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2010

1 A bill to be entitled
2 An act relating to elections; creating s. 97.0115, F.S.;
3 providing that chapters 97 through 105 shall govern all
4 procedures and processes relating to national, state,
5 county, and district elections within the state;
6 specifying a governing statute for the conduct of
7 municipal elections; prohibiting a county or district
8 charter, ordinance, or regulation from conflicting with
9 state election laws; amending s. 97.021, F.S.; defining
10 the term "absent uniformed services voter"; revising the
11 definition of the term "overseas voter"; amending s.
12 98.0981, F.S.; conforming a cross-reference; amending s.
13 101.111, F.S.; revising voter challenge oath requirements;
14 providing circumstances under which a challenged voter may
15 execute a change of legal residence, be directed to the
16 proper precinct, or vote a provisional ballot; providing
17 increased penalties for filing a frivolous voter
18 challenge; amending s. 101.5612, F.S.; requiring the
19 supervisor of elections to publish on his or her website a
20 notice of testing of tabulating equipment; requiring the
21 use of certain ballots and technology for preelection
22 testing of tabulating equipment; amending s. 101.62, F.S.;
23 revising the supervisor of elections' responsibilities for
24 the request and transmittal of absentee ballots; revising
25 the time an absentee ballot request is valid; authorizing
26 the Department of State to prescribe rules for a ballot to
27 be sent to uniformed services voters and overseas voters;
28 amending s. 101.694, F.S.; requiring the supervisor of

29 | elections to send an absentee ballot to certain electors
30 | within a specified time; deleting a requirement that an
31 | absentee ballot be mailed; deleting a provision
32 | establishing that a federal postcard application request
33 | is valid through two general election cycles; amending s.
34 | 101.71, F.S.; requiring the supervisor of elections to
35 | ensure the provision of adequate supplies, equipment, and
36 | personnel when precincts are collocated; requiring the
37 | supervisor of elections to publish the relocation of a
38 | polling place on his or her website; amending s. 102.012,
39 | F.S.; allowing the supervisor of elections to appoint one
40 | election board for collocated precincts and requiring the
41 | appointment of adequate personnel for the collocated
42 | precincts; amending s. 102.111, F.S.; clarifying that the
43 | Governor and Cabinet members shall serve ex officio on the
44 | Elections Canvassing Commission; establishing meeting
45 | times for the commission; amending s. 102.112, F.S.;
46 | conforming a cross-reference; amending s. 102.141, F.S.;
47 | requiring the supervisor of elections to publish on his or
48 | her website notice of the time for canvassing absentee and
49 | provisional ballots; providing circumstances under which
50 | the Secretary of State, county canvassing board, or local
51 | board is responsible for ordering recounts in elections;
52 | specifying the time for filing returns for elections in
53 | which a recount was ordered; amending s. 102.166, F.S.;
54 | providing circumstances under which the Secretary of
55 | State, county canvassing board, or local board is
56 | responsible for ordering a manual recount of overvotes and

57 | undervotes; amending s. 106.03, F.S.; revising provisions
58 | for the reporting of information changes by political
59 | committees; requiring the Division of Elections to adopt
60 | rules for the dissolution of certain political committees;
61 | amending s. 106.04, F.S.; revising reporting requirements
62 | for committees of continuous existence; revising
63 | provisions relating to the assessment and deposition of
64 | fines for committees of continuous existence; establishing
65 | when notice is deemed sufficient; amending s. 106.07,
66 | F.S.; revising reporting requirements for candidates and
67 | political committees; providing additional methods for
68 | establishing proof of delivery; increasing the time a
69 | campaign treasurer is allowed to respond to inquiries
70 | about reports; establishing when notice is deemed
71 | sufficient; revising when political committees that make
72 | contributions or expenditures in county or municipal races
73 | must file campaign finance reports; requiring transaction
74 | information for each credit card purchase; authorizing a
75 | filing officer to notify the registered agent of a
76 | political committee that fines are due; amending s.
77 | 106.0705, F.S.; conforming a cross-reference; amending s.
78 | 106.11, F.S.; establishing when a candidate may be
79 | reimbursed for a loan to his or her campaign account;
80 | amending s. 106.143, F.S.; authorizing specified
81 | abbreviations in political advertisements; requiring the
82 | exclusion of a candidate's political party affiliation in
83 | political advertisements for a nonpartisan race; amending
84 | s. 106.29, F.S.; establishing when notice is deemed

85 sufficient for late filed reports of contributions and
 86 expenditures by political parties; amending s. 379.352,
 87 F.S.; conforming a cross-reference; providing effective
 88 dates.

89

90 Be It Enacted by the Legislature of the State of Florida:

91

92 Section 1. Section 97.0115, Florida Statutes, is created
 93 to read:

94 97.0115 Elections procedures and processes; governing
 95 law.—

96 (1) Chapters 97-105 shall govern all procedures and
 97 processes relating to national, state, county, and district
 98 elections within the state, except as otherwise specifically
 99 authorized by federal or state law. The conduct of municipal
 100 elections shall be governed by s. 100.3605.

101 (2) A county or district charter, ordinance, or regulation
 102 may not conflict with the matters set forth in chapters 97-105.

103 Section 2. Effective upon this act becoming a law,
 104 subsections (2) through (43) of section 97.021, Florida
 105 Statutes, are renumbered as subsections (3) through (44),
 106 respectively, present subsection (22) of that section is
 107 amended, and a new subsection (2) is added to that section to
 108 read:

109 97.021 Definitions.—For the purposes of this code, except
 110 where the context clearly indicates otherwise, the term:

111 (2) "Absent uniformed services voter" means:

112 (a) A member of a uniformed service on active duty who, by

113 reason of such active duty, is absent from the place of
 114 residence where the member is otherwise qualified to vote;

115 (b) A member of the merchant marine who, by reason of
 116 service in the merchant marine, is absent from the place of
 117 residence where the member is otherwise qualified to vote; or

118 (c) A spouse or dependent of a member referred to in
 119 paragraph (a) or paragraph (b) who, by reason of the active duty
 120 or service of the member, is absent from the place of residence
 121 where the spouse or dependent is otherwise qualified to vote.

