

By the Committee on Ethics and Elections; and Senator
Constantine

582-2221-07

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; redefining the term "minor
4 political party"; amending s. 97.053, F.S.;
5 requiring an applicant for voter registration
6 to be notified when the application cannot be
7 verified; providing for registration upon
8 presentation of evidence of a driver's license
9 number, identification card number, or the last
10 four digits of the applicant's social security
11 number; changing the time within which a person
12 casting a provisional ballot may present
13 evidence of eligibility to vote; changing the
14 time for voter registrations to be entered into
15 the statewide voter registration system;
16 creating s. 98.056, F.S.; prescribing
17 registration list maintenance forms; amending
18 s. 98.065, F.S.; revising duties of supervisors
19 of elections with respect to registration list
20 maintenance programs; amending s. 98.075, F.S.;
21 providing circumstances for removal of the name
22 of a deceased voter; amending s. 99.021, F.S.;
23 prescribing form of oath for candidates for
24 federal office; amending s. 99.061, F.S.;
25 prescribing times for qualifying for nomination
26 or election; prescribing specific procedures
27 for qualifying for special district office;
28 providing that the filing fee of a candidate
29 for a special district election need not be
30 drawn on a campaign account; amending s.
31 99.093, F.S.; providing for assessments paid by

1 municipal candidates to be forwarded to the
2 Florida Elections Commission; amending s.
3 99.095, F.S.; prescribing the number of
4 signatures required for a candidate for special
5 district office to qualify by petition;
6 prescribing the time for certification to the
7 Division of Elections of certain candidates
8 qualifying by petition; amending s. 99.097,
9 F.S.; prescribing procedure if a petition
10 signatory lists an address other than the
11 address at which he or she is registered;
12 amending s. 100.041, F.S.; prescribing the time
13 when a county commissioner is deemed elected;
14 amending s. 100.061, F.S.; changing the date of
15 the primary election; amending s. 100.191,
16 F.S.; revising the time for canvassing special
17 election returns; amending s. 100.361, F.S.;
18 prescribing procedures for conducting municipal
19 recall elections; providing for petitions;
20 prescribing grounds for recall; providing for
21 filling vacancies; proscribing certain acts
22 with respect to recall elections and providing
23 penalties; amending s. 101.041, F.S.; revising
24 provisions that require secret voting; amending
25 s. 101.048, F.S.; changing the time within
26 which a person casting a provisional ballot may
27 present evidence of eligibility to vote;
28 amending s. 101.111, F.S.; requiring the
29 supervisor of elections to present the election
30 board with a copy of the challenge to a voter's
31 right to vote; amending s. 101.51, F.S.;

1 deleting provisions relating to announcing the
2 name of a voter; amending s. 101.6103, F.S.;
3 changing the time to begin canvassing mail
4 ballots; amending s. 101.62, F.S.; revising the
5 period of effectiveness of a request for an
6 absentee ballot; revising the time for sending
7 an absentee ballot to an overseas elector;
8 revising time period for providing absentee
9 ballots; amending s. 101.68, F.S.; changing the
10 time to begin canvassing absentee ballots;
11 amending s. 101.733, F.S.; revising provisions
12 relating to giving notice of an election
13 rescheduled due to emergency; authorizing the
14 holding of an election by mail; amending s.
15 102.014, F.S.; revising provisions relating to
16 poll worker recruitment and training; amending
17 s. 102.112, F.S.; changing the deadline for
18 submitting county returns to the Department of
19 State; amending s. 102.141, F.S.; requiring
20 submission of preliminary returns in certain
21 format by election night to the Department of
22 State; changing the time to submit unofficial
23 returns; amending s. 102.166, F.S.; conforming
24 a cross-reference; amending s. 103.022, F.S.;
25 revising the time for qualification as write-in
26 candidates for President and Vice President;
27 creating s. 103.085, F.S.; prescribing
28 guidelines for creation of minor political
29 parties; requiring certain information to be
30 filed; authorizing rules to prescribe the
31 manner in which such party's registration may

1 be canceled; amending s. 103.091, F.S.;
2 changing the times for qualifying for election
3 to a political party executive committee;
4 amending s. 105.031, F.S.; changing the times
5 for qualifying for school board candidates;
6 amending s. 106.07, F.S.; changing the times
7 for submitting reports of contributions
8 received and expenditures made; amending s.
9 106.35, F.S.; revising the time for the
10 Division of Elections to distribute funds to
11 candidates; amending s. 112.51, F.S.; providing
12 for filling vacancies created when a municipal
13 officer has been removed from office; amending
14 s. 189.405, F.S.; revising qualification
15 procedures for candidates for special district
16 office; amending s. 191.005, F.S.; revising
17 qualification procedures for candidates for
18 independent special fire control district
19 boards of commissioners; amending s. 582.18,
20 F.S.; revising qualification procedures for
21 candidates for soil and water conservation
22 district supervisors; amending s. 876.05, F.S.;
23 exempting candidates for federal office from
24 taking the public employees' oath; repealing s.
25 104.29, F.S., relating to inspectors refusing
26 to allow watchers while ballots are counted;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Subsection (17) of section 97.021, Florida
2 Statutes, is amended to read:

3 97.021 Definitions.--For the purposes of this code,
4 except where the context clearly indicates otherwise, the
5 term:

6 (17) "Minor political party" is any group that
7 registers pursuant to s. 103.085, and that ~~as defined in this~~
8 ~~subsection which~~ on January 1 preceding a primary election has
9 ~~does not have registered as members~~ 5 percent or fewer of the
10 total registered electors of the state as registered members
11 of the group. ~~Any group of citizens organized for the general~~
12 ~~purposes of electing to office qualified persons and~~
13 ~~determining public issues under the democratic processes of~~
14 ~~the United States may become a minor political party of this~~
15 ~~state by filing with the department a certificate showing the~~
16 ~~name of the organization, the names of its current officers,~~
17 ~~including the members of its executive committee, and a copy~~
18 ~~of its constitution or bylaws. It shall be the duty of the~~
19 ~~minor political party to notify the department of any changes~~
20 ~~in the filing certificate within 5 days of such changes.~~

21 Section 2. Subsections (6) and (7) of section 97.053,
22 Florida Statutes, are amended to read:

23 97.053 Acceptance of voter registration
24 applications.--

25 (6) A voter registration application may be accepted
26 as valid only after the department has verified the
27 authenticity or nonexistence of the driver's license number,
28 the Florida identification card number, or the last four
29 digits of the social security number provided by the
30 applicant. If a completed voter registration application has
31 been received by the book-closing deadline but the driver's

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

20 (7) All voter registration applications received by a
21 voter registration official shall be entered into the
22 statewide voter registration system within 13 ~~15~~ days after
23 receipt. Once entered, the application shall be immediately
24 forwarded to the appropriate supervisor of elections.

25 Section 3. Section 98.056, Florida Statutes, is
26 created to read:

27 98.056 Registration list maintenance forms.--The
28 department shall prescribe registration list maintenance forms
29 to be used by the supervisors, which must include:

30 (1) An "address confirmation request," which must
31 contain:

1 (a) The voter's name and address of legal residence as
2 shown on the voter registration record.

3 (b) A request that the supervisor be informed if
4 either the name or address of legal residence of the voter is
5 incorrect.

6 (2) An "address change notice," which must be sent by
7 forwardable mail, including a postage prepaid preaddressed
8 return form with which the voter may verify or correct his or
9 her address information.

10 (3) An "address confirmation final notice," which must
11 be sent by forwardable mail and must contain a postage prepaid
12 preaddressed return form and a statement that:

13 (a) If the voter has not changed address of legal
14 residence or has changed address of legal residence within the
15 state, the voter should return the return form within 30 days
16 after the date of notice.

17 (b) If the return form is not returned and the voter
18 does not offer to vote by the second general election
19 thereafter, the voter's name will be removed from the voter
20 registration books.

21 (c) If the voter has changed address of legal
22 residence to a location outside the state:

23 1. The voter should return the return form, which will
24 serve as a request to be removed from the registration books;
25 and

26 2. The voter will be provided with information on how
27 to register in the new jurisdiction in order to be eligible to
28 vote.

