

By the Committees on Judiciary; Ethics and Elections; and
Senator Constantine

590-07901-08

2008866c2

1 A bill to be entitled

2 An act relating to elections; amending s. 97.012, F.S.;
3 revising provisions relating to the investigative duties
4 of the Secretary of State; amending s. 97.041, F.S.;
5 revising requirements for voter preregistration of minors;
6 amending s. 97.053, F.S.; revising provisions relating to
7 verification of certain information on voter registration
8 applications; amending s. 97.0535, F.S.; revising forms of
9 acceptable identification for certain voter registration
10 applicants; amending s. 97.055, F.S.; providing for change
11 of party affiliation after the closing of the registration
12 books to apply to an upcoming election under certain
13 circumstances; amending s. 98.065, F.S.; revising
14 registration list maintenance provisions; creating s.
15 98.0655, F.S.; requiring the Department of State to
16 prescribe registration list maintenance forms; providing
17 criteria for such forms; amending s. 98.075, F.S.;
18 providing for the removal of the name of a deceased person
19 from the statewide voter registration system upon receipt
20 by the supervisor of a copy of a death certificate;
21 providing procedures concerning such removal; amending s.
22 98.0981, F.S.; reducing the time by which supervisors of
23 elections must electronically transmit certain voter
24 history information to the department; requiring the
25 department to prepare a detailed report containing
26 specified voter information to legislative officers after
27 a general election; requiring supervisors of elections to
28 collect and submit data to the department after certain
29 elections; defining the phrase "all ballots cast";

590-07901-08

2008866c2

30 requiring the department to compile precinct-level
31 statistical data for counties before certain elections;
32 amending s. 99.012, F.S.; providing restrictions on
33 individuals qualifying for public office; removing an
34 exception from such restrictions for persons seeking any
35 federal public office; amending s. 99.021, F.S.; deleting
36 a resignation statement from the qualifying oath for
37 candidates for federal office; amending s. 100.221, F.S.;
38 providing circumstances under which early voting is not
39 required; amending s. 100.361, F.S.; revising provisions
40 relating to the recall of municipal or charter county
41 officers, recall committees, recall petitions, recall
42 defense, and offenses related thereto; amending s.
43 100.371, F.S.; providing that a petition form circulated
44 for signatures may not be bundled with other petitions;
45 deleting requirements relating to the recording and
46 determination of signature forms; providing that an
47 elector may complete and submit a standard petition-
48 revocation form directly to the supervisor of elections
49 under certain circumstances; requiring that the division
50 adopt petition-revocation forms by rule; amending s.
51 101.041, F.S.; deleting a requirement for the printing and
52 distribution of official ballots; amending s. 101.045,
53 F.S.; authorizing the use of a voter registration
54 application for a name or address change; amending s.
55 101.111, F.S.; revising methods by which a person's right
56 to vote may be challenged; amending s. 101.23, F.S.;
57 deleting provisions requiring an election inspector to
58 prevent certain persons from voting; amending s. 101.51,

590-07901-08

2008866c2

59 F.S.; deleting provisions specifying certain
60 responsibilities of election officials before allowing
61 electors to enter a booth or compartment to vote; amending
62 s. 101.5608, F.S.; revising certain procedures relating to
63 the deposit of ballots; repealing s. 101.573, F.S.,
64 relating to the reporting of precinct-level election
65 results; amending s. 101.6102, F.S.; providing exceptions
66 to the types of elections that may not be conducted by
67 mail ballot; amending s. 101.6923, F.S.; revising forms of
68 acceptable identification for certain absentee voters;
69 amending s. 101.733, F.S.; authorizing the Governor to
70 call for a mail ballot election in the event of a declared
71 state of emergency or an impending emergency; requiring
72 that the Department of State adopt rules regarding such
73 election; revising notice requirements for elections
74 rescheduled due to an emergency; amending s. 101.75, F.S.;
75 authorizing municipalities to set by ordinance election
76 dates to coincide with statewide or countywide elections;
77 amending s. 102.014, F.S.; revising provisions relating to
78 the training of poll workers; amending s. 102.031, F.S.;
79 including the term "solicitation" as an equivalent of the
80 term "solicit" as it relates to the unlawful solicitation
81 of voters; providing that such terms do not prohibit exit
82 polling; amending s. 102.112, F.S.; revising the county
83 canvassing board's certification requirements for election
84 returns; amending s. 103.101, F.S.; deleting provisions
85 related to the placement on the ballot of presidential
86 candidates whose names do not appear on the list submitted
87 to the Secretary of State; amending s. 106.021, F.S.;

590-07901-08

2008866c2

88 removing a campaign finance filing requirement for certain
89 candidates; amending s. 106.07, F.S.; clarifying that
90 political subdivisions may impose electronic filing
91 requirements on certain candidates, and that expenditures
92 for such filing system serve a valid public purpose;
93 repealing s. 106.082, F.S., relating to campaign
94 contribution limitations for candidates for the office of
95 Commissioner of Agriculture; amending s. 106.147, F.S.;
96 requiring a disclosure statement for certain telephone
97 calls; revising provisions requiring authorization from
98 the candidate or sponsor for certain telephone calls;
99 amending s. 106.24, F.S.; providing that the Florida
100 Elections Commission is its own agency head rather than
101 the director of the commission; amending s. 190.006, F.S.;
102 deleting certain fee and assessment provisions for
103 candidates seeking election to the board of supervisors of
104 a community redevelopment district; providing effective
105 dates.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Subsection (15) of section 97.012, Florida
110 Statutes, is amended to read:

111 97.012 Secretary of State as chief election officer.--The
112 Secretary of State is the chief election officer of the state,
113 and it is his or her responsibility to:

114 (15) Conduct preliminary investigations into any
115 irregularities or fraud involving voter registration, voting, ~~or~~
116 candidate petition, or issue petition activities and report his

590-07901-08

2008866c2

117 | or her findings to the statewide prosecutor or the state attorney
118 | for the judicial circuit in which the alleged violation occurred
119 | for prosecution, if warranted. The Department of State may
120 | prescribe by rule requirements for filing an elections-fraud
121 | complaint and for investigating any such complaint.

122 | Section 2. Paragraph (b) of subsection (1) of section
123 | 97.041, Florida Statutes, is amended to read:

124 | 97.041 Qualifications to register or vote.--

125 | (1)

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

131 | Section 3. Effective upon this act becoming a law,
132 | subsection (6) of section 97.053, Florida Statutes, is amended to
133 | read:

134 | 97.053 Acceptance of voter registration applications.--

135 | (6) A voter registration application may be accepted as
136 | valid only after the department has verified the authenticity or
137 | nonexistence of the driver's license number, the Florida
138 | identification card number, or the last four digits of the social
139 | security number provided by the applicant. If a completed voter
140 | registration application has been received by the book-closing
141 | deadline but the driver's license number, the Florida
142 | identification card number, or the last four digits of the social
143 | security number provided by the applicant cannot be verified, the
144 | applicant shall be notified that the number cannot be verified
145 | ~~application is incomplete~~ and that the applicant ~~voter~~ must

590-07901-08

2008866c2

146 provide evidence to the supervisor sufficient to verify the
147 authenticity of the applicant's driver's license number, Florida
148 identification card number, or last four digits of the social
149 security number ~~provided on the application~~. If the applicant
150 ~~voter~~ provides the necessary evidence, the supervisor shall place
151 the applicant's ~~voter's~~ name on the registration rolls as an
152 active voter. If the applicant ~~voter~~ has not provided the
153 necessary evidence or the number has not otherwise been verified
154 prior to the applicant presenting himself or herself to vote, the
155 applicant shall be provided a provisional ballot. The provisional
156 ballot shall be counted only if the number ~~application~~ is
157 verified by the end of the canvassing period or if the applicant
158 presents evidence to the supervisor of elections sufficient to
159 verify the authenticity of the applicant's driver's license
160 number, Florida identification card number, or last four digits
161 of the social security number ~~provided on the application~~ no
162 later than 5 p.m. of the second day following the election.

163 Section 4. Paragraph (a) of subsection (3) of section
164 97.0535, Florida Statutes, is amended to read:

165 97.0535 Special requirements for certain applicants.--

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

- 169 1. United States passport.
- 170 ~~2. Employee badge or identification.~~
- 171 ~~3. Buyer's club identification.~~
- 172 ~~2.4.~~ Debit or credit card.
- 173 ~~3.5.~~ Military identification.
- 174 ~~4.6.~~ Student identification.

590-07901-08

2008866c2

175 ~~5.7.~~ Retirement center identification.

176 ~~6.8.~~ Neighborhood association identification.

177 ~~7.9.~~ Public assistance identification.

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

180 97.055 Registration books; when closed for an election.--

181 (1) (a) The registration books must be closed on the 29th
182 day before each election and must remain closed until after that
183 election. If an election is called and there are fewer than 29
184 days before that election, the registration books must be closed
185 immediately.

186 (b) Except as provided in paragraph (c), when the
187 registration books are closed for an election, updates to a
188 voter's name, address, and signature pursuant to ss. 98.077 and
189 101.045 shall be the only changes permitted for purposes of the
190 upcoming election. New voter registration applications ~~and party~~
191 ~~changes~~ must be accepted but only for the purpose of subsequent
192 elections.

193 (c) When the registration books are closed for an upcoming
194 election, an update or change to a voter's party affiliation made
195 pursuant to s. 97.1031 shall be permitted for that upcoming
196 election unless such election is for the purpose of nominating a
197 political party nominee, in which case the update or change shall
198 be permitted only for the purpose of subsequent elections.

