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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. 98.0981, F.S.;
18 reducing the time by which supervisors of elections must
19 electronically transmit certain voter history information
20 to the department; requiring the department to prepare a
21 detailed report containing specified voter information to
22 legislative officers after a general election; requiring
23 supervisors of elections to collect and submit data to the
24 department after certain elections; defining the phrase
25 "all ballots cast"; requiring the department to compile
26 precinct-level statistical data for counties before
27 certain elections; amending s. 99.012, F.S.; providing
28 restrictions on individuals qualifying for public office;
29 removing an exception from such restrictions for persons

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30 seeking any federal public office; amending s. 99.021,
31 F.S.; deleting a resignation statement from the qualifying
32 oath for candidates for federal office; amending s.
33 99.095, F.S.; providing requirements for candidate
34 qualifying petitions; amending s. 100.221, F.S.; providing
35 circumstances under which early voting is not required;
36 amending s. 100.361, F.S.; revising provisions relating to
37 the recall of municipal or charter county officers, recall
38 committees, recall petitions, recall defense, and offenses
39 related thereto; amending s. 100.371, F.S.; providing that
40 a petition form circulated for signatures may not be
41 bundled with other petitions; deleting requirements
42 relating to the recording and determination of signature
43 forms; providing that an elector may complete and submit a
44 standard petition-revocation form directly to the
45 supervisor of elections under certain circumstances;
46 requiring that the division adopt petition-revocation
47 forms by rule; amending s. 101.041, F.S.; deleting a
48 requirement for the printing and distribution of official
49 ballots; amending s. 101.045, F.S.; authorizing the use of
50 a voter registration application for a name or address
51 change; amending s. 101.111, F.S.; revising methods by
52 which a person's right to vote may be challenged; amending
53 s. 101.23, F.S.; deleting provisions requiring an election
54 inspector to prevent certain persons from voting; amending
55 s. 101.51, F.S.; deleting provisions specifying certain
56 responsibilities of election officials before allowing
57 electors to enter a booth or compartment to vote; amending
58 s. 101.5608, F.S.; revising certain procedures relating to

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59 | the deposit of ballots; repealing s. 101.573, F.S.,
60 | relating to the reporting of precinct-level election
61 | results; amending s. 101.6923, F.S.; revising forms of
62 | acceptable identification for certain absentee voters;
63 | amending s. 101.75, F.S.; authorizing municipalities to
64 | set by ordinance election dates to coincide with statewide
65 | or countywide elections; amending s. 102.014, F.S.;
66 | revising provisions relating to the training of poll
67 | workers; amending s. 102.031, F.S.; including the term
68 | "solicitation" as an equivalent of the term "solicit" as
69 | it relates to the unlawful solicitation of voters;
70 | providing that such terms do not prohibit exit polling;
71 | amending s. 102.112, F.S.; revising the county canvassing
72 | board's certification requirements for election returns;
73 | amending s. 103.101, F.S.; deleting provisions related to
74 | the placement on the ballot of presidential candidates
75 | whose names do not appear on the list submitted to the
76 | Secretary of State; amending s. 106.021, F.S.; removing a
77 | campaign finance filing requirement for certain
78 | candidates; amending s. 106.07, F.S.; clarifying that
79 | political subdivisions may impose electronic filing
80 | requirements on certain candidates, and that expenditures
81 | for such filing system serve a valid public purpose;
82 | repealing s. 106.082, F.S., relating to campaign
83 | contribution limitations for candidates for the office of
84 | Commissioner of Agriculture; amending s. 106.147, F.S.;
85 | requiring a disclosure statement for certain telephone
86 | calls and communications; revising provisions requiring
87 | authorization from the candidate or sponsor for certain

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88 telephone calls; amending s. 106.24, F.S.; providing that
89 the Florida Elections Commission is its own agency head
90 rather than the director of the commission; amending s.
91 190.006, F.S.; deleting certain fee and assessment
92 provisions for candidates seeking election to the board of
93 supervisors of a community redevelopment district;
94 amending s. 105.041, F.S.; providing procedure for
95 determining ballot position of candidates for the office
96 of circuit judge; providing effective dates.

97
98 Be It Enacted by the Legislature of the State of Florida:
99

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

102 97.012 Secretary of State as chief election officer.--The
103 Secretary of State is the chief election officer of the state,
104 and it is his or her responsibility to:

105 (15) Conduct preliminary investigations into any
106 irregularities or fraud involving voter registration, voting, ~~or~~
107 candidate petition, or issue petition activities and report his
108 or her findings to the statewide prosecutor or the state attorney
109 for the judicial circuit in which the alleged violation occurred
110 for prosecution, if warranted. The Department of State may
111 prescribe by rule requirements for filing an elections-fraud
112 complaint and for investigating any such complaint.

113 Section 2. Paragraph (b) of subsection (1) of section
114 97.041, Florida Statutes, is amended to read:

115 97.041 Qualifications to register or vote.--

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

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

125 97.053 Acceptance of voter registration applications.--

126 (6) A voter registration application may be accepted as
127 valid only after the department has verified the authenticity or
128 nonexistence of the driver's license number, the Florida
129 identification card number, or the last four digits of the social
130 security number provided by the applicant. If a completed voter
131 registration application has been received by the book-closing
132 deadline but the driver's license number, the Florida
133 identification card number, or the last four digits of the social
134 security number provided by the applicant cannot be verified, the
135 applicant shall be notified that the number cannot be verified
136 ~~application is incomplete~~ and that the applicant ~~voter~~ must
137 provide evidence to the supervisor sufficient to verify the
138 authenticity of the applicant's driver's license number, Florida
139 identification card number, or last four digits of the social
140 security number provided on the application. If the applicant
141 ~~voter~~ provides the necessary evidence, the supervisor shall place
142 the applicant's ~~voter's~~ name on the registration rolls as an
143 active voter. If the applicant ~~voter~~ has not provided the
144 necessary evidence or the number has not otherwise been verified
145 prior to the applicant presenting himself or herself to vote, the

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146 applicant shall be provided a provisional ballot. The provisional
147 ballot shall be counted only if the number ~~application~~ is
148 verified by the end of the canvassing period or if the applicant
149 presents evidence to the supervisor of elections sufficient to
150 verify the authenticity of the applicant's driver's license
151 number, Florida identification card number, or last four digits
152 of the social security number ~~provided on the application~~ no
153 later than 5 p.m. of the second day following the election.

154 Section 4. Paragraph (a) of subsection (3) of section
155 97.0535, Florida Statutes, is amended to read:

156 97.0535 Special requirements for certain applicants.--

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

160 1. United States passport.

161 ~~2. Employee badge or identification.~~

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

163 2.4. Debit or credit card.

164 3.5. Military identification.

165 4.6. Student identification.

166 5.7. Retirement center identification.

167 6.8. Neighborhood association identification.

168 7.9. Public assistance identification.

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

171 97.055 Registration books; when closed for an election.--

172 (1) (a) The registration books must be closed on the 29th
173 day before each election and must remain closed until after that
174 election. If an election is called and there are fewer than 29

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175 days before that election, the registration books must be closed
176 immediately.

177 (b) Except as provided in paragraph (c), when the
178 registration books are closed for an election, updates to a
179 voter's name, address, and signature pursuant to ss. 98.077 and
180 101.045 shall be the only changes permitted for purposes of the
181 upcoming election. New voter registration applications ~~and party~~
182 ~~changes~~ must be accepted but only for the purpose of subsequent
183 elections.

184 (c) When the registration books are closed for an upcoming
185 election, an update or change to a voter's party affiliation made
186 pursuant to s. 97.1031 shall be permitted for that upcoming
187 election unless such election is for the purpose of nominating a
188 political party nominee, in which case the update or change shall
189 be permitted only for the purpose of subsequent elections.

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

192 98.065 Registration list maintenance programs.--

193 (4) (a) If the supervisor receives change-of-address
194 information pursuant to the activities conducted in subsection
195 (2), from jury notices signed by the voter and returned to the
196 courts, from the Department of Highway Safety and Motor Vehicles,
197 or from other sources, ~~which information~~ indicates that ~~the legal~~
198 ~~address of~~ a registered voter's legal residence ~~voter~~ might have
199 changed to another location within the state, the supervisor must
200 change the registration records to reflect the new address and
201 must shall send the voter by forwardable return-if-undeliverable
202 ~~mail~~ an address change confirmation notice as provided in s.
203 98.0655(2) to the address at which the voter was last registered.