29 Section 4. Subsection (4) of section 98.065, Florida
30 Statutes, is amended to read:

31 98.065 Registration list maintenance programs.--

1 (4)(a) If the supervisor receives change-of-address
2 information pursuant to the activities conducted in subsection
3 (2), from jury notices signed by the voter and returned to the
4 courts, from the Department of Highway Safety and Motor
5 Vehicles, or from other sources, which information indicates
6 that the legal address of a registered voter might have
7 changed within the state, the supervisor must change the
8 registration records to show the new address and must shall
9 send the voter by forwardable return if undeliverable mail an
10 address change confirmation notice to the address at which the
11 voter was last registered. A supervisor may also send an
12 address confirmation notice to any voter who the supervisor
13 has reason to believe has moved from his or her legal
14 residence.

15 (b) If the supervisor receives change-of-address
16 information pursuant to the activities conducted in subsection
17 (2), from jury notices signed by the voter and returned to the
18 courts, or from other sources, which information indicates the
19 legal residence of a registered voter might have changed
20 outside the state, the supervisor shall send an address
21 confirmation final notice to the voter. The address
22 confirmation notice shall contain a postage prepaid,
23 preaddressed return form on which:

24 1. ~~If the voter has changed his or her address of~~
25 ~~legal residence to a location outside the state, the voter~~
26 ~~shall mark that the voter's legal residence has changed to a~~
27 ~~location outside the state. The form shall also include~~
28 ~~information on how to register in the new state in order to be~~
29 ~~eligible to vote. The form must be returned within 30 days~~
30 ~~after the date of the notice. The completed form shall~~
31

1 ~~constitute a request to be removed from the statewide voter~~
2 ~~registration system.~~

3 ~~2. If the voter has changed his or her address of~~
4 ~~legal residence to a location inside the state, the voter~~
5 ~~shall set forth the updated or corrected address and submit~~
6 ~~the return form within 30 days after the date of the notice.~~
7 ~~The completed form shall constitute a request to update the~~
8 ~~statewide voter registration system with the updated or~~
9 ~~corrected address information.~~

10 ~~3. If the voter has not changed his or her address of~~
11 ~~legal residence as printed on the address confirmation notice,~~
12 ~~the voter shall confirm that his or her address of legal~~
13 ~~residence has not changed and submit the form within 30 days~~
14 ~~after the date of the notice.~~

15 (c) The supervisor must designate as inactive all
16 voters who have been sent an address confirmation final notice
17 and who have not returned the postage prepaid, preaddressed
18 return form within 30 days or for which an address
19 confirmation final notice has been returned as undeliverable.
20 Names on the inactive list may not be used to calculate the
21 number of signatures needed on any petition. A voter on the
22 inactive list may be restored to the active list of voters
23 upon the voter updating his or her registration, requesting an
24 absentee ballot, or appearing to vote. However, if the voter
25 does not update his or her voter registration information,
26 request an absentee ballot, or vote by the second general
27 election after being placed on the inactive list, the voter's
28 name shall be removed from the statewide voter registration
29 system and the voter shall be required to reregister to have
30 his or her name restored to the statewide voter registration
31 system.

1 Section 5. Subsection (3) of section 98.075, Florida
2 Statutes, is amended to read:

3 98.075 Registration records maintenance activities;
4 ineligibility determinations.--

5 (3) DECEASED PERSONS.--The department shall identify
6 those registered voters who are deceased by comparing
7 information on the lists of deceased persons received from the
8 Department of Health as provided in s. 98.093. Upon receipt of
9 such information through the statewide voter registration
10 system, the supervisor shall remove the name of the registered
11 voter. Additionally, if the supervisor is presented with a
12 copy of a death certificate issued from a bona fide
13 governmental agency or has personal knowledge of the voter's
14 death, the supervisor shall remove the name of the deceased
15 voter from the statewide voter registration system.

16 Section 6. Paragraph (a) of subsection (1) of section
17 99.021, Florida Statutes, is amended to read:

18 99.021 Form of candidate oath.--

19 (1)(a)1. Each candidate, whether a party candidate, a
20 candidate with no party affiliation, or a write-in candidate,
21 in order to qualify for nomination or election to any office
22 other than a judicial office as defined in chapter 105 or a
23 federal office, shall take and subscribe to an oath or
24 affirmation in writing. A printed copy of the oath or
25 affirmation shall be furnished to the candidate by the officer
26 before whom such candidate seeks to qualify and shall be
27 substantially in the following form:

28
29 State of Florida
30 County of....
31

1 Before me, an officer authorized to administer oaths,
2 personally appeared ...(please print name as you wish it to
3 appear on the ballot)..., to me well known, who, being sworn,
4 says that he or she is a candidate for the office of;
5 that he or she is a qualified elector of County, Florida;
6 that he or she is qualified under the Constitution and the
7 laws of Florida to hold the office to which he or she desires
8 to be nominated or elected; that he or she has taken the oath
9 required by ss. 876.05-876.10, Florida Statutes; that he or
10 she has qualified for no other public office in the state, the
11 term of which office or any part thereof runs concurrent with
12 that of the office he or she seeks; and that he or she has
13 resigned from any office from which he or she is required to
14 resign pursuant to s. 99.012, Florida Statutes.

15 ... (Signature of candidate)...

16 ... (Address)...

17

18 Sworn to and subscribed before me this day of,
19 ...(year)..., at County, Florida.

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

21

22 2. Each candidate for federal office, whether a party
23 candidate, a candidate with no party affiliation, or a
24 write-in candidate, in order to qualify for nomination or
25 election to office shall take and subscribe to an oath or
26 affirmation in writing. A printed copy of the oath or
27 affirmation shall be furnished to the candidate by the officer
28 before whom such candidate seeks to qualify and shall be
29 substantially in the following form:

30

31 State of Florida

1 County of _____

2 Before me, an officer authorized to administer oaths,
3 personally appeared (please print name as you wish it to
4 appear on the ballot), to me well known, who, being sworn,
5 says that he or she is a candidate for the office of
6 _____ ; that he or she is qualified under the Constitution
7 and laws of the United States to hold the office to which he
8 or she desires to be nominated or elected; that he or she has
9 qualified for no other public office in the state, the term of
10 which office or any part thereof runs concurrent with that of
11 the office he or she seeks; and that he or she has resigned
12 from any office from which he or she is required to resign
13 pursuant to s. 99.012, Florida Statutes.

14 (Signature of candidate)
15 (Address)

16
17 Sworn to and subscribed before me this _____ day of
18 (year), at _____ County, Florida.

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

20 Section 7. Section 99.061, Florida Statutes, is
21 amended to read:

22 99.061 Method of qualifying for nomination or election
23 to federal, state, county, or district office.--

24 (1) The provisions of any special act to the contrary
25 notwithstanding, each person seeking to qualify for nomination
26 or election to a federal, state, or multicounty district
27 office, other than election to a judicial office as defined in
28 chapter 105 or the office of school board member, shall file
29 his or her qualification papers with, and pay the qualifying
30 fee, which shall consist of the filing fee and election
31 assessment, and party assessment, if any has been levied, to,

1 | the Department of State, or qualify by the petition process
2 | pursuant to s. 99.095 with the Department of State, at any
3 | time after noon of the 1st day for qualifying, which shall be
4 | as follows: the 120th day prior to the primary election, but
5 | not later than noon of the 116th day prior to the date of the
6 | primary election, for persons seeking to qualify for
7 | nomination or election to federal office or to the office of
8 | the state attorney or the public defender; and noon of the
9 | 71st ~~50th~~ day prior to the primary election, but not later
10 | than noon of the 67th ~~46th~~ day prior to the date of the
11 | primary election, for persons seeking to qualify for
12 | nomination or election to a state or multicounty district
13 | office, other than the office of the state attorney or the
14 | public defender.

15 | (2) The provisions of any special act to the contrary
16 | notwithstanding, each person seeking to qualify for nomination
17 | or election to a county office, or district ~~or special~~
18 | ~~district~~ office not covered by subsection (1), shall file his
19 | or her qualification papers with, and pay the qualifying fee,
20 | which shall consist of the filing fee and election assessment,
21 | and party assessment, if any has been levied, to, the
22 | supervisor of elections of the county, or shall qualify by the
23 | petition process pursuant to s. 99.095 with the supervisor of
24 | elections, at any time after noon of the 1st day for
25 | qualifying, which shall be the 71st ~~50th~~ day prior to the
26 | primary election ~~or special district election~~, but not later
27 | than noon of the 67th ~~46th~~ day prior to the date of the
28 | primary election ~~or special district election. However, if a~~
29 | ~~special district election is held at the same time as the~~
30 | ~~general election, qualifying shall be the 50th day prior to~~
31 | ~~the primary election, but not later than noon of the 46th day~~

1 ~~prior to the date of the primary election.~~ Within 30 days
2 after the closing of qualifying time, the supervisor of
3 elections shall remit to the secretary of the state executive
4 committee of the political party to which the candidate
5 belongs the amount of the filing fee, two-thirds of which
6 shall be used to promote the candidacy of candidates for
7 county offices and the candidacy of members of the
8 Legislature.

