

1 A bill to be entitled
2 An act relating to elections; amending s. 97.021, F.S.;
3 redefining the term "third-party registration
4 organization"; amending s. 97.0575, F.S.; revising fines
5 applicable to violations of requirements relating to
6 third-party voter registrations; amending s. 103.121,
7 F.S.; revising the dates relating to the presidential
8 preference primary; amending s. 101.75, F.S.; authorizing
9 municipalities to move their election date by ordinance to
10 coincide with the presidential preference primary;
11 amending s. 101.151, F.S.; authorizing the use of ballot-
12 on-demand technology to produce certain marksense ballots;
13 creating s. 101.56075, F.S.; requiring all voting to be by
14 marksense ballot; providing an exemption for voters with
15 disabilities; requiring voter interface devices for
16 individuals with disabilities by a specified date;
17 amending s. 101.5612, F.S.; requiring the use of certain
18 marksense ballots for pre-election testing; amending s.
19 101.591, F.S.; requiring post-election, random audits of
20 voting systems; providing general audit procedures;
21 mandating that audit results be reported to the Department
22 of State; prescribing requirements for audit reports;
23 granting rulemaking authority to the department to adopt
24 detailed, uniform audit procedures and a standard audit
25 reporting form; providing procedures for the purchase of
26 new voting systems and ballot equipment and the
27 disposition of existing touchscreen voting systems for
28 certain counties; authorizing the Department of State to

29 purchase optical scan voting equipment and ballot-on-
30 demand equipment for certain counties; appropriating funds
31 for such purpose; amending s. 97.041, F.S.; authorizing
32 qualified persons to preregister to vote on or after
33 receipt of a valid driver's license; amending s. 97.053,
34 F.S.; requiring an applicant for voter registration to be
35 notified when the application cannot be verified;
36 providing for registration upon presentation of evidence
37 of a driver's license number, identification card number,
38 or the last four digits of the applicant's social security
39 number; changing the time within which a person casting a
40 provisional ballot may present evidence of eligibility to
41 vote; changing the time for voter registrations to be
42 entered into the statewide voter registration system;
43 amending s. 99.012, F.S.; exempting persons seeking
44 federal office from the resign-to-run law; amending s.
45 99.021, F.S.; prescribing form of oath for candidates for
46 federal office; amending s. 99.061, F.S.; prescribing
47 times for qualifying for nomination or election;
48 prescribing specific procedures for qualifying for special
49 district office; providing that the filing fee of a
50 candidate for a special district election need not be
51 drawn on a campaign account; amending s. 99.095, F.S.;
52 prescribing the number of signatures required for a
53 candidate for special district office to qualify by
54 petition; prescribing the time for certification to the
55 Division of Elections of certain candidates qualifying by
56 petition; amending s. 99.096, F.S.; changing manner of

57 candidate selection by minor political parties; repealing
58 s. 99.0965, F.S., relating to the selection of minor party
59 candidates; amending s. 100.041, F.S.; prescribing the
60 time when a county commissioner is deemed elected;
61 amending s. 100.051, F.S.; revising requirements relating
62 to candidates' whose names must be printed on general
63 election ballots; amending s. 100.061, F.S.; changing the
64 date of the primary election; amending s. 100.111, F.S.;
65 revising provisions relating to choosing political party
66 nominees for a special election; amending s. 100.191,
67 F.S.; revising the time for canvassing special election
68 returns; amending s. 100.371, F.S.; requiring initiative
69 petition forms to be signed by the constitutionally
70 required distribution of electors; amending timeframes for
71 verifying petition signatures; prescribing information
72 that must be on a petition initiative form, and conditions
73 with which the elector signing it must comply, before the
74 form may be verified; providing procedures for revocation
75 of a signature on a petition form; amending s. 101.043,
76 F.S.; revising forms of identification accepted at the
77 polls; amending s. 101.048, F.S.; changing the time within
78 which a person casting a provisional ballot may present
79 evidence of eligibility to vote; amending s. 101.573,
80 F.S.; changing the time for filing precinct-level election
81 results; requiring such results to be filed with respect
82 to special elections; prescribing requirements for such
83 data; amending s. 101.6103, F.S.; changing the time to
84 begin canvassing mail ballots; amending s. 101.62, F.S.;

85 | revising the period of effectiveness of a request for an
86 | absentee ballot; revising the time for sending an absentee
87 | ballot to an overseas elector; revising time period for
88 | providing absentee ballots; amending s. 101.68, F.S.;
89 | changing the time to begin canvassing absentee ballots;
90 | amending s. 102.112, F.S.; changing the deadline for
91 | submitting county returns to the Department of State;
92 | amending s. 102.141, F.S.; requiring submission of
93 | preliminary returns in certain format by election night to
94 | the Department of State; changing the time to submit
95 | unofficial returns; amending s. 102.166, F.S.; conforming
96 | a cross-reference; amending s. 103.081, F.S.; allowing
97 | political parties to file with the Department of State
98 | names of groups associated with a party; prescribing
99 | conditions on the use of those filed names; amending s.
100 | 103.091, F.S.; revising the number of and the
101 | qualifications for state committeemen and committeewomen;
102 | changing the times for qualifying for election to a
103 | political party executive committee; amending s. 103.141,
104 | F.S.; providing that officers and members of a county
105 | executive committee may be removed from office pursuant to
106 | s. 103.161; repealing s. 103.151, F.S., relating to the
107 | removal of a state executive committee member for
108 | violation of the member's oath of office; creating s.
109 | 103.161, F.S.; providing for the removal or suspension of
110 | officers and members of a state or county executive
111 | committee for violation of the officer's or member's oath
112 | of office; prescribing procedures for such removal and

113 restrictions after removal; amending s. 105.031, F.S.;
114 changing the times for qualifying for school board
115 candidates; amending s. 106.021, F.S.; revising
116 qualifications for a campaign treasurer and deputy
117 treasurer for a candidate or political committee; amending
118 s. 106.04, F.S.; authorizing certain entities to collect
119 and forward membership dues to committees of continuous
120 existence; amending s. 106.055, F.S.; prescribing
121 valuation method for travel on a private aircraft;
122 amending s. 106.08, F.S.; prescribing procedures for
123 receiving and transferring contributions made to political
124 committees and committees of continuous existence;
125 amending s. 106.09, F.S.; revising prohibition on making
126 or accepting a cash contribution; amending s. 106.143,
127 F.S.; providing disclosure requirements for political
128 advertisements made pursuant to s. 106.021(3)(d), F.S.;
129 amending s. 106.17, F.S.; revising who may authorize or
130 conduct polls or surveys relating to candidates; amending
131 s. 106.25, F.S.; revising requirements for complaints
132 filed alleging violations of chapters 106 and 104, F.S.;
133 revising procedures after certain complaints are filed;
134 providing for the withdrawal of certain complaints;
135 providing for the Florida Elections Commission to maintain
136 a searchable database of all final orders and agency
137 actions and providing requirements for such database;
138 amending s. 106.35, F.S.; revising the time for the
139 Division of Elections to distribute funds to candidates;
140 amending s. 112.51, F.S.; providing for filling vacancies

141 created when a municipal officer has been removed from
 142 office; repealing s. 106.37, F.S., relating to willful
 143 violations of campaign finance laws; amending s. 189.405,
 144 F.S.; revising qualification procedures for candidates for
 145 special district office; amending s. 191.005, F.S.;
 146 revising qualification procedures for candidates for
 147 independent special fire control district boards of
 148 commissioners; amending s. 582.18, F.S.; revising
 149 qualification procedures for candidates for soil and water
 150 conservation district supervisors; amending s. 876.05,
 151 F.S.; exempting candidates for federal office from taking
 152 the public employees' oath; requiring that all write-in
 153 candidates reside within the district of the office sought
 154 at the time of qualification; providing effective dates.

155
 156 Be It Enacted by the Legislature of the State of Florida:

157
 158 Section 1. Subsection (36) of section 97.021, Florida
 159 Statutes, is amended to read:

160 97.021 Definitions.--For the purposes of this code, except
 161 where the context clearly indicates otherwise, the term:

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

- 166 ~~(a) A political party;~~
- 167 (a) ~~(b)~~ A person who seeks only to register to vote or
- 168 collect voter registration applications from that person's

169 spouse, child, or parent; or

170 (b)~~(e)~~ A person engaged in registering to vote or
 171 collecting voter registration applications as an employee or
 172 agent of the division, supervisor of elections, Department of
 173 Highway Safety and Motor Vehicles, or a voter registration
 174 agency.

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

177 97.0575 Third-party voter registrations.--

178 (3) A third-party voter registration organization that
 179 collects voter registration applications serves as a fiduciary
 180 to the applicant, ensuring that any voter registration
 181 application entrusted to the third-party voter registration
 182 organization, irrespective of party affiliation, race,
 183 ethnicity, or gender shall be promptly delivered to the division
 184 or the supervisor of elections. If a voter registration
 185 application collected by any third-party voter registration
 186 organization is not promptly delivered to the division or
 187 supervisor of elections, the ~~individual collecting the voter~~
 188 ~~registration application, the registered agent, and those~~
 189 ~~individuals responsible for the day-to-day operation of the~~
 190 ~~third-party voter registration organization, including, if~~
 191 ~~applicable, the entity's board of directors, president, vice~~
 192 ~~president, managing partner, or such other individuals engaged~~
 193 ~~in similar duties or functions, shall be personally and jointly~~
 194 ~~and severally~~ liable for the following fines:

195 (a) A fine in the amount of \$50 ~~\$250~~ for each application
 196 received by the division or the supervisor of elections more

197 than 10 days after the applicant delivered the completed voter
 198 registration application to the third-party voter registration
 199 organization or any person, entity, or agent acting on its
 200 behalf. A fine in the amount of \$250 for each application
 201 received if the third-party registration organization or person,
 202 entity, or agency acting on its behalf acted willfully.

203 (b) A fine in the amount of \$100 ~~\$500~~ for each application
 204 collected by a third-party voter registration organization or
 205 any person, entity, or agent acting on its behalf, prior to book
 206 closing for any given election for federal or state office and
 207 received by the division or the supervisor of elections after
 208 the book closing deadline for such election. A fine in the
 209 amount of \$500 for each application received if the third-party
 210 registration organization or person, entity, or agency acting on
 211 its behalf acted willfully.

212 (c) A fine in the amount of \$500 ~~\$5,000~~ for each
 213 application collected by a third-party voter registration
 214 organization or any person, entity, or agent acting on its
 215 behalf, which is not submitted to the division or supervisor of
 216 elections. A fine in the amount of \$1,000 for any application
 217 not submitted if the third-party registration organization or
 218 person, entity, or agency acting on its behalf acted willfully.

219
 220 The aggregate fine pursuant to this subsection which may be
 221 assessed against a third-party voter registration organization,
 222 including affiliate organizations, for violations committed in a
 223 calendar year shall be \$1,000. The fines provided in this
 224 subsection shall be reduced by three-fourths in cases in which

225 the third-party voter registration organization has complied
226 with subsection (1). The secretary shall waive the fines
227 described in this subsection upon a showing that the failure to
228 deliver the voter registration application promptly is based
229 upon force majeure or impossibility of performance.

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

233 103.101 Presidential preference primary.--

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

240 (2) There shall be a Presidential Candidate Selection
241 Committee composed of the Secretary of State, who shall be a
242 nonvoting chair; the Speaker of the House of Representatives;
243 the President of the Senate; the minority leader of each house
244 of the Legislature; and the chair of each political party
245 required to have a presidential preference primary under this
246 section.

247 (a) By October ~~December~~ 31 of the year preceding the
248 ~~Florida~~ presidential preference primary, each political party
249 shall submit to the Secretary of State a list of its
250 presidential candidates to be placed on the presidential
251 preference primary ballot or candidates entitled to have
252 delegates appear on the presidential preference primary ballot.

253 The Secretary of State shall prepare and publish a list of the
254 names of the presidential candidates submitted. The Secretary
255 of State shall submit such list of names of presidential
256 candidates to the selection committee on the first Tuesday after
257 the first Monday in November of the ~~January each year~~ preceding
258 the ~~a presidential preference primary election is held~~. Each
259 person designated as a presidential candidate shall have his or
260 her name appear, or have his or her delegates' names appear, on
261 the presidential preference primary ballot unless all committee
262 members of the same political party as the candidate agree to
263 delete such candidate's name from the ballot. The selection
264 committee shall meet in Tallahassee on the first Tuesday after
265 the first Monday in November of the ~~January each year~~ preceding
266 the ~~a presidential preference primary is held~~. The selection
267 committee shall publicly announce and submit to the Department
268 of State no later than 5 p.m. on the following day the names of
269 presidential candidates who shall have their names appear, or
270 who are entitled to have their delegates' names appear, on the
271 presidential preference primary ballot. The Department of State
272 shall immediately notify each presidential candidate designated
273 by the committee. Such notification shall be in writing, by
274 registered mail, with return receipt requested.

275 (b) Any presidential candidate whose name does not appear
276 on the list submitted to the Secretary of State may request that
277 the selection committee place his or her name on the ballot.
278 Such request shall be made in writing to the Secretary of State
279 no later than the second Tuesday after the first Monday in
280 November of the year preceding the presidential preference

281 primary ~~January~~.