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204 ~~A supervisor may also send an address confirmation notice to any~~
205 ~~voter who the supervisor has reason to believe has moved from his~~
206 ~~or her legal residence.~~

207 (b) If the supervisor of elections receives change-of-
208 address information pursuant to the activities conducted in
209 subsection (2), from jury notices signed by the voter and
210 returned to the courts, or from other sources which indicates
211 that a registered voter's legal residence might have changed to a
212 location outside the state, the supervisor of elections shall
213 send an address confirmation final notice to the voter as
214 provided in s. 98.0655(3). ~~The address confirmation notice shall~~
215 ~~contain a postage prepaid, preaddressed return form on which:~~

216 ~~1. If the voter has changed his or her address of legal~~
217 ~~residence to a location outside the state, the voter shall mark~~
218 ~~that the voter's legal residence has changed to a location~~
219 ~~outside the state. The form shall also include information on how~~
220 ~~to register in the new state in order to be eligible to vote. The~~
221 ~~form must be returned within 30 days after the date of the~~
222 ~~notice. The completed form shall constitute a request to be~~
223 ~~removed from the statewide voter registration system.~~

224 ~~2. If the voter has changed his or her address of legal~~
225 ~~residence to a location inside the state, the voter shall set~~
226 ~~forth the updated or corrected address and submit the return form~~
227 ~~within 30 days after the date of the notice. The completed form~~
228 ~~shall constitute a request to update the statewide voter~~
229 ~~registration system with the updated or corrected address~~
230 ~~information.~~

231 ~~3. If the voter has not changed his or her address of legal~~
232 ~~residence as printed on the address confirmation notice, the~~

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233 ~~voter shall confirm that his or her address of legal residence~~
234 ~~has not changed and submit the form within 30 days after the date~~
235 ~~of the notice.~~

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

252 Section 7. Section 98.0655, Florida Statutes, is created to
253 read:

254 98.0655 Registration list maintenance forms.--The
255 department shall prescribe registration list maintenance forms to
256 be used by the supervisors which must include:

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

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

260 (b) A request that the voter notify the supervisor if
261 either the voter's name or address of legal residence is

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262 incorrect.

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

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

272 (a) If the voter has not changed his or her legal residence
273 or has changed his or her legal residence within the state, the
274 voter should return the form within 30 days after the date on
275 which the notice was sent to the voter.

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

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

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

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

285 Section 8. Effective July 1, 2008, section 98.0981, Florida
286 Statutes, is amended to read:

287 98.0981 Reports; voting history; statewide voter
288 registration system information; precinct-level election results;
289 book closing statistics ~~database.~~--

290 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM

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291 INFORMATION.--

292 (a) Within 45 75 days after a general election, or within
293 15 days after all supervisors of elections shall transmit to the
294 department, in a uniform electronic format specified by the
295 department, completely have updated voting voter history
296 information for each qualified voter who voted., whichever occurs
297 later,

298 (b) After receipt of the information in paragraph (a), the
299 department shall prepare send to the President of the Senate, the
300 Speaker of the House of Representatives, the Senate Minority
301 Leader, and the House Minority Leader a report in electronic
302 format which contains the following information, separately
303 compiled for the primary and general election for all voters
304 qualified to vote in either election: of all voter qualified to
305 vote in the election or primary. The report shall include for
306 each voter

307 1. The unique identifier assigned to each qualified voter
308 within the statewide voter registration system the code used by
309 the department to uniquely identify the voter;

310 2. All information provided by each qualified voter on his
311 or her in the uniform statewide voter registration application
312 pursuant to s. 97.052(2), except that which is what is
313 specifically identified as confidential or exempt from public
314 records requirements;

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

316 4. Each qualified voter's current state the representative
317 district, state senatorial district, and congressional district,
318 assigned by the supervisor of elections;

319 5. Each qualified voter's current and precinct in which the

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320 ~~voter resides; and~~

321 6. Voting history as transmitted under paragraph (a) to
322 include whether the qualified voter voted at a the precinct
323 location, voted during the early voting period by early vote,
324 voted by absentee ballot, attempted to vote by absentee ballot
325 that was not counted, attempted to vote by provisional ballot
326 that was not counted, or did not vote.

327 (c) Within 60 days after a general election, the department
328 shall send to the President of the Senate, the Speaker of the
329 House of Representatives, the Senate Minority Leader, and the
330 House Minority Leader a report in electronic format that includes
331 all information set forth in paragraph (b).

332 (2) PRECINCT-LEVEL ELECTION RESULTS.--Within 45 days after
333 the date of a presidential preference primary election, a special
334 election, or a general election, the supervisors of elections
335 shall collect and submit to the department precinct-level
336 election results for the election in a uniform electronic format
337 specified by the department. The precinct-level election results
338 shall be compiled separately for the primary or special primary
339 election that preceded the general or special general election,
340 respectively. The results shall specifically include for each
341 precinct the aggregate total of all ballots cast for each
342 candidate or nominee to fill a national, state, county, or
343 district office or proposed constitutional amendment. "All
344 ballots cast" means ballots cast by voters who cast a ballot
345 whether at a precinct location, by absentee ballot including
346 overseas absentee ballots, during the early voting period, or by
347 provisional ballot.

348 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.--After the date

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349 of book closing but before the date of an election as defined in
350 s. 97.021(10) to fill a national, state, county, or district
351 office, or to vote on a proposed constitutional amendment, the
352 department shall compile the following precinct-level statistical
353 data for each county:

354 (a) Precinct numbers.

355 (b) Total number of active registered voters by party for
356 each precinct.

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

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

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

365 99.012 Restrictions on individuals qualifying for public
366 office.--

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

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

376 (6) This section does not apply to:

377 (a) Political party offices.

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

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

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

383 Section 10. Paragraph (a) of subsection (1) of section
384 99.021, Florida Statutes, is amended to read:

385 99.021 Form of candidate oath.--

386 (1)(a)1. Each candidate, whether a party candidate, a
387 candidate with no party affiliation, or a write-in candidate, in
388 order to qualify for nomination or election to any office other
389 than a judicial office as defined in chapter 105 or a federal
390 office, shall take and subscribe to an oath or affirmation in
391 writing. A printed copy of the oath or affirmation shall be
392 furnished to the candidate by the officer before whom such
393 candidate seeks to qualify and shall be substantially in the
394 following form:

395
396 State of Florida

397 County of _____

398 Before me, an officer authorized to administer oaths,
399 personally appeared (please print name as you wish it to appear
400 on the ballot) , to me well known, who, being sworn, says that
401 he or she is a candidate for the office of _____; that he or she
402 is a qualified elector of _____ County, Florida; that he or she
403 is qualified under the Constitution and the laws of Florida to
404 hold the office to which he or she desires to be nominated or
405 elected; that he or she has taken the oath required by ss.
406 876.05-876.10, Florida Statutes; that he or she has qualified for

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407 no other public office in the state, the term of which office or
408 any part thereof runs concurrent with that of the office he or
409 she seeks; and that he or she has resigned from any office from
410 which he or she is required to resign pursuant to s. 99.012,
411 Florida Statutes.

412 (Signature of candidate)

413 (Address)

414

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

417 (Signature and title of officer administering oath)

418

419 2. Each candidate for federal office, whether a party
420 candidate, a candidate with no party affiliation, or a write-in
421 candidate, in order to qualify for nomination or election to
422 office shall take and subscribe to an oath or affirmation in
423 writing. A printed copy of the oath or affirmation shall be
424 furnished to the candidate by the officer before whom such
425 candidate seeks to qualify and shall be substantially in the
426 following form:

427

428 State of Florida

429 County of _____

430 Before me, an officer authorized to administer oaths,
431 personally appeared (please print name as you wish it to appear
432 on the ballot) , to me well known, who, being sworn, says that
433 he or she is a candidate for the office of _____; that he or she
434 is qualified under the Constitution and laws of the United States
435 to hold the office to which he or she desires to be nominated or

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436 elected; and that he or she has qualified for no other public
437 office in the state, the term of which office or any part thereof
438 runs concurrent with that of the office he or she seeks; ~~and that~~
439 ~~he or she has resigned from any office from which he or she is~~
440 ~~required to resign pursuant to s. 99.012, Florida Statutes.~~

441 (Signature of candidate)

442 (Address)

443

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

446 (Signature and title of officer administering oath)

447

448 Section 11. Paragraph (a) of subsection (2) of section
449 99.095, Florida Statutes, is amended to read:

450 99.095 Petition process in lieu of a qualifying fee and
451 party assessment.--

452 (2) (a) Except as provided in paragraph (b), a candidate
453 must obtain the number of signatures of voters in the
454 geographical area represented by the office sought equal to at
455 least 1 percent of the total number of registered voters of that
456 geographical area, as shown by the compilation by the department
457 for the immediately preceding general election. Signatures may
458 not be obtained until the candidate has filed the appointment of
459 campaign treasurer and designation of campaign depository
460 pursuant to s. 106.021 and are valid only for the qualifying
461 period immediately following such filings.

