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1  
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. Malfeasance;  
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 (e). 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. 7 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)~~ 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)~~ 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~~ 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. Effective upon this act becoming a law,  
1519 subsection (2) of section 105.041, Florida Statutes, is amended  
1520 to read:

1521 105.041 Form of ballot.--

1522 (2) LISTING OF CANDIDATES.--

1523 ~~(a) Except as provided in paragraph (b),~~ The order of  
1524 nonpartisan offices appearing on the ballot shall be determined  
1525 by the Department of State. The names of candidates for election  
1526 to each nonpartisan office shall be listed in alphabetical order.  
1527 With respect to retention of justices and judges, the question  
1528 "Shall Justice (or Judge) (name of justice or judge) of the (name  
1529 of the court) be retained in office?" shall appear on the ballot  
1530 in alphabetical order and thereafter the words "Yes" and "No."

1531 ~~(b)1. The names of candidates for the office of circuit~~  
1532 ~~judge shall be listed on the primary election ballot in the order~~  
1533 ~~determined by lot conducted by the director of the Division of~~  
1534 ~~Elections of the Department of State after the close of the~~  
1535 ~~qualifying period.~~

1536 ~~2. Candidates who have secured a position on the general~~  
1537 ~~election ballot, after having survived elimination at the primary~~

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1538 ~~election, shall have their names listed in the same order as on~~  
1539 ~~the primary election ballot, notwithstanding the elimination of~~  
1540 ~~any intervening names as a result of the primary election.~~

1541       Section 35. Except as otherwise expressly provided in this  
1542 act and except for this section, which shall take effect upon  
1543 becoming a law, this act shall take effect January 1, 2009.