282 (c) If a presidential candidate makes a request that the
283 selection committee reconsider placing the candidate's name on
284 the ballot, the selection committee will reconvene no later than
285 the second Thursday after the first Monday in November of the
286 year preceding the presidential preference primary ~~January~~ to
287 reconsider placing the candidate's name on the ballot. The
288 Department of State shall immediately notify such candidate of
289 the selection committee's decision.

290 (3) A candidate's name shall be printed on the
291 presidential preference primary ballot unless the candidate
292 submits to the Department of State, prior to the second Tuesday
293 after the first Monday in November of the year preceding the
294 presidential preference primary ~~January~~, an affidavit stating
295 that he or she is not now, and does not presently intend to
296 become, a candidate for President at the upcoming nominating
297 convention. If a candidate withdraws pursuant to this
298 subsection, the Department of State shall notify the state
299 executive committee that the candidate's name will not be placed
300 on the ballot. The Department of State shall, no later than the
301 third Tuesday after the first Monday in November of the year
302 preceding the presidential preference primary ~~January~~, certify
303 to each supervisor of elections the name of each candidate for
304 political party nomination to be printed on the ballot.

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

308 Section 4. Effective July 1, 2007, subsection (3) is added

309 to section 101.75, Florida Statutes, to read:

310 101.75 Municipal elections; change of dates for cause.--

311 (3) Notwithstanding any provision of local law, for any
312 municipality whose election is scheduled to be held in March
313 2008, the governing body of the municipality, notwithstanding
314 any municipal charter provision, may, by ordinance, move the
315 date of the general municipal election in 2008 and in each
316 subsequent year that is a multiple of 4 to the date concurrent
317 with the presidential preference primary. The dates for
318 qualifying for the general municipal election moved by the
319 passage of such an ordinance shall be specifically provided for
320 in the ordinance and shall run for no less than 14 days. The
321 term of office for any elected municipal official shall commence
322 as provided by the relevant municipal charter or ordinance, and
323 the term of office for any elected municipal official whose term
324 was due to expire in March 2008 shall expire as provided by the
325 relevant municipal charter or ordinance.

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

328 101.151 Specifications for ballots.--

329 (1) (a) Marksense ballots shall be printed on paper of such
330 thickness that the printing cannot be distinguished from the
331 back and shall meet the specifications of the voting system that
332 will be used to tabulate the ballots.

333 (b) Early voting sites may employ a ballot-on-demand
334 production system to print individual marksense ballots,
335 including provisional ballots, for eligible electors pursuant to
336 s. 101.657. Ballot-on-demand technology may be used to produce

337 marksense absentee ballots. Not later than 30 days before an
338 election, the Secretary of State may also authorize in writing
339 the use of ballot-on-demand technology for the production of
340 election-day ballots.

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

343 101.56075 Voting methods.--

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

347 (2) Persons with disabilities may vote on a voter
348 interface device that meets the voting system accessibility
349 requirements for individuals with disabilities pursuant to
350 section 301 of the federal Help America Vote Act of 2002 and s.
351 101.56062.

352 (3) By 2012, persons with disabilities shall vote on a
353 voter interface device that meets the voter accessibility
354 requirements for individuals with disabilities under section 301
355 of the federal Help America Vote Act of 2002 and s. 101.56062,
356 which are consistent with subsection (1) of this section.

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

359 101.5612 Testing of tabulating equipment.--

360 (5) Any tests involving marksense ballots pursuant to this
361 section shall employ pre-printed ballots, if pre-printed ballots
362 will be used in the election, and ballot-on-demand ballots, if
363 ballot-on-demand technology will be used to produce ballots in
364 the election, or both.

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

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

369 101.591 Voting system audit.--

370 (1) Immediately following the certification of each
371 election, the county canvassing board or the local board
372 responsible for certifying the election shall conduct a manual
373 audit of the voting systems used in randomly selected precincts.

374 (2) The audit shall consist of a public manual tally of
375 the votes cast in one randomly selected race that appears on the
376 ballot. The tally sheet shall include election-day, absentee,
377 early voting, provisional, and overseas ballots, in at least 1
378 percent but no more than 2 percent of the precincts chosen at
379 random by the county canvassing board or the local board
380 responsible for certifying the election. If 1 percent of the
381 precincts is less than one entire precinct, the audit shall be
382 conducted using at least one precinct chosen at random by the
383 county canvassing board or the local board responsible for
384 certifying the election. Such precincts shall be selected at a
385 publicly-noticed canvassing board meeting.

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

390 (4) The audit must be completed and the results made
391 public no later than 11:59 p.m. on the 7th day following
392 certification of the election by the county canvassing board or

393 the local board responsible for certifying the election.

394 (5) Within 15 days after completion of the audit, the
395 county canvassing board or the board responsible for certifying
396 the election shall provide a report with the results of the
397 audit to the Department of State in a standard format as
398 prescribed by the department. The report shall contain, but is
399 not limited to, the following items:

400 (a) The overall accuracy of audit.

401 (b) A description of any problems or discrepancies
402 encountered.

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

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

406 Section 9. Effective upon this act becoming a law, the
407 Department of State shall adopt rules to implement the
408 provisions of s. 101.591, Florida Statutes, as amended by
409 section 8 which prescribe detailed audit procedures for each
410 voting system, which shall be uniform to the extent practicable,
411 along with the standard form for audit reports.

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

413 (1) Notwithstanding ss. 101.292-101.295 and s. 101.5604,
414 Florida Statutes, as a condition of the state purchasing optical
415 scan voting equipment and ballot-on-demand equipment to replace
416 touchscreen equipment as provided in section 11, each recipient
417 county hereby authorizes the Secretary of State to act as its
418 agent to negotiate the purchase of new equipment and the sale,
419 exchange, or other disposition of existing touchscreen voting
420 equipment that is not necessary to conduct voting for

421 individuals with disabilities. Further, each such county hereby
422 designates the Secretary of State as the authorized recipient of
423 all proceeds realized from the sale, exchange, or other
424 disposition of the voting equipment, after satisfying
425 obligations or indebtedness associated with the voting
426 equipment, up to and including the state's cost to fund the
427 county's new equipment. The secretary shall deposit the proceeds
428 in the Grants and Donations Trust Fund within 60 days after the
429 sale, exchange, or other disposition.

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

437 Section 11. Effective July 1, 2007:

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

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

443 (b) Ballot-on-demand equipment for use at early voting
444 sites, including optical scan tabulators, for the following
445 counties: Bay, Brevard, Broward, Charlotte, Clay, Collier,
446 Escambia, Hillsborough, Indian River, Jackson, Lake, Lee, Levy,
447 Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange, Osceola,
448 Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota, St. Johns,

449 Sumter, Taylor, and Washington.

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

454 Section 12. Paragraph (b) of subsection (1) of section
455 97.041, Florida Statutes, is amended to read:

456 97.041 Qualifications to register or vote.--

457 (1)

458 (b) A person who is otherwise qualified may preregister on
459 or after that person's 17th birthday or receipt of a valid
460 Florida driver's license, whichever occurs earlier, and may vote
461 in any election occurring on or after that person's 18th
462 birthday.

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

465 97.053 Acceptance of voter registration applications.--

466 (6) A voter registration application may be accepted as
467 valid only after the department has verified the authenticity or
468 nonexistence of the driver's license number, the Florida
469 identification card number, or the last four digits of the
470 social security number provided by the applicant. If a completed
471 voter registration application has been received by the book-
472 closing deadline but the driver's license number, the Florida
473 identification card number, or the last four digits of the
474 social security number provided by the applicant cannot be
475 verified, the applicant shall be notified that the application
476 is incomplete and that the voter must provide evidence to the

477 supervisor sufficient to verify the authenticity of the number
478 provided on the application. If the voter provides the necessary
479 evidence, the supervisor shall place the voter's name on the
480 registration rolls as an active voter. If the voter has not
481 provided the necessary evidence or the number has not otherwise
482 been verified prior to the applicant presenting himself or
483 herself to vote, the applicant shall be provided a provisional
484 ballot. The provisional ballot shall be counted only if the
485 application is verified by the end of the canvassing period or
486 if the applicant presents evidence to the supervisor of
487 elections sufficient to verify the authenticity of the driver's
488 license number, Florida identification card number, or last four
489 digits of the social security number provided on the application
490 no later than 5 p.m. of the second ~~third~~ day following the
491 election.

492 (7) All voter registration applications received by a
493 voter registration official shall be entered into the statewide
494 voter registration system within 13 ~~15~~ days after receipt. Once
495 entered, the application shall be immediately forwarded to the
496 appropriate supervisor of elections.

497 Section 14. Section 99.012, Florida Statutes, is amended
498 to read:

499 99.012 Restrictions on individuals qualifying for public
500 office.--

501 (1) As used in this section:

502 (a) "Officer" means a person, whether elected or
503 appointed, who has the authority to exercise the sovereign power
504 of the state pertaining to an office recognized under the State

505 Constitution or laws of the state. With respect to a
506 municipality, the term "officer" means a person, whether elected
507 or appointed, who has the authority to exercise municipal power
508 as provided by the State Constitution, state laws, or municipal
509 charter.

510 (b) "Subordinate officer" means a person who has been
511 delegated the authority to exercise the sovereign power of the
512 state by an officer. With respect to a municipality, subordinate
513 officer means a person who has been delegated the authority to
514 exercise municipal power by an officer.

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

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

523 (b) The resignation is irrevocable.

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

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

- 529 1. The date the officer would take office, if elected; or
530 2. The date the officer's successor is required to take
531 office.

532 (e)1. An elected district, county, or municipal officer

533 must submit his or her resignation to the officer before whom he
534 or she qualified for the office he or she holds, with a copy to
535 the Governor and the Department of State.

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

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

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

546 2. With regard to an elective charter county office or
547 elective municipal office, the vacancy created by the officer's
548 resignation may be filled for that portion of the officer's
549 unexpired term in a manner provided by the respective charter.
550 The office is deemed vacant upon the effective date of the
551 resignation submitted by the official in his or her letter of
552 resignation.

553 (g) Any officer who submits his or her resignation,
554 effective immediately or effective on a date prior to the date
555 of his or her qualifying for office, may then qualify for office
556 as a nonofficeholder, and the provisions of this subsection do
557 not apply.

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

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

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

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

566 ~~1. The date the officer would take office, if elected; or~~
 567 ~~2. The date the officer's successor is required to take~~
 568 ~~office.~~

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

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

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

579 ~~(f)1. The failure of an officer who qualifies for federal~~
 580 ~~public office to submit a resignation pursuant to this~~
 581 ~~subsection constitutes an automatic irrevocable resignation,~~
 582 ~~effective immediately, from the office he or she presently~~
 583 ~~holds.~~

584 ~~2. The Department of State shall send a notice of the~~
 585 ~~automatic resignation to the Governor, and in the case of a~~
 586 ~~district, county, or municipal officer, a copy to:~~

587 ~~a. The officer before whom he or she qualified if the~~
 588 ~~officer held an elective office; or~~

589 ~~b. The person or authority who appointed the officer if~~
590 ~~the officer held an appointive office.~~

591 ~~(g) The provisions of any special act to the contrary~~
592 ~~notwithstanding, with regard to an elective office, the~~
593 ~~resignation creates a vacancy in office to be filled by~~
594 ~~election, thereby permitting persons to qualify as candidates~~
595 ~~for nomination and election as if the officer's term were~~
596 ~~otherwise scheduled to expire. With regard to an elective~~
597 ~~charter county office or elective municipal office, the vacancy~~
598 ~~created by the officer's resignation may be filled for that~~
599 ~~portion of the officer's unexpired term in a manner provided by~~
600 ~~the respective charter. The office is deemed vacant upon the~~
601 ~~effective date of the resignation submitted by the official in~~
602 ~~his or her letter of resignation.~~

603 (4)~~(5)~~ A person who is a subordinate officer, deputy
604 sheriff, or police officer must resign effective upon qualifying
605 pursuant to this chapter if the person is seeking to qualify for
606 a public office that is currently held by an officer who has
607 authority to appoint, employ, promote, or otherwise supervise
608 that person and who has qualified as a candidate for reelection
609 to that office.

610 (5)~~(6)~~ The name of any person who does not comply with
611 this section may be removed from every ballot on which it
612 appears when ordered by a circuit court upon the petition of an
613 elector or the Department of State.

614 (6)~~(7)~~ This section does not apply to:

615 (a) Political party offices.

616 (b) Persons serving without salary as members of an

617 appointive board or authority.

618 (c) Persons seeking any federal public office.

619 ~~(7)(8)~~ Nothing contained in subsections (3) and (4)
620 relates to persons holding any federal office.

621 Section 15. Paragraph (a) of subsection (1) of section
622 99.021, Florida Statutes, is amended to read:

623 99.021 Form of candidate oath.--

624 (1)(a)1. Each candidate, whether a party candidate, a
625 candidate with no party affiliation, or a write-in candidate, in
626 order to qualify for nomination or election to any office other
627 than a judicial office as defined in chapter 105 or a federal
628 office, shall take and subscribe to an oath or affirmation in
629 writing. A printed copy of the oath or affirmation shall be
630 furnished to the candidate by the officer before whom such
631 candidate seeks to qualify and shall be substantially in the
632 following form:

633
634 State of Florida
635 County of

636 Before me, an officer authorized to administer oaths,
637 personally appeared ... please print name as you wish it to
638 appear on the ballot) ..., to me well known, who, being sworn,
639 says that he or she is a candidate for the office of ...; that
640 he or she is a qualified elector ofCounty, Florida; that he
641 or she is qualified under the Constitution and the laws of
642 Florida to hold the office to which he or she desires to be
643 nominated or elected; that he or she has taken the oath required
644 by ss. 876.05-876.10, Florida Statutes; that he or she has

645 | qualified for no other public office in the state, the term of
 646 | which office or any part thereof runs concurrent with that of
 647 | the office he or she seeks; and that he or she has resigned from
 648 | any office from which he or she is required to resign pursuant
 649 | to s. 99.012, Florida Statutes.

