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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
	.	
	.	

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

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

7 Section 1. Subsection (15) of section 97.012, Florida  
 8 Statutes, is amended to read:

9 97.012 Secretary of State as chief election officer.--The  
 10 Secretary of State is the chief election officer of the state,  
 11 and it is his or her responsibility to:

12 (15) Conduct preliminary investigations into any  
 13 irregularities or fraud involving voter registration, voting, ~~or~~  
 14 candidate petition, or issue petition activities and report his  
 15 or her findings to the statewide prosecutor or the state attorney  
 16 for the judicial circuit in which the alleged violation occurred  
 17 for prosecution, if warranted. The Department of State may



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18 prescribe by rule requirements for filing an elections-fraud  
19 complaint and for investigating any such complaint.

20 Section 2. Paragraph (b) of subsection (1) of section  
21 97.041, Florida Statutes, is amended to read:

22 97.041 Qualifications to register or vote.--

23 (1)

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

29 Section 3. Effective upon this act becoming a law,  
30 subsection (6) of section 97.053, Florida Statutes, is amended to  
31 read:

32 97.053 Acceptance of voter registration applications.--

33 (6) A voter registration application may be accepted as  
34 valid only after the department has verified the authenticity or  
35 nonexistence of the driver's license number, the Florida  
36 identification card number, or the last four digits of the social  
37 security number provided by the applicant. If a completed voter  
38 registration application has been received by the book-closing  
39 deadline but the driver's license number, the Florida  
40 identification card number, or the last four digits of the social  
41 security number provided by the applicant cannot be verified, the  
42 applicant shall be notified that the number cannot be verified  
43 ~~application is incomplete~~ and that the applicant ~~voter~~ must  
44 provide evidence to the supervisor sufficient to verify the  
45 authenticity of the applicant's driver's license number, Florida  
46 identification card number, or last four digits of the social  
47 security number ~~provided on the application~~. If the applicant

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48 ~~voter~~ provides the necessary evidence, the supervisor shall place  
49 the applicant's ~~voter's~~ name on the registration rolls as an  
50 active voter. If the applicant ~~voter~~ has not provided the  
51 necessary evidence or the number has not otherwise been verified  
52 prior to the applicant presenting himself or herself to vote, the  
53 applicant shall be provided a provisional ballot. The provisional  
54 ballot shall be counted only if the number ~~application~~ is  
55 verified by the end of the canvassing period or if the applicant  
56 presents evidence to the supervisor of elections sufficient to  
57 verify the authenticity of the applicant's driver's license  
58 number, Florida identification card number, or last four digits  
59 of the social security number ~~provided on the application~~ no  
60 later than 5 p.m. of the second day following the election.

61 Section 4. Paragraph (a) of subsection (3) of section  
62 97.0535, Florida Statutes, is amended to read:

63 97.0535 Special requirements for certain applicants.--

64 (3) (a) The following forms of identification shall be  
65 considered current and valid if they contain the name and  
66 photograph of the applicant and have not expired:

67 1. United States passport.

68 ~~2. Employee badge or identification.~~

69 ~~3. Buyer's club identification.~~

70 ~~2.4.~~ Debit or credit card.

71 ~~3.5.~~ Military identification.

72 ~~4.6.~~ Student identification.

73 ~~5.7.~~ Retirement center identification.

74 ~~6.8.~~ Neighborhood association identification.

75 ~~7.9.~~ Public assistance identification.

76 Section 5. Subsection (1) of section 97.055, Florida  
77 Statutes, is amended to read:



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78 97.055 Registration books; when closed for an election.--

79 (1) (a) The registration books must be closed on the 29th  
80 day before each election and must remain closed until after that  
81 election. If an election is called and there are fewer than 29  
82 days before that election, the registration books must be closed  
83 immediately.

84 (b) Except as provided in paragraph (c), when the  
85 registration books are closed for an election, updates to a  
86 voter's name, address, and signature pursuant to ss. 98.077 and  
87 101.045 shall be the only changes permitted for purposes of the  
88 upcoming election. New voter registration applications ~~and party~~  
89 ~~changes~~ must be accepted but only for the purpose of subsequent  
90 elections.

91 (c) When the registration books are closed for an upcoming  
92 election, an update or change to a voter's party affiliation made  
93 pursuant to s. 97.1031 shall be permitted for that upcoming  
94 election unless such election is for the purpose of nominating a  
95 political party nominee, in which case the update or change shall  
96 be permitted only for the purpose of subsequent elections.

97 Section 6. Subsection (4) of section 98.065, Florida  
98 Statutes, is amended to read:

99 98.065 Registration list maintenance programs.--

100 (4) (a) If the supervisor receives change-of-address  
101 information pursuant to the activities conducted in subsection  
102 (2), from jury notices signed by the voter and returned to the  
103 courts, from the Department of Highway Safety and Motor Vehicles,  
104 or from other sources, ~~which information indicates that the legal~~  
105 ~~address of a registered voter's legal residence voter~~ might have  
106 changed to another location within the state, the supervisor must  
107 change the registration records to reflect the new address and

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108 ~~must shall send the voter by forwardable return-if-undeliverable~~  
109 ~~mail an address change confirmation notice as provided in s.~~  
110 ~~98.0655(2) to the address at which the voter was last registered.~~  
111 ~~A supervisor may also send an address confirmation notice to any~~  
112 ~~voter who the supervisor has reason to believe has moved from his~~  
113 ~~or her legal residence.~~

114 (b) If the supervisor of elections receives change-of-  
115 address information pursuant to the activities conducted in  
116 subsection (2), from jury notices signed by the voter and  
117 returned to the courts, or from other sources which indicates  
118 that a registered voter's legal residence might have changed to a  
119 location outside the state, the supervisor of elections shall  
120 send an address confirmation final notice to the voter as  
121 provided in s. 98.0655(3). ~~The address confirmation notice shall~~  
122 ~~contain a postage prepaid, preaddressed return form on which:~~

123 ~~1. If the voter has changed his or her address of legal~~  
124 ~~residence to a location outside the state, the voter shall mark~~  
125 ~~that the voter's legal residence has changed to a location~~  
126 ~~outside the state. The form shall also include information on how~~  
127 ~~to register in the new state in order to be eligible to vote. The~~  
128 ~~form must be returned within 30 days after the date of the~~  
129 ~~notice. The completed form shall constitute a request to be~~  
130 ~~removed from the statewide voter registration system.~~

131 ~~2. If the voter has changed his or her address of legal~~  
132 ~~residence to a location inside the state, the voter shall set~~  
133 ~~forth the updated or corrected address and submit the return form~~  
134 ~~within 30 days after the date of the notice. The completed form~~  
135 ~~shall constitute a request to update the statewide voter~~  
136 ~~registration system with the updated or corrected address~~  
137 ~~information.~~

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138       ~~3. If the voter has not changed his or her address of legal~~  
139 ~~residence as printed on the address confirmation notice, the~~  
140 ~~voter shall confirm that his or her address of legal residence~~  
141 ~~has not changed and submit the form within 30 days after the date~~  
142 ~~of the notice.~~

143       (c) The supervisor must designate as inactive all voters  
144 who have been sent an address confirmation final notice and who  
145 have not returned the postage prepaid, preaddressed return form  
146 within 30 days or for which the final an address confirmation  
147 notice has been returned as undeliverable. Names on the inactive  
148 list may not be used to calculate the number of signatures needed  
149 on any petition. A voter on the inactive list may be restored to  
150 the active list of voters upon the voter updating his or her  
151 registration, requesting an absentee ballot, or appearing to  
152 vote. However, if the voter does not update his or her voter  
153 registration information, request an absentee ballot, or vote by  
154 the second general election after being placed on the inactive  
155 list, the voter's name shall be removed from the statewide voter  
156 registration system and the voter shall be required to reregister  
157 to have his or her name restored to the statewide voter  
158 registration system.

159       Section 7. Section 98.0655, Florida Statutes, is created to  
160 read:

161       98.0655 Registration list maintenance forms.--The  
162 department shall prescribe registration list maintenance forms to  
163 be used by the supervisors which must include:

164       (1) An address confirmation request that must contain:

165       (a) The voter's name and address of legal residence as  
166 shown on the voter registration record; and



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167 (b) A request that the voter notify the supervisor if  
168 either the voter's name or address of legal residence is  
169 incorrect.

170 (2) An address change notice that must be sent to the newly  
171 recorded address of legal residence by forwardable mail,  
172 including a postage prepaid, preaddressed return form with which  
173 the voter may verify or correct the voter's new address  
174 information.

175 (3) An address confirmation final notice that must be sent  
176 to the newly recorded address of legal residence by forwardable  
177 mail and must contain a postage prepaid, preaddressed return form  
178 and a statement that:

179 (a) If the voter has not changed his or her legal residence  
180 or has changed his or her legal residence within the state, the  
181 voter should return the form within 30 days after the date on  
182 which the notice was sent to the voter.

183 (b) If the voter has changed his or her legal residence to  
184 a location outside the state:

185 1. The voter shall return the form, which serves as a  
186 request to be removed from the registration books; and

187 2. The voter shall be provided with information on how to  
188 register in the new jurisdiction in order to be eligible to vote.

