

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

Barcode 431666

CHAMBER ACTION

Senate

House

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

Comm: WD  
04/17/2007 06:03 PM

.  
. .  
. .  
. .  
. .  
. .

---

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

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

Barcode 431666

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

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

Barcode 431666

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

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

Barcode 431666

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

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

Barcode 431666

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.

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

Barcode 431666

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,

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

Barcode 431666

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

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

Barcode 431666

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



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

Barcode 431666

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

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

Barcode 431666

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, present paragraph (c) of  
4 that subsection is redesignated as paragraph (d), and a new  
5 paragraph (c) is added to that section, to read:

6 99.021 Form of candidate oath.--

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

16

17 State of Florida

18 County of....

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

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

Barcode 431666

1 resign pursuant to s. 99.012, Florida Statutes.

2 ... (Signature of candidate)...

3 ... (Address)...

4

5 Sworn to and subscribed before me this .... day of ....,

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

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

8

9 2. Each candidate for federal office, whether a party

10 candidate, a candidate with no party affiliation, or a

11 write-in candidate, in order to qualify for nomination or

12 election to office shall take and subscribe to an oath or

13 affirmation in writing. A printed copy of the oath or

14 affirmation shall be furnished to the candidate by the officer

15 before whom such candidate seeks to qualify and shall be

16 substantially in the following form:

17

18 State of Florida

19 County of \_\_\_\_\_

20 Before me, an officer authorized to administer oaths,

21 personally appeared (please print name as you wish it to

22 appear on the ballot), to me well known, who, being sworn,

23 says that he or she is a candidate for the office of

24 \_\_\_\_\_ ; that he or she is qualified under the Constitution

25 and laws of the United States to hold the office to which he

26 or she desires to be nominated or elected; that he or she has

27 qualified for no other public office in the state, the term of

28 which office or any part thereof runs concurrent with that of

29 the office he or she seeks; and that he or she has resigned

30 from any office from which he or she is required to resign

31 pursuant to s. 99.012, Florida Statutes.

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

Barcode 431666

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

(Signature of candidate)

(Address)

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

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

(c) In addition to the requirements set forth in paragraph (a), any person seeking to qualify as a write-in candidate shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member. If the person is not a member of any party, that person shall so indicate by writing "no party affiliation."

2. That the person has not been a registered member of any other political party at any time during the 6 months immediately preceding that date.

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

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

Barcode 431666

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

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

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

Barcode 431666

1 elections shall remit to the secretary of the state executive  
 2 committee of the political party to which the candidate  
 3 belongs the amount of the filing fee, two-thirds of which  
 4 shall be used to promote the candidacy of candidates for  
 5 county offices and the candidacy of members of the  
 6 Legislature.

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

22 (4)(3)(a) Each person seeking to qualify for election  
 23 to office as a write-in candidate shall file his or her  
 24 qualification papers with, and pay the qualifying fee, which  
 25 consists of the filing fee and election assessment, to, the  
 26 respective qualifying officer, or shall qualify by the  
 27 petition process pursuant to s. 99.095, at any time after noon  
 28 of the 1st day for qualifying, but not later than noon of the  
 29 last day of the qualifying period for the office sought.  
 30 Filing fees paid to the Department of State shall be deposited  
 31 in the General Revenue Fund. Filing fees paid to the

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

Barcode 431666

1 supervisor of elections shall be deposited in the general  
2 revenue fund of the county.

3 (b) ~~Any person who is seeking election as a write-in~~  
4 ~~candidate shall not be required to pay a filing fee, election~~  
5 ~~assessment, or party assessment.~~ A write-in candidate is ~~shall~~  
6 not ~~be~~ entitled to have his or her name printed on any ballot;  
7 however, space for the write-in candidate's name to be written  
8 in must ~~shall~~ be provided on the general or primary election  
9 ballot as required in s. 101.151(2). A ~~No~~ person may not  
10 qualify as a write-in candidate if the person has also  
11 otherwise qualified for nomination or election to such office.

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

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

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

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

Barcode 431666

1 ~~candidate is notified that the necessary number of signatures~~  
 2 ~~has been obtained. Any candidate who qualifies within the time~~  
 3 ~~prescribed in this subsection is entitled to have his or her~~  
 4 ~~name printed on the ballot.~~

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

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

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

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

29 4. If the office sought is partisan, the written  
 30 statement of political party affiliation required by s.  
 31 99.021(1)(b).



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

Barcode 431666

1           5. The completed form for the appointment of campaign  
2 treasurer and designation of campaign depository, as required  
3 by s. 106.021.

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

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

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

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

30           (10) The Department of State may prescribe by rule  
31 requirements for filing papers to qualify as a candidate under

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

Barcode 431666

1 this section.

2 Section 13. Subsection (1) of section 99.092, Florida  
3 Statutes, is amended to read:

4 99.092 Qualifying fee of candidate; notification of  
5 Department of State.--

6 (1) Each person seeking to qualify for nomination or  
7 election to any office, except a person seeking to qualify by  
8 the petition process pursuant to s. 99.095 ~~and except a person~~  
9 ~~seeking to qualify as a write-in candidate~~, shall pay a  
10 qualifying fee, which shall consist of a filing fee and  
11 election assessment, to the officer with whom the person  
12 qualifies, and any party assessment levied, and shall attach  
13 the original or signed duplicate of the receipt for his or her  
14 party assessment or pay the same, in accordance with the  
15 provisions of s. 103.121, at the time of filing his or her  
16 other qualifying papers. The amount of the filing fee is 3  
17 percent of the annual salary of the office; however, the  
18 filing fee for a write-in candidate is 0.5 percent of the  
19 annual salary of the office. The amount of the election  
20 assessment is 1 percent of the annual salary of the office;  
21 however, the election assessment for a write-in candidate is  
22 0.2 percent of the annual salary of the office ~~sought~~. The  
23 election assessment shall be deposited into the Elections  
24 Commission Trust Fund. The amount of the party assessment is 2  
25 percent of the annual salary; however, the party assessment  
26 for a write-in candidate is 0.3 percent of the annual salary.  
27 The annual salary of the office for purposes of computing the  
28 filing fee, election assessment, and party assessment shall be  
29 computed by multiplying 12 times the monthly salary, excluding  
30 any special qualification pay, authorized for such office as  
31 of July 1 immediately preceding the first day of qualifying.