650 | ... (Signature of candidate) ...

652 | ... (Address) ...

654 | Sworn to and subscribed before me thisday of, (year)
 655 | ..., at County, Florida.

656 | ... (Signature and title of officer administering oath) ...

658 | 2. Each candidate for federal office, whether a party
 659 | candidate, a candidate with no party affiliation, or a write-in
 660 | candidate, in order to qualify for nomination or election to
 661 | office shall take and subscribe to an oath or affirmation in
 662 | writing. A printed copy of the oath or affirmation shall be
 663 | furnished to the candidate by the officer before whom such
 664 | candidate seeks to qualify and shall be substantially in the
 665 | following form:

667 | State of Florida

669 | County of _____

670 | Before me, an officer authorized to administer oaths,
 671 | personally appeared (please print name as you wish it to appear
 672 | on the ballot), to me well known, who, being sworn, says that he

673 or she is a candidate for the office of _____ ; that he or
 674 she is qualified under the Constitution and laws of the United
 675 States to hold the office to which he or she desires to be
 676 nominated or elected; that he or she has qualified for no other
 677 public office in the state, the term of which office or any part
 678 thereof runs concurrent with that of the office he or she seeks;
 679 and that he or she has resigned from any office from which he or
 680 she is required to resign pursuant to s. 99.012, Florida
 681 Statutes.

682
 683 _____ (Signature of candidate)
 684 _____ (Address)
 685

686 Sworn to and subscribed before me this _____ day of _____
 687 (year), at _____ County, Florida.
 688 ... (Signature and title of officer administering oath) ...
 689

690 Section 16. Section 99.061, Florida Statutes, is amended
 691 to read:

692 99.061 Method of qualifying for nomination or election to
 693 federal, state, county, or district office.--

694 (1) The provisions of any special act to the contrary
 695 notwithstanding, each person seeking to qualify for nomination
 696 or election to a federal, state, or multicounty district office,
 697 other than election to a judicial office as defined in chapter
 698 105 or the office of school board member, shall file his or her
 699 qualification papers with, and pay the qualifying fee, which
 700 shall consist of the filing fee and election assessment, and

701 party assessment, if any has been levied, to, the Department of
 702 State, or qualify by the petition process pursuant to s. 99.095
 703 with the Department of State, at any time after noon of the 1st
 704 day for qualifying, which shall be as follows: the 120th day
 705 prior to the primary election, but not later than noon of the
 706 116th day prior to the date of the primary election, for persons
 707 seeking to qualify for nomination or election to federal office
 708 or to the office of the state attorney or the public defender;
 709 and noon of the 71st ~~50th~~ day prior to the primary election, but
 710 not later than noon of the 67th ~~46th~~ day prior to the date of
 711 the primary election, for persons seeking to qualify for
 712 nomination or election to a state or multicounty district
 713 office, other than the office of the state attorney or the
 714 public defender.

715 (2) The provisions of any special act to the contrary
 716 notwithstanding, each person seeking to qualify for nomination
 717 or election to a county office, or district ~~or special district~~
 718 office not covered by subsection (1), shall file his or her
 719 qualification papers with, and pay the qualifying fee, which
 720 shall consist of the filing fee and election assessment, and
 721 party assessment, if any has been levied, to, the supervisor of
 722 elections of the county, or shall qualify by the petition
 723 process pursuant to s. 99.095 with the supervisor of elections,
 724 at any time after noon of the 1st day for qualifying, which
 725 shall be the 71st ~~50th~~ day prior to the primary election ~~or~~
 726 ~~special district election~~, but not later than noon of the 67th
 727 ~~46th~~ day prior to the date of the primary election ~~or special~~
 728 ~~district election. However, if a special district election is~~

729 ~~held at the same time as the general election, qualifying shall~~
730 ~~be the 50th day prior to the primary election, but not later~~
731 ~~than noon of the 46th day prior to the date of the primary~~
732 ~~election.~~ Within 30 days after the closing of qualifying time,
733 the supervisor of elections shall remit to the secretary of the
734 state executive committee of the political party to which the
735 candidate belongs the amount of the filing fee, two-thirds of
736 which shall be used to promote the candidacy of candidates for
737 county offices and the candidacy of members of the Legislature.

738 (3) Notwithstanding the provisions of any special act to
739 the contrary, each person seeking to qualify for election to a
740 special district office shall qualify between noon of the 71st
741 day prior to the primary election and noon of the 67th day prior
742 to the date of the primary election. Candidates for single
743 county special districts shall qualify with the supervisor of
744 elections in the county in which the district is located. If the
745 district is a multicounty district, candidates shall qualify
746 with the Department of State. All special district candidates
747 shall qualify by paying a filing fee of \$25 or qualify by the
748 petition process pursuant to s. 99.095. Notwithstanding s.
749 106.021, a candidate who does not collect contributions and
750 whose only expense is the filing fee or signature verification
751 fee is not required to appoint a campaign treasurer or designate
752 a primary campaign depository.

753 (4)-(3)(a) Each person seeking to qualify for election to
754 office as a write-in candidate shall file his or her
755 qualification papers with the respective qualifying officer at
756 any time after noon of the 1st day for qualifying, but not later

757 than noon of the last day of the qualifying period for the
758 office sought.

759 (b) Any person who is seeking election as a write-in
760 candidate shall not be required to pay a filing fee, election
761 assessment, or party assessment. A write-in candidate is ~~shall~~
762 not ~~be~~ entitled to have his or her name printed on any ballot;
763 however, space for the write-in candidate's name to be written
764 in must ~~shall~~ be provided on the general election ballot. A ~~No~~
765 person may not qualify as a write-in candidate if the person has
766 also otherwise qualified for nomination or election to such
767 office.

768 (5)~~(4)~~ At the time of qualifying for office, each
769 candidate for a constitutional office shall file a full and
770 public disclosure of financial interests pursuant to s. 8, Art.
771 II of the State Constitution, and a candidate for any other
772 office, including local elective office, shall file a statement
773 of financial interests pursuant to s. 112.3145.

774 (6)~~(5)~~ The Department of State shall certify to the
775 supervisor of elections, within 7 days after the closing date
776 for qualifying, the names of all duly qualified candidates for
777 nomination or election who have qualified with the Department of
778 State.

779 ~~(6) Notwithstanding the qualifying period prescribed in~~
780 ~~this section, if a candidate has submitted the necessary~~
781 ~~petitions by the required deadline in order to qualify by the~~
782 ~~petition process pursuant to s. 99.095 as a candidate for~~
783 ~~nomination or election and the candidate is notified after the~~
784 ~~5th day prior to the last day for qualifying that the required~~

785 ~~number of signatures has been obtained, the candidate is~~
786 ~~entitled to subscribe to the candidate's oath and file the~~
787 ~~qualifying papers at any time within 5 days from the date the~~
788 ~~candidate is notified that the necessary number of signatures~~
789 ~~has been obtained. Any candidate who qualifies within the time~~
790 ~~prescribed in this subsection is entitled to have his or her~~
791 ~~name printed on the ballot.~~

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

795 1. A properly executed check drawn upon the candidate's
796 campaign account in an amount not less than the fee required by
797 s. 99.092 or, in lieu thereof, as applicable, the copy of the
798 notice of obtaining ballot position pursuant to s. 99.095. The
799 filing fee for a special district candidate is not required to
800 be drawn upon the candidate's campaign account. If a candidate's
801 check is returned by the bank for any reason, the filing officer
802 shall immediately notify the candidate and the candidate shall,
803 the end of qualifying notwithstanding, have 48 hours from the
804 time such notification is received, excluding Saturdays,
805 Sundays, and legal holidays, to pay the fee with a cashier's
806 check purchased from funds of the campaign account. Failure to
807 pay the fee as provided in this subparagraph shall disqualify
808 the candidate.

809 2. The candidate's oath required by s. 99.021, which must
810 contain the name of the candidate as it is to appear on the
811 ballot; the office sought, including the district or group
812 number if applicable; and the signature of the candidate, duly

813 acknowledged.

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

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

818 5. The completed form for the appointment of campaign
819 treasurer and designation of campaign depository, as required by
820 s. 106.021.

821 6. The full and public disclosure or statement of
822 financial interests required by subsection (5) ~~(4)~~. A public
823 officer who has filed the full and public disclosure or
824 statement of financial interests with the Commission on Ethics
825 or the supervisor of elections prior to qualifying for office
826 may file a copy of that disclosure at the time of qualifying.

827 (b) If the filing officer receives qualifying papers that
828 do not include all items as required by paragraph (a) prior to
829 the last day of qualifying, the filing officer shall make a
830 reasonable effort to notify the candidate of the missing or
831 incomplete items and shall inform the candidate that all
832 required items must be received by the close of qualifying. A
833 candidate's name as it is to appear on the ballot may not be
834 changed after the end of qualifying.

835 (8) Notwithstanding the qualifying period prescribed in
836 this section, a qualifying office may accept and hold qualifying
837 papers submitted not earlier than 14 days prior to the beginning
838 of the qualifying period, to be processed and filed during the
839 qualifying period.

840 (9) Notwithstanding the qualifying period prescribed by

841 this section, in each year in which the Legislature apportions
842 the state, the qualifying period for persons seeking to qualify
843 for nomination or election to federal office shall be between
844 noon of the 71st ~~57th~~ day prior to the primary election, but not
845 later than noon of the 67th ~~53rd~~ day prior to the primary
846 election.

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

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

852 99.095 Petition process in lieu of a qualifying fee and
853 party assessment.--

854 (2) (a) Except as provided in paragraph (b), a candidate
855 must ~~shall~~ obtain the number of signatures of voters in the
856 geographical area represented by the office sought equal to at
857 least 1 percent of the total number of registered voters of that
858 geographical area, as shown by the compilation by the department
859 for the immediately ~~last~~ preceding general election. Signatures
860 may not be obtained until the candidate has filed the
861 appointment of campaign treasurer and designation of campaign
862 depository pursuant to s. 106.021.

863 (b) A candidate for a special district office shall obtain
864 25 signatures of voters in the geographical area represented by
865 the office sought.

866 (c) ~~(b)~~ The format of the petition shall be prescribed by
867 the division and shall be used by candidates to reproduce
868 petitions for circulation. If the candidate is running for an

869 office that requires a group or district designation, the
 870 petition must indicate that designation and, if it does not, the
 871 signatures are not valid. A separate petition is required for
 872 each candidate.

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

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

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

885 99.096 Minor political party candidates; names on ballot.--

886 ~~(1) No later than noon of the third day prior to the first~~
 887 ~~day of the qualifying period prescribed for federal candidates,~~
 888 ~~the executive committee of a minor political party shall submit~~
 889 ~~to the Department of State a list of federal candidates~~
 890 ~~nominated by the party to be on the general election ballot. No~~
 891 ~~later than noon of the third day prior to the first day of the~~
 892 ~~qualifying period for state candidates, the executive committee~~
 893 ~~of a minor political party shall submit to the filing officer~~
 894 ~~for each of the candidates the official list of the state,~~
 895 ~~multicounty, and county candidates nominated by that party to be~~
 896 ~~on the ballot in the general election. The official list of~~

897 ~~nominated candidates may not be changed by the party after~~
 898 ~~having been filed with the filing officers, except that~~
 899 ~~vacancies in nominations may be filled pursuant to s. 100.111.~~

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

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

908 Section 20. Paragraph (a) of subsection (2) of section
 909 100.041, Florida Statutes, is amended to read:

910 100.041 Officers chosen at general election.--

911 (2)(a) Each county commissioner from an odd-numbered
 912 district shall be elected at the general election in each year
 913 the number of which is a multiple of 4, for a 4-year term
 914 commencing on the second Tuesday following such election, and
 915 each county commissioner from an even-numbered district shall be
 916 elected at the general election in each even-numbered year the
 917 number of which is not a multiple of 4, for a 4-year term
 918 commencing on the second Tuesday following such election. A
 919 county commissioner is "elected" for purposes of this paragraph
 920 on the date that the county canvassing board certifies the
 921 results of the election pursuant to s. 102.151.

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

924 100.051 Candidate's name on general election ballot.--The

925 supervisor of elections of each county shall print on ballots to
926 be used in the county at the next general election the names of
927 candidates who have been nominated by a political party, ~~other~~
928 ~~than a minor political party~~, and the candidates who have
929 otherwise obtained a position on the general election ballot in
930 compliance with the requirements of this code.

931 Section 22. Section 100.061, Florida Statutes, is amended
932 to read:

933 100.061 Primary election.--In each year in which a general
934 election is held, a primary election for nomination of
935 candidates of political parties shall be held on the Tuesday 10
936 ~~9~~ weeks prior to the general election. The candidate receiving
937 the highest number of votes cast in each contest in the primary
938 election shall be declared nominated for such office. If two or
939 more candidates receive an equal and highest number of votes for
940 the same office, such candidates shall draw lots to determine
941 which candidate is nominated.

