

By the Committee on Ethics and Elections; and Senators
Constantine and Ring

582-2511-07

1 A bill to be entitled
2 An act relating to elections; amending s.
3 103.121, F.S.; revising the dates relating to
4 the presidential preference primary; amending
5 s. 101.75; authorizing municipalities to move
6 their election date by ordinance to coincide
7 with the presidential preference primary;
8 amending s. 101.151, F.S.; authorizing the use
9 of ballot-on-demand technology to produce
10 certain marksense ballots; creating s.
11 101.56075, F.S.; requiring all voting to be by
12 marksense ballot; providing an exemption for
13 voters with disabilities; amending s. 101.5612,
14 F.S.; requiring the use of certain marksense
15 ballots for pre-election testing; amending s.
16 101.591, F.S.; requiring post-election, random
17 audits of voting systems; providing general
18 audit procedures; mandating that audit results
19 be reported to the Department of State;
20 prescribing requirements for audit reports;
21 granting rulemaking authority to the department
22 to adopt detailed, uniform audit procedures and
23 a standard audit reporting form; providing
24 procedures for the purchase of new voting
25 systems and ballot equipment and the
26 disposition of existing touchscreen voting
27 systems for certain counties; authorizing the
28 Department of State to purchase optical scan
29 voting equipment and ballot-on-demand equipment
30 for certain counties; appropriating funds for
31 such purpose; amending s. 97.041, F.S.;

1 authorizing qualified persons to preregister to
2 vote on or after receipt of a valid driver's
3 license; amending s. 97.053, F.S.; requiring an
4 applicant for voter registration to be notified
5 when the application cannot be verified;
6 providing for registration upon presentation of
7 evidence of a driver's license number,
8 identification card number, or the last four
9 digits of the applicant's social security
10 number; changing the time within which a person
11 casting a provisional ballot may present
12 evidence of eligibility to vote; changing the
13 time for voter registrations to be entered into
14 the statewide voter registration system;
15 amending s. 99.021, F.S.; prescribing form of
16 oath for candidates for federal office;
17 amending s. 99.061, F.S.; prescribing times for
18 qualifying for nomination or election;
19 prescribing specific procedures for qualifying
20 for special district office; providing that the
21 filing fee of a candidate for a special
22 district election need not be drawn on a
23 campaign account; amending s. 99.095, F.S.;
24 prescribing the number of signatures required
25 for a candidate for special district office to
26 qualify by petition; prescribing the time for
27 certification to the Division of Elections of
28 certain candidates qualifying by petition;
29 amending s. 99.096, F.S.; changing manner of
30 candidate selection by minor political parties;
31 repealing s. 99.0965, F.S., relating to the

1 selection of minor party candidates; amending
2 s. 100.041, F.S.; prescribing the time when a
3 county commissioner is deemed elected; amending
4 s. 100.061, F.S.; changing the date of the
5 primary election; amending s. 100.191, F.S.;
6 revising the time for canvassing special
7 election returns; amending s. 101.043, F.S.;
8 revising forms of identification accepted at
9 the polls; amending s. 101.048, F.S.; changing
10 the time within which a person casting a
11 provisional ballot may present evidence of
12 eligibility to vote; amending s. 101.6103,
13 F.S.; changing the time to begin canvassing
14 mail ballots; amending s. 101.62, F.S.;
15 revising the period of effectiveness of a
16 request for an absentee ballot; revising the
17 time for sending an absentee ballot to an
18 overseas elector; revising time period for
19 providing absentee ballots; amending s. 101.68,
20 F.S.; changing the time to begin canvassing
21 absentee ballots; amending s. 102.112, F.S.;
22 changing the deadline for submitting county
23 returns to the Department of State; amending s.
24 102.141, F.S.; requiring submission of
25 preliminary returns in certain format by
26 election night to the Department of State;
27 changing the time to submit unofficial returns;
28 amending s. 102.166, F.S.; conforming a
29 cross-reference; amending s. 103.081, F.S.;
30 allowing political parties to file with the
31 Department of State names of groups associated