189 (c) If the return form is not returned, the voter's name  
190 shall be designated as inactive in the statewide voter  
191 registration system.

192 Section 8. Effective July 1, 2008, subsection (3) of  
193 section 98.075, Florida Statutes, is amended to read:

194 98.075 Registration records maintenance activities;  
195 ineligibility determinations.--

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196 (3) DECEASED PERSONS.--The department shall identify those  
197 registered voters who are deceased by comparing information on  
198 the lists of deceased persons received from the Department of  
199 Health as provided in s. 98.093. Upon receipt of such information  
200 through the statewide voter registration system, the supervisor  
201 shall remove the name of the registered voter. Additionally, the  
202 supervisor shall remove the name of a deceased registered voter  
203 from the statewide voter registration system upon receipt of a  
204 copy of a death certificate issued by a governmental agency  
205 authorized to issue death certificates.

206 Section 9. Subsection (2), paragraph (a) of subsection (3),  
207 and subsections (6) and (7) of section 99.012, Florida Statutes,  
208 are amended to read:

209 99.012 Restrictions on individuals qualifying for public  
210 office.--

211 (2) No person may qualify as a candidate for more than one  
212 public office, whether federal, state, district, county, or  
213 municipal, if the terms or any part thereof run concurrently with  
214 each other.

215 (3) (a) No officer may qualify as a candidate for another  
216 ~~public office, whether~~ state, district, county, or municipal  
217 public office, if the terms or any part thereof run concurrently  
218 with each other, without resigning from the office he or she  
219 presently holds.

220 (6) This section does not apply to:

221 (a) Political party offices.

222 (b) Persons serving without salary as members of an  
223 appointive board or authority.

224 ~~(c) Persons seeking any federal public office.~~



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225 (7) Nothing contained in subsection ~~subsections~~ (3) and ~~(4)~~  
226 relates to persons holding any federal office.

227 Section 10. Paragraph (a) of subsection (1) of section  
228 99.021, Florida Statutes, is amended to read:

229 99.021 Form of candidate oath.--

230 (1)(a)1. Each candidate, whether a party candidate, a  
231 candidate with no party affiliation, or a write-in candidate, in  
232 order to qualify for nomination or election to any office other  
233 than a judicial office as defined in chapter 105 or a federal  
234 office, shall take and subscribe to an oath or affirmation in  
235 writing. A printed copy of the oath or affirmation shall be  
236 furnished to the candidate by the officer before whom such  
237 candidate seeks to qualify and shall be substantially in the  
238 following form:

239  
240 State of Florida

241 County of \_\_\_\_\_

242 Before me, an officer authorized to administer oaths,  
243 personally appeared (please print name as you wish it to appear  
244 on the ballot) , to me well known, who, being sworn, says that  
245 he or she is a candidate for the office of \_\_\_\_\_; that he or she  
246 is a qualified elector of \_\_\_\_\_ County, Florida; that he or she  
247 is qualified under the Constitution and the laws of Florida to  
248 hold the office to which he or she desires to be nominated or  
249 elected; that he or she has taken the oath required by ss.  
250 876.05-876.10, Florida Statutes; that he or she has qualified for  
251 no other public office in the state, the term of which office or  
252 any part thereof runs concurrent with that of the office he or  
253 she seeks; and that he or she has resigned from any office from



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254 | which he or she is required to resign pursuant to s. 99.012,  
 255 | Florida Statutes.

256 |       (Signature of candidate)

257 |       (Address)

258 |

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

261 |       (Signature and title of officer administering oath)

262 |

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

271 |

272 | State of Florida

273 | County of \_\_\_\_\_

274 |       Before me, an officer authorized to administer oaths,  
 275 | personally appeared (please print name as you wish it to appear  
 276 | on the ballot) , to me well known, who, being sworn, says that  
 277 | he or she is a candidate for the office of \_\_\_\_\_; that he or she  
 278 | is qualified under the Constitution and laws of the United States  
 279 | to hold the office to which he or she desires to be nominated or  
 280 | elected; and that he or she has qualified for no other public  
 281 | office in the state, the term of which office or any part thereof  
 282 | runs concurrent with that of the office he or she seeks; ~~and that~~

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283 ~~he or she has resigned from any office from which he or she is~~  
 284 ~~required to resign pursuant to s. 99.012, Florida Statutes.~~

285 (Signature of candidate)

286 (Address)

287

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

290 (Signature and title of officer administering oath)

291

292

293 Section 11. Paragraph (b) of subsection (3) of section  
 294 99.097, Florida Statutes, is amended to read:

295 99.097 Verification of signatures on petitions.--

296 (3)

297 (b) If a voter signs a petition and lists an address other  
 298 than the legal residence where the voter is registered, the  
 299 petition shall not be counted. The supervisor shall mail to the  
 300 voter a new voter registration application on which the voter may  
 301 submit an address update, along with the reason the new  
 302 application is being sent ~~treat the signature as if the voter had~~  
 303 ~~listed the address where the voter is registered.~~

304 Section 12. Section 100.221, Florida Statutes, is amended  
 305 to read:

306 100.221 General election laws to govern bond  
 307 referenda.--The laws governing the holding of general elections  
 308 are applicable to bond referenda, except as provided in ss.  
 309 100.201-100.351. A county, district, or municipality is not  
 310 required to offer early voting for a bond referendum that is not  
 311 held in conjunction with a county or state election. The places  
 312 for voting in a bond referendum shall be the same as the places



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313 for voting in general elections, when a bond referendum is held  
314 in the county or district; however, ~~but~~ when a bond referendum is  
315 held in a municipality, the polling places shall be the same as  
316 in other municipal elections.

317 Section 13. Section 100.361, Florida Statutes, is amended  
318 to read:

319 100.361 Municipal recall.--

320 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member of  
321 the governing body of a municipality or charter county,  
322 hereinafter referred to in this section as "municipality," may be  
323 removed from office by the electors of the municipality. When the  
324 official represents a district and is elected only by electors  
325 residing in that district, only electors from that district are  
326 eligible to sign the petition to recall that official and are  
327 entitled to vote in the recall election. When the official  
328 represents a district and is elected at-large by the electors of  
329 the municipality, all electors of the municipality are eligible  
330 to sign the petition to recall that official and are entitled to  
331 vote in the recall election. Where used in this section, the term  
332 "district" shall be construed to mean the area or region of a  
333 municipality from which a member of the governing body is elected  
334 by the electors from such area or region. Members may be removed  
335 from office pursuant to ~~by~~ the procedures provided in this  
336 section. This method of removing members of the governing body of  
337 a municipality is in addition to any other method provided by  
338 state law. following procedure:

339 (2) RECALL PETITION.--

340 (a) Petition content.--A petition shall contain the name of  
341 ~~be prepared naming~~ the person sought to be recalled and  
342 ~~containing~~ a statement of grounds for recall. The statement of



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343 grounds may not exceed in not more than 200 words and the stated  
344 grounds are limited solely to those the grounds specified in  
345 paragraph (d) (b). If more than one member of the governing body  
346 is sought to be recalled, whether such member is elected by the  
347 electors of a district or by the electors of the municipality at-  
348 large, a separate recall petition shall be prepared for each  
349 member sought to be recalled. Upon request, the content of a  
350 petition should be, but is not required to be, provided by the  
351 proponent in alternative formats.

352 (b) Requisite signatures.--

353 1. In a municipality or district of fewer than 500  
354 electors, the petition shall be signed by at least 50 electors or  
355 by 10 percent of the total number of registered electors of the  
356 municipality or district as of the preceding municipal election,  
357 whichever is greater.

358 2. In a municipality or district of 500 or more but fewer  
359 than 2,000 registered electors, the petition shall be signed by  
360 at least 100 electors or by 10 percent of the total number of  
361 registered electors of the municipality or district as of the  
362 preceding municipal election, whichever is greater.

363 3. In a municipality or district of 2,000 or more but fewer  
364 than 5,000 registered electors, the petition shall be signed by  
365 at least 250 electors or by 10 percent of the total number of  
366 registered electors of the municipality or district as of the  
367 preceding municipal election, whichever is greater.

368 4. In a municipality or district of 5,000 or more but fewer  
369 than 10,000 registered electors, the petition shall be signed by  
370 at least 500 electors or by 10 percent of the total number of  
371 registered electors of the municipality or district as of the  
372 preceding municipal election, whichever is greater.



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373 5. In a municipality or district of 10,000 or more but  
374 fewer than 25,000 registered electors, the petition shall be  
375 signed by at least 1,000 electors or by 10 percent of the total  
376 number of registered electors of the municipality or district as  
377 of the preceding municipal election, whichever is greater.

378 6. In a municipality or district of 25,000 or more  
379 registered electors, the petition shall be signed by at least  
380 1,000 electors or by 5 percent of the total number of registered  
381 electors of the municipality or district as of the preceding  
382 municipal election, whichever is greater.