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

945 100.111 Filling vacancy.--

946 (3) Whenever there is a vacancy for which a special
947 election is required pursuant to s. 100.101, the Governor, after
948 consultation with the Secretary of State, shall fix the dates of
949 a special primary election and a special election. Nominees of
950 political parties ~~other than minor political parties~~ shall be
951 chosen under the primary laws of this state in the special
952 primary election to become candidates in the special election.

953 Prior to setting the special election dates, the Governor shall
954 consider any upcoming elections in the jurisdiction where the
955 special election will be held. The dates fixed by the Governor
956 shall be specific days certain and shall not be established by
957 the happening of a condition or stated in the alternative. The
958 dates fixed shall provide a minimum of 2 weeks between each
959 election. In the event a vacancy occurs in the office of state
960 senator or member of the House of Representatives when the
961 Legislature is in regular legislative session, the minimum times
962 prescribed by this subsection may be waived upon concurrence of
963 the Governor, the Speaker of the House of Representatives, and
964 the President of the Senate. If a vacancy occurs in the office
965 of state senator and no session of the Legislature is scheduled
966 to be held prior to the next general election, the Governor may
967 fix the dates for the special primary election and for the
968 special election to coincide with the dates of the primary
969 election and general election. If a vacancy in office occurs in
970 any district in the state Senate or House of Representatives or
971 in any congressional district, and no session of the
972 Legislature, or session of Congress if the vacancy is in a
973 congressional district, is scheduled to be held during the
974 unexpired portion of the term, the Governor is not required to
975 call a special election to fill such vacancy.

976 (a) The dates for candidates to qualify in such special
977 election or special primary election shall be fixed by the
978 Department of State, and candidates shall qualify not later than
979 noon of the last day so fixed. The dates fixed for qualifying
980 shall allow a minimum of 14 days between the last day of

981 qualifying and the special primary election.

982 (b) The filing of campaign expense statements by
983 candidates in such special elections or special primaries and by
984 committees making contributions or expenditures to influence the
985 results of such special primaries or special elections shall be
986 not later than such dates as shall be fixed by the Department of
987 State, and in fixing such dates the Department of State shall
988 take into consideration and be governed by the practical time
989 limitations.

990 (c) The dates for a candidate to qualify by the petition
991 process pursuant to s. 99.095 in such special primary or special
992 election shall be fixed by the Department of State. In fixing
993 such dates the Department of State shall take into consideration
994 and be governed by the practical time limitations. Any candidate
995 seeking to qualify by the petition process in a special primary
996 election shall obtain 25 percent of the signatures required by
997 s. 99.095.

998 (d) The qualifying fees and party assessments of such
999 candidates as may qualify shall be the same as collected for the
1000 same office at the last previous primary for that office. The
1001 party assessment shall be paid to the appropriate executive
1002 committee of the political party to which the candidate belongs.

1003 (e) Each county canvassing board shall make as speedy a
1004 return of the result of such special primary elections and
1005 special elections as time will permit, and the Elections
1006 Canvassing Commission likewise shall make as speedy a canvass
1007 and declaration of the nominees as time will permit.

1008 Section 24. Section 100.191, Florida Statutes, is amended

1009 to read:

1010 100.191 General election laws applicable to special
 1011 elections; returns.--All laws that are applicable to general
 1012 elections are applicable to special elections or special primary
 1013 elections to fill a vacancy in office or nomination, ~~except that~~
 1014 ~~the canvass of returns by the county canvassing board of each~~
 1015 ~~county in which a special election is held shall be made on the~~
 1016 ~~day following the election, and the certificate of the result of~~
 1017 ~~the canvass shall be immediately forwarded to the Department of~~
 1018 State. The Elections Canvassing Commission shall immediately,
 1019 upon receipt of returns from the county in which a special
 1020 election is held, proceed to canvass the returns and determine
 1021 and declare the result thereof.

1022 Section 25. Effective August 1, 2007, subsections (1) and
 1023 (3) of section 100.371, Florida Statutes, are amended, present
 1024 subsection (6) of that section is renumbered as subsection (7)
 1025 and amended, and a new subsection (6) is added to that section,
 1026 to read:

1027 100.371 Initiatives; procedure for placement on ballot.--

1028 (1) Constitutional amendments proposed by initiative shall
 1029 be placed on the ballot for the general election, provided the
 1030 initiative petition has been filed with the Secretary of State
 1031 no later than February 1 of the year the general election is
 1032 held. A petition shall be deemed to be filed with the Secretary
 1033 of State upon the date the secretary determines that valid and
 1034 verified ~~the~~ petition forms have ~~has~~ been signed by the
 1035 constitutionally required number and distribution of electors
 1036 under this code, subject to the right of revocation established

1037 in this section.

1038 (3) Each signature shall be dated when made and shall be
1039 valid for a period of 4 years following such date, provided all
1040 other requirements of law are met. The sponsor shall submit
1041 signed and dated forms to the appropriate supervisor of
1042 elections for verification as to the number of registered
1043 electors whose valid signatures appear thereon. The supervisor
1044 shall promptly verify the signatures within 30 days of receipt
1045 of the petition forms and ~~upon~~ payment of the fee required by s.
1046 99.097. The supervisor shall promptly record ~~each valid~~
1047 ~~signature~~ in the statewide voter registration system, in the
1048 manner prescribed by the Secretary of State, the date each form
1049 is received by the supervisor and the date the signature on the
1050 form is verified as valid. The supervisor may verify that the
1051 signature on a form is valid only if:

1052 (a) The form contains the original signature of the
1053 purported elector.

1054 (b) The purported elector has accurately recorded on the
1055 form the date on which he or she signed the form.

1056 (c) The form accurately sets forth the purported elector's
1057 name, street address, county, and voter registration number or
1058 date of birth.

1059 (d) The purported elector is, at the time he or she signs
1060 the form, a duly qualified and registered elector authorized to
1061 vote in the county in which his or her signature is submitted.

1062
1063 The supervisor shall retain the signature forms for at least 1
1064 year following the election in which the issue appeared on the

1065 ballot or until the Division of Elections notifies the
 1066 supervisors of elections that the committee which circulated the
 1067 petition is no longer seeking to obtain ballot position.

1068 (6) (a) An elector's signature on a petition form may be
 1069 revoked within 150 days of the date on which he or she signed
 1070 the petition form by submitting to the appropriate supervisor of
 1071 elections a signed petition-revocation form adopted by rule for
 1072 this purpose by the division.

1073 (b) The petition-revocation form and the manner in which
 1074 signatures are obtained, submitted, and verified shall be
 1075 subject to the same relevant requirements and timeframes as the
 1076 corresponding petition form and processes under this code and
 1077 shall be approved by the Secretary of State before any signature
 1078 on a petition-revocation form is obtained.

1079 (c) Supervisors of elections shall provide petition-
 1080 revocation forms to the public at all main and branch offices.

1081 (d) The petition-revocation form shall be filed with the
 1082 supervisor of elections by February 1 preceding the next general
 1083 election or, if the initiative amendment is not certified for
 1084 ballot position in that election, by February 1 preceding the
 1085 next successive general election. The supervisor of elections
 1086 shall promptly verify the signature on the petition-revocation
 1087 form and process such revocation upon payment, in advance, of a
 1088 fee of 10 cents or the actual cost of verifying such signature,
 1089 whichever is less. The supervisor shall promptly record each
 1090 valid and verified petition-revocation form in the statewide
 1091 voter registration system in the manner prescribed by the
 1092 Secretary of State.

1093 (7)~~(6)~~ The Department of State may adopt rules in
 1094 accordance with s. 120.54 to carry out the provisions of
 1095 subsections (1)-(6) ~~(1)-(5)~~.

1096 Section 26. Subsection (1) of section 101.043, Florida
 1097 Statutes, is amended to read:

1098 101.043 Identification required at polls.--

1099 (1) The precinct register, as prescribed in s. 98.461,
 1100 shall be used at the polls for the purpose of identifying the
 1101 elector at the polls prior to allowing him or her to vote. The
 1102 clerk or inspector shall require each elector, upon entering the
 1103 polling place, to present one of the following current and valid
 1104 picture identifications:

1105 (a) Florida driver's license.

1106 (b) Florida identification card issued by the Department
 1107 of Highway Safety and Motor Vehicles.

1108 (c) United States passport.

1109 ~~(d) Employee badge or identification.~~

1110 ~~(e) Buyer's club identification.~~

1111 (d)~~(f)~~ Debit or credit card.

1112 (e)~~(g)~~ Military identification.

1113 (f)~~(h)~~ Student identification.

1114 (g)~~(i)~~ Retirement center identification.

1115 (h)~~(j)~~ Neighborhood association identification.

1116 (i)~~(k)~~ Public assistance identification.

1117
 1118 If the picture identification does not contain the signature of
 1119 the voter, an additional identification that provides the
 1120 voter's signature shall be required. The elector shall sign his

1121 or her name in the space provided on the precinct register or on
 1122 an electronic device provided for recording the voter's
 1123 signature. The clerk or inspector shall compare the signature
 1124 with that on the identification provided by the elector and
 1125 enter his or her initials in the space provided on the precinct
 1126 register or on an electronic device provided for that purpose
 1127 and allow the elector to vote if the clerk or inspector is
 1128 satisfied as to the identity of the elector.

1129 Section 27. Subsection (1) of section 101.048, Florida
 1130 Statutes, is amended to read:

1131 101.048 Provisional ballots.--

1132 (1) At all elections, a voter claiming to be properly
 1133 registered in the state and eligible to vote at the precinct in
 1134 the election but whose eligibility cannot be determined, a
 1135 person whom an election official asserts is not eligible, and
 1136 other persons specified in the code shall be entitled to vote a
 1137 provisional ballot. Once voted, the provisional ballot shall be
 1138 placed in a secrecy envelope and thereafter sealed in a
 1139 provisional ballot envelope. The provisional ballot shall be
 1140 deposited in a ballot box. All provisional ballots shall remain
 1141 sealed in their envelopes for return to the supervisor of
 1142 elections. The department shall prescribe the form of the
 1143 provisional ballot envelope. A person casting a provisional
 1144 ballot shall have the right to present written evidence
 1145 supporting his or her eligibility to vote to the supervisor of
 1146 elections by not later than 5 p.m. on the second ~~third~~ day
 1147 following the election.

1148 Section 28. Subsection (1) of section 101.573, Florida

1149 Statutes, is amended to read:

1150 101.573 Record of votes by precinct.--

1151 (1) Within 35 ~~75~~ days after the date of a municipal
 1152 election or runoff, whichever occurs later, a presidential
 1153 preference primary, a primary election, a special election, or a
 1154 general election, the supervisor of elections shall file with
 1155 the Department of State precinct-level election results, in an
 1156 electronic format specified by the Department of State, for that
 1157 election cycle, ~~including any primary elections.~~ Precinct-level
 1158 election results shall separately record for each precinct all
 1159 demographic data associated with each precinct at book close for
 1160 each election, individual vote history, the returns of ballots
 1161 cast at the precinct location, ~~to which have been added~~ the
 1162 returns of absentee ballots cast by voters registered in the
 1163 precinct, and the returns of early ballots cast by voters
 1164 registered in the precinct. The data are required to be cross
 1165 referenced by political party and other demographic information
 1166 as defined by the Department of State. The Department of State
 1167 shall create a uniform system for the collection and reporting
 1168 of such precinct-level election results and vote history.

1169 Section 29. Subsections (6) and (8) of section 101.6103,
 1170 Florida Statutes, are amended to read:

1171 101.6103 Mail ballot election procedure.--

1172 (6) The canvassing board may begin the canvassing of mail
 1173 ballots at 7 a.m. on the sixth ~~fourth~~ day before the election,
 1174 including processing the ballots through the tabulating
 1175 equipment. However, results may not be released until after 7
 1176 p.m. on election day. Any canvassing board member or election

1177 employee who releases any result before 7 p.m. on election day
 1178 commits a felony of the third degree, punishable as provided in
 1179 s. 775.082, s. 775.083, or s. 775.084.

1180 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise
 1181 satisfies the requirements of subsection (5) shall be counted
 1182 even if the elector dies after mailing the ballot but before
 1183 election day, as long as, prior to the death of the voter, the
 1184 ballot was:

1185 (a) Postmarked by the United States Postal Service;

1186 (b) Date-stamped with a verifiable tracking number by
 1187 common carrier; or

1188 (c) Already in the possession of the supervisor of
 1189 elections.

1190 Section 30. Effective July 1, 2007, subsections (1) and
 1191 (4) of section 101.62, Florida Statutes, are amended to read:

1192 101.62 Request for absentee ballots.--

1193 (1)(a) The supervisor may accept a request for an absentee
 1194 ballot from an elector in person or in writing. Except as
 1195 provided in s. 101.694, one request shall be deemed sufficient
 1196 to receive an absentee ballot for all elections through the next
 1197 two regularly scheduled general elections ~~which are held within~~
 1198 ~~a calendar year~~, unless the elector or the elector's designee
 1199 indicates at the time the request is made the elections for
 1200 which the elector desires to receive an absentee ballot. Such
 1201 request may be considered canceled when any first-class mail
 1202 sent by the supervisor to the elector is returned as
 1203 undeliverable.

