

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

1 purchase of new voting systems and ballot  
2 equipment and the disposition of existing  
3 touchscreen voting systems for certain  
4 counties; authorizing the Department of State  
5 to purchase optical scan voting equipment and  
6 ballot-on-demand equipment for certain  
7 counties; appropriating funds for such purpose;  
8 amending s. 97.041, F.S.; authorizing qualified  
9 persons to preregister to vote on or after  
10 receipt of a valid driver's license; amending  
11 s. 97.053, F.S.; requiring an applicant for  
12 voter registration to be notified when the  
13 application cannot be verified; providing for  
14 registration upon presentation of evidence of a  
15 driver's license number, identification card  
16 number, or the last four digits of the  
17 applicant's social security number; changing  
18 the time within which a person casting a  
19 provisional ballot may present evidence of  
20 eligibility to vote; changing the time for  
21 voter registrations to be entered into the  
22 statewide voter registration system; amending  
23 s. 99.021, F.S.; prescribing form of oath for  
24 candidates for federal office; amending s.  
25 99.061, F.S.; prescribing times for qualifying  
26 for nomination or election; prescribing  
27 specific procedures for qualifying for special  
28 district office; providing that the filing fee  
29 of a candidate for a special district election  
30 need not be drawn on a campaign account;  
31 amending s. 99.095, F.S.; prescribing the

1 number of signatures required for a candidate  
2 for special district office to qualify by  
3 petition; prescribing the time for  
4 certification to the Division of Elections of  
5 certain candidates qualifying by petition;  
6 amending s. 99.096, F.S.; changing manner of  
7 candidate selection by minor political parties;  
8 repealing s. 99.0965, F.S., relating to the  
9 selection of minor party candidates; amending  
10 s. 100.041, F.S.; prescribing the time when a  
11 county commissioner is deemed elected; amending  
12 s. 100.051, F.S.; revising requirements  
13 relating to candidates' whose names must be  
14 printed on general election ballots; amending  
15 s. 100.061, F.S.; changing the date of the  
16 primary election; amending s. 100.111, F.S.;  
17 revising provisions relating to choosing  
18 political party nominees for a special  
19 election; amending s. 100.191, F.S.; revising  
20 the time for canvassing special election  
21 returns; amending s. 100.371, F.S.; requiring  
22 initiative petition forms to be signed by the  
23 constitutionally required distribution of  
24 electors; amending timeframes for verifying  
25 petition signatures; prescribing information  
26 that must be on a petition initiative form, and  
27 conditions with which the elector signing it  
28 must comply, before the form may be verified;  
29 providing procedures for revocation of a  
30 signature on a petition form; amending s.  
31 101.043, F.S.; revising forms of identification

1 | accepted at the polls; amending s. 101.048,  
2 | F.S.; changing the time within which a person  
3 | casting a provisional ballot may present  
4 | evidence of eligibility to vote; amending s.  
5 | 101.573, F.S.; changing the time for filing  
6 | precinct-level election results; requiring such  
7 | results to be filed with respect to special  
8 | elections; prescribing requirements for such  
9 | data; amending s. 101.6103, F.S.; changing the  
10 | time to begin canvassing mail ballots; amending  
11 | s. 101.62, F.S.; revising the period of  
12 | effectiveness of a request for an absentee  
13 | ballot; revising the time for sending an  
14 | absentee ballot to an overseas elector;  
15 | revising time period for providing absentee  
16 | ballots; amending s. 101.68, F.S.; changing the  
17 | time to begin canvassing absentee ballots;  
18 | amending s. 102.112, F.S.; changing the  
19 | deadline for submitting county returns to the  
20 | Department of State; amending s. 102.141, F.S.;  
21 | requiring submission of preliminary returns in  
22 | certain format by election night to the  
23 | Department of State; changing the time to  
24 | submit unofficial returns; amending s. 102.166,  
25 | F.S.; conforming a cross-reference; amending s.  
26 | 103.081, F.S.; allowing political parties to  
27 | file with the Department of State names of  
28 | groups associated with a party; prescribing  
29 | conditions on the use of those filed names;  
30 | amending s. 103.091, F.S.; revising the number  
31 | of and the qualifications for state

1           committeemen and committeewomen; changing the  
2           times for qualifying for election to a  
3           political party executive committee; amending  
4           s. 103.141, F.S.; providing that officers and  
5           members of a county executive committee may be  
6           removed from office pursuant to s. 103.161;  
7           repealing s. 103.151, F.S., relating to the  
8           removal of a state executive committee member  
9           for violation of the member's oath of office;  
10          creating s. 103.161, F.S.; providing for the  
11          removal or suspension of officers and members  
12          of a state or county executive committee for  
13          violation of the officer's or member's oath of  
14          office; prescribing procedures for such removal  
15          and restrictions after removal; amending s.  
16          105.031, F.S.; changing the times for  
17          qualifying for school board candidates;  
18          amending s. 106.021, F.S.; revising  
19          qualifications for a campaign treasurer and  
20          deputy treasurer for a candidate or political  
21          committee; amending s. 106.04, F.S.;  
22          authorizing certain entities to collect and  
23          forward membership dues to committees of  
24          continuous existence; amending s. 106.055,  
25          F.S.; prescribing valuation method for travel  
26          on a private aircraft; amending s. 106.08,  
27          F.S.; prescribing procedures for receiving and  
28          transferring contributions made to political  
29          committees and committees of continuous  
30          existence; amending s. 106.09, F.S.; revising  
31          prohibition on making or accepting a cash

1 contribution; amending s. 106.143, F.S.;

2 providing disclosure requirements for political

3 advertisements made pursuant to s.

4 106.021(3)(d), F.S.; amending s. 106.17, F.S.;

5 revising who may authorize or conduct polls or

6 surveys relating to candidates; amending s.

7 106.25, F.S.; revising requirements for

8 complaints filed alleging violations of

9 chapters 106 and 104, F.S.; revising procedures

10 after certain complaints are filed; providing

11 for the withdrawal of certain complaints;

12 providing for the Florida Elections Commission

13 to maintain a searchable database of all final

14 orders and agency actions and providing

15 requirements for such database; amending s.