462 Section 12. Section 100.221, Florida Statutes, is amended
463 to read:

464 100.221 General election laws to govern bond

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465 referenda.--The laws governing the holding of general elections
466 are applicable to bond referenda, except as provided in ss.
467 100.201-100.351. A county, district, or municipality is not
468 required to offer early voting for a bond referendum that is not
469 held in conjunction with a county or state election. The places
470 for voting in a bond referendum shall be the same as the places
471 for voting in general elections, when a bond referendum is held
472 in the county or district; however, ~~but~~ when a bond referendum is
473 held in a municipality, the polling places shall be the same as
474 in other municipal elections.

475 Section 13. Section 100.361, Florida Statutes, is amended
476 to read:

477 100.361 Municipal recall.--

478 (1) APPLICATION; DEFINITION ~~RECALL PETITION~~.--Any member of
479 the governing body of a municipality or charter county,
480 hereinafter referred to in this section as "municipality," may be
481 removed from office by the electors of the municipality. When the
482 official represents a district and is elected only by electors
483 residing in that district, only electors from that district are
484 eligible to sign the petition to recall that official and are
485 entitled to vote in the recall election. When the official
486 represents a district and is elected at-large by the electors of
487 the municipality, all electors of the municipality are eligible
488 to sign the petition to recall that official and are entitled to
489 vote in the recall election. Where used in this section, the term
490 "district" shall be construed to mean the area or region of a
491 municipality from which a member of the governing body is elected
492 by the electors from such area or region. Members may be removed
493 from office pursuant to ~~by~~ the procedures provided in this

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494 section. This method of removing members of the governing body of
495 a municipality is in addition to any other method provided by
496 state law. following procedure:

497 (2) RECALL PETITION.--

498 (a) Petition content.--A petition shall contain the name of
499 ~~be prepared naming~~ the person sought to be recalled and
500 ~~containing~~ a statement of grounds for recall. The statement of
501 grounds may not exceed in not more than 200 words and the stated
502 grounds are limited solely to those the grounds specified in
503 paragraph (d) (b). If more than one member of the governing body
504 is sought to be recalled, whether such member is elected by the
505 electors of a district or by the electors of the municipality at-
506 large, a separate recall petition shall be prepared for each
507 member sought to be recalled. Upon request, the content of a
508 petition should be, but is not required to be, provided by the
509 proponent in alternative formats.

510 (b) Requisite signatures.--

511 1. In a municipality or district of fewer than 500
512 electors, the petition shall be signed by at least 50 electors or
513 by 10 percent of the total number of registered electors of the
514 municipality or district as of the preceding municipal election,
515 whichever is greater.

516 2. In a municipality or district of 500 or more but fewer
517 than 2,000 registered electors, the petition shall be signed by
518 at least 100 electors or by 10 percent of the total number of
519 registered electors of the municipality or district as of the
520 preceding municipal election, whichever is greater.

521 3. In a municipality or district of 2,000 or more but fewer
522 than 5,000 registered electors, the petition shall be signed by

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523 at least 250 electors or by 10 percent of the total number of
524 registered electors of the municipality or district as of the
525 preceding municipal election, whichever is greater.

526 4. In a municipality or district of 5,000 or more but fewer
527 than 10,000 registered electors, the petition shall be signed by
528 at least 500 electors or by 10 percent of the total number of
529 registered electors of the municipality or district as of the
530 preceding municipal election, whichever is greater.

531 5. In a municipality or district of 10,000 or more but
532 fewer than 25,000 registered electors, the petition shall be
533 signed by at least 1,000 electors or by 10 percent of the total
534 number of registered electors of the municipality or district as
535 of the preceding municipal election, whichever is greater.

536 6. In a municipality or district of 25,000 or more
537 registered electors, the petition shall be signed by at least
538 1,000 electors or by 5 percent of the total number of registered
539 electors of the municipality or district as of the preceding
540 municipal election, whichever is greater.

541
542 ~~Electors of the municipality or district making charges contained~~
543 ~~in the statement of grounds for recall and those signing the~~
544 ~~recall petition shall be designated as the "committee." A~~
545 ~~specific person shall be designated in the petition as chair of~~
546 ~~the committee to act for the committee. Electors of the~~
547 ~~municipality or district are eligible to sign the petition.~~
548 ~~Signatures and oaths of witnesses shall be executed as provided~~
549 ~~in paragraph (c).~~ All signatures shall be obtained, as provided
550 in paragraph (e), within a period of 30 days, and all signed and
551 dated petition forms ~~the petition~~ shall be filed at the same

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552 time, no later than ~~within~~ 30 days after the date on which the
553 first signature is obtained on the petition.

554 (c) Recall committee.--Electors of the municipality or
555 district making charges contained in the statement of grounds for
556 recall, as well as those signing the recall petition, shall be
557 designated as the recall committee. A specific person shall be
558 designated in the petition as chair of the committee and this
559 person shall act for the committee. The recall committee and the
560 officer being recalled are subject to the provisions of chapter
561 106.

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

- 566 1. Malfesance;
- 567 2. Misfeasance;
- 568 3. Neglect of duty;
- 569 4. Drunkenness;
- 570 5. Incompetence;
- 571 6. Permanent inability to perform official duties; and
- 572 7. Conviction of a felony involving moral turpitude.

573 (e) ~~(e)~~ Signature process.--Only electors of the
574 municipality or district are eligible to sign the petition. Each
575 elector of the municipality signing a petition shall sign and
576 date his or her name in ink or indelible pencil as registered in
577 the office of the supervisor of elections and shall state on the
578 petition his or her place of residence and voting precinct. Each
579 petition shall contain appropriate lines for each elector's
580 original ~~the~~ signature, printed name, ~~and~~ street address, city,

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581 county, voter registration number or date of birth, and date
582 signed. The form shall also contain lines for ~~of the elector and~~
583 an oath, to be executed by a witness who is to verify thereof,
584 ~~verifying~~ the fact that the witness saw each person sign the
585 counterpart of the petition, that each signature appearing
586 thereon is the genuine signature of the person it purports to be,
587 and that the petition was signed in the presence of the witness
588 on the date indicated.

589 (f) ~~(d)~~ Filing of signed petitions.--All signed petition
590 forms ~~The petition~~ shall be filed at the same time, no later than
591 30 days after the date on which the first signature is obtained
592 on the petition. ~~with the auditor or clerk of the municipality or~~
593 ~~charter county, or his or her equivalent, hereinafter referred to~~
594 ~~as clerk, by~~ The person designated as chair of the committee
595 shall file the signed petition forms with the auditor or clerk of
596 the municipality or charter county, or his or her equivalent,
597 hereinafter referred to as "clerk." The petition may not be
598 amended after it is filed with the clerk.

599 (g) Verification of signatures.--

600 1. Immediately after the filing of the petition forms, and,
601 ~~when the petition is filed,~~ the clerk shall submit such forms
602 ~~petition~~ to the county supervisor of elections. No more than 30
603 days after the date on which all petition forms are submitted to
604 the supervisor by the clerk, the supervisor ~~who~~ shall promptly
605 verify the signatures in accordance with s. 99.097, and ~~within a~~
606 ~~period of not more than 30 days after the petition is filed with~~
607 ~~the supervisor,~~ determine whether the requisite number of valid
608 signatures has been obtained for the petition ~~contains the~~
609 required valid signatures. The committee seeking verification of

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610 the signatures shall pay in advance to the supervisor the sum of
611 10 cents for each signature checked or the actual cost of
612 checking such signatures, whichever is less. ~~The petition cannot~~
613 ~~be amended after it is filed with the clerk. The supervisor shall~~
614 ~~be paid by the persons or committee seeking verification the sum~~
615 ~~of 10 cents for each name checked.~~

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

620 3.(e) If the supervisor determines ~~it is determined~~ that
621 the petition does not contain the requisite number of verified
622 and valid ~~required~~ signatures, the clerk shall, upon receipt of
623 such written determination, so certify to the governing body of
624 the municipality or charter county and file the petition without
625 taking further action, and the matter shall be at an end. No
626 additional names may be added to the petition, and the petition
627 shall not be used in any other proceeding.

