

Bill No. PCS (100320) for SB's 960 and 1010

Barcode 322622

CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Constantine)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

101.151 Specifications for ballots.--

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

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

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1 production of election-day ballots.

2 Section 2. Effective July 1, 2008, section 101.56075,
3 Florida Statutes, is created to read:

4 101.56075 Voting methods.--

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

8 (2) Persons with disabilities may vote on a voter
9 interface device that meets the voting system accessibility
10 requirements for individuals with disabilities pursuant to
11 section 301 of the federal Help America Vote Act of 2002 and
12 s. 101.56062.

13 Section 3. Effective July 1, 2008, subsection (5) is
14 added to section 101.5612, Florida Statutes, to read:

15 101.5612 Testing of tabulating equipment.--

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

21 Section 4. Effective July 1, 2008, section 101.591,
22 Florida Statutes, is amended to read:

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

25 101.591 Voting system audit.--

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

31 (2) The audit shall consist of a public manual tally

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1 of the votes cast in the "President and Vice President" or
2 "Governor and Lieutenant Governor" race that appears at the
3 top of the ballot or, if neither appears, the first race
4 appearing on the ballot pursuant to s. 101.151(2), or, in the
5 case of a purely municipal election, the first municipal race
6 or issue on that ballot. The tally shall include election-day,
7 absentee, early voting, provisional, and overseas ballots, in
8 at least 1 percent but no more than 2 percent of the precincts
9 chosen at random by the county canvassing board or the local
10 board responsible for certifying the election. If 1 percent of
11 the precincts is less than one entire precinct, the audit
12 shall be conducted using at least one precinct chosen at
13 random by the county canvassing board or the local board
14 responsible for certifying the election. Such precincts shall
15 be selected at a publicly-noticed canvassing board meeting.

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

20 (4) The audit must be completed and the results made
21 public no later than 11:59 p.m. on the 9th day following
22 certification of the election by the county canvassing board
23 or the local board responsible for certifying the election.

24 (5) Within 15 days after completion of the audit, the
25 county canvassing board or the board responsible for
26 certifying the election shall provide a report with the
27 results of the audit to the Department of State in a standard
28 format as prescribed by the department. The report shall
29 contain, but is not limited to, the following items:

30 (a) The overall accuracy of audit.

31 (b) A description of any problems or discrepancies

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1 encountered.

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

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

6 Section 5. Effective upon this act becoming a law, the
7 Department of State shall adopt rules to implement the
8 provisions of s. 101.591, Florida Statutes, as amended by
9 section 4 which prescribe detailed audit procedures for each
10 voting system, which shall be uniform to the extent
11 practicable, along with the standard form for audit reports.

12 Section 6. Effective upon this act becoming a law:

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

29 (2) A county commission may choose to opt out of this
30 state funding scheme by filing a notice to that effect with
31 the Department of State no later than June 30, 2007. Any

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1 county choosing to opt out shall continue to be governed by
2 the provisions of ss. 101.292-101.295 and s. 101.5604, Florida
3 Statutes, with respect to the purchase of new voting systems
4 and equipment.

5 Section 7. Effective July 1, 2007:

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

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

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

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

22 Section 8. Effective July 1, 2007, subsections (1),
23 (2), (3), and (6) of section 103.101, Florida Statutes, are
24 amended to read:

25 103.101 Presidential preference primary.--

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

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1 (2) There shall be a Presidential Candidate Selection
2 Committee composed of the Secretary of State, who shall be a
3 nonvoting chair; the Speaker of the House of Representatives;
4 the President of the Senate; the minority leader of each house
5 of the Legislature; and the chair of each political party
6 required to have a presidential preference primary under this
7 section.

8 (a) By October ~~December~~ 31 of the year preceding the
9 ~~Florida~~ presidential preference primary, each political party
10 shall submit to the Secretary of State a list of its
11 presidential candidates to be placed on the presidential
12 preference primary ballot or candidates entitled to have
13 delegates appear on the presidential preference primary
14 ballot. The Secretary of State shall prepare and publish a
15 list of the names of the presidential candidates submitted.
16 The Secretary of State shall submit such list of names of
17 presidential candidates to the selection committee on the
18 first Tuesday after the first Monday in November of the
19 ~~January each year preceding the~~ a presidential preference
20 primary ~~election is held~~. Each person designated as a
21 presidential candidate shall have his or her name appear, or
22 have his or her delegates' names appear, on the presidential
23 preference primary ballot unless all committee members of the
24 same political party as the candidate agree to delete such
25 candidate's name from the ballot. The selection committee
26 shall meet in Tallahassee on the first Tuesday after the first
27 Monday in November of the ~~January each year preceding the~~ a
28 presidential preference primary ~~is held~~. The selection
29 committee shall publicly announce and submit to the Department
30 of State no later than 5 p.m. on the following day the names
31 of presidential candidates who shall have their names appear,

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1 or who are entitled to have their delegates' names appear, on
2 the presidential preference primary ballot. The Department of
3 State shall immediately notify each presidential candidate
4 designated by the committee. Such notification shall be in
5 writing, by registered mail, with return receipt requested.

6 (b) Any presidential candidate whose name does not
7 appear on the list submitted to the Secretary of State may
8 request that the selection committee place his or her name on
9 the ballot. Such request shall be made in writing to the
10 Secretary of State no later than the second Tuesday after the
11 first Monday in November of the year preceding the
12 presidential preference primary ~~January~~.