1 with a party; prescribing conditions on the use
2 of those filed names; amending s. 103.091,
3 F.S.; revising the number of and the
4 qualifications for state committeemen and
5 committeewomen; changing the times for
6 qualifying for election to a political party
7 executive committee; amending s. 103.141, F.S.;
8 providing that officers and members of a county
9 executive committee may be removed from office
10 pursuant to s. 103.161; repealing s. 103.151,
11 F.S., relating to the removal of a state
12 executive committee member for violation of the
13 member's oath of office; creating s. 103.161,
14 F.S.; providing for the removal of officers and
15 members of a state or county executive
16 committee for violation of the officer's or
17 member's oath of office; prescribing procedures
18 for such removal and restrictions after
19 removal; amending s. 105.031, F.S.; changing
20 the times for qualifying for school board
21 candidates; amending s. 106.021, F.S.; revising
22 qualifications for a campaign treasurer and
23 deputy treasurer for a candidate or political
24 committee; amending s. 106.04, F.S.;
25 authorizing certain entities to collect and
26 forward membership dues to committees of
27 continuous existence; amending s. 106.055,
28 F.S.; prescribing valuation method for travel
29 on a private aircraft; amending s. 106.09,
30 F.S.; revising prohibition on making or
31 accepting a cash contribution; amending s.

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

1 candidates for soil and water conservation
2 district supervisors; amending s. 876.05, F.S. ;
3 exempting candidates for federal office from
4 taking the public employees' oath; providing
5 effective dates.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Effective July 1, 2007, subsections (1),
10 (2), (3), and (6) of section 103.101, Florida Statutes, are
11 amended to read:

12 103.101 Presidential preference primary.--

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

19 (2) There shall be a Presidential Candidate Selection
20 Committee composed of the Secretary of State, who shall be a
21 nonvoting chair; the Speaker of the House of Representatives;
22 the President of the Senate; the minority leader of each house
23 of the Legislature; and the chair of each political party
24 required to have a presidential preference primary under this
25 section.

26 (a) By October ~~December~~ 31 of the year preceding the
27 ~~Florida~~ presidential preference primary, each political party
28 shall submit to the Secretary of State a list of its
29 presidential candidates to be placed on the presidential
30 preference primary ballot or candidates entitled to have
31 delegates appear on the presidential preference primary

1 ballot. The Secretary of State shall prepare and publish a
2 list of the names of the presidential candidates submitted.
3 The Secretary of State shall submit such list of names of
4 presidential candidates to the selection committee on the
5 first Tuesday after the first Monday in November of the
6 ~~January each year preceding the~~ a presidential preference
7 primary ~~election is held~~. Each person designated as a
8 presidential candidate shall have his or her name appear, or
9 have his or her delegates' names appear, on the presidential
10 preference primary ballot unless all committee members of the
11 same political party as the candidate agree to delete such
12 candidate's name from the ballot. The selection committee
13 shall meet in Tallahassee on the first Tuesday after the first
14 Monday in November of the ~~January each year preceding the~~ a
15 presidential preference primary ~~is held~~. The selection
16 committee shall publicly announce and submit to the Department
17 of State no later than 5 p.m. on the following day the names
18 of presidential candidates who shall have their names appear,
19 or who are entitled to have their delegates' names appear, on
20 the presidential preference primary ballot. The Department of
21 State shall immediately notify each presidential candidate
22 designated by the committee. Such notification shall be in
23 writing, by registered mail, with return receipt requested.

24 (b) Any presidential candidate whose name does not
25 appear on the list submitted to the Secretary of State may
26 request that the selection committee place his or her name on
27 the ballot. Such request shall be made in writing to the
28 Secretary of State no later than the second Tuesday after the
29 first Monday in November of the year preceding the
30 presidential preference primary ~~January~~.

31

1 (c) If a presidential candidate makes a request that
2 the selection committee reconsider placing the candidate's
3 name on the ballot, the selection committee will reconvene no
4 later than the second Thursday after the first Monday in
5 November of the year preceding the presidential preference
6 primary ~~January~~ to reconsider placing the candidate's name on
7 the ballot. The Department of State shall immediately notify
8 such candidate of the selection committee's decision.

9 (3) A candidate's name shall be printed on the
10 presidential preference primary ballot unless the candidate
11 submits to the Department of State, prior to the second
12 Tuesday after the first Monday in November of the year
13 preceding the presidential preference primary ~~January~~, an
14 affidavit stating that he or she is not now, and does not
15 presently intend to become, a candidate for President at the
16 upcoming nominating convention. If a candidate withdraws
17 pursuant to this subsection, the Department of State shall
18 notify the state executive committee that the candidate's name
19 will not be placed on the ballot. The Department of State
20 shall, no later than the third Tuesday after the first Monday
21 in November of the year preceding the presidential preference
22 primary ~~January~~, certify to each supervisor of elections the
23 name of each candidate for political party nomination to be
24 printed on the ballot.