16 106.35, F.S.; revising the time for the

17 Division of Elections to distribute funds to

18 candidates; amending s. 112.51, F.S.; providing

19 for filling vacancies created when a municipal

20 officer has been removed from office; repealing

21 s. 106.37, F.S., relating to willful violations

22 of campaign finance laws; amending s. 189.405,

23 F.S.; revising qualification procedures for

24 candidates for special district office;

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

26 qualification procedures for candidates for

27 independent special fire control district

28 boards of commissioners; amending s. 582.18,

29 F.S.; revising qualification procedures for

30 candidates for soil and water conservation

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

1 exempting candidates for federal office from  
2 taking the public employees' oath; requiring  
3 that all write-in candidates reside within the  
4 district of the office sought at the time of  
5 qualification; providing for severability;  
6 providing effective dates.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Subsection (36) of section 97.021, Florida  
11 Statutes, is amended to read:

12 97.021 Definitions.--For the purposes of this code,  
13 except where the context clearly indicates otherwise, the  
14 term:

15 (36) "Third-party registration organization" means any  
16 person, entity, or organization soliciting or collecting voter  
17 registration applications. A third-party voter registration  
18 organization does not include:

19 ~~(a) A political party;~~

20 (a)(b) A person who seeks only to register to vote or  
21 collect voter registration applications from that person's  
22 spouse, child, or parent; or

23 (b)(c) A person engaged in registering to vote or  
24 collecting voter registration applications as an employee or  
25 agent of the division, supervisor of elections, Department of  
26 Highway Safety and Motor Vehicles, or a voter registration  
27 agency.

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

30 97.0575 Third-party voter registrations.--  
31

1           (3) A third-party voter registration organization that  
2 collects voter registration applications serves as a fiduciary  
3 to the applicant, ensuring that any voter registration  
4 application entrusted to the third-party voter registration  
5 organization, irrespective of party affiliation, race,  
6 ethnicity, or gender shall be promptly delivered to the  
7 division or the supervisor of elections. If a voter  
8 registration application collected by any third-party voter  
9 registration organization is not promptly delivered to the  
10 division or supervisor of elections, ~~the individual collecting~~  
11 ~~the voter registration application, the registered agent, and~~  
12 ~~those individuals responsible for the day to day operation of~~  
13 ~~the third-party voter registration organization, including, if~~  
14 ~~applicable, the entity's board of directors, president, vice~~  
15 ~~president, managing partner, or such other individuals engaged~~  
16 ~~in similar duties or functions,~~ shall be ~~personally and~~  
17 ~~jointly and severally~~ liable for the following fines:

18           (a) A fine in the amount of ~~\$50~~\$250 for each  
19 application received by the division or the supervisor of  
20 elections more than 10 days after the applicant delivered the  
21 completed voter registration application to the third-party  
22 voter registration organization or any person, entity, or  
23 agent acting on its behalf. A fine in the amount of \$250 for  
24 each application received if the third-party registration  
25 organization or person, entity, or agency acting on its behalf  
26 acted willfully.

27           (b) A fine in the amount of ~~\$100~~\$500 for each  
28 application collected by a third-party voter registration  
29 organization or any person, entity, or agent acting on its  
30 behalf, prior to book closing for any given election for  
31 federal or state office and received by the division or the



1 supervisor of elections after the book closing deadline for  
 2 such election. A fine in the amount of \$500 for each  
 3 application received if the third-party registration  
 4 organization or person, entity, or agency acting on its behalf  
 5 acted willfully.

6 (c) A fine in the amount of ~~\$500~~\$5,000 for each  
 7 application collected by a third-party voter registration  
 8 organization or any person, entity, or agent acting on its  
 9 behalf, which is not submitted to the division or supervisor  
 10 of elections. A fine in the amount of \$1,000 for any  
 11 application not submitted if the third-party registration  
 12 organization or person, entity, or agency acting on its behalf  
 13 acted willfully.

14  
 15 The aggregate fine pursuant to this subsection which may be  
 16 assessed against a third-party voter registration  
 17 organization, including affiliate organizations, for  
 18 violations committed in a calendar year shall be \$1,000. The  
 19 fines provided in this subsection shall be reduced by  
 20 three-fourths in cases in which the third-party voter  
 21 registration organization has complied with subsection (1).  
 22 The secretary shall waive the fines described in this  
 23 subsection upon a showing that the failure to deliver the  
 24 voter registration application promptly is based upon force  
 25 majeure or impossibility of performance.

26 Section 3. Effective July 1, 2007, subsections (1),  
 27 (2), (3), and (6) of section 103.101, Florida Statutes, are  
 28 amended to read:

29 103.101 Presidential preference primary.--

30 (1) Each political party other than a minor political  
 31 party shall, on the last ~~second~~ Tuesday in January ~~March~~ in

1 each year the number of which is a multiple of 4, elect one  
2 person to be the candidate for nomination of such party for  
3 President of the United States or select delegates to the  
4 national nominating convention, as provided by party rule.

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

12 (a) By October ~~December~~ 31 of the year preceding the  
13 ~~Florida~~ presidential preference primary, each political party  
14 shall submit to the Secretary of State a list of its  
15 presidential candidates to be placed on the presidential  
16 preference primary ballot or candidates entitled to have  
17 delegates appear on the presidential preference primary  
18 ballot. The Secretary of State shall prepare and publish a  
19 list of the names of the presidential candidates submitted.  
20 The Secretary of State shall submit such list of names of  
21 presidential candidates to the selection committee on the  
22 first Tuesday after the first Monday in November of the  
23 ~~January each year preceding the~~ a presidential preference  
24 primary ~~election is held~~. Each person designated as a  
25 presidential candidate shall have his or her name appear, or  
26 have his or her delegates' names appear, on the presidential  
27 preference primary ballot unless all committee members of the  
28 same political party as the candidate agree to delete such  
29 candidate's name from the ballot. The selection committee  
30 shall meet in Tallahassee on the first Tuesday after the first  
31 Monday in November of the ~~January each year preceding the~~ a

1 presidential preference primary ~~is held~~. The selection  
2 committee shall publicly announce and submit to the Department  
3 of State no later than 5 p.m. on the following day the names  
4 of presidential candidates who shall have their names appear,  
5 or who are entitled to have their delegates' names appear, on  
6 the presidential preference primary ballot. The Department of  
7 State shall immediately notify each presidential candidate  
8 designated by the committee. Such notification shall be in  
9 writing, by registered mail, with return receipt requested.

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

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

25 (3) A candidate's name shall be printed on the  
26 presidential preference primary ballot unless the candidate  
27 submits to the Department of State, prior to the second  
28 Tuesday after the first Monday in November of the year  
29 preceding the presidential preference primary ~~January~~, an  
30 affidavit stating that he or she is not now, and does not  
31 presently intend to become, a candidate for President at the

1 upcoming nominating convention. If a candidate withdraws  
2 pursuant to this subsection, the Department of State shall  
3 notify the state executive committee that the candidate's name  
4 will not be placed on the ballot. The Department of State  
5 shall, no later than the third Tuesday after the first Monday  
6 in November of the year preceding the presidential preference  
7 primary ~~January~~, certify to each supervisor of elections the  
8 name of each candidate for political party nomination to be  
9 printed on the ballot.