13 (c) If a presidential candidate makes a request that
14 the selection committee reconsider placing the candidate's
15 name on the ballot, the selection committee will reconvene no
16 later than the second Thursday after the first Monday in
17 November of the year preceding the presidential preference
18 primary ~~January~~ to reconsider placing the candidate's name on
19 the ballot. The Department of State shall immediately notify
20 such candidate of the selection committee's decision.

21 (3) A candidate's name shall be printed on the
22 presidential preference primary ballot unless the candidate
23 submits to the Department of State, prior to the second
24 Tuesday after the first Monday in November of the year
25 preceding the presidential preference primary ~~January~~, an
26 affidavit stating that he or she is not now, and does not
27 presently intend to become, a candidate for President at the
28 upcoming nominating convention. If a candidate withdraws
29 pursuant to this subsection, the Department of State shall
30 notify the state executive committee that the candidate's name
31 will not be placed on the ballot. The Department of State

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1 shall, no later than the third Tuesday after the first Monday
2 in November of the year preceding the presidential preference
3 primary ~~January~~, certify to each supervisor of elections the
4 name of each candidate for political party nomination to be
5 printed on the ballot.

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

10 Section 9. Effective July 1, 2007, subsection (3) is
11 added to section 101.75, Florida Statutes, to read:

12 101.75 Municipal elections; change of dates for
13 cause.--

14 (3) Notwithstanding any provision of local law, for
15 any municipality whose election is scheduled to be held in
16 March 2008, the governing body of the municipality,
17 notwithstanding any municipal charter provision, may, by
18 ordinance, move the date of the general municipal election in
19 2008 and in each subsequent year that is a multiple of 4 to
20 the date concurrent with the presidential preference primary.
21 The dates for qualifying for the general municipal election
22 moved by the passage of such an ordinance shall be
23 specifically provided for in the ordinance and shall run for
24 no less than 14 days. The term of office for any elected
25 municipal official shall commence as provided by the relevant
26 municipal charter, and the term of office for any elected
27 municipal official whose term was due to expire in March 2008
28 shall expire as provided by the relevant municipal charter.

29 Section 10. Subsections (6) and (7) of section 97.053,
30 Florida Statutes, are amended to read:

31 97.053 Acceptance of voter registration

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1 applications.--

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

28 (7) All voter registration applications received by a
29 voter registration official shall be entered into the
30 statewide voter registration system within 13 ~~15~~ days after
31 receipt. Once entered, the application shall be immediately

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1 forwarded to the appropriate supervisor of elections.

2 Section 11. Paragraph (a) of subsection (1) of section
3 99.021, Florida Statutes, is amended to read:

4 99.021 Form of candidate oath.--

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

14
15 State of Florida
16 County of....

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

31 ...(Signature of candidate)...

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...(Address)...

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

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

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

State of Florida

County of _____

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

(Signature of candidate)

(Address)

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

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

Section 12. Section 99.061, Florida Statutes, is amended to read:

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

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

(2) The provisions of any special act to the contrary

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

25 (3) Notwithstanding the provisions of any special act
26 to the contrary, each person seeking to qualify for election
27 to a special district office shall qualify between noon of the
28 71st day prior to the primary election and noon of the 67th
29 day prior to the date of the primary election. Candidates for
30 single county special districts shall qualify with the
31 supervisor of elections in the county in which the district is

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1 located. If the district is a multicounty district, candidates
 2 shall qualify with the Department of State. All special
 3 district candidates shall qualify by paying a filing fee of
 4 \$25 or qualify by the petition process pursuant to s. 99.095.
 5 Notwithstanding s. 106.021, a candidate who does not collect
 6 contributions and whose only expense is the filing fee or
 7 signature verification fee is not required to appoint a
 8 campaign treasurer or designate a primary campaign depository.

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

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

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

30 (6)(5) The Department of State shall certify to the
 31 supervisor of elections, within 7 days after the closing date

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1 for qualifying, the names of all duly qualified candidates for
2 nomination or election who have qualified with the Department
3 of State.

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

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

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

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1 the campaign account. Failure to pay the fee as provided in
2 this subparagraph shall disqualify the candidate.

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

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

10 4. If the office sought is partisan, the written
11 statement of political party affiliation required by s.
12 99.021(1)(b).

13 5. The completed form for the appointment of campaign
14 treasurer and designation of campaign depository, as required
15 by s. 106.021.

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

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

30 (8) Notwithstanding the qualifying period prescribed
31 in this section, a qualifying office may accept and hold

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1 qualifying papers submitted not earlier than 14 days prior to
2 the beginning of the qualifying period, to be processed and
3 filed during the qualifying period.

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

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

14 Section 13. Subsections (2) and (4) of section 99.095,
15 Florida Statutes, are amended to read:

16 99.095 Petition process in lieu of a qualifying fee
17 and party assessment.--

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

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

30 (c)(b) The format of the petition shall be prescribed
31 by the division and shall be used by candidates to reproduce

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1 petitions for circulation. If the candidate is running for an
2 office that requires a group or district designation, the
3 petition must indicate that designation and, if it does not,
4 the signatures are not valid. A separate petition is required
5 for each candidate.