9 (3) Notwithstanding the provisions of any special act
10 to the contrary, each person seeking to qualify for election
11 to a special district office shall qualify between noon of the
12 71st day prior to the primary election and noon of the 67th
13 day prior to the date of the primary election. Candidates for
14 single county special districts shall qualify with the
15 supervisor of elections in the county in which the district is
16 located. If the district is a multicounty district, candidates
17 shall qualify with the Department of State. All special
18 district candidates shall qualify by paying a filing fee of
19 \$25 or qualify by the petition process pursuant to s. 99.095.
20 Notwithstanding s. 106.021, a candidate who does not collect
21 contributions and whose only expense is the filing fee or
22 signature verification fee is not required to appoint a
23 campaign treasurer or designate a primary campaign depository.

24 (4)(3)(a) Each person seeking to qualify for election
25 to office as a write-in candidate shall file his or her
26 qualification papers with the respective qualifying officer at
27 any time after noon of the 1st day for qualifying, but not
28 later than noon of the last day of the qualifying period for
29 the office sought.

30 (b) Any person who is seeking election as a write-in
31 candidate shall not be required to pay a filing fee, election

1 | assessment, or party assessment. A write-in candidate is ~~shall~~
2 | not ~~be~~ entitled to have his or her name printed on any ballot;
3 | however, space for the write-in candidate's name to be written
4 | in must ~~shall~~ be provided on the general election ballot. A ~~No~~
5 | person may not qualify as a write-in candidate if the person
6 | has also otherwise qualified for nomination or election to
7 | such office.

8 | ~~(5)(4)~~ At the time of qualifying for office, each
9 | candidate for a constitutional office shall file a full and
10 | public disclosure of financial interests pursuant to s. 8,
11 | Art. II of the State Constitution, and a candidate for any
12 | other office, including local elective office, shall file a
13 | statement of financial interests pursuant to s. 112.3145.

14 | ~~(6)(5)~~ The Department of State shall certify to the
15 | supervisor of elections, within 7 days after the closing date
16 | for qualifying, the names of all duly qualified candidates for
17 | nomination or election who have qualified with the Department
18 | of State.

19 | ~~(6)~~ ~~Notwithstanding the qualifying period prescribed~~
20 | ~~in this section, if a candidate has submitted the necessary~~
21 | ~~petitions by the required deadline in order to qualify by the~~
22 | ~~petition process pursuant to s. 99.095 as a candidate for~~
23 | ~~nomination or election and the candidate is notified after the~~
24 | ~~5th day prior to the last day for qualifying that the required~~
25 | ~~number of signatures has been obtained, the candidate is~~
26 | ~~entitled to subscribe to the candidate's oath and file the~~
27 | ~~qualifying papers at any time within 5 days from the date the~~
28 | ~~candidate is notified that the necessary number of signatures~~
29 | ~~has been obtained. Any candidate who qualifies within the time~~
30 | ~~prescribed in this subsection is entitled to have his or her~~
31 | ~~name printed on the ballot.~~

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

4 1. A properly executed check drawn upon the
5 candidate's campaign account in an amount not less than the
6 fee required by s. 99.092 or, in lieu thereof, as applicable,
7 the copy of the notice of obtaining ballot position pursuant
8 to s. 99.095. The filing fee for a special district candidate
9 is not required to be drawn upon the candidate's campaign
10 account. If a candidate's check is returned by the bank for
11 any reason, the filing officer shall immediately notify the
12 candidate and the candidate shall, the end of qualifying
13 notwithstanding, have 48 hours from the time such notification
14 is received, excluding Saturdays, Sundays, and legal holidays,
15 to pay the fee with a cashier's check purchased from funds of
16 the campaign account. Failure to pay the fee as provided in
17 this subparagraph shall disqualify the candidate.

18 2. The candidate's oath required by s. 99.021, which
19 must contain the name of the candidate as it is to appear on
20 the ballot; the office sought, including the district or group
21 number if applicable; and the signature of the candidate, duly
22 acknowledged.

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

25 4. If the office sought is partisan, the written
26 statement of political party affiliation required by s.
27 99.021(1)(b).

28 5. The completed form for the appointment of campaign
29 treasurer and designation of campaign depository, as required
30 by s. 106.021.

31

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

7 (b) If the filing officer receives qualifying papers
8 that do not include all items as required by paragraph (a)
9 prior to the last day of qualifying, the filing officer shall
10 make a reasonable effort to notify the candidate of the
11 missing or incomplete items and shall inform the candidate
12 that all required items must be received by the close of
13 qualifying. A candidate's name as it is to appear on the
14 ballot may not be changed after the end of qualifying.

15 (8) Notwithstanding the qualifying period prescribed
16 in this section, a qualifying office may accept and hold
17 qualifying papers submitted not earlier than 14 days prior to
18 the beginning of the qualifying period, to be processed and
19 filed during the qualifying period.

20 (9) Notwithstanding the qualifying period prescribed
21 by this section, in each year in which the Legislature
22 apportions the state, the qualifying period for persons
23 seeking to qualify for nomination or election to federal
24 office shall be between noon of the 71st ~~57th~~ day prior to the
25 primary election, but not later than noon of the 67th ~~53rd~~ day
26 prior to the primary election.

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

30 Section 8. Subsection (1) of section 99.093, Florida
31 Statutes, is amended to read:

1 99.093 Municipal candidates; election assessment.--

2 (1) Each person seeking to qualify for nomination or
3 election to a municipal office shall pay, at the time of
4 qualifying for office, an election assessment. The election
5 assessment shall be an amount equal to 1 percent of the annual
6 salary of the office sought. Within 30 days after the close
7 of qualifying, the qualifying officer shall forward all
8 assessments collected pursuant to this section to the Florida
9 Elections Commission ~~Department of State~~ for deposit in the
10 Elections Commission Trust Fund.

11 Section 9. Subsections (2) and (4) of section 99.095,
12 Florida Statutes, are amended to read:

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

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

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

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

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

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

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

14 Section 10. Paragraph (b) of subsection (3) of section
15 99.097, Florida Statutes, is amended to read:

16 99.097 Verification of signatures on petitions.--

17 (3)

18 (b) If a voter signs a petition and lists an address
19 other than the legal residence where the voter is registered,
20 the petition shall not be counted and the supervisor shall
21 mail to the voter a new voter registration application, along
22 with the reason the new application is being sent ~~treat the~~
23 ~~signature as if the voter had listed the address where the~~
24 ~~voter is registered.~~

25 Section 11. Paragraph (a) of subsection (2) of section
26 100.041, Florida Statutes, is amended to read:

27 100.041 Officers chosen at general election.--

28 (2)(a) Each county commissioner from an odd-numbered
29 district shall be elected at the general election in each year
30 the number of which is a multiple of 4, for a 4-year term
31 commencing on the second Tuesday following such election, and

1 each county commissioner from an even-numbered district shall
2 be elected at the general election in each even-numbered year
3 the number of which is not a multiple of 4, for a 4-year term
4 commencing on the second Tuesday following such election. A
5 county commissioner is "elected" for purposes of this
6 paragraph on the date that the county canvassing board
7 certifies the results of the election pursuant to s. 102.151.

8 Section 12. Section 100.061, Florida Statutes, is
9 amended to read:

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

19 Section 13. Section 100.191, Florida Statutes, is
20 amended to read:

21 100.191 General election laws applicable to special
22 elections; returns.--All laws that are applicable to general
23 elections are applicable to special elections or special
24 primary elections to fill a vacancy in office or nomination,
25 ~~except that the canvass of returns by the county canvassing~~
26 ~~board of each county in which a special election is held shall~~
27 ~~be made on the day following the election, and the certificate~~
28 ~~of the result of the canvass shall be immediately forwarded to~~
29 ~~the Department of State.~~ The Elections Canvassing Commission
30 shall immediately, upon receipt of returns from the county in
31

1 | which a special election is held, proceed to canvass the
2 | returns and determine and declare the result thereof.