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

Barcode 431666

1 No qualifying fee shall be returned to the candidate unless  
2 the candidate withdraws his or her candidacy before the last  
3 date to qualify. If a candidate dies prior to an election and  
4 has not withdrawn his or her candidacy before the last date to  
5 qualify, the candidate's qualifying fee shall be returned to  
6 his or her designated beneficiary, and, if the filing fee or  
7 any portion thereof has been transferred to the political  
8 party of the candidate, the Secretary of State shall direct  
9 the party to return that portion to the designated beneficiary  
10 of the candidate.

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

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

15 (2)(a) Except as provided in paragraph (b), a  
16 candidate must ~~shall~~ obtain the number of signatures of voters  
17 in the geographical area represented by the office sought  
18 equal to at least 1 percent of the total number of registered  
19 voters of that geographical area, as shown by the compilation  
20 by the department for the immediately last preceding general  
21 election, however, any person seeking election as a write-in  
22 candidate must obtain the number of signatures of voters in  
23 the geographical area represented by the office sought equal  
24 to at least 0.1 percent of the total number of registered  
25 voters of that geographical area as shown by the department's  
26 compilation for the immediately preceding general election.  
27 Signatures may not be obtained until the candidate has filed  
28 the appointment of campaign treasurer and designation of  
29 campaign depository pursuant to s. 106.021.

30 (b) A candidate for a special district office shall  
31 obtain 25 signatures of voters in the geographical area

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

Barcode 431666

1 represented by the office sought.

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

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

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

20       Section 15. Section 99.096, Florida Statutes, is  
 21 amended to read:

22       99.096 Minor political party candidates; names on  
 23 ballot.--

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

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

Barcode 431666

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

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

15       Section 16. Section 99.0965, Florida Statutes, is  
16 repealed.

17       Section 17. Paragraph (a) of subsection (2) of section  
18 100.041, Florida Statutes, is amended to read:

19       100.041 Officers chosen at general election.--

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

31       Section 18. Section 100.061, Florida Statutes, is

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

Barcode 431666

1 amended to read:

2           100.061 Primary election.--In each year in which a  
3 general election is held, a primary election for nomination of  
4 candidates of political parties shall be held on the Tuesday  
5 10 ~~9~~ weeks prior to the general election. The candidate  
6 receiving the highest number of votes cast in each contest in  
7 the primary election shall be declared nominated for such  
8 office. If two or more candidates receive an equal and highest  
9 number of votes for the same office, such candidates shall  
10 draw lots to determine which candidate is nominated.

11           Section 19. Section 100.191, Florida Statutes, is  
12 amended to read:

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

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

27           101.043 Identification required at polls.--  
28           (1) The precinct register, as prescribed in s. 98.461,  
29 shall be used at the polls for the purpose of identifying the  
30 elector at the polls prior to allowing him or her to vote. The  
31 clerk or inspector shall require each elector, upon entering

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

Barcode 431666

1 the polling place, to present one of the following current and  
2 valid picture identifications:

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

15

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

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

29 101.048 Provisional ballots.--

30 (1) At all elections, a voter claiming to be properly  
31 registered in the state and eligible to vote at the precinct

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

Barcode 431666

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

15 Section 22. Paragraph (a) of subsection (2) of section  
16 101.151, Florida Statutes, is amended to read:

17 101.151 Specifications for ballots.--

18 (2)(a) The ballot shall have headings under which  
19 shall appear the names of the offices and the names of the  
20 candidates for the respective offices in the following order:  
21 the heading "President and Vice President" and thereunder the  
22 names of the candidates for President and Vice President of  
23 the United States nominated by the political party that  
24 received the highest vote for Governor in the last general  
25 election of the Governor in this state. Then shall appear the  
26 names of other candidates for President and Vice President of  
27 the United States who have been properly nominated. Then shall  
28 follow the heading "Congressional" and thereunder the offices  
29 of United States Senator and Representative in Congress; then  
30 the heading "State" and thereunder the offices of Governor and  
31 Lieutenant Governor, Attorney General, Chief Financial



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

Barcode 431666

1 Officer, Commissioner of Agriculture, state attorney, and  
2 public defender, together with the names of the candidates for  
3 each office and the title of the office which they seek; then  
4 the heading "Legislative" and thereunder the offices of state  
5 senator and state representative; then the heading "County"  
6 and thereunder clerk of the circuit court, clerk of the county  
7 court (when authorized by law), sheriff, property appraiser,  
8 tax collector, district superintendent of schools, and  
9 supervisor of elections. Thereafter follows: members of the  
10 board of county commissioners, and such other county and  
11 district offices as are involved in the election, in the order  
12 fixed by the Department of State, followed, in the year of  
13 their election, by "Party Offices," and thereunder the offices  
14 of state and county party executive committee members. In a  
15 general election, in addition to the names printed on the  
16 ballot, a blank space shall be provided under each heading for  
17 an office for which a write-in candidate has qualified. With  
18 respect to write-in candidates, if two or more candidates are  
19 seeking election to one office, only one blank space shall be  
20 provided. However, if all party candidates for a particular  
21 office share the same party affiliation, and if a write-in  
22 candidate for that office has the same party affiliation as  
23 those party candidates, a blank space must be placed on the  
24 primary ballot instead of the general election ballot. If two  
25 or more write-in candidates seek election for an office and  
26 each write-in candidate has the same party affiliation as all  
27 party candidates for that office, only one blank space may be  
28 provided on the primary ballot.

