100.111.~~

9       (2) Each person seeking to qualify for election as a  
10 candidate of a minor political party shall file his or her  
11 qualifying papers with, and pay the qualifying fee and, if one  
12 has been levied, the party assessment, or qualify by the  
13 petition process pursuant to s. 99.095, with the officer and  
14 at the times and under the circumstances provided in s.  
15 99.061.

16       Section 19. Effective upon this act becoming a law,  
17 section 99.0965, Florida Statutes, is repealed.

18       Section 20. Paragraph (a) of subsection (2) of section  
19 100.041, Florida Statutes, is amended to read:

20       100.041 Officers chosen at general election.--

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

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1           Section 21. Effective upon this act becoming a law,  
2 section 100.051, Florida Statutes, is amended to read:

3           100.051 Candidate's name on general election  
4 ballot.--The supervisor of elections of each county shall  
5 print on ballots to be used in the county at the next general  
6 election the names of candidates who have been nominated by a  
7 political party, ~~other than a minor political party~~, and the  
8 candidates who have otherwise obtained a position on the  
9 general election ballot in compliance with the requirements of  
10 this code.

11           Section 22. Section 100.061, Florida Statutes, is  
12 amended to read:

13           100.061 Primary election.--In each year in which a  
14 general election is held, a primary election for nomination of  
15 candidates of political parties shall be held on the Tuesday  
16 10 ~~9~~ weeks prior to the general election. The candidate  
17 receiving the highest number of votes cast in each contest in  
18 the primary election shall be declared nominated for such  
19 office. If two or more candidates receive an equal and highest  
20 number of votes for the same office, such candidates shall  
21 draw lots to determine which candidate is nominated.

22           Section 23. Effective upon this act becoming a law,  
23 subsection (3) of section 100.111, Florida Statutes, is  
24 amended to read:

25           100.111 Filling vacancy.--

26           (3) Whenever there is a vacancy for which a special  
27 election is required pursuant to s. 100.101, the Governor,  
28 after consultation with the Secretary of State, shall fix the  
29 dates of a special primary election and a special election.  
30 Nominees of political parties ~~other than minor political~~  
31 ~~parties~~ shall be chosen under the primary laws of this state

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1 in the special primary election to become candidates in the  
2 special election. Prior to setting the special election dates,  
3 the Governor shall consider any upcoming elections in the  
4 jurisdiction where the special election will be held. The  
5 dates fixed by the Governor shall be specific days certain and  
6 shall not be established by the happening of a condition or  
7 stated in the alternative. The dates fixed shall provide a  
8 minimum of 2 weeks between each election. In the event a  
9 vacancy occurs in the office of state senator or member of the  
10 House of Representatives when the Legislature is in regular  
11 legislative session, the minimum times prescribed by this  
12 subsection may be waived upon concurrence of the Governor, the  
13 Speaker of the House of Representatives, and the President of  
14 the Senate. If a vacancy occurs in the office of state senator  
15 and no session of the Legislature is scheduled to be held  
16 prior to the next general election, the Governor may fix the  
17 dates for the special primary election and for the special  
18 election to coincide with the dates of the primary election  
19 and general election. If a vacancy in office occurs in any  
20 district in the state Senate or House of Representatives or in  
21 any congressional district, and no session of the Legislature,  
22 or session of Congress if the vacancy is in a congressional  
23 district, is scheduled to be held during the unexpired portion  
24 of the term, the Governor is not required to call a special  
25 election to fill such vacancy.

26 (a) The dates for candidates to qualify in such  
27 special election or special primary election shall be fixed by  
28 the Department of State, and candidates shall qualify not  
29 later than noon of the last day so fixed. The dates fixed for  
30 qualifying shall allow a minimum of 14 days between the last  
31 day of qualifying and the special primary election.

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1           (b) The filing of campaign expense statements by  
 2 candidates in such special elections or special primaries and  
 3 by committees making contributions or expenditures to  
 4 influence the results of such special primaries or special  
 5 elections shall be not later than such dates as shall be fixed  
 6 by the Department of State, and in fixing such dates the  
 7 Department of State shall take into consideration and be  
 8 governed by the practical time limitations.

9           (c) The dates for a candidate to qualify by the  
 10 petition process pursuant to s. 99.095 in such special primary  
 11 or special election shall be fixed by the Department of State.  
 12 In fixing such dates the Department of State shall take into  
 13 consideration and be governed by the practical time  
 14 limitations. Any candidate seeking to qualify by the petition  
 15 process in a special primary election shall obtain 25 percent  
 16 of the signatures required by s. 99.095.

17           (d) The qualifying fees and party assessments of such  
 18 candidates as may qualify shall be the same as collected for  
 19 the same office at the last previous primary for that office.  
 20 The party assessment shall be paid to the appropriate  
 21 executive committee of the political party to which the  
 22 candidate belongs.

23           (e) Each county canvassing board shall make as speedy  
 24 a return of the result of such special primary elections and  
 25 special elections as time will permit, and the Elections  
 26 Canvassing Commission likewise shall make as speedy a canvass  
 27 and declaration of the nominees as time will permit.

28           Section 24. Section 100.191, Florida Statutes, is  
 29 amended to read:

30           100.191 General election laws applicable to special  
 31 elections; returns.--All laws that are applicable to general

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1 elections are applicable to special elections or special  
 2 primary elections to fill a vacancy in office or nomination,  
 3 ~~except that the canvass of returns by the county canvassing~~  
 4 ~~board of each county in which a special election is held shall~~  
 5 ~~be made on the day following the election, and the certificate~~  
 6 ~~of the result of the canvass shall be immediately forwarded to~~  
 7 ~~the Department of State. The Elections Canvassing Commission~~  
 8 shall immediately, upon receipt of returns from the county in  
 9 which a special election is held, proceed to canvass the  
 10 returns and determine and declare the result thereof.

11 Section 25. Effective August 1, 2007, subsections (1)  
 12 and (3) of section 100.371, Florida Statutes, are amended,  
 13 present subsection (6) of that section is renumbered as  
 14 subsection (7) and amended, and a new subsection (6) is added  
 15 to that section, to read:

16 100.371 Initiatives; procedure for placement on  
 17 ballot.--

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

28 (3) Each signature shall be dated when made and shall  
 29 be valid for a period of 4 years following such date, provided  
 30 all other requirements of law are met. The sponsor shall  
 31 submit signed and dated forms to the appropriate supervisor of

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1 | elections for verification as to the number of registered  
 2 | electors whose valid signatures appear thereon. The supervisor  
 3 | shall promptly verify the signatures within 30 days of receipt  
 4 | of the petition forms and upon payment of the fee required by  
 5 | s. 99.097. The supervisor shall promptly record ~~each valid~~  
 6 | ~~signature~~ in the statewide voter registration system, in the  
 7 | manner prescribed by the Secretary of State, the date each  
 8 | form is received by the supervisor and the date the signature  
 9 | on the form is verified as valid. The supervisor may verify  
 10 | that the signature on a form is valid only if:

11 |       (a) The form contains the original signature of the  
 12 | purported elector.