3 | Section 14. Section 100.361, Florida Statutes, is
4 | amended to read:

5 | (Substantial rewording of section. See
6 | s. 100.361, F.S., for present text.)
7 | 100.361 Municipal recall.--

8 | (1) APPLICATION; DEFINITION.--Any member of the
9 | governing body of a municipality or charter county,
10 | hereinafter referred to in this section as "municipality," may
11 | be removed from office by the electors of the municipality.

12 | When the official represents a district and is elected only by
13 | electors residing in that district, only electors from that
14 | district are eligible to sign the petition to recall that
15 | official and are entitled to vote in the recall election. When
16 | the official represents a district and is elected at large by
17 | the electors of the municipality, all electors of the
18 | municipality are eligible to sign the petition to recall that
19 | official and are entitled to vote in the recall election.

20 | Where used in this section, the term "district" shall be
21 | construed to mean the area or region of a municipality from
22 | which a member of the governing body is elected by the
23 | electors from such area or region. Members may be removed from
24 | office pursuant to the procedures under this section. This
25 | method of removing members of the governing body of a
26 | municipality is in addition to such other methods now or
27 | hereafter provided by the general laws of this state.

28 | (2) RECALL PETITION.--

29 | (a) Petition content.--A petition must contain the
30 | name of the person sought to be recalled and a statement of
31 | grounds for recall. The statement of grounds may not exceed

1 200 words and the stated grounds are limited solely to those
2 specified in paragraph (d). If more than one member of the
3 governing body is sought to be recalled, whether such member
4 is elected by the electors of a district or by the electors of
5 the municipality at large, a separate recall petition shall be
6 prepared for each member sought to be recalled. Upon request,
7 the content of a petition should be, but is not required to
8 be, provided by the proponent in alternative formats.

9 (b) Requisite signatures.--

10 1. In a municipality or district of fewer than 500
11 electors, the petition must be signed by at least 50 electors
12 or by 10 percent of the total number of registered electors of
13 the municipality or district as of the preceding municipal
14 election, whichever is greater.

15 2. In a municipality or district of 500 or more but
16 fewer than 2,000 registered electors, the petition must be
17 signed by at least 100 electors or by 10 percent of the total
18 number of registered electors of the municipality or district
19 as of the preceding municipal election, whichever is greater.

20 3. In a municipality or district of 2,000 or more but
21 fewer than 5,000 registered electors, the petition must be
22 signed by at least 250 electors or by 10 percent of the total
23 number of registered electors of the municipality or district
24 as of the preceding municipal election, whichever is greater.

25 4. In a municipality or district of 5,000 or more but
26 fewer than 10,000 registered electors, the petition must be
27 signed by at least 500 electors or by 10 percent of the total
28 number of registered electors of the municipality or district
29 as of the preceding municipal election, whichever is greater.

30 5. In a municipality or district of 10,000 or more but
31 fewer than 25,000 registered electors, the petition must be

1 signed by at least 1,000 electors or by 10 percent of the
2 total number of registered electors of the municipality or
3 district as of the preceding municipal election, whichever is
4 greater.

5 6. In a municipality or district of 25,000 or more
6 registered electors, the petition must be signed by at least
7 1,000 electors or by 5 percent of the total number of
8 registered electors of the municipality or district as of the
9 preceding municipal election, whichever is greater.

10
11 All signatures must be obtained, as provided in paragraph (f),
12 within a period of 30 days, and all signed and dated petition
13 forms must be filed at the same time no later than 30 days
14 after the date the first signature is obtained on the
15 petition.

16 (c) Recall committee.--Electors of the municipality or
17 district making charges contained in the statement of grounds
18 for recall and those signing the recall petition shall be
19 designated as the "committee." A specific person shall be
20 designated in the petition as chair of the committee to act
21 for the committee. The recall committee and the officer being
22 recalled are subject to chapter 106.

23 (d) Grounds for recall.--The grounds for removal of
24 elected municipal officials shall, for the purposes of this
25 section, be limited to the following and must be contained in
26 the petition:

- 27 1. Malfeasance;
- 28 2. Misfeasance;
- 29 3. Neglect of duty;
- 30 4. Drunkenness;
- 31 5. Incompetence;

1 6. Permanent inability to perform official duties; and
2 7. Conviction of a felony involving moral turpitude.
3 (e) Signature process.--Electors of the municipality
4 or district are eligible to sign the petition. Each elector of the
5 municipality signing a petition shall sign his or her name
6 in ink or indelible pencil as registered in the office of the
7 supervisor of elections and shall state on the petition his or
8 her place of residence and voting precinct. Each petition must
9 contain appropriate lines for the signature, printed name, and
10 street address of the elector and an oath, to be executed by a
11 witness thereof, verifying the fact that the witness saw each
12 person sign the counterpart of the petition, that each
13 signature appearing thereon is the genuine signature of the
14 person it purports to be, and that the petition was signed in
15 the presence of the witness on the date indicated.
16 (f) Filing of signed petitions.--All signed petition
17 forms must be filed at the same time no later than 30 days
18 after the date the first signature is obtained on the
19 petition. The person designated as chair of the committee
20 shall file the signed petition forms with the auditor or clerk
21 of the municipality or charter county, or his or her
22 equivalent, hereinafter referred to as clerk. The petition
23 cannot be amended after it is filed with the clerk.
24 (g) Verification of signatures.--
25 1. Immediately after the filing of the petition forms,
26 the clerk shall submit such forms to the county supervisor of
27 elections. No more than 30 days after the date all petition
28 forms are submitted to the supervisor by the clerk, the
29 supervisor shall promptly verify the signatures in accordance
30 with s. 99.097 and determine whether the requisite number of
31 valid signatures has been obtained for the petition. The

1 committee seeking verification of the signatures shall pay in
2 advance to the supervisor the sum of 10 cents for each
3 signature checked.

4 2. Upon filing with the clerk, the petition and all
5 subsequent papers or forms required or permitted to be filed
6 with the clerk in connection with this section must, upon
7 request, be made available in alternative formats by the
8 clerk.

9 3. If the supervisor determines that the petition does
10 not contain the required signatures, the clerk shall, upon
11 receipt of such determination, so certify to the governing
12 body of the municipality or charter county and file the
13 petition without taking further action, and the matter shall
14 be at an end. Additional names may not be added to the
15 petition and the petition may not be used in any other
16 proceeding.

17 4. If the supervisor determines that the petition has
18 the requisite number of verified and valid signatures, the
19 process in subsection (3) shall be followed.

20 (3) RECALL PETITION AND DEFENSE.--

21 (a) Notice.--Upon a determination that the requisite
22 number of signatures has been obtained, the clerk shall, upon
23 receipt of such determination, at once serve upon the person
24 sought to be recalled a certified copy of the petition. Within
25 5 days after service, the person sought to be recalled may
26 file with the clerk a defensive statement of not more than 200
27 words.

28 (b) Content and preparation.--Within 5 days after the
29 date of receipt of the defensive statement or after the last
30 date a defensive statement could have been filed, the clerk
31 shall prepare a document entitled "Recall Petition and

1 Defense." The Recall Petition and Defense must consist of the
2 recall petition, including the names, addresses, and oaths on
3 the original petition form, the defensive statement or, if no
4 defensive statement has been filed, a statement to that
5 effect, and lines and spaces for the signatures of registered
6 electors, places of residence, election precinct numbers,
7 dates of signing, and signatures of witnesses to oaths which
8 conform to the provisions of paragraph (2)(e). The clerk shall
9 make sufficient copies of the Recall Petition and Defense to
10 carry the signatures of 30 percent of the registered electors.
11 Upon preparing and making sufficient copies of the Recall
12 Petition and Defense, the clerk shall deliver the copies to
13 the person designated as chair of the committee and take his
14 or her receipt therefor.

15 (c) Requisite signatures.--Upon receipt of the Recall
16 Petition and Defense, the committee may circulate them to
17 obtain the signatures of 15 percent of the electors. All
18 signatures shall be obtained and all signed petition forms
19 shall be filed with the clerk no later than 60 days after
20 delivery of the Recall Petition and Defense to the chair of
21 the committee.