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

201 98.065 Registration list maintenance programs.--

202 (4) (a) If the supervisor receives change-of-address
203 information pursuant to the activities conducted in subsection

590-07901-08

2008866c2

204 (2), from jury notices signed by the voter and returned to the
205 courts, from the Department of Highway Safety and Motor Vehicles,
206 or from other sources, ~~which information indicates that the legal~~
207 ~~address of a registered voter's legal residence~~ voter might have
208 changed to another location within the state, the supervisor must
209 change the registration records to reflect the new address and
210 must shall send the voter ~~by forwardable return if undeliverable~~
211 ~~mail~~ an address change confirmation notice as provided in s.
212 98.0655(2) ~~to the address at which the voter was last registered.~~
213 ~~A supervisor may also send an address confirmation notice to any~~
214 ~~voter who the supervisor has reason to believe has moved from his~~
215 ~~or her legal residence.~~

216 (b) If the supervisor of elections receives change-of-
217 address information pursuant to the activities conducted in
218 subsection (2), from jury notices signed by the voter and
219 returned to the courts, or from other sources which indicates
220 that a registered voter's legal residence might have changed to a
221 location outside the state, the supervisor of elections shall
222 send an address confirmation final notice to the voter as
223 provided in s. 98.0655(3). ~~The address confirmation notice shall~~
224 ~~contain a postage prepaid, preaddressed return form on which:~~

225 1. ~~If the voter has changed his or her address of legal~~
226 ~~residence to a location outside the state, the voter shall mark~~
227 ~~that the voter's legal residence has changed to a location~~
228 ~~outside the state. The form shall also include information on how~~
229 ~~to register in the new state in order to be eligible to vote. The~~
230 ~~form must be returned within 30 days after the date of the~~
231 ~~notice. The completed form shall constitute a request to be~~
232 ~~removed from the statewide voter registration system.~~

590-07901-08

2008866c2

233 ~~2. If the voter has changed his or her address of legal~~
234 ~~residence to a location inside the state, the voter shall set~~
235 ~~forth the updated or corrected address and submit the return form~~
236 ~~within 30 days after the date of the notice. The completed form~~
237 ~~shall constitute a request to update the statewide voter~~
238 ~~registration system with the updated or corrected address~~
239 ~~information.~~

240 ~~3. If the voter has not changed his or her address of legal~~
241 ~~residence as printed on the address confirmation notice, the~~
242 ~~voter shall confirm that his or her address of legal residence~~
243 ~~has not changed and submit the form within 30 days after the date~~
244 ~~of the notice.~~

245 (c) The supervisor must designate as inactive all voters
246 who have been sent an address confirmation final notice and who
247 have not returned the postage prepaid, preaddressed return form
248 within 30 days or for which the final ~~an address confirmation~~
249 notice has been returned as undeliverable. Names on the inactive
250 list may not be used to calculate the number of signatures needed
251 on any petition. A voter on the inactive list may be restored to
252 the active list of voters upon the voter updating his or her
253 registration, requesting an absentee ballot, or appearing to
254 vote. However, if the voter does not update his or her voter
255 registration information, request an absentee ballot, or vote by
256 the second general election after being placed on the inactive
257 list, the voter's name shall be removed from the statewide voter
258 registration system and the voter shall be required to reregister
259 to have his or her name restored to the statewide voter
260 registration system.

261 Section 7. Section 98.0655, Florida Statutes, is created to

590-07901-08

2008866c2

262 read:

263 98.0655 Registration list maintenance forms.--The
264 department shall prescribe registration list maintenance forms to
265 be used by the supervisors which must include:

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

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

269 (b) A request that the voter notify the supervisor if
270 either the voter's name or address of legal residence is
271 incorrect.

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

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

281 (a) If the voter has not changed his or her legal residence
282 or has changed his or her legal residence within the state, the
283 voter should return the form within 30 days after the date on
284 which the notice was sent to the voter.

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

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

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

590-07901-08

2008866c2

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

294 Section 8. Effective July 1, 2008, subsection (3) and
295 paragraph (a) of subsection (7) of section 98.075, Florida
296 Statutes, are amended to read:

297 98.075 Registration records maintenance activities;
298 ineligibility determinations.--

299 (3) DECEASED PERSONS.--The department shall identify those
300 registered voters who are deceased by comparing information on
301 the lists of deceased persons received from the Department of
302 Health as provided in s. 98.093. Upon receipt of such information
303 through the statewide voter registration system, the supervisor
304 shall remove the name of the registered voter. Additionally, the
305 supervisor shall remove the name of a deceased registered voter
306 from the statewide voter registration system upon receipt of a
307 copy of a death certificate issued by a governmental agency
308 authorized to issue death certificates.

309 (7) PROCEDURES FOR REMOVAL.--

310 (a) If the supervisor receives notice or information
311 pursuant to subsections (3)-(6) ~~(4)-(6)~~, the supervisor of the
312 county in which the voter is registered shall:

313 1. Notify the registered voter of his or her potential
314 ineligibility by mail within 7 days after receipt of notice or
315 information. The notice shall include:

316 a. A statement of the basis for the registered voter's
317 potential ineligibility and a copy of any documentation upon
318 which the potential ineligibility is based.

319 b. A statement that failure to respond within 30 days after

590-07901-08

2008866c2

320 receipt of the notice may result in a determination of
321 ineligibility and in removal of the registered voter's name from
322 the statewide voter registration system.

323 c. A return form that requires the registered voter to
324 admit or deny the accuracy of the information underlying the
325 potential ineligibility for purposes of a final determination by
326 the supervisor.

327 d. A statement that, if the voter is denying the accuracy
328 of the information underlying the potential ineligibility, the
329 voter has a right to request a hearing for the purpose of
330 determining eligibility.

331 e. Instructions for the registered voter to contact the
332 supervisor of elections of the county in which the voter is
333 registered if assistance is needed in resolving the matter.

334 f. Instructions for seeking restoration of civil rights
335 following a felony conviction, if applicable.

336 2. If the mailed notice is returned as undeliverable, the
337 supervisor shall publish notice once in a newspaper of general
338 circulation in the county in which the voter was last registered.
339 The notice shall contain the following:

340 a. The voter's name and address.

341 b. A statement that the voter is potentially ineligible to
342 be registered to vote.

343 c. A statement that failure to respond within 30 days after
344 the notice is published may result in a determination of
345 ineligibility by the supervisor and removal of the registered
346 voter's name from the statewide voter registration system.

347 d. An instruction for the voter to contact the supervisor
348 no later than 30 days after the date of the published notice to

590-07901-08

2008866c2

349 receive information regarding the basis for the potential
350 ineligibility and the procedure to resolve the matter.

351 e. An instruction to the voter that, if further assistance
352 is needed, the voter should contact the supervisor of elections
353 of the county in which the voter is registered.

354 3. If a registered voter fails to respond to a notice
355 pursuant to subparagraph 1. or subparagraph 2., the supervisor
356 shall make a final determination of the voter's eligibility. If
357 the supervisor determines that the voter is ineligible, the
358 supervisor shall remove the name of the registered voter from the
359 statewide voter registration system. The supervisor shall notify
360 the registered voter of the supervisor's determination and
361 action.

362 4. If a registered voter responds to the notice pursuant to
363 subparagraph 1. or subparagraph 2. and admits the accuracy of the
364 information underlying the potential ineligibility, the
365 supervisor shall make a final determination of ineligibility and
366 shall remove the voter's name from the statewide voter
367 registration system. The supervisor shall notify the registered
368 voter of the supervisor's determination and action.

369 5. If a registered voter responds to the notice issued
370 pursuant to subparagraph 1. or subparagraph 2. and denies the
371 accuracy of the information underlying the potential
372 ineligibility but does not request a hearing, the supervisor
373 shall review the evidence and make a final determination of
374 eligibility. If such registered voter requests a hearing, the
375 supervisor shall send notice to the registered voter to attend a
376 hearing at a time and place specified in the notice. Upon hearing
377 all evidence presented at the hearing, the supervisor shall make

590-07901-08

2008866c2

378 a determination of eligibility. If the supervisor determines that
379 the registered voter is ineligible, the supervisor shall remove
380 the voter's name from the statewide voter registration system and
381 notify the registered voter of the supervisor's determination and
382 action.

383 Section 9. Effective July 1, 2008, section 98.0981, Florida
384 Statutes, is amended to read:

385 98.0981 Reports; voting history; statewide voter
386 registration system information; precinct-level election results;
387 book closing statistics database.--

388 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
389 INFORMATION.--

390 (a) Within 45 75 days after a general election, or within
391 15 days after all supervisors of elections shall transmit to the
392 department, in a uniform electronic format specified by the
393 department, completely have updated voting voter history
394 information for each qualified voter who voted., whichever occurs
395 later,

396 (b) After receipt of the information in paragraph (a), the
397 department shall prepare send to the President of the Senate, the
398 Speaker of the House of Representatives, the Senate Minority
399 Leader, and the House Minority Leader a report in electronic
400 format which contains the following information, separately
401 compiled for the primary and general election for all voters
402 qualified to vote in either election: of all voter qualified to
403 vote in the election or primary. The report shall include for
404 each voter

405 1. The unique identifier assigned to each qualified voter
406 within the statewide voter registration system the code used by

590-07901-08

2008866c2

407 ~~the department to uniquely identify the voter;~~

408 2. All information provided by each qualified voter on his
409 or her in the uniform statewide voter registration application
410 pursuant to s. 97.052(2), except that which is ~~what is~~
411 ~~specifically identified as confidential or exempt from public~~
412 ~~records requirements;~~

413 3. Each qualified voter's ~~the~~ date of registration;

414 4. Each qualified voter's current state ~~the~~ representative
415 district, state senatorial district, and congressional district,
416 assigned by the supervisor of elections;

417 5. Each qualified voter's current and precinct in which the
418 ~~voter resides; and~~

419 6. Voting history as transmitted under paragraph (a) to
420 include whether the qualified voter voted at a ~~the~~ precinct
421 location, voted during the early voting period ~~by early vote,~~
422 voted by absentee ballot, attempted to vote by absentee ballot
423 that was not counted, attempted to vote by provisional ballot
424 that was not counted, or did not vote.

425 (c) Within 60 days after a general election, the department
426 shall send to the President of the Senate, the Speaker of the
427 House of Representatives, the Senate Minority Leader, and the
428 House Minority Leader a report in electronic format that includes
429 all information set forth in paragraph (b).

430 (2) PRECINCT-LEVEL ELECTION RESULTS.--Within 45 days after
431 the date of a presidential preference primary election, a special
432 election, or a general election, the supervisors of elections
433 shall collect and submit to the department precinct-level
434 election results for the election in a uniform electronic format
435 specified by the department. The precinct-level election results

590-07901-08

2008866c2

436 shall be compiled separately for the primary or special primary
437 election that preceded the general or special general election,
438 respectively. The results shall specifically include for each
439 precinct the aggregate total of all ballots cast for each
440 candidate or nominee to fill a national, state, county, or
441 district office or proposed constitutional amendment. "All
442 ballots cast" means ballots cast by voters who cast a ballot
443 whether at a precinct location, by absentee ballot including
444 overseas absentee ballots, during the early voting period, or by
445 provisional ballot.