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

14 Section 4. Effective July 1, 2007, subsection (3) is  
15 added to section 101.75, Florida Statutes, to read:

16 101.75 Municipal elections; change of dates for  
17 cause.--

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

1 March 2008 shall expire as provided by the relevant municipal  
2 charter or ordinance.

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

5 101.151 Specifications for ballots.--

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

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

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

20 101.56075 Voting methods.--

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

24 (2) Persons with disabilities may vote on a voter  
25 interface device that meets the voting system accessibility  
26 requirements for individuals with disabilities pursuant to  
27 section 301 of the federal Help America Vote Act of 2002 and  
28 s. 101.56062.

29 (3) By 2012, persons with disabilities shall vote on a  
30 voter interface device that meets the voter accessibility  
31 requirements for individuals with disabilities under section

1 301 of the federal Help America Vote Act of 2002 and s.  
2 101.56062, which are consistent with subsection (1) of this  
3 section.

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

6 101.5612 Testing of tabulating equipment.--

7 (5) Any tests involving marksense ballots pursuant to  
8 this section shall employ pre-printed ballots, if pre-printed  
9 ballots will be used in the election, and ballot-on-demand  
10 ballots, if ballot-on-demand technology will be used to  
11 produce ballots in the election, or both.

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

14 (Substantial rewording of section. See

15 s. 101.591, F.S., for present text.)

16 101.591 Voting system audit.--

17 (1) Immediately following the certification of each  
18 election, the county canvassing board or the local board  
19 responsible for certifying the election shall conduct a manual  
20 audit of the voting systems used in randomly selected  
21 precincts.

22 (2) The audit shall consist of a public manual tally  
23 of the votes cast in one randomly selected race that appears  
24 on the ballot. The tally sheet shall include election-day,  
25 absentee, early voting, provisional, and overseas ballots, in  
26 at least 1 percent but no more than 2 percent of the precincts  
27 chosen at random by the county canvassing board or the local  
28 board responsible for certifying the election. If 1 percent of  
29 the precincts is less than one entire precinct, the audit  
30 shall be conducted using at least one precinct chosen at  
31 random by the county canvassing board or the local board

1 responsible for certifying the election. Such precincts shall  
2 be selected at a publicly-noticed canvassing board meeting.

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

7 (4) The audit must be completed and the results made  
8 public no later than 11:59 p.m. on the 7th day following  
9 certification of the election by the county canvassing board  
10 or the local board responsible for certifying the election.

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

17 (a) The overall accuracy of audit.

18 (b) A description of any problems or discrepancies  
19 encountered.

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

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

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

30 Section 10. Effective upon this act becoming a law:  
31

1           (1) Notwithstanding ss. 101.292-101.295 and s.  
2 101.5604, Florida Statutes, as a condition of the state  
3 purchasing optical scan voting equipment and ballot-on-demand  
4 equipment to replace touchscreen equipment as provided in  
5 section 11, each recipient county hereby authorizes the  
6 Secretary of State to act as its agent to negotiate the  
7 purchase of new equipment and the sale, exchange, or other  
8 disposition of existing touchscreen voting equipment that is  
9 not necessary to conduct voting for individuals with  
10 disabilities. Further, each such county hereby designates the  
11 Secretary of State as the authorized recipient of all proceeds  
12 realized from the sale, exchange, or other disposition of the  
13 voting equipment, after satisfying obligations or indebtedness  
14 associated with the voting equipment, up to and including the  
15 state's cost to fund the county's new equipment. The secretary  
16 shall deposit the proceeds in the Grants and Donations Trust  
17 Fund within 60 days after the sale, exchange, or other  
18 disposition.

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

26           Section 11. Effective July 1, 2007:

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

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



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

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

12           Section 12. Paragraph (b) of subsection (1) of section  
 13 97.041, Florida Statutes, is amended to read:

14           97.041 Qualifications to register or vote.--

15           (1)

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

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

23           97.053 Acceptance of voter registration  
 24 applications.--

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

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

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

25 Section 14. Paragraph (a) of subsection (1) of section  
26 99.021, Florida Statutes, is amended to read:

27 99.021 Form of candidate oath.--

28 (1)(a)1. Each candidate, whether a party candidate, a  
29 candidate with no party affiliation, or a write-in candidate,  
30 in order to qualify for nomination or election to any office  
31 other than a judicial office as defined in chapter 105 or a

1 federal office, shall take and subscribe to an oath or  
 2 affirmation in writing. A printed copy of the oath or  
 3 affirmation shall be furnished to the candidate by the officer  
 4 before whom such candidate seeks to qualify and shall be  
 5 substantially in the following form:

6  
 7 State of Florida

8 County of....

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

23 ...(Signature of candidate)...

24 ...(Address)...

25  
 26 Sworn to and subscribed before me this .... day of ....,

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

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

29  
 30 2. Each candidate for federal office, whether a party  
 31 candidate, a candidate with no party affiliation, or a

1 write-in candidate, in order to qualify for nomination or  
 2 election to office shall take and subscribe to an oath or  
 3 affirmation in writing. A printed copy of the oath or  
 4 affirmation shall be furnished to the candidate by the officer  
 5 before whom such candidate seeks to qualify and shall be  
 6 substantially in the following form:

7  
 8 State of Florida  
 9 County of \_\_\_\_\_

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

22 \_\_\_\_\_ (Signature of candidate)  
 23 \_\_\_\_\_ (Address)

24  
 25 Sworn to and subscribed before me this \_\_\_\_\_ day of  
 26 (year), at \_\_\_\_\_ County, Florida.