22 (d) Signed petitions; request for striking name.--The
23 clerk shall assemble all signed petitions, check to see that
24 each petition is properly verified by the oath of a witness,
25 and submit such petitions to the county supervisor of
26 elections. Any elector who signs a recall petition has the
27 right to demand in writing that his or her name be stricken
28 from the petition. A written demand signed by the elector
29 shall be filed with the clerk and upon receipt of the demand
30 the clerk shall strike the name of the elector from the
31 petition and place his or her initials to the side of the

1 signature stricken. However, a signature may not be stricken
2 after the clerk has delivered the Recall Petition and Defense
3 to the supervisor for verification of the signatures.

4 (e) Verification of signatures.--Within 30 days after
5 receipt of the signed Recall Petition and Defense, the
6 supervisor shall determine the number of valid signatures,
7 purge the names withdrawn, and certify whether 15 percent of
8 the qualified electors of the municipality have signed the
9 petitions. The supervisor shall be paid by the persons or
10 committee seeking verification the sum of 10 cents for each
11 name checked.

12 (f) Reporting.--If the supervisor determines that the
13 requisite number of signatures has not been obtained, the
14 clerk shall, upon receipt of the determination, certify such
15 determination to the governing body and retain the petitions.
16 The proceedings shall be terminated, and the petitions may not
17 be used again. If the supervisor determines that at least 15
18 percent of the qualified electors signed the petition, the
19 clerk shall, upon receipt of the determination, serve notice
20 of that determination upon the person sought to be recalled
21 and deliver to the governing body a certificate as to the
22 percentage of qualified electors who signed.

23 (4) RECALL ELECTION.--If the person designated in the
24 petition files with the clerk, within 5 days after the
25 last-mentioned notice, his or her written resignation, the
26 clerk shall at once notify the governing body of that fact,
27 and the resignation shall be irrevocable. The governing body
28 shall then proceed to fill the vacancy according to the
29 provisions of the appropriate law. In the absence of a
30 resignation, the chief judge of the judicial circuit in which
31 the municipality is located shall fix a day for holding a

1 recall election for the removal of those not resigning. Any
2 such election shall be held not less than 30 days or more than
3 60 days after the expiration of the 5-day period
4 last-mentioned and at the same time as any other general or
5 special election held within the period; but if no such
6 election is to be held within that period, the judge shall
7 call a special recall election to be held within the period
8 aforesaid.

9 (5) BALLOTS.--The ballots at the recall election shall
10 conform to the following: With respect to each person whose
11 removal is sought, the question shall be submitted: "Shall
12 be removed from the office of by recall?"
13 Immediately following each question there shall be printed on
14 the ballots the two propositions in the order here set forth:
15 " (name of person) should be removed from office."
16 " (name of person) should not be removed from office."

17 (6) FILLING OF VACANCIES; SPECIAL ELECTIONS.--
18 (a) If an election is held for the recall of members
19 elected only at large, candidates to succeed them for the
20 unexpired terms shall be voted upon at the same election and
21 shall be elected in the same manner as provided by the
22 appropriate law for the election of candidates at general
23 elections. Candidates shall not be elected to succeed any
24 particular member. If only one member is removed, the
25 candidate receiving the highest number of votes shall be
26 declared elected to fill the vacancy. If more than one member
27 is removed, candidates equal in number to the number of
28 members removed shall be declared elected to fill the
29 vacancies; and, among the successful candidates, those
30 receiving the greatest number of votes shall be declared
31 elected for the longest terms. Cases of ties, and all other

1 matters not specially provided for in this section, shall be
2 determined by the rules governing elections generally.

3 (b) If an election is held for the recall of members
4 elected only from districts, candidates to succeed them for
5 the unexpired terms shall be voted upon at a special election
6 called by the chief judge of the judicial circuit in which the
7 districts are located not less than 30 days or more than 60
8 days after the expiration of the recall election. The
9 qualifying period, for purposes of this section, shall be
10 established by the chief judge of the judicial circuit after
11 consultation with the clerk. Any candidate seeking election to
12 fill the unexpired term of a recalled district municipal
13 official must reside in the district represented by the
14 recalled official and qualify for office in the manner
15 required by law. Each candidate receiving the highest number
16 of votes for each office in the special district recall
17 election shall be declared elected to fill the unexpired term
18 of the recalled official. Candidates seeking election to fill
19 a vacancy created by the removal of a municipal official are
20 subject to the provisions of chapter 106.

21 (c) When an election is held for the recall of members
22 of the governing body composed of both members elected at
23 large and from districts, candidates to succeed them for the
24 unexpired terms shall be voted upon at a special election as
25 provided in paragraph (b).

26 (d) However, in any recall election held pursuant to
27 paragraph (b) or paragraph (c), if only one member is voted to
28 be removed from office, the vacancy created by the recall
29 shall be filled by the governing body according to the
30 provisions of the appropriate law for filling vacancies.

31

1 (7) EFFECT OF RESIGNATIONS.--If the member of the
2 governing body being recalled resigns from office prior to the
3 recall election, the remaining members shall fill the vacancy
4 created according to the appropriate law for filling
5 vacancies. If all of the members of the governing body are
6 sought to be recalled and all of the members resign prior to
7 the recall election, the recall election shall be canceled,
8 and a special election shall be called to fill the unexpired
9 terms of the resigning members. If all of the members of the
10 governing body are sought to be recalled and any of the
11 members resign prior to the recall election, the proceedings
12 for the recall of members not resigning and the election of
13 successors to fill the unexpired terms shall continue and have
14 the same effect as though there had been no resignation.

15 (8) WHEN PETITION MAY BE FILED.--A petition to recall
16 any member of the governing body of a municipality may not be
17 filed until the member has served one-fourth of his or her
18 term of office. A person removed by a recall, or resigning
19 after a petition has been filed against him or her, is not
20 eligible to be appointed to the governing body within a period
21 of 2 years after the date of such recall or resignation.

22 (9) RETENTION OF PETITION.--The clerk shall preserve
23 in his or her office all papers comprising or connected with a
24 petition for recall for a period of 2 years after the papers
25 were filed.

26 (10) OFFENSES RELATING TO PETITIONS.--A person may not
27 impersonate another, purposely write his or her name or
28 residence falsely in the signing of any petition for recall or
29 forge any name thereto, or sign any paper with knowledge that
30 he or she is not a qualified elector of the municipality. A
31 person may not employ or pay another to accept employment or

1 payment for circulating or witnessing a recall petition. Any
2 person violating this subsection commits a misdemeanor of the
3 second degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 (11) INTENT.--It is the intent of the Legislature that
6 the recall procedures provided in this section be uniform
7 statewide. Therefore, all provisions of a municipal charter or
8 special law which are contrary to the provisions of this
9 section are repealed to the extent of that conflict.

10 (12) PROVISIONS APPLICABLE.--This section applies
11 regardless of whether a municipality or charter county has
12 adopted recall provisions.

13 Section 15. Section 101.041, Florida Statutes, is
14 amended to read:

15 101.041 Secret voting.--In all elections held on any
16 subject which may be submitted to a vote, and for all or any
17 state, county, district, or municipal officers, the voting
18 shall be by secret, official ballot ~~printed and distributed~~ as
19 provided by this code, and no vote shall be received or
20 counted in any election, except as prescribed by this code.

21 Section 16. Subsection (1) of section 101.048, Florida
22 Statutes, is amended to read:

23 101.048 Provisional ballots.--

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

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

9 Section 17. Subsection (3) of section 101.111, Florida
10 Statutes, is amended, and subsection (4) of that section is
11 reenacted, to read:

12 101.111 Person desiring to vote may be challenged;
13 challenger to execute oath; oath of person challenged;
14 determination of challenge.--

15 (3) Any elector or poll watcher may challenge the
16 right of any voter to vote not sooner than 30 days before an
17 election by filing a completed copy of the oath contained in
18 subsection (1) to the supervisor of election's office. The
19 supervisor shall provide the election board in the challenged
20 voter's precinct with a copy of the challenge. The challenged
21 voter shall be permitted to cast a provisional ballot.

22 (4) Any elector or poll watcher filing a frivolous
23 challenge of any person's right to vote commits a misdemeanor
24 of the first degree, punishable as provided in s. 775.082 or
25 s. 775.083; however, electors or poll watchers shall not be
26 subject to liability for any action taken in good faith and in
27 furtherance of any activity or duty permitted of such electors
28 or poll watchers by law. Each instance where any elector or
29 poll watcher files a frivolous challenge of any person's right
30 to vote constitutes a separate offense.