13 |       (b) The purported elector has accurately recorded on  
 14 | the form the date on which he or she signed the form.

15 |       (c) The form accurately sets forth the purported  
 16 | elector's name, street address, county, and voter registration  
 17 | number or date of birth.

18 |       (d) The purported elector is, at the time he or she  
 19 | signs the form, a duly qualified and registered elector  
 20 | authorized to vote in the county in which his or her signature  
 21 | is submitted.

22 |  
 23 | The supervisor shall retain the signature forms for at least 1  
 24 | year following the election in which the issue appeared on the  
 25 | ballot or until the Division of Elections notifies the  
 26 | supervisors of elections that the committee which circulated  
 27 | the petition is no longer seeking to obtain ballot position.

28 |       (6)(a) An elector's signature on a petition form may  
 29 | be revoked within 150 days of the date on which he or she  
 30 | signed the petition form by submitting to the appropriate  
 31 | supervisor of elections a signed petition-revocation form

1 adopted by rule for this purpose by the division.

2 (b) The petition-revocation form and the manner in  
3 which signatures are obtained, submitted, and verified shall  
4 be subject to the same relevant requirements and timeframes as  
5 the corresponding petition form and processes under this code  
6 and shall be approved by the Secretary of State before any  
7 signature on a petition-revocation form is obtained.

8 (c) Supervisors of elections shall provide  
9 petition-revocation forms to the public at all main and branch  
10 offices.

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

23 ~~(7)(6)~~ The Department of State may adopt rules in  
24 accordance with s. 120.54 to carry out the provisions of  
25 subsections ~~(1)-(6)~~ ~~(1)-(5)~~.

26 Section 26. Subsection (1) of section 101.043, Florida  
27 Statutes, is amended to read:

28 101.043 Identification required at polls.--

29 (1) The precinct register, as prescribed in s. 98.461,  
30 shall be used at the polls for the purpose of identifying the  
31 elector at the polls prior to allowing him or her to vote. The



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1 clerk or inspector shall require each elector, upon entering  
 2 the polling place, to present one of the following current and  
 3 valid picture identifications:

- 4 (a) Florida driver's license.
- 5 (b) Florida identification card issued by the  
 6 Department of Highway Safety and Motor Vehicles.
- 7 (c) United States passport.
- 8 ~~(d) Employee badge or identification.~~
- 9 ~~(e) Buyer's club identification.~~
- 10 (d)~~(f)~~ Debit or credit card.
- 11 (e)~~(g)~~ Military identification.
- 12 (f)~~(h)~~ Student identification.
- 13 (g)~~(i)~~ Retirement center identification.
- 14 (h)~~(j)~~ Neighborhood association identification.
- 15 (i)~~(k)~~ Public assistance identification.

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

28 Section 27. Subsection (1) of section 101.048, Florida  
 29 Statutes, is amended to read:

30 101.048 Provisional ballots.--

- 31 (1) At all elections, a voter claiming to be properly

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1 registered in the state and eligible to vote at the precinct  
 2 in the election but whose eligibility cannot be determined, a  
 3 person whom an election official asserts is not eligible, and  
 4 other persons specified in the code shall be entitled to vote  
 5 a provisional ballot. Once voted, the provisional ballot shall  
 6 be placed in a secrecy envelope and thereafter sealed in a  
 7 provisional ballot envelope. The provisional ballot shall be  
 8 deposited in a ballot box. All provisional ballots shall  
 9 remain sealed in their envelopes for return to the supervisor  
 10 of elections. The department shall prescribe the form of the  
 11 provisional ballot envelope. A person casting a provisional  
 12 ballot shall have the right to present written evidence  
 13 supporting his or her eligibility to vote to the supervisor of  
 14 elections by not later than 5 p.m. on the second ~~third~~ day  
 15 following the election.

16 Section 28. Subsection (1) of section 101.573, Florida  
 17 Statutes, is amended to read:

18 101.573 Record of votes by precinct.--

19 (1) Within 35 ~~75~~ days after the date of a municipal  
 20 election or runoff, whichever occurs later, a presidential  
 21 preference primary, a primary election, a special election, or  
 22 a general election, the supervisor of elections shall file  
 23 with the Department of State precinct-level election results,  
 24 in an electronic format specified by the Department of State,  
 25 for that election cycle, ~~including any primary elections.~~  
 26 Precinct-level election results shall separately record for  
 27 each precinct all demographic data associated with each  
 28 precinct at book close for each election, individual vote  
 29 history, the returns of ballots cast at the precinct location,  
 30 ~~to which have been added~~ the returns of absentee ballots cast  
 31 by voters registered in the precinct, and the returns of early

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1 | ballots cast by voters registered in the precinct. The data  
 2 | are required to be cross referenced by political party and  
 3 | other demographic information as defined by the Department of  
 4 | State. The Department of State shall create a uniform system  
 5 | for the collection and reporting of such precinct-level  
 6 | election results and vote history.

7 |           Section 29. Subsections (6) and (8) of section  
 8 | 101.6103, Florida Statutes, are amended to read:

9 |           101.6103 Mail ballot election procedure.--

10 |           (6) The canvassing board may begin the canvassing of  
 11 | mail ballots at 7 a.m. on the sixth ~~fourth~~ day before the  
 12 | election, including processing the ballots through the  
 13 | tabulating equipment. However, results may not be released  
 14 | until after 7 p.m. on election day. Any canvassing board  
 15 | member or election employee who releases any result before 7  
 16 | p.m. on election day commits a felony of the third degree,  
 17 | punishable as provided in s. 775.082, s. 775.083, or s.  
 18 | 775.084.

19 |           (8) ~~Effective July 1, 2005,~~ A ballot that otherwise  
 20 | satisfies the requirements of subsection (5) shall be counted  
 21 | even if the elector dies after mailing the ballot but before  
 22 | election day, as long as, prior to the death of the voter, the  
 23 | ballot was:

- 24 |           (a) Postmarked by the United States Postal Service;
- 25 |           (b) Date-stamped with a verifiable tracking number by
- 26 | common carrier; or
- 27 |           (c) Already in the possession of the supervisor of
- 28 | elections.