446 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.--After the date
447 of book closing but before the date of an election as defined in
448 s. 97.021(10) to fill a national, state, county, or district
449 office, or to vote on a proposed constitutional amendment, the
450 department shall compile the following precinct-level statistical
451 data for each county:

452 (a) Precinct numbers.

453 (b) Total number of active registered voters by party for
454 each precinct.

455 (4) REPORTS PUBLICLY AVAILABLE.--The department shall also
456 make publicly available the reports and results required in
457 subsections (1)-(3).

458 (5) RULEMAKING.--The department shall adopt rules and
459 prescribe forms to carry out the purposes of this section.

460 Section 10. Subsection (2), paragraph (a) of subsection
461 (3), and subsections (6) and (7) of section 99.012, Florida
462 Statutes, are amended to read:

463 99.012 Restrictions on individuals qualifying for public
464 office.--

590-07901-08

2008866c2

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

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

474 (6) This section does not apply to:

475 (a) Political party offices.

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

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

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

481 Section 11. Paragraph (a) of subsection (1) of section
482 99.021, Florida Statutes, is amended to read:

483 99.021 Form of candidate oath.--

484 (1) (a) 1. Each candidate, whether a party candidate, a
485 candidate with no party affiliation, or a write-in candidate, in
486 order to qualify for nomination or election to any office other
487 than a judicial office as defined in chapter 105 or a federal
488 office, shall take and subscribe to an oath or affirmation in
489 writing. A printed copy of the oath or affirmation shall be
490 furnished to the candidate by the officer before whom such
491 candidate seeks to qualify and shall be substantially in the
492 following form:

493

590-07901-08

2008866c2

494 State of Florida

495 County of _____

496 Before me, an officer authorized to administer oaths,
 497 personally appeared (please print name as you wish it to appear
 498 on the ballot) , to me well known, who, being sworn, says that
 499 he or she is a candidate for the office of _____; that he or she
 500 is a qualified elector of _____ County, Florida; that he or she
 501 is qualified under the Constitution and the laws of Florida to
 502 hold the office to which he or she desires to be nominated or
 503 elected; that he or she has taken the oath required by ss.
 504 876.05-876.10, Florida Statutes; that he or she has qualified for
 505 no other public office in the state, the term of which office or
 506 any part thereof runs concurrent with that of the office he or
 507 she seeks; and that he or she has resigned from any office from
 508 which he or she is required to resign pursuant to s. 99.012,
 509 Florida Statutes.

510 (Signature of candidate)

511 (Address)

512

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

515 (Signature and title of officer administering oath)

516

517 2. Each candidate for federal office, whether a party
 518 candidate, a candidate with no party affiliation, or a write-in
 519 candidate, in order to qualify for nomination or election to
 520 office shall take and subscribe to an oath or affirmation in
 521 writing. A printed copy of the oath or affirmation shall be
 522 furnished to the candidate by the officer before whom such

590-07901-08

2008866c2

523 candidate seeks to qualify and shall be substantially in the
524 following form:

525

526 State of Florida

527 County of _____

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

539 (Signature of candidate)

540 (Address)

541

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

544 (Signature and title of officer administering oath)

545

546 Section 12. Section 100.221, Florida Statutes, is amended
547 to read:

548 100.221 General election laws to govern bond
549 referenda.--The laws governing the holding of general elections
550 are applicable to bond referenda, except as provided in ss.
551 100.201-100.351. A county, district, or municipality is not

590-07901-08

2008866c2

552 required to offer early voting for a bond referendum that is not
553 held in conjunction with a county or state election. The places
554 for voting in a bond referendum shall be the same as the places
555 for voting in general elections, when a bond referendum is held
556 in the county or district; however, ~~but~~ when a bond referendum is
557 held in a municipality, the polling places shall be the same as
558 in other municipal elections.

559 Section 13. Section 100.361, Florida Statutes, is amended
560 to read:

561 100.361 Municipal recall.--

562 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member of
563 the governing body of a municipality or charter county,
564 hereinafter referred to in this section as "municipality," may be
565 removed from office by the electors of the municipality. When the
566 official represents a district and is elected only by electors
567 residing in that district, only electors from that district are
568 eligible to sign the petition to recall that official and are
569 entitled to vote in the recall election. When the official
570 represents a district and is elected at-large by the electors of
571 the municipality, all electors of the municipality are eligible
572 to sign the petition to recall that official and are entitled to
573 vote in the recall election. Where used in this section, the term
574 "district" shall be construed to mean the area or region of a
575 municipality from which a member of the governing body is elected
576 by the electors from such area or region. Members may be removed
577 from office pursuant to ~~by~~ the procedures provided in this
578 section. This method of removing members of the governing body of
579 a municipality is in addition to any other method provided by
580 state law. ~~following procedure:~~

590-07901-08

2008866c2

581 (2) RECALL PETITION.--

582 (a) Petition content.--A petition shall contain the name of
583 ~~be prepared naming~~ the person sought to be recalled and
584 ~~containing~~ a statement of grounds for recall. The statement of
585 grounds may not exceed ~~in not more than~~ 200 words and the stated
586 grounds are limited solely to those ~~the grounds~~ specified in
587 paragraph (d) ~~(b)~~. If more than one member of the governing body
588 is sought to be recalled, whether such member is elected by the
589 electors of a district or by the electors of the municipality at-
590 large, a separate recall petition shall be prepared for each
591 member sought to be recalled. Upon request, the content of a
592 petition should be, but is not required to be, provided by the
593 proponent in alternative formats.

594 (b) Requisite signatures.--

595 1. In a municipality or district of fewer than 500
596 electors, the petition shall be signed by at least 50 electors or
597 by 10 percent of the total number of registered electors of the
598 municipality or district as of the preceding municipal election,
599 whichever is greater.

600 2. In a municipality or district of 500 or more but fewer
601 than 2,000 registered electors, the petition shall be signed by
602 at least 100 electors or by 10 percent of the total number of
603 registered electors of the municipality or district as of the
604 preceding municipal election, whichever is greater.

605 3. In a municipality or district of 2,000 or more but fewer
606 than 5,000 registered electors, the petition shall be signed by
607 at least 250 electors or by 10 percent of the total number of
608 registered electors of the municipality or district as of the
609 preceding municipal election, whichever is greater.

590-07901-08

2008866c2

610 4. In a municipality or district of 5,000 or more but fewer
611 than 10,000 registered electors, the petition shall be signed by
612 at least 500 electors or by 10 percent of the total number of
613 registered electors of the municipality or district as of the
614 preceding municipal election, whichever is greater.

615 5. In a municipality or district of 10,000 or more but
616 fewer than 25,000 registered electors, the petition shall be
617 signed by at least 1,000 electors or by 10 percent of the total
618 number of registered electors of the municipality or district as
619 of the preceding municipal election, whichever is greater.

620 6. In a municipality or district of 25,000 or more
621 registered electors, the petition shall be signed by at least
622 1,000 electors or by 5 percent of the total number of registered
623 electors of the municipality or district as of the preceding
624 municipal election, whichever is greater.

625
626 ~~Electors of the municipality or district making charges contained~~
627 ~~in the statement of grounds for recall and those signing the~~
628 ~~recall petition shall be designated as the "committee." A~~
629 ~~specific person shall be designated in the petition as chair of~~
630 ~~the committee to act for the committee. Electors of the~~
631 ~~municipality or district are eligible to sign the petition.~~
632 ~~Signatures and oaths of witnesses shall be executed as provided~~
633 ~~in paragraph (c).~~ All signatures shall be obtained, as provided
634 in paragraph (e), within a period of 30 days, and all signed and
635 dated petition forms ~~the petition~~ shall be filed at the same
636 time, no later than ~~within~~ 30 days after the date on which the
637 first signature is obtained on the petition.

638 (c) Recall committee.--Electors of the municipality or

590-07901-08

2008866c2

639 district making charges contained in the statement of grounds for
640 recall, as well as those signing the recall petition, shall be
641 designated as the recall committee. A specific person shall be
642 designated in the petition as chair of the committee and this
643 person shall act for the committee. The recall committee and the
644 officer being recalled are subject to the provisions of chapter
645 106.

646 (d)~~(b)~~ Grounds for recall.--The grounds for removal of
647 elected municipal officials shall, for the purposes of this act,
648 be limited to the following and must be contained in the
649 petition:

- 650 1. Malfeasance;
- 651 2. Misfeasance;
- 652 3. Neglect of duty;
- 653 4. Drunkenness;
- 654 5. Incompetence;
- 655 6. Permanent inability to perform official duties; and
- 656 7. Conviction of a felony involving moral turpitude.

657 (e)~~(e)~~ Signature process.--Only electors of the
658 municipality or district are eligible to sign the petition. Each
659 elector of the municipality signing a petition shall sign and
660 date his or her name in ink or indelible pencil as registered in
661 the office of the supervisor of elections and shall state on the
662 petition his or her place of residence and voting precinct. Each
663 petition shall contain appropriate lines for each elector's
664 original the signature, printed name, and street address, city,
665 county, voter registration number or date of birth, and date
666 signed. The form shall also contain lines for of the elector and
667 an oath, to be executed by a witness who is to verify thereof,

590-07901-08

2008866c2

668 ~~verifying~~ the fact that the witness saw each person sign the
669 counterpart of the petition, that each signature appearing
670 thereon is the genuine signature of the person it purports to be,
671 and that the petition was signed in the presence of the witness
672 on the date indicated.

673 (f) ~~(d)~~ Filing of signed petitions.--All signed petition
674 forms ~~The petition~~ shall be filed at the same time, no later than
675 30 days after the date on which the first signature is obtained
676 on the petition. ~~with the auditor or clerk of the municipality or~~
677 ~~charter county, or his or her equivalent, hereinafter referred to~~
678 ~~as clerk,~~ by The person designated as chair of the committee
679 shall file the signed petition forms with the auditor or clerk of
680 the municipality or charter county, or his or her equivalent,
681 hereinafter referred to as "clerk." The petition may not be
682 amended after it is filed with the clerk.