383  
384 ~~Electors of the municipality or district making charges contained~~  
385 ~~in the statement of grounds for recall and those signing the~~  
386 ~~recall petition shall be designated as the "committee." A~~  
387 ~~specific person shall be designated in the petition as chair of~~  
388 ~~the committee to act for the committee. Electors of the~~  
389 ~~municipality or district are eligible to sign the petition.~~  
390 ~~Signatures and oaths of witnesses shall be executed as provided~~  
391 ~~in paragraph (e). All signatures shall be obtained, as provided~~  
392 ~~in paragraph (e), within a period of 30 days, and all signed and~~  
393 ~~dated petition forms the petition shall be filed at the same~~  
394 ~~time, no later than within 30 days after the date on which the~~  
395 first signature is obtained on the petition.

396 (c) Recall committee.--Electors of the municipality or  
397 district making charges contained in the statement of grounds for  
398 recall, as well as those signing the recall petition, shall be  
399 designated as the recall committee. A specific person shall be  
400 designated in the petition as chair of the committee and this  
401 person shall act for the committee. The recall committee and the



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402 officer being recalled are subject to the provisions of chapter  
403 106.

404 (d) (b) Grounds for recall.--The grounds for removal of  
405 elected municipal officials shall, for the purposes of this act,  
406 be limited to the following and must be contained in the  
407 petition:

- 408 1. Malfeasance;
- 409 2. Misfeasance;
- 410 3. Neglect of duty;
- 411 4. Drunkenness;
- 412 5. Incompetence;
- 413 6. Permanent inability to perform official duties; and
- 414 7. Conviction of a felony involving moral turpitude.

415 (e) (e) Signature process.--Only electors of the  
416 municipality or district are eligible to sign the petition. Each  
417 elector ~~of the municipality~~ signing a petition shall sign and  
418 date his or her name in ink or indelible pencil ~~as registered in~~  
419 ~~the office of the supervisor of elections and shall state on the~~  
420 ~~petition his or her place of residence and voting precinct.~~ Each  
421 petition shall contain appropriate lines for each elector's  
422 original the signature, printed name, and street address, city,  
423 county, voter registration number or date of birth, and date  
424 signed. The form shall also contain lines for ~~of the elector and~~  
425 an oath, to be executed by a witness who is to verify thereof,  
426 ~~verifying~~ the fact that the witness saw each person sign the  
427 counterpart of the petition, that each signature appearing  
428 thereon is the genuine signature of the person it purports to be,  
429 and that the petition was signed in the presence of the witness  
430 on the date indicated.



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431        (f)(d) Filing of signed petitions.--All signed petition  
432 forms ~~The petition~~ shall be filed at the same time, no later than  
433 30 days after the date on which the first signature is obtained  
434 on the petition. ~~with the auditor or clerk of the municipality or~~  
435 ~~charter county, or his or her equivalent, hereinafter referred to~~  
436 ~~as clerk,~~ by The person designated as chair of the committee  
437 shall file the signed petition forms with the auditor or clerk of  
438 the municipality or charter county, or his or her equivalent,  
439 hereinafter referred to as "clerk." The petition may not be  
440 amended after it is filed with the clerk.

441        (g) Verification of signatures.--

442        1. Immediately after the filing of the petition forms, and,  
443 ~~when the petition is filed,~~ the clerk shall submit such forms  
444 ~~petition~~ to the county supervisor of elections. No more than 30  
445 days after the date on which all petition forms are submitted to  
446 the supervisor by the clerk, the supervisor ~~who~~ shall promptly  
447 verify the signatures in accordance with s. 99.097, and within a  
448 ~~period of not more than 30 days after the petition is filed with~~  
449 ~~the supervisor,~~ determine whether the requisite number of valid  
450 signatures has been obtained for the petition ~~contains the~~  
451 ~~required valid signatures.~~ The committee seeking verification of  
452 the signatures shall pay in advance to the supervisor the sum of  
453 10 cents for each signature checked or the actual cost of  
454 checking such signatures, whichever is less. ~~The petition cannot~~  
455 ~~be amended after it is filed with the clerk. The supervisor shall~~  
456 ~~be paid by the persons or committee seeking verification the sum~~  
457 ~~of 10 cents for each name checked.~~

458        2. Upon filing with the clerk, the petition and all  
459 subsequent papers or forms required or permitted to be filed with





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460 the clerk in connection with this section must, upon request, be  
461 made available in alternative formats by the clerk.

462 3.(e) If the supervisor determines it is determined that  
463 the petition does not contain the requisite number of verified  
464 and valid ~~required~~ signatures, the clerk shall, upon receipt of  
465 such written determination, so certify to the governing body of  
466 the municipality or charter county and file the petition without  
467 taking further action, and the matter shall be at an end. No  
468 additional names may be added to the petition, and the petition  
469 shall not be used in any other proceeding.

470 4.(f) If the supervisor determines it is determined that  
471 the petition has the requisite number of verified and valid  
472 ~~required~~ signatures, then the procedures outlined in subsection  
473 (3) must be followed.

474 (3) RECALL PETITION AND DEFENSE.--

475 (a) Notice.--Upon receipt of a written determination that  
476 the requisite number of signatures has been obtained, the clerk  
477 shall at once serve upon the person sought to be recalled a  
478 certified copy of the petition. Within 5 days after service, the  
479 person sought to be recalled may file with the clerk a defensive  
480 statement of not more than 200 words.

481 (b) Content and preparation.--Within 5 days after the date  
482 of receipt of the defensive statement or after the last date a  
483 defensive statement could have been filed, the clerk shall,  
484 ~~within 5 days,~~ prepare a document entitled "Recall Petition and  
485 Defense." The "Recall Petition and Defense" shall consist  
486 ~~sufficient number of typewritten, printed, or mimeographed copies~~  
487 of the recall petition, including copies of the originally signed  
488 petitions and counterparts. The "Recall Petition and Defense"  
489 must contain lines which conform to the provisions of paragraph



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490 (2) (e)., and the ~~and~~ defensive statement ~~or, if no defensive~~  
491 statement has been filed, a statement to that effect. The clerk  
492 shall make copies of the "Recall Petition and Defense" which are  
493 sufficient to carry the signatures of 30 percent of the  
494 registered electors. Immediately after preparing and making  
495 sufficient copies of the "Recall Petition and Defense," the clerk  
496 shall ~~as well as the names, addresses, and oaths on the original~~  
497 ~~petition, and deliver the copies them~~ to the person ~~who has been~~  
498 designated as chair of the committee and take his or her receipt  
499 therefor. Such ~~prepared copies shall be entitled "Recall Petition~~  
500 ~~and Defense" and shall contain lines and spaces for signatures~~  
501 ~~and printed names of registered electors, place of residence,~~  
502 ~~election precinct number, and date of signing, together with~~  
503 ~~oaths to be executed by the witnesses which conform to the~~  
504 ~~provisions of paragraph (c). The clerk shall deliver forms~~  
505 ~~sufficient to carry the signatures of 30 percent of the~~  
506 ~~registered electors.~~

507 (c) ~~(g)~~ Requisite signatures.--Upon receipt of the "recall  
508 petition and defense," the committee may circulate them to obtain  
509 the signatures of 15 percent of the electors. All signatures  
510 shall be obtained and all signed petition forms filed with the  
511 clerk no later than 60 days after delivery of the "Recall  
512 Petition and Defense" to the chair of the committee. Any elector  
513 ~~who signs a recall petition shall have the right to demand in~~  
514 ~~writing that his or her name be stricken from the petition. A~~  
515 ~~written demand signed by the elector shall be filed with the~~  
516 ~~clerk and upon receipt of the demand the clerk shall strike the~~  
517 ~~name of the elector from the petition and place his or her~~  
518 ~~initials to the side of the signature stricken. However, no~~  
519 ~~signature may be stricken after the clerk has delivered the~~

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520 ~~"Recall Petition and Defense" to the supervisor of elections for~~  
521 ~~verification.~~

522 (d) ~~(h)~~ Signed petitions; request for striking name.--Within  
523 60 days after delivery of the "Recall Petition and Defense" to  
524 the chair, the chair shall file with the clerk the "Recall  
525 Petition and Defense" which bears the signatures of electors. The  
526 clerk shall assemble all signed petitions, check to see that each  
527 petition is properly verified by the oath of a witness, and  
528 submit such petitions to the county supervisor of elections. Any  
529 elector who signs a recall petition has the right to demand in  
530 writing that his or her name be stricken from the petition. A  
531 written demand signed by the elector shall be filed with the  
532 clerk and upon receipt of the demand, the clerk shall strike the  
533 name of the elector from the petition and place his or her  
534 initials to the side of the signature stricken. However, a  
535 signature may not be stricken after the clerk has delivered the  
536 "Recall Petition and Defense" to the supervisor for verification  
537 of the signatures.

538 (e) Verification of signatures.--Within 30 days after  
539 receipt of the signed "Recall Petition and Defense," the  
540 supervisor, ~~who~~ shall determine the number of valid signatures,  
541 purge the names withdrawn, and certify ~~within 30 days~~ whether 15  
542 percent of the qualified electors of the municipality have signed  
543 the petitions, and report his or her findings to the governing  
544 body. The supervisor shall be paid by the persons or committee  
545 seeking verification the sum of 10 cents for each name checked.