29 |           Section 30. Effective July 1, 2007, subsections (1)  
 30 | and (4) of section 101.62, Florida Statutes, are amended to  
 31 | read:

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1 101.62 Request for absentee ballots.--

2 (1)(a) The supervisor may accept a request for an  
3 absentee ballot from an elector in person or in writing.  
4 Except as provided in s. 101.694, one request shall be deemed  
5 sufficient to receive an absentee ballot for all elections  
6 through the next two regularly scheduled general elections  
7 ~~which are held within a calendar year~~, unless the elector or  
8 the elector's designee indicates at the time the request is  
9 made the elections for which the elector desires to receive an  
10 absentee ballot. Such request may be considered canceled when  
11 any first-class mail sent by the supervisor to the elector is  
12 returned as undeliverable.

13 (b) The supervisor may accept a written or telephonic  
14 request for an absentee ballot from the elector, or, if  
15 directly instructed by the elector, a member of the elector's  
16 immediate family, or the elector's legal guardian. For  
17 purposes of this section, the term "immediate family" has the  
18 same meaning as specified in paragraph (4)(b). The person  
19 making the request must disclose:

- 20 1. The name of the elector for whom the ballot is
- 21 requested;
- 22 2. The elector's address;
- 23 3. The elector's date of birth;
- 24 4. The requester's name;
- 25 5. The requester's address;
- 26 6. The requester's driver's license number, if
- 27 available;
- 28 7. The requester's relationship to the elector; and
- 29 8. The requester's signature (written requests only).

30 (4)(a) To each absent qualified elector overseas who  
31 has requested an absentee ballot, the supervisor of elections

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1 shall mail an absentee ballot not less ~~fewer~~ than 35 days  
2 before the primary election and not less than 45 days before  
3 the ~~or~~ general election.

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

7 1. By nonforwardable, return-if-undeliverable mail to  
8 the elector's current mailing address on file with the  
9 supervisor, unless the elector specifies in the request that:

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

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

15 c. The elector is in a hospital, assisted-living  
16 facility, nursing home, short-term medical or rehabilitation  
17 facility, or correctional facility,

18  
19 in which case the supervisor shall mail the ballot by  
20 nonforwardable, return-if-undeliverable mail to any other  
21 address the elector specifies in the request.

22 2. By forwardable mail to voters who are entitled to  
23 vote by absentee ballot under the Uniformed and Overseas  
24 Citizens Absentee Voting Act.

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

28 4. By delivery to a designee on election day or up to  
29 5 ~~4~~ days prior to the day of an election. Any elector may  
30 designate in writing a person to pick up the ballot for the  
31 elector; however, the person designated may not pick up more

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1 than two absentee ballots per election, other than the  
 2 designee's own ballot, except that additional ballots may be  
 3 picked up for members of the designee's immediate family. For  
 4 purposes of this section, "immediate family" means the  
 5 designee's spouse or the parent, child, grandparent, or  
 6 sibling of the designee or of the designee's spouse. The  
 7 designee shall provide to the supervisor the written  
 8 authorization by the elector and a picture identification of  
 9 the designee and must complete an affidavit. The designee  
 10 shall state in the affidavit that the designee is authorized  
 11 by the elector to pick up that ballot and shall indicate if  
 12 the elector is a member of the designee's immediate family  
 13 and, if so, the relationship. The department shall prescribe  
 14 the form of the affidavit. If the supervisor is satisfied that  
 15 the designee is authorized to pick up the ballot and that the  
 16 signature of the elector on the written authorization matches  
 17 the signature of the elector on file, the supervisor shall  
 18 give the ballot to that designee for delivery to the elector.

19 Section 31. Subsection (2) of section 101.68, Florida  
 20 Statutes, is amended to read:

21 101.68 Canvassing of absentee ballot.--

22 (2)(a) The county canvassing board may begin the  
 23 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~  
 24 day before the election, but not later than noon on the day  
 25 following the election. In addition, for any county using  
 26 electronic tabulating equipment, the processing of absentee  
 27 ballots through such tabulating equipment may begin at 7 a.m.  
 28 on the sixth ~~fourth~~ day before the election. However,  
 29 notwithstanding any such authorization to begin canvassing or  
 30 otherwise processing absentee ballots early, no result shall  
 31 be released until after the closing of the polls in that

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1 county on election day. Any supervisor of elections, deputy  
2 supervisor of elections, canvassing board member, election  
3 board member, or election employee who releases the results of  
4 a canvassing or processing of absentee ballots prior to the  
5 closing of the polls in that county on election day commits a  
6 felony of the third degree, punishable as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

8 (b) To ensure that all absentee ballots to be counted  
9 by the canvassing board are accounted for, the canvassing  
10 board shall compare the number of ballots in its possession  
11 with the number of requests for ballots received to be counted  
12 according to the supervisor's file or list.

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

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1 the envelope: "rejected as illegal." The envelope and the  
 2 ballot contained therein shall be preserved in the manner that  
 3 official ballots voted are preserved.

4           2. If any elector or candidate present believes that  
 5 an absentee ballot is illegal due to a defect apparent on the  
 6 voter's certificate, he or she may, at any time before the  
 7 ballot is removed from the envelope, file with the canvassing  
 8 board a protest against the canvass of that ballot, specifying  
 9 the precinct, the ballot, and the reason he or she believes  
 10 the ballot to be illegal. A challenge based upon a defect in  
 11 the voter's certificate may not be accepted after the ballot  
 12 has been removed from the mailing envelope.

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

24           Section 32. Subsection (2) of section 102.112, Florida  
 25 Statutes, is amended to read:

26           102.112 Deadline for submission of county returns to  
 27 the Department of State.--

28           (2) Returns must be filed by 5 p.m. on the 7th day  
 29 following a primary election and by noon ~~5 p.m.~~ on the 12th  
 30 ~~11th~~ day following the general election. However, the  
 31 Department of State may correct typographical errors,



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1 including the transposition of numbers, in any returns  
2 submitted to the Department of State pursuant to s.  
3 102.111(1).