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

632 (3) RECALL PETITION AND DEFENSE.--

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

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639 (b) Content and preparation.--Within 5 days after the date
640 of receipt of the defensive statement or after the last date a
641 defensive statement could have been filed, the clerk shall~~,~~
642 ~~within 5 days,~~ prepare a document entitled "Recall Petition and
643 Defense." The "Recall Petition and Defense" shall consist
644 ~~sufficient number of typewritten, printed, or mimeographed copies~~
645 of the recall petition, including copies of the originally signed
646 petitions and counterparts. The "Recall Petition and Defense"
647 must contain lines which conform to the provisions of paragraph
648 (2) (e), and the and defensive statement or, if no defensive
649 statement has been filed, a statement to that effect. The clerk
650 shall make copies of the "Recall Petition and Defense" which are
651 sufficient to carry the signatures of 30 percent of the
652 registered electors. Immediately after preparing and making
653 sufficient copies of the "Recall Petition and Defense," the clerk
654 ~~shall as well as the names, addresses, and oaths on the original~~
655 ~~petition, and deliver the copies them to the person who has been~~
656 ~~designated as chair of the committee and take his or her receipt~~
657 ~~therefor. Such prepared copies shall be entitled "Recall Petition~~
658 ~~and Defense" and shall contain lines and spaces for signatures~~
659 ~~and printed names of registered electors, place of residence,~~
660 ~~election precinct number, and date of signing, together with~~
661 ~~oaths to be executed by the witnesses which conform to the~~
662 ~~provisions of paragraph (c). The clerk shall deliver forms~~
663 ~~sufficient to carry the signatures of 30 percent of the~~
664 ~~registered electors.~~

665 (c) ~~(g)~~ Requisite signatures.--Upon receipt of the "recall
666 petition and defense," the committee may circulate them to obtain
667 the signatures of 15 percent of the electors. All signatures

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668 shall be obtained and all signed petition forms filed with the
669 clerk no later than 60 days after delivery of the "Recall
670 Petition and Defense" to the chair of the committee. ~~Any elector~~
671 ~~who signs a recall petition shall have the right to demand in~~
672 ~~writing that his or her name be stricken from the petition. A~~
673 ~~written demand signed by the elector shall be filed with the~~
674 ~~clerk and upon receipt of the demand the clerk shall strike the~~
675 ~~name of the elector from the petition and place his or her~~
676 ~~initials to the side of the signature stricken. However, no~~
677 ~~signature may be stricken after the clerk has delivered the~~
678 ~~"Recall Petition and Defense" to the supervisor of elections for~~
679 ~~verification.~~

680 (d) ~~(h)~~ Signed petitions; request for striking name.--Within
681 60 days after delivery of the "Recall Petition and Defense" to
682 the chair, the chair shall file with the clerk the "Recall
683 Petition and Defense" which bears the signatures of electors. The
684 clerk shall assemble all signed petitions, check to see that each
685 petition is properly verified by the oath of a witness, and
686 submit such petitions to the county supervisor of elections. Any
687 elector who signs a recall petition has the right to demand in
688 writing that his or her name be stricken from the petition. A
689 written demand signed by the elector shall be filed with the
690 clerk and upon receipt of the demand, the clerk shall strike the
691 name of the elector from the petition and place his or her
692 initials to the side of the signature stricken. However, a
693 signature may not be stricken after the clerk has delivered the
694 "Recall Petition and Defense" to the supervisor for verification
695 of the signatures.

696 (e) Verification of signatures.--Within 30 days after

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697 receipt of the signed "Recall Petition and Defense," the
698 supervisor, ~~who~~ shall determine the number of valid signatures,
699 purge the names withdrawn, and certify ~~within 30 days~~ whether 15
700 percent of the qualified electors of the municipality have signed
701 the petitions, ~~and report his or her findings to the governing~~
702 ~~body.~~ The supervisor shall be paid by the persons or committee
703 seeking verification the sum of 10 cents for each name checked.

704 (f) (i) Reporting.--If the supervisor determines that the
705 requisite number of signatures has not been obtained ~~petitions do~~
706 ~~not contain the required signatures,~~ the clerk shall, upon
707 receipt of such written determination, certify ~~report~~ such
708 determination ~~fact~~ to the governing body and retain ~~file~~ the
709 petitions. The proceedings shall be terminated, and the
710 petitions shall not again be used. If the supervisor determines
711 that signatures do amount to at least 15 percent of the qualified
712 electors signed the petition, the clerk shall, immediately upon
713 receipt of such written determination, serve notice of that
714 determination ~~fact~~ upon the person sought to be recalled and
715 deliver to the governing body a certificate as to the percentage
716 of qualified electors ~~voters~~ who signed.

717 (4) (2) RECALL ELECTION.--If the person designated in the
718 petition files with the clerk, within 5 days after the last-
719 mentioned notice, his or her written resignation, the clerk shall
720 at once notify the governing body of that fact, and the
721 resignation shall be irrevocable. The governing body shall then
722 proceed to fill the vacancy according to the provisions of the
723 appropriate law. In the absence of a resignation, the chief judge
724 of the judicial circuit in which the municipality is located
725 shall fix a day for holding a recall election for the removal of

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726 those not resigning. Any such election shall be held not less
727 than 30 days or more than 60 days after the expiration of the 5-
728 day period last-mentioned and at the same time as any other
729 general or special election held within the period; but if no
730 such election is to be held within that period, the judge shall
731 call a special recall election to be held within the period
732 aforesaid.

733 (5)~~(3)~~ BALLOTS.--The ballots at the recall election shall
734 conform to the following: With respect to each person whose
735 removal is sought, the question shall be submitted: "Shall _____
736 be removed from the office of _____ by recall?" Immediately
737 following each question there shall be printed on the ballots the
738 two propositions in the order here set forth:

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

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

741 (6)~~(4)~~ FILLING OF VACANCIES; SPECIAL ELECTIONS.--

742 (a) If an election is held for the recall of members
743 elected only at-large, candidates to succeed them for the
744 unexpired terms shall be voted upon at the same election and
745 shall be elected in the same manner as provided by the
746 appropriate law for the election of candidates at general
747 elections. Candidates shall not be elected to succeed any
748 particular member. If only one member is removed, the candidate
749 receiving the highest number of votes shall be declared elected
750 to fill the vacancy. If more than one member is removed,
751 candidates equal in number to the number of members removed shall
752 be declared elected to fill the vacancies; and, among the
753 successful candidates, those receiving the greatest number of
754 votes shall be declared elected for the longest terms. Cases of

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755 ties, and all other matters not herein specially provided for,
756 shall be determined by the rules governing elections generally.

757 (b) If an election is held for the recall of members
758 elected only from districts, candidates to succeed them for the
759 unexpired terms shall be voted upon at a special election called
760 by the chief judge of the judicial circuit in which the districts
761 are located not less than 30 days or more than 60 days after the
762 expiration of the recall election. The qualifying period, for
763 purposes of this section, shall be established by the chief judge
764 of the judicial circuit after consultation with the clerk. Any
765 candidate seeking election to fill the unexpired term of a
766 recalled district municipal official shall reside in the district
767 represented by the recalled official and qualify for office in
768 the manner required by law. Each candidate receiving the highest
769 number of votes for each office in the special district recall
770 election shall be declared elected to fill the unexpired term of
771 the recalled official. Candidates seeking election to fill a
772 vacancy created by the removal of a municipal official shall be
773 subject to the provisions of chapter 106.

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

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

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784 (7)~~(5)~~ EFFECT OF RESIGNATIONS.--If the member of the
785 governing body being recalled resigns from office prior to the
786 recall election, the remaining members shall fill the vacancy
787 created according to the appropriate law for filling vacancies.
788 If all of the members of the governing body are sought to be
789 recalled and all of the members resign prior to the recall
790 election, the recall election shall be canceled, and a special
791 election shall be called to fill the unexpired terms of the
792 resigning members. If all of the members of the governing body
793 are sought to be recalled and any of the members resign prior to
794 the recall election, the proceedings for the recall of members
795 not resigning and the election of successors to fill the
796 unexpired terms shall continue and have the same effect as though
797 there had been no resignation.

798 (8)~~(6)~~ WHEN PETITION MAY BE FILED.--No petition to recall
799 any member of the governing body of a municipality shall be filed
800 until the member has served one-fourth of his or her term of
801 office. No person removed by a recall, or resigning after a
802 petition has been filed against him or her, shall be eligible to
803 be appointed to the governing body within a period of 2 years
804 after the date of such recall or resignation.

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

811 (10)~~(7)~~ OFFENSES RELATING TO PETITIONS.--No person shall
812 impersonate another, purposely write his or her name or residence

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813 falsely in the signing of any petition for recall or forge any
814 name thereto, or sign any paper with knowledge that he or she is
815 not a qualified elector of the municipality. ~~No expenditures for~~
816 ~~campaigning for or against an officer being recalled shall be~~
817 ~~made until the date on which the recall election is to be held is~~
818 ~~publicly announced. The committee and the officer being recalled~~
819 ~~shall be subject to chapter 106.~~ No person shall employ or pay
820 another to accept employment or payment for circulating or
821 witnessing a recall petition. Any person violating any of the
822 provisions of this section commits ~~shall be deemed guilty of a~~
823 misdemeanor of the second degree and shall, upon conviction, be
824 punished as provided by law.

825 ~~(11)(8)~~ (11) INTENT.--It is the intent of the Legislature that
826 the recall procedures provided in this act shall be uniform
827 statewide. Therefore, all municipal charter and special law
828 provisions which are contrary to the provisions of this act are
829 hereby repealed to the extent of this conflict.

830 ~~(12)(9)~~ (12) PROVISIONS APPLICABLE.--The provisions of this act
831 shall apply to cities and charter counties whether or not they
832 have adopted recall provisions.