546 (f) ~~(i)~~ Reporting.--If the supervisor determines that the  
547 requisite number of signatures has not been obtained ~~petitions do~~  
548 not contain the required signatures, the clerk shall, upon  
549 receipt of such written determination, certify ~~report~~ such



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550 determination fact to the governing body and retain file the  
551 petitions. The proceedings shall be terminated, and the  
552 petitions shall not again be used. If the supervisor determines  
553 that signatures do amount to at least 15 percent of the qualified  
554 electors signed the petition, the clerk shall, immediately upon  
555 receipt of such written determination, serve notice of that  
556 determination fact upon the person sought to be recalled and  
557 deliver to the governing body a certificate as to the percentage  
558 of qualified electors ~~voters~~ who signed.

559 (4)(2) RECALL ELECTION.--If the person designated in the  
560 petition files with the clerk, within 5 days after the last-  
561 mentioned notice, his or her written resignation, the clerk shall  
562 at once notify the governing body of that fact, and the  
563 resignation shall be irrevocable. The governing body shall then  
564 proceed to fill the vacancy according to the provisions of the  
565 appropriate law. In the absence of a resignation, the chief judge  
566 of the judicial circuit in which the municipality is located  
567 shall fix a day for holding a recall election for the removal of  
568 those not resigning. Any such election shall be held not less  
569 than 30 days or more than 60 days after the expiration of the 5-  
570 day period last-mentioned and at the same time as any other  
571 general or special election held within the period; but if no  
572 such election is to be held within that period, the judge shall  
573 call a special recall election to be held within the period  
574 aforesaid.

575 (5)(3) BALLOTS.--The ballots at the recall election shall  
576 conform to the following: With respect to each person whose  
577 removal is sought, the question shall be submitted: "Shall \_\_\_\_\_  
578 be removed from the office of \_\_\_\_\_ by recall?" Immediately



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579 following each question there shall be printed on the ballots the  
580 two propositions in the order here set forth:

581 " (name of person) should be removed from office."

582 " (name of person) should not be removed from office."

583 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

584 (a) If an election is held for the recall of members  
585 elected only at-large, candidates to succeed them for the  
586 unexpired terms shall be voted upon at the same election and  
587 shall be elected in the same manner as provided by the  
588 appropriate law for the election of candidates at general  
589 elections. Candidates shall not be elected to succeed any  
590 particular member. If only one member is removed, the candidate  
591 receiving the highest number of votes shall be declared elected  
592 to fill the vacancy. If more than one member is removed,  
593 candidates equal in number to the number of members removed shall  
594 be declared elected to fill the vacancies; and, among the  
595 successful candidates, those receiving the greatest number of  
596 votes shall be declared elected for the longest terms. Cases of  
597 ties, and all other matters not herein specially provided for,  
598 shall be determined by the rules governing elections generally.

599 (b) If an election is held for the recall of members  
600 elected only from districts, candidates to succeed them for the  
601 unexpired terms shall be voted upon at a special election called  
602 by the chief judge of the judicial circuit in which the districts  
603 are located not less than 30 days or more than 60 days after the  
604 expiration of the recall election. The qualifying period, for  
605 purposes of this section, shall be established by the chief judge  
606 of the judicial circuit after consultation with the clerk. Any  
607 candidate seeking election to fill the unexpired term of a  
608 recalled district municipal official shall reside in the district



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609 represented by the recalled official and qualify for office in  
610 the manner required by law. Each candidate receiving the highest  
611 number of votes for each office in the special district recall  
612 election shall be declared elected to fill the unexpired term of  
613 the recalled official. Candidates seeking election to fill a  
614 vacancy created by the removal of a municipal official shall be  
615 subject to the provisions of chapter 106.

616 (c) When an election is held for the recall of members of  
617 the governing body composed of both members elected at-large and  
618 from districts, candidates to succeed them for the unexpired  
619 terms shall be voted upon at a special election as provided in  
620 paragraph (b).

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

626 (7)~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the  
627 governing body being recalled resigns from office prior to the  
628 recall election, the remaining members shall fill the vacancy  
629 created according to the appropriate law for filling vacancies.  
630 If all of the members of the governing body are sought to be  
631 recalled and all of the members resign prior to the recall  
632 election, the recall election shall be canceled, and a special  
633 election shall be called to fill the unexpired terms of the  
634 resigning members. If all of the members of the governing body  
635 are sought to be recalled and any of the members resign prior to  
636 the recall election, the proceedings for the recall of members  
637 not resigning and the election of successors to fill the



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638 unexpired terms shall continue and have the same effect as though  
639 there had been no resignation.

640 (8) ~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall  
641 any member of the governing body of a municipality shall be filed  
642 until the member has served one-fourth of his or her term of  
643 office. No person removed by a recall, or resigning after a  
644 petition has been filed against him or her, shall be eligible to  
645 be appointed to the governing body within a period of 2 years  
646 after the date of such recall or resignation.

647 (9) RETENTION OF PETITION.--The clerk shall preserve in his  
648 or her office all papers comprising or connected with a petition  
649 for recall for a period of 2 years after they were filed. ~~This~~  
650 ~~method of removing members of the governing body of a~~  
651 ~~municipality is in addition to such other methods now or~~  
652 ~~hereafter provided by the general laws of this state.~~

653 (10) ~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall  
654 impersonate another, purposely write his or her name or residence  
655 falsely in the signing of any petition for recall or forge any  
656 name thereto, or sign any paper with knowledge that he or she is  
657 not a qualified elector of the municipality. ~~No expenditures for~~  
658 ~~campaigning for or against an officer being recalled shall be~~  
659 ~~made until the date on which the recall election is to be held is~~  
660 ~~publicly announced. The committee and the officer being recalled~~  
661 ~~shall be subject to chapter 106.~~ No person shall employ or pay  
662 another to accept employment or payment for circulating or  
663 witnessing a recall petition. Any person violating any of the  
664 provisions of this section commits ~~shall be deemed guilty of a~~  
665 misdemeanor of the second degree and shall, upon conviction, be  
666 punished as provided by law.



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667        ~~(11)-(8)~~ INTENT.--It is the intent of the Legislature that  
668 the recall procedures provided in this act shall be uniform  
669 statewide. Therefore, all municipal charter and special law  
670 provisions which are contrary to the provisions of this act are  
671 hereby repealed to the extent of this conflict.

672        ~~(12)-(9)~~ PROVISIONS APPLICABLE.--The provisions of this act  
673 shall apply to cities and charter counties whether or not they  
674 have adopted recall provisions.

675        Section 14. Effective July 1, 2008, subsections (3), (4),  
676 and (6) of section 100.371, Florida Statutes, are amended to  
677 read:

678        100.371 Initiatives; procedure for placement on ballot.--

679        (3) An initiative petition form circulated for signature  
680 may not be bundled with or attached to any other petition. Each  
681 signature shall be dated when made and shall be valid for a  
682 period of 4 years following such date, provided all other  
683 requirements of law are met. The sponsor shall submit signed and  
684 dated forms to the appropriate supervisor of elections for  
685 verification as to the number of registered electors whose valid  
686 signatures appear thereon. The supervisor shall promptly verify  
687 the signatures within 30 days of receipt of the petition forms  
688 and payment of the fee required by s. 99.097. The supervisor  
689 shall promptly record ~~in the statewide voter registration system,~~  
690 in the manner prescribed by the Secretary of State, the date each  
691 form is received by the supervisor, and the date the signature on  
692 the form is verified as valid. The supervisor may verify that the  
693 signature on a form is valid only if:

694        (a) The form contains the original signature of the  
695 purported elector.





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

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

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

704

705 The supervisor shall retain the signature forms for at least 1  
706 year following the election in which the issue appeared on the  
707 ballot or until the Division of Elections notifies the  
708 supervisors of elections that the committee which circulated the  
709 petition is no longer seeking to obtain ballot position.

710 (4) The Secretary of State shall determine from the  
711 signatures verified by the supervisors of elections ~~and recorded~~  
712 ~~in the statewide voter registration system~~ the total number of  
713 verified valid signatures and the distribution of such signatures  
714 by congressional districts. Upon a determination that the  
715 requisite number and distribution of valid signatures have been  
716 obtained, the secretary shall issue a certificate of ballot  
717 position for that proposed amendment and shall assign a  
718 designating number pursuant to s. 101.161.

719 (6) (a) An elector's signature on a petition form may be  
720 revoked within 150 days of the date on which he or she signed the  
721 petition form by submitting to the appropriate supervisor of  
722 elections a signed petition-revocation form ~~adopted by rule for~~  
723 ~~this purpose by the division.~~

724 (b) The petition-revocation form and the manner in which  
725 signatures are obtained, submitted, and verified shall be subject



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726 to the same relevant requirements and timeframes as the  
727 corresponding petition form and processes under this code and  
728 shall be approved by the Secretary of State before any signature  
729 on a petition-revocation form is obtained.