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

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

17 Section 14. Section 99.096, Florida Statutes, is
18 amended to read:

19 99.096 Minor political party candidates; names on
20 ballot.--

21 ~~(1) No later than noon of the third day prior to the~~
22 ~~first day of the qualifying period prescribed for federal~~
23 ~~candidates, the executive committee of a minor political party~~
24 ~~shall submit to the Department of State a list of federal~~
25 ~~candidates nominated by the party to be on the general~~
26 ~~election ballot. No later than noon of the third day prior to~~
27 ~~the first day of the qualifying period for state candidates,~~
28 ~~the executive committee of a minor political party shall~~
29 ~~submit to the filing officer for each of the candidates the~~
30 ~~official list of the state, multicounty, and county candidates~~
31 ~~nominated by that party to be on the ballot in the general~~

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1 ~~election. The official list of nominated candidates may not be~~
2 ~~changed by the party after having been filed with the filing~~
3 ~~officers, except that vacancies in nominations may be filled~~
4 ~~pursuant to s. 100.111.~~

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

12 Section 15. Section 99.0965, Florida Statutes, is
13 repealed.

14 Section 16. Paragraph (a) of subsection (2) of section
15 100.041, Florida Statutes, is amended to read:

16 100.041 Officers chosen at general election.--

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

28 Section 17. Section 100.061, Florida Statutes, is
29 amended to read:

30 100.061 Primary election.--In each year in which a
31 general election is held, a primary election for nomination of

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1 candidates of political parties shall be held on the Tuesday
 2 10 ~~9~~ weeks prior to the general election. The candidate
 3 receiving the highest number of votes cast in each contest in
 4 the primary election shall be declared nominated for such
 5 office. If two or more candidates receive an equal and highest
 6 number of votes for the same office, such candidates shall
 7 draw lots to determine which candidate is nominated.

8 Section 18. Section 100.191, Florida Statutes, is
 9 amended to read:

10 100.191 General election laws applicable to special
 11 elections; returns.--All laws that are applicable to general
 12 elections are applicable to special elections or special
 13 primary elections to fill a vacancy in office or nomination,
 14 ~~except that the canvass of returns by the county canvassing~~
 15 ~~board of each county in which a special election is held shall~~
 16 ~~be made on the day following the election, and the certificate~~
 17 ~~of the result of the canvass shall be immediately forwarded to~~
 18 ~~the Department of State. The Elections Canvassing Commission~~
 19 shall immediately, upon receipt of returns from the county in
 20 which a special election is held, proceed to canvass the
 21 returns and determine and declare the result thereof.

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

24 101.043 Identification required at polls.--

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

31 (a) Florida driver's license.

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

12

13 If the picture identification does not contain the signature

14 of the voter, an additional identification that provides the

15 voter's signature shall be required. The elector shall sign

16 his or her name in the space provided on the precinct register

17 or on an electronic device provided for recording the voter's

18 signature. The clerk or inspector shall compare the signature

19 with that on the identification provided by the elector and

20 enter his or her initials in the space provided on the

21 precinct register or on an electronic device provided for that

22 purpose and allow the elector to vote if the clerk or

23 inspector is satisfied as to the identity of the elector.

24 Section 20. Subsection (1) of section 101.048, Florida

25 Statutes, is amended to read:

26 101.048 Provisional ballots.--

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

28 registered in the state and eligible to vote at the precinct

29 in the election but whose eligibility cannot be determined, a

30 person whom an election official asserts is not eligible, and

31 other persons specified in the code shall be entitled to vote

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

12 Section 21. Subsections (6) and (8) of section
13 101.6103, Florida Statutes, are amended to read:

14 101.6103 Mail ballot election procedure.--

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

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

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

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

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1 (c) Already in the possession of the supervisor of
2 elections.

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

6 101.62 Request for absentee ballots.--

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

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

- 25 1. The name of the elector for whom the ballot is
- 26 requested;
- 27 2. The elector's address;
- 28 3. The elector's date of birth;
- 29 4. The requester's name;
- 30 5. The requester's address;
- 31 6. The requester's driver's license number, if

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1 available;

2 7. The requester's relationship to the elector; and

3 8. The requester's signature (written requests only).

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

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

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

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

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

20 c. The elector is in a hospital, assisted-living
21 facility, nursing home, short-term medical or rehabilitation
22 facility, or correctional facility,

23
24 in which case the supervisor shall mail the ballot by
25 nonforwardable, return-if-undeliverable mail to any other
26 address the elector specifies in the request.

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

30 3. By personal delivery before 7 p.m. on election day
31 to the elector, upon presentation of the identification

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1 required in s. 101.043 ~~s. 101.657~~.

2 4. By delivery to a designee on election day or up to
 3 5 ~~4~~ days prior to the day of an election. Any elector may
 4 designate in writing a person to pick up the ballot for the
 5 elector; however, the person designated may not pick up more
 6 than two absentee ballots per election, other than the
 7 designee's own ballot, except that additional ballots may be
 8 picked up for members of the designee's immediate family. For
 9 purposes of this section, "immediate family" means the
 10 designee's spouse or the parent, child, grandparent, or
 11 sibling of the designee or of the designee's spouse. The
 12 designee shall provide to the supervisor the written
 13 authorization by the elector and a picture identification of
 14 the designee and must complete an affidavit. The designee
 15 shall state in the affidavit that the designee is authorized
 16 by the elector to pick up that ballot and shall indicate if
 17 the elector is a member of the designee's immediate family
 18 and, if so, the relationship. The department shall prescribe
 19 the form of the affidavit. If the supervisor is satisfied that
 20 the designee is authorized to pick up the ballot and that the
 21 signature of the elector on the written authorization matches
 22 the signature of the elector on file, the supervisor shall
 23 give the ballot to that designee for delivery to the elector.