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

836 100.371 Initiatives; procedure for placement on ballot.--

837 (3) An initiative petition form circulated for signature
838 may not be bundled with or attached to any other petition. Each
839 signature shall be dated when made and shall be valid for a
840 period of 4 years following such date, provided all other
841 requirements of law are met. The sponsor shall submit signed and

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842 dated forms to the appropriate supervisor of elections for
843 verification as to the number of registered electors whose valid
844 signatures appear thereon. The supervisor shall promptly verify
845 the signatures within 30 days of receipt of the petition forms
846 and payment of the fee required by s. 99.097. The supervisor
847 shall promptly record ~~in the statewide voter registration system,~~
848 in the manner prescribed by the Secretary of State, the date each
849 form is received by the supervisor, and the date the signature on
850 the form is verified as valid. The supervisor may verify that the
851 signature on a form is valid only if:

852 (a) The form contains the original signature of the
853 purported elector.

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

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

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

862
863 The supervisor shall retain the signature forms for at least 1
864 year following the election in which the issue appeared on the
865 ballot or until the Division of Elections notifies the
866 supervisors of elections that the committee which circulated the
867 petition is no longer seeking to obtain ballot position.

868 (4) The Secretary of State shall determine from the
869 signatures verified by the supervisors of elections ~~and recorded~~
870 ~~in the statewide voter registration system~~ the total number of

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871 verified valid signatures and the distribution of such signatures
872 by congressional districts. Upon a determination that the
873 requisite number and distribution of valid signatures have been
874 obtained, the secretary shall issue a certificate of ballot
875 position for that proposed amendment and shall assign a
876 designating number pursuant to s. 101.161.

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

882 (b) The petition-revocation form and the manner in which
883 signatures are obtained, submitted, and verified shall be subject
884 to the same relevant requirements and timeframes as the
885 corresponding petition form and processes under this code and
886 shall be approved by the Secretary of State before any signature
887 on a petition-revocation form is obtained.

888 (c) In those circumstances in which a petition-revocation
889 form for a corresponding initiative petition has not been
890 submitted and approved, an elector may complete and submit a
891 standard petition-revocation form directly to the supervisor of
892 elections. All other requirements and processes apply for the
893 submission and verification of the signatures as for initiative
894 petitions.

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

897 (e) ~~(d)~~ The petition-revocation form shall be filed with the
898 supervisor of elections by February 1 preceding the next general
899 election or, if the initiative amendment is not certified for

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900 ballot position in that election, by February 1 preceding the
901 next successive general election. The supervisor of elections
902 shall promptly verify the signature on the petition-revocation
903 form and process such revocation upon payment, in advance, of a
904 fee of 10 cents or the actual cost of verifying such signature,
905 whichever is less. The supervisor shall promptly record each
906 valid and verified signature on a petition-revocation form ~~in the~~
907 ~~statewide voter registration system~~ in the manner prescribed by
908 the Secretary of State.

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

911 Section 15. Section 101.041, Florida Statutes, is amended
912 to read:

913 101.041 Secret voting.--In all elections held on any
914 subject which may be submitted to a vote, and for all or any
915 state, county, district, or municipal officers, the voting shall
916 be by secret, official ballot ~~printed and distributed~~ as provided
917 by this code, and no vote shall be received or counted in any
918 election, except as prescribed by this code.

919 Section 16. Section 101.045, Florida Statutes, is amended
920 to read:

921 101.045 Electors must be registered in precinct; provisions
922 for change of residence or name ~~change~~.--

923 (1) No person shall be permitted to vote in any election
924 precinct or district other than the one in which the person has
925 his or her legal residence and in which the person is registered.
926 However, a person temporarily residing outside the county shall
927 be registered in the precinct in which the main office of the
928 supervisor, as designated by the supervisor, is located when the

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929 person has no permanent address in the county and it is the
930 person's intention to remain a resident of Florida and of the
931 county in which he or she is registered to vote. Such persons who
932 are registered in the precinct in which the main office of the
933 supervisor, as designated by the supervisor, is located and who
934 are residing outside the county with no permanent address in the
935 county shall not be registered electors of a municipality and
936 therefore shall not be permitted to vote in any municipal
937 election.

938 (2) (a) An elector who moves from the precinct in which the
939 elector is registered may be permitted to vote in the precinct to
940 which he or she has moved his or her legal residence, provided
941 such elector completes an affirmation in substantially the
942 following form:

943
944 Change of Legal Residence of Registered
945 Voter

946
947 Under penalties for false swearing, I, (Name of voter) , swear
948 (or affirm) that the former address of my legal residence was
949 (Address of legal residence) in the municipality of _____, in
950 _____ County, Florida, and I was registered to vote in the _____
951 precinct of _____ County, Florida; that I have not voted in the
952 precinct of my former registration in this election; that I now
953 reside at (Address of legal residence) in the Municipality of
954 _____, in _____ County, Florida, and am therefore eligible to
955 vote in the _____ precinct of _____ County, Florida; and I
956 further swear (or affirm) that I am otherwise legally registered
957 and entitled to vote.

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958
959 (Signature of voter whose address of legal residence has
960 changed)
961 (b) An elector whose name changes because of marriage or
962 other legal process may be permitted to vote, provided such
963 elector completes an affirmation in substantially the following
964 form:
965
966 Change of Name of Registered
967 Voter
968
969 Under penalties for false swearing, I, (New name of voter) ,
970 swear (or affirm) that my name has been changed because of
971 marriage or other legal process. My former name and address of
972 legal residence appear on the registration records of precinct
973 _____ as follows:
974 Name
975 Address
976 Municipality
977 County
978 Florida, Zip
979 My present name and address of legal residence are as follows:
980 Name
981 Address
982 Municipality
983 County
984 Florida, Zip
985 and I further swear (or affirm) that I am otherwise legally
986 registered and entitled to vote.

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987
988 (Signature of voter whose name has changed)

989 (c) Instead of the affirmation contained in paragraph (a)
990 or paragraph (b), an elector may complete a voter registration
991 application that indicates the change of name or change of
992 address of legal residence.

993 (d) Such affirmation or application, when completed and
994 presented at the precinct in which such elector is entitled to
995 vote, and upon verification of the elector's registration, shall
996 entitle such elector to vote as provided in this subsection. If
997 the elector's eligibility to vote cannot be determined, he or she
998 shall be entitled to vote a provisional ballot, subject to the
999 requirements and procedures in s. 101.048. Upon receipt of an
1000 affirmation or application certifying a change in address of
1001 legal residence or name, the supervisor shall as soon as
1002 practicable make the necessary changes in the statewide voter
1003 registration system to indicate the change in address of legal
1004 residence or name of such elector.

1005 ~~(d) Instead of the affirmation contained in paragraph (a)~~
1006 ~~or paragraph (b), an elector may complete a voter registration~~
1007 ~~application that indicates the change of name or change of~~
1008 ~~address of legal residence.~~

1009 Section 17. Section 101.111, Florida Statutes, is amended
1010 to read:

1011 101.111 Person desiring to vote may be challenged;
1012 challenger to execute oath; oath of person challenged;
1013 determination of challenge.--

1014 (1) (a) Any registered elector or poll watcher of a county
1015 may challenge the right of a person to vote in that county. When

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1016 ~~the right to vote of any person who desires to vote is challenged~~
1017 ~~by any elector or poll watcher, The challenge must be in shall be~~
1018 ~~reduced to writing and contain the following oath with an oath as~~
1019 ~~provided in this section, giving reasons for the challenge, which~~
1020 shall be delivered to the clerk or inspector. ~~Any elector or poll~~
1021 ~~watcher challenging the right of a person to vote shall execute~~
1022 ~~the oath set forth below:~~

1023
1024 OATH OF PERSON ENTERING CHALLENGE

1025
1026 State of Florida
1027 County of _____

1028
1029 I do solemnly swear or affirm that my name is _____; that I am a
1030 member of the _____ Party; that I am a registered voter or
1031 pollwatcher; that my residence address is _____, in the
1032 municipality of _____; and that I have reason to believe that
1033 _____ is attempting to vote illegally and the reasons for my
1034 belief are set forth herein to wit:

1035 (Signature of person challenging voter)

1036
1037 Sworn and subscribed to before me this _____ day of _____,
1038 (year) .

1039 (Clerk of election)

1040 (b)(2) The clerk or inspector shall immediately deliver to
1041 the challenged person a copy of the oath of the person entering
1042 the challenge, and the challenged voter shall be allowed to cast
1043 a provisional ballot in accordance with s. 101.048.

1044 (c)(3) Alternatively, a challenge in accordance with this

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1045 section may be filed in advance with the supervisor of elections
1046 no ~~Any elector or poll watcher may challenge the right of any~~
1047 ~~voter to vote not~~ sooner than 30 days before an election ~~by~~
1048 ~~filing a completed copy of the oath contained in subsection (1)~~
1049 ~~to the supervisor of election's office.~~ The supervisor shall
1050 promptly provide the election board in the challenged voter's
1051 precinct with a copy of the oath of the person entering the
1052 challenge. The challenged voter shall be allowed ~~permitted~~ to
1053 cast a provisional ballot in accordance with s. 101.048.