4 Section 33. Present subsections (4) through (9) of  
5 section 102.141, Florida Statutes, are renumbered as  
6 subsections (5) through (10), respectively, present  
7 subsections (4) and (6) of that section are amended, and a new  
8 subsection (4) is added to that section, to read:

9 102.141 County canvassing board; duties.--

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

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

23 (7)(6) If the unofficial returns reflect that a  
24 candidate for any office was defeated or eliminated by  
25 one-half of a percent or less of the votes cast for such  
26 office, that a candidate for retention to a judicial office  
27 was retained or not retained by one-half of a percent or less  
28 of the votes cast on the question of retention, or that a  
29 measure appearing on the ballot was approved or rejected by  
30 one-half of a percent or less of the votes cast on such  
31 measure, the board responsible for certifying the results of

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1 the vote on such race or measure shall order a recount of the  
 2 votes cast with respect to such office or measure. The  
 3 Elections Canvassing Commission is the board responsible for  
 4 ordering federal, state, and multicounty recounts. A recount  
 5 need not be ordered with respect to the returns for any  
 6 office, however, if the candidate or candidates defeated or  
 7 eliminated from contention for such office by one-half of a  
 8 percent or less of the votes cast for such office request in  
 9 writing that a recount not be made.

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

31 (b) Each canvassing board responsible for conducting a

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1 recount where touchscreen ballots were used shall examine the  
 2 counters on the precinct tabulators to ensure that the total  
 3 of the returns on the precinct tabulators equals the overall  
 4 election return. If there is a discrepancy between the overall  
 5 election return and the counters of the precinct tabulators,  
 6 the counters of the precinct tabulators shall be presumed  
 7 correct and such votes shall be canvassed accordingly.

8 (c) The canvassing board shall submit on forms or in  
 9 formats provided by the division a second set of unofficial  
 10 returns to the Department of State for each federal,  
 11 statewide, state, or multicounty office or ballot measure no  
 12 later than 3 p.m. on the fifth day after any primary election  
 13 and no later than 3 p.m. on the ninth ~~eighth~~ day after any  
 14 general election in which a recount was conducted pursuant to  
 15 this subsection. If the canvassing board is unable to complete  
 16 the recount prescribed in this subsection by the deadline, the  
 17 second set of unofficial returns submitted by the canvassing  
 18 board shall be identical to the initial unofficial returns and  
 19 the submission shall also include a detailed explanation of  
 20 why it was unable to timely complete the recount. However, the  
 21 canvassing board shall complete the recount prescribed in this  
 22 subsection, along with any manual recount prescribed in s.  
 23 102.166, and certify election returns in accordance with the  
 24 requirements of this chapter.

25 (d) The Department of State shall adopt detailed rules  
 26 prescribing additional recount procedures for each certified  
 27 voting system, which shall be uniform to the extent  
 28 practicable.

29 Section 34. Paragraph (b) of subsection (5) of section  
 30 102.166, Florida Statutes, is amended to read:

31 102.166 Manual recounts.--

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

2 (b) Each duplicate ballot prepared pursuant to s.

3 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared

4 with the original ballot to ensure the correctness of the

5 duplicate.

6 Section 35. Subsection (3) is added to section

7 103.081, Florida Statutes, to read:

8 103.081 Use of party name; political advertising.--

9 (3) A political party may file with the Department of

10 State names of groups or committees associated with the

11 political party. Such filed names may not be used without

12 first obtaining the written permission of the chair of the

13 state executive committee of the party.

14 Section 36. Subsections (1) and (4) and paragraph (b)

15 of subsection (6) of section 103.091, Florida Statutes, are

16 amended to read:

17 103.091 Political parties.--

18 (1) Each political party of the state shall be

19 represented by a state executive committee. County executive

20 committees and other committees may be established in

21 accordance with the rules of the state executive committee. A

22 political party may provide for the selection of its national

23 committee and its state and county executive committees in

24 such manner as it deems proper. Unless otherwise provided by

25 party rule, the county executive committee of each political

26 party shall consist of at least two members, a man and a

27 woman, from each precinct, who shall be called the precinct

28 committeeman and committeewoman. For counties divided into 40

29 or more precincts, the state executive committee may adopt a

30 district unit of representation for such county executive

31 committees. Upon adoption of a district unit of

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1 representation, the state executive committee shall request  
 2 the supervisor of elections of that county, with approval of  
 3 the board of county commissioners, to provide for election  
 4 districts as nearly equal in number of registered voters as  
 5 possible. Each county committeeman or committeewoman shall be  
 6 a resident of the precinct from which he or she is elected.  
 7 Each state committeeman or committeewoman must be a member in  
 8 good standing of the county executive committee for the county  
 9 in which the state committeeman or committeewoman is a  
 10 registered voter.

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

31 (6)

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1 (b) Each state executive committee shall include, as  
2 at-large committeemen and committeewomen, all members of the  
3 United States Congress representing the State of Florida who  
4 are members of the political party, all statewide elected  
5 officials who are members of the party, 10 Florida registered  
6 voters who are members of the party as appointed by the  
7 Governor if the Governor is a member of the party, and the  
8 President of the Senate or the Minority Leader in the Senate,  
9 and the Speaker of the House of Representatives or the  
10 Minority Leader in the House of Representatives, whichever is  
11 a member of the political party, and 20 members of the  
12 Legislature who are members of the political party. Ten of  
13 the legislators shall be appointed with the concurrence of the  
14 state chair of the respective party, as follows: five to be  
15 appointed by the President of the Senate; five by the Minority  
16 Leader in the Senate; five by the Speaker of the House of  
17 Representatives; and five by the Minority Leader in the House.

18 Section 37. Section 103.141, Florida Statutes, is  
19 amended to read:

20 103.141 Removal of county executive committee member  
21 for violation of oath.--

22 (1) Where the county executive committee by at least a  
23 two-thirds majority vote of the members of the committee,  
24 attending a meeting held after due notice has been given and  
25 at which meeting a quorum is present, determines an incumbent  
26 county executive committee member to be guilty of an offense  
27 involving a violation of the member's oath of office, said  
28 member so violating his or her oath shall be removed from  
29 office and the office shall be deemed vacant. Provided,  
30 however, if the county committee wrongfully removes a county  
31 committee member and the committee member so wrongfully

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1 removed files suit in the circuit court alleging his or her  
 2 removal was wrongful and wins said suit, the committee member  
 3 shall be restored to office and the county committee shall pay  
 4 the costs incurred by the wrongfully removed committee member  
 5 in bringing the suit, including reasonable attorney's fees.

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

25 Section 38. Section 103.151, Florida Statutes, is  
 26 repealed.

27 Section 39. Section 103.161, Florida Statutes, is  
 28 created to read:

29 103.161 Removal or suspension of officers or members  
 30 of state executive committee or county executive committee.--

31 (1) The chairman of the state executive committee is

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1 empowered to remove or suspend from an office within the  
2 chairman's political party any officer, state committeeman,  
3 state committeewoman, county committeeman, county  
4 committeewoman, precinct committeeman, precinct  
5 committeewoman, or other member of a state executive  
6 committee, county executive committee, political party club,  
7 or other organization using the political party name as  
8 provided in s. 103.081 for a violation of the oath of office  
9 taken by such individual or for engaging in other activities  
10 described in this section.