24 Section 23. Subsection (2) of section 101.68, Florida
 25 Statutes, is amended to read:

26 101.68 Canvassing of absentee ballot.--

27 (2)(a) The county canvassing board may begin the
 28 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~
 29 day before the election, but not later than noon on the day
 30 following the election. In addition, for any county using
 31 electronic tabulating equipment, the processing of absentee

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1 ballots through such tabulating equipment may begin at 7 a.m.
2 on the sixth ~~fourth~~ day before the election. However,
3 notwithstanding any such authorization to begin canvassing or
4 otherwise processing absentee ballots early, no result shall
5 be released until after the closing of the polls in that
6 county on election day. Any supervisor of elections, deputy
7 supervisor of elections, canvassing board member, election
8 board member, or election employee who releases the results of
9 a canvassing or processing of absentee ballots prior to the
10 closing of the polls in that county on election day commits a
11 felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 (b) To ensure that all absentee ballots to be counted
14 by the canvassing board are accounted for, the canvassing
15 board shall compare the number of ballots in its possession
16 with the number of requests for ballots received to be counted
17 according to the supervisor's file or list.

18 (c)1. The canvassing board shall, if the supervisor
19 has not already done so, compare the signature of the elector
20 on the voter's certificate with the signature of the elector
21 in the registration books to see that the elector is duly
22 registered in the county and to determine the legality of that
23 absentee ballot. ~~Effective July 1, 2005,~~ The ballot of an
24 elector who casts an absentee ballot shall be counted even if
25 the elector dies on or before election day, as long as, prior
26 to the death of the voter, the ballot was postmarked by the
27 United States Postal Service, date-stamped with a verifiable
28 tracking number by common carrier, or already in the
29 possession of the supervisor of elections. An absentee ballot
30 shall be considered illegal if it does not include the
31 signature of the elector, as shown by the registration

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1 the Department of State.--

2 (2) Returns must be filed by 5 p.m. on the 7th day
 3 following a primary election and by noon ~~5 p.m.~~ on the 12th
 4 ~~11th~~ day following the general election. However, the
 5 Department of State may correct typographical errors,
 6 including the transposition of numbers, in any returns
 7 submitted to the Department of State pursuant to s.
 8 102.111(1).

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

14 102.141 County canvassing board; duties.--

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

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

28 ~~(7)(6)~~ If the unofficial returns reflect that a
 29 candidate for any office was defeated or eliminated by
 30 one-half of a percent or less of the votes cast for such
 31 office, that a candidate for retention to a judicial office

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

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

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1 than 11 days after the election, the canvassing board shall
2 file a separate incident report with the Department of State,
3 detailing the resolution of the matter and identifying any
4 measures that will avoid a future recurrence of the error.

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

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

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

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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. Subsection (3) is added to section
12 103.081, Florida Statutes, to read:

13 103.081 Use of party name; political advertising.--

14 (3) A political party may file with the Department of
15 State names of groups or committees associated with the
16 political party. Such filed names may not be used without
17 first obtaining the written permission of the chair of the
18 state executive committee of the party.

19 Section 28. Subsections (1) and (4) and paragraph (b)
20 of subsection (6) of section 103.091, Florida Statutes, are
21 amended to read:

22 103.091 Political parties.--

23 (1) Each political party of the state shall be
24 represented by a state executive committee. County executive
25 committees and other committees may be established in
26 accordance with the rules of the state executive committee. A
27 political party may provide for the selection of its national
28 committee and its state and county executive committees in
29 such manner as it deems proper. Unless otherwise provided by
30 party rule, the county executive committee of each political
31 party shall consist of at least two members, a man and a

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1 woman, from each precinct, who shall be called the precinct
2 committeeman and committeewoman. For counties divided into 40
3 or more precincts, the state executive committee may adopt a
4 district unit of representation for such county executive
5 committees. Upon adoption of a district unit of
6 representation, the state executive committee shall request
7 the supervisor of elections of that county, with approval of
8 the board of county commissioners, to provide for election
9 districts as nearly equal in number of registered voters as
10 possible. Each county committeeman or committeewoman shall be
11 a resident of the precinct from which he or she is elected.
12 Each state committeeman or committeewoman must be a member in
13 good standing of the county executive committee for the county
14 in which the state committeeman or committeewoman is a
15 registered voter.

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

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

5 (6)

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

23 Section 29. Section 103.141, Florida Statutes, is
24 amended to read:

25 103.141 Removal of county executive committee member
26 for violation of oath.--

27 (1) Where the county executive committee by at least a
28 two-thirds majority vote of the members of the committee,
29 attending a meeting held after due notice has been given and
30 at which meeting a quorum is present, determines an incumbent
31 county executive committee member to be guilty of an offense

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1 involving a violation of the member's oath of office, said
2 member so violating his or her oath shall be removed from
3 office and the office shall be deemed vacant. Provided,
4 however, if the county committee wrongfully removes a county
5 committee member and the committee member so wrongfully
6 removed files suit in the circuit court alleging his or her
7 removal was wrongful and wins said suit, the committee member
8 shall be restored to office and the county committee shall pay
9 the costs incurred by the wrongfully removed committee member
10 in bringing the suit, including reasonable attorney's fees.