1054 (2) ~~(4)~~ Any elector or poll watcher filing a frivolous
1055 challenge of any person's right to vote commits a misdemeanor of
1056 the first degree, punishable as provided in s. 775.082 or s.
1057 775.083; however, electors or poll watchers shall not be subject
1058 to liability for any action taken in good faith and in
1059 furtherance of any activity or duty permitted of such electors or
1060 poll watchers by law. Each instance where any elector or poll
1061 watcher files a frivolous challenge of any person's right to vote
1062 constitutes a separate offense.

1063 Section 18. Section 101.23, Florida Statutes, is amended to
1064 read:

1065 101.23 Election inspector to keep list of those voting.--

1066 ~~(1)~~ When any person has been admitted to vote, the person's
1067 name shall be checked by the clerk or one of the inspectors at
1068 the place indicated upon the registration books or voter history
1069 form provided by the supervisor. One of the inspectors shall, at
1070 the same time, keep a poll list containing names of electors who
1071 have voted or a list of registered electors, on which those
1072 electors who have voted are indicated. Such lists shall be
1073 available for inspection during regular voting hours by poll

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1074 watchers designated and appointed pursuant to s. 101.131, except
1075 that the election inspector may regulate access to the lists so
1076 as to ensure that such inspection does not unreasonably interfere
1077 with the orderly operation of the polling place.

1078 ~~(2) The inspectors shall prevent any person from voting a~~
1079 ~~second time when they have reason to believe that the person has~~
1080 ~~voted. They shall refuse to allow any person to vote who is not a~~
1081 ~~qualified elector or who has become disqualified to vote in the~~
1082 ~~precinct, and may prevent any elector from consuming more than 5~~
1083 ~~minutes in voting.~~

1084 Section 19. Effective July 1, 2008, subsection (1) of
1085 section 101.51, Florida Statutes, is amended to read:

1086 101.51 Electors to occupy booth alone.--

1087 (1) When the elector presents himself or herself to vote,
1088 an ~~the~~ election official shall ascertain whether the elector's
1089 name is upon the register of electors, and, if the elector's name
1090 appears and no challenge interposes, or, if interposed, be not
1091 sustained, one of the election official officials stationed at
1092 the entrance shall announce the name of the elector and permit
1093 the elector ~~him or her~~ to enter the booth or compartment to cast
1094 his or her vote, allowing only one elector at a time to pass
1095 through to vote. An elector, while casting his or her ballot, may
1096 not occupy a booth or compartment already occupied or speak with
1097 anyone, except as provided by s. 101.051.

1098 Section 20. Effective July 1, 2008, paragraph (a) of
1099 subsection (2) of section 101.5608, Florida Statutes, is amended
1100 to read:

1101 101.5608 Voting by electronic or electromechanical method;
1102 procedures.--

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1103 (2) When an electronic or electromechanical voting system
1104 utilizes a ballot card or marksense ballot, the following
1105 procedures shall be followed:

1106 (a) After receiving a ballot from an inspector, the elector
1107 shall, without leaving the polling place, retire to a booth or
1108 compartment and mark the ballot. After marking ~~preparing~~ his or
1109 her ballot, the elector shall place the ballot in a secrecy
1110 envelope ~~with the stub exposed or shall fold over that portion on~~
1111 ~~which write-in votes may be cast, as instructed,~~ so that the
1112 ballot will be deposited in the tabulator ~~ballot box~~ without
1113 exposing the voter's choices. ~~Before the ballot is deposited in~~
1114 ~~the ballot box, the inspector shall detach the exposed stub and~~
1115 ~~place it in a separate envelope for audit purposes; when a fold-~~
1116 ~~over ballot is used, the entire ballot shall be placed in the~~
1117 ~~ballot box.~~

1118 Section 21. Effective July 1, 2008, section 101.573,
1119 Florida Statutes, is repealed.

1120 Section 22. Subsection (2) of section 101.6923, Florida
1121 Statutes, is amended to read:

1122 101.6923 Special absentee ballot instructions for certain
1123 first-time voters.--

1124 (2) A voter covered by this section shall be provided with
1125 printed instructions with his or her absentee ballot in
1126 substantially the following form:

1127
1128 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
1129 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
1130 COUNT.
1131

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1132 1. In order to ensure that your absentee ballot will be
1133 counted, it should be completed and returned as soon as possible
1134 so that it can reach the supervisor of elections of the county in
1135 which your precinct is located no later than 7 p.m. on the date
1136 of the election.

1137 2. Mark your ballot in secret as instructed on the ballot.
1138 You must mark your own ballot unless you are unable to do so
1139 because of blindness, disability, or inability to read or write.

1140 3. Mark only the number of candidates or issue choices for
1141 a race as indicated on the ballot. If you are allowed to "Vote
1142 for One" candidate and you vote for more than one, your vote in
1143 that race will not be counted.

1144 4. Place your marked ballot in the enclosed secrecy
1145 envelope and seal the envelope.

1146 5. Insert the secrecy envelope into the enclosed envelope
1147 bearing the Voter's Certificate. Seal the envelope and completely
1148 fill out the Voter's Certificate on the back of the envelope.

1149 a. You must sign your name on the line above (Voter's
1150 Signature).

1151 b. If you are an overseas voter, you must include the date
1152 you signed the Voter's Certificate on the line above (Date) or
1153 your ballot may not be counted.

1154 6. Unless you meet one of the exemptions in Item 7., you
1155 must make a copy of one of the following forms of identification:

1156 a. Identification which must include your name and
1157 photograph: United States passport; ~~employee badge or~~
1158 ~~identification; buyer's club identification card;~~ debit or credit
1159 card; military identification; student identification; retirement
1160 center identification; neighborhood association identification;

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1161 or public assistance identification; or

1162 b. Identification which shows your name and current
1163 residence address: current utility bill, bank statement,
1164 government check, paycheck, or government document (excluding
1165 voter identification card).

1166 7. The identification requirements of Item 6. do not apply
1167 if you meet one of the following requirements:

1168 a. You are 65 years of age or older.

1169 b. You have a temporary or permanent physical disability.

1170 c. You are a member of a uniformed service on active duty
1171 who, by reason of such active duty, will be absent from the
1172 county on election day.

1173 d. You are a member of the Merchant Marine who, by reason
1174 of service in the Merchant Marine, will be absent from the county
1175 on election day.

1176 e. You are the spouse or dependent of a member referred to
1177 in paragraph c. or paragraph d. who, by reason of the active duty
1178 or service of the member, will be absent from the county on
1179 election day.

1180 f. You are currently residing outside the United States.

1181 8. Place the envelope bearing the Voter's Certificate into
1182 the mailing envelope addressed to the supervisor. Insert a copy
1183 of your identification in the mailing envelope. DO NOT PUT YOUR
1184 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1185 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1186 BALLOT WILL NOT COUNT.

1187 9. Mail, deliver, or have delivered the completed mailing
1188 envelope. Be sure there is sufficient postage if mailed.

1189 10. FELONY NOTICE. It is a felony under Florida law to

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1190 accept any gift, payment, or gratuity in exchange for your vote
1191 for a candidate. It is also a felony under Florida law to vote in
1192 an election using a false identity or false address, or under any
1193 other circumstances making your ballot false or fraudulent.

1194 Section 23. Effective July 1, 2008, subsection (3) of
1195 section 101.75, Florida Statutes, is amended to read:

1196 101.75 Municipal elections; change of dates for cause.--

1197 (3) Notwithstanding any provision of local law or municipal
1198 charter, ~~for any municipality whose election is scheduled to be~~
1199 ~~held in March 2008~~, the governing body of a ~~the~~ municipality,
1200 ~~notwithstanding any municipal charter provision~~, may, by
1201 ordinance, move the date of any ~~the general~~ municipal election ~~in~~
1202 ~~2008 and in each subsequent year that is a multiple of 4 to a~~ a ~~the~~
1203 date concurrent with any statewide or countywide election ~~the~~
1204 ~~presidential preference primary~~. The dates for qualifying for the
1205 ~~general municipal~~ election moved by the passage of such ~~an~~
1206 ordinance shall be specifically provided for in the ordinance and
1207 shall run for no less than 14 days. The term of office for any
1208 elected municipal official shall commence as provided by the
1209 relevant municipal charter or ordinance, ~~and the term of office~~
1210 ~~for any elected municipal official whose term was due to expire~~
1211 ~~in March 2008 shall expire as provided by the relevant municipal~~
1212 ~~charter or ordinance~~.