122 (23)-(22) "Overseas voter" means:

123 (a) An absent uniformed services voter who, by reason of
 124 active duty or service, is absent from the United States on the
 125 date of the election involved ~~Members of the uniformed services~~
 126 ~~while in the active service who are permanent residents of the~~
 127 ~~state and are temporarily residing outside the territorial~~
 128 ~~limits of the United States and the District of Columbia;~~

129 (b) A person who resides outside the United States and is
 130 qualified to vote in the last place in which the person was
 131 domiciled before leaving the United States ~~Members of the~~
 132 ~~Merchant Marine of the United States who are permanent residents~~
 133 ~~of the state and are temporarily residing outside the~~
 134 ~~territorial limits of the United States and the District of~~
 135 ~~Columbia; or and~~

136 (c) A person who resides outside the United States and,
 137 but for such residence, would be qualified to vote in the last
 138 place in which the person was domiciled before leaving the
 139 United States ~~Other citizens of the United States who are~~
 140 ~~permanent residents of the state and are temporarily residing~~

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141 ~~outside the territorial limits of the United States and the~~
 142 ~~District of Columbia, who are qualified and registered to vote~~
 143 ~~as provided by law.~~

144 Section 3. Subsection (3) of section 98.0981, Florida
 145 Statutes, is amended to read:

146 98.0981 Reports; voting history; statewide voter
 147 registration system information; precinct-level election
 148 results; book closing statistics.—

149 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date
 150 of book closing but before the date of an election as defined in
 151 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,
 152 or district office, or to vote on a proposed constitutional
 153 amendment, the department shall compile the following precinct-
 154 level statistical data for each county:

155 (a) Precinct numbers.

156 (b) Total number of active registered voters by party for
 157 each precinct.

158 Section 4. Section 101.111, Florida Statutes, is amended
 159 to read:

160 101.111 Voter challenges ~~Person desiring to vote may be~~
 161 ~~challenged; challenger to execute oath; oath of person~~
 162 ~~challenged; determination of challenge.—~~

163 (1) (a) Any registered elector or poll watcher of a county
 164 may challenge the right of a person to vote in that county. The
 165 challenge must be in writing and contain the following oath,
 166 which shall be delivered to the clerk or inspector:

167 OATH OF PERSON ENTERING CHALLENGE

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169 County of _____
 170 I do solemnly swear or affirm that my name is _____; ~~that I am a~~
 171 ~~member of the _____ Party;~~ that I am a registered voter or
 172 pollwatcher; that my residence address is _____, ~~in the~~
 173 ~~municipality of _____;~~ and that I have reason to believe that
 174 _____ is attempting to vote illegally and the reasons for my
 175 belief are set forth herein to wit:

176 _____
 177 _____
 178 _____

179 ... (Signature of person challenging voter) ...

180 Sworn and subscribed to before me this _____ day of _____,
 181 ... (year)

182 ... (Clerk of election) ...

183 (b) 1. The clerk or inspector shall immediately deliver to
 184 the challenged person a copy of the oath of the person entering
 185 the challenge, and the challenged voter shall be allowed to cast
 186 a provisional ballot in accordance with s. 101.048, except as
 187 provided in subparagraph 2.

188 2. If the basis for the challenge is that the person's
 189 legal residence is not in that precinct, the person shall first
 190 be given the opportunity to execute a change of legal residence
 191 in order to be able to vote a regular ballot in accordance with
 192 s. 101.045(2). If the change of legal residence is such that the
 193 person is then properly registered for that precinct, the person
 194 shall be allowed to vote a regular ballot. If the change of
 195 legal residence places the person in another precinct, the
 196 person shall be directed to the proper precinct to vote. If such

197 person insists that he or she is currently in the proper
 198 precinct, the person shall be allowed to vote a provisional
 199 ballot in accordance with s. 101.048.

200 (c) Alternatively, a challenge in accordance with this
 201 section may be filed in advance with the supervisor of elections
 202 no sooner than 30 days before an election. The supervisor shall
 203 promptly provide the election board in the challenged voter's
 204 precinct with a copy of the oath of the person entering the
 205 challenge. The challenged voter shall be allowed to cast a
 206 provisional ballot in accordance with s. 101.048, subject to the
 207 provisions of subparagraph (b)2.

208 (2) Any elector or poll watcher filing a frivolous
 209 challenge of any person's right to vote commits a felony
 210 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
 211 s. 775.082, ~~or~~ s. 775.083, or s. 775.084; however, electors or
 212 poll watchers shall not be subject to liability for any action
 213 taken in good faith and in furtherance of any activity or duty
 214 permitted of such electors or poll watchers by law. Each
 215 instance where any elector or poll watcher files a frivolous
 216 challenge of any person's right to vote constitutes a separate
 217 offense.

218 Section 5. Effective upon this act becoming a law,
 219 subsections (2) and (5) of section 101.5612, Florida Statutes,
 220 are amended to read:

221 101.5612 Testing of tabulating equipment.—

222 (2) On any day not more than 10 days prior to the
 223 commencement of early voting as provided in s. 101.657, the
 224 supervisor of elections shall have the automatic tabulating

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225 equipment publicly tested to ascertain that the equipment will
226 correctly count the votes cast for all offices and on all
227 measures. If the ballots to be used at the polling place on
228 election day are not available at the time of the testing, the
229 supervisor may conduct an additional test not more than 10 days
230 before election day. Public notice of the time and place of the
231 test shall be given at least 48 hours prior thereto by
232 publication on the supervisor of elections' website and once in
233 one or more newspapers of general circulation in the county or,
234 if there is no newspaper of general circulation in the county,
235 by posting the notice in at least four conspicuous places in the
236 county. The supervisor or the municipal elections official may,
237 at the time of qualifying, give written notice of the time and
238 location of the public preelection test to each candidate
239 qualifying with that office and obtain a signed receipt that the
240 notice has been given. The Department of State shall give
241 written notice to each statewide candidate at the time of
242 qualifying, or immediately at the end of qualifying, that the
243 voting equipment will be tested and advise each candidate to
244 contact the county supervisor of elections as to the time and
245 location of the public preelection test. The supervisor or the
246 municipal elections official shall, at least 15 days prior to
247 the commencement of early voting as provided in s. 101.657, send
248 written notice by certified mail to the county party chair of
249 each political party and to all candidates for other than
250 statewide office whose names appear on the ballot in the county
251 and who did not receive written notification from the supervisor
252 or municipal elections official at the time of qualifying,

253 | stating the time and location of the public preelection test of
 254 | the automatic tabulating equipment. The canvassing board shall
 255 | convene, and each member of the canvassing board shall certify
 256 | to the accuracy of the test. For the test, the canvassing board
 257 | may designate one member to represent it. The test shall be open
 258 | to representatives of the political parties, the press, and the
 259 | public. Each political party may designate one person with
 260 | expertise in the computer field who shall be allowed in the
 261 | central counting room when all tests are being conducted and
 262 | when the official votes are being counted. The designee shall
 263 | not interfere with the normal operation of the canvassing board.