1204 (b) The supervisor may accept a written or telephonic

1205 request for an absentee ballot from the elector, or, if directly
 1206 instructed by the elector, a member of the elector's immediate
 1207 family, or the elector's legal guardian. For purposes of this
 1208 section, the term "immediate family" has the same meaning as
 1209 specified in paragraph (4) (b). The person making the request
 1210 must disclose:

- 1211 1. The name of the elector for whom the ballot is
- 1212 requested;
- 1213 2. The elector's address;
- 1214 3. The elector's date of birth;
- 1215 4. The requester's name;
- 1216 5. The requester's address;
- 1217 6. The requester's driver's license number, if available;
- 1218 7. The requester's relationship to the elector; and
- 1219 8. The requester's signature (written requests only).

1220 (4) (a) To each absent qualified elector overseas who has
 1221 requested an absentee ballot, the supervisor of elections shall
 1222 mail an absentee ballot not less ~~fewer~~ than 35 days before the
 1223 primary election and not less than 45 days before the ~~or~~ general
 1224 election.

1225 (b) The supervisor shall provide an absentee ballot to
 1226 each elector by whom a request for that ballot has been made by
 1227 one of the following means:

- 1228 1. By nonforwardable, return-if-undeliverable mail to the
- 1229 elector's current mailing address on file with the supervisor,
- 1230 unless the elector specifies in the request that:

- 1231 a. The elector is absent from the county and does not plan
- 1232 to return before the day of the election;

1233 b. The elector is temporarily unable to occupy the
 1234 residence because of hurricane, tornado, flood, fire, or other
 1235 emergency or natural disaster; or

1236 c. The elector is in a hospital, assisted-living facility,
 1237 nursing home, short-term medical or rehabilitation facility, or
 1238 correctional facility,

1239
 1240 in which case the supervisor shall mail the ballot by
 1241 nonforwardable, return-if-undeliverable mail to any other
 1242 address the elector specifies in the request.

1243 2. By forwardable mail to voters who are entitled to vote
 1244 by absentee ballot under the Uniformed and Overseas Citizens
 1245 Absentee Voting Act.

1246 3. By personal delivery before 7 p.m. on election day to
 1247 the elector, upon presentation of the identification required in
 1248 s. 101.043 ~~s. 101.657~~.

1249 4. By delivery to a designee on election day or up to 5 ~~4~~
 1250 days prior to the day of an election. Any elector may designate
 1251 in writing a person to pick up the ballot for the elector;
 1252 however, the person designated may not pick up more than two
 1253 absentee ballots per election, other than the designee's own
 1254 ballot, except that additional ballots may be picked up for
 1255 members of the designee's immediate family. For purposes of this
 1256 section, "immediate family" means the designee's spouse or the
 1257 parent, child, grandparent, or sibling of the designee or of the
 1258 designee's spouse. The designee shall provide to the supervisor
 1259 the written authorization by the elector and a picture
 1260 identification of the designee and must complete an affidavit.

1261 The designee shall state in the affidavit that the designee is
1262 authorized by the elector to pick up that ballot and shall
1263 indicate if the elector is a member of the designee's immediate
1264 family and, if so, the relationship. The department shall
1265 prescribe the form of the affidavit. If the supervisor is
1266 satisfied that the designee is authorized to pick up the ballot
1267 and that the signature of the elector on the written
1268 authorization matches the signature of the elector on file, the
1269 supervisor shall give the ballot to that designee for delivery
1270 to the elector.

1271 Section 31. Subsection (2) of section 101.68, Florida
1272 Statutes, is amended to read:

1273 101.68 Canvassing of absentee ballot.--

1274 (2) (a) The county canvassing board may begin the
1275 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~ day
1276 before the election, but not later than noon on the day
1277 following the election. In addition, for any county using
1278 electronic tabulating equipment, the processing of absentee
1279 ballots through such tabulating equipment may begin at 7 a.m. on
1280 the sixth ~~fourth~~ day before the election. However,
1281 notwithstanding any such authorization to begin canvassing or
1282 otherwise processing absentee ballots early, no result shall be
1283 released until after the closing of the polls in that county on
1284 election day. Any supervisor of elections, deputy supervisor of
1285 elections, canvassing board member, election board member, or
1286 election employee who releases the results of a canvassing or
1287 processing of absentee ballots prior to the closing of the polls
1288 in that county on election day commits a felony of the third

1289 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1290 775.084.

1291 (b) To ensure that all absentee ballots to be counted by
1292 the canvassing board are accounted for, the canvassing board
1293 shall compare the number of ballots in its possession with the
1294 number of requests for ballots received to be counted according
1295 to the supervisor's file or list.

1296 (c)1. The canvassing board shall, if the supervisor has
1297 not already done so, compare the signature of the elector on the
1298 voter's certificate with the signature of the elector in the
1299 registration books to see that the elector is duly registered in
1300 the county and to determine the legality of that absentee
1301 ballot. ~~Effective July 1, 2005,~~ The ballot of an elector who
1302 casts an absentee ballot shall be counted even if the elector
1303 dies on or before election day, as long as, prior to the death
1304 of the voter, the ballot was postmarked by the United States
1305 Postal Service, date-stamped with a verifiable tracking number
1306 by common carrier, or already in the possession of the
1307 supervisor of elections. An absentee ballot shall be considered
1308 illegal if it does not include the signature of the elector, as
1309 shown by the registration records. However, an absentee ballot
1310 shall not be considered illegal if the signature of the elector
1311 does not cross the seal of the mailing envelope. If the
1312 canvassing board determines that any ballot is illegal, a member
1313 of the board shall, without opening the envelope, mark across
1314 the face of the envelope: "rejected as illegal." The envelope
1315 and the ballot contained therein shall be preserved in the
1316 manner that official ballots voted are preserved.

1317 2. If any elector or candidate present believes that an
1318 absentee ballot is illegal due to a defect apparent on the
1319 voter's certificate, he or she may, at any time before the
1320 ballot is removed from the envelope, file with the canvassing
1321 board a protest against the canvass of that ballot, specifying
1322 the precinct, the ballot, and the reason he or she believes the
1323 ballot to be illegal. A challenge based upon a defect in the
1324 voter's certificate may not be accepted after the ballot has
1325 been removed from the mailing envelope.

1326 (d) The canvassing board shall record the ballot upon the
1327 proper record, unless the ballot has been previously recorded by
1328 the supervisor. The mailing envelopes shall be opened and the
1329 secrecy envelopes shall be mixed so as to make it impossible to
1330 determine which secrecy envelope came out of which signed
1331 mailing envelope; however, in any county in which an electronic
1332 or electromechanical voting system is used, the ballots may be
1333 sorted by ballot styles and the mailing envelopes may be opened
1334 and the secrecy envelopes mixed separately for each ballot
1335 style. The votes on absentee ballots shall be included in the
1336 total vote of the county.

1337 Section 32. Subsection (2) of section 102.112, Florida
1338 Statutes, is amended to read:

1339 102.112 Deadline for submission of county returns to the
1340 Department of State.--

1341 (2) Returns must be filed by 5 p.m. on the 7th day
1342 following a primary election and by noon ~~5 p.m.~~ on the 12th ~~11th~~
1343 day following the general election. However, the Department of
1344 State may correct typographical errors, including the

1345 transposition of numbers, in any returns submitted to the
 1346 Department of State pursuant to s. 102.111(1).

1347 Section 33. Present subsections (4) through (9) of section
 1348 102.141, Florida Statutes, are renumbered as subsections (5)
 1349 through (10), respectively, present subsections (4) and (6) of
 1350 that section are amended, and a new subsection (4) is added to
 1351 that section, to read:

1352 102.141 County canvassing board; duties.--

1353 (4) The canvassing board shall submit by 11:59 p.m. on
 1354 election night the preliminary returns it has received to the
 1355 Department of State in a format provided by the department.

1356 (5)~~(4)~~ The canvassing board shall submit on forms or in
 1357 formats provided by the division unofficial returns to the
 1358 Department of State for each federal, statewide, state, or
 1359 multicounty office or ballot measure no later than noon on the
 1360 third day after any primary election and no later than noon on
 1361 the fourth ~~fifth~~ day after any general or other election. Such
 1362 returns shall include the canvass of all ballots as required by
 1363 subsection (2), ~~except for provisional ballots, which returns~~
 1364 ~~shall be reported at the time required for official returns~~
 1365 ~~pursuant to s. 102.112(2).~~

1366 (7)~~(6)~~ If the unofficial returns reflect that a candidate
 1367 for any office was defeated or eliminated by one-half of a
 1368 percent or less of the votes cast for such office, that a
 1369 candidate for retention to a judicial office was retained or not
 1370 retained by one-half of a percent or less of the votes cast on
 1371 the question of retention, or that a measure appearing on the
 1372 ballot was approved or rejected by one-half of a percent or less

1373 of the votes cast on such measure, the board responsible for
1374 certifying the results of the vote on such race or measure shall
1375 order a recount of the votes cast with respect to such office or
1376 measure. The Elections Canvassing Commission is the board
1377 responsible for ordering federal, state, and multicounty
1378 recounts. A recount need not be ordered with respect to the
1379 returns for any office, however, if the candidate or candidates
1380 defeated or eliminated from contention for such office by one-
1381 half of a percent or less of the votes cast for such office
1382 request in writing that a recount not be made.

1383 (a) Each canvassing board responsible for conducting a
1384 recount shall put each marksense ballot through automatic
1385 tabulating equipment and determine whether the returns correctly
1386 reflect the votes cast. If any marksense ballot is physically
1387 damaged so that it cannot be properly counted by the automatic
1388 tabulating equipment during the recount, a true duplicate shall
1389 be made of the damaged ballot pursuant to the procedures in s.
1390 101.5614(5). Immediately before the start of the recount, a test
1391 of the tabulating equipment shall be conducted as provided in s.
1392 101.5612. If the test indicates no error, the recount tabulation
1393 of the ballots cast shall be presumed correct and such votes
1394 shall be canvassed accordingly. If an error is detected, the
1395 cause therefor shall be ascertained and corrected and the
1396 recount repeated, as necessary. The canvassing board shall
1397 immediately report the error, along with the cause of the error
1398 and the corrective measures being taken, to the Department of
1399 State. No later than 11 days after the election, the canvassing
1400 board shall file a separate incident report with the Department

1401 of State, detailing the resolution of the matter and identifying
1402 any measures that will avoid a future recurrence of the error.

1403 (b) Each canvassing board responsible for conducting a
1404 recount where touchscreen ballots were used shall examine the
1405 counters on the precinct tabulators to ensure that the total of
1406 the returns on the precinct tabulators equals the overall
1407 election return. If there is a discrepancy between the overall
1408 election return and the counters of the precinct tabulators, the
1409 counters of the precinct tabulators shall be presumed correct
1410 and such votes shall be canvassed accordingly.

1411 (c) The canvassing board shall submit on forms or in
1412 formats provided by the division a second set of unofficial
1413 returns to the Department of State for each federal, statewide,
1414 state, or multicounty office or ballot measure no later than 3
1415 p.m. on the fifth day after any primary election and no later
1416 than 3 p.m. on the ninth ~~eighth~~ day after any general election
1417 in which a recount was conducted pursuant to this subsection. If
1418 the canvassing board is unable to complete the recount
1419 prescribed in this subsection by the deadline, the second set of
1420 unofficial returns submitted by the canvassing board shall be
1421 identical to the initial unofficial returns and the submission
1422 shall also include a detailed explanation of why it was unable
1423 to timely complete the recount. However, the canvassing board
1424 shall complete the recount prescribed in this subsection, along
1425 with any manual recount prescribed in s. 102.166, and certify
1426 election returns in accordance with the requirements of this
1427 chapter.

1428 (d) The Department of State shall adopt detailed rules

1429 prescribing additional recount procedures for each certified
 1430 voting system, which shall be uniform to the extent practicable.

1431 Section 34. Paragraph (b) of subsection (5) of section
 1432 102.166, Florida Statutes, is amended to read:

1433 102.166 Manual recounts.--

1434 (5) Procedures for a manual recount are as follows:

1435 (b) Each duplicate ballot prepared pursuant to s.
 1436 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared
 1437 with the original ballot to ensure the correctness of the
 1438 duplicate.

1439 Section 35. Subsection (3) is added to section 103.081,
 1440 Florida Statutes, to read:

1441 103.081 Use of party name; political advertising.--

1442 (3) A political party may file with the Department of
 1443 State names of groups or committees associated with the
 1444 political party. Such filed names may not be used without first
 1445 obtaining the written permission of the chair of the state
 1446 executive committee of the party.

1447 Section 36. Subsections (1) and (4) and paragraph (b) of
 1448 subsection (6) of section 103.091, Florida Statutes, are amended
 1449 to read:

1450 103.091 Political parties.--

1451 (1) Each political party of the state shall be represented
 1452 by a state executive committee. County executive committees and
 1453 other committees may be established in accordance with the rules
 1454 of the state executive committee. A political party may provide
 1455 for the selection of its national committee and its state and
 1456 county executive committees in such manner as it deems proper.

1457 Unless otherwise provided by party rule, the county executive
 1458 committee of each political party shall consist of at least two
 1459 members, a man and a woman, from each precinct, who shall be
 1460 called the precinct committeeman and committeewoman. For
 1461 counties divided into 40 or more precincts, the state executive
 1462 committee may adopt a district unit of representation for such
 1463 county executive committees. Upon adoption of a district unit
 1464 of representation, the state executive committee shall request
 1465 the supervisor of elections of that county, with approval of the
 1466 board of county commissioners, to provide for election districts
 1467 as nearly equal in number of registered voters as possible.
 1468 Each county committeeman or committeewoman shall be a resident
 1469 of the precinct from which he or she is elected. Each state
 1470 committeeman or committeewoman must be a member in good standing
 1471 of the county executive committee for the county in which the
 1472 state committeeman or committeewoman is a registered voter.