683 (g) Verification of signatures.--

684 1. Immediately after the filing of the petition forms, ~~and,~~
685 ~~when the petition is filed,~~ the clerk shall submit such forms
686 ~~petition~~ to the county supervisor of elections. No more than 30
687 days after the date on which all petition forms are submitted to
688 the supervisor by the clerk, the supervisor ~~who~~ shall promptly
689 verify the signatures in accordance with s. 99.097, and ~~within a~~
690 period of not more than 30 days after the petition is filed with
691 the supervisor, determine whether the requisite number of valid
692 signatures has been obtained for the petition ~~contains the~~
693 required valid signatures. The committee seeking verification of
694 the signatures shall pay in advance to the supervisor the sum of
695 10 cents for each signature checked or the actual cost of
696 checking such signatures, whichever is less. ~~The petition cannot~~

590-07901-08

2008866c2

697 ~~be amended after it is filed with the clerk. The supervisor shall~~
698 ~~be paid by the persons or committee seeking verification the sum~~
699 ~~of 10 cents for each name checked.~~

700 2. Upon filing with the clerk, the petition and all
701 subsequent papers or forms required or permitted to be filed with
702 the clerk in connection with this section must, upon request, be
703 made available in alternative formats by the clerk.

704 3.(e) If the supervisor determines ~~it is determined~~ that
705 the petition does not contain the requisite number of verified
706 and valid ~~required~~ signatures, the clerk shall, upon receipt of
707 such written determination, so certify to the governing body of
708 the municipality or charter county and file the petition without
709 taking further action, and the matter shall be at an end. No
710 additional names may be added to the petition, and the petition
711 shall not be used in any other proceeding.

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

716 (3) RECALL PETITION AND DEFENSE.--

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

723 (b) Content and preparation.--Within 5 days after the date
724 of receipt of the defensive statement or after the last date a
725 defensive statement could have been filed, the clerk shall~~7~~

590-07901-08

2008866c2

726 ~~within 5 days,~~ prepare a document entitled "Recall Petition and
727 Defense." The "Recall Petition and Defense" shall consist
728 ~~sufficient number of typewritten, printed, or mimeographed copies~~
729 ~~of the recall petition,~~ including copies of the originally signed
730 petitions and counterparts. The "Recall Petition and Defense"
731 must contain lines which conform to the provisions of paragraph
732 (2) (e), and the ~~and~~ defensive statement or, if no defensive
733 statement has been filed, a statement to that effect. The clerk
734 shall make copies of the "Recall Petition and Defense" which are
735 sufficient to carry the signatures of 30 percent of the
736 registered electors. Immediately after preparing and making
737 sufficient copies of the "Recall Petition and Defense," the clerk
738 shall as well as the names, addresses, and oaths on the original
739 petition, and deliver the copies them to the person who has been
740 designated as chair of the committee and take his or her receipt
741 therefor. Such prepared copies shall be entitled "Recall Petition
742 and Defense" and shall contain lines and spaces for signatures
743 and printed names of registered electors, place of residence,
744 election precinct number, and date of signing, together with
745 oaths to be executed by the witnesses which conform to the
746 provisions of paragraph (c). The clerk shall deliver forms
747 ~~sufficient to carry the signatures of 30 percent of the~~
748 ~~registered electors.~~

749 (c)(g) Requisite signatures.--Upon receipt of the "recall
750 petition and defense," the committee may circulate them to obtain
751 the signatures of 15 percent of the electors. All signatures
752 shall be obtained and all signed petition forms filed with the
753 clerk no later than 60 days after delivery of the "Recall
754 Petition and Defense" to the chair of the committee. Any elector

590-07901-08

2008866c2

755 ~~who signs a recall petition shall have the right to demand in~~
756 ~~writing that his or her name be stricken from the petition. A~~
757 ~~written demand signed by the elector shall be filed with the~~
758 ~~clerk and upon receipt of the demand the clerk shall strike the~~
759 ~~name of the elector from the petition and place his or her~~
760 ~~initials to the side of the signature stricken. However, no~~
761 ~~signature may be stricken after the clerk has delivered the~~
762 ~~"Recall Petition and Defense" to the supervisor of elections for~~
763 ~~verification.~~

764 (d) (h) Signed petitions; request for striking name.--Within
765 60 days after delivery of the "Recall Petition and Defense" to
766 the chair, the chair shall file with the clerk the "Recall
767 Petition and Defense" which bears the signatures of electors. The
768 clerk shall assemble all signed petitions, check to see that each
769 petition is properly verified by the oath of a witness, and
770 submit such petitions to the county supervisor of elections. Any
771 elector who signs a recall petition has the right to demand in
772 writing that his or her name be stricken from the petition. A
773 written demand signed by the elector shall be filed with the
774 clerk and upon receipt of the demand, the clerk shall strike the
775 name of the elector from the petition and place his or her
776 initials to the side of the signature stricken. However, a
777 signature may not be stricken after the clerk has delivered the
778 "Recall Petition and Defense" to the supervisor for verification
779 of the signatures.

780 (e) Verification of signatures.--Within 30 days after
781 receipt of the signed "Recall Petition and Defense," the
782 supervisor, who shall determine the number of valid signatures,
783 purge the names withdrawn, and certify within 30 days whether 15

590-07901-08

2008866c2

784 percent of the qualified electors of the municipality have signed
785 the petitions, ~~and report his or her findings to the governing~~
786 ~~body.~~ The supervisor shall be paid by the persons or committee
787 seeking verification the sum of 10 cents for each name checked.

788 (f)(i) Reporting.--If the supervisor determines that the
789 requisite number of signatures has not been obtained ~~petitions do~~
790 ~~not contain the required signatures,~~ the clerk shall, upon
791 receipt of such written determination, certify ~~report~~ such
792 determination ~~fact~~ to the governing body and retain ~~file~~ the
793 petitions. 7 The proceedings shall be terminated, and the
794 petitions shall not again be used. If the supervisor determines
795 that signatures do amount to at least 15 percent of the qualified
796 electors signed the petition, the clerk shall, immediately upon
797 receipt of such written determination, serve notice of that
798 determination ~~fact~~ upon the person sought to be recalled and
799 deliver to the governing body a certificate as to the percentage
800 of qualified electors ~~voters~~ who signed.

801 (4)(2) RECALL ELECTION.--If the person designated in the
802 petition files with the clerk, within 5 days after the last-
803 mentioned notice, his or her written resignation, the clerk shall
804 at once notify the governing body of that fact, and the
805 resignation shall be irrevocable. The governing body shall then
806 proceed to fill the vacancy according to the provisions of the
807 appropriate law. In the absence of a resignation, the chief judge
808 of the judicial circuit in which the municipality is located
809 shall fix a day for holding a recall election for the removal of
810 those not resigning. Any such election shall be held not less
811 than 30 days or more than 60 days after the expiration of the 5-
812 day period last-mentioned and at the same time as any other

590-07901-08

2008866c2

813 | general or special election held within the period; but if no
814 | such election is to be held within that period, the judge shall
815 | call a special recall election to be held within the period
816 | aforesaid.

817 | (5)~~(3)~~ BALLOTS.--The ballots at the recall election shall
818 | conform to the following: With respect to each person whose
819 | removal is sought, the question shall be submitted: "Shall _____
820 | be removed from the office of _____ by recall?" Immediately
821 | following each question there shall be printed on the ballots the
822 | two propositions in the order here set forth:

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

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

825 | (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

826 | (a) If an election is held for the recall of members
827 | elected only at-large, candidates to succeed them for the
828 | unexpired terms shall be voted upon at the same election and
829 | shall be elected in the same manner as provided by the
830 | appropriate law for the election of candidates at general
831 | elections. Candidates shall not be elected to succeed any
832 | particular member. If only one member is removed, the candidate
833 | receiving the highest number of votes shall be declared elected
834 | to fill the vacancy. If more than one member is removed,
835 | candidates equal in number to the number of members removed shall
836 | be declared elected to fill the vacancies; and, among the
837 | successful candidates, those receiving the greatest number of
838 | votes shall be declared elected for the longest terms. Cases of
839 | ties, and all other matters not herein specially provided for,
840 | shall be determined by the rules governing elections generally.

841 | (b) If an election is held for the recall of members

590-07901-08

2008866c2

842 | elected only from districts, candidates to succeed them for the
843 | unexpired terms shall be voted upon at a special election called
844 | by the chief judge of the judicial circuit in which the districts
845 | are located not less than 30 days or more than 60 days after the
846 | expiration of the recall election. The qualifying period, for
847 | purposes of this section, shall be established by the chief judge
848 | of the judicial circuit after consultation with the clerk. Any
849 | candidate seeking election to fill the unexpired term of a
850 | recalled district municipal official shall reside in the district
851 | represented by the recalled official and qualify for office in
852 | the manner required by law. Each candidate receiving the highest
853 | number of votes for each office in the special district recall
854 | election shall be declared elected to fill the unexpired term of
855 | the recalled official. Candidates seeking election to fill a
856 | vacancy created by the removal of a municipal official shall be
857 | subject to the provisions of chapter 106.

858 | (c) When an election is held for the recall of members of
859 | the governing body composed of both members elected at-large and
860 | from districts, candidates to succeed them for the unexpired
861 | terms shall be voted upon at a special election as provided in
862 | paragraph (b).

863 | (d) However, in any recall election held pursuant to
864 | paragraph (b) or paragraph (c), if only one member is voted to be
865 | removed from office, the vacancy created by the recall shall be
866 | filled by the governing body according to the provisions of the
867 | appropriate law for filling vacancies.

868 | (7) ~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the
869 | governing body being recalled resigns from office prior to the
870 | recall election, the remaining members shall fill the vacancy

590-07901-08

2008866c2

871 created according to the appropriate law for filling vacancies.
872 If all of the members of the governing body are sought to be
873 recalled and all of the members resign prior to the recall
874 election, the recall election shall be canceled, and a special
875 election shall be called to fill the unexpired terms of the
876 resigning members. If all of the members of the governing body
877 are sought to be recalled and any of the members resign prior to
878 the recall election, the proceedings for the recall of members
879 not resigning and the election of successors to fill the
880 unexpired terms shall continue and have the same effect as though
881 there had been no resignation.