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

30 Section 30. Section 103.151, Florida Statutes, is
31 repealed.

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1 Section 31. Section 103.161, Florida Statutes, is
2 created to read:

3 103.161 Removal of officers or members of state
4 executive committee or county executive committee.--

5 (1) The chairman of the state executive committee is
6 empowered to remove from an office within the chairman's
7 political party any officer, state committeeman, state
8 committeewoman, county committeeman, county committeewoman,
9 precinct committeeman, precinct committeewoman, or other
10 member of a state executive committee, county executive
11 committee, political party club, or other organization using
12 the political party name as provided in s. 103.081 for a
13 violation of the oath of office taken by such individual.

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

19 (3) Upon the chairman's determination that a violation
20 of the oath of office occurred, the chairman may remove the
21 individual from office. Should the chairman remove the
22 individual from office, the office shall be deemed vacant upon
23 the delivery of the chairman's written notice of removal to
24 the individual found in violation of his or her oath of
25 office. When a vacancy in office is created, the chairman
26 shall appoint an individual to serve through the end of the
27 term of the office.

28 (4) An individual removed from office by the chairman
29 is ineligible to serve on the state executive committee or any
30 county executive committee of the political party for a period
31 of no less than 4 years from the effective date of the

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1 removal.

2 Section 32. Subsection (1) of section 105.031, Florida
3 Statutes, is amended to read:

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

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

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1 write-in candidate who qualifies within the time prescribed in
2 this subsection shall be entitled to have his or her name
3 printed on the ballot.

4 Section 33. Paragraph (c) of subsection (1) of section
5 106.021, Florida Statutes, is amended to read:

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

8 (1)

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

20 Section 34. Subsection (1) of section 106.04, Florida
21 Statutes, is amended to read:

22 106.04 Committees of continuous existence.--

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

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

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1 which clearly defines membership in the organization; and

2 (b) At least 25 percent of the income of such
3 organization, excluding interest, must be derived from dues or
4 assessments payable on a regular basis by its membership
5 pursuant to provisions contained in the charter or bylaws.

6 Dues may be collected by a group, organization, association,
7 or other such entity from its members and forwarded to the
8 committee of continuous existence. All dues collected and
9 forwarded in this manner shall be reported by the committee of
10 continuous existence as dues from the member who originally
11 paid the dues.

12 Section 35. Section 106.055, Florida Statutes, is
13 amended to read:

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

21 Section 36. Section 106.09, Florida Statutes, is
22 amended to read:

23 106.09 Cash contributions and contribution by
24 cashier's checks.--

25 (1) A person may not make or accept a cash
26 contribution ~~or contribution by means of a cashier's check in~~
27 ~~excess of \$100.~~

28 ~~(2)(a) Any person who makes or accepts a contribution~~
29 ~~in excess of \$100 in violation of this section commits a~~
30 ~~misdemeanor of the first degree, punishable as provided in s.~~
31 ~~775.082 or s. 775.083.~~

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

5 Section 37. Subsection (1) of section 106.143, Florida
6 Statutes, is amended to read:

7 106.143 Political advertisements circulated prior to
8 election; requirements.--

9 (1)(a) Any political advertisement that is paid for by
10 a candidate and that is published, displayed, or circulated
11 prior to, or on the day of, any election must prominently
12 state: "Political advertisement paid for and approved by
13 ...(name of candidate)..., ...(party affiliation)..., for
14 ...(office sought)...."

15 (b) Any other political advertisement published,
16 displayed, or circulated prior to, or on the day of, any
17 election must prominently:

18 1. Be marked "paid political advertisement" or with
19 the abbreviation "pd. pol. adv."

20 2. State the name and address of the persons
21 sponsoring the advertisement.

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

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

29 b. This subparagraph does not apply if the source of
30 the sponsorship is patently clear from the content or format
31 of the political advertisement.

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1 (c) Any communication made pursuant to s.
2 106.021(3)(d) must prominently state, "Paid for and sponsored
3 by ...(name of person paying for documentation or
4 communication)."... "Approved by ...(names of persons, party
5 affiliation, and offices sought in the communication)."...

6 (d) Any communication paid for jointly must state the
7 names and addresses of the persons paying for the
8 communication. If the communication was paid for in-kind,
9 either in whole or in part, the communication must so state.

10
11 This subsection does not apply to campaign messages used by a
12 candidate and the candidate's supporters if those messages are
13 designed to be worn by a person.

14 Section 38. Section 106.17, Florida Statutes, is
15 amended to read:

16 106.17 Polls and surveys relating to candidacies.--Any
17 candidate, political committee, committee of continuous
18 existence, electioneering communication organization, or state
19 or county executive committee of a political party may
20 authorize or conduct a political poll, survey, index, or
21 measurement of any kind relating to candidacy for public
22 office so long as the candidate, political committee,
23 committee of continuous existence, electioneering
24 communication organization, or political party maintains
25 complete jurisdiction over the poll in all its aspects.

26 Section 39. Section 106.25, Florida Statutes, is
27 amended to read:

28 106.25 Reports of alleged violations to Florida
29 Elections Commission; disposition of findings.--

30 (1) Jurisdiction to investigate and determine
31 violations of this chapter and chapter 104 is vested in the

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1 Florida Elections Commission; however, nothing in this section
2 limits the jurisdiction of any other officers or agencies of
3 government empowered by law to investigate, act upon, or
4 dispose of alleged violations of this code.