1473 (4) Any political party other than a minor political party
 1474 may by rule provide for the membership of its state or county
 1475 executive committee to be elected for 4-year terms at the
 1476 primary election in each year a presidential election is held.
 1477 The terms shall commence on the first day of the month following
 1478 each presidential general election; but the names of candidates
 1479 for political party offices shall not be placed on the ballot at
 1480 any other election. The results of such election shall be
 1481 determined by a plurality of the votes cast. In such event,
 1482 electors seeking to qualify for such office shall do so with the
 1483 Department of State or supervisor of elections not earlier than
 1484 noon of the 71st ~~57th~~ day, or later than noon of the 67th ~~53rd~~

1485 day, preceding the primary election. The outgoing chair of each
1486 county executive committee shall, within 30 days after the
1487 committee members take office, hold an organizational meeting of
1488 all newly elected members for the purpose of electing officers.
1489 The chair of each state executive committee shall, within 60
1490 days after the committee members take office, hold an
1491 organizational meeting of all newly elected members for the
1492 purpose of electing officers.

1493 (6)

1494 (b) Each state executive committee shall include, as at-
1495 large committeemen and committeewomen, all members of the United
1496 States Congress representing the State of Florida who are
1497 members of the political party, all statewide elected officials
1498 who are members of the party, 10 Florida registered voters who
1499 are members of the party as appointed by the Governor if the
1500 Governor is a member of the party, and the President of the
1501 Senate or the Minority Leader in the Senate, and the Speaker of
1502 the House of Representatives or the Minority Leader in the House
1503 of Representatives, whichever is a member of the political
1504 party, and 20 members of the Legislature who are members of the
1505 political party. Ten of the legislators shall be appointed with
1506 the concurrence of the state chair of the respective party, as
1507 follows: five to be appointed by the President of the Senate;
1508 five by the Minority Leader in the Senate; five by the Speaker
1509 of the House of Representatives; and five by the Minority Leader
1510 in the House.

1511 Section 37. Section 103.141, Florida Statutes, is amended
1512 to read:

1513 103.141 Removal of county executive committee member for
1514 violation of oath.--

1515 (1) Where the county executive committee by at least a
1516 two-thirds majority vote of the members of the committee,
1517 attending a meeting held after due notice has been given and at
1518 which meeting a quorum is present, determines an incumbent
1519 county executive committee member to be guilty of an offense
1520 involving a violation of the member's oath of office, said
1521 member so violating his or her oath shall be removed from office
1522 and the office shall be deemed vacant. Provided, however, if
1523 the county committee wrongfully removes a county committee
1524 member and the committee member so wrongfully removed files suit
1525 in the circuit court alleging his or her removal was wrongful
1526 and wins said suit, the committee member shall be restored to
1527 office and the county committee shall pay the costs incurred by
1528 the wrongfully removed committee member in bringing the suit,
1529 including reasonable attorney's fees.

1530 (2) Any officer, county committeeman, county
1531 committeewoman, precinct committeeman, precinct committeewoman,
1532 or member of a county executive committee may be removed from
1533 office pursuant to s. 103.161. ~~Either the county or state~~
1534 ~~executive committee is empowered to take judicial action in~~
1535 ~~chancery against a county committee member for alleged violation~~
1536 ~~of the member's oath of office in the circuit court of the~~
1537 ~~county in which that committee member is an elector; provided,~~
1538 ~~however, that the state committee may take such judicial action~~
1539 ~~only when a county committee refuses to take such judicial~~
1540 ~~action within 10 days after a charge is made. Procedure shall be~~

1541 ~~as in other cases in chancery, and if the court shall find as~~
 1542 ~~fact that the defendant did violate his or her oath of office,~~
 1543 ~~it shall enter a decree removing the defendant from the county~~
 1544 ~~committee. If either such executive committee brings suit in~~
 1545 ~~the circuit court for the removal of a county committee member~~
 1546 ~~and loses said suit, such committee shall pay the court costs~~
 1547 ~~incurred in such suit by the committee member, including~~
 1548 ~~reasonable attorney's fees.~~

1549 Section 38. Section 103.151, Florida Statutes, is
 1550 repealed.

1551 Section 39. Section 103.161, Florida Statutes, is created
 1552 to read:

1553 103.161 Removal or suspension of officers or members of
 1554 state executive committee or county executive committee.--

1555 (1) The chairman of the state executive committee is
 1556 empowered to remove or suspend from an office within the
 1557 chairman's political party any officer, state committeeman,
 1558 state committeewoman, county committeeman, county
 1559 committeewoman, precinct committeeman, precinct committeewoman,
 1560 or other member of a state executive committee, county executive
 1561 committee, political party club, or other organization using the
 1562 political party name as provided in s. 103.081 for a violation
 1563 of the oath of office taken by such individual or for engaging
 1564 in other activities described in this section.

1565 (2) Such violation may include engaging in activities that
 1566 have or could have injured the name or status of the political
 1567 party or interfered with the activities of the political party.
 1568 The chairman has sole discretion to determine if a violation

1569 occurred.

1570 (3) Upon the chairman's determination that a violation of
 1571 the oath of office occurred or that an individual engaged in
 1572 other activities described in this section, the chairman may
 1573 remove or suspend the individual from his or her office. If the
 1574 chairman removes the individual from office, the office shall be
 1575 deemed vacant upon the delivery of the chairman's written order
 1576 of removal to the individual. When a vacancy in office is
 1577 created, the chairman shall appoint an individual to serve
 1578 through the end of the term of the office. If the chairman
 1579 suspends the individual, the chairman shall determine the length
 1580 of the suspension.

1581 (4) An individual removed from office by the chairman
 1582 shall not be eligible to serve on the state executive committee
 1583 or any county executive committee of the political party for a
 1584 period of no less than 4 years from the effective date of the
 1585 removal.

1586 Section 40. Subsection (1) of section 105.031, Florida
 1587 Statutes, is amended to read:

1588 105.031 Qualification; filing fee; candidate's oath; items
 1589 required to be filed.--

1590 (1) TIME OF QUALIFYING.--Except for candidates for
 1591 judicial office, nonpartisan candidates for multicounty office
 1592 shall qualify with the Division of Elections of the Department
 1593 of State and nonpartisan candidates for countywide or less than
 1594 countywide office shall qualify with the supervisor of
 1595 elections. Candidates for judicial office other than the office
 1596 of county court judge shall qualify with the Division of

1597 Elections of the Department of State, and candidates for the
 1598 office of county court judge shall qualify with the supervisor
 1599 of elections of the county. Candidates for judicial office shall
 1600 qualify no earlier than noon of the 120th day, and no later than
 1601 noon of the 116th day, before the primary election. Candidates
 1602 for the office of school board member shall qualify no earlier
 1603 than noon of the 71st ~~50th~~ day, and no later than noon of the
 1604 67th ~~46th~~ day, before the primary election. Filing shall be on
 1605 forms provided for that purpose by the Division of Elections and
 1606 furnished by the appropriate qualifying officer. ~~Any person~~
 1607 ~~seeking to qualify by the petition process, as set forth in s.~~
 1608 ~~105.035, who has submitted the necessary petitions by the~~
 1609 ~~required deadline and is notified after the fifth day prior to~~
 1610 ~~the last day for qualifying that the required number of~~
 1611 ~~signatures has been obtained, shall be entitled to subscribe to~~
 1612 ~~the candidate's oath and file the qualifying papers at any time~~
 1613 ~~within 5 days from the date he or she is notified that the~~
 1614 ~~necessary number of signatures has been obtained.~~ Any person
 1615 other than a write-in candidate who qualifies within the time
 1616 prescribed in this subsection shall be entitled to have his or
 1617 her name printed on the ballot.

1618 Section 41. Paragraph (c) of subsection (1) of section
 1619 106.021, Florida Statutes, is amended to read:

1620 106.021 Campaign treasurers; deputies; primary and
 1621 secondary depositories.--

1622 (1)

1623 (c) Any campaign treasurer or deputy treasurer appointed
 1624 pursuant to this section ~~shall be a registered voter in this~~

1625 ~~state and~~ shall, before such appointment may become effective,
 1626 have accepted appointment to such position in writing and filed
 1627 such acceptance with the officer before whom the candidate is
 1628 required to qualify or with the officer with whom the political
 1629 committee is required to file reports. An individual may be
 1630 appointed and serve as campaign treasurer of a candidate and a
 1631 political committee or two or more candidates and political
 1632 committees. A candidate may appoint herself or himself as
 1633 campaign treasurer.

1634 Section 42. Subsection (1) of section 106.04, Florida
 1635 Statutes, is amended to read:

1636 106.04 Committees of continuous existence.--

1637 (1) In order to qualify as a committee of continuous
 1638 existence for the purposes of this chapter, a group,
 1639 organization, association, or other such entity which is
 1640 involved in making contributions to candidates, political
 1641 committees, or political parties, shall meet the following
 1642 criteria:

1643 (a) It shall be organized and operated in accordance with
 1644 a written charter or set of bylaws which contains procedures for
 1645 the election of officers and directors and which clearly defines
 1646 membership in the organization; and

1647 (b) At least 25 percent of the income of such
 1648 organization, excluding interest, must be derived from dues or
 1649 assessments payable on a regular basis by its membership
 1650 pursuant to provisions contained in the charter or bylaws. Dues
 1651 may be collected by a group, organization, association, or other
 1652 such entity from its members and forwarded to the committee of

1653 continuous existence. The committee of continuous existence
1654 shall report such dues as if it had received the dues directly
1655 from its members, in the manner prescribed in subsection (4).

1656 Section 43. Section 106.055, Florida Statutes, is amended
1657 to read:

1658 106.055 Valuation of in-kind contributions.--Any person
1659 who makes an in-kind contribution shall, at the time of making
1660 such contribution, place a value on such contribution, which
1661 valuation shall be the fair market value of such contribution.
1662 Travel conveyed upon private aircraft shall be valued at the
1663 actual cost of per person commercial air travel for the same or
1664 a substantially similar route.

1665 Section 44. Subsection (10) is added to section 106.08,
1666 Florida Statutes, to read:

1667 106.08 Contributions; limitations on.--

1668 (10) Contributions to a political committee or committee
1669 of continuous existence may be received by an affiliated
1670 organization and transferred to the bank account of the
1671 political committee or committee of continuous existence via
1672 check written from the affiliated organization if such
1673 contributions are specifically identified as intended to be
1674 contributed to the political committee or committee of
1675 continuous existence. All contributions received in this manner
1676 shall be reported pursuant to s. 106.07 by the political
1677 committee or committee of continuous existence as having been
1678 made by the original contributor.

1679 Section 45. Section 106.09, Florida Statutes, is amended
1680 to read:

1681 106.09 Cash contributions and contribution by cashier's
1682 checks.--

1683 (1) A person may not make or accept a cash contribution or
1684 contribution by means of a cashier's check in excess of \$50
1685 ~~\$100~~.

1686 (2) (a) Any person who makes or accepts a contribution in
1687 excess of \$50 ~~\$100~~ in violation of this section commits a
1688 misdemeanor of the first degree, punishable as provided in s.
1689 775.082 or s. 775.083.

1690 (b) Any person who knowingly and willfully makes or
1691 accepts a contribution in excess of \$5,000 in violation of this
1692 section commits a felony of the third degree, punishable as
1693 provided in s. 775.082, s. 775.083, or s. 775.084.

1694 Section 46. Subsection (1) of section 106.143, Florida
1695 Statutes, is amended to read:

1696 106.143 Political advertisements circulated prior to
1697 election; requirements.--

1698 (1) (a) Any political advertisement that is paid for by a
1699 candidate and that is published, displayed, or circulated prior
1700 to, or on the day of, any election must prominently state:
1701 "Political advertisement paid for and approved by ...name of
1702 candidate)...., ...party affiliation)...., for ...(office
1703 sought)...."

1704 (b) Any other political advertisement published,
1705 displayed, or circulated prior to, or on the day of, any
1706 election must prominently:

1707 1. Be marked "paid political advertisement" or with the
1708 abbreviation "pd. pol. adv."

1709 2. State the name and address of the persons sponsoring
1710 the advertisement.

1711 3.a.(I) State whether the advertisement and the cost of
1712 production is paid for or provided in kind by or at the expense
1713 of the entity publishing, displaying, broadcasting, or
1714 circulating the political advertisement; or

1715 (II) State who provided or paid for the advertisement and
1716 cost of production, if different from the source of sponsorship.

1717 b. This subparagraph does not apply if the source of the
1718 sponsorship is patently clear from the content or format of the
1719 political advertisement.

1720 (c) Any political advertisement made pursuant to s.
1721 106.021(3) (d) must be marked "paid political advertisement" or
1722 with the abbreviation "pd. pol. adv." and must prominently
1723 state, "Paid for and sponsored by ... (name of person paying for
1724 political advertisement). Approved by ... (names of persons,
1725 party affiliation, and offices sought in the political
1726 advertisement)."...

1727
1728 This subsection does not apply to campaign messages used by a
1729 candidate and the candidate's supporters if those messages are
1730 designed to be worn by a person.