882 (8) ~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall
883 any member of the governing body of a municipality shall be filed
884 until the member has served one-fourth of his or her term of
885 office. No person removed by a recall, or resigning after a
886 petition has been filed against him or her, shall be eligible to
887 be appointed to the governing body within a period of 2 years
888 after the date of such recall or resignation.

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

895 (10) ~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall
896 impersonate another, purposely write his or her name or residence
897 falsely in the signing of any petition for recall or forge any
898 name thereto, or sign any paper with knowledge that he or she is
899 not a qualified elector of the municipality. ~~No expenditures for~~

590-07901-08

2008866c2

900 ~~campaigning for or against an officer being recalled shall be~~
901 ~~made until the date on which the recall election is to be held is~~
902 ~~publicly announced. The committee and the officer being recalled~~
903 ~~shall be subject to chapter 106.~~ No person shall employ or pay
904 another to accept employment or payment for circulating or
905 witnessing a recall petition. Any person violating any of the
906 provisions of this section commits ~~shall be deemed guilty of a~~
907 misdemeanor of the second degree and shall, upon conviction, be
908 punished as provided by law.

909 (11)~~(8)~~ INTENT.--It is the intent of the Legislature that
910 the recall procedures provided in this act shall be uniform
911 statewide. Therefore, all municipal charter and special law
912 provisions which are contrary to the provisions of this act are
913 hereby repealed to the extent of this conflict.

914 (12)~~(9)~~ PROVISIONS APPLICABLE.--The provisions of this act
915 shall apply to cities and charter counties whether or not they
916 have adopted recall provisions.

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

920 100.371 Initiatives; procedure for placement on ballot.--

921 (3) An initiative petition form circulated for signature
922 may not be bundled with or attached to any other petition. Each
923 signature shall be dated when made and shall be valid for a
924 period of 4 years following such date, provided all other
925 requirements of law are met. The sponsor shall submit signed and
926 dated forms to the appropriate supervisor of elections for
927 verification as to the number of registered electors whose valid
928 signatures appear thereon. The supervisor shall promptly verify

590-07901-08

2008866c2

929 | the signatures within 30 days of receipt of the petition forms
930 | and payment of the fee required by s. 99.097. The supervisor
931 | shall promptly record ~~in the statewide voter registration system,~~
932 | in the manner prescribed by the Secretary of State, the date each
933 | form is received by the supervisor, and the date the signature on
934 | the form is verified as valid. The supervisor may verify that the
935 | signature on a form is valid only if:

936 | (a) The form contains the original signature of the
937 | purported elector.

938 | (b) The purported elector has accurately recorded on the
939 | form the date on which he or she signed the form.

940 | (c) The form accurately sets forth the purported elector's
941 | name, street address, county, and voter registration number or
942 | date of birth.

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

946 |

947 | The supervisor shall retain the signature forms for at least 1
948 | year following the election in which the issue appeared on the
949 | ballot or until the Division of Elections notifies the
950 | supervisors of elections that the committee which circulated the
951 | petition is no longer seeking to obtain ballot position.

952 | (4) The Secretary of State shall determine from the
953 | signatures verified by the supervisors of elections ~~and recorded~~
954 | ~~in the statewide voter registration system~~ the total number of
955 | verified valid signatures and the distribution of such signatures
956 | by congressional districts. Upon a determination that the
957 | requisite number and distribution of valid signatures have been

590-07901-08

2008866c2

958 | obtained, the secretary shall issue a certificate of ballot
959 | position for that proposed amendment and shall assign a
960 | designating number pursuant to s. 101.161.

961 | (6) (a) An elector's signature on a petition form may be
962 | revoked within 150 days of the date on which he or she signed the
963 | petition form by submitting to the appropriate supervisor of
964 | elections a signed petition-revocation form ~~adopted by rule for~~
965 | ~~this purpose by the division.~~

966 | (b) The petition-revocation form and the manner in which
967 | signatures are obtained, submitted, and verified shall be subject
968 | to the same relevant requirements and timeframes as the
969 | corresponding petition form and processes under this code and
970 | shall be approved by the Secretary of State before any signature
971 | on a petition-revocation form is obtained.

972 | (c) In those circumstances in which a petition-revocation
973 | form for a corresponding initiative petition has not been
974 | submitted and approved, an elector may complete and submit a
975 | standard petition-revocation form directly to the supervisor of
976 | elections. All other requirements and processes apply for the
977 | submission and verification of the signatures as for initiative
978 | petitions.

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

981 | (e) ~~(d)~~ The petition-revocation form shall be filed with the
982 | supervisor of elections by February 1 preceding the next general
983 | election or, if the initiative amendment is not certified for
984 | ballot position in that election, by February 1 preceding the
985 | next successive general election. The supervisor of elections
986 | shall promptly verify the signature on the petition-revocation

590-07901-08

2008866c2

987 | form and process such revocation upon payment, in advance, of a
988 | fee of 10 cents or the actual cost of verifying such signature,
989 | whichever is less. The supervisor shall promptly record each
990 | valid and verified signature on a petition-revocation form ~~in the~~
991 | ~~statewide voter registration system~~ in the manner prescribed by
992 | the Secretary of State.

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

995 | Section 15. Section 101.041, Florida Statutes, is amended
996 | to read:

997 | 101.041 Secret voting.--In all elections held on any
998 | subject which may be submitted to a vote, and for all or any
999 | state, county, district, or municipal officers, the voting shall
1000 | be by secret, official ballot ~~printed and distributed~~ as provided
1001 | by this code, and no vote shall be received or counted in any
1002 | election, except as prescribed by this code.

1003 | Section 16. Section 101.045, Florida Statutes, is amended
1004 | to read:

1005 | 101.045 Electors must be registered in precinct; provisions
1006 | for change of residence or name ~~change~~--

1007 | (1) No person shall be permitted to vote in any election
1008 | precinct or district other than the one in which the person has
1009 | his or her legal residence and in which the person is registered.
1010 | However, a person temporarily residing outside the county shall
1011 | be registered in the precinct in which the main office of the
1012 | supervisor, as designated by the supervisor, is located when the
1013 | person has no permanent address in the county and it is the
1014 | person's intention to remain a resident of Florida and of the
1015 | county in which he or she is registered to vote. Such persons who

590-07901-08

2008866c2

1016 are registered in the precinct in which the main office of the
1017 supervisor, as designated by the supervisor, is located and who
1018 are residing outside the county with no permanent address in the
1019 county shall not be registered electors of a municipality and
1020 therefore shall not be permitted to vote in any municipal
1021 election.

1022 (2) (a) An elector who moves from the precinct in which the
1023 elector is registered may be permitted to vote in the precinct to
1024 which he or she has moved his or her legal residence, provided
1025 such elector completes an affirmation in substantially the
1026 following form:

1027
1028 Change of Legal Residence of Registered
1029 Voter

1030
1031 Under penalties for false swearing, I, (Name of voter) , swear
1032 (or affirm) that the former address of my legal residence was
1033 (Address of legal residence) in the municipality of _____, in
1034 _____ County, Florida, and I was registered to vote in the _____
1035 precinct of _____ County, Florida; that I have not voted in the
1036 precinct of my former registration in this election; that I now
1037 reside at (Address of legal residence) in the Municipality of
1038 _____, in _____ County, Florida, and am therefore eligible to
1039 vote in the _____ precinct of _____ County, Florida; and I
1040 further swear (or affirm) that I am otherwise legally registered
1041 and entitled to vote.

1042
1043 (Signature of voter whose address of legal residence has
1044 changed)

590-07901-08

2008866c2

1045 (b) An elector whose name changes because of marriage or
1046 other legal process may be permitted to vote, provided such
1047 elector completes an affirmation in substantially the following
1048 form:

1049
1050 Change of Name of Registered
1051 Voter

1052
1053 Under penalties for false swearing, I, (New name of voter) ,
1054 swear (or affirm) that my name has been changed because of
1055 marriage or other legal process. My former name and address of
1056 legal residence appear on the registration records of precinct
1057 _____ as follows:

1058 Name

1059 Address

1060 Municipality

1061 County

1062 Florida, Zip

1063 My present name and address of legal residence are as follows:

1064 Name

1065 Address

1066 Municipality

1067 County

1068 Florida, Zip

1069 and I further swear (or affirm) that I am otherwise legally
1070 registered and entitled to vote.

1071

1072 (Signature of voter whose name has changed)

1073 (c) Instead of the affirmation contained in paragraph (a)

590-07901-08

2008866c2

1074 or paragraph (b), an elector may complete a voter registration
1075 application that indicates the change of name or change of
1076 address of legal residence.

1077 (d) Such affirmation or application, when completed and
1078 presented at the precinct in which such elector is entitled to
1079 vote, and upon verification of the elector's registration, shall
1080 entitle such elector to vote as provided in this subsection. If
1081 the elector's eligibility to vote cannot be determined, he or she
1082 shall be entitled to vote a provisional ballot, subject to the
1083 requirements and procedures in s. 101.048. Upon receipt of an
1084 affirmation or application certifying a change in address of
1085 legal residence or name, the supervisor shall as soon as
1086 practicable make the necessary changes in the statewide voter
1087 registration system to indicate the change in address of legal
1088 residence or name of such elector.