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

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

22 (3) For the purposes of commission jurisdiction, a
23 violation shall mean the willful performance of an act
24 prohibited by this chapter or chapter 104 or the willful
25 failure to perform an act required by this chapter or chapter
26 104. Willfulness is a determination of fact; however, at the
27 request of the respondent, willfulness may be considered and
28 determined in an informal hearing before the commission.

29 (4) The commission shall undertake a preliminary
30 investigation to determine if the facts alleged in a sworn
31 complaint or a matter initiated by the division constitute

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

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

25 (b) The respondent shall be given not less than 14
26 days from the date of mailing of the investigator's report to
27 file with the commission a written response to the
28 investigator's report. This time period may be shortened with
29 the consent of the respondent, or without the consent of the
30 respondent when the passage of time could reasonably be
31 expected to render moot the ultimate disposition of the matter

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1 by the commission so long as reasonable notice under the
2 circumstances is given.

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

20 (d) The respondent and each complainant, their
21 counsel, and the counsel for the commission shall be permitted
22 to attend the hearing at which the probable cause
23 determination is made. Notice of the hearing shall be sent to
24 the respondent, each complainant, and counsel for the
25 commission at least 14 days before the hearing. This time
26 period may be shortened with the consent of the respondent, or
27 without the consent of the respondent when the passage of time
28 could reasonably be expected to render moot the ultimate
29 disposition of the matter by the commission, so long as the
30 notice is furnished within a reasonable period of time under
31 the circumstances.

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

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

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

27 2. The admissions and other stipulations of the
28 respondent, if any;

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

31 4. The expense of further proceedings; and

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

3
4 If the commission finds probable cause, the commission shall
5 determine what charges shall be at issue.

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

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

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

25 2. A consent agreement is not binding upon either
26 party unless and until it is signed by the respondent and by
27 counsel for the commission upon approval by the commission.

28 3. Nothing herein shall be construed to prevent the
29 commission from entering into a consent agreement with a
30 respondent prior to a commission finding of probable cause if
31 a respondent indicates in writing a desire to enter into

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1 negotiations directed towards reaching such a consent
 2 agreement. Any consent agreement reached under this
 3 subparagraph is subject to the provisions of subparagraph 2.
 4 and shall have the same force and effect as a consent
 5 agreement reached after the commission finding of probable
 6 cause.

7 (j) If a consent agreement is reached between the
 8 commission and the respondent, counsel for the commission
 9 shall send a copy of the signed agreement to both complainant
 10 and respondent.

11
 12 In a case where probable cause is found, the commission shall
 13 make a preliminary determination to consider the matter or to
 14 refer the matter to the state attorney for the judicial
 15 circuit in which the alleged violation occurred.

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

22 (5) ~~Unless when there are disputed issues of material~~
 23 ~~fact in a proceeding conducted under ss. 120.569 and 120.57, a~~
 24 person alleged by the Elections Commission to have committed a
 25 violation of this chapter or chapter 104 ~~elects~~ may elect,
 26 within 30 days after the date of the filing of the
 27 commission's allegations, to have a formal or informal hearing
 28 conducted before the commission, or elects to resolve the
 29 complaint by consent order, such person shall be entitled to a
 30 formal administrative hearing conducted by an administrative
 31 law judge in the Division of Administrative Hearings. The

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1 administrative law judge in such proceedings shall enter a
2 final order subject to appeal as provided in s. 120.68.

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

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

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

28
29 However, a complainant is not bound by the confidentiality
30 provisions of this section. In addition, confidentiality may
31 be waived in writing by the person against whom the complaint

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

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

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

30 Section 40. Subsection (4) of section 106.35, Florida
31 Statutes, is amended to read:

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1 106.35 Distribution of funds.--

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

5 Section 41. Section 112.51, Florida Statutes, is
6 amended to read:

7 112.51 Municipal officers; suspension; removal from
8 office.--

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

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

21 (3) The suspension of such official by the Governor
22 creates a temporary vacancy in such office during the
23 suspension. Any temporary vacancy in office created by
24 suspension of an official under the provisions of this section
25 shall be filled by a temporary appointment to such office for
26 the period of the suspension. Such temporary appointment
27 shall be made in the same manner and by the same authority by
28 which a permanent vacancy in such office is filled as provided
29 by law. If no provision for filling a permanent vacancy in
30 such office is provided by law, the temporary appointment
31 shall be made by the Governor.

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

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

20 (6) If the municipal official is acquitted or found
21 not guilty or is otherwise cleared of the charges which were
22 the basis of the arrest, indictment, or information by reason
23 of which he or she was suspended under the provisions of this
24 section, then the Governor shall forthwith revoke the
25 suspension and restore such municipal official to office; and
26 the official shall be entitled to and be paid full back pay
27 and such other emoluments or allowances to which he or she
28 would have been entitled for the full period of time of the
29 suspension. If, during the suspension, the term of office of
30 the municipal official expires and a successor is either
31 appointed or elected, such back pay, emoluments, or allowances

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1 shall only be paid for the duration of the term of office
2 during which the municipal official was suspended under the
3 provisions of this section, and he or she shall not be
4 reinstated.