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

28 Section 15. Section 99.061, Florida Statutes, is  
 29 amended to read:

30 99.061 Method of qualifying for nomination or election  
 31 to federal, state, county, or district office.--

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

23           (2) The provisions of any special act to the contrary  
24 notwithstanding, each person seeking to qualify for nomination  
25 or election to a county office, or district ~~or special~~  
26 ~~district~~ office not covered by subsection (1), shall file his  
27 or her qualification papers with, and pay the qualifying fee,  
28 which shall consist of the filing fee and election assessment,  
29 and party assessment, if any has been levied, to, the  
30 supervisor of elections of the county, or shall qualify by the  
31 petition process pursuant to s. 99.095 with the supervisor of

1 elections, at any time after noon of the 1st day for  
2 qualifying, which shall be the 71st ~~50th~~ day prior to the  
3 primary election ~~or special district election~~, but not later  
4 than noon of the 67th ~~46th~~ day prior to the date of the  
5 primary election ~~or special district election~~. ~~However, if a~~  
6 ~~special district election is held at the same time as the~~  
7 ~~general election, qualifying shall be the 50th day prior to~~  
8 ~~the primary election, but not later than noon of the 46th day~~  
9 ~~prior to the date of the primary election~~. Within 30 days  
10 after the closing of qualifying time, the supervisor of  
11 elections shall remit to the secretary of the state executive  
12 committee of the political party to which the candidate  
13 belongs the amount of the filing fee, two-thirds of which  
14 shall be used to promote the candidacy of candidates for  
15 county offices and the candidacy of members of the  
16 Legislature.

17 (3) Notwithstanding the provisions of any special act  
18 to the contrary, each person seeking to qualify for election  
19 to a special district office shall qualify between noon of the  
20 71st day prior to the primary election and noon of the 67th  
21 day prior to the date of the primary election. Candidates for  
22 single county special districts shall qualify with the  
23 supervisor of elections in the county in which the district is  
24 located. If the district is a multicounty district, candidates  
25 shall qualify with the Department of State. All special  
26 district candidates shall qualify by paying a filing fee of  
27 \$25 or qualify by the petition process pursuant to s. 99.095.  
28 Notwithstanding s. 106.021, a candidate who does not collect  
29 contributions and whose only expense is the filing fee or  
30 signature verification fee is not required to appoint a  
31 campaign treasurer or designate a primary campaign depository.

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

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

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

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

27           ~~(6) Notwithstanding the qualifying period prescribed~~  
28 ~~in this section, if a candidate has submitted the necessary~~  
29 ~~petitions by the required deadline in order to qualify by the~~  
30 ~~petition process pursuant to s. 99.095 as a candidate for~~  
31 ~~nomination or election and the candidate is notified after the~~

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

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

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

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

31



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

3           4. If the office sought is partisan, the written  
4 statement of political party affiliation required by s.  
5 99.021(1)(b).

6           5. The completed form for the appointment of campaign  
7 treasurer and designation of campaign depository, as required  
8 by s. 106.021.

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

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

23           (8) Notwithstanding the qualifying period prescribed  
24 in this section, a qualifying office may accept and hold  
25 qualifying papers submitted not earlier than 14 days prior to  
26 the beginning of the qualifying period, to be processed and  
27 filed during the qualifying period.

28           (9) Notwithstanding the qualifying period prescribed  
29 by this section, in each year in which the Legislature  
30 apportions the state, the qualifying period for persons  
31 seeking to qualify for nomination or election to federal

1 office shall be between noon of the 71st ~~57th~~ day prior to the  
 2 primary election, but not later than noon of the 67th ~~53rd~~ day  
 3 prior to the primary election.

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

7 Section 16. Subsections (2) and (4) of section 99.095,  
 8 Florida Statutes, are amended to read:

9 99.095 Petition process in lieu of a qualifying fee  
 10 and party assessment.--

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

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

23 (c)(b) The format of the petition shall be prescribed  
 24 by the division and shall be used by candidates to reproduce  
 25 petitions for circulation. If the candidate is running for an  
 26 office that requires a group or district designation, the  
 27 petition must indicate that designation and, if it does not,  
 28 the signatures are not valid. A separate petition is required  
 29 for each candidate.

30 (4)(a) Certifications for candidates for federal,  
 31 state, ~~or~~ multicounty district, or multicounty special

1 district office shall be submitted to the division no later  
 2 than the 7th day before the first day of the qualifying period  
 3 for the office sought. The division shall determine whether  
 4 the required number of signatures has been obtained and shall  
 5 notify the candidate.

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

10 Section 17. Effective upon this act becoming a law,  
 11 section 99.096, Florida Statutes, is amended to read:

12 99.096 Minor political party candidates; names on  
 13 ballot.--

14 ~~(1) No later than noon of the third day prior to the~~  
 15 ~~first day of the qualifying period prescribed for federal~~  
 16 ~~candidates, the executive committee of a minor political party~~  
 17 ~~shall submit to the Department of State a list of federal~~  
 18 ~~candidates nominated by the party to be on the general~~  
 19 ~~election ballot. No later than noon of the third day prior to~~  
 20 ~~the first day of the qualifying period for state candidates,~~  
 21 ~~the executive committee of a minor political party shall~~  
 22 ~~submit to the filing officer for each of the candidates the~~  
 23 ~~official list of the state, multicounty, and county candidates~~  
 24 ~~nominated by that party to be on the ballot in the general~~  
 25 ~~election. The official list of nominated candidates may not be~~  
 26 ~~changed by the party after having been filed with the filing~~  
 27 ~~officers, except that vacancies in nominations may be filled~~  
 28 ~~pursuant to s. 100.111.~~

29 ~~(2)~~ Each person seeking to qualify for election as a  
 30 candidate of a minor political party shall file his or her  
 31 qualifying papers with, and pay the qualifying fee and, if one

1 | has been levied, the party assessment, or qualify by the  
2 | petition process pursuant to s. 99.095, with the officer and  
3 | at the times and under the circumstances provided in s.  
4 | 99.061.

5 |       Section 18. Effective upon this act becoming a law,  
6 | section 99.0965, Florida Statutes, is repealed.

7 |       Section 19. Paragraph (a) of subsection (2) of section  
8 | 100.041, Florida Statutes, is amended to read:

9 |       100.041 Officers chosen at general election.--

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

21 |       Section 20. Effective upon this act becoming a law,  
22 | section 100.051, Florida Statutes, is amended to read:

23 |       100.051 Candidate's name on general election  
24 | ballot.--The supervisor of elections of each county shall  
25 | print on ballots to be used in the county at the next general  
26 | election the names of candidates who have been nominated by a  
27 | political party, ~~other than a minor political party,~~ and the  
28 | candidates who have otherwise obtained a position on the  
29 | general election ballot in compliance with the requirements of  
30 | this code.