730 (c) In those circumstances in which a petition-revocation  
731 form for a corresponding initiative petition has not been  
732 submitted and approved, an elector may complete and submit a  
733 standard petition-revocation form directly to the supervisor of  
734 elections. All other requirements and processes apply for the  
735 submission and verification of the signatures as for initiative  
736 petitions.

737 (d) Supervisors of elections shall provide petition-  
738 revocation forms to the public at all main and branch offices.

739 (e) ~~(d)~~ The petition-revocation form shall be filed with the  
740 supervisor of elections by February 1 preceding the next general  
741 election or, if the initiative amendment is not certified for  
742 ballot position in that election, by February 1 preceding the  
743 next successive general election. The supervisor of elections  
744 shall promptly verify the signature on the petition-revocation  
745 form and process such revocation upon payment, in advance, of a  
746 fee of 10 cents or the actual cost of verifying such signature,  
747 whichever is less. The supervisor shall promptly record each  
748 valid and verified signature on a petition-revocation form ~~in the~~  
749 ~~statewide voter registration system~~ in the manner prescribed by  
750 the Secretary of State.

751 (f) The division shall adopt by rule the petition-  
752 revocation forms to be used under this subsection.

753 Section 15. Section 101.041, Florida Statutes, is amended  
754 to read:



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755           101.041 Secret voting.--In all elections held on any  
756 subject which may be submitted to a vote, and for all or any  
757 state, county, district, or municipal officers, the voting shall  
758 be by secret, official ballot ~~printed and distributed~~ as provided  
759 by this code, and no vote shall be received or counted in any  
760 election, except as prescribed by this code.

761           Section 16. Section 101.045, Florida Statutes, is amended  
762 to read:

763           101.045 Electors must be registered in precinct; provisions  
764 for change of residence or name ~~change~~--

765           (1) No person shall be permitted to vote in any election  
766 precinct or district other than the one in which the person has  
767 his or her legal residence and in which the person is registered.  
768 However, a person temporarily residing outside the county shall  
769 be registered in the precinct in which the main office of the  
770 supervisor, as designated by the supervisor, is located when the  
771 person has no permanent address in the county and it is the  
772 person's intention to remain a resident of Florida and of the  
773 county in which he or she is registered to vote. Such persons who  
774 are registered in the precinct in which the main office of the  
775 supervisor, as designated by the supervisor, is located and who  
776 are residing outside the county with no permanent address in the  
777 county shall not be registered electors of a municipality and  
778 therefore shall not be permitted to vote in any municipal  
779 election.

780           (2) (a) An elector who moves from the precinct in which the  
781 elector is registered may be permitted to vote in the precinct to  
782 which he or she has moved his or her legal residence, provided  
783 such elector completes an affirmation in substantially the  
784 following form:

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785  
786 Change of Legal Residence of Registered  
787 Voter

788  
789 Under penalties for false swearing, I, (Name of voter) , swear  
790 (or affirm) that the former address of my legal residence was  
791 (Address of legal residence) in the municipality of \_\_\_\_\_, in  
792 \_\_\_\_\_ County, Florida, and I was registered to vote in the \_\_\_\_\_  
793 precinct of \_\_\_\_\_ County, Florida; that I have not voted in the  
794 precinct of my former registration in this election; that I now  
795 reside at (Address of legal residence) in the Municipality of  
796 \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and am therefore eligible to  
797 vote in the \_\_\_\_\_ precinct of \_\_\_\_\_ County, Florida; and I  
798 further swear (or affirm) that I am otherwise legally registered  
799 and entitled to vote.

800  
801 (Signature of voter whose address of legal residence has  
802 changed)

803 (b) An elector whose name changes because of marriage or  
804 other legal process may be permitted to vote, provided such  
805 elector completes an affirmation in substantially the following  
806 form:

807  
808 Change of Name of Registered  
809 Voter

810  
811 Under penalties for false swearing, I, (New name of voter) ,  
812 swear (or affirm) that my name has been changed because of  
813 marriage or other legal process. My former name and address of

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814 | legal residence appear on the registration records of precinct  
815 | \_\_\_\_\_ as follows:

816 | Name

817 | Address

818 | Municipality

819 | County

820 | Florida, Zip

821 | My present name and address of legal residence are as follows:

822 | Name

823 | Address

824 | Municipality

825 | County

826 | Florida, Zip

827 | and I further swear (or affirm) that I am otherwise legally  
828 | registered and entitled to vote.

829 |

830 | (Signature of voter whose name has changed)

831 | (c) Instead of the affirmation contained in paragraph (a)  
832 | or paragraph (b), an elector may complete a voter registration  
833 | application that indicates the change of name or change of  
834 | address of legal residence.

835 | (d) Such affirmation or application, when completed and  
836 | presented at the precinct in which such elector is entitled to  
837 | vote, and upon verification of the elector's registration, shall  
838 | entitle such elector to vote as provided in this subsection. If  
839 | the elector's eligibility to vote cannot be determined, he or she  
840 | shall be entitled to vote a provisional ballot, subject to the  
841 | requirements and procedures in s. 101.048. Upon receipt of an  
842 | affirmation or application certifying a change in address of  
843 | legal residence or name, the supervisor shall as soon as



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844 practicable make the necessary changes in the statewide voter  
 845 registration system to indicate the change in address of legal  
 846 residence or name of such elector.

847 ~~(d) Instead of the affirmation contained in paragraph (a)~~  
 848 ~~or paragraph (b), an elector may complete a voter registration~~  
 849 ~~application that indicates the change of name or change of~~  
 850 ~~address of legal residence.~~

851 Section 17. Section 101.111, Florida Statutes, is amended  
 852 to read:

853 101.111 Person desiring to vote may be challenged;  
 854 challenger to execute oath; oath of person challenged;  
 855 determination of challenge.--

856 (1)(a) Any registered elector or poll watcher of a county  
 857 may challenge the right of a person to vote in that county. ~~When~~  
 858 ~~the right to vote of any person who desires to vote is challenged~~  
 859 ~~by any elector or poll watcher,~~ The challenge must be in shall be  
 860 reduced to writing and contain the following oath with an oath as  
 861 provided in this section, giving reasons for the challenge, which  
 862 shall be delivered to the clerk or inspector. ~~Any elector or poll~~  
 863 ~~watcher challenging the right of a person to vote shall execute~~  
 864 ~~the oath set forth below:~~

865  
 866 OATH OF PERSON ENTERING CHALLENGE

867  
 868 State of Florida  
 869 County of \_\_\_\_\_

870  
 871 I do solemnly swear or affirm that my name is \_\_\_\_\_; that I am a  
 872 member of the \_\_\_\_\_ Party; that I am a registered voter or  
 873 pollwatcher; that my residence address is \_\_\_\_\_, in the

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874 municipality of \_\_\_\_\_; and that I have reason to believe that  
875 \_\_\_\_\_ is attempting to vote illegally and the reasons for my  
876 belief are set forth herein to wit:

877 (Signature of person challenging voter)

878

879 Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
880 (year) .

881 (Clerk of election)

882 (b)(2) The clerk or inspector shall immediately deliver to  
883 the challenged person a copy of the oath of the person entering  
884 the challenge, and the challenged voter shall be allowed to cast  
885 a provisional ballot in accordance with s. 101.048.

886 (c)(3) Alternatively, a challenge in accordance with this  
887 section may be filed in advance with the supervisor of elections  
888 no ~~Any elector or poll watcher may challenge the right of any~~  
889 ~~voter to vote not~~ sooner than 30 days before an election ~~by~~  
890 ~~filing a completed copy of the oath contained in subsection (1)~~  
891 ~~to the supervisor of election's office.~~ The supervisor shall  
892 promptly provide the election board in the challenged voter's  
893 precinct with a copy of the oath of the person entering the  
894 challenge. The challenged voter shall be allowed ~~permitted~~ to  
895 cast a provisional ballot in accordance with s. 101.048.

896 (2)(4) Any elector or poll watcher filing a frivolous  
897 challenge of any person's right to vote commits a misdemeanor of  
898 the first degree, punishable as provided in s. 775.082 or s.  
899 775.083; however, electors or poll watchers shall not be subject  
900 to liability for any action taken in good faith and in  
901 furtherance of any activity or duty permitted of such electors or  
902 poll watchers by law. Each instance where any elector or poll

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903 watcher files a frivolous challenge of any person's right to vote  
904 constitutes a separate offense.

905 Section 18. Section 101.23, Florida Statutes, is amended to  
906 read:

907 101.23 Election inspector to keep list of those voting.--

908 ~~(1)~~ When any person has been admitted to vote, the person's  
909 name shall be checked by the clerk or one of the inspectors at  
910 the place indicated upon the registration books or voter history  
911 form provided by the supervisor. One of the inspectors shall, at  
912 the same time, keep a poll list containing names of electors who  
913 have voted or a list of registered electors, on which those  
914 electors who have voted are indicated. Such lists shall be  
915 available for inspection during regular voting hours by poll  
916 watchers designated and appointed pursuant to s. 101.131, except  
917 that the election inspector may regulate access to the lists so  
918 as to ensure that such inspection does not unreasonably interfere  
919 with the orderly operation of the polling place.