5 Section 42. Section 106.37, Florida Statutes, is
6 repealed.

7 Section 43. Subsections (2) and (3) of section
8 189.405, Florida Statutes, are amended to read:

9 189.405 Elections; general requirements and
10 procedures; education programs.--

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

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

22 (c) A candidate for a position on a governing board of
23 a single-county special district that has its elections
24 conducted by the supervisor of elections shall qualify for the
25 office with the county supervisor of elections in whose
26 jurisdiction the district is located. Elections for governing
27 board members elected by registered electors shall be
28 nonpartisan, except when partisan elections are specified by a
29 district's charter. Candidates shall qualify as directed by
30 chapter 99. ~~by paying a filing fee equal to 3 percent of the~~
31 ~~salary or honorarium paid for the office, or a filing fee of~~

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1 ~~§25, whichever is more. Alternatively, candidates may qualify~~
 2 ~~by submitting a petition that contains the signatures of at~~
 3 ~~least 3 percent of the district's registered electors, or any~~
 4 ~~lesser amount of signatures directed by chapter 99, chapter~~
 5 ~~582, or other general or special law. No election or party~~
 6 ~~assessment shall be levied if the election is nonpartisan. The~~
 7 ~~qualifying fee shall be remitted to the general revenue fund~~
 8 ~~of the qualifying officer to help defray the cost of the~~
 9 ~~election. The petition form shall be submitted and checked in~~
 10 ~~the same manner as those for nonpartisan judicial candidates~~
 11 ~~pursuant to s. 105.035.~~

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

16 (b) With the exception of those districts conducting
 17 elections on a one-acre/one-vote basis, qualifying for
 18 multicounty special district governing board positions shall
 19 be coordinated by the Department of State. Elections for
 20 governing board members elected by registered electors shall
 21 be nonpartisan, except when partisan elections are specified
 22 by a district's charter. Candidates shall qualify as directed
 23 by chapter 99. ~~by paying a filing fee equal to 3 percent of~~
 24 ~~the salary or honorarium paid for the office, or a filing fee~~
 25 ~~of \$25, whichever is more. Alternatively, candidates may~~
 26 ~~qualify by submitting a petition that contains the signatures~~
 27 ~~of at least 3 percent of the district's registered electors,~~
 28 ~~or any lesser amount of signatures directed by chapter 99,~~
 29 ~~chapter 582, or other general or special law. No election or~~
 30 ~~party assessment shall be levied if the election is~~
 31 ~~nonpartisan. The qualifying fee shall be remitted to the~~

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1 Department of State. ~~The petition form shall be submitted and~~
2 ~~checked in the same manner as those for nonpartisan judicial~~
3 ~~candidates pursuant to s. 105.035.~~

4 Section 44. Paragraph (a) of subsection (1) of section
5 191.005, Florida Statutes, is amended to read:

6 191.005 District boards of commissioners; membership,
7 officers, meetings.--

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

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1 ~~judicial candidates pursuant to s. 105.035. Notwithstanding s.~~
 2 ~~106.021, a candidate who does not collect contributions and~~
 3 ~~whose only expense is the filing fee is not required to~~
 4 ~~appoint a campaign treasurer or designate a primary campaign~~
 5 ~~depository.~~

6 Section 45. Paragraph (a) of subsection (1) of section
 7 582.18, Florida Statutes, is amended to read:

8 582.18 Election of supervisors of each district.--

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

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

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

20 Section 46. Subsection (1) of section 876.05, Florida
21 Statutes, is amended to read:

22 876.05 Public employees; oath.--

23 (1) All persons who now or hereafter are employed by
24 or who now or hereafter are on the payroll of the state, or
25 any of its departments and agencies, subdivisions, counties,
26 cities, school boards and districts of the free public school
27 system of the state or counties, or institutions of higher
28 learning, and all candidates for public office, except
29 candidates for federal office, are required to take an oath
30 before any person duly authorized to take acknowledgments of
31 instruments for public record in the state in the following

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1 form:

2

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

9 Section 47. Except as otherwise provided in this act,
 10 this act shall take effect January 1, 2008.

11

12

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16

17 and insert:

18

A bill to be entitled

19

An act relating to elections; amending s.

20

101.151, F.S.; authorizing the use of

21

ballot-on-demand technology to produce certain

22

marksense ballots; creating s. 101.56075, F.S.;

23

requiring all voting to be by marksense ballot;

24

providing an exemption for voters with

25

disabilities; amending s. 101.5612, F.S.;

26

requiring the use of certain marksense ballots

27

for pre-election testing; amending s. 101.591,

28

F.S.; requiring post-election, random audits of

29

voting systems; providing general audit

30

procedures; mandating that audit results be

31

reported to the Department of State;

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1 prescribing requirements for audit reports;
2 granting rulemaking authority to the department
3 to adopt detailed, uniform audit procedures and
4 a standard audit reporting form; providing
5 procedures for the purchase of new voting
6 systems and ballot equipment and the
7 disposition of existing touchscreen voting
8 systems for certain counties; authorizing the
9 Department of State to purchase optical scan
10 voting equipment and ballot-on-demand equipment
11 for certain counties; appropriating funds for
12 such purpose; amending s. 103.121, F.S.;
13 revising the dates relating to the presidential
14 preference primary; amending s. 101.75;
15 authorizing municipalities to move their
16 election date by ordinance to coincide with the
17 presidential preference primary; amending s.
18 97.053, F.S.; requiring an applicant for voter
19 registration to be notified when the
20 application cannot be verified; providing for
21 registration upon presentation of evidence of a
22 driver's license number, identification card
23 number, or the last four digits of the
24 applicant's social security number; changing
25 the time within which a person casting a
26 provisional ballot may present evidence of
27 eligibility to vote; changing the time for
28 voter registrations to be entered into the
29 statewide voter registration system; amending
30 s. 99.021, F.S.; prescribing form of oath for
31 candidates for federal office; amending s.