31 |

1           Section 21. Section 100.061, Florida Statutes, is  
2 amended to read:

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

12           Section 22. Effective upon this act becoming a law,  
13 subsection (3) of section 100.111, Florida Statutes, is  
14 amended to read:

15           100.111 Filling vacancy.--

16           (3) Whenever there is a vacancy for which a special  
17 election is required pursuant to s. 100.101, the Governor,  
18 after consultation with the Secretary of State, shall fix the  
19 dates of a special primary election and a special election.  
20 Nominees of political parties ~~other than minor political~~  
21 ~~parties~~ shall be chosen under the primary laws of this state  
22 in the special primary election to become candidates in the  
23 special election. Prior to setting the special election dates,  
24 the Governor shall consider any upcoming elections in the  
25 jurisdiction where the special election will be held. The  
26 dates fixed by the Governor shall be specific days certain and  
27 shall not be established by the happening of a condition or  
28 stated in the alternative. The dates fixed shall provide a  
29 minimum of 2 weeks between each election. In the event a  
30 vacancy occurs in the office of state senator or member of the  
31 House of Representatives when the Legislature is in regular

1 legislative session, the minimum times prescribed by this  
2 subsection may be waived upon concurrence of the Governor, the  
3 Speaker of the House of Representatives, and the President of  
4 the Senate. If a vacancy occurs in the office of state senator  
5 and no session of the Legislature is scheduled to be held  
6 prior to the next general election, the Governor may fix the  
7 dates for the special primary election and for the special  
8 election to coincide with the dates of the primary election  
9 and general election. If a vacancy in office occurs in any  
10 district in the state Senate or House of Representatives or in  
11 any congressional district, and no session of the Legislature,  
12 or session of Congress if the vacancy is in a congressional  
13 district, is scheduled to be held during the unexpired portion  
14 of the term, the Governor is not required to call a special  
15 election to fill such vacancy.

16 (a) The dates for candidates to qualify in such  
17 special election or special primary election shall be fixed by  
18 the Department of State, and candidates shall qualify not  
19 later than noon of the last day so fixed. The dates fixed for  
20 qualifying shall allow a minimum of 14 days between the last  
21 day of qualifying and the special primary election.

22 (b) The filing of campaign expense statements by  
23 candidates in such special elections or special primaries and  
24 by committees making contributions or expenditures to  
25 influence the results of such special primaries or special  
26 elections shall be not later than such dates as shall be fixed  
27 by the Department of State, and in fixing such dates the  
28 Department of State shall take into consideration and be  
29 governed by the practical time limitations.

30 (c) The dates for a candidate to qualify by the  
31 petition process pursuant to s. 99.095 in such special primary

1 or special election shall be fixed by the Department of State.  
2 In fixing such dates the Department of State shall take into  
3 consideration and be governed by the practical time  
4 limitations. Any candidate seeking to qualify by the petition  
5 process in a special primary election shall obtain 25 percent  
6 of the signatures required by s. 99.095.

7 (d) The qualifying fees and party assessments of such  
8 candidates as may qualify shall be the same as collected for  
9 the same office at the last previous primary for that office.  
10 The party assessment shall be paid to the appropriate  
11 executive committee of the political party to which the  
12 candidate belongs.

13 (e) Each county canvassing board shall make as speedy  
14 a return of the result of such special primary elections and  
15 special elections as time will permit, and the Elections  
16 Canvassing Commission likewise shall make as speedy a canvass  
17 and declaration of the nominees as time will permit.

18 Section 23. Section 100.191, Florida Statutes, is  
19 amended to read:

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

1           Section 24. Effective August 1, 2007, subsections (1)  
2 and (3) of section 100.371, Florida Statutes, are amended,  
3 present subsection (6) of that section is renumbered as  
4 subsection (7) and amended, and a new subsection (6) is added  
5 to that section, to read:

6           100.371 Initiatives; procedure for placement on  
7 ballot.--

8           (1) Constitutional amendments proposed by initiative  
9 shall be placed on the ballot for the general election,  
10 provided the initiative petition has been filed with the  
11 Secretary of State no later than February 1 of the year the  
12 general election is held. A petition shall be deemed to be  
13 filed with the Secretary of State upon the date the secretary  
14 determines that valid and verified the petition forms have ~~has~~  
15 been signed by the constitutionally required number and  
16 distribution of electors under this code, subject to the right  
17 of revocation established in this section.

18           (3) Each signature shall be dated when made and shall  
19 be valid for a period of 4 years following such date, provided  
20 all other requirements of law are met. The sponsor shall  
21 submit signed and dated forms to the appropriate supervisor of  
22 elections for verification as to the number of registered  
23 electors whose valid signatures appear thereon. The supervisor  
24 shall promptly verify the signatures within 30 days of receipt  
25 of the petition forms and ~~upon~~ payment of the fee required by  
26 s. 99.097. The supervisor shall promptly record ~~each valid~~  
27 ~~signature~~ in the statewide voter registration system, in the  
28 manner prescribed by the Secretary of State, the date each  
29 form is received by the supervisor and the date the signature  
30 on the form is verified as valid. The supervisor may verify  
31 that the signature on a form is valid only if:



1       (a) The form contains the original signature of the  
2 purported elector.

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

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

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

12  
13 The supervisor shall retain the signature forms for at least 1  
14 year following the election in which the issue appeared on the  
15 ballot or until the Division of Elections notifies the  
16 supervisors of elections that the committee which circulated  
17 the petition is no longer seeking to obtain ballot position.

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

23       (b) The petition-revocation form and the manner in  
24 which signatures are obtained, submitted, and verified shall  
25 be subject to the same relevant requirements and timeframes as  
26 the corresponding petition form and processes under this code  
27 and shall be approved by the Secretary of State before any  
28 signature on a petition-revocation form is obtained.

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

1           (d) The petition-revocation form shall be filed with  
 2 the supervisor of elections by February 1 preceding the next  
 3 general election or, if the initiative amendment is not  
 4 certified for ballot position in that election, by February 1  
 5 preceding the next successive general election. The supervisor  
 6 of elections shall promptly verify the signature on the  
 7 petition-revocation form and process such revocation upon  
 8 payment, in advance, of a fee of 10 cents or the actual cost  
 9 of verifying such signature, whichever is less. The supervisor  
 10 shall promptly record each valid and verified  
 11 petition-revocation form in the statewide voter registration  
 12 system in the manner prescribed by the Secretary of State.

13           ~~(7)(6)~~ The Department of State may adopt rules in  
 14 accordance with s. 120.54 to carry out the provisions of  
 15 subsections ~~(1)-(6)(1)-(5)~~.

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

18           101.043 Identification required at polls.--

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

25           (a) Florida driver's license.

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

28           (c) United States passport.

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

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

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

- 1        ~~(e)(g)~~ Military identification.  
2        ~~(f)(h)~~ Student identification.  
3        ~~(g)(i)~~ Retirement center identification.  
4        ~~(h)(j)~~ Neighborhood association identification.  
5        ~~(i)(k)~~ Public assistance identification.