31

1 Section 18. Subsection (1) of section 101.51, Florida
2 Statutes, is amended to read:

3 101.51 Electors to occupy booth alone.--

4 (1) When the elector presents himself or herself to
5 vote, the election official shall ascertain whether the
6 elector's name is upon the register of electors, and, if the
7 elector's name appears and no challenge interposes, or, if
8 interposed, be not sustained, one of the election officials
9 stationed at the entrance shall ~~announce the name of the~~
10 ~~elector and~~ permit him or her to enter the booth or
11 compartment to cast his or her vote, allowing only one elector
12 at a time to pass through to vote. An elector, while casting
13 his or her ballot, may not occupy a booth or compartment
14 already occupied or speak with anyone, except as provided by
15 s. 101.051.

16 Section 19. Subsections (6) and (8) of section
17 101.6103, Florida Statutes, are amended to read:

18 101.6103 Mail ballot election procedure.--

19 (6) The canvassing board may begin the canvassing of
20 mail ballots at 7 a.m. on the sixth ~~fourth~~ day before the
21 election, including processing the ballots through the
22 tabulating equipment. However, results may not be released
23 until after 7 p.m. on election day. Any canvassing board
24 member or election employee who releases any result before 7
25 p.m. on election day commits a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise
29 satisfies the requirements of subsection (5) shall be counted
30 even if the elector dies after mailing the ballot but before
31

1 | election day, as long as, prior to the death of the voter, the
2 | ballot was:

3 | (a) Postmarked by the United States Postal Service;

4 | (b) Date-stamped with a verifiable tracking number by
5 | common carrier; or

6 | (c) Already in the possession of the supervisor of
7 | elections.

8 | Section 20. Subsections (1) and (4) of section 101.62,
9 | Florida Statutes, are amended to read:

10 | 101.62 Request for absentee ballots.--

11 | (1)(a) The supervisor may accept a request for an
12 | absentee ballot from an elector in person or in writing.

13 | Except as provided in s. 101.694, one request shall be deemed
14 | sufficient to receive an absentee ballot for all elections
15 | through the next two regularly scheduled general elections

16 | ~~which are held within a calendar year~~, unless the elector or
17 | the elector's designee indicates at the time the request is
18 | made the elections for which the elector desires to receive an
19 | absentee ballot. Such request may be considered canceled when
20 | any first-class mail sent by the supervisor to the elector is
21 | returned as undeliverable.

22 | (b) The supervisor may accept a written or telephonic
23 | request for an absentee ballot from the elector, or, if
24 | directly instructed by the elector, a member of the elector's
25 | immediate family, or the elector's legal guardian. For
26 | purposes of this section, the term "immediate family" has the
27 | same meaning as specified in paragraph (4)(b). The person
28 | making the request must disclose:

29 | 1. The name of the elector for whom the ballot is
30 | requested;

31 | 2. The elector's address;

1 3. The elector's date of birth;
2 4. The requester's name;
3 5. The requester's address;
4 6. The requester's driver's license number, if
5 available;
6 7. The requester's relationship to the elector; and
7 8. The requester's signature (written requests only).
8 (4)(a) To each absent qualified elector overseas who
9 has requested an absentee ballot, the supervisor of elections
10 shall mail an absentee ballot not less ~~fewer~~ than 35 days
11 before the primary election and not less than 45 days before
12 the ~~or~~ general election.
13 (b) The supervisor shall provide an absentee ballot to
14 each elector by whom a request for that ballot has been made
15 by one of the following means:
16 1. By nonforwardable, return-if-undeliverable mail to
17 the elector's current mailing address on file with the
18 supervisor, unless the elector specifies in the request that:
19 a. The elector is absent from the county and does not
20 plan to return before the day of the election;
21 b. The elector is temporarily unable to occupy the
22 residence because of hurricane, tornado, flood, fire, or other
23 emergency or natural disaster; or
24 c. The elector is in a hospital, assisted-living
25 facility, nursing home, short-term medical or rehabilitation
26 facility, or correctional facility,
27
28 in which case the supervisor shall mail the ballot by
29 nonforwardable, return-if-undeliverable mail to any other
30 address the elector specifies in the request.
31

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

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

7 4. By delivery to a designee on election day or up to
8 5 4 days prior to the day of an election. Any elector may
9 designate in writing a person to pick up the ballot for the
10 elector; however, the person designated may not pick up more
11 than two absentee ballots per election, other than the
12 designee's own ballot, except that additional ballots may be
13 picked up for members of the designee's immediate family. For
14 purposes of this section, "immediate family" means the
15 designee's spouse or the parent, child, grandparent, or
16 sibling of the designee or of the designee's spouse. The
17 designee shall provide to the supervisor the written
18 authorization by the elector and a picture identification of
19 the designee and must complete an affidavit. The designee
20 shall state in the affidavit that the designee is authorized
21 by the elector to pick up that ballot and shall indicate if
22 the elector is a member of the designee's immediate family
23 and, if so, the relationship. The department shall prescribe
24 the form of the affidavit. If the supervisor is satisfied that
25 the designee is authorized to pick up the ballot and that the
26 signature of the elector on the written authorization matches
27 the signature of the elector on file, the supervisor shall
28 give the ballot to that designee for delivery to the elector.

29 Section 21. Subsection (2) of section 101.68, Florida
30 Statutes, is amended to read:

31 101.68 Canvassing of absentee ballot.--

1 (2)(a) The county canvassing board may begin the
2 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~
3 day before the election, but not later than noon on the day
4 following the election. In addition, for any county using
5 electronic tabulating equipment, the processing of absentee
6 ballots through such tabulating equipment may begin at 7 a.m.
7 on the sixth ~~fourth~~ day before the election. However,
8 notwithstanding any such authorization to begin canvassing or
9 otherwise processing absentee ballots early, no result shall
10 be released until after the closing of the polls in that
11 county on election day. Any supervisor of elections, deputy
12 supervisor of elections, canvassing board member, election
13 board member, or election employee who releases the results of
14 a canvassing or processing of absentee ballots prior to the
15 closing of the polls in that county on election day commits a
16 felony of the third degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 (b) To ensure that all absentee ballots to be counted
19 by the canvassing board are accounted for, the canvassing
20 board shall compare the number of ballots in its possession
21 with the number of requests for ballots received to be counted
22 according to the supervisor's file or list.

23 (c)1. The canvassing board shall, if the supervisor
24 has not already done so, compare the signature of the elector
25 on the voter's certificate with the signature of the elector
26 in the registration books to see that the elector is duly
27 registered in the county and to determine the legality of that
28 absentee ballot. ~~Effective July 1, 2005,~~ The ballot of an
29 elector who casts an absentee ballot shall be counted even if
30 the elector dies on or before election day, as long as, prior
31 to the death of the voter, the ballot was postmarked by the

1 United States Postal Service, date-stamped with a verifiable
2 tracking number by common carrier, or already in the
3 possession of the supervisor of elections. An absentee ballot
4 shall be considered illegal if it does not include the
5 signature of the elector, as shown by the registration
6 records. However, an absentee ballot shall not be considered
7 illegal if the signature of the elector does not cross the
8 seal of the mailing envelope. If the canvassing board
9 determines that any ballot is illegal, a member of the board
10 shall, without opening the envelope, mark across the face of
11 the envelope: "rejected as illegal." The envelope and the
12 ballot contained therein shall be preserved in the manner that
13 official ballots voted are preserved.

14 2. If any elector or candidate present believes that
15 an absentee ballot is illegal due to a defect apparent on the
16 voter's certificate, he or she may, at any time before the
17 ballot is removed from the envelope, file with the canvassing
18 board a protest against the canvass of that ballot, specifying
19 the precinct, the ballot, and the reason he or she believes
20 the ballot to be illegal. A challenge based upon a defect in
21 the voter's certificate may not be accepted after the ballot
22 has been removed from the mailing envelope.

23 (d) The canvassing board shall record the ballot upon
24 the proper record, unless the ballot has been previously
25 recorded by the supervisor. The mailing envelopes shall be
26 opened and the secrecy envelopes shall be mixed so as to make
27 it impossible to determine which secrecy envelope came out of
28 which signed mailing envelope; however, in any county in which
29 an electronic or electromechanical voting system is used, the
30 ballots may be sorted by ballot styles and the mailing
31 envelopes may be opened and the secrecy envelopes mixed

1 separately for each ballot style. The votes on absentee
2 ballots shall be included in the total vote of the county.