1089 ~~(d) Instead of the affirmation contained in paragraph (a)~~
1090 ~~or paragraph (b), an elector may complete a voter registration~~
1091 ~~application that indicates the change of name or change of~~
1092 ~~address of legal residence.~~

1093 Section 17. Section 101.111, Florida Statutes, is amended
1094 to read:

1095 101.111 Person desiring to vote may be challenged;
1096 challenger to execute oath; oath of person challenged;
1097 determination of challenge.--

1098 (1)(a) Any registered elector or poll watcher of a county
1099 may challenge the right of a person to vote in that county. ~~When~~
1100 ~~the right to vote of any person who desires to vote is challenged~~
1101 ~~by any elector or poll watcher, The challenge must be in shall be~~
1102 ~~reduced to writing and contain the following oath with an oath as~~

590-07901-08

2008866c2

1103 ~~provided in this section, giving reasons for the challenge, which~~
 1104 ~~shall be delivered to the clerk or inspector. Any elector or poll~~
 1105 ~~watcher challenging the right of a person to vote shall execute~~
 1106 ~~the oath set forth below:~~

1107

1108 OATH OF PERSON ENTERING CHALLENGE

1109

1110 State of Florida

1111 County of _____

1112

1113 I do solemnly swear or affirm that my name is _____; that I am a
 1114 member of the _____ Party; that I am a registered voter or
 1115 pollwatcher; that my residence address is _____, in the
 1116 municipality of _____; and that I have reason to believe that
 1117 _____ is attempting to vote illegally and the reasons for my
 1118 belief are set forth herein to wit:

1119 (Signature of person challenging voter)

1120

1121 Sworn and subscribed to before me this _____ day of _____,
 1122 (year) .

1123 (Clerk of election)

1124 (b)(2) The clerk or inspector shall immediately deliver to
 1125 the challenged person a copy of the oath of the person entering
 1126 the challenge, and the challenged voter shall be allowed to cast
 1127 a provisional ballot in accordance with s. 101.048.

1128 (c)(3) Alternatively, a challenge in accordance with this
 1129 section may be filed in advance with the supervisor of elections
 1130 no ~~Any elector or poll watcher may challenge the right of any~~
 1131 ~~voter to vote not~~ sooner than 30 days before an election ~~by~~

590-07901-08

2008866c2

1132 ~~filing a completed copy of the oath contained in subsection (1)~~
1133 ~~to the supervisor of election's office. The supervisor shall~~
1134 ~~promptly provide the election board in the challenged voter's~~
1135 ~~precinct with a copy of the oath of the person entering the~~
1136 ~~challenge. The challenged voter shall be allowed ~~permitted~~ to~~
1137 ~~cast a provisional ballot in accordance with s. 101.048.~~

1138 ~~(2)~~~~(4)~~ Any elector or poll watcher filing a frivolous
1139 challenge of any person's right to vote commits a misdemeanor of
1140 the first degree, punishable as provided in s. 775.082 or s.
1141 775.083; however, electors or poll watchers shall not be subject
1142 to liability for any action taken in good faith and in
1143 furtherance of any activity or duty permitted of such electors or
1144 poll watchers by law. Each instance where any elector or poll
1145 watcher files a frivolous challenge of any person's right to vote
1146 constitutes a separate offense.

1147 Section 18. Section 101.23, Florida Statutes, is amended to
1148 read:

1149 101.23 Election inspector to keep list of those voting.--

1150 ~~(1)~~ When any person has been admitted to vote, the person's
1151 name shall be checked by the clerk or one of the inspectors at
1152 the place indicated upon the registration books or voter history
1153 form provided by the supervisor. One of the inspectors shall, at
1154 the same time, keep a poll list containing names of electors who
1155 have voted or a list of registered electors, on which those
1156 electors who have voted are indicated. Such lists shall be
1157 available for inspection during regular voting hours by poll
1158 watchers designated and appointed pursuant to s. 101.131, except
1159 that the election inspector may regulate access to the lists so
1160 as to ensure that such inspection does not unreasonably interfere

590-07901-08

2008866c2

1161 with the orderly operation of the polling place.

1162 ~~(2) The inspectors shall prevent any person from voting a~~
1163 ~~second time when they have reason to believe that the person has~~
1164 ~~voted. They shall refuse to allow any person to vote who is not a~~
1165 ~~qualified elector or who has become disqualified to vote in the~~
1166 ~~precinct, and may prevent any elector from consuming more than 5~~
1167 ~~minutes in voting.~~

1168 Section 19. Effective July 1, 2008, subsection (1) of
1169 section 101.51, Florida Statutes, is amended to read:

1170 101.51 Electors to occupy booth alone.--

1171 (1) When the elector presents himself or herself to vote,
1172 an ~~the~~ election official shall ascertain whether the elector's
1173 name is upon the register of electors, and, if the elector's name
1174 appears and no challenge interposes, or, if interposed, be not
1175 sustained, one of the election official officials stationed at
1176 the entrance shall announce the name of the elector and permit
1177 the elector ~~him or her~~ to enter the booth or compartment to cast
1178 his or her vote, allowing only one elector at a time to pass
1179 through to vote. An elector, while casting his or her ballot, may
1180 not occupy a booth or compartment already occupied or speak with
1181 anyone, except as provided by s. 101.051.

1182 Section 20. Effective July 1, 2008, paragraph (a) of
1183 subsection (2) of section 101.5608, Florida Statutes, is amended
1184 to read:

1185 101.5608 Voting by electronic or electromechanical method;
1186 procedures.--

1187 (2) When an electronic or electromechanical voting system
1188 utilizes a ballot card or marksense ballot, the following
1189 procedures shall be followed:

590-07901-08

2008866c2

1190 (a) After receiving a ballot from an inspector, the elector
1191 shall, without leaving the polling place, retire to a booth or
1192 compartment and mark the ballot. After marking ~~preparing~~ his or
1193 her ballot, the elector shall place the ballot in a secrecy
1194 envelope ~~with the stub exposed or shall fold over that portion on~~
1195 ~~which write-in votes may be cast, as instructed,~~ so that the
1196 ballot will be deposited in the tabulator ~~ballot box~~ without
1197 exposing the voter's choices. ~~Before the ballot is deposited in~~
1198 ~~the ballot box, the inspector shall detach the exposed stub and~~
1199 ~~place it in a separate envelope for audit purposes; when a fold-~~
1200 ~~over ballot is used, the entire ballot shall be placed in the~~
1201 ~~ballot box.~~

1202 Section 21. Effective July 1, 2008, section 101.573,
1203 Florida Statutes, is repealed.

1204 Section 22. Effective July 1, 2008, subsection (2) of
1205 section 101.6102, Florida Statutes, is amended to read:

1206 101.6102 Mail ballot elections; limitations.--

1207 (2) Except as provided in s. 101.733(1), the following
1208 elections may not be conducted by mail ballot:

1209 (a) An election at which any candidate is nominated,
1210 elected, retained, or recalled; or

1211 (b) An election held on the same date as another election,
1212 other than a mail ballot election, in which the qualified
1213 electors of that political subdivision are eligible to cast
1214 ballots.

1215 Section 23. Subsection (2) of section 101.6923, Florida
1216 Statutes, is amended to read:

1217 101.6923 Special absentee ballot instructions for certain
1218 first-time voters.--

590-07901-08

2008866c2

1219 (2) A voter covered by this section shall be provided with
1220 printed instructions with his or her absentee ballot in
1221 substantially the following form:

1222

1223

1224 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.

1225 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
1226 COUNT.

1227

1228 1. In order to ensure that your absentee ballot will be
1229 counted, it should be completed and returned as soon as possible
1230 so that it can reach the supervisor of elections of the county in
1231 which your precinct is located no later than 7 p.m. on the date
1232 of the election.

1233 2. Mark your ballot in secret as instructed on the ballot.
1234 You must mark your own ballot unless you are unable to do so
1235 because of blindness, disability, or inability to read or write.

1236 3. Mark only the number of candidates or issue choices for
1237 a race as indicated on the ballot. If you are allowed to "Vote
1238 for One" candidate and you vote for more than one, your vote in
1239 that race will not be counted.

1240 4. Place your marked ballot in the enclosed secrecy
1241 envelope and seal the envelope.

1242 5. Insert the secrecy envelope into the enclosed envelope
1243 bearing the Voter's Certificate. Seal the envelope and completely
1244 fill out the Voter's Certificate on the back of the envelope.

1245 a. You must sign your name on the line above (Voter's
1246 Signature).

1247 b. If you are an overseas voter, you must include the date

590-07901-08

2008866c2

1248 | you signed the Voter's Certificate on the line above (Date) or
1249 | your ballot may not be counted.

1250 | 6. Unless you meet one of the exemptions in Item 7., you
1251 | must make a copy of one of the following forms of identification:

1252 | a. Identification which must include your name and
1253 | photograph: United States passport; ~~employee badge or~~
1254 | ~~identification; buyer's club identification card;~~ debit or credit
1255 | card; military identification; student identification; retirement
1256 | center identification; neighborhood association identification;
1257 | or public assistance identification; or

1258 | b. Identification which shows your name and current
1259 | residence address: current utility bill, bank statement,
1260 | government check, paycheck, or government document (excluding
1261 | voter identification card).

1262 | 7. The identification requirements of Item 6. do not apply
1263 | if you meet one of the following requirements:

1264 | a. You are 65 years of age or older.

1265 | b. You have a temporary or permanent physical disability.

1266 | c. You are a member of a uniformed service on active duty
1267 | who, by reason of such active duty, will be absent from the
1268 | county on election day.

1269 | d. You are a member of the Merchant Marine who, by reason
1270 | of service in the Merchant Marine, will be absent from the county
1271 | on election day.

1272 | e. You are the spouse or dependent of a member referred to
1273 | in paragraph c. or paragraph d. who, by reason of the active duty
1274 | or service of the member, will be absent from the county on
1275 | election day.

1276 | f. You are currently residing outside the United States.

590-07901-08

2008866c2

1277 8. Place the envelope bearing the Voter's Certificate into
1278 the mailing envelope addressed to the supervisor. Insert a copy
1279 of your identification in the mailing envelope. DO NOT PUT YOUR
1280 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1281 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1282 BALLOT WILL NOT COUNT.

1283 9. Mail, deliver, or have delivered the completed mailing
1284 envelope. Be sure there is sufficient postage if mailed.

1285 10. FELONY NOTICE. It is a felony under Florida law to
1286 accept any gift, payment, or gratuity in exchange for your vote
1287 for a candidate. It is also a felony under Florida law to vote in
1288 an election using a false identity or false address, or under any
1289 other circumstances making your ballot false or fraudulent.

1290 Section 24. Effective July 1, 2008, section 101.733,
1291 Florida Statutes, is amended to read:

1292 101.733 Election emergency; purpose; elections emergency
1293 contingency plan.--Because of the existing and continuing
1294 possibility of an emergency or common disaster occurring before
1295 or during a regularly scheduled or special election, and in order
1296 to ensure maximum citizen participation in the electoral process
1297 and provide a safe and orderly procedure for persons seeking to
1298 exercise their right to vote, generally to minimize to whatever
1299 degree possible a person's exposure to danger during declared
1300 states of emergency, and to protect the integrity of the
1301 electoral process, it is hereby found and declared to be
1302 necessary to designate a procedure for the emergency suspension
1303 or delay and rescheduling of elections.