1731 Section 47. Section 106.17, Florida Statutes, is amended
1732 to read:

1733 106.17 Polls and surveys relating to candidacies.--Any
1734 candidate, political committee, committee of continuous
1735 existence, electioneering communication organization, or state
1736 or county executive committee of a political party may authorize

1737 or conduct a political poll, survey, index, or measurement of
 1738 any kind relating to candidacy for public office so long as the
 1739 candidate, political committee, committee of continuous
 1740 existence, electioneering communication organization, or
 1741 political party maintains complete jurisdiction over the poll in
 1742 all its aspects.

1743 Section 48. Section 106.25, Florida Statutes, is amended
 1744 to read:

1745 106.25 Reports of alleged violations to Florida Elections
 1746 Commission; disposition of findings.--

1747 (1) Jurisdiction to investigate and determine violations
 1748 of this chapter and chapter 104 is vested in the Florida
 1749 Elections Commission; however, nothing in this section limits
 1750 the jurisdiction of any other officers or agencies of government
 1751 empowered by law to investigate, act upon, or dispose of alleged
 1752 violations of this code.

1753 (2) The commission shall investigate all violations of
 1754 this chapter and chapter 104, but only after having received
 1755 either a sworn complaint or information reported to it under
 1756 this subsection by the Division of Elections. Such sworn
 1757 complaint must be based upon personal information or information
 1758 other than hearsay. Any person, other than the division, having
 1759 information of any violation of this chapter or chapter 104
 1760 shall file a sworn complaint with the commission. The commission
 1761 shall investigate only those alleged violations specifically
 1762 contained within the sworn complaint. If any complainant fails
 1763 to allege all violations that arise from the facts or
 1764 allegations alleged in a complaint, the commission shall be

1765 barred from investigating a subsequent complaint from such
1766 complainant that is based upon such facts or allegations that
1767 were raised or could have been raised in the first complaint. If
1768 the complaint includes allegations of violations relating to
1769 expense items reimbursed by a candidate, committee, or
1770 organization to the campaign account before a sworn complaint is
1771 filed, the commission shall be barred from investigating such
1772 allegations. Such sworn complaint shall state whether a
1773 complaint of the same violation has been made to any state
1774 attorney. Within 5 days after receipt of a sworn complaint, the
1775 commission shall transmit a copy of the complaint to the alleged
1776 violator. If the executive director finds that the complaint is
1777 legally sufficient, the respondent shall be notified of such
1778 finding by letter, which sets forth the statutory provisions
1779 alleged to have been violated and the alleged factual basis that
1780 supports the finding. All sworn complaints alleging violations
1781 of the Florida Election Code over which the commission has
1782 jurisdiction shall be filed with the commission within 2 years
1783 after the alleged violations. The period of limitations is
1784 tolled on the day a sworn complaint is filed with the
1785 commission. The complainant may withdraw the sworn complaint at
1786 any time prior to a probable cause hearing if good cause is
1787 shown. Withdrawal shall be requested in writing, signed by the
1788 complainant, and witnessed by a notary public, stating the facts
1789 and circumstances constituting good cause. The executive
1790 director shall prepare a written recommendation regarding
1791 disposition of the request which shall be given to the
1792 commission together with the request. "Good cause" shall be

1793 determined based upon the legal sufficiency or insufficiency of
1794 the complaint to allege a violation and the reasons given by the
1795 complainant for wishing to withdraw the complaint. If withdrawal
1796 is permitted, the commission must close the investigation and
1797 the case. No further action may be taken. The complaint will
1798 become a public record at the time of withdrawal.

1799 (3) For the purposes of commission jurisdiction, a
1800 violation shall mean the willful performance of an act
1801 prohibited by this chapter or chapter 104 or the willful failure
1802 to perform an act required by this chapter or chapter 104.
1803 Willfulness is a determination of fact; however, at the request
1804 of the respondent, willfulness may be considered and determined
1805 in an informal hearing before the commission.

1806 (4) The commission shall undertake a preliminary
1807 investigation to determine if the facts alleged in a sworn
1808 complaint or a matter initiated by the division constitute
1809 probable cause to believe that a violation has occurred. ~~The~~
1810 ~~respondent, the complainant, and their respective counsel shall~~
1811 ~~be permitted to attend the hearing at which the probable cause~~
1812 ~~determination is made. Notice of the hearing shall be sent to~~
1813 ~~the respondent and the complainant at least 14 days prior to the~~
1814 ~~date of the hearing. The respondent and his or her counsel shall~~
1815 ~~be permitted to make a brief oral statement in the nature of~~
1816 ~~oral argument to the commission before the probable cause~~
1817 ~~determination. The commission's determination shall be based~~
1818 ~~upon the investigator's report, the complaint, and staff~~
1819 ~~recommendations, as well as any written statements submitted by~~
1820 ~~the respondent and any oral statements made at the hearing. No~~

1821 ~~testimony or other evidence shall be accepted at the hearing.~~
1822 ~~Upon completion of the preliminary investigation, the commission~~
1823 ~~shall, by written report, find probable cause or no probable~~
1824 ~~cause to believe that this chapter or chapter 104 has been~~
1825 ~~violated.~~

1826 (a) When the investigator's report is completed, the
1827 executive director shall notify the respondent that the report
1828 is completed and shall send to the respondent a copy of the
1829 investigator's report. The investigatory file and main complaint
1830 file shall be open for inspection by the respondent and the
1831 respondent's counsel at that time, and copies may be obtained at
1832 no more than cost.

1833 (b) The respondent shall be given not less than 14 days
1834 from the date of mailing of the investigator's report to file
1835 with the commission a written response to the investigator's
1836 report. This time period may be shortened with the consent of
1837 the respondent, or without the consent of the respondent when
1838 the passage of time could reasonably be expected to render moot
1839 the ultimate disposition of the matter by the commission so long
1840 as reasonable notice under the circumstances is given.

1841 (c) Counsel for the commission shall review the
1842 investigator's report and shall make a written recommendation to
1843 the commission for the disposition of the complaint. If the
1844 counsel for the commission recommends that the commission find
1845 probable cause, the recommendation shall include a statement of
1846 what charges shall be at issue. A copy of the recommendation
1847 shall be furnished to the respondent. The respondent shall be
1848 given not less than 14 days from the date of mailing of the

1849 recommendation of counsel for the commission to file with the
1850 commission a written response to the recommendation. This time
1851 period may be shortened with the consent of the respondent, or
1852 without the consent of the respondent when the passage of time
1853 could reasonably be expected to render moot the ultimate
1854 disposition of the matter by the commission, so long as the
1855 recommendation is furnished to the respondent within a
1856 reasonable period of time under the circumstances.

1857 (d) The respondent and each complainant, their counsel,
1858 and the counsel for the commission shall be permitted to attend
1859 the hearing at which the probable cause determination is made.
1860 Notice of the hearing shall be sent to the respondent, each
1861 complainant, and counsel for the commission at least 14 days
1862 before the hearing. This time period may be shortened with the
1863 consent of the respondent, or without the consent of the
1864 respondent when the passage of time could reasonably be expected
1865 to render moot the ultimate disposition of the matter by the
1866 commission, so long as the notice is furnished within a
1867 reasonable period of time under the circumstances.

1868 (e) The probable cause determination is the conclusion of
1869 the preliminary investigation. The respondent and the counsel
1870 for the commission shall be permitted to make brief oral
1871 statements in the nature of oral argument to the commission,
1872 based on the investigator's report, before the probable cause
1873 determination. The commission's determination shall be based
1874 upon the investigator's report, the recommendation of counsel
1875 for the commission, the complaint, and staff recommendations, as
1876 well as any written statements submitted by the respondent and

1877 any oral statements made at the hearing. No testimony or other
 1878 evidence will be accepted at the hearing.

1879 (f) At its meeting to determine probable cause, the
 1880 commission may continue its determination to allow further
 1881 investigation; may order the issuance of a public report of its
 1882 investigation if it finds no probable cause to believe that
 1883 there has been a violation of this chapter or chapter 104,
 1884 concluding the matter before it; may order a final, public
 1885 hearing of the complaint if it finds probable cause to believe
 1886 that there has been a violation of this chapter or chapter 104;
 1887 or may take such other action as it deems necessary to resolve
 1888 the complaint, consistent with due process of law. In making its
 1889 determination, the commission may consider:

1890 1. The sufficiency of the evidence against the respondent,
 1891 as contained in the investigator's report;

1892 2. The admissions and other stipulations of the
 1893 respondent, if any;

1894 3. The nature and circumstances of the respondent's
 1895 actions;

1896 4. The expense of further proceedings; and

1897 5. Such other factors as it deems material to its
 1898 decision.

1900 If the commission finds probable cause, the commission shall
 1901 determine what charges shall be at issue.

1902 (g) ~~(a)~~ If no probable cause is found, the commission shall
 1903 dismiss the case and the case shall become a matter of public
 1904 record, except as otherwise provided in this section, together

1905 with a written statement of the findings of the preliminary
 1906 investigation and a summary of the facts which the commission
 1907 shall send to the complainant and the alleged violator. A
 1908 finding of no probable cause by the commission is a full
 1909 adjudication of all such matters. The commission may not charge
 1910 a respondent in a subsequent complaint alleging violations based
 1911 upon the same actions, nonactions, or circumstances wherein the
 1912 commission found no probable cause.

1913 (h) ~~(b)~~ If probable cause is found, the commission shall so
 1914 notify the complainant and the alleged violator in writing. All
 1915 documents made or received in the disposition of the complaint
 1916 shall become public records upon a finding by the commission.

1917 (i)1. Upon a commission finding of probable cause, the
 1918 counsel for the commission shall attempt to reach a consent
 1919 agreement with the respondent.

1920 2. A consent agreement is not binding upon either party
 1921 unless and until it is signed by the respondent and by counsel
 1922 for the commission upon approval by the commission.

1923 3. Nothing herein shall be construed to prevent the
 1924 commission from entering into a consent agreement with a
 1925 respondent prior to a commission finding of probable cause if a
 1926 respondent indicates in writing a desire to enter into
 1927 negotiations directed towards reaching such a consent agreement.
 1928 Any consent agreement reached under this subparagraph is subject
 1929 to the provisions of subparagraph 2. and shall have the same
 1930 force and effect as a consent agreement reached after the
 1931 commission finding of probable cause.

1932 (j) If a consent agreement is reached between the

1933 commission and the respondent, counsel for the commission shall
 1934 send a copy of the signed agreement to both complainant and
 1935 respondent.

1936
 1937 In a case where probable cause is found, the commission shall
 1938 make a preliminary determination to consider the matter or to
 1939 refer the matter to the state attorney for the judicial circuit
 1940 in which the alleged violation occurred. Notwithstanding any
 1941 other provisions of this section, the commission may, at its
 1942 discretion, dismiss any complaint at any stage of disposition if
 1943 it determines that the public interest would not be served by
 1944 proceeding further, in which case the commission shall issue a
 1945 public report stating with particularity its reasons for the
 1946 dismissal.

1947 (5) Unless ~~When there are disputed issues of material fact~~
 1948 ~~in a proceeding conducted under ss. 120.569 and 120.57,~~ a person
 1949 alleged by the Elections Commission to have committed a
 1950 violation of this chapter or chapter 104 elects ~~may elect,~~
 1951 within 30 days after the date of the filing of the commission's
 1952 allegations, to have a formal or informal hearing conducted
 1953 before the commission, or elects to resolve the complaint by
 1954 consent order, such person shall be entitled to a formal
 1955 administrative hearing conducted by an administrative law judge
 1956 in the Division of Administrative Hearings. The administrative
 1957 law judge in such proceedings shall enter a final order subject
 1958 to appeal as provided in s. 120.68.

1959 (6) It is the duty of a state attorney receiving a
 1960 complaint referred by the commission to investigate the

1961 | complaint promptly and thoroughly; to undertake such criminal or
 1962 | civil actions as are justified by law; and to report to the
 1963 | commission the results of such investigation, the action taken,
 1964 | and the disposition thereof. The failure or refusal of a state
 1965 | attorney to prosecute or to initiate action upon a complaint or
 1966 | a referral by the commission shall not bar further action by the
 1967 | commission under this chapter.

1968 | (7) Every sworn complaint filed pursuant to this chapter
 1969 | with the commission, every investigation and investigative
 1970 | report or other paper of the commission with respect to a
 1971 | violation of this chapter or chapter 104, and every proceeding
 1972 | of the commission with respect to a violation of this chapter or
 1973 | chapter 104 is confidential, is exempt from the provisions of
 1974 | ss. 119.07(1) and 286.011, and is exempt from publication in the
 1975 | Florida Administrative Weekly of any notice or agenda with
 1976 | respect to any proceeding relating to such violation, except
 1977 | under the following circumstances:

- 1978 | (a) As provided in subsection (6);
- 1979 | (b) Upon a determination of probable cause or no probable
 1980 | cause by the commission; or
- 1981 | (c) For proceedings conducted with respect to appeals of
 1982 | fines levied by filing officers for the late filing of reports
 1983 | required by this chapter.

1984 |
 1985 | However, a complainant is not bound by the confidentiality
 1986 | provisions of this section. In addition, confidentiality may be
 1987 | waived in writing by the person against whom the complaint has
 1988 | been filed or the investigation has been initiated. If a

1989 finding of probable cause in a case is entered within 30 days
 1990 prior to the date of the election with respect to which the
 1991 alleged violation occurred, such finding and the proceedings and
 1992 records relating to such case shall not become public until noon
 1993 of the day following such election. When two or more persons
 1994 are being investigated by the commission with respect to an
 1995 alleged violation of this chapter or chapter 104, the commission
 1996 may not publicly enter a finding of probable cause or no
 1997 probable cause in the case until a finding of probable cause or
 1998 no probable cause for the entire case has been determined.
 1999 However, once the confidentiality of any case has been breached,
 2000 the person or persons under investigation have the right to
 2001 waive the confidentiality of the case, thereby opening up the
 2002 proceedings and records to the public. Any person who discloses
 2003 any information or matter made confidential by the provisions of
 2004 this subsection commits a misdemeanor of the first degree,
 2005 punishable as provided in s. 775.082 or s. 775.083.