3 Section 22. Subsection (2) of section 101.733, Florida
4 Statutes, is amended and subsection (4) is added to that
5 section, to read:

6 101.733 Election emergency; purpose; elections
7 emergency contingency plan.--Because of the existing and
8 continuing possibility of an emergency or common disaster
9 occurring before or during a regularly scheduled or special
10 election, and in order to ensure maximum citizen participation
11 in the electoral process and provide a safe and orderly
12 procedure for persons seeking to exercise their right to vote,
13 generally to minimize to whatever degree possible a person's
14 exposure to danger during declared states of emergency, and to
15 protect the integrity of the electoral process, it is hereby
16 found and declared to be necessary to designate a procedure
17 for the emergency suspension or delay and rescheduling of
18 elections.

19 (2) The Governor, upon consultation with the Secretary
20 of State, shall reschedule any election suspended or delayed
21 due to an emergency. The election shall be held within 10 days
22 after the date of the suspended or delayed election or as soon
23 thereafter as is practicable. Notice of the election shall be
24 provided in any reasonable manner, including, where
25 practicable, publication ~~published~~ at least once in a
26 newspaper of general circulation in the affected area and
27 ~~where practicable,~~ broadcast as a public service announcement
28 on radio and television stations at least 1 week prior to the
29 date the election is to be held.

30 (4) Notwithstanding the provisions of s. 101.6102, in
31 lieu of the suspension or delay of an election in cases where

1 the situation warrants it, the Governor may provide for
2 holding the election by mail. The Department of State shall
3 adopt rules to provide for the timelines and procedures when
4 an emergency exists for which the Governor has called an
5 all-mail ballot election.

6 Section 23. Subsection (7) of section 102.014, Florida
7 Statutes, is amended to read:

8 102.014 Poll worker recruitment and training.--

9 (7) The Department of State shall develop a mandatory,
10 statewide, and uniform program for training poll workers on
11 issues of etiquette and sensitivity with respect to voters
12 having a disability. ~~The program must consist of approximately~~
13 ~~1 hour of the required number of hours set forth in paragraph~~
14 ~~(4)(a).~~ The program must be conducted locally by each
15 supervisor of elections, who shall periodically certify to the
16 Department of State whether each poll worker has completed the
17 program prior to working during the election cycle. The
18 supervisor of elections shall contract with a recognized
19 disability-related organization, such as a center for
20 independent living, family network on disabilities, deaf
21 service bureau, or other such organization, to develop and
22 assist with training the trainers in the disability
23 sensitivity programs. The program must include actual
24 demonstrations of obstacles confronted by disabled persons
25 during the voting process, including obtaining access to the
26 polling place, traveling through the polling area, and using
27 the voting system.

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

30 102.112 Deadline for submission of county returns to
31 the Department of State.--

1 (2) Returns must be filed by 5 p.m. on the 7th day
2 following a primary election and by noon ~~5 p.m.~~ on the 12th
3 ~~11th~~ day following the general election. However, the
4 Department of State may correct typographical errors,
5 including the transposition of numbers, in any returns
6 submitted to the Department of State pursuant to s.
7 102.111(1).

8 Section 25. Present subsections (4) through (9) of
9 section 102.141, Florida Statutes, are renumbered as
10 subsections (5) through (10), respectively, present
11 subsections (4) and (6) of that section are amended, and a new
12 subsection (4) is added to that section to read:

13 102.141 County canvassing board; duties.--

14 (4) The canvassing board shall submit preliminary
15 returns on election night to the Department of State in a
16 format provided by the department.

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

27 ~~(7)(6)~~ If the unofficial returns reflect that a
28 candidate for any office was defeated or eliminated by
29 one-half of a percent or less of the votes cast for such
30 office, that a candidate for retention to a judicial office
31 was retained or not retained by one-half of a percent or less

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

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

1 file a separate incident report with the Department of State,
2 detailing the resolution of the matter and identifying any
3 measures that will avoid a future recurrence of the error.

4 (b) Each canvassing board responsible for conducting a
5 recount where touchscreen ballots were used shall examine the
6 counters on the precinct tabulators to ensure that the total
7 of the returns on the precinct tabulators equals the overall
8 election return. If there is a discrepancy between the overall
9 election return and the counters of the precinct tabulators,
10 the counters of the precinct tabulators shall be presumed
11 correct and such votes shall be canvassed accordingly.

12 (c) The canvassing board shall submit on forms or in
13 formats provided by the division a second set of unofficial
14 returns to the Department of State for each federal,
15 statewide, state, or multicounty office or ballot measure no
16 later than 3 p.m. on the fifth day after any primary election
17 and no later than 3 p.m. on the ninth ~~eighth~~ day after any
18 general election in which a recount was conducted pursuant to
19 this subsection. If the canvassing board is unable to complete
20 the recount prescribed in this subsection by the deadline, the
21 second set of unofficial returns submitted by the canvassing
22 board shall be identical to the initial unofficial returns and
23 the submission shall also include a detailed explanation of
24 why it was unable to timely complete the recount. However, the
25 canvassing board shall complete the recount prescribed in this
26 subsection, along with any manual recount prescribed in s.
27 102.166, and certify election returns in accordance with the
28 requirements of this chapter.

29 (d) The Department of State shall adopt detailed rules
30 prescribing additional recount procedures for each certified
31

1 voting system, which shall be uniform to the extent
2 practicable.

3 Section 26. Paragraph (b) of subsection (5) of section
4 102.166, Florida Statutes, is amended to read:

5 102.166 Manual recounts.--

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

7 (b) Each duplicate ballot prepared pursuant to s.
8 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared
9 with the original ballot to ensure the correctness of the
10 duplicate.

11 Section 27. Section 103.022, Florida Statutes, is
12 amended to read:

13 103.022 Write-in candidates for President and Vice
14 President.--Persons seeking to qualify for election as
15 write-in candidates for President and Vice President of the
16 United States may have a blank space provided on the general
17 election ballot for their names to be written in by filing an
18 oath with the Department of State on or before September 1st
19 ~~at any time after the 57th day, but before noon of the 49th~~
20 ~~day, prior to the date of the primary election~~ in the year in
21 which a presidential election is held. The Department of State
22 shall prescribe the form to be used in administering the oath.
23 The candidates shall file with the department on or before
24 September 1st in the presidential election year a certificate
25 naming the required number of persons to serve as electors.
26 Such write-in candidates shall not be entitled to have their
27 names on the ballot.

28 Section 28. Section 103.085, Florida Statutes, is
29 created to read:

30 103.085 Minor political parties.--Any group of
31 citizens organized for the general purposes of electing to

1 office qualified persons and determining public issues under
2 the democratic processes of the United States may become a
3 minor political party of this state by filing with the
4 department a certificate showing the name of the organization,
5 the names of its current officers, including the members of
6 its executive committee, and a copy of its constitution or
7 bylaws. It shall be the duty of the minor political party to
8 notify the department of any changes in the filing certificate
9 within 5 days of such changes. The Division of Elections may
10 adopt rules to prescribe the manner in which a minor political
11 party's registration may be canceled for failure to file
12 reports or information required pursuant to the Florida
13 Election Code. Such rules shall, at a minimum, provide for
14 notice that explains the facts and conduct that warrant the
15 intended action.

16 Section 29. Subsection (4) of section 103.091, Florida
17 Statutes, is amended to read:

18 103.091 Political parties.--

19 (4) Any political party other than a minor political
20 party may by rule provide for the membership of its state or
21 county executive committee to be elected for 4-year terms at
22 the primary election in each year a presidential election is
23 held. The terms shall commence on the first day of the month
24 following each presidential general election; but the names of
25 candidates for political party offices shall not be placed on
26 the ballot at any other election. The results of such election
27 shall be determined by a plurality of the votes cast. In such
28 event, electors seeking to qualify for such office shall do so
29 with the Department of State or supervisor of elections not
30 earlier than noon of the 71st ~~57th~~ day, or later than noon of
31 the 67th ~~53rd~~ day, preceding the primary election. The

1 outgoing chair of each county executive committee shall,
2 within 30 days after the committee members take office, hold
3 an organizational meeting of all newly elected members for the
4 purpose of electing officers. The chair of each state
5 executive committee shall, within 60 days after the committee
6 members take office, hold an organizational meeting of all
7 newly elected members for the purpose of electing officers.