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

29 Section 2. Effective July 1, 2007, subsection (3) is
30 added to section 101.75, Florida Statutes, to read:
31

1 101.75 Municipal elections; change of dates for
2 cause.--

3 (3) Notwithstanding any provision of local law, for
4 any municipality whose election is scheduled to be held in
5 March 2008, the governing body of the municipality,
6 notwithstanding any municipal charter provision, may, by
7 ordinance, move the date of the general municipal election in
8 2008 and in each subsequent year that is a multiple of 4 to
9 the date concurrent with the presidential preference primary.
10 The dates for qualifying for the general municipal election
11 moved by the passage of such an ordinance shall be
12 specifically provided for in the ordinance and shall run for
13 no less than 14 days. The term of office for any elected
14 municipal official shall commence as provided by the relevant
15 municipal charter, and the term of office for any elected
16 municipal official whose term was due to expire in March 2008
17 shall expire as provided by the relevant municipal charter.

18 Section 3. Effective July 1, 2008, subsection (1) of
19 section 101.151, Florida Statutes, is amended to read:

20 101.151 Specifications for ballots.--

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

25 (b) Early voting sites may employ a ballot-on-demand
26 production system to print individual marksense ballots,
27 including provisional ballots, for eligible electors pursuant
28 to s. 101.657. Ballot-on-demand technology may be used to
29 produce marksense absentee ballots. Not later than 30 days
30 before an election, the Secretary of State may also authorize
31

1 in writing the use of ballot-on-demand technology for the
2 production of election-day ballots.

3 Section 4. Effective July 1, 2008, section 101.56075,
4 Florida Statutes, is created to read:

5 101.56075 Voting methods.--

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

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

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

16 101.5612 Testing of tabulating equipment.--

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

22 Section 6. Effective July 1, 2008, section 101.591,
23 Florida Statutes, is amended to read:

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

26 101.591 Voting system audit.--

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

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

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

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

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

31 (a) The overall accuracy of audit.

1 (b) A description of any problems or discrepancies
2 encountered.

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

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

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

13 Section 8. Effective upon this act becoming a law:

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

30 (2) A county commission may choose to opt out of this
31 state funding scheme by filing a notice to that effect with

1 the Department of State no later than June 30, 2007. Any
2 county choosing to opt out shall continue to be governed by
3 the provisions of ss. 101.292-101.295 and s. 101.5604, Florida
4 Statutes, with respect to the purchase of new voting systems
5 and equipment.

6 Section 9. Effective July 1, 2007:

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

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

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

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

23 Section 10. Paragraph (b) of subsection (1) of section
24 97.041, Florida Statutes, is amended to read:

25 97.041 Qualifications to register or vote.--

26 (1)

27 (b) A person who is otherwise qualified may
28 preregister on or after that person's 17th birthday or receipt
29 of a valid Florida driver's license, whichever occurs earlier,
30 and may vote in any election occurring on or after that
31 person's 18th birthday.

1 Section 11. Subsections (6) and (7) of section 97.053,
2 Florida Statutes, are amended to read:

3 97.053 Acceptance of voter registration
4 applications.--

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

1 (7) All voter registration applications received by a
2 voter registration official shall be entered into the
3 statewide voter registration system within 13 ~~15~~ days after
4 receipt. Once entered, the application shall be immediately
5 forwarded to the appropriate supervisor of elections.

6 Section 12. Paragraph (a) of subsection (1) of section
7 99.021, Florida Statutes, is amended to read:

8 99.021 Form of candidate oath.--

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

18
19 State of Florida

20 County of....

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

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

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

5 ... (Address)...

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

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

10
11 2. Each candidate for federal office, whether a party
12 candidate, a candidate with no party affiliation, or a
13 write-in candidate, in order to qualify for nomination or
14 election to office shall take and subscribe to an oath or
15 affirmation in writing. A printed copy of the oath or
16 affirmation shall be furnished to the candidate by the officer
17 before whom such candidate seeks to qualify and shall be
18 substantially in the following form:

19
20 State of Florida

21 County of _____

22 Before me, an officer authorized to administer oaths,
23 personally appeared (please print name as you wish it to
24 appear on the ballot), to me well known, who, being sworn,
25 says that he or she is a candidate for the office of

26 _____ ; that he or she is qualified under the Constitution
27 and laws of the United States to hold the office to which he
28 or she desires to be nominated or elected; that he or she has
29 qualified for no other public office in the state, the term of
30 which office or any part thereof runs concurrent with that of
31 the office he or she seeks; and that he or she has resigned

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

3 (Signature of candidate)

4 (Address)

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

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

9 Section 13. Section 99.061, Florida Statutes, is
10 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

22 Section 15. Section 99.096, Florida Statutes, is
23 amended to read:

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

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

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

10 (2) Each person seeking to qualify for election as a
11 candidate of a minor political party shall file his or her
12 qualifying papers with, and pay the qualifying fee and, if one
13 has been levied, the party assessment, or qualify by the
14 petition process pursuant to s. 99.095, with the officer and
15 at the times and under the circumstances provided in s.
16 99.061.