264 | (5) Any tests involving marksense ballots pursuant to this
 265 | section shall employ test preprinted ballots created by the
 266 | supervisor of elections using actual ballots that have been
 267 | printed for the election. ~~If preprinted ballots will be used in~~
 268 | ~~the election, and~~ ballot-on-demand ballots will be used in the
 269 | election, the supervisor shall also create test ballots using
 270 | the, if ballot-on-demand technology that will be used to produce
 271 | ballots in the election, using the same paper stock as will be
 272 | used for ballots in the election ~~or both.~~

273 | Section 6. Effective upon this act becoming a law,
 274 | subsections (1), (3), (4), and (5) of section 101.62, Florida
 275 | Statutes, are amended to read:

276 | 101.62 Request for absentee ballots.—

277 | (1) (a) The supervisor shall ~~may~~ accept a request for an
 278 | absentee ballot from an elector in person or in writing. ~~Except~~
 279 | ~~as provided in s. 101.694,~~ One request shall be deemed
 280 | sufficient to receive an absentee ballot for all elections

281 through the next ~~two~~ regularly scheduled general election
 282 ~~elections~~, unless the elector or the elector's designee
 283 indicates at the time the request is made the elections for
 284 which the elector desires to receive an absentee ballot. Such
 285 request may be considered canceled when any first-class mail
 286 sent by the supervisor to the elector is returned as
 287 undeliverable.

288 (b) The supervisor shall ~~may~~ accept a ~~written or~~
 289 ~~telephonic~~ request for an absentee ballot from the elector, or,
 290 if directly instructed by the elector, a member of the elector's
 291 immediate family, or the elector's legal guardian. For purposes
 292 of this section, the term "immediate family" has the same
 293 meaning as specified in paragraph (4) (b). The person making the
 294 request must disclose:

- 295 1. The name of the elector for whom the ballot is
 296 requested. †
- 297 2. The elector's address. †
- 298 3. The elector's date of birth. †
- 299 4. The requester's name. †
- 300 5. The requester's address. †
- 301 ~~6. The requester's driver's license number, if available;~~
- 302 6.7. The requester's relationship to the elector. †; ~~and~~
- 303 ~~8. The requester's signature (written requests only).~~

304 (c) Upon receiving a request for an absentee ballot, the
 305 supervisor of elections shall notify the voter of the free
 306 access system that has been designated by the department for
 307 determining the status of his or her absentee ballot.

308 (3) For each request for an absentee ballot received, the

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309 supervisor shall record the date the request was made, the date
310 the absentee ballot was delivered to the voter or the voter's
311 designee or the date the absentee ballot was delivered to the
312 post office or other carrier, the date the ballot was received
313 by the supervisor, and such other information he or she may deem
314 necessary. This information shall be provided in electronic
315 format as provided by rule adopted by the division. The
316 information shall be updated and made available no later than
317 noon of each day beginning the date the first absentee ballots
318 are mailed for the election and shall be contemporaneously
319 provided to the division. This information shall be confidential
320 and exempt from the provisions of s. 119.07(1) and shall be made
321 available to or reproduced only for the voter requesting the
322 ballot, a canvassing board, an election official, a political
323 party or official thereof, a candidate who has filed
324 qualification papers and is opposed in an upcoming election, and
325 registered political committees or registered committees of
326 continuous existence, for political purposes only.

327 (4) (a) No later than 45 days before each election, the
328 supervisor of elections shall send an absentee ballot to each
329 absent uniformed services voter and to each overseas voter as
330 provided in subparagraph (b) 3. ~~To each absent qualified elector~~
331 ~~overseas who has requested an absentee ballot, the supervisor of~~
332 ~~elections shall mail an absentee ballot not less than 35 days~~
333 ~~before the primary election and not less than 45 days before the~~
334 ~~general election.~~

335 (b) The supervisor shall provide an absentee ballot to
336 each elector by whom a request for that ballot has been made by

337 one of the following means:

338 1. By nonforwardable, return-if-undeliverable mail to the
 339 elector's current mailing address on file with the supervisor,~~7~~
 340 ~~unless the elector specifies in the request that:~~

341 2. By nonforwardable, return-if-undeliverable mail to any
 342 address requested by an elector if the request specifies that:

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

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

348 c. The elector is in a hospital, assisted living facility,
 349 nursing home, short-term medical or rehabilitation facility, or
 350 correctional facility,~~7~~

351
 352 ~~in which case the supervisor shall mail the ballot by~~
 353 ~~nonforwardable, return-if-undeliverable mail to any other~~
 354 ~~address the elector specifies in the request.~~

355 3.2. By forwardable mail, e-mail, or facsimile machine
 356 transmission to absent uniformed services voters and overseas
 357 voters who are entitled to vote by absentee ballot under the
 358 Uniformed and Overseas Citizens Absentee Voting Act. The absent
 359 uniformed services voter or overseas voter may designate in the
 360 request the preferred method of transmission. If the voter does
 361 not designate the method of transmission, the ballot shall be
 362 mailed.

363 4.3. By personal delivery before 7 p.m. on election day to
 364 the elector, upon presentation of the identification required in

365 s. 101.043.

366 ~~5.4.~~ By delivery to a designee on election day or up to 5
 367 days prior to the day of an election. Any elector may designate
 368 in writing a person to pick up the ballot for the elector;
 369 however, the person designated may not pick up more than two
 370 absentee ballots per election, other than the designee's own
 371 ballot, except that additional ballots may be picked up for
 372 members of the designee's immediate family. For purposes of this
 373 section, "immediate family" means the designee's spouse or the
 374 parent, child, grandparent, or sibling of the designee or of the
 375 designee's spouse. The designee shall provide to the supervisor
 376 the written authorization by the elector and a picture
 377 identification of the designee and must complete an affidavit.
 378 The designee shall state in the affidavit that the designee is
 379 authorized by the elector to pick up that ballot and shall
 380 indicate if the elector is a member of the designee's immediate
 381 family and, if so, the relationship. The department shall
 382 prescribe the form of the affidavit. If the supervisor is
 383 satisfied that the designee is authorized to pick up the ballot
 384 and that the signature of the elector on the written
 385 authorization matches the signature of the elector on file, the
 386 supervisor shall give the ballot to that designee for delivery
 387 to the elector.