920 ~~(2) The inspectors shall prevent any person from voting a  
921 second time when they have reason to believe that the person has  
922 voted. They shall refuse to allow any person to vote who is not a  
923 qualified elector or who has become disqualified to vote in the  
924 precinct, and may prevent any elector from consuming more than 5  
925 minutes in voting.~~

926 Section 19. Effective July 1, 2008, subsection (1) of  
927 section 101.51, Florida Statutes, is amended to read:

928 101.51 Electors to occupy booth alone.--

929 (1) When the elector presents himself or herself to vote,  
930 ~~an~~ the election official shall ascertain whether the elector's  
931 name is upon the register of electors, and, if the elector's name  
932 appears and no challenge interposes, or, if interposed, be not



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933 ~~sustained, one of the election official officials stationed at~~  
934 ~~the entrance shall announce the name of the elector and permit~~  
935 ~~the elector him or her to enter the booth or compartment to cast~~  
936 ~~his or her vote, allowing only one elector at a time to pass~~  
937 ~~through to vote. An elector, while casting his or her ballot, may~~  
938 ~~not occupy a booth or compartment already occupied or speak with~~  
939 ~~anyone, except as provided by s. 101.051.~~

940 Section 20. Effective July 1, 2008, paragraph (a) of  
941 subsection (2) of section 101.5608, Florida Statutes, is amended  
942 to read:

943 101.5608 Voting by electronic or electromechanical method;  
944 procedures.--

945 (2) When an electronic or electromechanical voting system  
946 utilizes a ballot card or marksense ballot, the following  
947 procedures shall be followed:

948 (a) After receiving a ballot from an inspector, the elector  
949 shall, without leaving the polling place, retire to a booth or  
950 compartment and mark the ballot. After marking ~~preparing~~ his or  
951 her ballot, the elector shall place the ballot in a secrecy  
952 envelope ~~with the stub exposed or shall fold over that portion on~~  
953 ~~which write in votes may be cast, as instructed,~~ so that the  
954 ballot will be deposited in the tabulator ~~ballot box~~ without  
955 exposing the voter's choices. ~~Before the ballot is deposited in~~  
956 ~~the ballot box, the inspector shall detach the exposed stub and~~  
957 ~~place it in a separate envelope for audit purposes; when a fold-~~  
958 ~~over ballot is used, the entire ballot shall be placed in the~~  
959 ~~ballot box.~~

960 Section 21. Effective July 1, 2008, subsection (2) of  
961 section 101.6102, Florida Statutes, is amended to read:

962 101.6102 Mail ballot elections; limitations.--

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963           (2) Except as provided in s. 101.733(1), the following  
964 elections may not be conducted by mail ballot:

965           (a) An election at which any candidate is nominated,  
966 elected, retained, or recalled; or

967           (b) An election held on the same date as another election,  
968 other than a mail ballot election, in which the qualified  
969 electors of that political subdivision are eligible to cast  
970 ballots.

971           Section 22. Subsection (2) of section 101.6923, Florida  
972 Statutes, is amended to read:

973           101.6923 Special absentee ballot instructions for certain  
974 first-time voters.--

975           (2) A voter covered by this section shall be provided with  
976 printed instructions with his or her absentee ballot in  
977 substantially the following form:

978

979

980 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

981 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
982 COUNT.

983

984           1. In order to ensure that your absentee ballot will be  
985 counted, it should be completed and returned as soon as possible  
986 so that it can reach the supervisor of elections of the county in  
987 which your precinct is located no later than 7 p.m. on the date  
988 of the election.

989           2. Mark your ballot in secret as instructed on the ballot.  
990 You must mark your own ballot unless you are unable to do so  
991 because of blindness, disability, or inability to read or write.

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992           3. Mark only the number of candidates or issue choices for  
993 a race as indicated on the ballot. If you are allowed to "Vote  
994 for One" candidate and you vote for more than one, your vote in  
995 that race will not be counted.

996           4. Place your marked ballot in the enclosed secrecy  
997 envelope and seal the envelope.

998           5. Insert the secrecy envelope into the enclosed envelope  
999 bearing the Voter's Certificate. Seal the envelope and completely  
1000 fill out the Voter's Certificate on the back of the envelope.

1001           a. You must sign your name on the line above (Voter's  
1002 Signature).

1003           b. If you are an overseas voter, you must include the date  
1004 you signed the Voter's Certificate on the line above (Date) or  
1005 your ballot may not be counted.

1006           6. Unless you meet one of the exemptions in Item 7., you  
1007 must make a copy of one of the following forms of identification:

1008           a. Identification which must include your name and  
1009 photograph: United States passport; ~~employee badge or~~  
1010 ~~identification; buyer's club identification card;~~ debit or credit  
1011 card; military identification; student identification; retirement  
1012 center identification; neighborhood association identification;  
1013 or public assistance identification; or

1014           b. Identification which shows your name and current  
1015 residence address: current utility bill, bank statement,  
1016 government check, paycheck, or government document (excluding  
1017 voter identification card).

1018           7. The identification requirements of Item 6. do not apply  
1019 if you meet one of the following requirements:

1020           a. You are 65 years of age or older.

1021           b. You have a temporary or permanent physical disability.

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1022 c. You are a member of a uniformed service on active duty  
1023 who, by reason of such active duty, will be absent from the  
1024 county on election day.

1025 d. You are a member of the Merchant Marine who, by reason  
1026 of service in the Merchant Marine, will be absent from the county  
1027 on election day.

1028 e. You are the spouse or dependent of a member referred to  
1029 in paragraph c. or paragraph d. who, by reason of the active duty  
1030 or service of the member, will be absent from the county on  
1031 election day.

1032 f. You are currently residing outside the United States.

1033 8. Place the envelope bearing the Voter's Certificate into  
1034 the mailing envelope addressed to the supervisor. Insert a copy  
1035 of your identification in the mailing envelope. DO NOT PUT YOUR  
1036 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
1037 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
1038 BALLOT WILL NOT COUNT.

1039 9. Mail, deliver, or have delivered the completed mailing  
1040 envelope. Be sure there is sufficient postage if mailed.

1041 10. FELONY NOTICE. It is a felony under Florida law to  
1042 accept any gift, payment, or gratuity in exchange for your vote  
1043 for a candidate. It is also a felony under Florida law to vote in  
1044 an election using a false identity or false address, or under any  
1045 other circumstances making your ballot false or fraudulent.

1046 Section 23. Effective July 1, 2008, section 101.733,  
1047 Florida Statutes, is amended to read:

1048 101.733 Election emergency; purpose; elections emergency  
1049 contingency plan.--Because of the existing and continuing  
1050 possibility of an emergency or common disaster occurring before  
1051 or during a regularly scheduled or special election, and in order

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1052 | to ensure maximum citizen participation in the electoral process  
1053 | and provide a safe and orderly procedure for persons seeking to  
1054 | exercise their right to vote, generally to minimize to whatever  
1055 | degree possible a person's exposure to danger during declared  
1056 | states of emergency, and to protect the integrity of the  
1057 | electoral process, it is hereby found and declared to be  
1058 | necessary to designate a procedure for the emergency suspension  
1059 | or delay and rescheduling of elections.

1060 |         (1) The Governor may, upon issuance of an executive order  
1061 | declaring a state of emergency or impending emergency, suspend  
1062 | any election, ~~or~~ delay any election, or call for a mail ballot  
1063 | election. The Governor may take such action independently or at  
1064 | the request of the Secretary of State, a supervisor of elections  
1065 | from a county affected by the emergency circumstances, or a  
1066 | municipal clerk from a municipality affected by the emergency  
1067 | circumstances.

1068 |         (2) The Governor, upon consultation with the Secretary of  
1069 | State, shall reschedule any election suspended or delayed due to  
1070 | an emergency. The election shall be held within 10 days after the  
1071 | date of the suspended or delayed election or as soon thereafter  
1072 | as is practicable. Notice of the election shall be provided in  
1073 | any reasonable manner to include, where practicable, publication  
1074 | ~~published~~ at least once in a newspaper of general circulation in  
1075 | the affected area and, ~~where practicable,~~ broadcast as a public  
1076 | service announcement on radio and television stations at least 1  
1077 | week prior to the date the election is to be held.

1078 |         (3) The Division of Elections of the Department of State  
1079 | shall adopt, by rule, an elections emergency contingency plan,  
1080 | which shall contain goals and policies that give specific  
1081 | direction to state and local elections officials when an election



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1082 | has been suspended, an election has been ~~or~~ delayed, or a mail  
1083 | ballot election has been called due to an emergency. The  
1084 | contingency plan shall be statewide in scope and shall address,  
1085 | but not be limited to, the following concerns:

1086 |       (a) Providing a procedure and timelines for state and local  
1087 | elections officials to follow when an election has been suspended  
1088 | or delayed or a mail ballot election has been called to ensure  
1089 | notice of the suspended, delayed, or mail ballot election  
1090 | ~~suspension or delay~~ to the proper authorities, the electorate,  
1091 | the communications media, poll workers, and the custodians of  
1092 | polling places.