17 Section 16. Section 99.0965, Florida Statutes, is
18 repealed.

19 Section 17. Paragraph (a) of subsection (2) of section
20 100.041, Florida Statutes, is amended to read:

21 100.041 Officers chosen at general election.--

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

1 paragraph on the date that the county canvassing board
2 certifies the results of the election pursuant to s. 102.151.

3 Section 18. Section 100.061, Florida Statutes, is
4 amended to read:

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

14 Section 19. Section 100.191, Florida Statutes, is
15 amended to read:

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

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

30 101.043 Identification required at polls.--
31

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

7 (a) Florida driver's license.

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

10 (c) United States passport.

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

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

13 ~~(f) Debit or credit card.~~

14 (d)(g) Military identification.

15 ~~(h) Student identification.~~

16 ~~(i) Retirement center identification.~~

17 ~~(j) Neighborhood association identification.~~

18 (e)(k) Public assistance identification.

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

31

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

3 101.048 Provisional ballots.--

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

20 Section 22. Subsections (6) and (8) of section
21 101.6103, Florida Statutes, are amended to read:

22 101.6103 Mail ballot election procedure.--

23 (6) The canvassing board may begin the canvassing of
24 mail ballots at 7 a.m. on the sixth ~~fourth~~ day before the
25 election, including processing the ballots through the
26 tabulating equipment. However, results may not be released
27 until after 7 p.m. on election day. Any canvassing board
28 member or election employee who releases any result before 7
29 p.m. on election day commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

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

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

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

9 (c) Already in the possession of the supervisor of
10 elections.

11 Section 23. Effective July 1, 2007, subsections (1)
12 and (4) of section 101.62, Florida Statutes, are amended to
13 read:

14 101.62 Request for absentee ballots.--

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

26 (b) The supervisor may accept a written or telephonic
27 request for an absentee ballot from the elector, or, if
28 directly instructed by the elector, a member of the elector's
29 immediate family, or the elector's legal guardian. For
30 purposes of this section, the term "immediate family" has the
31

1 same meaning as specified in paragraph (4)(b). The person
2 making the request must disclose:

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

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

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

- 21 1. By nonforwardable, return-if-undeliverable mail to
22 the elector's current mailing address on file with the
23 supervisor, unless the elector specifies in the request that:
 - 24 a. The elector is absent from the county and does not
25 plan to return before the day of the election;
 - 26 b. The elector is temporarily unable to occupy the
27 residence because of hurricane, tornado, flood, fire, or other
28 emergency or natural disaster; or
 - 29 c. The elector is in a hospital, assisted-living
30 facility, nursing home, short-term medical or rehabilitation
31 facility, or correctional facility,

1
2 in which case the supervisor shall mail the ballot by
3 nonforwardable, return-if-undeliverable mail to any other
4 address the elector specifies in the request.

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

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

11 4. By delivery to a designee on election day or up to
12 5 ~~4~~ days prior to the day of an election. Any elector may
13 designate in writing a person to pick up the ballot for the
14 elector; however, the person designated may not pick up more
15 than two absentee ballots per election, other than the
16 designee's own ballot, except that additional ballots may be
17 picked up for members of the designee's immediate family. For
18 purposes of this section, "immediate family" means the
19 designee's spouse or the parent, child, grandparent, or
20 sibling of the designee or of the designee's spouse. The
21 designee shall provide to the supervisor the written
22 authorization by the elector and a picture identification of
23 the designee and must complete an affidavit. The designee
24 shall state in the affidavit that the designee is authorized
25 by the elector to pick up that ballot and shall indicate if
26 the elector is a member of the designee's immediate family
27 and, if so, the relationship. The department shall prescribe
28 the form of the affidavit. If the supervisor is satisfied that
29 the designee is authorized to pick up the ballot and that the
30 signature of the elector on the written authorization matches
31

1 | the signature of the elector on file, the supervisor shall
2 | give the ballot to that designee for delivery to the elector.