6  
7 If the picture identification does not contain the signature  
8 of the voter, an additional identification that provides the  
9 voter's signature shall be required. The elector shall sign  
10 his or her name in the space provided on the precinct register  
11 or on an electronic device provided for recording the voter's  
12 signature. The clerk or inspector shall compare the signature  
13 with that on the identification provided by the elector and  
14 enter his or her initials in the space provided on the  
15 precinct register or on an electronic device provided for that  
16 purpose and allow the elector to vote if the clerk or  
17 inspector is satisfied as to the identity of the elector.

18            Section 26. Subsection (1) of section 101.048, Florida  
19 Statutes, is amended to read:

20            101.048 Provisional ballots.--

21            (1) At all elections, a voter claiming to be properly  
22 registered in the state and eligible to vote at the precinct  
23 in the election but whose eligibility cannot be determined, a  
24 person whom an election official asserts is not eligible, and  
25 other persons specified in the code shall be entitled to vote  
26 a provisional ballot. Once voted, the provisional ballot shall  
27 be placed in a secrecy envelope and thereafter sealed in a  
28 provisional ballot envelope. The provisional ballot shall be  
29 deposited in a ballot box. All provisional ballots shall  
30 remain sealed in their envelopes for return to the supervisor  
31 of elections. The department shall prescribe the form of the

1 provisional ballot envelope. A person casting a provisional  
2 ballot shall have the right to present written evidence  
3 supporting his or her eligibility to vote to the supervisor of  
4 elections by not later than 5 p.m. on the second ~~third~~ day  
5 following the election.

6 Section 27. Subsection (1) of section 101.573, Florida  
7 Statutes, is amended to read:

8 101.573 Record of votes by precinct.--

9 (1) Within 35 ~~75~~ days after the date of a municipal  
10 election or runoff, whichever occurs later, a presidential  
11 preference primary, a primary election, a special election, or  
12 a general election, the supervisor of elections shall file  
13 with the Department of State precinct-level election results,  
14 in an electronic format specified by the Department of State,  
15 for that election cycle, ~~including any primary elections.~~  
16 Precinct-level election results shall separately record for  
17 each precinct all demographic data associated with each  
18 precinct at book close for each election, individual vote  
19 history, the returns of ballots cast at the precinct location,  
20 ~~to which have been added~~ the returns of absentee ballots cast  
21 by voters registered in the precinct, and the returns of early  
22 ballots cast by voters registered in the precinct. The data  
23 are required to be cross referenced by political party and  
24 other demographic information as defined by the Department of  
25 State. The Department of State shall create a uniform system  
26 for the collection and reporting of such precinct-level  
27 election results and vote history.

28 Section 28. Subsections (6) and (8) of section  
29 101.6103, Florida Statutes, are amended to read:

30 101.6103 Mail ballot election procedure.--

31

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

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

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

20           Section 29. Effective July 1, 2007, subsections (1)  
21 and (4) of section 101.62, Florida Statutes, are amended to  
22 read:

23           101.62 Request for absentee ballots.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 101.68 Canvassing of absentee ballot.--

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

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



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

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

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

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

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

15 Section 31. Subsection (2) of section 102.112, Florida  
16 Statutes, is amended to read:

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

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

26 Section 32. Present subsections (4) through (9) of  
27 section 102.141, Florida Statutes, are renumbered as  
28 subsections (5) through (10), respectively, present  
29 subsections (4) and (6) of that section are amended, and a new  
30 subsection (4) is added to that section, to read:

31 102.141 County canvassing board; duties.--

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

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

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

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

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

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

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

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

20 Section 33. Paragraph (b) of subsection (5) of section  
21 102.166, Florida Statutes, is amended to read:

22 102.166 Manual recounts.--

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

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

28 Section 34. Subsection (3) is added to section  
29 103.081, Florida Statutes, to read:

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

31

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

6           Section 35. Subsections (1) and (4) and paragraph (b)  
7 of subsection (6) of section 103.091, Florida Statutes, are  
8 amended to read:

9           103.091 Political parties.--

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

1 in which the state committeeman or committeewoman is a  
2 registered voter.

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

23 (6)

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

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

10 Section 36. Section 103.141, Florida Statutes, is  
 11 amended to read:

12 103.141 Removal of county executive committee member  
 13 for violation of oath.--

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

29 (2) Any officer, county committeeman, county  
 30 committeewoman, precinct committeeman, precinct  
 31 committeewoman, or member of a county executive committee may



1 ~~be removed from office pursuant to s. 103.161. Either the~~  
 2 ~~county or state executive committee is empowered to take~~  
 3 ~~judicial action in chancery against a county committee member~~  
 4 ~~for alleged violation of the member's oath of office in the~~  
 5 ~~circuit court of the county in which that committee member is~~  
 6 ~~an elector; provided, however, that the state committee may~~  
 7 ~~take such judicial action only when a county committee refuses~~  
 8 ~~to take such judicial action within 10 days after a charge is~~  
 9 ~~made. Procedure shall be as in other cases in chancery, and if~~  
 10 ~~the court shall find as fact that the defendant did violate~~  
 11 ~~his or her oath of office, it shall enter a decree removing~~  
 12 ~~the defendant from the county committee. If either such~~  
 13 ~~executive committee brings suit in the circuit court for the~~  
 14 ~~removal of a county committee member and loses said suit, such~~  
 15 ~~committee shall pay the court costs incurred in such suit by~~  
 16 ~~the committee member, including reasonable attorney's fees.~~

17 Section 37. Section 103.151, Florida Statutes, is  
 18 repealed.

19 Section 38. Section 103.161, Florida Statutes, is  
 20 created to read:

21 103.161 Removal or suspension of officers or members  
 22 of state executive committee or county executive committee.--

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

1 taken by such individual or for engaging in other activities  
2 described in this section.

3 (2) Such violation may include engaging in activities  
4 that have or could have injured the name or status of the  
5 political party or interfered with the activities of the  
6 political party. The chairman has sole discretion to determine  
7 if a violation occurred.

8 (3) Upon the chairman's determination that a violation  
9 of the oath of office occurred or that an individual engaged  
10 in other activities described in this section, the chairman  
11 may remove or suspend the individual from his or her office.  
12 If the chairman removes the individual from office, the office  
13 shall be deemed vacant upon the delivery of the chairman's  
14 written order of removal to the individual. When a vacancy in  
15 office is created, the chairman shall appoint an individual to  
16 serve through the end of the term of the office. If the  
17 chairman suspends the individual, the chairman shall determine  
18 the length of the suspension.