1093 |       (b) Providing a procedure for the orderly conduct of a  
1094 | rescheduled election or a mail ballot election, whether  
1095 | municipal, county, district, or statewide in scope; coordinating  
1096 | those efforts with the appropriate elections official, and the  
1097 | members of the governing body holding such election, if  
1098 | appropriate; and working with the appropriate emergency  
1099 | management officials in determining the safety of existing  
1100 | polling places or designating additional polling places.

1101 |       (c) Providing a procedure for the release and certification  
1102 | of election returns to the department for elections suspended or  
1103 | delayed and subsequently rescheduled or for mail ballot elections  
1104 | under the provisions of ss. 101.731-101.74.

1105 |       Section 24. Effective July 1, 2008, subsection (3) of  
1106 | section 101.75, Florida Statutes, is amended to read:

1107 |       101.75 Municipal elections; change of dates for cause.--

1108 |       (3) Notwithstanding any provision of local law or municipal  
1109 | charter, ~~for any municipality whose election is scheduled to be~~  
1110 | ~~held in March 2008~~, the governing body of a ~~the~~ municipality,  
1111 | ~~notwithstanding any municipal charter provision~~, may, by

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1112 ordinance, move the date of any ~~the general~~ municipal election in  
1113 ~~2008 and in each subsequent year that is a multiple of 4 to a~~ the  
1114 date concurrent with any statewide or countywide election ~~the~~  
1115 ~~presidential preference primary~~. The dates for qualifying for the  
1116 ~~general municipal~~ election moved by the passage of such ~~an~~  
1117 ordinance shall be specifically provided for in the ordinance and  
1118 shall run for no less than 14 days. The term of office for any  
1119 elected municipal official shall commence as provided by the  
1120 relevant municipal charter or ordinance, ~~and the term of office~~  
1121 ~~for any elected municipal official whose term was due to expire~~  
1122 ~~in March 2008 shall expire as provided by the relevant municipal~~  
1123 ~~charter or ordinance.~~

1124 Section 25. Effective July 1, 2008, subsection (7) of  
1125 section 102.014, Florida Statutes, is amended to read:

1126 102.014 Poll worker recruitment and training.--

1127 (7) The Department of State shall develop a mandatory,  
1128 statewide, and uniform program for training poll workers on  
1129 issues of etiquette and sensitivity with respect to voters having  
1130 a disability. ~~The program must consist of approximately 1 hour of~~  
1131 ~~the required number of hours set forth in paragraph (4)(a).~~ The  
1132 program must be conducted locally by each supervisor of  
1133 elections, and ~~who shall periodically certify to the Department~~  
1134 ~~of State whether~~ each poll worker must complete ~~has completed~~ the  
1135 program before working during the current election cycle. The  
1136 supervisor of elections shall contract with a recognized  
1137 disability-related organization, such as a center for independent  
1138 living, family network on disabilities, deaf service bureau, or  
1139 other such organization, to develop and assist with training the  
1140 trainers in the disability sensitivity programs. The program must  
1141 include actual demonstrations of obstacles confronted by disabled

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1142 persons during the voting process, including obtaining access to  
1143 the polling place, traveling through the polling area, and using  
1144 the voting system.

1145 Section 26. Effective July 1, 2008, paragraph (b) of  
1146 subsection (4) of section 102.031, Florida Statutes, is amended  
1147 to read:

1148 102.031 Maintenance of good order at polls; authorities;  
1149 persons allowed in polling rooms and early voting areas; unlawful  
1150 solicitation of voters.--

1151 (4)

1152 (b) For the purpose of this subsection, the terms term  
1153 "solicit" or "solicitation" shall include, but not be limited to,  
1154 seeking or attempting to seek any vote, fact, opinion, or  
1155 contribution; distributing or attempting to distribute any  
1156 political or campaign material, leaflet, or handout; conducting a  
1157 poll except as specified in this paragraph; seeking or attempting  
1158 to seek a signature on any petition; and selling or attempting to  
1159 sell any item. The terms "solicit" or "solicitation" shall not be  
1160 construed to prohibit exit polling.

1161 Section 27. Effective July 1, 2008, subsection (1) of  
1162 section 102.112, Florida Statutes, is amended to read:

1163 102.112 Deadline for submission of county returns to the  
1164 Department of State.--

1165 (1) The county canvassing board or a majority thereof shall  
1166 file the county returns for the election of a federal or state  
1167 officer with the Department of State immediately after  
1168 certification of the election results. The returns must contain a  
1169 certification by the canvassing board that the board has compared  
1170 ~~reconciled~~ the number of persons who voted with the number of



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1171 ballots counted and that the certification includes all valid  
1172 votes cast in the election.

1173 Section 28. Subsection (2) of section 103.101, Florida  
1174 Statutes, is amended to read:

1175 103.101 Presidential preference primary.--

1176 (2) (a) There shall be a Presidential Candidate Selection  
1177 Committee composed of the Secretary of State, who shall be a  
1178 nonvoting chair; the Speaker of the House of Representatives; the  
1179 President of the Senate; the minority leader of each house of the  
1180 Legislature; and the chair of each political party required to  
1181 have a presidential preference primary under this section.

1182 (b) ~~(a)~~ By October 31 of the year preceding the presidential  
1183 preference primary, each political party shall submit to the  
1184 Secretary of State a list of its presidential candidates to be  
1185 placed on the presidential preference primary ballot or  
1186 candidates entitled to have delegates appear on the presidential  
1187 preference primary ballot. The Secretary of State shall prepare  
1188 and publish a list of the names of the presidential candidates  
1189 submitted. The Secretary of State shall submit such list of names  
1190 of presidential candidates to the selection committee on the  
1191 first Tuesday after the first Monday in November of the year  
1192 preceding the presidential preference primary. Each person  
1193 designated as a presidential candidate shall have his or her name  
1194 appear, or have his or her delegates' names appear, on the  
1195 presidential preference primary ballot unless all committee  
1196 members of the same political party as the candidate agree to  
1197 delete such candidate's name from the ballot.

1198 (c) The selection committee shall meet in Tallahassee on  
1199 the first Tuesday after the first Monday in November of the year  
1200 preceding the presidential preference primary. The selection

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1201 committee shall publicly announce and submit to the Department of  
1202 State no later than 5 p.m. on the following day the names of  
1203 presidential candidates who shall have their names appear, or who  
1204 are entitled to have their delegates' names appear, on the  
1205 presidential preference primary ballot. The Department of State  
1206 shall immediately notify each presidential candidate designated  
1207 by the committee. Such notification shall be in writing, by  
1208 registered mail, with return receipt requested.

1209 ~~(b) Any presidential candidate whose name does not appear~~  
1210 ~~on the list submitted to the Secretary of State may request that~~  
1211 ~~the selection committee place his or her name on the ballot. Such~~  
1212 ~~request shall be made in writing to the Secretary of State no~~  
1213 ~~later than the second Tuesday after the first Monday in November~~  
1214 ~~of the year preceding the presidential preference primary.~~

1215 ~~(c) If a presidential candidate makes a request that the~~  
1216 ~~selection committee reconsider placing the candidate's name on~~  
1217 ~~the ballot, the selection committee will reconvene no later than~~  
1218 ~~the second Thursday after the first Monday in November of the~~  
1219 ~~year preceding the presidential preference primary to reconsider~~  
1220 ~~placing the candidate's name on the ballot. The Department of~~  
1221 ~~State shall immediately notify such candidate of the selection~~  
1222 ~~committee's decision.~~

1223 Section 29. Paragraph (c) of subsection (3) of section  
1224 190.006, Florida Statutes, is amended to read:

1225 190.006 Board of supervisors; members and meetings.--

1226 (3)

1227 (c) Candidates seeking election to office by qualified  
1228 electors under this subsection shall conduct their campaigns in  
1229 accordance with the provisions of chapter 106 and shall file  
1230 qualifying papers and qualify for individual seats in accordance



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1231 with s. 99.061. ~~Candidates shall pay a qualifying fee, which~~  
1232 ~~shall consist of a filing fee and an election assessment or, as~~  
1233 ~~an alternative, shall file a petition signed by not less than 1~~  
1234 ~~percent of the registered voters of the district, and take the~~  
1235 ~~oath required in s. 99.021, with the supervisor of elections in~~  
1236 ~~the county affected by such candidacy. The amount of the filing~~  
1237 ~~fee is 3 percent of \$4,800; however, if the electors have~~  
1238 ~~provided for compensation pursuant to subsection (8), the amount~~  
1239 ~~of the filing fee is 3 percent of the maximum annual compensation~~  
1240 ~~so provided. The amount of the election assessment is 1 percent~~  
1241 ~~of \$4,800; however, if the electors have provided for~~  
1242 ~~compensation pursuant to subsection (8), the amount of the~~  
1243 ~~election assessment is 1 percent of the maximum annual~~  
1244 ~~compensation so provided. The filing fee and election assessment~~  
1245 ~~shall be distributed as provided in s. 105.031(3).~~