388 (5) In the event that the department ~~Elections Canvassing~~
 389 ~~Commission~~ is unable to certify candidates for ~~the results of an~~
 390 ~~election for a state office~~ in time for the supervisors to
 391 comply with paragraph (4) (a) ~~subsection (4)~~, the Department of
 392 State is authorized to prescribe rules for a ballot to be sent

393 | to absent uniformed services voters and ~~electors~~ overseas
 394 | voters.

395 | Section 7. Effective upon this act becoming a law,
 396 | subsection (1) of section 101.694, Florida Statutes, is amended
 397 | to read:

398 | 101.694 Mailing of ballots upon receipt of federal
 399 | postcard application.—

400 | (1) Upon receipt of a federal postcard application for an
 401 | absentee ballot executed by a person whose registration is in
 402 | order or whose application is sufficient to register or update
 403 | the registration of that person, the supervisor shall send the
 404 | ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
 405 | ~~ballot, if the ballots are available for mailing. The federal~~
 406 | ~~postcard application request for an absentee ballot shall be~~
 407 | ~~effective for all elections through the next two regularly~~
 408 | ~~scheduled general elections.~~

409 | Section 8. Effective upon this act becoming a law,
 410 | subsection (2) of section 101.71, Florida Statutes, is amended
 411 | to read:

412 | 101.71 Polling place.—

413 | (2) Notwithstanding the provisions of subsection (1),
 414 | whenever the supervisor of elections of any county determines
 415 | that the accommodations for holding any election at a polling
 416 | place designated for any precinct in the county are unavailable,
 417 | are inadequate for the expeditious and efficient housing and
 418 | handling of voting and voting paraphernalia, or do not comply
 419 | with the requirements of s. 101.715, the supervisor shall, not
 420 | less than 30 days prior to the holding of an election, provide

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421 for the voting place for such precinct to be moved to another
 422 site that is accessible to the public on election day in said
 423 precinct or, if such is not available, to another site that is
 424 accessible to the public on election day in a contiguous
 425 precinct. If such action of the supervisor results in the voting
 426 place for two or more precincts being located for the purposes
 427 of an election in one building, the supervisor of elections
 428 shall ensure that adequate supplies, equipment, and personnel
 429 are available to accommodate the voters for the precincts that
 430 are collocated ~~voting places for the several precincts involved~~
 431 ~~shall be established and maintained separate from each other in~~
 432 ~~said building.~~ When any supervisor moves any polling place
 433 pursuant to this subsection, the supervisor shall, not more than
 434 30 days or fewer than 7 days prior to the holding of an
 435 election, give notice of the change of the polling place for the
 436 precinct involved, with clear description of the voting place to
 437 which changed, at least once in a newspaper of general
 438 circulation in the said county and on the supervisor of
 439 elections' website. A notice of the change of the polling place
 440 involved shall be mailed, at least 14 days prior to an election,
 441 to each registered elector or to each household in which there
 442 is a registered elector.

443 Section 9. Effective upon this act becoming a law,
 444 subsection (1) of section 102.012, Florida Statutes, is amended
 445 to read:

446 102.012 Inspectors and clerks to conduct elections.-

447 (1) (a) The supervisor of elections of each county, at
 448 least 20 days prior to the holding of any election, shall

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449 | appoint an election board comprised of poll workers who serve as
450 | clerks or inspectors for each precinct in the county. The clerk
451 | shall be in charge of, and responsible for, seeing that the
452 | election board carries out its duties and responsibilities. Each
453 | inspector and each clerk shall take and subscribe to an oath or
454 | affirmation, which shall be written or printed, to the effect
455 | that he or she will perform the duties of inspector or clerk of
456 | election, respectively, according to law and will endeavor to
457 | prevent all fraud, deceit, or abuse in conducting the election.
458 | The oath may be taken before an officer authorized to administer
459 | oaths or before any of the persons who are to act as inspectors,
460 | one of them to swear the others, and one of the others sworn
461 | thus, in turn, to administer the oath to the one who has not
462 | been sworn. The oaths shall be returned with the poll list and
463 | the returns of the election to the supervisor. In all questions
464 | that may arise before the members of an election board, the
465 | decision of a majority of them shall decide the question. The
466 | supervisor of elections of each county shall be responsible for
467 | the attendance and diligent performance of his or her duties by
468 | each clerk and inspector.

469 | (b) If two or more precincts share the same building and
470 | voting place, the supervisor of elections may appoint one
471 | election board for the collocated precincts. The supervisor
472 | shall ensure that a sufficient number of poll workers are
473 | appointed to adequately handle the processing of the voters in
474 | the collocated precincts.

475 | Section 10. Effective upon this act becoming a law,
476 | section 102.111, Florida Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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477 102.111 Elections Canvassing Commission.—

478 (1) The Elections Canvassing Commission shall consist of
 479 the Governor and two members of the Cabinet selected by the
 480 Governor, all of whom shall serve ex officio. If a member of the
 481 ~~Elections Canvassing~~ commission is unable to serve for any
 482 reason, the Governor shall appoint a remaining member of the
 483 Cabinet. If there is a further vacancy, the remaining members of
 484 the commission shall agree on another elected official to fill
 485 the vacancy.

486 (2) The Elections Canvassing Commission shall meet at 9
 487 a.m. on the 9th day after a primary election and at 9 a.m. on
 488 the 14th day after a general election to, ~~as soon as the~~
 489 ~~official results are compiled from all counties~~, certify the
 490 returns of the election ~~and determine and declare who has been~~
 491 ~~elected~~ for each federal, state, and multicounty office. If a
 492 member of a county canvassing board that was constituted
 493 pursuant to s. 102.141 determines, within 5 days after the
 494 certification by the Elections Canvassing Commission, that a
 495 typographical error occurred in the official returns of the
 496 county, the correction of which could result in a change in the
 497 outcome of an election, the county canvassing board must certify
 498 corrected returns to the Department of State within 24 hours,
 499 and the Elections Canvassing Commission must correct and
 500 recertify the election returns as soon as practicable.