19 (4) An individual removed from office by the chairman  
20 shall not be eligible to serve on the state executive  
21 committee or any county executive committee of the political  
22 party for a period of no less than 4 years from the effective  
23 date of the removal.

24 Section 39. Subsection (1) of section 105.031, Florida  
25 Statutes, is amended to read:

26 105.031 Qualification; filing fee; candidate's oath;  
27 items required to be filed.--

28 (1) TIME OF QUALIFYING.--Except for candidates for  
29 judicial office, nonpartisan candidates for multicounty office  
30 shall qualify with the Division of Elections of the Department  
31 of State and nonpartisan candidates for countywide or less

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

26 Section 40. Paragraph (c) of subsection (1) of section  
27 106.021, Florida Statutes, is amended to read:

28 106.021 Campaign treasurers; deputies; primary and  
29 secondary depositories.--

30 (1)

31

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

12           Section 41. Subsection (1) of section 106.04, Florida  
13 Statutes, is amended to read:

14           106.04 Committees of continuous existence.--

15           (1) In order to qualify as a committee of continuous  
16 existence for the purposes of this chapter, a group,  
17 organization, association, or other such entity which is  
18 involved in making contributions to candidates, political  
19 committees, or political parties, shall meet the following  
20 criteria:

21           (a) It shall be organized and operated in accordance  
22 with a written charter or set of bylaws which contains  
23 procedures for the election of officers and directors and  
24 which clearly defines membership in the organization; and

25           (b) At least 25 percent of the income of such  
26 organization, excluding interest, must be derived from dues or  
27 assessments payable on a regular basis by its membership  
28 pursuant to provisions contained in the charter or bylaws.  
29 Dues may be collected by a group, organization, association,  
30 or other such entity from its members and forwarded to the  
31 committee of continuous existence. The committee of continuous

1 existence shall report such dues as if it had received the  
2 dues directly from its members, in the manner prescribed in  
3 subsection (4).

4 Section 42. Section 106.055, Florida Statutes, is  
5 amended to read:

6 106.055 Valuation of in-kind contributions.--Any  
7 person who makes an in-kind contribution shall, at the time of  
8 making such contribution, place a value on such contribution,  
9 which valuation shall be the fair market value of such  
10 contribution. Travel conveyed upon private aircraft shall be  
11 valued at the actual cost of per person commercial air travel  
12 for the same or a substantially similar route.

13 Section 43. Subsection (10) is added to section  
14 106.08, Florida Statutes, to read:

15 106.08 Contributions; limitations on.--

16 (10) Contributions to a political committee or  
17 committee of continuous existence may be received by an  
18 affiliated organization and transferred to the bank account of  
19 the political committee or committee of continuous existence  
20 via check written from the affiliated organization if such  
21 contributions are specifically identified as intended to be  
22 contributed to the political committee or committee of  
23 continuous existence. All contributions received in this  
24 manner shall be reported pursuant to s. 106.07 by the  
25 political committee or committee of continuous existence as  
26 having been made by the original contributor.

27 Section 44. Section 106.09, Florida Statutes, is  
28 amended to read:

29 106.09 Cash contributions and contribution by  
30 cashier's checks.--

31

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

4 (2)(a) Any person who makes or accepts a contribution  
5 in excess of ~~\$50~~\$100 in violation of this section commits a  
6 misdemeanor of the first degree, punishable as provided in s.  
7 775.082 or s. 775.083.

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

12 Section 45. Subsection (1) of section 106.143, Florida  
13 Statutes, is amended to read:

14 106.143 Political advertisements circulated prior to  
15 election; requirements.--

16 (1)(a) Any political advertisement that is paid for by  
17 a candidate and that is published, displayed, or circulated  
18 prior to, or on the day of, any election must prominently  
19 state: "Political advertisement paid for and approved by  
20 ...(name of candidate)..., ...(party affiliation)..., for  
21 ...(office sought)...."

22 (b) Any other political advertisement published,  
23 displayed, or circulated prior to, or on the day of, any  
24 election must prominently:

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

27 2. State the name and address of the persons  
28 sponsoring the advertisement.

29 3.a.(I) State whether the advertisement and the cost  
30 of production is paid for or provided in kind by or at the  
31

1 expense of the entity publishing, displaying, broadcasting, or  
2 circulating the political advertisement; or

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

6 b. This subparagraph does not apply if the source of  
7 the sponsorship is patently clear from the content or format  
8 of the political advertisement.

9 (c) Any political advertisement made pursuant to s.  
10 106.021(3)(d) must be marked "paid political advertisement" or  
11 with the abbreviation "pd. pol. adv." and must prominently  
12 state, "Paid for and sponsored by ...(name of person paying  
13 for political advertisement). Approved by...(names of persons,  
14 party affiliation, and offices sought in the political  
15 advertisement)."...

16  
17 This subsection does not apply to campaign messages used by a  
18 candidate and the candidate's supporters if those messages are  
19 designed to be worn by a person.

20 Section 46. Section 106.17, Florida Statutes, is  
21 amended to read:

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

1 Section 47. Section 106.25, Florida Statutes, is  
2 amended to read:

3 106.25 Reports of alleged violations to Florida  
4 Elections Commission; disposition of findings.--

5 (1) Jurisdiction to investigate and determine  
6 violations of this chapter and chapter 104 is vested in the  
7 Florida Elections Commission; however, nothing in this section  
8 limits the jurisdiction of any other officers or agencies of  
9 government empowered by law to investigate, act upon, or  
10 dispose of alleged violations of this code.

11 (2) The commission shall investigate all violations of  
12 this chapter and chapter 104, but only after having received  
13 either a sworn complaint or information reported to it under  
14 this subsection by the Division of Elections. Such sworn  
15 complaint must be based upon personal information or  
16 information other than hearsay. Any person, other than the  
17 division, having information of any violation of this chapter  
18 or chapter 104 shall file a sworn complaint with the  
19 commission. The commission shall investigate only those  
20 alleged violations specifically contained within the sworn  
21 complaint. If any complainant fails to allege all violations  
22 that arise from the facts or allegations alleged in a  
23 complaint, the commission shall be barred from investigating a  
24 subsequent complaint from such complainant that is based upon  
25 such facts or allegations that were raised or could have been  
26 raised in the first complaint. If the complaint includes  
27 allegations of violations relating to expense items reimbursed  
28 by a candidate, committee, or organization to the campaign  
29 account before a sworn complaint is filed, the commission  
30 shall be barred from investigating such allegations. Such  
31 sworn complaint shall state whether a complaint of the same



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

28 (3) For the purposes of commission jurisdiction, a  
29 violation shall mean the willful performance of an act  
30 prohibited by this chapter or chapter 104 or the willful  
31 failure to perform an act required by this chapter or chapter

1 104. Willfulness is a determination of fact; however, at the  
2 request of the respondent, willfulness may be considered and  
3 determined in an informal hearing before the commission.