1213 Section 24. Effective July 1, 2008, subsection (7) of
1214 section 102.014, Florida Statutes, is amended to read:

1215 102.014 Poll worker recruitment and training.--

1216 (7) The Department of State shall develop a mandatory,
1217 statewide, and uniform program for training poll workers on
1218 issues of etiquette and sensitivity with respect to voters having

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1219 a disability. ~~The program must consist of approximately 1 hour of~~
1220 ~~the required number of hours set forth in paragraph (4)(a).~~ The
1221 program must be conducted locally by each supervisor of
1222 elections, and who shall periodically certify to the Department
1223 ~~of State whether~~ each poll worker must complete ~~has completed~~ the
1224 program before working during the current election cycle. The
1225 supervisor of elections shall contract with a recognized
1226 disability-related organization, such as a center for independent
1227 living, family network on disabilities, deaf service bureau, or
1228 other such organization, to develop and assist with training the
1229 trainers in the disability sensitivity programs. The program must
1230 include actual demonstrations of obstacles confronted by disabled
1231 persons during the voting process, including obtaining access to
1232 the polling place, traveling through the polling area, and using
1233 the voting system.

1234 Section 25. Effective July 1, 2008, paragraph (b) of
1235 subsection (4) of section 102.031, Florida Statutes, is amended
1236 to read:

1237 102.031 Maintenance of good order at polls; authorities;
1238 persons allowed in polling rooms and early voting areas; unlawful
1239 solicitation of voters.--

1240 (4)

1241 (b) For the purpose of this subsection, the terms ~~term~~
1242 "solicit" or "solicitation" shall include, but not be limited to,
1243 seeking or attempting to seek any vote, fact, opinion, or
1244 contribution; distributing or attempting to distribute any
1245 political or campaign material, leaflet, or handout; conducting a
1246 poll except as specified in this paragraph; seeking or attempting
1247 to seek a signature on any petition; and selling or attempting to

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1248 sell any item. The terms "solicit" or "solicitation" shall not be
1249 construed to prohibit exit polling.

1250 Section 26. Effective July 1, 2008, subsection (1) of
1251 section 102.112, Florida Statutes, is amended to read:

1252 102.112 Deadline for submission of county returns to the
1253 Department of State.--

1254 (1) The county canvassing board or a majority thereof shall
1255 file the county returns for the election of a federal or state
1256 officer with the Department of State immediately after
1257 certification of the election results. The returns must contain a
1258 certification by the canvassing board that the board has compared
1259 ~~reconciled~~ the number of persons who voted with the number of
1260 ballots counted and that the certification includes all valid
1261 votes cast in the election.

1262 Section 27. Subsection (2) of section 103.101, Florida
1263 Statutes, is amended to read:

1264 103.101 Presidential preference primary.--

1265 (2) (a) There shall be a Presidential Candidate Selection
1266 Committee composed of the Secretary of State, who shall be a
1267 nonvoting chair; the Speaker of the House of Representatives; the
1268 President of the Senate; the minority leader of each house of the
1269 Legislature; and the chair of each political party required to
1270 have a presidential preference primary under this section.

1271 (b) ~~(a)~~ By October 31 of the year preceding the presidential
1272 preference primary, each political party shall submit to the
1273 Secretary of State a list of its presidential candidates to be
1274 placed on the presidential preference primary ballot or
1275 candidates entitled to have delegates appear on the presidential
1276 preference primary ballot. The Secretary of State shall prepare

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1277 and publish a list of the names of the presidential candidates
1278 submitted. The Secretary of State shall submit such list of names
1279 of presidential candidates to the selection committee on the
1280 first Tuesday after the first Monday in November of the year
1281 preceding the presidential preference primary. Each person
1282 designated as a presidential candidate shall have his or her name
1283 appear, or have his or her delegates' names appear, on the
1284 presidential preference primary ballot unless all committee
1285 members of the same political party as the candidate agree to
1286 delete such candidate's name from the ballot.

1287 (c) The selection committee shall meet in Tallahassee on
1288 the first Tuesday after the first Monday in November of the year
1289 preceding the presidential preference primary. The selection
1290 committee shall publicly announce and submit to the Department of
1291 State no later than 5 p.m. on the following day the names of
1292 presidential candidates who shall have their names appear, or who
1293 are entitled to have their delegates' names appear, on the
1294 presidential preference primary ballot. The Department of State
1295 shall immediately notify each presidential candidate designated
1296 by the committee. Such notification shall be in writing, by
1297 registered mail, with return receipt requested.

1298 ~~(b) Any presidential candidate whose name does not appear~~
1299 ~~on the list submitted to the Secretary of State may request that~~
1300 ~~the selection committee place his or her name on the ballot. Such~~
1301 ~~request shall be made in writing to the Secretary of State no~~
1302 ~~later than the second Tuesday after the first Monday in November~~
1303 ~~of the year preceding the presidential preference primary.~~

1304 ~~(c) If a presidential candidate makes a request that the~~
1305 ~~selection committee reconsider placing the candidate's name on~~

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1306 ~~the ballot, the selection committee will reconvene no later than~~
1307 ~~the second Thursday after the first Monday in November of the~~
1308 ~~year preceding the presidential preference primary to reconsider~~
1309 ~~placing the candidate's name on the ballot. The Department of~~
1310 ~~State shall immediately notify such candidate of the selection~~
1311 ~~committee's decision.~~

1312 Section 28. Effective upon this act becoming a law,
1313 paragraph (a) of subsection (1) of section 106.021, Florida
1314 Statutes, is amended to read:

1315 106.021 Campaign treasurers; deputies; primary and
1316 secondary depositories.--

1317 (1) (a) Each candidate for nomination or election to office
1318 and each political committee shall appoint a campaign treasurer.
1319 Each person who seeks to qualify for nomination or election to,
1320 or retention in, office shall appoint a campaign treasurer and
1321 designate a primary campaign depository prior to qualifying for
1322 office. Any person who seeks to qualify for election or
1323 nomination to any office by means of the petitioning process
1324 shall appoint a treasurer and designate a primary depository on
1325 or before the date he or she obtains the petitions. Each
1326 candidate shall at the same time he or she designates a campaign
1327 depository and appoints a treasurer also designate the office for
1328 which he or she is a candidate. If the candidate is running for
1329 an office which will be grouped on the ballot with two or more
1330 similar offices to be filled at the same election, the candidate
1331 must indicate for which group or district office he or she is
1332 running. Nothing in this subsection shall prohibit a candidate,
1333 at a later date, from changing the designation of the office for
1334 which he or she is a candidate. However, if a candidate changes

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1335 the designated office for which he or she is a candidate, the
1336 candidate must notify all contributors in writing of the intent
1337 to seek a different office and offer to return pro rata, upon
1338 their request, those contributions given in support of the
1339 original office sought. This notification shall be given within
1340 15 days after the filing of the change of designation and shall
1341 include a standard form developed by the Division of Elections
1342 for requesting the return of contributions. The notice
1343 requirement shall not apply to any change in a numerical
1344 designation resulting solely from redistricting. If, within 30
1345 days after being notified by the candidate of the intent to seek
1346 a different office, the contributor notifies the candidate in
1347 writing that the contributor wishes his or her contribution to be
1348 returned, the candidate shall return the contribution, on a pro
1349 rata basis, calculated as of the date the change of designation
1350 is filed. Any contributions not requested to be returned within
1351 the 30-day period may be used by the candidate for the newly
1352 designated office. No person shall accept any contribution or
1353 make any expenditure with a view to bringing about his or her
1354 nomination, election, or retention in public office, or authorize
1355 another to accept such contributions or make such expenditure on
1356 the person's behalf, unless such person has appointed a campaign
1357 treasurer and designated a primary campaign depository. A
1358 candidate for an office voted upon statewide may appoint not more
1359 than 15 deputy campaign treasurers, and any other candidate or
1360 political committee may appoint not more than 3 deputy campaign
1361 treasurers. The names and addresses of the campaign treasurer and
1362 deputy campaign treasurers so appointed shall be filed with the
1363 officer before whom such candidate is required to qualify or with

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1364 whom such political committee is required to register pursuant to
1365 s. 106.03. ~~Each candidate who qualifies with the Department of~~
1366 ~~State for an office not voted upon statewide shall, at the same~~
1367 ~~time, file a copy of the name and address of the campaign~~
1368 ~~treasurer with the supervisor of elections in the county in which~~
1369 ~~the candidate resides.~~

1370 Section 29. Paragraph (a) of subsection (2) and paragraph
1371 (b) of subsection (8) of section 106.07, Florida Statutes, are
1372 amended to read:

1373 106.07 Reports; certification and filing.--

1374 (2) (a) 1. All reports required of a candidate by this
1375 section shall be filed with the officer before whom the candidate
1376 is required by law to qualify. All candidates who file with the
1377 Department of State shall file their reports pursuant to s.
1378 106.0705. Except as provided in s. 106.0705, reports shall be
1379 filed not later than 5 p.m. of the day designated; however, any
1380 report postmarked by the United States Postal Service no later
1381 than midnight of the day designated shall be deemed to have been
1382 filed in a timely manner. Any report received by the filing
1383 officer within 5 days after the designated due date that was
1384 delivered by the United States Postal Service shall be deemed
1385 timely filed unless it has a postmark that indicates that the
1386 report was mailed after the designated due date. A certificate of
1387 mailing obtained from and dated by the United States Postal
1388 Service at the time of mailing, or a receipt from an established
1389 courier company, which bears a date on or before the date on
1390 which the report is due, shall be proof of mailing in a timely
1391 manner. Reports shall contain information of all previously
1392 unreported contributions received and expenditures made as of the

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1393 preceding Friday, except that the report filed on the Friday
1394 immediately preceding the election shall contain information of
1395 all previously unreported contributions received and expenditures
1396 made as of the day preceding that designated due date. All such
1397 reports shall be open to public inspection.