11 (2) Such violation may include engaging in activities  
12 that have or could have injured the name or status of the  
13 political party or interfered with the activities of the  
14 political party. The chairman has sole discretion to determine  
15 if a violation occurred.

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

27 (4) An individual removed from office by the chairman  
28 shall not be eligible to serve on the state executive  
29 committee or any county executive committee of the political  
30 party for a period of no less than 4 years from the effective  
31 date of the removal.



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1 Section 40. Subsection (1) of section 105.031, Florida  
2 Statutes, is amended to read:

3 105.031 Qualification; filing fee; candidate's oath;  
4 items required to be filed.--

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

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1 this subsection shall be entitled to have his or her name  
2 printed on the ballot.

3 Section 41. Paragraph (c) of subsection (1) of section  
4 106.021, Florida Statutes, is amended to read:

5 106.021 Campaign treasurers; deputies; primary and  
6 secondary depositories.--

7 (1)

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

19 Section 42. Subsection (1) of section 106.04, Florida  
20 Statutes, is amended to read:

21 106.04 Committees of continuous existence.--

22 (1) In order to qualify as a committee of continuous  
23 existence for the purposes of this chapter, a group,  
24 organization, association, or other such entity which is  
25 involved in making contributions to candidates, political  
26 committees, or political parties, shall meet the following  
27 criteria:

28 (a) It shall be organized and operated in accordance  
29 with a written charter or set of bylaws which contains  
30 procedures for the election of officers and directors and  
31 which clearly defines membership in the organization; and

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1           (b) At least 25 percent of the income of such  
2 organization, excluding interest, must be derived from dues or  
3 assessments payable on a regular basis by its membership  
4 pursuant to provisions contained in the charter or bylaws.  
5 Dues may be collected by a group, organization, association,  
6 or other such entity from its members and forwarded to the  
7 committee of continuous existence. The committee of continuous  
8 existence shall report such dues as if it had received the  
9 dues directly from its members, in the manner prescribed in  
10 subsection (4).

11           Section 43. Section 106.055, Florida Statutes, is  
12 amended to read:

13           106.055 Valuation of in-kind contributions.--Any  
14 person who makes an in-kind contribution shall, at the time of  
15 making such contribution, place a value on such contribution,  
16 which valuation shall be the fair market value of such  
17 contribution. Travel conveyed upon private aircraft shall be  
18 valued at the actual cost of per person commercial air travel  
19 for the same or a substantially similar route.

20           Section 44. Subsection (10) is added to section  
21 106.08, Florida Statutes, to read:

22           106.08 Contributions; limitations on.--  
23           (10) Contributions to a political committee or  
24 committee of continuous existence may be received by an  
25 affiliated organization and transferred to the bank account of  
26 the political committee or committee of continuous existence  
27 via check written from the affiliated organization if such  
28 contributions are specifically identified as intended to be  
29 contributed to the political committee or committee of  
30 continuous existence. All contributions received in this  
31 manner shall be reported pursuant to s. 106.07 by the

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1 political committee or committee of continuous existence as  
2 having been made by the original contributor.

3 Section 45. Section 106.09, Florida Statutes, is  
4 amended to read:

5 106.09 Cash contributions and contribution by  
6 cashier's checks.--

7 (1) A person may not make or accept a cash  
8 contribution or contribution by means of a cashier's check in  
9 excess of \$50 ~~\$100~~.

10 (2)(a) Any person who makes or accepts a contribution  
11 in excess of \$50 ~~\$100~~ in violation of this section commits a  
12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083.

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

18 Section 46. Subsection (1) of section 106.143, Florida  
19 Statutes, is amended to read:

20 106.143 Political advertisements circulated prior to  
21 election; requirements.--

22 (1)(a) Any political advertisement that is paid for by  
23 a candidate and that is published, displayed, or circulated  
24 prior to, or on the day of, any election must prominently  
25 state: "Political advertisement paid for and approved by  
26 ...(name of candidate)..., ...(party affiliation)..., for  
27 ...(office sought)...."

28 (b) Any other political advertisement published,  
29 displayed, or circulated prior to, or on the day of, any  
30 election must prominently:

31 1. Be marked "paid political advertisement" or with

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1 the abbreviation "pd. pol. adv."

2           2. State the name and address of the persons  
3 sponsoring the advertisement.

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

8           (II) State who provided or paid for the advertisement  
9 and cost of production, if different from the source of  
10 sponsorship.

11           b. This subparagraph does not apply if the source of  
12 the sponsorship is patently clear from the content or format  
13 of the political advertisement.

14           (c) Any political advertisement made pursuant to s.  
15 106.021(3)(d) must be marked "paid political advertisement" or  
16 with the abbreviation "pd. pol. adv." and must prominently  
17 state, "Paid for and sponsored by ...(name of person paying  
18 for political advertisement). Approved by...(names of persons,  
19 party affiliation, and offices sought in the political  
20 advertisement)."...

21  
22 This subsection does not apply to campaign messages used by a  
23 candidate and the candidate's supporters if those messages are  
24 designed to be worn by a person.

25           Section 47. Section 106.17, Florida Statutes, is  
26 amended to read:

27           106.17 Polls and surveys relating to candidacies.--Any  
28 candidate, political committee, committee of continuous  
29 existence, electioneering communication organization, or state  
30 or county executive committee of a political party may  
31 authorize or conduct a political poll, survey, index, or

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1 measurement of any kind relating to candidacy for public  
 2 office so long as the candidate, political committee,  
 3 committee of continuous existence, electioneering  
 4 communication organization, or political party maintains  
 5 complete jurisdiction over the poll in all its aspects.

6 Section 48. Section 106.25, Florida Statutes, is  
 7 amended to read:

8 106.25 Reports of alleged violations to Florida  
 9 Elections Commission; disposition of findings.--

10 (1) Jurisdiction to investigate and determine  
 11 violations of this chapter and chapter 104 is vested in the  
 12 Florida Elections Commission; however, nothing in this section  
 13 limits the jurisdiction of any other officers or agencies of  
 14 government empowered by law to investigate, act upon, or  
 15 dispose of alleged violations of this code.