29 Section 23. Subsections (6) and (8) of section  
30 101.6103, Florida Statutes, are amended to read:

31 101.6103 Mail ballot election procedure.--

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

Barcode 431666

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

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

- 15           (a) Postmarked by the United States Postal Service;
- 16           (b) Date-stamped with a verifiable tracking number by  
17 common carrier; or
- 18           (c) Already in the possession of the supervisor of  
19 elections.

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

23           101.62 Request for absentee ballots.--

24           (1)(a) The supervisor may accept a request for an  
25 absentee ballot from an elector in person or in writing.  
26 Except as provided in s. 101.694, one request shall be deemed  
27 sufficient to receive an absentee ballot for all elections  
28 through the next two regularly scheduled general elections  
29 ~~which are held within a calendar year~~, unless the elector or  
30 the elector's designee indicates at the time the request is  
31 made the elections for which the elector desires to receive an

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

Barcode 431666

1 absentee ballot. Such request may be considered canceled when  
 2 any first-class mail sent by the supervisor to the elector is  
 3 returned as undeliverable.

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

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

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

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

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

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

Barcode 431666

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

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

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

9  
10 in which case the supervisor shall mail the ballot by  
11 nonforwardable, return-if-undeliverable mail to any other  
12 address the elector specifies in the request.

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

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

19 4. By delivery to a designee on election day or up to  
20 5 ~~4~~ days prior to the day of an election. Any elector may  
21 designate in writing a person to pick up the ballot for the  
22 elector; however, the person designated may not pick up more  
23 than two absentee ballots per election, other than the  
24 designee's own ballot, except that additional ballots may be  
25 picked up for members of the designee's immediate family. For  
26 purposes of this section, "immediate family" means the  
27 designee's spouse or the parent, child, grandparent, or  
28 sibling of the designee or of the designee's spouse. The  
29 designee shall provide to the supervisor the written  
30 authorization by the elector and a picture identification of  
31 the designee and must complete an affidavit. The designee

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

Barcode 431666

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

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

12 101.68 Canvassing of absentee ballot.--

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

30 (b) To ensure that all absentee ballots to be counted  
 31 by the canvassing board are accounted for, the canvassing

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

Barcode 431666

1 board shall compare the number of ballots in its possession  
2 with the number of requests for ballots received to be counted  
3 according to the supervisor's file or list.

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

26 2. If any elector or candidate present believes that  
27 an absentee ballot is illegal due to a defect apparent on the  
28 voter's certificate, he or she may, at any time before the  
29 ballot is removed from the envelope, file with the canvassing  
30 board a protest against the canvass of that ballot, specifying  
31 the precinct, the ballot, and the reason he or she believes

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

Barcode 431666

1 the ballot to be illegal. A challenge based upon a defect in  
2 the voter's certificate may not be accepted after the ballot  
3 has been removed from the mailing envelope.

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

15 Section 26. Subsection (2) of section 102.112, Florida  
16 Statutes, is amended to read:

17 102.112 Deadline for submission of county returns to  
18 the Department of State.--

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

26 Section 27. Present subsections (4) through (9) of  
27 section 102.141, Florida Statutes, are renumbered as  
28 subsections (5) through (10), respectively, present  
29 subsections (4) and (6) of that section are amended, and a new  
30 subsection (4) is added to that section to read:

31 102.141 County canvassing board; duties.--

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

Barcode 431666

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

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

14       ~~(7)(6)~~ If the unofficial returns reflect that a  
 15 candidate for any office was defeated or eliminated by  
 16 one-half of a percent or less of the votes cast for such  
 17 office, that a candidate for retention to a judicial office  
 18 was retained or not retained by one-half of a percent or less  
 19 of the votes cast on the question of retention, or that a  
 20 measure appearing on the ballot was approved or rejected by  
 21 one-half of a percent or less of the votes cast on such  
 22 measure, the board responsible for certifying the results of  
 23 the vote on such race or measure shall order a recount of the  
 24 votes cast with respect to such office or measure. The  
 25 Elections Canvassing Commission is the board responsible for  
 26 ordering federal, state, and multicounty recounts. A recount  
 27 need not be ordered with respect to the returns for any  
 28 office, however, if the candidate or candidates defeated or  
 29 eliminated from contention for such office by one-half of a  
 30 percent or less of the votes cast for such office request in  
 31 writing that a recount not be made.



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

Barcode 431666

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

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

30           (c) The canvassing board shall submit on forms or in  
31 formats provided by the division a second set of unofficial

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

Barcode 431666

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

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

20 Section 28. Paragraph (b) of subsection (5) of section  
 21 102.166, Florida Statutes, is amended to read:

22 102.166 Manual recounts.--

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

24 (b) Each duplicate ballot prepared pursuant to s.  
 25 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared  
 26 with the original ballot to ensure the correctness of the  
 27 duplicate.

28 Section 29. Subsection (3) is added to section  
 29 103.081, Florida Statutes, to read:

30 103.081 Use of party name; political advertising.--

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

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

Barcode 431666

1 State names of groups or committees associated with the  
2 political party. Such filed names may not be used without  
3 first obtaining the written permission of the chair of the  
4 state executive committee of the party.