501 (3) ~~(2)~~ The Division of Elections shall provide the staff
 502 services required by the Elections Canvassing Commission.

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503 Section 11. Effective upon this act becoming a law,
 504 subsection (2) of section 102.112, Florida Statutes, is amended
 505 to read:

506 102.112 Deadline for submission of county returns to the
 507 Department of State.—

508 (2) Returns must be filed by 5 p.m. on the 7th day
 509 following a primary election and by noon on the 12th day
 510 following the general election. However, the Department of State
 511 may correct typographical errors, including the transposition of
 512 numbers, in any returns submitted to the Department of State
 513 pursuant to s. 102.111(2) ~~s. 102.111(1)~~.

514 Section 12. Effective upon this act becoming a law,
 515 subsections (2) and (7) of section 102.141, Florida Statutes,
 516 are amended to read:

517 102.141 County canvassing board; duties.—

518 (2) The county canvassing board shall meet in a building
 519 accessible to the public in the county where the election
 520 occurred at a time and place to be designated by the supervisor
 521 of elections to publicly canvass the absentee electors' ballots
 522 as provided for in s. 101.68 and provisional ballots as provided
 523 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
 524 pursuant to s. 101.049 shall be canvassed in a manner that votes
 525 for candidates and issues on those ballots can be segregated
 526 from other votes. Public notice of the time and place at which
 527 the county canvassing board shall meet to canvass the absentee
 528 electors' ballots and provisional ballots shall be given at
 529 least 48 hours prior thereto by publication on the supervisor of
 530 elections' website and once in one or more newspapers of general

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531 circulation in the county or, if there is no newspaper of
532 general circulation in the county, by posting such notice in at
533 least four conspicuous places in the county. As soon as the
534 absentee electors' ballots and the provisional ballots are
535 canvassed, the board shall proceed to publicly canvass the vote
536 given each candidate, nominee, constitutional amendment, or
537 other measure submitted to the electorate of the county, as
538 shown by the returns then on file in the office of the
539 supervisor of elections ~~and the office of the county court~~
540 ~~judge.~~

541 (7) If the unofficial returns reflect that a candidate for
542 any office was defeated or eliminated by one-half of a percent
543 or less of the votes cast for such office, that a candidate for
544 retention to a judicial office was retained or not retained by
545 one-half of a percent or less of the votes cast on the question
546 of retention, or that a measure appearing on the ballot was
547 approved or rejected by one-half of a percent or less of the
548 votes cast on such measure, ~~the board responsible for certifying~~
549 ~~the results of the vote on such race or measure shall order a~~
550 recount shall be ordered of the votes cast with respect to such
551 office or measure. The Secretary of State Elections Canvassing
552 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in
553 federal, state, and multicounty rac~~es~~ rec~~ounts~~. The county
554 canvassing board or the local board responsible for certifying
555 the election is responsible for ordering recounts in all other
556 rac~~es~~. A recount need not be ordered with respect to the returns
557 for any office, however, if the candidate or candidates defeated
558 or eliminated from contention for such office by one-half of a

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559 | percent or less of the votes cast for such office request in
560 | writing that a recount not be made.

561 | (a) Each canvassing board responsible for conducting a
562 | recount shall put each marksense ballot through automatic
563 | tabulating equipment and determine whether the returns correctly
564 | reflect the votes cast. If any marksense ballot is physically
565 | damaged so that it cannot be properly counted by the automatic
566 | tabulating equipment during the recount, a true duplicate shall
567 | be made of the damaged ballot pursuant to the procedures in s.
568 | 101.5614(5). Immediately before the start of the recount, a test
569 | of the tabulating equipment shall be conducted as provided in s.
570 | 101.5612. If the test indicates no error, the recount tabulation
571 | of the ballots cast shall be presumed correct and such votes
572 | shall be canvassed accordingly. If an error is detected, the
573 | cause therefor shall be ascertained and corrected and the
574 | recount repeated, as necessary. The canvassing board shall
575 | immediately report the error, along with the cause of the error
576 | and the corrective measures being taken, to the Department of
577 | State. No later than 11 days after the election, the canvassing
578 | board shall file a separate incident report with the Department
579 | of State, detailing the resolution of the matter and identifying
580 | any measures that will avoid a future recurrence of the error.

581 | (b) Each canvassing board responsible for conducting a
582 | recount where touchscreen ballots were used shall examine the
583 | counters on the precinct tabulators to ensure that the total of
584 | the returns on the precinct tabulators equals the overall
585 | election return. If there is a discrepancy between the overall
586 | election return and the counters of the precinct tabulators, the

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587 | counters of the precinct tabulators shall be presumed correct
 588 | and such votes shall be canvassed accordingly.

589 | (c) The canvassing board shall submit on forms or in
 590 | formats provided by the division a second set of unofficial
 591 | returns to the Department of State for each federal, statewide,
 592 | state, or multicounty office or ballot measure. The returns
 593 | shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after
 594 | any primary election and no later than 3 p.m. on the 9th ~~ninth~~
 595 | day after any general election in which a recount was ordered by
 596 | the Secretary of State ~~conducted pursuant to this subsection~~. If
 597 | the canvassing board is unable to complete the recount
 598 | prescribed in this subsection by the deadline, the second set of
 599 | unofficial returns submitted by the canvassing board shall be
 600 | identical to the initial unofficial returns and the submission
 601 | shall also include a detailed explanation of why it was unable
 602 | to timely complete the recount. However, the canvassing board
 603 | shall complete the recount prescribed in this subsection, along
 604 | with any manual recount prescribed in s. 102.166, and certify
 605 | election returns in accordance with the requirements of this
 606 | chapter.

607 | (d) The Department of State shall adopt detailed rules
 608 | prescribing additional recount procedures for each certified
 609 | voting system, which shall be uniform to the extent practicable.

610 | Section 13. Effective upon this act becoming a law,
 611 | subsection (1) of section 102.166, Florida Statutes, is amended
 612 | to read:

613 | 102.166 Manual recounts of overvotes and undervotes.—

614 | (1) If the second set of unofficial returns pursuant to s.