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

24 (a) When the investigator's report is completed, the  
25 executive director shall notify the respondent that the report  
26 is completed and shall send to the respondent a copy of the  
27 investigator's report. The investigatory file and main  
28 complaint file shall be open for inspection by the respondent  
29 and the respondent's counsel at that time, and copies may be  
30 obtained at no more than cost.

31

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

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

27       (d) The respondent and each complainant, their  
28 counsel, and the counsel for the commission shall be permitted  
29 to attend the hearing at which the probable cause  
30 determination is made. Notice of the hearing shall be sent to  
31 the respondent, each complainant, and counsel for the

1 commission at least 14 days before the hearing. This time  
2 period may be shortened with the consent of the respondent, or  
3 without the consent of the respondent when the passage of time  
4 could reasonably be expected to render moot the ultimate  
5 disposition of the matter by the commission, so long as the  
6 notice is furnished within a reasonable period of time under  
7 the circumstances.

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

20 (f) At its meeting to determine probable cause, the  
21 commission may continue its determination to allow further  
22 investigation; may order the issuance of a public report of  
23 its investigation if it finds no probable cause to believe  
24 that there has been a violation of this chapter or chapter  
25 104, concluding the matter before it; may order a final,  
26 public hearing of the complaint if it finds probable cause to  
27 believe that there has been a violation of this chapter or  
28 chapter 104; or may take such other action as it deems  
29 necessary to resolve the complaint, consistent with due  
30 process of law. In making its determination, the commission  
31 may consider:

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

10  
11 If the commission finds probable cause, the commission shall

12 determine what charges shall be at issue.

13        ~~(g)(a)~~ If no probable cause is found, the commission

14 shall dismiss the case and the case shall become a matter of

15 public record, except as otherwise provided in this section,

16 together with a written statement of the findings of the

17 preliminary investigation and a summary of the facts which the

18 commission shall send to the complainant and the alleged

19 violator. A finding of no probable cause by the commission is

20 a full adjudication of all such matters. The commission may

21 not charge a respondent in a subsequent complaint alleging

22 violations based upon the same actions, nonactions, or

23 circumstances wherein the commission found no probable cause.

24        ~~(h)(b)~~ If probable cause is found, the commission

25 shall so notify the complainant and the alleged violator in

26 writing. All documents made or received in the disposition of

27 the complaint shall become public records upon a finding by

28 the commission.

29        (i)1. Upon a commission finding of probable cause, the

30 counsel for the commission shall attempt to reach a consent

31 agreement with the respondent.

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

4           3. Nothing herein shall be construed to prevent the  
5 commission from entering into a consent agreement with a  
6 respondent prior to a commission finding of probable cause if  
7 a respondent indicates in writing a desire to enter into  
8 negotiations directed towards reaching such a consent  
9 agreement. Any consent agreement reached under this  
10 subparagraph is subject to the provisions of subparagraph 2.  
11 and shall have the same force and effect as a consent  
12 agreement reached after the commission finding of probable  
13 cause.

14           (j) If a consent agreement is reached between the  
15 commission and the respondent, counsel for the commission  
16 shall send a copy of the signed agreement to both complainant  
17 and respondent.

18  
19 In a case where probable cause is found, the commission shall  
20 make a preliminary determination to consider the matter or to  
21 refer the matter to the state attorney for the judicial  
22 circuit in which the alleged violation occurred.

23 Notwithstanding any other provisions of this section, the  
24 commission may, at its discretion, dismiss any complaint at  
25 any stage of disposition if it determines that the public  
26 interest would not be served by proceeding further, in which  
27 case the commission shall issue a public report stating with  
28 particularity its reasons for the dismissal.

29           ~~(5) Unless~~ ~~When there are disputed issues of material~~  
30 ~~fact in a proceeding conducted under ss. 120.569 and 120.57, a~~  
31 person alleged by the Elections Commission to have committed a

1 violation of this chapter or chapter 104 elects ~~may elect~~,  
2 within 30 days after the date of the filing of the  
3 commission's allegations, to have a formal or informal hearing  
4 conducted before the commission, or elects to resolve the  
5 complaint by consent order, such person shall be entitled to a  
6 formal administrative hearing conducted by an administrative  
7 law judge in the Division of Administrative Hearings. The  
8 administrative law judge in such proceedings shall enter a  
9 final order subject to appeal as provided in s. 120.68.

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

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

- 29 (a) As provided in subsection (6);  
30 (b) Upon a determination of probable cause or no  
31 probable cause by the commission; or

1           (c) For proceedings conducted with respect to appeals  
2 of fines levied by filing officers for the late filing of  
3 reports required by this chapter.

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

27           (8) Any person who files a complaint pursuant to this  
28 section while knowing that the allegations contained in such  
29 complaint are false or without merit commits a misdemeanor of  
30 the first degree, punishable as provided in s. 775.082 or s.  
31 775.083.



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

6           Section 48. Subsection (4) of section 106.35, Florida  
7 Statutes, is amended to read:

8           106.35 Distribution of funds.--

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

12           Section 49. Section 112.51, Florida Statutes, is  
13 amended to read:

14           112.51 Municipal officers; suspension; removal from  
15 office.--

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

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

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

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

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

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

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

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

12 Section 50. Section 106.37, Florida Statutes, is  
13 repealed.

14 Section 51. Subsections (2) and (3) of section  
15 189.405, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

11 Section 52. Paragraph (a) of subsection (1) of section  
12 191.005, Florida Statutes, is amended to read:

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

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

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

13 Section 53. Paragraph (a) of subsection (1) of section  
14 582.18, Florida Statutes, is amended to read:

15 582.18 Election of supervisors of each district.--

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

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

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

27 Section 54. Subsection (1) of section 876.05, Florida  
28 Statutes, is amended to read:

29 876.05 Public employees; oath.--

30 (1) All persons who now or hereafter are employed by  
31 or who now or hereafter are on the payroll of the state, or

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

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

16 Section 55. At the time of qualification, all write-in  
17 candidates must reside within the district represented by the  
18 office sought.

19 Section 56. If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 invalidity does not affect other provisions or applications of  
22 the act which can be given effect without the invalid  
23 provision or application, and to this end the provisions of  
24 this act are severable.

25 Section 57. 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.

29  
30  
31