5 Section 30. Subsections (1) and (4) and paragraph (b)  
6 of subsection (6) of section 103.091, Florida Statutes, are  
7 amended to read:

8 103.091 Political parties.--

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

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

Barcode 431666

1 registered voter.

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

22           (6)

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

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

Barcode 431666

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

9 |       Section 31. Paragraph (b) of subsection (1) and  
 10 | subsection (5) of section 103.121, Florida Statutes, are  
 11 | amended to read:

12 |       103.121 Powers and duties of executive committees.--

13 |       (1)

14 |       (b) The county executive committee shall receive  
 15 | payment of assessments upon candidates to be voted for in a  
 16 | single county except state senators and members of the House  
 17 | of Representatives and representatives to the Congress of the  
 18 | United States; and the state executive committees shall  
 19 | receive all other assessments authorized. All party  
 20 | assessments shall be 2 percent of the annual salary of the  
 21 | office sought by the respective candidate; however, the party  
 22 | assessment for a write-in candidate registered as a member of  
 23 | a political party shall be 0.3 percent of the annual salary of  
 24 | the office sought by the write-in candidate. All such  
 25 | committee assessments shall be remitted to the state executive  
 26 | committee of the appropriate party and distributed in  
 27 | accordance with subsection (5).

28 |       (5) The state chair of each state executive committee  
 29 | shall return the ~~2-percent~~ committee assessment for county  
 30 | candidates to the appropriate county executive committees only  
 31 | upon receipt of a written statement that such county executive

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

Barcode 431666

1 committee chooses not to endorse, certify, screen, or  
 2 otherwise recommend one or more candidates for such party's  
 3 nomination for election and upon the state chair's  
 4 determination that the county executive committee is in  
 5 compliance with all Florida statutes and all state party  
 6 rules, bylaws, constitutions, and requirements.

7 Section 32. Section 103.141, Florida Statutes, is  
 8 amended to read:

9 103.141 Removal of county executive committee member  
 10 for violation of oath.--

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

26 (2) Any officer, county committeeman, county  
 27 committeewoman, precinct committeeman, precinct  
 28 committeewoman, or member of a county executive committee may  
 29 be removed from office pursuant to s. 103.161. ~~Either the~~  
 30 ~~county or state executive committee is empowered to take~~  
 31 ~~judicial action in chancery against a county committee member~~

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

Barcode 431666

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

14 Section 33. Section 103.151, Florida Statutes, is  
15 repealed.

16 Section 34. Section 103.161, Florida Statutes, is  
17 created to read:

18 103.161 Removal of officers or members of state  
19 executive committee or county executive committee.--

20 (1) The chairman of the state executive committee is  
21 empowered to remove from an office within the chairman's  
22 political party any officer, state committeeman, state  
23 committeewoman, county committeeman, county committeewoman,  
24 precinct committeeman, precinct committeewoman, or other  
25 member of a state executive committee, county executive  
26 committee, political party club, or other organization using  
27 the political party name as provided in s. 103.081 for a  
28 violation of the oath of office taken by such individual.

29 (2) Such violation may include activities that have or  
30 could have injured the name or status of the political party  
31 or interfered with the activities of the political party. The

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

Barcode 431666

1 chairman has sole discretion to determine if a violation  
2 occurred.

3 (3) Upon the chairman's determination that a violation  
4 of the oath of office occurred, the chairman may remove the  
5 individual from office. Should the chairman remove the  
6 individual from office, the office shall be deemed vacant upon  
7 the delivery of the chairman's written notice of removal to  
8 the individual found in violation of his or her oath of  
9 office. When a vacancy in office is created, the chairman  
10 shall appoint an individual to serve through the end of the  
11 term of the office.

12 (4) An individual removed from office by the chairman  
13 is ineligible to serve on the state executive committee or any  
14 county executive committee of the political party for a period  
15 of no less than 4 years from the effective date of the  
16 removal.

17 Section 35. Subsection (1) of section 105.031, Florida  
18 Statutes, is amended to read:

19 105.031 Qualification; filing fee; candidate's oath;  
20 items required to be filed.--

21 (1) TIME OF QUALIFYING.--Except for candidates for  
22 judicial office, nonpartisan candidates for multicounty office  
23 shall qualify with the Division of Elections of the Department  
24 of State and nonpartisan candidates for countywide or less  
25 than countywide office shall qualify with the supervisor of  
26 elections. Candidates for judicial office other than the  
27 office of county court judge shall qualify with the Division  
28 of Elections of the Department of State, and candidates for  
29 the office of county court judge shall qualify with the  
30 supervisor of elections of the county. Candidates for judicial  
31 office shall qualify no earlier than noon of the 120th day,



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

Barcode 431666

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

19 Section 36. Paragraph (c) of subsection (1) of section  
20 106.021, Florida Statutes, is amended to read:

21 106.021 Campaign treasurers; deputies; primary and  
22 secondary depositories.--

23 (1)

24 (c) Any campaign treasurer or deputy treasurer  
25 appointed pursuant to this section ~~shall be a registered voter~~  
26 ~~in this state and~~ shall, before such appointment may become  
27 effective, have accepted appointment to such position in  
28 writing and filed such acceptance with the officer before whom  
29 the candidate is required to qualify or with the officer with  
30 whom the political committee is required to file reports. An  
31 individual may be appointed and serve as campaign treasurer of

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

Barcode 431666

1 a candidate and a political committee or two or more  
2 candidates and political committees. A candidate may appoint  
3 herself or himself as campaign treasurer.