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1 99.061, F.S.; prescribing times for qualifying
2 for nomination or election; prescribing
3 specific procedures for qualifying for special
4 district office; providing that the filing fee
5 of a candidate for a special district election
6 need not be drawn on a campaign account;
7 amending s. 99.095, F.S.; prescribing the
8 number of signatures required for a candidate
9 for special district office to qualify by
10 petition; prescribing the time for
11 certification to the Division of Elections of
12 certain candidates qualifying by petition;
13 amending s. 99.096, F.S.; changing manner of
14 candidate selection by minor political parties;
15 repealing s. 99.0965, F.S., relating to the
16 selection of minor party candidates; amending
17 s. 100.041, F.S.; prescribing the time when a
18 county commissioner is deemed elected; amending
19 s. 100.061, F.S.; changing the date of the
20 primary election; amending s. 100.191, F.S.;
21 revising the time for canvassing special
22 election returns; amending s. 101.043, F.S.;
23 revising forms of identification accepted at
24 the polls; amending s. 101.048, F.S.; changing
25 the time within which a person casting a
26 provisional ballot may present evidence of
27 eligibility to vote; amending s. 101.6103,
28 F.S.; changing the time to begin canvassing
29 mail ballots; amending s. 101.62, F.S.;
30 revising the period of effectiveness of a
31 request for an absentee ballot; revising the

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1 time for sending an absentee ballot to an
2 overseas elector; revising time period for
3 providing absentee ballots; amending s. 101.68,
4 F.S.; changing the time to begin canvassing
5 absentee ballots; amending s. 102.112, F.S.;
6 changing the deadline for submitting county
7 returns to the Department of State; amending s.
8 102.141, F.S.; requiring submission of
9 preliminary returns in certain format by
10 election night to the Department of State;
11 changing the time to submit unofficial returns;
12 amending s. 102.166, F.S.; conforming a
13 cross-reference; amending s. 103.081, F.S.;
14 allowing political parties to file with the
15 Department of State names of groups associated
16 with a party; prescribing conditions on the use
17 of those filed names; amending s. 103.091,
18 F.S.; revising the number of and the
19 qualifications for state committeemen and
20 committeewomen; changing the times for
21 qualifying for election to a political party
22 executive committee; amending s. 103.141, F.S.;
23 providing that officers and members of a county
24 executive committee may be removed from office
25 pursuant to s. 103.161; repealing s. 103.151,
26 F.S., relating to the removal of a state
27 executive committee member for violation of the
28 member's oath of office; creating s. 103.161,
29 F.S.; providing for the removal of officers and
30 members of a state or county executive
31 committee for violation of the officer's or

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1 member's oath of office; prescribing procedures
 2 for such removal and restrictions after
 3 removal; amending s. 105.031, F.S.; changing
 4 the times for qualifying for school board
 5 candidates; amending s. 106.021, F.S.; revising
 6 qualifications for a campaign treasurer and
 7 deputy treasurer for a candidate or political
 8 committee; amending s. 106.04, F.S.;
 9 authorizing certain entities to collect and
 10 forward membership dues to committees of
 11 continuous existence; amending s. 106.055,
 12 F.S.; prescribing valuation method for travel
 13 on a private aircraft; amending s. 106.09,
 14 F.S.; revising prohibition on making or
 15 accepting a cash contribution; amending s.
 16 106.143, F.S.; providing disclosure
 17 requirements for political advertisements made
 18 pursuant to s. 106.021(3)(d), F.S.; providing
 19 certain disclosure requirements for political
 20 advertisements paid for jointly or in kind;
 21 amending s. 106.17, F.S.; revising who may
 22 authorize or conduct polls or surveys relating
 23 to candidates; amending s. 106.25, F.S.;
 24 revising requirements for complaints filed
 25 alleging violations of chapters 106 and 104,
 26 F.S.; revising procedures after certain
 27 complaints are filed; providing for the
 28 withdrawal of certain complaints; providing for
 29 the Florida Elections Commission to maintain a
 30 searchable database of all final orders and
 31 agency actions and providing requirements for

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1 such database; amending s. 106.35, F.S.;

2 revising the time for the Division of Elections

3 to distribute funds to candidates; amending s.

4 112.51, F.S.; providing for filling vacancies

5 created when a municipal officer has been

6 removed from office; repealing s. 106.37, F.S.,

7 relating to willful violations of campaign

8 finance laws; amending s. 189.405, F.S.;

9 revising qualification procedures for

10 candidates for special district office;

11 amending s. 191.005, F.S.; revising

12 qualification procedures for candidates for

13 independent special fire control district

14 boards of commissioners; amending s. 582.18,

15 F.S.; revising qualification procedures for

16 candidates for soil and water conservation

17 district supervisors; amending s. 876.05, F.S.;

18 exempting candidates for federal office from

19 taking the public employees' oath; providing an

20 effective date.

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