2006 (8) Any person who files a complaint pursuant to this
 2007 section while knowing that the allegations contained in such
 2008 complaint are false or without merit commits a misdemeanor of
 2009 the first degree, punishable as provided in s. 775.082 or s.
 2010 775.083.

2011 (9) The commission shall maintain a database of all final
 2012 orders and agency actions. Such database shall be available to
 2013 the public and shall be maintained in such a manner as to be
 2014 searchable, at a minimum, by issue, statutes, individuals, or
 2015 entities referenced.

2016 Section 49. Subsection (4) of section 106.35, Florida

2017 Statutes, is amended to read:

2018 106.35 Distribution of funds.--

2019 (4) Distribution of funds shall be made beginning on the
 2020 32nd day prior to the primary ~~within 7 days after the close of~~
 2021 ~~qualifying~~ and every 7 days thereafter.

2022 Section 50. Section 112.51, Florida Statutes, is amended
 2023 to read:

2024 112.51 Municipal officers; suspension; removal from
 2025 office.--

2026 (1) By executive order stating the grounds for the
 2027 suspension and filed with the Secretary of State, the Governor
 2028 may suspend from office any elected or appointed municipal
 2029 official for malfeasance, misfeasance, neglect of duty, habitual
 2030 drunkenness, incompetence, or permanent inability to perform
 2031 official duties.

2032 (2) Whenever any elected or appointed municipal official
 2033 is arrested for a felony or for a misdemeanor related to the
 2034 duties of office or is indicted or informed against for the
 2035 commission of a federal felony or misdemeanor or state felony or
 2036 misdemeanor, the Governor has the power to suspend such
 2037 municipal official from office.

2038 (3) The suspension of such official by the Governor
 2039 creates a temporary vacancy in such office during the
 2040 suspension. Any temporary vacancy in office created by
 2041 suspension of an official under the provisions of this section
 2042 shall be filled by a temporary appointment to such office for
 2043 the period of the suspension. Such temporary appointment shall
 2044 be made in the same manner and by the same authority by which a

2045 permanent vacancy in such office is filled as provided by law.
2046 If no provision for filling a permanent vacancy in such office
2047 is provided by law, the temporary appointment shall be made by
2048 the Governor.

2049 (4) No municipal official who has been suspended from
2050 office under this section may perform any official act, duty, or
2051 function during his or her suspension; receive any pay or
2052 allowance during his or her suspension; or be entitled to any of
2053 the emoluments or privileges of his or her office during
2054 suspension.

2055 (5) If the municipal official is convicted of any of the
2056 charges contained in the indictment or information by reason of
2057 which he or she was suspended under the provisions of this
2058 section, the Governor shall remove such municipal official from
2059 office. If a person was selected to fill the temporary vacancy
2060 pursuant to subsection (3), that person shall serve the
2061 remaining balance, if any, of the removed official's term of
2062 office. Otherwise, any vacancy created by the removal shall be
2063 filled as provided by law. For the purposes of this section, any
2064 person who pleads guilty or nolo contendere or who is found
2065 guilty shall be deemed to have been convicted, notwithstanding a
2066 suspension of sentence or a withholding of adjudication.

2067 (6) If the municipal official is acquitted or found not
2068 guilty or is otherwise cleared of the charges which were the
2069 basis of the arrest, indictment, or information by reason of
2070 which he or she was suspended under the provisions of this
2071 section, then the Governor shall forthwith revoke the suspension
2072 and restore such municipal official to office; and the official

2073 shall be entitled to and be paid full back pay and such other
 2074 emoluments or allowances to which he or she would have been
 2075 entitled for the full period of time of the suspension. If,
 2076 during the suspension, the term of office of the municipal
 2077 official expires and a successor is either appointed or elected,
 2078 such back pay, emoluments, or allowances shall only be paid for
 2079 the duration of the term of office during which the municipal
 2080 official was suspended under the provisions of this section, and
 2081 he or she shall not be reinstated.

2082 Section 51. Section 106.37, Florida Statutes, is repealed.

2083 Section 52. Subsections (2) and (3) of section 189.405,
 2084 Florida Statutes, are amended to read:

2085 189.405 Elections; general requirements and procedures;
 2086 education programs.--

2087 (2)(a) Any independent special district located entirely
 2088 in a single county may provide for the conduct of district
 2089 elections by the supervisor of elections for that county. Any
 2090 independent special district that conducts its elections through
 2091 the office of the supervisor shall make election procedures
 2092 consistent with the Florida Election Code.

2093 (b) Any independent special district not conducting
 2094 district elections through the supervisor of elections shall
 2095 report to the supervisor in a timely manner the purpose, date,
 2096 authorization, procedures, and results of each election
 2097 conducted by the district.

2098 (c) A candidate for a position on a governing board of a
 2099 single-county special district that has its elections conducted
 2100 by the supervisor of elections shall qualify for the office with

2101 the county supervisor of elections in whose jurisdiction the
 2102 district is located. Elections for governing board members
 2103 elected by registered electors shall be nonpartisan, except when
 2104 partisan elections are specified by a district's charter.
 2105 Candidates shall qualify as directed by chapter 99. ~~by paying a~~
 2106 ~~filing fee equal to 3 percent of the salary or honorarium paid~~
 2107 ~~for the office, or a filing fee of \$25, whichever is more.~~
 2108 ~~Alternatively, candidates may qualify by submitting a petition~~
 2109 ~~that contains the signatures of at least 3 percent of the~~
 2110 ~~district's registered electors, or any lesser amount of~~
 2111 ~~signatures directed by chapter 99, chapter 582, or other general~~
 2112 ~~or special law. No election or party assessment shall be levied~~
 2113 ~~if the election is nonpartisan.~~ The qualifying fee shall be
 2114 remitted to the general revenue fund of the qualifying officer
 2115 to help defray the cost of the election. ~~The petition form shall~~
 2116 ~~be submitted and checked in the same manner as those for~~
 2117 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~

2118 (3) (a) If a multicounty special district has a popularly
 2119 elected governing board, elections for the purpose of electing
 2120 members to such board shall conform to the Florida Election
 2121 Code, chapters 97-106.

2122 (b) With the exception of those districts conducting
 2123 elections on a one-acre/one-vote basis, qualifying for
 2124 multicounty special district governing board positions shall be
 2125 coordinated by the Department of State. Elections for governing
 2126 board members elected by registered electors shall be
 2127 nonpartisan, except when partisan elections are specified by a
 2128 district's charter. Candidates shall qualify as directed by

2129 ~~chapter 99. by paying a filing fee equal to 3 percent of the~~
2130 ~~salary or honorarium paid for the office, or a filing fee of~~
2131 ~~\$25, whichever is more. Alternatively, candidates may qualify by~~
2132 ~~submitting a petition that contains the signatures of at least 3~~
2133 ~~percent of the district's registered electors, or any lesser~~
2134 ~~amount of signatures directed by chapter 99, chapter 582, or~~
2135 ~~other general or special law. No election or party assessment~~
2136 ~~shall be levied if the election is nonpartisan. The qualifying~~
2137 ~~fee shall be remitted to the Department of State. The petition~~
2138 ~~form shall be submitted and checked in the same manner as those~~
2139 ~~for nonpartisan judicial candidates pursuant to s. 105.035.~~

2140 Section 53. Paragraph (a) of subsection (1) of section
2141 191.005, Florida Statutes, is amended to read:

2142 191.005 District boards of commissioners; membership,
2143 officers, meetings.--

2144 (1) (a) With the exception of districts whose governing
2145 boards are appointed collectively by the Governor, the county
2146 commission, and any cooperating city within the county, the
2147 business affairs of each district shall be conducted and
2148 administered by a five-member board. All three-member boards
2149 existing on the effective date of this act shall be converted to
2150 five-member boards, except those permitted to continue as a
2151 three-member board by special act adopted in 1997 or thereafter.
2152 The board shall be elected in nonpartisan elections by the
2153 electors of the district. Except as provided in this act, such
2154 elections shall be held at the time and in the manner prescribed
2155 by law for holding general elections in accordance with s.
2156 189.405(2)(a) and (3), and each member shall be elected for a

2157 term of 4 years and serve until the member's successor assumes
 2158 office. Candidates for the board of a district shall qualify as
 2159 directed by chapter 99. ~~with the county supervisor of elections~~
 2160 ~~in whose jurisdiction the district is located. If the district~~
 2161 ~~is a multicounty district, candidates shall qualify with the~~
 2162 ~~Department of State. All candidates may qualify by paying a~~
 2163 ~~filing fee of \$25 or by obtaining the signatures of at least 25~~
 2164 ~~registered electors of the district on petition forms provided~~
 2165 ~~by the supervisor of elections which petitions shall be~~
 2166 ~~submitted and checked in the same manner as petitions filed by~~
 2167 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~
 2168 ~~Notwithstanding s. 106.021, a candidate who does not collect~~
 2169 ~~contributions and whose only expense is the filing fee is not~~
 2170 ~~required to appoint a campaign treasurer or designate a primary~~
 2171 ~~campaign depository.~~

2172 Section 54. Paragraph (a) of subsection (1) of section
 2173 582.18, Florida Statutes, is amended to read:

2174 582.18 Election of supervisors of each district.--

2175 (1) The election of supervisors for each soil and water
 2176 conservation district shall be held every 2 years. The
 2177 elections shall be held at the time of the general election
 2178 provided for by s. 100.041. The office of the supervisor of a
 2179 soil and water conservation district is a nonpartisan office,
 2180 and candidates for such office are prohibited from campaigning
 2181 or qualifying for election based on party affiliation.

2182 (a) Each candidate for supervisor for such district shall
 2183 qualify as directed by chapter 99. ~~be nominated by nominating~~
 2184 ~~petition subscribed by 25 or more qualified electors of such~~

2185 ~~district. Candidates shall obtain signatures on petition forms~~
2186 ~~prescribed by the Department of State and furnished by the~~
2187 ~~appropriate qualifying officer. In multicounty districts, the~~
2188 ~~appropriate qualifying officer is the Secretary of State; in~~
2189 ~~single county districts, the appropriate qualifying officer is~~
2190 ~~the supervisor of elections. Such forms may be obtained at any~~
2191 ~~time after the first Tuesday after the first Monday in January~~
2192 ~~preceding the election, but prior to the 21st day preceding the~~
2193 ~~first day of the qualifying period for state office. Each~~
2194 ~~petition shall be submitted, prior to noon of the 21st day~~
2195 ~~preceding the first day of the qualifying period for state~~
2196 ~~office, to the supervisor of elections of the county for which~~
2197 ~~such petition was circulated. The supervisor of elections shall~~
2198 ~~check the signatures on the petition to verify their status as~~
2199 ~~electors in the district. Prior to the first date for~~
2200 ~~qualifying, the supervisor of elections shall determine whether~~
2201 ~~the required single county signatures have been obtained; and~~
2202 ~~she or he shall so notify the candidate. In the case of a~~
2203 ~~multicounty candidate, the supervisor of elections shall check~~
2204 ~~the signatures on petitions and shall, prior to the first date~~
2205 ~~for qualifying for office, certify to the Department of State~~
2206 ~~the number shown as registered electors of the district. The~~
2207 ~~Department of State shall determine if the required number of~~
2208 ~~signatures has been obtained for multicounty candidates and~~
2209 ~~shall so notify the candidate. If the required number of~~
2210 ~~signatures has been obtained for the name of the candidate to be~~
2211 ~~placed on the ballot, the candidate shall, during the time~~
2212 ~~prescribed for qualifying for office in s. 99.061, submit a copy~~

2213 ~~of the notice to, and file her or his qualification papers with,~~
 2214 ~~the qualifying officer and take the oath prescribed in s.~~
 2215 ~~99.021.~~

2216 Section 55. Subsection (1) of section 876.05, Florida
 2217 Statutes, is amended to read:

2218 876.05 Public employees; oath.--

2219 (1) All persons who now or hereafter are employed by or
 2220 who now or hereafter are on the payroll of the state, or any of
 2221 its departments and agencies, subdivisions, counties, cities,
 2222 school boards and districts of the free public school system of
 2223 the state or counties, or institutions of higher learning, and
 2224 all candidates for public office, except candidates for federal
 2225 office, are required to take an oath before any person duly
 2226 authorized to take acknowledgments of instruments for public
 2227 record in the state in the following form:

2228 I,, a citizen of the State of Florida and of the
 2229 United States of America, and being employed by or an officer of
 2230and a recipient of public funds as such employee or
 2231 officer, do hereby solemnly swear or affirm that I will support
 2232 the Constitution of the United States and of the State of
 2233 Florida.

2234 Section 56. At the time of qualification, all write-in
 2235 candidates must reside within the district represented by the
 2236 office sought.

2237 Section 57. Except as otherwise expressly provided in this
 2238 act and except for this section, which shall take effect upon
 2239 becoming a law, this act shall take effect January 1, 2008.