4 Section 37. Subsection (1) of section 106.04, Florida  
5 Statutes, is amended to read:

6 106.04 Committees of continuous existence.--

7 (1) In order to qualify as a committee of continuous  
8 existence for the purposes of this chapter, a group,  
9 organization, association, or other such entity which is  
10 involved in making contributions to candidates, political  
11 committees, or political parties, shall meet the following  
12 criteria:

13 (a) It shall be organized and operated in accordance  
14 with a written charter or set of bylaws which contains  
15 procedures for the election of officers and directors and  
16 which clearly defines membership in the organization; and

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

21 Dues may be collected by a group, organization, association,  
22 or other such entity from its members and forwarded to the  
23 committee of continuous existence. All dues collected and  
24 forwarded in this manner shall be reported by the committee of  
25 continuous existence as dues from the member who originally  
26 paid the dues.

27 Section 38. Section 106.055, Florida Statutes, is  
28 amended to read:

29 106.055 Valuation of in-kind contributions.--Any  
30 person who makes an in-kind contribution shall, at the time of  
31 making such contribution, place a value on such contribution,

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

Barcode 431666

1 which valuation shall be the fair market value of such  
2 contribution. Travel conveyed upon private aircraft shall be  
3 valued at the actual cost of per person commercial air travel  
4 for the same or a substantially similar route.

5 Section 39. Section 106.09, Florida Statutes, is  
6 amended to read:

7 106.09 Cash contributions and contribution by  
8 cashier's checks.--

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

12 ~~(2)(a) Any person who makes or accepts a contribution~~  
13 ~~in excess of \$100 in violation of this section commits a~~  
14 ~~misdemeanor of the first degree, punishable as provided in s.~~  
15 ~~775.082 or s. 775.083.~~

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

20 Section 40. Subsection (1) of section 106.143, Florida  
21 Statutes, is amended to read:

22 106.143 Political advertisements circulated prior to  
23 election; requirements.--

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

30 (b) Any other political advertisement published,  
31 displayed, or circulated prior to, or on the day of, any

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

Barcode 431666

1 election must prominently:

2 1. Be marked "paid political advertisement" or with  
3 the abbreviation "pd. pol. adv."

4 2. State the name and address of the persons  
5 sponsoring the advertisement.

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

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

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

16 (c) Any communication made pursuant to s.  
17 106.021(3)(d) must prominently state, "Paid for and sponsored  
18 by ...(name of person paying for documentation or  
19 communication)."... "Approved by ...(names of persons, party  
20 affiliation, and offices sought in the communication)."...

21 (d) Any communication paid for jointly must state the  
22 names and addresses of the persons paying for the  
23 communication. If the communication was paid for in-kind,  
24 either in whole or in part, the communication must so state.

25  
26 This subsection does not apply to campaign messages used by a  
27 candidate and the candidate's supporters if those messages are  
28 designed to be worn by a person.

29 Section 41. Section 106.17, Florida Statutes, is  
30 amended to read:

31 106.17 Polls and surveys relating to candidacies.--Any

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

Barcode 431666

1 candidate, political committee, committee of continuous  
 2 existence, electioneering communication organization, or state  
 3 or county executive committee of a political party may  
 4 authorize or conduct a political poll, survey, index, or  
 5 measurement of any kind relating to candidacy for public  
 6 office so long as the candidate, political committee,  
 7 committee of continuous existence, electioneering  
 8 communication organization, or political party maintains  
 9 complete jurisdiction over the poll in all its aspects.

10 Section 42. Section 106.25, Florida Statutes, is  
 11 amended to read:

12 106.25 Reports of alleged violations to Florida  
 13 Elections Commission; disposition of findings.--

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

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

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

Barcode 431666

1 complaint, the commission shall be barred from investigating a  
2 subsequent complaint from such complainant that is based upon  
3 such facts or allegations that were raised or could have been  
4 raised in the first complaint. If the complaint includes  
5 allegations of violations relating to expense items reimbursed  
6 by a candidate, committee, or organization to the campaign  
7 account before a sworn complaint is filed, the commission  
8 shall be barred from investigating such allegations. Such  
9 sworn complaint shall state whether a complaint of the same  
10 violation has been made to any state attorney. Within 5 days  
11 after receipt of a sworn complaint, the commission shall  
12 transmit a copy of the complaint to the alleged violator. If  
13 the executive director finds that the complaint is legally  
14 sufficient, the respondent shall be notified of such finding  
15 by letter, which sets forth the statutory provisions alleged  
16 to have been violated and the alleged factual basis that  
17 supports the finding. All sworn complaints alleging violations  
18 of the Florida Election Code over which the commission has  
19 jurisdiction shall be filed with the commission within 2 years  
20 after the alleged violations. The period of limitations is  
21 tolled on the day a sworn complaint is filed with the  
22 commission. The complainant may withdraw the sworn complaint  
23 at any time prior to a probable cause hearing if good cause is  
24 shown. Withdrawal shall be requested in writing, signed by the  
25 complainant, and witnessed by a notary public, stating the  
26 facts and circumstances constituting good cause. The executive  
27 director shall prepare a written recommendation regarding  
28 disposition of the request which shall be given to the  
29 commission together with the request. "Good cause" shall be  
30 determined based upon the legal sufficiency or insufficiency  
31 of the complaint to allege a violation and the reasons given

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

Barcode 431666

1 by the complainant for wishing to withdraw the complaint. If  
 2 withdrawal is permitted, the commission must close the  
 3 investigation and the case. No further action may be taken.  
 4 The complaint will become a public record at the time of  
 5 withdrawal.