1398 2. This subsection does not prohibit the governing body of
1399 a political subdivision, by ordinance or resolution, from
1400 imposing upon its own officers and candidates electronic filing
1401 requirements not in conflict with s. 106.0705. Expenditure of
1402 public funds for such purpose is deemed to be for a valid public
1403 purpose.

1404 (8)

1405 (b) Upon determining that a report is late, the filing
1406 officer shall immediately notify the candidate or chair of the
1407 political committee as to the failure to file a report by the
1408 designated due date and that a fine is being assessed for each
1409 late day. The fine shall be \$50 per day for the first 3 days late
1410 and, thereafter, \$500 per day for each late day, not to exceed 25
1411 percent of the total receipts or expenditures, whichever is
1412 greater, for the period covered by the late report. However, for
1413 the reports immediately preceding each primary and general
1414 election, the fine shall be \$500 per day for each late day, not
1415 to exceed 25 percent of the total receipts or expenditures,
1416 whichever is greater, for the period covered by the late report.
1417 For reports required under s. 106.141(7), the fine is \$50 per day
1418 for each late day, not to exceed 25 percent of the total receipts
1419 or expenditures, whichever is greater, for the period covered by
1420 the late report. Upon receipt of the report, the filing officer
1421 shall determine the amount of the fine which is due and shall

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1422 notify the candidate or chair. The filing officer shall determine
1423 the amount of the fine due based upon the earliest of the
1424 following:

- 1425 1. When the report is actually received by such officer.
- 1426 2. When the report is postmarked.
- 1427 3. When the certificate of mailing is dated.
- 1428 4. When the receipt from an established courier company is
1429 dated.
- 1430 5. When the electronic receipt issued pursuant to s.
1431 106.0705 or other electronic filing system authorized in this
1432 section is dated.

1433
1434 Such fine shall be paid to the filing officer within 20 days
1435 after receipt of the notice of payment due, unless appeal is made
1436 to the Florida Elections Commission pursuant to paragraph (c). In
1437 the case of a candidate, such fine shall not be an allowable
1438 campaign expenditure and shall be paid only from personal funds
1439 of the candidate. An officer or member of a political committee
1440 shall not be personally liable for such fine.

1441 Section 30. Effective upon this act becoming a law, section
1442 106.082, Florida Statutes, is repealed.

1443 Section 31. Effective upon this act becoming a law,
1444 subsections (1) and (2) of section 106.147, Florida Statutes, are
1445 amended to read:

1446 106.147 Telephone solicitation; disclosure requirements;
1447 prohibitions; exemptions; penalties.--

1448 (1) (a) Any electioneering communication telephone call or
1449 any telephone call supporting or opposing a candidate, elected
1450 public official, or ballot proposal must identify the persons or

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1451 organizations sponsoring the call by stating either: "paid for
1452 by_____" (insert name of persons or organizations sponsoring the
1453 call) or "paid for on behalf of_____" (insert name of persons or
1454 organizations authorizing call). This paragraph does not apply to
1455 any telephone call in which both the individual making the call
1456 is not being paid and the individuals participating in the call
1457 know each other prior to the call.

1458 (b) Any telephone call conducted for the purpose of polling
1459 respondents concerning a candidate or elected public official
1460 which is a part of a series of like telephone calls that consists
1461 of fewer than 1,000 completed calls and averages more than 2
1462 minutes in duration is presumed to be a political poll and not
1463 subject to the provisions of paragraph (a).

1464 (c) No telephone call shall state or imply that the caller
1465 represents any person or organization unless the person or
1466 organization so represented has given specific approval in
1467 writing to make such representation.

1468 (d) No telephone call shall state or imply that the caller
1469 represents a nonexistent person or organization.

1470 (e) Any electioneering communication paid for with public
1471 funds must include a disclaimer containing the words "paid for by
1472 (Name of the government entity paying for the communication)."

1473 (2) Any telephone call, not conducted by independent
1474 expenditure, which expressly advocates for or against ~~supporting~~
1475 ~~or opposing~~ a candidate or ballot proposal, requires prior
1476 written authorization by the candidate or sponsor of the ballot
1477 proposal that the call supports. A copy of such written
1478 authorization must be placed on file with the qualifying officer
1479 by the candidate or sponsor of the ballot proposal prior to the

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1480 time the calls commence.

1481 Section 32. Paragraph (a) of subsection (1) of section
1482 106.24, Florida Statutes, is amended to read:

1483 106.24 Florida Elections Commission; membership; powers;
1484 duties.--

1485 (1)(a) There is created within the Department of Legal
1486 Affairs, Office of the Attorney General, a Florida Elections
1487 Commission, hereinafter referred to as the commission. The
1488 commission shall be a separate budget entity, and ~~its director~~
1489 ~~shall be~~ the agency head for all purposes. The commission shall
1490 not be subject to control, supervision, or direction by the
1491 Department of Legal Affairs or the Attorney General in the
1492 performance of its duties, including, but not limited to,
1493 personnel, purchasing transactions involving real or personal
1494 property, and budgetary matters.

1495 Section 33. Paragraph (c) of subsection (3) of section
1496 190.006, Florida Statutes, is amended to read:

1497 190.006 Board of supervisors; members and meetings.--

1498 (3)

1499 (c) Candidates seeking election to office by qualified
1500 electors under this subsection shall conduct their campaigns in
1501 accordance with the provisions of chapter 106 and shall file
1502 qualifying papers and qualify for individual seats in accordance
1503 with s. 99.061. ~~Candidates shall pay a qualifying fee, which~~
1504 ~~shall consist of a filing fee and an election assessment or, as~~
1505 ~~an alternative, shall file a petition signed by not less than 1~~
1506 ~~percent of the registered voters of the district, and take the~~
1507 ~~oath required in s. 99.021, with the supervisor of elections in~~
1508 ~~the county affected by such candidacy. The amount of the filing~~

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1509 ~~fee is 3 percent of \$4,800; however, if the electors have~~
1510 ~~provided for compensation pursuant to subsection (8), the amount~~
1511 ~~of the filing fee is 3 percent of the maximum annual compensation~~
1512 ~~so provided. The amount of the election assessment is 1 percent~~
1513 ~~of \$4,800; however, if the electors have provided for~~
1514 ~~compensation pursuant to subsection (8), the amount of the~~
1515 ~~election assessment is 1 percent of the maximum annual~~
1516 ~~compensation so provided. The filing fee and election assessment~~
1517 ~~shall be distributed as provided in s. 105.031(3).~~

1518 Section 34. Subsection (2) of section 105.041, Florida
1519 Statutes, is amended to read:

1520 105.041 Form of ballot.--

1521 (2) LISTING OF CANDIDATES.--

1522 ~~(a) Except as provided in paragraph (b),~~ The order of
1523 nonpartisan offices appearing on the ballot shall be determined
1524 by the Department of State. The names of candidates for election
1525 to each nonpartisan office shall be listed in alphabetical order.
1526 With respect to retention of justices and judges, the question
1527 "Shall Justice (or Judge) (name of justice or judge) of the (name
1528 of the court) be retained in office?" shall appear on the ballot
1529 in alphabetical order and thereafter the words "Yes" and "No."

1530 ~~(b)1. The names of candidates for the office of circuit~~
1531 ~~judge shall be listed on the primary election ballot in the order~~
1532 ~~determined by lot conducted by the director of the Division of~~
1533 ~~Elections of the Department of State after the close of the~~
1534 ~~qualifying period.~~

1535 ~~2. Candidates who have secured a position on the general~~
1536 ~~election ballot, after having survived elimination at the primary~~
1537 ~~election, shall have their names listed in the same order as on~~

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1538 ~~the primary election ballot, notwithstanding the elimination of~~
1539 ~~any intervening names as a result of the primary election.~~

1540 Section 35. Except as otherwise expressly provided in this
1541 act and except for this section, which shall take effect upon
1542 becoming a law, this act shall take effect January 1, 2009.