3 | Section 24. Subsection (2) of section 101.68, Florida
4 | Statutes, is amended to read:

5 | 101.68 Canvassing of absentee ballot.--

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

23 | (b) To ensure that all absentee ballots to be counted
24 | by the canvassing board are accounted for, the canvassing
25 | board shall compare the number of ballots in its possession
26 | with the number of requests for ballots received to be counted
27 | according to the supervisor's file or list.

28 | (c)1. The canvassing board shall, if the supervisor
29 | has not already done so, compare the signature of the elector
30 | on the voter's certificate with the signature of the elector
31 | in the registration books to see that the elector is duly

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

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

28 (d) The canvassing board shall record the ballot upon
29 the proper record, unless the ballot has been previously
30 recorded by the supervisor. The mailing envelopes shall be
31 opened and the secrecy envelopes shall be mixed so as to make

1 | it impossible to determine which secrecy envelope came out of
2 | which signed mailing envelope; however, in any county in which
3 | an electronic or electromechanical voting system is used, the
4 | ballots may be sorted by ballot styles and the mailing
5 | envelopes may be opened and the secrecy envelopes mixed
6 | separately for each ballot style. The votes on absentee
7 | ballots shall be included in the total vote of the county.

8 | Section 25. Subsection (2) of section 102.112, Florida
9 | Statutes, is amended to read:

10 | 102.112 Deadline for submission of county returns to
11 | the Department of State.--

12 | (2) Returns must be filed by 5 p.m. on the 7th day
13 | following a primary election and by noon ~~5 p.m.~~ on the 12th
14 | ~~11th~~ day following the general election. However, the
15 | Department of State may correct typographical errors,
16 | including the transposition of numbers, in any returns
17 | submitted to the Department of State pursuant to s.
18 | 102.111(1).

19 | Section 26. Present subsections (4) through (9) of
20 | section 102.141, Florida Statutes, are renumbered as
21 | subsections (5) through (10), respectively, present
22 | subsections (4) and (6) of that section are amended, and a new
23 | subsection (4) is added to that section, to read:

24 | 102.141 County canvassing board; duties.--

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

28 | ~~(5)(4)~~ The canvassing board shall submit on forms or
29 | in formats provided by the division unofficial returns to the
30 | Department of State for each federal, statewide, state, or
31 | multicounty office or ballot measure no later than noon on the

1 | third day after any primary election and no later than noon on
2 | the fourth ~~fifth~~ day after any general or other election. Such
3 | returns shall include the canvass of all ballots as required
4 | by subsection (2), ~~except for provisional ballots, which~~
5 | ~~returns shall be reported at the time required for official~~
6 | ~~returns pursuant to s. 102.112(2).~~

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

25 | (a) Each canvassing board responsible for conducting a
26 | recount shall put each marksense ballot through automatic
27 | tabulating equipment and determine whether the returns
28 | correctly reflect the votes cast. If any marksense ballot is
29 | physically damaged so that it cannot be properly counted by
30 | the automatic tabulating equipment during the recount, a true
31 | duplicate shall be made of the damaged ballot pursuant to the

1 | procedures in s. 101.5614(5). Immediately before the start of
2 | the recount, a test of the tabulating equipment shall be
3 | conducted as provided in s. 101.5612. If the test indicates no
4 | error, the recount tabulation of the ballots cast shall be
5 | presumed correct and such votes shall be canvassed
6 | accordingly. If an error is detected, the cause therefor shall
7 | be ascertained and corrected and the recount repeated, as
8 | necessary. The canvassing board shall immediately report the
9 | error, along with the cause of the error and the corrective
10 | measures being taken, to the Department of State. No later
11 | than 11 days after the election, the canvassing board shall
12 | file a separate incident report with the Department of State,
13 | detailing the resolution of the matter and identifying any
14 | measures that will avoid a future recurrence of the error.

15 | (b) Each canvassing board responsible for conducting a
16 | recount where touchscreen ballots were used shall examine the
17 | counters on the precinct tabulators to ensure that the total
18 | of the returns on the precinct tabulators equals the overall
19 | election return. If there is a discrepancy between the overall
20 | election return and the counters of the precinct tabulators,
21 | the counters of the precinct tabulators shall be presumed
22 | correct and such votes shall be canvassed accordingly.