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

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

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

Barcode 431666

1 ~~chapter or chapter 104 has been violated.~~

2       (a) When the investigator's report is completed, the  
3 executive director shall notify the respondent that the report  
4 is completed and shall send to the respondent a copy of the  
5 investigator's report. The investigatory file and main  
6 complaint file shall be open for inspection by the respondent  
7 and the respondent's counsel at that time, and copies may be  
8 obtained at no more than cost.

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

18       (c) Counsel for the commission shall review the  
19 investigator's report and shall make a written recommendation  
20 to the commission for the disposition of the complaint. If the  
21 counsel for the commission recommends that the commission find  
22 probable cause, the recommendation shall include a statement  
23 of what charges shall be at issue. A copy of the  
24 recommendation shall be furnished to the respondent. The  
25 respondent shall be given not less than 14 days from the date  
26 of mailing of the recommendation of counsel for the commission  
27 to file with the commission a written response to the  
28 recommendation. This time period may be shortened with the  
29 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



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

Barcode 431666

1 by the commission, so long as the recommendation is furnished  
2 to the respondent within a reasonable period of time under the  
3 circumstances.

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

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

28 (f) At its meeting to determine probable cause, the  
29 commission may continue its determination to allow further  
30 investigation; may order the issuance of a public report of  
31 its investigation if it finds no probable cause to believe

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

Barcode 431666

1 that there has been a violation of this chapter or chapter  
 2 104, concluding the matter before it; may order a final,  
 3 public hearing of the complaint if it finds probable cause to  
 4 believe that there has been a violation of this chapter or  
 5 chapter 104; or may take such other action as it deems  
 6 necessary to resolve the complaint, consistent with due  
 7 process of law. In making its determination, the commission  
 8 may consider:

- 9           1. The sufficiency of the evidence against the  
 10 respondent, as contained in the investigator's report;
- 11           2. The admissions and other stipulations of the  
 12 respondent, if any;
- 13           3. The nature and circumstances of the respondent's  
 14 actions;
- 15           4. The expense of further proceedings; and
- 16           5. Such other factors as it deems material to its  
 17 decision.

18  
 19 If the commission finds probable cause, the commission shall  
 20 determine what charges shall be at issue.

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

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

Barcode 431666

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

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

9            2. A consent agreement is not binding upon either  
 10 party unless and until it is signed by the respondent and by  
 11 counsel for the commission upon approval by the commission.

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

22        (j) If a consent agreement is reached between the  
 23 commission and the respondent, counsel for the commission  
 24 shall send a copy of the signed agreement to both complainant  
 25 and respondent.

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

31 Notwithstanding any other provisions of this section, the

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

Barcode 431666

1 commission may, at its discretion, dismiss any complaint at  
 2 any stage of disposition if it determines that the public  
 3 interest would not be served by proceeding further, in which  
 4 case the commission shall issue a public report stating with  
 5 particularity its reasons for the dismissal.

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

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

27           (7) Every sworn complaint filed pursuant to this  
 28 chapter with the commission, every investigation and  
 29 investigative report or other paper of the commission with  
 30 respect to a violation of this chapter or chapter 104, and  
 31 every proceeding of the commission with respect to a violation

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

Barcode 431666

1 of this chapter or chapter 104 is confidential, is exempt from  
2 the provisions of ss. 119.07(1) and 286.011, and is exempt  
3 from publication in the Florida Administrative Weekly of any  
4 notice or agenda with respect to any proceeding relating to  
5 such violation, except under the following circumstances:

- 6 (a) As provided in subsection (6);
- 7 (b) Upon a determination of probable cause or no  
8 probable cause by the commission; or
- 9 (c) For proceedings conducted with respect to appeals  
10 of fines levied by filing officers for the late filing of  
11 reports required by this chapter.

12

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

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

Barcode 431666

1 matter made confidential by the provisions of this subsection  
2 commits a misdemeanor of the first degree, punishable as  
3 provided in s. 775.082 or s. 775.083.

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

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

14 Section 43. Subsection (4) of section 106.35, Florida  
15 Statutes, is amended to read:

16 106.35 Distribution of funds.--

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

20 Section 44. Section 112.51, Florida Statutes, is  
21 amended to read:

22 112.51 Municipal officers; suspension; removal from  
23 office.--

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

30 (2) Whenever any elected or appointed municipal  
31 official is arrested for a felony or for a misdemeanor related

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

Barcode 431666

1 to the duties of office or is indicted or informed against for  
2 the commission of a federal felony or misdemeanor or state  
3 felony or misdemeanor, the Governor has the power to suspend  
4 such municipal official from office.

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

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

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

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

Barcode 431666

1 | contendere or who is found guilty shall be deemed to have been  
2 | convicted, notwithstanding a suspension of sentence or a  
3 | withholding of adjudication.

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

20 |         Section 45. Section 106.37, Florida Statutes, is  
21 | repealed.

22 |         Section 46. Subsections (2) and (3) of section  
23 | 189.405, Florida Statutes, are amended to read:

24 |         189.405 Elections; general requirements and  
25 | procedures; education programs.--

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



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

Barcode 431666

1 (b) Any independent special district not conducting  
2 district elections through the supervisor of elections shall  
3 report to the supervisor in a timely manner the purpose, date,  
4 authorization, procedures, and results of each election  
5 conducted by the district.