16 (2) The commission shall investigate all violations of  
 17 this chapter and chapter 104, but only after having received  
 18 either a sworn complaint or information reported to it under  
 19 this subsection by the Division of Elections. Such sworn  
 20 complaint must be based upon personal information or  
 21 information other than hearsay. Any person, other than the  
 22 division, having information of any violation of this chapter  
 23 or chapter 104 shall file a sworn complaint with the  
 24 commission. The commission shall investigate only those  
 25 alleged violations specifically contained within the sworn  
 26 complaint. If any complainant fails to allege all violations  
 27 that arise from the facts or allegations alleged in a  
 28 complaint, the commission shall be barred from investigating a  
 29 subsequent complaint from such complainant that is based upon  
 30 such facts or allegations that were raised or could have been  
 31 raised in the first complaint. If the complaint includes

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

1 withdrawal.

2 (3) For the purposes of commission jurisdiction, a  
 3 violation shall mean the willful performance of an act  
 4 prohibited by this chapter or chapter 104 or the willful  
 5 failure to perform an act required by this chapter or chapter  
 6 104. Willfulness is a determination of fact; however, at the  
 7 request of the respondent, willfulness may be considered and  
 8 determined in an informal hearing before the commission.

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

29 (a) When the investigator's report is completed, the  
 30 executive director shall notify the respondent that the report  
 31 is completed and shall send to the respondent a copy of the



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1 investigator's report. The investigatory file and main  
2 complaint file shall be open for inspection by the respondent  
3 and the respondent's counsel at that time, and copies may be  
4 obtained at no more than cost.

5 (b) The respondent shall be given not less than 14  
6 days from the date of mailing of the investigator's report to  
7 file with the commission a written response to the  
8 investigator's report. This time period may be shortened with  
9 the consent of the respondent, or without the consent of the  
10 respondent when the passage of time could reasonably be  
11 expected to render moot the ultimate disposition of the matter  
12 by the commission so long as reasonable notice under the  
13 circumstances is given.

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

31 (d) The respondent and each complainant, their

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1 counsel, and the counsel for the commission shall be permitted  
 2 to attend the hearing at which the probable cause  
 3 determination is made. Notice of the hearing shall be sent to  
 4 the respondent, each complainant, and counsel for the  
 5 commission at least 14 days before the hearing. This time  
 6 period may be shortened with the consent of the respondent, or  
 7 without the consent of the respondent when the passage of time  
 8 could reasonably be expected to render moot the ultimate  
 9 disposition of the matter by the commission, so long as the  
 10 notice is furnished within a reasonable period of time under  
 11 the circumstances.

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

24 (f) At its meeting to determine probable cause, the  
 25 commission may continue its determination to allow further  
 26 investigation; may order the issuance of a public report of  
 27 its investigation if it finds no probable cause to believe  
 28 that there has been a violation of this chapter or chapter  
 29 104, concluding the matter before it; may order a final,  
 30 public hearing of the complaint if it finds probable cause to  
 31 believe that there has been a violation of this chapter or

1 chapter 104; or may take such other action as it deems  
2 necessary to resolve the complaint, consistent with due  
3 process of law. In making its determination, the commission  
4 may consider:

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

7 2. The admissions and other stipulations of the  
8 respondent, if any;

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

11 4. The expense of further proceedings; and

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

14  
15 If the commission finds probable cause, the commission shall  
16 determine what charges shall be at issue.

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

28 (h)(b) If probable cause is found, the commission  
29 shall so notify the complainant and the alleged violator in  
30 writing. All documents made or received in the disposition of  
31 the complaint shall become public records upon a finding by

1 the commission.

2 (i)1. Upon a commission finding of probable cause, the  
3 counsel for the commission shall attempt to reach a consent  
4 agreement with the respondent.

5 2. A consent agreement is not binding upon either  
6 party unless and until it is signed by the respondent and by  
7 counsel for the commission upon approval by the commission.

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

18 (j) If a consent agreement is reached between the  
19 commission and the respondent, counsel for the commission  
20 shall send a copy of the signed agreement to both complainant  
21 and respondent.

22  
23 In a case where probable cause is found, the commission shall  
24 make a preliminary determination to consider the matter or to  
25 refer the matter to the state attorney for the judicial  
26 circuit in which the alleged violation occurred.

27 Notwithstanding any other provisions of this section, the  
28 commission may, at its discretion, dismiss any complaint at  
29 any stage of disposition if it determines that the public  
30 interest would not be served by proceeding further, in which  
31 case the commission shall issue a public report stating with

1 particularity its reasons for the dismissal.

2           (5) ~~Unless when there are disputed issues of material~~  
3 ~~fact in a proceeding conducted under ss. 120.569 and 120.57, a~~  
4 person alleged by the Elections Commission to have committed a  
5 violation of this chapter or chapter 104 elects ~~may elect~~,  
6 within 30 days after the date of the filing of the  
7 commission's allegations, to have a formal or informal hearing  
8 conducted before the commission, or elects to resolve the  
9 complaint by consent order, such person shall be entitled to a  
10 formal administrative hearing conducted by an administrative  
11 law judge in the Division of Administrative Hearings. The  
12 administrative law judge in such proceedings shall enter a  
13 final order subject to appeal as provided in s. 120.68.

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

23           (7) Every sworn complaint filed pursuant to this  
24 chapter with the commission, every investigation and  
25 investigative report or other paper of the commission with  
26 respect to a violation of this chapter or chapter 104, and  
27 every proceeding of the commission with respect to a violation  
28 of this chapter or chapter 104 is confidential, is exempt from  
29 the provisions of ss. 119.07(1) and 286.011, and is exempt  
30 from publication in the Florida Administrative Weekly of any  
31 notice or agenda with respect to any proceeding relating to

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1 such violation, except under the following circumstances:

2 (a) As provided in subsection (6);

3 (b) Upon a determination of probable cause or no  
4 probable cause by the commission; or

5 (c) For proceedings conducted with respect to appeals  
6 of fines levied by filing officers for the late filing of  
7 reports required by this chapter.

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

31 (8) Any person who files a complaint pursuant to this

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1 section while knowing that the allegations contained in such  
2 complaint are false or without merit commits a misdemeanor of  
3 the first degree, punishable as provided in s. 775.082 or s.  
4 775.083.

5 (9) The commission shall maintain a database of all  
6 final orders and agency actions. Such database shall be  
7 available to the public and shall be maintained in such a  
8 manner as to be searchable, at a minimum, by issue, statutes,  
9 individuals, or entities referenced.