23 | (c) The canvassing board shall submit on forms or in
24 | formats provided by the division a second set of unofficial
25 | returns to the Department of State for each federal,
26 | statewide, state, or multicounty office or ballot measure no
27 | later than 3 p.m. on the fifth day after any primary election
28 | and no later than 3 p.m. on the ninth ~~eightth~~ day after any
29 | general election in which a recount was conducted pursuant to
30 | this subsection. If the canvassing board is unable to complete
31 | the recount prescribed in this subsection by the deadline, the

1 second set of unofficial returns submitted by the canvassing
2 board shall be identical to the initial unofficial returns and
3 the submission shall also include a detailed explanation of
4 why it was unable to timely complete the recount. However, the
5 canvassing board shall complete the recount prescribed in this
6 subsection, along with any manual recount prescribed in s.
7 102.166, and certify election returns in accordance with the
8 requirements of this chapter.

9 (d) The Department of State shall adopt detailed rules
10 prescribing additional recount procedures for each certified
11 voting system, which shall be uniform to the extent
12 practicable.

13 Section 27. Paragraph (b) of subsection (5) of section
14 102.166, Florida Statutes, is amended to read:

15 102.166 Manual recounts.--

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

17 (b) Each duplicate ballot prepared pursuant to s.
18 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared
19 with the original ballot to ensure the correctness of the
20 duplicate.

21 Section 28. Subsection (3) is added to section
22 103.081, Florida Statutes, to read:

23 103.081 Use of party name; political advertising.--

24 (3) A political party may file with the Department of
25 State names of groups or committees associated with the
26 political party. Such filed names may not be used without
27 first obtaining the written permission of the chair of the
28 state executive committee of the party.

29 Section 29. Subsections (1) and (4) and paragraph (b)
30 of subsection (6) of section 103.091, Florida Statutes, are
31 amended to read:

1 | 103.091 Political parties.--

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

26 | (4) Any political party other than a minor political
27 | party may by rule provide for the membership of its state or
28 | county executive committee to be elected for 4-year terms at
29 | the primary election in each year a presidential election is
30 | held. The terms shall commence on the first day of the month
31 | following each presidential general election; but the names of

1 candidates for political party offices shall not be placed on
2 the ballot at any other election. The results of such election
3 shall be determined by a plurality of the votes cast. In such
4 event, electors seeking to qualify for such office shall do so
5 with the Department of State or supervisor of elections not
6 earlier than noon of the 71st ~~57th~~ day, or later than noon of
7 the 67th ~~53rd~~ day, preceding the primary election. The
8 outgoing chair of each county executive committee shall,
9 within 30 days after the committee members take office, hold
10 an organizational meeting of all newly elected members for the
11 purpose of electing officers. The chair of each state
12 executive committee shall, within 60 days after the committee
13 members take office, hold an organizational meeting of all
14 newly elected members for the purpose of electing officers.

15 (6)

16 (b) Each state executive committee shall include, as
17 at-large committeemen and committeewomen, all members of the
18 United States Congress representing the State of Florida who
19 are members of the political party, all statewide elected
20 officials who are members of the party, 10 Florida registered
21 voters who are members of the party as appointed by the
22 Governor if the Governor is a member of the party, and the
23 President of the Senate or the Minority Leader in the Senate,
24 and the Speaker of the House of Representatives or the
25 Minority Leader in the House of Representatives, whichever is
26 a member of the political party, and 20 members of the
27 Legislature who are members of the political party. Ten of
28 the legislators shall be appointed with the concurrence of the
29 state chair of the respective party, as follows: five to be
30 appointed by the President of the Senate; five by the Minority
31

1 Leader in the Senate; five by the Speaker of the House of
2 Representatives; and five by the Minority Leader in the House.

3 Section 30. Section 103.141, Florida Statutes, is
4 amended to read:

5 103.141 Removal of county executive committee member
6 for violation of oath.--

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

22 (2) Any officer, county committeeman, county
23 committeewoman, precinct committeeman, precinct
24 committeewoman, or member of a county executive committee may
25 be removed from office pursuant to s. 103.161. ~~Either the~~
26 ~~county or state executive committee is empowered to take~~
27 ~~judicial action in chancery against a county committee member~~
28 ~~for alleged violation of the member's oath of office in the~~
29 ~~circuit court of the county in which that committee member is~~
30 ~~an elector; provided, however, that the state committee may~~
31 ~~take such judicial action only when a county committee refuses~~

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

10 Section 31. Section 103.151, Florida Statutes, is
11 repealed.

12 Section 32. Section 103.161, Florida Statutes, is
13 created to read:

14 103.161 Removal of officers or members of state
15 executive committee or county executive committee.--

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

25 (2) Such violation may include activities that have or
26 could have injured the name or status of the political party
27 or interfered with the activities of the political party. The
28 chairman has sole discretion to determine if a violation
29 occurred.