1304 (1) The Governor may, upon issuance of an executive order
1305 declaring a state of emergency or impending emergency, suspend

590-07901-08

2008866c2

1306 any election, or delay any election, or call for a mail ballot
1307 election. The Governor may take such action independently or at
1308 the request of the Secretary of State, a supervisor of elections
1309 from a county affected by the emergency circumstances, or a
1310 municipal clerk from a municipality affected by the emergency
1311 circumstances.

1312 (2) The Governor, upon consultation with the Secretary of
1313 State, shall reschedule any election suspended or delayed due to
1314 an emergency. The election shall be held within 10 days after the
1315 date of the suspended or delayed election or as soon thereafter
1316 as is practicable. Notice of the election shall be provided in
1317 any reasonable manner to include, where practicable, publication
1318 ~~published~~ at least once in a newspaper of general circulation in
1319 the affected area and, ~~where practicable,~~ broadcast as a public
1320 service announcement on radio and television stations at least 1
1321 week prior to the date the election is to be held.

1322 (3) The Division of Elections of the Department of State
1323 shall adopt, by rule, an elections emergency contingency plan,
1324 which shall contain goals and policies that give specific
1325 direction to state and local elections officials when an election
1326 has been suspended, an election has been or delayed, or a mail
1327 ballot election has been called due to an emergency. The
1328 contingency plan shall be statewide in scope and shall address,
1329 but not be limited to, the following concerns:

1330 (a) Providing a procedure and timelines for state and local
1331 elections officials to follow when an election has been suspended
1332 or delayed or a mail ballot election has been called to ensure
1333 notice of the suspended, delayed, or mail ballot election
1334 ~~suspension or delay~~ to the proper authorities, the electorate,

590-07901-08

2008866c2

1335 the communications media, poll workers, and the custodians of
1336 polling places.

1337 (b) Providing a procedure for the orderly conduct of a
1338 rescheduled election or a mail ballot election, whether
1339 municipal, county, district, or statewide in scope; coordinating
1340 those efforts with the appropriate elections official, and the
1341 members of the governing body holding such election, if
1342 appropriate; and working with the appropriate emergency
1343 management officials in determining the safety of existing
1344 polling places or designating additional polling places.

1345 (c) Providing a procedure for the release and certification
1346 of election returns to the department for elections suspended or
1347 delayed and subsequently rescheduled or for mail ballot elections
1348 under the provisions of ss. 101.731-101.74.

1349 Section 25. Effective July 1, 2008, subsection (3) of
1350 section 101.75, Florida Statutes, is amended to read:

1351 101.75 Municipal elections; change of dates for cause.--

1352 (3) Notwithstanding any provision of local law or municipal
1353 charter, ~~for any municipality whose election is scheduled to be~~
1354 ~~held in March 2008,~~ the governing body of a ~~the~~ municipality,
1355 ~~notwithstanding any municipal charter provision,~~ may, by
1356 ordinance, move the date of any ~~the general~~ municipal election in
1357 ~~2008 and in each subsequent year that is a multiple of 4 to a~~ the
1358 date concurrent with any statewide or countywide election ~~the~~
1359 ~~presidential preference primary~~. The dates for qualifying for the
1360 ~~general municipal~~ election moved by the passage of such ~~an~~
1361 ordinance shall be specifically provided for in the ordinance and
1362 shall run for no less than 14 days. The term of office for any
1363 elected municipal official shall commence as provided by the

590-07901-08

2008866c2

1364 relevant municipal charter or ordinance, ~~and the term of office~~
1365 ~~for any elected municipal official whose term was due to expire~~
1366 ~~in March 2008 shall expire as provided by the relevant municipal~~
1367 ~~charter or ordinance.~~

1368 Section 26. Effective July 1, 2008, subsection (7) of
1369 section 102.014, Florida Statutes, is amended to read:

1370 102.014 Poll worker recruitment and training.--

1371 (7) The Department of State shall develop a mandatory,
1372 statewide, and uniform program for training poll workers on
1373 issues of etiquette and sensitivity with respect to voters having
1374 a disability. ~~The program must consist of approximately 1 hour of~~
1375 ~~the required number of hours set forth in paragraph (4) (a).~~ The
1376 program must be conducted locally by each supervisor of
1377 elections, and ~~who shall periodically certify to the Department~~
1378 ~~of State whether~~ each poll worker must complete ~~has completed~~ the
1379 program before working during the current election cycle. The
1380 supervisor of elections shall contract with a recognized
1381 disability-related organization, such as a center for independent
1382 living, family network on disabilities, deaf service bureau, or
1383 other such organization, to develop and assist with training the
1384 trainers in the disability sensitivity programs. The program must
1385 include actual demonstrations of obstacles confronted by disabled
1386 persons during the voting process, including obtaining access to
1387 the polling place, traveling through the polling area, and using
1388 the voting system.

1389 Section 27. Effective July 1, 2008, paragraph (b) of
1390 subsection (4) of section 102.031, Florida Statutes, is amended
1391 to read:

1392 102.031 Maintenance of good order at polls; authorities;

590-07901-08

2008866c2

1393 persons allowed in polling rooms and early voting areas; unlawful
1394 solicitation of voters.--

1395 (4)

1396 (b) For the purpose of this subsection, the terms ~~term~~
1397 "solicit" or "solicitation" shall include, but not be limited to,
1398 seeking or attempting to seek any vote, fact, opinion, or
1399 contribution; distributing or attempting to distribute any
1400 political or campaign material, leaflet, or handout; conducting a
1401 poll except as specified in this paragraph; seeking or attempting
1402 to seek a signature on any petition; and selling or attempting to
1403 sell any item. The terms "solicit" or "solicitation" shall not be
1404 construed to prohibit exit polling.

1405 Section 28. Effective July 1, 2008, subsection (1) of
1406 section 102.112, Florida Statutes, is amended to read:

1407 102.112 Deadline for submission of county returns to the
1408 Department of State.--

1409 (1) The county canvassing board or a majority thereof shall
1410 file the county returns for the election of a federal or state
1411 officer with the Department of State immediately after
1412 certification of the election results. The returns must contain a
1413 certification by the canvassing board that the board has compared
1414 ~~reconciled~~ the number of persons who voted with the number of
1415 ballots counted and that the certification includes all valid
1416 votes cast in the election.

1417 Section 29. Subsection (2) of section 103.101, Florida
1418 Statutes, is amended to read:

1419 103.101 Presidential preference primary.--

1420 (2) (a) There shall be a Presidential Candidate Selection
1421 Committee composed of the Secretary of State, who shall be a

590-07901-08

2008866c2

1422 nonvoting chair; the Speaker of the House of Representatives; the
1423 President of the Senate; the minority leader of each house of the
1424 Legislature; and the chair of each political party required to
1425 have a presidential preference primary under this section.

1426 (b) ~~(a)~~ By October 31 of the year preceding the presidential
1427 preference primary, each political party shall submit to the
1428 Secretary of State a list of its presidential candidates to be
1429 placed on the presidential preference primary ballot or
1430 candidates entitled to have delegates appear on the presidential
1431 preference primary ballot. The Secretary of State shall prepare
1432 and publish a list of the names of the presidential candidates
1433 submitted. The Secretary of State shall submit such list of names
1434 of presidential candidates to the selection committee on the
1435 first Tuesday after the first Monday in November of the year
1436 preceding the presidential preference primary. Each person
1437 designated as a presidential candidate shall have his or her name
1438 appear, or have his or her delegates' names appear, on the
1439 presidential preference primary ballot unless all committee
1440 members of the same political party as the candidate agree to
1441 delete such candidate's name from the ballot.

1442 (c) The selection committee shall meet in Tallahassee on
1443 the first Tuesday after the first Monday in November of the year
1444 preceding the presidential preference primary. The selection
1445 committee shall publicly announce and submit to the Department of
1446 State no later than 5 p.m. on the following day the names of
1447 presidential candidates who shall have their names appear, or who
1448 are entitled to have their delegates' names appear, on the
1449 presidential preference primary ballot. The Department of State
1450 shall immediately notify each presidential candidate designated

590-07901-08

2008866c2

1451 by the committee. Such notification shall be in writing, by
1452 registered mail, with return receipt requested.

1453 ~~(b) Any presidential candidate whose name does not appear~~
1454 ~~on the list submitted to the Secretary of State may request that~~
1455 ~~the selection committee place his or her name on the ballot. Such~~
1456 ~~request shall be made in writing to the Secretary of State no~~
1457 ~~later than the second Tuesday after the first Monday in November~~
1458 ~~of the year preceding the presidential preference primary.~~

1459 ~~(c) If a presidential candidate makes a request that the~~
1460 ~~selection committee reconsider placing the candidate's name on~~
1461 ~~the ballot, the selection committee will reconvene no later than~~
1462 ~~the second Thursday after the first Monday in November of the~~
1463 ~~year preceding the presidential preference primary to reconsider~~
1464 ~~placing the candidate's name on the ballot. The Department of~~
1465 ~~State shall immediately notify such candidate of the selection~~
1466 ~~committee's decision.~~

1467 Section 30. Effective upon this act becoming a law,
1468 paragraph (a) of subsection (1) of section 106.021, Florida
1469 Statutes, is amended to read:

1470 106.021 Campaign treasurers; deputies; primary and
1471 secondary depositories.--

1472 (1) (a) Each candidate for nomination or election to office
1473 and each political committee shall appoint a campaign treasurer.
1474 Each person who seeks to qualify for nomination or election to,
1475 or retention in, office shall appoint a campaign treasurer and
1476 designate a primary campaign depository prior to qualifying for
1477 office. Any person who seeks to qualify for election or
1478 nomination to any office by means of the petitioning process
1479 shall appoint a treasurer and designate a primary depository on