10 Section 49. Subsection (4) of section 106.35, Florida  
11 Statutes, is amended to read:

12 106.35 Distribution of funds.--

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

16 Section 50. Section 112.51, Florida Statutes, is  
17 amended to read:

18 112.51 Municipal officers; suspension; removal from  
19 office.--

20 (1) By executive order stating the grounds for the  
21 suspension and filed with the Secretary of State, the Governor  
22 may suspend from office any elected or appointed municipal  
23 official for malfeasance, misfeasance, neglect of duty,  
24 habitual drunkenness, incompetence, or permanent inability to  
25 perform official duties.

26 (2) Whenever any elected or appointed municipal  
27 official is arrested for a felony or for a misdemeanor related  
28 to the duties of office or is indicted or informed against for  
29 the commission of a federal felony or misdemeanor or state  
30 felony or misdemeanor, the Governor has the power to suspend  
31 such municipal official from office.

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1           (3) The suspension of such official by the Governor  
 2 creates a temporary vacancy in such office during the  
 3 suspension. Any temporary vacancy in office created by  
 4 suspension of an official under the provisions of this section  
 5 shall be filled by a temporary appointment to such office for  
 6 the period of the suspension. Such temporary appointment  
 7 shall be made in the same manner and by the same authority by  
 8 which a permanent vacancy in such office is filled as provided  
 9 by law. If no provision for filling a permanent vacancy in  
 10 such office is provided by law, the temporary appointment  
 11 shall be made by the Governor.

12           (4) No municipal official who has been suspended from  
 13 office under this section may perform any official act, duty,  
 14 or function during his or her suspension; receive any pay or  
 15 allowance during his or her suspension; or be entitled to any  
 16 of the emoluments or privileges of his or her office during  
 17 suspension.

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

31           (6) If the municipal official is acquitted or found



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1 not guilty or is otherwise cleared of the charges which were  
2 the basis of the arrest, indictment, or information by reason  
3 of which he or she was suspended under the provisions of this  
4 section, then the Governor shall forthwith revoke the  
5 suspension and restore such municipal official to office; and  
6 the official shall be entitled to and be paid full back pay  
7 and such other emoluments or allowances to which he or she  
8 would have been entitled for the full period of time of the  
9 suspension. If, during the suspension, the term of office of  
10 the municipal official expires and a successor is either  
11 appointed or elected, such back pay, emoluments, or allowances  
12 shall only be paid for the duration of the term of office  
13 during which the municipal official was suspended under the  
14 provisions of this section, and he or she shall not be  
15 reinstated.

16 Section 51. Section 106.37, Florida Statutes, is  
17 repealed.

18 Section 52. Subsections (2) and (3) of section  
19 189.405, Florida Statutes, are amended to read:

20 189.405 Elections; general requirements and  
21 procedures; education programs.--

22 (2)(a) Any independent special district located  
23 entirely in a single county may provide for the conduct of  
24 district elections by the supervisor of elections for that  
25 county. Any independent special district that conducts its  
26 elections through the office of the supervisor shall make  
27 election procedures consistent with the Florida Election Code.

28 (b) Any independent special district not conducting  
29 district elections through the supervisor of elections shall  
30 report to the supervisor in a timely manner the purpose, date,  
31 authorization, procedures, and results of each election

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1 conducted by the district.

2 (c) A candidate for a position on a governing board of  
3 a single-county special district that has its elections  
4 conducted by the supervisor of elections shall qualify for the  
5 office with the county supervisor of elections in whose  
6 jurisdiction the district is located. Elections for governing  
7 board members elected by registered electors shall be  
8 nonpartisan, except when partisan elections are specified by a  
9 district's charter. Candidates shall qualify as directed by  
10 chapter 99. ~~by paying a filing fee equal to 3 percent of the~~  
11 ~~salary or honorarium paid for the office, or a filing fee of~~  
12 ~~\$25, whichever is more. Alternatively, candidates may qualify~~  
13 ~~by submitting a petition that contains the signatures of at~~  
14 ~~least 3 percent of the district's registered electors, or any~~  
15 ~~lesser amount of signatures directed by chapter 99, chapter~~  
16 ~~582, or other general or special law. No election or party~~  
17 ~~assessment shall be levied if the election is nonpartisan. The~~  
18 ~~qualifying fee shall be remitted to the general revenue fund~~  
19 ~~of the qualifying officer to help defray the cost of the~~  
20 ~~election. The petition form shall be submitted and checked in~~  
21 ~~the same manner as those for nonpartisan judicial candidates~~  
22 ~~pursuant to s. 105.035.~~

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

27 (b) With the exception of those districts conducting  
28 elections on a one-acre/one-vote basis, qualifying for  
29 multicounty special district governing board positions shall  
30 be coordinated by the Department of State. Elections for  
31 governing board members elected by registered electors shall

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

15 Section 53. Paragraph (a) of subsection (1) of section  
16 191.005, Florida Statutes, is amended to read:

17 191.005 District boards of commissioners; membership,  
18 officers, meetings.--

19 (1)(a) With the exception of districts whose governing  
20 boards are appointed collectively by the Governor, the county  
21 commission, and any cooperating city within the county, the  
22 business affairs of each district shall be conducted and  
23 administered by a five-member board. All three-member boards  
24 existing on the effective date of this act shall be converted  
25 to five-member boards, except those permitted to continue as a  
26 three-member board by special act adopted in 1997 or  
27 thereafter. The board shall be elected in nonpartisan  
28 elections by the electors of the district. Except as provided  
29 in this act, such elections shall be held at the time and in  
30 the manner prescribed by law for holding general elections in  
31 accordance with s. 189.405(2)(a) and (3), and each member

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1 shall be elected for a term of 4 years and serve until the  
2 member's successor assumes office. Candidates for the board of  
3 a district shall qualify as directed by chapter 99. ~~with the~~  
4 ~~county supervisor of elections in whose jurisdiction the~~  
5 ~~district is located. If the district is a multicounty~~  
6 ~~district, candidates shall qualify with the Department of~~  
7 ~~State. All candidates may qualify by paying a filing fee of~~  
8 ~~\$25 or by obtaining the signatures of at least 25 registered~~  
9 ~~electors of the district on petition forms provided by the~~  
10 ~~supervisor of elections which petitions shall be submitted and~~  
11 ~~checked in the same manner as petitions filed by nonpartisan~~  
12 ~~judicial candidates pursuant to s. 105.035. Notwithstanding s.~~  
13 ~~106.021, a candidate who does not collect contributions and~~  
14 ~~whose only expense is the filing fee is not required to~~  
15 ~~appoint a campaign treasurer or designate a primary campaign~~  
16 ~~depository.~~

17 Section 54. Paragraph (a) of subsection (1) of section  
18 582.18, Florida Statutes, is amended to read:

19 582.18 Election of supervisors of each district.--

20 (1) The election of supervisors for each soil and  
21 water conservation district shall be held every 2 years. The  
22 elections shall be held at the time of the general election  
23 provided for by s. 100.041. The office of the supervisor of a  
24 soil and water conservation district is a nonpartisan office,  
25 and candidates for such office are prohibited from campaigning  
26 or qualifying for election based on party affiliation.