30 (3) Upon the chairman's determination that a violation
31 of the oath of office occurred, the chairman may remove the

1 individual from office. Should the chairman remove the
2 individual from office, the office shall be deemed vacant upon
3 the delivery of the chairman's written notice of removal to
4 the individual found in violation of his or her oath of
5 office. When a vacancy in office is created, the chairman
6 shall appoint an individual to serve through the end of the
7 term of the office.

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

13 Section 33. Subsection (1) of section 105.031, Florida
14 Statutes, is amended to read:

15 105.031 Qualification; filing fee; candidate's oath;
16 items required to be filed.--

17 (1) TIME OF QUALIFYING.--Except for candidates for
18 judicial office, nonpartisan candidates for multicounty office
19 shall qualify with the Division of Elections of the Department
20 of State and nonpartisan candidates for countywide or less
21 than countywide office shall qualify with the supervisor of
22 elections. Candidates for judicial office other than the
23 office of county court judge shall qualify with the Division
24 of Elections of the Department of State, and candidates for
25 the office of county court judge shall qualify with the
26 supervisor of elections of the county. Candidates for judicial
27 office shall qualify no earlier than noon of the 120th day,
28 and no later than noon of the 116th day, before the primary
29 election. Candidates for the office of school board member
30 shall qualify no earlier than noon of the 71st ~~50th~~ day, and
31 no later than noon of the 67th ~~46th~~ day, before the primary

1 election. Filing shall be on forms provided for that purpose
2 by the Division of Elections and furnished by the appropriate
3 qualifying officer. ~~Any person seeking to qualify by the~~
4 ~~petition process, as set forth in s. 105.035, who has~~
5 ~~submitted the necessary petitions by the required deadline and~~
6 ~~is notified after the fifth day prior to the last day for~~
7 ~~qualifying that the required number of signatures has been~~
8 ~~obtained, shall be entitled to subscribe to the candidate's~~
9 ~~oath and file the qualifying papers at any time within 5 days~~
10 ~~from the date he or she is notified that the necessary number~~
11 ~~of signatures has been obtained.~~ Any person other than a
12 write-in candidate who qualifies within the time prescribed in
13 this subsection shall be entitled to have his or her name
14 printed on the ballot.

15 Section 34. Paragraph (c) of subsection (1) of section
16 106.021, Florida Statutes, is amended to read:

17 106.021 Campaign treasurers; deputies; primary and
18 secondary depositories.--

19 (1)

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

31

1 Section 35. Subsection (1) of section 106.04, Florida
2 Statutes, is amended to read:

3 106.04 Committees of continuous existence.--

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

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

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

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

24 Section 36. Section 106.055, Florida Statutes, is
25 amended to read:

26 106.055 Valuation of in-kind contributions.--Any
27 person who makes an in-kind contribution shall, at the time of
28 making such contribution, place a value on such contribution,
29 which valuation shall be the fair market value of such
30 contribution. Travel conveyed upon private aircraft shall be
31

1 valued at the actual cost of per person commercial air travel
2 for the same or a substantially similar route.

3 Section 37. Section 106.09, Florida Statutes, is
4 amended to read:

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

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

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

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

18 Section 38. Subsection (1) of section 106.143, Florida
19 Statutes, is amended to read:

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

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

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

31

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

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

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

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

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

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

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

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

28 Section 39. Section 106.17, Florida Statutes, is
29 amended to read:

30 106.17 Polls and surveys relating to candidacies.--Any
31 candidate, political committee, committee of continuous

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

9 Section 40. Section 106.25, Florida Statutes, is
10 amended to read:

11 106.25 Reports of alleged violations to Florida
12 Elections Commission; disposition of findings.--

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

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

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

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

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

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

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

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

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

1 to the respondent within a reasonable period of time under the
2 circumstances.

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

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

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

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

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

10 2. The admissions and other stipulations of the
11 respondent, if any;

12 3. The nature and circumstances of the respondent's
13 actions;

14 4. The expense of further proceedings; and

15 5. Such other factors as it deems material to its
16 decision.

17
18 If the commission finds probable cause, the commission shall
19 determine what charges shall be at issue.

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

31

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

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

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

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 41. 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 42. 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

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

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 43. Section 106.37, Florida Statutes, is
21 | repealed.

22 | Section 44. 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.