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

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

31 (b) With the exception of those districts conducting

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

Barcode 431666

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

19 Section 47. Paragraph (a) of subsection (1) of section  
20 191.005, Florida Statutes, is amended to read:

21 191.005 District boards of commissioners; membership,  
22 officers, meetings.--

23 (1)(a) With the exception of districts whose governing  
24 boards are appointed collectively by the Governor, the county  
25 commission, and any cooperating city within the county, the  
26 business affairs of each district shall be conducted and  
27 administered by a five-member board. All three-member boards  
28 existing on the effective date of this act shall be converted  
29 to five-member boards, except those permitted to continue as a  
30 three-member board by special act adopted in 1997 or  
31 thereafter. The board shall be elected in nonpartisan

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

Barcode 431666

1 elections by the electors of the district. Except as provided  
 2 in this act, such elections shall be held at the time and in  
 3 the manner prescribed by law for holding general elections in  
 4 accordance with s. 189.405(2)(a) and (3), and each member  
 5 shall be elected for a term of 4 years and serve until the  
 6 member's successor assumes office. Candidates for the board of  
 7 a district shall qualify as directed by chapter 99. ~~with the~~  
 8 ~~county supervisor of elections in whose jurisdiction the~~  
 9 ~~district is located. If the district is a multicounty~~  
 10 ~~district, candidates shall qualify with the Department of~~  
 11 ~~State. All candidates may qualify by paying a filing fee of~~  
 12 ~~\$25 or by obtaining the signatures of at least 25 registered~~  
 13 ~~electors of the district on petition forms provided by the~~  
 14 ~~supervisor of elections which petitions shall be submitted and~~  
 15 ~~checked in the same manner as petitions filed by nonpartisan~~  
 16 ~~judicial candidates pursuant to s. 105.035. Notwithstanding s.~~  
 17 ~~106.021, a candidate who does not collect contributions and~~  
 18 ~~whose only expense is the filing fee is not required to~~  
 19 ~~appoint a campaign treasurer or designate a primary campaign~~  
 20 ~~depository.~~

21 Section 48. Paragraph (a) of subsection (1) of section  
 22 582.18, Florida Statutes, is amended to read:

23 582.18 Election of supervisors of each district.--

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

31 (a) Each candidate for supervisor for such district

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

Barcode 431666

1 ~~shall qualify as directed by chapter 99. be nominated by~~  
2 ~~nominating petition subscribed by 25 or more qualified~~  
3 ~~electors of such district. Candidates shall obtain signatures~~  
4 ~~on petition forms prescribed by the Department of State and~~  
5 ~~furnished by the appropriate qualifying officer. In~~  
6 ~~multicounty districts, the appropriate qualifying officer is~~  
7 ~~the Secretary of State; in single-county districts, the~~  
8 ~~appropriate qualifying officer is the supervisor of elections.~~  
9 ~~Such forms may be obtained at any time after the first Tuesday~~  
10 ~~after the first Monday in January preceding the election, but~~  
11 ~~prior to the 21st day preceding the first day of the~~  
12 ~~qualifying period for state office. Each petition shall be~~  
13 ~~submitted, prior to noon of the 21st day preceding the first~~  
14 ~~day of the qualifying period for state office, to the~~  
15 ~~supervisor of elections of the county for which such petition~~  
16 ~~was circulated. The supervisor of elections shall check the~~  
17 ~~signatures on the petition to verify their status as electors~~  
18 ~~in the district. Prior to the first date for qualifying, the~~  
19 ~~supervisor of elections shall determine whether the required~~  
20 ~~single-county signatures have been obtained; and she or he~~  
21 ~~shall so notify the candidate. In the case of a multicounty~~  
22 ~~candidate, the supervisor of elections shall check the~~  
23 ~~signatures on petitions and shall, prior to the first date for~~  
24 ~~qualifying for office, certify to the Department of State the~~  
25 ~~number shown as registered electors of the district. The~~  
26 ~~Department of State shall determine if the required number of~~  
27 ~~signatures has been obtained for multicounty candidates and~~  
28 ~~shall so notify the candidate. If the required number of~~  
29 ~~signatures has been obtained for the name of the candidate to~~  
30 ~~be placed on the ballot, the candidate shall, during the time~~  
31 ~~prescribed for qualifying for office in s. 99.061, submit a~~

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

Barcode 431666

1 ~~copy of the notice to, and file her or his qualification~~  
2 ~~papers with, the qualifying officer and take the oath~~  
3 ~~prescribed in s. 99.021.~~

4 Section 49. Subsection (1) of section 876.05, Florida  
5 Statutes, is amended to read:

6 876.05 Public employees; oath.--

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

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

24 Section 50. Except as otherwise provided in this act,  
25 this act shall take effect January 1, 2008.

26  
27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

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

Barcode 431666

1 and insert:

2                                   A bill to be entitled

3           An act relating to elections; amending s.

4           101.151, F.S.; authorizing the use of

5           ballot-on-demand technology to produce certain

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

7           requiring all voting to be by marksense ballot;

8           providing an exemption for voters with

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

10          requiring the use of certain marksense ballots

11          for pre-election testing; amending s. 101.591,

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

13          voting systems; providing general audit

14          procedures; mandating that audit results be

15          reported to the Department of State;

16          prescribing requirements for audit reports;

17          granting rulemaking authority to the department

18          to adopt detailed, uniform audit procedures and

19          a standard audit reporting form; providing

20          procedures for the purchase of new voting

21          systems and ballot equipment and the

22          disposition of existing touchscreen voting

23          systems for certain counties; authorizing the

24          Department of State to purchase optical scan

25          voting equipment and ballot-on-demand equipment

26          for certain counties; appropriating funds for

27          such purpose; amending s. 103.121, F.S.;

28          revising the dates relating to the presidential

29          preference primary; amending s. 101.75;