27 (a) Each candidate for supervisor for such district  
28 shall qualify as directed by chapter 99. ~~be nominated by~~  
29 ~~nominating petition subscribed by 25 or more qualified~~  
30 ~~electors of such district. Candidates shall obtain signatures~~  
31 ~~on petition forms prescribed by the Department of State and~~

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

31 Section 55. Subsection (1) of section 876.05, Florida

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1 Statutes, is amended to read:

2 876.05 Public employees; oath.--

3 (1) All persons who now or hereafter are employed by  
4 or who now or hereafter are on the payroll of the state, or  
5 any of its departments and agencies, subdivisions, counties,  
6 cities, school boards and districts of the free public school  
7 system of the state or counties, or institutions of higher  
8 learning, and all candidates for public office, except  
9 candidates for federal office, are required to take an oath  
10 before any person duly authorized to take acknowledgments of  
11 instruments for public record in the state in the following  
12 form:

13

14 I, . . . ., a citizen of the State of Florida and of the  
15 United States of America, and being employed by or an officer  
16 of . . . . and a recipient of public funds as such employee or  
17 officer, do hereby solemnly swear or affirm that I will  
18 support the Constitution of the United States and of the State  
19 of Florida.

20 Section 56. At the time of qualification, all write-in  
21 candidates must reside within the district represented by the  
22 office sought.

23 Section 57. Except as otherwise expressly provided in  
24 this act and except for this section, which shall take effect  
25 upon becoming a law, this act shall take effect January 1,  
26 2008.

27

28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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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

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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. 99.012, F.S.; exempting persons seeking  
25 federal office from the resign-to-run law;  
26 amending s. 99.021, F.S.; prescribing form of  
27 oath for candidates for federal office;  
28 amending s. 99.061, F.S.; prescribing times for  
29 qualifying for nomination or election;  
30 prescribing specific procedures for qualifying  
31 for special district office; providing that the



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1 filing fee of a candidate for a special  
2 district election need not be drawn on a  
3 campaign account; amending s. 99.095, F.S.;  
4 prescribing the number of signatures required  
5 for a candidate for special district office to  
6 qualify by petition; prescribing the time for  
7 certification to the Division of Elections of  
8 certain candidates qualifying by petition;  
9 amending s. 99.096, F.S.; changing manner of  
10 candidate selection by minor political parties;  
11 repealing s. 99.0965, F.S., relating to the  
12 selection of minor party candidates; amending  
13 s. 100.041, F.S.; prescribing the time when a  
14 county commissioner is deemed elected; amending  
15 s. 100.051, F.S.; revising requirements  
16 relating to candidates' whose names must be  
17 printed on general election ballots; amending  
18 s. 100.061, F.S.; changing the date of the  
19 primary election; amending s. 100.111, F.S.;  
20 revising provisions relating to choosing  
21 political party nominees for a special  
22 election; amending s. 100.191, F.S.; revising  
23 the time for canvassing special election  
24 returns; amending s. 100.371, F.S.; requiring  
25 initiative petition forms to be signed by the  
26 constitutionally required distribution of  
27 electors; amending timeframes for verifying  
28 petition signatures; prescribing information  
29 that must be on a petition initiative form, and  
30 conditions with which the elector signing it  
31 must comply, before the form may be verified;

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

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1 conditions on the use of those filed names;  
2 amending s. 103.091, F.S.; revising the number  
3 of and the qualifications for state  
4 committeemen and committeewomen; changing the  
5 times for qualifying for election to a  
6 political party executive committee; amending  
7 s. 103.141, F.S.; providing that officers and  
8 members of a county executive committee may be  
9 removed from office pursuant to s. 103.161;  
10 repealing s. 103.151, F.S., relating to the  
11 removal of a state executive committee member  
12 for violation of the member's oath of office;  
13 creating s. 103.161, F.S.; providing for the  
14 removal or suspension of officers and members  
15 of a state or county executive committee for  
16 violation of the officer's or member's oath of  
17 office; prescribing procedures for such removal  
18 and restrictions after removal; amending s.  
19 105.031, F.S.; changing the times for  
20 qualifying for school board candidates;  
21 amending s. 106.021, F.S.; revising  
22 qualifications for a campaign treasurer and  
23 deputy treasurer for a candidate or political  
24 committee; amending s. 106.04, F.S.;  
25 authorizing certain entities to collect and  
26 forward membership dues to committees of  
27 continuous existence; amending s. 106.055,  
28 F.S.; prescribing valuation method for travel  
29 on a private aircraft; amending s. 106.08,  
30 F.S.; prescribing procedures for receiving and  
31 transferring contributions made to political

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1 committees and committees of continuous  
2 existence; amending s. 106.09, F.S.; revising  
3 prohibition on making or accepting a cash  
4 contribution; amending s. 106.143, F.S.;  
5 providing disclosure requirements for political  
6 advertisements made pursuant to s.  
7 106.021(3)(d), F.S.; amending s. 106.17, F.S.;  
8 revising who may authorize or conduct polls or  
9 surveys relating to candidates; amending s.  
10 106.25, F.S.; revising requirements for  
11 complaints filed alleging violations of  
12 chapters 106 and 104, F.S.; revising procedures  
13 after certain complaints are filed; providing  
14 for the withdrawal of certain complaints;  
15 providing for the Florida Elections Commission  
16 to maintain a searchable database of all final  
17 orders and agency actions and providing  
18 requirements for such database; amending s.  
19 106.35, F.S.; revising the time for the  
20 Division of Elections to distribute funds to  
21 candidates; amending s. 112.51, F.S.; providing  
22 for filling vacancies created when a municipal  
23 officer has been removed from office; repealing  
24 s. 106.37, F.S., relating to willful violations  
25 of campaign finance laws; amending s. 189.405,  
26 F.S.; revising qualification procedures for  
27 candidates for special district office;  
28 amending s. 191.005, F.S.; revising  
29 qualification procedures for candidates for  
30 independent special fire control district  
31 boards of commissioners; amending s. 582.18,

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

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