1246 Section 30. Paragraph (a) of subsection (2) and paragraph  
1247 (b) of subsection (8) of section 106.07, Florida Statutes, are  
1248 amended to read:

1249 106.07 Reports; certification and filing.--

1250 (2) (a) 1. All reports required of a candidate by this  
1251 section shall be filed with the officer before whom the candidate  
1252 is required by law to qualify. All candidates who file with the  
1253 Department of State shall file their reports pursuant to s.  
1254 106.0705. Except as provided in s. 106.0705, reports shall be  
1255 filed not later than 5 p.m. of the day designated; however, any  
1256 report postmarked by the United States Postal Service no later  
1257 than midnight of the day designated shall be deemed to have been  
1258 filed in a timely manner. Any report received by the filing  
1259 officer within 5 days after the designated due date that was  
1260 delivered by the United States Postal Service shall be deemed



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1261 timely filed unless it has a postmark that indicates that the  
1262 report was mailed after the designated due date. A certificate of  
1263 mailing obtained from and dated by the United States Postal  
1264 Service at the time of mailing, or a receipt from an established  
1265 courier company, which bears a date on or before the date on  
1266 which the report is due, shall be proof of mailing in a timely  
1267 manner. Reports shall contain information of all previously  
1268 unreported contributions received and expenditures made as of the  
1269 preceding Friday, except that the report filed on the Friday  
1270 immediately preceding the election shall contain information of  
1271 all previously unreported contributions received and expenditures  
1272 made as of the day preceding that designated due date. All such  
1273 reports shall be open to public inspection.

1274 2. This subsection does not prohibit the governing body of  
1275 a political subdivision, by ordinance or resolution, from  
1276 imposing upon its own officers and candidates electronic filing  
1277 requirements not in conflict with s. 106.0705. Expenditure of  
1278 public funds for such purpose is deemed to be for a valid public  
1279 purpose.

1280 (8)

1281 (b) Upon determining that a report is late, the filing  
1282 officer shall immediately notify the candidate or chair of the  
1283 political committee as to the failure to file a report by the  
1284 designated due date and that a fine is being assessed for each  
1285 late day. The fine shall be \$50 per day for the first 3 days late  
1286 and, thereafter, \$500 per day for each late day, not to exceed 25  
1287 percent of the total receipts or expenditures, whichever is  
1288 greater, for the period covered by the late report. However, for  
1289 the reports immediately preceding each primary and general  
1290 election, the fine shall be \$500 per day for each late day, not

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1291 to exceed 25 percent of the total receipts or expenditures,  
1292 whichever is greater, for the period covered by the late report.  
1293 For reports required under s. 106.141(7), the fine is \$50 per day  
1294 for each late day, not to exceed 25 percent of the total receipts  
1295 or expenditures, whichever is greater, for the period covered by  
1296 the late report. Upon receipt of the report, the filing officer  
1297 shall determine the amount of the fine which is due and shall  
1298 notify the candidate or chair. The filing officer shall determine  
1299 the amount of the fine due based upon the earliest of the  
1300 following:

- 1301 1. When the report is actually received by such officer.
- 1302 2. When the report is postmarked.
- 1303 3. When the certificate of mailing is dated.
- 1304 4. When the receipt from an established courier company is  
1305 dated.
- 1306 5. When the electronic receipt issued pursuant to s.  
1307 106.0705 or other electronic filing system authorized in this  
1308 section is dated.

1309  
1310 Such fine shall be paid to the filing officer within 20 days  
1311 after receipt of the notice of payment due, unless appeal is made  
1312 to the Florida Elections Commission pursuant to paragraph (c). In  
1313 the case of a candidate, such fine shall not be an allowable  
1314 campaign expenditure and shall be paid only from personal funds  
1315 of the candidate. An officer or member of a political committee  
1316 shall not be personally liable for such fine.

1317 Section 31. Except as otherwise expressly provided in this  
1318 act and except for this section, which shall take effect upon  
1319 becoming a law, this act shall take effect January 1, 2009.

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1321 | ===== T I T L E A M E N D M E N T =====

1322 | And the title is amended as follows:

1323 | Delete everything before the enacting clause  
1324 | and insert:

1325 | A bill to be entitled

1326 | An act relating to elections; amending s. 97.012, F.S.;  
1327 | revising provisions relating to the investigative  
1328 | duties of the Secretary of State; amending s. 97.041,  
1329 | F.S.; revising requirements for voter preregistration  
1330 | of minors; amending s. 97.053, F.S.; revising  
1331 | provisions relating to verification of certain  
1332 | information on voter registration applications;  
1333 | amending s. 97.0535, F.S.; revising forms of acceptable  
1334 | identification for certain voter registration  
1335 | applicants; amending s. 97.055, F.S.; providing for  
1336 | change of party affiliation after the closing of the  
1337 | registration books to apply to an upcoming election  
1338 | under certain circumstances; amending s. 98.065, F.S.;  
1339 | revising registration list maintenance provisions;  
1340 | creating s. 98.0655, F.S.; requiring the Department of  
1341 | State to prescribe registration list maintenance forms;  
1342 | providing criteria for such forms; amending s. 98.075,  
1343 | F.S.; providing for the removal of the name of a  
1344 | deceased person from the statewide voter registration  
1345 | system upon receipt by the supervisor of a copy of a  
1346 | death certificate; amending s. 99.012, F.S.; providing  
1347 | restrictions on individuals qualifying for public  
1348 | office; removing an exception from such restrictions  
1349 | for persons seeking any federal public office; amending  
1350 | s. 99.021, F.S.; deleting a resignation statement from

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1351 the qualifying oath for candidates for federal office;  
1352 amending s. 99.097, F.S.; prohibiting the supervisor  
1353 from counting a petition if a voter signs the petition  
1354 and lists an address other than the legal residence  
1355 where the voter is registered; requiring the mailing of  
1356 a new voter registration application for an address  
1357 update in certain circumstances; amending s. 100.221,  
1358 F.S.; providing circumstances under which early voting  
1359 is not required; amending s. 100.361, F.S.; revising  
1360 provisions relating to the recall of municipal or  
1361 charter county officers, recall committees, recall  
1362 petitions, recall defense, and offenses related  
1363 thereto; amending s. 100.371, F.S.; providing that a  
1364 petition form circulated for signatures may not be  
1365 bundled with other petitions; deleting requirements  
1366 relating to the recording and determination of  
1367 signature forms; providing that an elector may complete  
1368 and submit a standard petition-revocation form directly  
1369 to the supervisor of elections under certain  
1370 circumstances; requiring that the division adopt  
1371 petition-revocation forms by rule; amending s. 101.041,  
1372 F.S.; deleting a requirement for the printing and  
1373 distribution of official ballots; amending s. 101.045,  
1374 F.S.; authorizing the use of a voter registration  
1375 application for a name or address change; amending s.  
1376 101.111, F.S.; revising methods by which a person's  
1377 right to vote may be challenged; amending s. 101.23,  
1378 F.S.; deleting provisions requiring an election  
1379 inspector to prevent certain persons from voting;  
1380 amending s. 101.51, F.S.; deleting provisions

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1381 specifying certain responsibilities of election  
1382 officials before allowing electors to enter a booth or  
1383 compartment to vote; amending s. 101.5608, F.S.;

1384 revising certain procedures relating to the deposit of  
1385 ballots; amending s. 101.6102, F.S.; providing  
1386 exceptions to the types of elections that may not be  
1387 conducted by mail ballot; amending s. 101.6923, F.S.;

1388 revising forms of acceptable identification for certain  
1389 absentee voters; amending s. 101.733, F.S.; authorizing  
1390 the Governor to call for a mail ballot election in the  
1391 event of a declared state of emergency or an impending  
1392 emergency; requiring that the Department of State adopt  
1393 rules regarding such election; revising notice  
1394 requirements for elections rescheduled due to an  
1395 emergency; amending s. 101.75, F.S.; authorizing  
1396 municipalities to set by ordinance election dates to  
1397 coincide with statewide or countywide elections;

1398 amending s. 102.014, F.S.; revising provisions relating  
1399 to the training of poll workers; amending s. 102.031,  
1400 F.S.; including the term "solicitation" as an  
1401 equivalent of the term "solicit" as it relates to the  
1402 unlawful solicitation of voters; providing that such  
1403 terms do not prohibit exit polling; amending s.  
1404 102.112, F.S.; revising the county canvassing board's  
1405 certification requirements for election returns;

1406 amending s. 103.101, F.S.; deleting provisions related  
1407 to the placement on the ballot of presidential  
1408 candidates whose names do not appear on the list  
1409 submitted to the Secretary of State; amending s.  
1410 190.006, F.S.; deleting certain fee and assessment





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1411 provisions for candidates seeking election to the board  
1412 of supervisors of community redevelopment districts;  
1413 amending s. 106.07, F.S.; clarifying that political  
1414 subdivisions may impose electronic filing requirements  
1415 on certain candidates, and that expenditures for such  
1416 filing system serve a valid public purpose; providing  
1417 effective dates.