30          authorizing municipalities to move their

31          election date by ordinance to coincide with the

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

Barcode 431666

1 presidential preference primary; amending s.  
2 97.053, F.S.; requiring an applicant for voter  
3 registration to be notified when the  
4 application cannot be verified; providing for  
5 registration upon presentation of evidence of a  
6 driver's license number, identification card  
7 number, or the last four digits of the  
8 applicant's social security number; changing  
9 the time within which a person casting a  
10 provisional ballot may present evidence of  
11 eligibility to vote; changing the time for  
12 voter registrations to be entered into the  
13 statewide voter registration system; amending  
14 s. 99.021, F.S.; prescribing form of oath for  
15 candidates for federal office; requiring any  
16 person seeking election as a write-in candidate  
17 to state in writing his or her party  
18 affiliation and that he or she has not been a  
19 registered member of any other political party  
20 during a specified period preceding the date on  
21 which the candidate subscribes to the required  
22 oath; amending s. 99.061, F.S.; prescribing  
23 times for qualifying for nomination or  
24 election; prescribing specific procedures for  
25 qualifying for special district office;  
26 providing that the filing fee of a candidate  
27 for a special district election need not be  
28 drawn on a campaign account; requiring write-in  
29 candidates to pay a filing fee, party  
30 assessment, and election assessment before a  
31 certain deadline or qualify by the petition

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

Barcode 431666

1 process; requiring the deposit of filing fees  
2 paid to the Department of State and the  
3 supervisor of elections into the state and  
4 county general revenue funds, respectively;  
5 amending 99.092, F.S.; specifying an amount for  
6 the filing fee, election assessment, and party  
7 assessment that must be paid by a write-in  
8 candidate; amending s. 99.095, F.S.;  
9 prescribing the number of signatures required  
10 for a candidate for special district office to  
11 qualify by petition; requiring write-in  
12 candidates to submit before a specified  
13 deadline, petitions containing a specified  
14 number of signatures of voters registered in a  
15 specific area; prescribing the time for  
16 certification to the Division of Elections of  
17 certain candidates qualifying by petition;  
18 amending s. 99.096, F.S.; changing manner of  
19 candidate selection by minor political parties;  
20 repealing s. 99.0965, F.S., relating to the  
21 selection of minor party candidates; amending  
22 s. 100.041, F.S.; prescribing the time when a  
23 county commissioner is deemed elected; amending  
24 s. 100.061, F.S.; changing the date of the  
25 primary election; amending s. 100.191, F.S.;  
26 revising the time for canvassing special  
27 election returns; amending s. 101.043, F.S.;  
28 revising forms of identification accepted at  
29 the polls; amending s. 101.048, F.S.; changing  
30 the time within which a person casting a  
31 provisional ballot may present evidence of



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

Barcode 431666

1 eligibility to vote; amending s. 101.151, F.S.;

2 requiring the placement of a blank space on the

3 primary election ballot under the heading for

4 the office sought if all party candidates for a

5 particular office have the same party

6 affiliation and a write-in candidate for the

7 office shares that party affiliation; amending

8 s. 101.6103, F.S.; changing the time to begin

9 canvassing mail ballots; amending s. 101.62,

10 F.S.; revising the period of effectiveness of a

11 request for an absentee ballot; revising the

12 time for sending an absentee ballot to an

13 overseas elector; revising time period for

14 providing absentee ballots; amending s. 101.68,

15 F.S.; changing the time to begin canvassing

16 absentee ballots; amending s. 102.112, F.S.;

17 changing the deadline for submitting county

18 returns to the Department of State; amending s.

19 102.141, F.S.; requiring submission of

20 preliminary returns in certain format by

21 election night to the Department of State;

22 changing the time to submit unofficial returns;

23 amending s. 102.166, F.S.; conforming a

24 cross-reference; amending s. 103.081, F.S.;

25 allowing political parties to file with the

26 Department of State names of groups associated

27 with a party; prescribing conditions on the use

28 of those filed names; amending s. 103.091,

29 F.S.; revising the number of and the

30 qualifications for state committeemen and

31 committeewomen; changing the times for

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

Barcode 431666

1           qualifying for election to a political party  
2           executive committee; amending s. 103.121, F.S.;  
3           specifying an amount of the party assessment  
4           which must be paid by a write-in candidate who  
5           is registered as a member of a political party;  
6           amending s. 103.141, F.S.; providing that  
7           officers and members of a county executive  
8           committee may be removed from office pursuant  
9           to s. 103.161; repealing s. 103.151, F.S.,  
10          relating to the removal of a state executive  
11          committee member for violation of the member's  
12          oath of office; creating s. 103.161, F.S.;  
13          providing for the removal of officers and  
14          members of a state or county executive  
15          committee for violation of the officer's or  
16          member's oath of office; prescribing procedures  
17          for such removal and restrictions after  
18          removal; amending s. 105.031, F.S.; changing  
19          the times for qualifying for school board  
20          candidates; amending s. 106.021, F.S.; revising  
21          qualifications for a campaign treasurer and  
22          deputy treasurer for a candidate or political  
23          committee; amending s. 106.04, F.S.;  
24          authorizing certain entities to collect and  
25          forward membership dues to committees of  
26          continuous existence; amending s. 106.055,  
27          F.S.; prescribing valuation method for travel  
28          on a private aircraft; amending s. 106.09,  
29          F.S.; revising prohibition on making or  
30          accepting a cash contribution; amending s.  
31          106.143, F.S.; providing disclosure

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

Barcode 431666

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

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

Barcode 431666

1 district supervisors; amending s. 876.05, F.S.;  
2 exempting candidates for federal office from  
3 taking the public employees' oath; providing an  
4 effective date.

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