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615 102.141 indicates that a candidate for any office was defeated
 616 or eliminated by one-quarter of a percent or less of the votes
 617 cast for such office, that a candidate for retention to a
 618 judicial office was retained or not retained by one-quarter of a
 619 percent or less of the votes cast on the question of retention,
 620 or that a measure appearing on the ballot was approved or
 621 rejected by one-quarter of a percent or less of the votes cast
 622 on such measure, ~~the board responsible for certifying the~~
 623 ~~results of the vote on such race or measure shall order~~ a manual
 624 recount of the overvotes and undervotes cast in the entire
 625 geographic jurisdiction of such office or ballot measure shall
 626 be ordered unless: ~~A manual recount may not be ordered,~~
 627 ~~however, if~~

628 (a) The candidate or candidates defeated or eliminated
 629 from contention by one-quarter of 1 percent or less of the votes
 630 cast for such office request in writing that a recount not be
 631 made; or

632 (b) The number of overvotes and ~~undervotes, and~~
 633 ~~provisional ballots~~ is fewer than the number of votes needed to
 634 change the outcome of the election.

635
 636 The Secretary of State is responsible for ordering a manual
 637 recount for federal, state, and multicounty races. The county
 638 canvassing board or local board responsible for certifying the
 639 election is responsible for ordering a manual recount for all
 640 other races.

641 Section 14. Subsections (4) and (7) of section 106.03,
 642 Florida Statutes, are amended to read:

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643 106.03 Registration of political committees.—

644 (4) Any change in information previously submitted ~~in a~~
 645 ~~statement of organization shall be reported~~ to the agency or
 646 officer with whom the political ~~such~~ committee is registered
 647 shall be reported ~~required to register pursuant to subsection~~
 648 ~~(3)~~, within 10 days after ~~following~~ the change.

649 (7) The Division of Elections shall adopt ~~promulgate~~ rules
 650 to prescribe the manner in which ~~inactive~~ committees that fail
 651 to file a report or information required pursuant to this
 652 chapter or that fail to meet the criteria prescribed in s.
 653 106.011 may be dissolved and have their registration canceled.
 654 Such rules shall, at a minimum, provide for:

655 (a) Notice which shall contain the facts and conduct which
 656 warrant the intended action, including but not limited to
 657 failure to file reports and limited activity.

658 (b) Adequate opportunity to respond.

659 (c) Appeal of the decision to the Florida Elections
 660 Commission. Such appeals shall be exempt from the
 661 confidentiality provisions of s. 106.25.

662 Section 15. Subsection (4) of section 106.04, Florida
 663 Statutes, is amended, present subsections (7) and (8) of that
 664 section are amended and renumbered as subsections (8) and (9),
 665 respectively, and a new subsection (7) is added to that section,
 666 to read:

667 106.04 Committees of continuous existence.—

668 (4) (a) Each committee of continuous existence shall file
 669 an annual report with the Division of Elections during the month
 670 of January. Such annual reports shall contain the same

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671 information and shall be accompanied by the same materials as
672 original applications filed pursuant to subsection (2). However,
673 the charter or bylaws need not be filed if the annual report is
674 accompanied by a sworn statement by the chair that no changes
675 have been made to such charter or bylaws since the last filing.

676 (b)1. Each committee of continuous existence shall file
677 regular reports with the Division of Elections pursuant to s.
678 106.0705 at the same times and subject to the same filing
679 conditions as are established by s. 106.07(1) and (2) for
680 candidates' reports. In addition, when a special election is
681 called to fill a vacancy in office, all committees of continuous
682 existence making contributions or expenditures to influence the
683 results of the special election or the preceding special primary
684 election must file campaign treasurers' reports with the filing
685 officer on the dates set by the Department of State pursuant to
686 s. 100.111.

687 2. A committee of continuous existence that makes a
688 contribution or an expenditure in connection with a county or
689 municipal election that is not being held at the same time as a
690 state or federal election must also file campaign finance
691 reports with the county or municipal filing officer on the same
692 dates as county or municipal candidates or committees for that
693 election. The committee of continuous existence must include the
694 contribution or expenditure in the next report filed with the
695 Division of Elections pursuant to this section after the county
696 or municipal election.

697 3.2. Any committee of continuous existence failing to so
698 file a report with the Division of Elections or applicable

699 filing officer pursuant to this paragraph on the designated due
 700 date shall be subject to a fine for late filing as provided by
 701 this section.

702 (c) ~~All committees of continuous existence shall file~~
 703 ~~their reports with the Division of Elections.~~ Reports filed
 704 pursuant to paragraph (b) must ~~shall be filed in accordance with~~
 705 ~~s. 106.0705 and shall~~ contain the following information:

706 1. The full name, address, and occupation of each person
 707 who has made one or more contributions, including contributions
 708 that represent the payment of membership dues, to the committee
 709 during the reporting period, together with the amounts and dates
 710 of such contributions. For corporations, the report must provide
 711 as clear a description as practicable of the principal type of
 712 business conducted by the corporation. However, if the
 713 contribution is \$100 or less, the occupation of the contributor
 714 or principal type of business need not be listed. However, for
 715 any contributions that represent the payment of dues by members
 716 in a fixed amount aggregating no more than \$250 per calendar
 717 year, pursuant to the schedule on file with the Division of
 718 Elections, only the aggregate amount of such contributions need
 719 be listed, together with the number of members paying such dues
 720 and the amount of the membership dues.

721 2. The name and address of each political committee or
 722 committee of continuous existence from which the reporting
 723 committee received, or the name and address of each political
 724 committee, committee of continuous existence, or political party
 725 to which it made, any transfer of funds, together with the
 726 amounts and dates of all transfers.

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727 3. Any other receipt of funds not listed pursuant to
728 subparagraph 1. or subparagraph 2., including the sources and
729 amounts of all such funds.

730 4. The name and address of, and office sought by, each
731 candidate to whom the committee has made a contribution during
732 the reporting period, together with the amount and date of each
733 contribution.

734 5. The full name and address of each person to whom
735 expenditures have been made by or on behalf of the committee
736 within the reporting period; the amount, date, and purpose of
737 each such expenditure; and the name and address, and office
738 sought by, each candidate on whose behalf such expenditure was
739 made.