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

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

20 Section 45. Paragraph (a) of subsection (1) of section
21 191.005, Florida Statutes, is amended to read:

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

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

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

22 Section 46. Paragraph (a) of subsection (1) of section
23 582.18, Florida Statutes, is amended to read:

24 582.18 Election of supervisors of each district.--

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

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

1 ~~prescribed for qualifying for office in s. 99.061, submit a~~
2 ~~copy of the notice to, and file her or his qualification~~
3 ~~papers with, the qualifying officer and take the oath~~
4 ~~prescribed in s. 99.021.~~

5 Section 47. Subsection (1) of section 876.05, Florida
6 Statutes, is amended to read:

7 876.05 Public employees; oath.--

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

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

25 Section 48. Except as otherwise expressly provided in
26 this act and except for this section, which shall take effect
27 upon becoming a law, this act shall take effect January 1,
28 2008.

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31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill's 960 & 1010

4 The committee substitute substantially differs from the
5 original bill in that it: requires precinct-based optical
6 scan voting for all voters on election-day and at early
7 voting, except for disabled voters who may continue to vote on
8 existing touchscreen machines; authorizes the use of
9 ballot-on-demand ballot production technology for absentee and
10 early voting, and allows its use on election-day if the
11 Secretary of State so authorizes; replaces an unused audit
12 provision in Florida Statutes with a post-election,
13 post-certification requirement that local canvassing boards
14 audit the top race on the ballot in at least 1% but not more
15 than 2% of the precincts; appropriates approximately \$27.9
16 million to the Department of State to purchase new voting
17 equipment for the counties, and provides that the Secretary of
18 State shall act as the buying and selling agent for the
19 counties; moves the date of the presidential preference
20 primary to the last Tuesday in January (January 29, 2008);
21 authorizes municipalities to move their local election dates
22 by ordinance to coincide with the new presidential preference
23 primary date; provides for voter pre-registration upon receipt
24 of a valid Florida driver's license; provides notice and
25 opportunity to voters to provide sufficient evidence prior to
26 election day to verify a voter registration application;
27 exempts federal candidates from the current candidate oath and
28 public employee oath; creates a new federal candidate oath;
29 changes the qualification period for state, multicounty
30 district, county, district, and special district offices,
31 except judicial offices or the offices of state attorney or
public defender; provides a uniform method of qualifying for
special district offices; changes the way in which a minor
political party selects candidates for nomination to office;
provides that a county commissioner is "elected" at the time
of certification of the election results; changes the primary
election to 10 weeks before general election, rather than 9
weeks; provides that all laws applicable to general elections
are applicable to special elections; changes the forms of
acceptable identification required at the polls; includes
provisional ballots in the first set of unofficial returns;
provides that ballots in a mail ballot election may be
canvassed on the sixth day prior to the election rather than
the fourth day; provides that requests for absentee ballots
are effective for all elections through next two general
elections; requires supervisors to send absentee ballots
overseas at least 45 days before the general election; allots
on the sixth day before the election rather than the fourth
day; provides an additional 19 hours for the submission of
returns after a general election; requires the submission of
preliminary election returns to the department on election
night; provides that the names of groups associated with a
political party which are filed with the Department of State
may not be used without permission; provides that state
committeemen and women must be a member in good standing of
the county executive committee in the county where he or she
is a registered voter; provides for an additional ten members
of the party to be appointed by the Governor for inclusion on
the state executive committee if the members are Florida

1 registered voters and if the Governor is a member of the
2 party; moves up the qualification period for candidates for a
3 state or county executive committee office of a political
4 party by two weeks; provides that the state executive
5 committee chair may remove state or county party officers or
6 members for violation of the oath of office; removes
7 requirement that a campaign treasurer and deputy treasurer of
8 a political committee or candidate has to be a registered
9 voter of Florida; allows groups to collect dues from its
10 members and forward those dues to the committee of continuous
11 existence (CCE), which must report the dues as coming from the
12 member who originally paid the dues; values private air travel
13 at the cost of what commercial air travel would cost for the
14 same or a substantially similar route; prohibits a person from
15 making or accepting any cash contribution in excess of \$50;
16 provides new disclosure requirements for certain
17 communications; provides that committees of continuous
18 existence and electioneering communication organizations may
19 conduct candidacy polls; changes the requirements for
20 complaints and the procedure for their disposition before the
21 Florida Elections Commission; requires the Florida Elections
22 commission to maintain a public, searchable database of all
23 final orders and agency actions; provides that if a person is
24 selected to fill a temporary vacancy in a municipal office due
25 to the suspension of the officeholder, the person may serve
26 the remainder of the officeholder's term if the officeholder
27 is subsequently removed from office; repeals ss. 99.0965,
28 103.151, 106.37, F.S. Except as provided, the committee
29 substitute will take effect on January 1, 2008.
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