590-07901-08

2008866c2

1480 or before the date he or she obtains the petitions. Each
1481 candidate shall at the same time he or she designates a campaign
1482 depository and appoints a treasurer also designate the office for
1483 which he or she is a candidate. If the candidate is running for
1484 an office which will be grouped on the ballot with two or more
1485 similar offices to be filled at the same election, the candidate
1486 must indicate for which group or district office he or she is
1487 running. Nothing in this subsection shall prohibit a candidate,
1488 at a later date, from changing the designation of the office for
1489 which he or she is a candidate. However, if a candidate changes
1490 the designated office for which he or she is a candidate, the
1491 candidate must notify all contributors in writing of the intent
1492 to seek a different office and offer to return pro rata, upon
1493 their request, those contributions given in support of the
1494 original office sought. This notification shall be given within
1495 15 days after the filing of the change of designation and shall
1496 include a standard form developed by the Division of Elections
1497 for requesting the return of contributions. The notice
1498 requirement shall not apply to any change in a numerical
1499 designation resulting solely from redistricting. If, within 30
1500 days after being notified by the candidate of the intent to seek
1501 a different office, the contributor notifies the candidate in
1502 writing that the contributor wishes his or her contribution to be
1503 returned, the candidate shall return the contribution, on a pro
1504 rata basis, calculated as of the date the change of designation
1505 is filed. Any contributions not requested to be returned within
1506 the 30-day period may be used by the candidate for the newly
1507 designated office. No person shall accept any contribution or
1508 make any expenditure with a view to bringing about his or her

590-07901-08

2008866c2

1509 nomination, election, or retention in public office, or authorize
1510 another to accept such contributions or make such expenditure on
1511 the person's behalf, unless such person has appointed a campaign
1512 treasurer and designated a primary campaign depository. A
1513 candidate for an office voted upon statewide may appoint not more
1514 than 15 deputy campaign treasurers, and any other candidate or
1515 political committee may appoint not more than 3 deputy campaign
1516 treasurers. The names and addresses of the campaign treasurer and
1517 deputy campaign treasurers so appointed shall be filed with the
1518 officer before whom such candidate is required to qualify or with
1519 whom such political committee is required to register pursuant to
1520 s. 106.03. ~~Each candidate who qualifies with the Department of
1521 State for an office not voted upon statewide shall, at the same
1522 time, file a copy of the name and address of the campaign
1523 treasurer with the supervisor of elections in the county in which
1524 the candidate resides.~~

1525 Section 31. Paragraph (a) of subsection (2) and paragraph
1526 (b) of subsection (8) of section 106.07, Florida Statutes, are
1527 amended to read:

1528 106.07 Reports; certification and filing.--

1529 (2) (a) 1. All reports required of a candidate by this
1530 section shall be filed with the officer before whom the candidate
1531 is required by law to qualify. All candidates who file with the
1532 Department of State shall file their reports pursuant to s.
1533 106.0705. Except as provided in s. 106.0705, reports shall be
1534 filed not later than 5 p.m. of the day designated; however, any
1535 report postmarked by the United States Postal Service no later
1536 than midnight of the day designated shall be deemed to have been
1537 filed in a timely manner. Any report received by the filing

590-07901-08

2008866c2

1538 officer within 5 days after the designated due date that was
1539 delivered by the United States Postal Service shall be deemed
1540 timely filed unless it has a postmark that indicates that the
1541 report was mailed after the designated due date. A certificate of
1542 mailing obtained from and dated by the United States Postal
1543 Service at the time of mailing, or a receipt from an established
1544 courier company, which bears a date on or before the date on
1545 which the report is due, shall be proof of mailing in a timely
1546 manner. Reports shall contain information of all previously
1547 unreported contributions received and expenditures made as of the
1548 preceding Friday, except that the report filed on the Friday
1549 immediately preceding the election shall contain information of
1550 all previously unreported contributions received and expenditures
1551 made as of the day preceding that designated due date. All such
1552 reports shall be open to public inspection.

1553 2. This subsection does not prohibit the governing body of
1554 a political subdivision, by ordinance or resolution, from
1555 imposing upon its own officers and candidates electronic filing
1556 requirements not in conflict with s. 106.0705. Expenditure of
1557 public funds for such purpose is deemed to be for a valid public
1558 purpose.

1559 (8)

1560 (b) Upon determining that a report is late, the filing
1561 officer shall immediately notify the candidate or chair of the
1562 political committee as to the failure to file a report by the
1563 designated due date and that a fine is being assessed for each
1564 late day. The fine shall be \$50 per day for the first 3 days late
1565 and, thereafter, \$500 per day for each late day, not to exceed 25
1566 percent of the total receipts or expenditures, whichever is

590-07901-08

2008866c2

1567 greater, for the period covered by the late report. However, for
1568 the reports immediately preceding each primary and general
1569 election, the fine shall be \$500 per day for each late day, not
1570 to exceed 25 percent of the total receipts or expenditures,
1571 whichever is greater, for the period covered by the late report.
1572 For reports required under s. 106.141(7), the fine is \$50 per day
1573 for each late day, not to exceed 25 percent of the total receipts
1574 or expenditures, whichever is greater, for the period covered by
1575 the late report. Upon receipt of the report, the filing officer
1576 shall determine the amount of the fine which is due and shall
1577 notify the candidate or chair. The filing officer shall determine
1578 the amount of the fine due based upon the earliest of the
1579 following:

- 1580 1. When the report is actually received by such officer.
- 1581 2. When the report is postmarked.
- 1582 3. When the certificate of mailing is dated.
- 1583 4. When the receipt from an established courier company is
1584 dated.
- 1585 5. When the electronic receipt issued pursuant to s.
1586 106.0705 or other electronic filing system authorized in this
1587 section is dated.

1588
1589 Such fine shall be paid to the filing officer within 20 days
1590 after receipt of the notice of payment due, unless appeal is made
1591 to the Florida Elections Commission pursuant to paragraph (c). In
1592 the case of a candidate, such fine shall not be an allowable
1593 campaign expenditure and shall be paid only from personal funds
1594 of the candidate. An officer or member of a political committee
1595 shall not be personally liable for such fine.

590-07901-08

2008866c2

1596 Section 32. Effective upon this act becoming a law, section
1597 106.082, Florida Statutes, is repealed.

1598 Section 33. Effective upon this act becoming a law,
1599 subsections (1) and (2) of section 106.147, Florida Statutes, are
1600 amended to read:

1601 106.147 Telephone solicitation; disclosure requirements;
1602 prohibitions; exemptions; penalties.--

1603 (1) (a) Any electioneering communication telephone call or
1604 any telephone call supporting or opposing a candidate, elected
1605 public official, or ballot proposal must identify the persons or
1606 organizations sponsoring the call by stating either: "paid for
1607 by_____" (insert name of persons or organizations sponsoring the
1608 call) or "paid for on behalf of_____" (insert name of persons or
1609 organizations authorizing call). This paragraph does not apply to
1610 any telephone call in which both the individual making the call
1611 is not being paid and the individuals participating in the call
1612 know each other prior to the call.

1613 (b) Any telephone call conducted for the purpose of polling
1614 respondents concerning a candidate or elected public official
1615 which is a part of a series of like telephone calls that consists
1616 of fewer than 1,000 completed calls and averages more than 2
1617 minutes in duration is presumed to be a political poll and not
1618 subject to the provisions of paragraph (a).

1619 (c) No telephone call shall state or imply that the caller
1620 represents any person or organization unless the person or
1621 organization so represented has given specific approval in
1622 writing to make such representation.

1623 (d) No telephone call shall state or imply that the caller
1624 represents a nonexistent person or organization.

590-07901-08

2008866c2

1625 (2) Any telephone call, not conducted by independent
1626 expenditure, which expressly advocates for or against ~~supporting~~
1627 ~~or opposing~~ a candidate or ballot proposal, requires prior
1628 written authorization by the candidate or sponsor of the ballot
1629 proposal that the call supports. A copy of such written
1630 authorization must be placed on file with the qualifying officer
1631 by the candidate or sponsor of the ballot proposal prior to the
1632 time the calls commence.

1633 Section 34. Paragraph (a) of subsection (1) of section
1634 106.24, Florida Statutes, is amended to read:

1635 106.24 Florida Elections Commission; membership; powers;
1636 duties.--

1637 (1)(a) There is created within the Department of Legal
1638 Affairs, Office of the Attorney General, a Florida Elections
1639 Commission, hereinafter referred to as the commission. The
1640 commission shall be a separate budget entity, ~~and its director~~
1641 ~~shall be~~ the agency head for all purposes. The commission shall
1642 not be subject to control, supervision, or direction by the
1643 Department of Legal Affairs or the Attorney General in the
1644 performance of its duties, including, but not limited to,
1645 personnel, purchasing transactions involving real or personal
1646 property, and budgetary matters.

1647 Section 35. Paragraph (c) of subsection (3) of section
1648 190.006, Florida Statutes, is amended to read:

1649 190.006 Board of supervisors; members and meetings.--

1650 (3)

1651 (c) Candidates seeking election to office by qualified
1652 electors under this subsection shall conduct their campaigns in
1653 accordance with the provisions of chapter 106 and shall file

590-07901-08

2008866c2

1654 qualifying papers and qualify for individual seats in accordance
1655 with s. 99.061. ~~Candidates shall pay a qualifying fee, which~~
1656 ~~shall consist of a filing fee and an election assessment or, as~~
1657 ~~an alternative, shall file a petition signed by not less than 1~~
1658 ~~percent of the registered voters of the district, and take the~~
1659 ~~oath required in s. 99.021, with the supervisor of elections in~~
1660 ~~the county affected by such candidacy. The amount of the filing~~
1661 ~~fee is 3 percent of \$4,800; however, if the electors have~~
1662 ~~provided for compensation pursuant to subsection (8), the amount~~
1663 ~~of the filing fee is 3 percent of the maximum annual compensation~~
1664 ~~so provided. The amount of the election assessment is 1 percent~~
1665 ~~of \$4,800; however, if the electors have provided for~~
1666 ~~compensation pursuant to subsection (8), the amount of the~~
1667 ~~election assessment is 1 percent of the maximum annual~~
1668 ~~compensation so provided. The filing fee and election assessment~~
1669 ~~shall be distributed as provided in s. 105.031(3).~~

1670 Section 36. Except as otherwise expressly provided in this
1671 act and except for this section, which shall take effect upon
1672 becoming a law, this act shall take effect January 1, 2009.