740 6. The full name and address of each person to whom an
741 expenditure for personal services, salary, or reimbursement for
742 authorized expenses has been made, including the full name and
743 address of each entity to whom the person made payment for which
744 reimbursement was made by check drawn upon the committee
745 account, together with the amount and purpose of such payment.

746 7. Transaction information from each credit card purchase
747 ~~statement that will be included in the next report following~~
748 ~~receipt thereof by the committee.~~ Receipts for each credit card
749 purchase shall be retained by the treasurer with the records for
750 the committee account.

751 8. The total sum of expenditures made by the committee
752 during the reporting period.

753 (d) The treasurer of each committee shall certify as to
754 the correctness of each report and shall bear the responsibility

755 for its accuracy and veracity. Any treasurer who willfully
 756 certifies to the correctness of a report while knowing that such
 757 report is incorrect, false, or incomplete commits a misdemeanor
 758 of the first degree, punishable as provided in s. 775.082 or s.
 759 775.083.

760 (7) Any change in information previously submitted to the
 761 division must be reported within 10 days after the change.

762 (8)~~(7)~~ If a committee of continuous existence ceases to
 763 meet the criteria prescribed by subsection (1) or fails to file
 764 a report or information required pursuant to this chapter, the
 765 Division of Elections shall revoke its certification ~~until such~~
 766 ~~time as the criteria are again met~~. The Division of Elections
 767 shall adopt ~~promulgate~~ rules to prescribe the manner in which
 768 the such certification of a committee of continuous existence
 769 shall be revoked. Such rules shall, at a minimum, provide for:

770 (a) Notice, which must ~~shall~~ contain the facts and conduct
 771 that warrant the intended action.

772 (b) Adequate opportunity to respond.

773 (c) Appeal of the decision to the Florida Elections
 774 Commission. Such appeals are ~~shall be~~ exempt from the
 775 confidentiality provisions of s. 106.25.

776 (9)~~(8)~~(a) Any committee of continuous existence failing to
 777 file a report on the designated due date is ~~shall be~~ subject to
 778 a fine. The fine shall be \$50 per day for the first 3 days late
 779 and, thereafter, \$500 per day for each late day, not to exceed
 780 25 percent of the total receipts or expenditures, whichever is
 781 greater, for the period covered by the late report. However, for
 782 the reports immediately preceding each primary and general

783 election, including a special primary election and a special
 784 general election, the fine shall be \$500 per day for each late
 785 day, not to exceed 25 percent of the total receipts or
 786 expenditures, whichever is greater, for the period covered by
 787 the late report. The fine shall be assessed by the filing
 788 officer, and the moneys collected shall be deposited:

789 1. In the General Revenue Fund, in the case of fines
 790 collected by the Division of Elections.

791 2. In the general revenue fund of the political
 792 subdivision, in the case of fines collected by a county or
 793 municipal filing officer ~~No separate fine shall be assessed for~~
 794 ~~failure to file a copy of any report required by this section.~~

795 (b) Upon determining that a report is late, the filing
 796 officer shall immediately notify the treasurer of the committee
 797 or the committee's registered agent as to the failure to file a
 798 report by the designated due date and that a fine is being
 799 assessed for each late day. Upon receipt of the report, the
 800 filing officer shall determine the amount of fine which is due
 801 and shall notify the treasurer of the committee. Notice is
 802 deemed sufficient upon proof of delivery of written notice to
 803 the mailing or street address on record with the filing officer.

804 The filing officer shall determine the amount of the fine due
 805 based upon the earliest of the following:

- 806 1. When the report is actually received by such officer.
- 807 2. When the report is postmarked.
- 808 3. When the certificate of mailing is dated.
- 809 4. When the receipt from an established courier company is
- 810 dated.

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811
812 Such fine shall be paid to the filing officer within 20 days
813 after receipt of the notice of payment due, unless appeal is
814 made to the Florida Elections Commission pursuant to paragraph
815 (c). An officer or member of a committee is ~~shall~~ not be
816 personally liable for such fine.

817 (c) Any treasurer of a committee may appeal or dispute the
818 fine, based upon unusual circumstances surrounding the failure
819 to file on the designated due date, and may request and is ~~shall~~
820 ~~be~~ entitled to a hearing before the Florida Elections
821 Commission, which may ~~shall~~ have the authority to waive the fine
822 in whole or in part. Any such request must ~~shall~~ be made within
823 20 days after receipt of the notice of payment due. ~~In such~~
824 ~~case, the treasurer of~~ The committee shall file a copy of the
825 appeal with, ~~within the 20-day period,~~ notify the filing officer
826 ~~in writing of his or her intention to bring the matter before~~
827 ~~the commission.~~

828 (d) The filing officer shall notify the Florida Elections
829 Commission of the repeated late filing by a committee of
830 continuous existence, the failure of a committee of continuous
831 existence to file a report after notice, or the failure to pay
832 the fine imposed.

833 Section 16. Paragraph (b) of subsection (2), subsections
834 (3) and (4), and paragraph (b) of subsection (8) of section
835 106.07, Florida Statutes, are amended to read:

836 106.07 Reports; certification and filing.-

837 (2)

838 (b)1. Any report which is deemed to be incomplete by the

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839 officer with whom the candidate qualifies shall be accepted on a
840 conditional basis. ~~and~~ The campaign treasurer shall be notified
841 by certified registered mail, or other common carrier that can
842 establish proof of delivery for the notice, as to why the report
843 is incomplete. ~~and~~ Within 7 ~~be given 3 days after from~~ receipt
844 of such notice, the campaign treasurer must ~~to~~ file an addendum
845 to the report providing all information necessary to complete
846 the report in compliance with this section. Failure to file a
847 complete report after such notice constitutes a violation of
848 this chapter.

849 2. Notice is deemed sufficient upon proof of delivery of
850 written notice to the mailing or street address of the campaign
851 treasurer or registered agent on record with the filing officer.
852 ~~In lieu of the notice by registered mail as required in~~
853 ~~subparagraph 1., the qualifying officer may notify the campaign~~
854 ~~treasurer by telephone that the report is incomplete and request~~
855 ~~the information necessary to complete the report. If, however,~~
856 ~~such information is not received by the qualifying officer~~
857 ~~within 3 days after the telephone request therefor, notice shall~~
858 ~~be sent by registered mail as provided in subparagraph 1.~~

859 (3) (a) Reports required of a political committee shall be
860 filed with the agency or officer before whom such committee
861 registers pursuant to s. 106.03(3) and shall be subject to the
862 same filing conditions as established for candidates' reports.
863 Incomplete reports by political committees shall be treated in
864 the manner provided for incomplete reports by candidates in
865 subsection (2).