8 Section 30. Subsection (1) of section 105.031, Florida
9 Statutes, is amended to read:

10 105.031 Qualification; filing fee; candidate's oath;
11 items required to be filed.--

12 (1) TIME OF QUALIFYING.--Except for candidates for
13 judicial office, nonpartisan candidates for multicounty office
14 shall qualify with the Division of Elections of the Department
15 of State and nonpartisan candidates for countywide or less
16 than countywide office shall qualify with the supervisor of
17 elections. Candidates for judicial office other than the
18 office of county court judge shall qualify with the Division
19 of Elections of the Department of State, and candidates for
20 the office of county court judge shall qualify with the
21 supervisor of elections of the county. Candidates for judicial
22 office shall qualify no earlier than noon of the 120th day,
23 and no later than noon of the 116th day, before the primary
24 election. Candidates for the office of school board member
25 shall qualify no earlier than noon of the 71st ~~50th~~ day, and
26 no later than noon of the 67th ~~46th~~ day, before the primary
27 election. Filing shall be on forms provided for that purpose
28 by the Division of Elections and furnished by the appropriate
29 qualifying officer. ~~Any person seeking to qualify by the~~
30 ~~petition process, as set forth in s. 105.035, who has~~
31 ~~submitted the necessary petitions by the required deadline and~~

1 ~~is notified after the fifth day prior to the last day for~~
2 ~~qualifying that the required number of signatures has been~~
3 ~~obtained, shall be entitled to subscribe to the candidate's~~
4 ~~oath and file the qualifying papers at any time within 5 days~~
5 ~~from the date he or she is notified that the necessary number~~
6 ~~of signatures has been obtained.~~ Any person other than a
7 write-in candidate who qualifies within the time prescribed in
8 this subsection shall be entitled to have his or her name
9 printed on the ballot.

10 Section 31. Subsection (1) of section 106.07, Florida
11 Statutes, is amended to read:

12 106.07 Reports; certification and filing.--

13 (1) Each campaign treasurer designated by a candidate
14 or political committee pursuant to s. 106.021 shall file
15 regular reports of all contributions received, and all
16 expenditures made, by or on behalf of such candidate or
17 political committee. Reports shall be filed on the 10th day
18 following the end of each calendar quarter from the time the
19 campaign treasurer is appointed, except that, if the 10th day
20 following the end of a calendar quarter occurs on a Saturday,
21 Sunday, or legal holiday, the report shall be filed on the
22 next following day which is not a Saturday, Sunday, or legal
23 holiday. Quarterly reports shall include all contributions
24 received and expenditures made during the calendar quarter
25 which have not otherwise been reported pursuant to this
26 section.

27 (a) ~~Except as provided in paragraph (b),~~ Following the
28 last day of qualifying for office, the reports shall also be
29 filed on the 32nd, 18th, and 4th days immediately preceding
30 the primary ~~and on the 46th, 32nd, 18th, and 4th days~~
31 ~~immediately preceding the election,~~ for a candidate who is

1 | opposed in seeking nomination or election to any office, for a
2 | political committee, or for a committee of continuous
3 | existence. Following the primary, reports shall be filed on
4 | the 46th, 32nd, 18th, and 4th days immediately preceding the
5 | general election for a candidate who is opposed in seeking
6 | election to any office, for a political committee, or for a
7 | committee of continuous existence.

8 | (b) ~~In addition Following the last day of qualifying~~
9 | ~~for office,~~ any statewide candidate who has requested to
10 | receive contributions from the Election Campaign Financing
11 | Trust Fund or any statewide candidate in a race with a
12 | candidate who has requested to receive contributions from the
13 | trust fund shall file reports on the ~~4th, 11th, and 18th,~~
14 | ~~25th, and 32nd~~ days prior to the primary election, and on the
15 | ~~4th, 11th, 18th, 25th, 32nd, 39th, 46th,~~ and 53rd days prior
16 | to the general election.

17 | (c) Following the last day of qualifying for office,
18 | any unopposed candidate need only file a report within 90 days
19 | after the date such candidate became unopposed. Such report
20 | shall contain all previously unreported contributions and
21 | expenditures as required by this section and shall reflect
22 | disposition of funds as required by s. 106.141.

23 | (d)1. When a special election is called to fill a
24 | vacancy in office, all political committees and committees of
25 | continuous existence making contributions or expenditures to
26 | influence the results of such special election shall file
27 | campaign treasurers' reports with the filing officer on the
28 | dates set by the Department of State pursuant to s. 100.111.

29 | 2. When an election is called for an issue to appear
30 | on the ballot at a time when no candidates are scheduled to
31 | appear on the ballot, all political committees making

1 contributions or expenditures in support of or in opposition
2 to such issue shall file reports on the 18th and 4th days
3 prior to such election.

4 (e) The filing officer shall provide each candidate
5 with a schedule designating the beginning and end of reporting
6 periods as well as the corresponding designated due dates.

7 Section 32. Subsection (4) of section 106.35, Florida
8 Statutes, is amended to read:

9 106.35 Distribution of funds.--

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

13 Section 33. Section 112.51, Florida Statutes, is
14 amended to read:

15 112.51 Municipal officers; suspension; removal from
16 office.--

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

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

29 (3) The suspension of such official by the Governor
30 creates a temporary vacancy in such office during the
31 suspension. Any temporary vacancy in office created by

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

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

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

28 (6) If the municipal official is acquitted or found
29 not guilty or is otherwise cleared of the charges which were
30 the basis of the arrest, indictment, or information by reason
31 of which he or she was suspended under the provisions of this

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

13 Section 34. Subsections (2) and (3) of section
14 189.405, Florida Statutes, are amended to read:

15 189.405 Elections; general requirements and
16 procedures; education programs.--

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

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

28 (c) A candidate for a position on a governing board of
29 a single-county special district that has its elections
30 conducted by the supervisor of elections shall qualify for the
31 office with the county supervisor of elections in whose

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

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

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

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

10 Section 35. Paragraph (a) of subsection (1) of section
11 191.005, Florida Statutes, is amended to read:

12 191.005 District boards of commissioners; membership,
13 officers, meetings.--

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

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

12 Section 36. Paragraph (a) of subsection (1) of section
13 582.18, Florida Statutes, is amended to read:

14 582.18 Election of supervisors of each district.--

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

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

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

26 Section 37. Subsection (1) of section 876.05, Florida
27 Statutes, is amended to read:

28 876.05 Public employees; oath.--

29 (1) All persons who now or hereafter are employed by
30 or who now or hereafter are on the payroll of the state, or
31 any of its departments and agencies, subdivisions, counties,

1 | cities, school boards and districts of the free public school
2 | system of the state or counties, or institutions of higher
3 | learning, and all candidates for public office, except
4 | candidates for federal office, are required to take an oath
5 | before any person duly authorized to take acknowledgments of
6 | instruments for public record in the state in the following
7 | form:

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

15 |
16 | Section 38. Section 104.29, Florida Statutes, is
17 | repealed.

18 | Section 39. This act shall take effect January 1,
19 | 2008.

20 |
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 958

Committee Substitute for Senate Bill 958 is an omnibus elections measure that makes significant changes to the Florida Election Code. Some of the significant changes are: providing rulemaking authority to the division to dissolve minor parties that fail to file information required under the Florida Election Code; providing notice and opportunity to voters to provide sufficient evidence prior to election day to verify a voter registration application; revising list maintenance procedures; giving supervisors authority to remove deceased voters from the statewide voter registration system under specific circumstances; exempting federal candidates from the current candidate oath and public employee oath; creating a new federal candidate oath; changing the qualification period for state, multicounty district, county, district, and special district offices, except judicial offices or the offices of state attorney or public defender; providing that a petition signature will not be counted if a voter gives an address other than the legal residence where the voter is registered; providing that a county commissioner is "elected" at the time of election certification; changing the primary election to 10 weeks before the general election, rather than 9 weeks; clarifying the procedures for recall of municipal officeholders; providing that requests for absentee ballots are effective for all elections through next two general elections after request date; requiring supervisors to send absentee ballots overseas at least 45 days before the general election; changing the notice requirements for holding an emergency election; allowing the Governor to declare an all mail ballot election in lieu of suspending an election due to an emergency; providing an additional 19 hours for the submission of returns after a general election; requiring the submission of preliminary election returns to the department on election night; including provisional ballots in the unofficial returns; revising the contribution and expenditure reporting dates for candidates and committees under section 106.07, F.S.; and repealing section 104.29, F.S. The committee substitute provides an effective date of January 1, 2008.