866 (b) In addition to the reports required by paragraph (a),
 867 a political committee that is registered with the Department of
 868 State and that makes a contribution or expenditure in connection
 869 with a county or municipal election that is not being held at
 870 the same time as a state or federal election must file campaign
 871 finance reports with the county or municipal filing officer on
 872 the same dates as county or municipal candidates or committees
 873 for that election. The political committee must also include the
 874 contribution or expenditure in the next report filed with the
 875 Division of Elections pursuant to this section following the
 876 county or municipal election.

877 (4) (a) Each report required by this section must ~~shall~~
 878 contain:

879 1. The full name, address, and occupation, if any of each
 880 person who has made one or more contributions to or for such
 881 committee or candidate within the reporting period, together
 882 with the amount and date of such contributions. For
 883 corporations, the report must provide as clear a description as
 884 practicable of the principal type of business conducted by the
 885 corporation. However, if the contribution is \$100 or less or is
 886 from a relative, as defined in s. 112.312, provided that the
 887 relationship is reported, the occupation of the contributor or
 888 the principal type of business need not be listed.

889 2. The name and address of each political committee from
 890 which the reporting committee or the candidate received, or to
 891 which the reporting committee or candidate made, any transfer of
 892 funds, together with the amounts and dates of all transfers.

893 3. Each loan for campaign purposes to or from any person

894 or political committee within the reporting period, together
 895 with the full names, addresses, and occupations, and principal
 896 places of business, if any, of the lender and endorsers, if any,
 897 and the date and amount of such loans.

898 4. A statement of each contribution, rebate, refund, or
 899 other receipt not otherwise listed under subparagraphs 1.
 900 through 3.

901 5. The total sums of all loans, in-kind contributions, and
 902 other receipts by or for such committee or candidate during the
 903 reporting period. The reporting forms shall be designed to
 904 elicit separate totals for in-kind contributions, loans, and
 905 other receipts.

906 6. The full name and address of each person to whom
 907 expenditures have been made by or on behalf of the committee or
 908 candidate within the reporting period; the amount, date, and
 909 purpose of each such expenditure; and the name and address of,
 910 and office sought by, each candidate on whose behalf such
 911 expenditure was made. However, expenditures made from the petty
 912 cash fund provided by s. 106.12 need not be reported
 913 individually.

914 7. The full name and address of each person to whom an
 915 expenditure for personal services, salary, or reimbursement for
 916 authorized expenses as provided in s. 106.021(3) has been made
 917 and which is not otherwise reported, including the amount, date,
 918 and purpose of such expenditure. However, expenditures made from
 919 the petty cash fund provided for in s. 106.12 need not be
 920 reported individually.

921 8. The total amount withdrawn and the total amount spent

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922 for petty cash purposes pursuant to this chapter during the
923 reporting period.

924 9. The total sum of expenditures made by such committee or
925 candidate during the reporting period.

926 10. The amount and nature of debts and obligations owed by
927 or to the committee or candidate, which relate to the conduct of
928 any political campaign.

929 11. Transaction information for each credit card purchase.
930 ~~A copy of each credit card statement which shall be included in~~
931 ~~the next report following receipt thereof by the candidate or~~
932 ~~political committee.~~ Receipts for each credit card purchase
933 shall be retained by the treasurer with the records for the
934 campaign account.

935 12. The amount and nature of any separate interest-bearing
936 accounts or certificates of deposit and identification of the
937 financial institution in which such accounts or certificates of
938 deposit are located.

939 13. The primary purposes of an expenditure made indirectly
940 through a campaign treasurer pursuant to s. 106.021(3) for goods
941 and services such as communications media placement or
942 procurement services, campaign signs, insurance, and other
943 expenditures that include multiple components as part of the
944 expenditure. The primary purpose of an expenditure shall be that
945 purpose, including integral and directly related components,
946 that comprises 80 percent of such expenditure.

947 (b) The filing officer shall make available to any
948 candidate or committee a reporting form which the candidate or
949 committee may use to indicate contributions received by the

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950 candidate or committee but returned to the contributor before
951 deposit.

952 (8)

953 (b) Upon determining that a report is late, the filing
954 officer shall immediately notify the candidate or chair of the
955 political committee as to the failure to file a report by the
956 designated due date and that a fine is being assessed for each
957 late day. The fine shall be \$50 per day for the first 3 days
958 late and, thereafter, \$500 per day for each late day, not to
959 exceed 25 percent of the total receipts or expenditures,
960 whichever is greater, for the period covered by the late report.
961 However, for the reports immediately preceding each primary and
962 general election, the fine shall be \$500 per day for each late
963 day, not to exceed 25 percent of the total receipts or
964 expenditures, whichever is greater, for the period covered by
965 the late report. For reports required under s. 106.141(7), the
966 fine is \$50 per day for each late day, not to exceed 25 percent
967 of the total receipts or expenditures, whichever is greater, for
968 the period covered by the late report. Upon receipt of the
969 report, the filing officer shall determine the amount of the
970 fine which is due and shall notify the candidate or chair or
971 registered agent of the political committee. The filing officer
972 shall determine the amount of the fine due based upon the
973 earliest of the following:

- 974 1. When the report is actually received by such officer.
- 975 2. When the report is postmarked.
- 976 3. When the certificate of mailing is dated.
- 977 4. When the receipt from an established courier company is

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978 | dated.

979 | 5. When the electronic receipt issued pursuant to s.
980 | 106.0705 or other electronic filing system authorized in this
981 | section is dated.

982 |
983 | Such fine shall be paid to the filing officer within 20 days
984 | after receipt of the notice of payment due, unless appeal is
985 | made to the Florida Elections Commission pursuant to paragraph
986 | (c). Notice is deemed sufficient upon proof of delivery of
987 | written notice to the mailing or street address on record with
988 | the filing officer. In the case of a candidate, such fine shall
989 | not be an allowable campaign expenditure and shall be paid only
990 | from personal funds of the candidate. An officer or member of a
991 | political committee shall not be personally liable for such
992 | fine.

993 | Section 17. Subsection (3) of section 106.0705, Florida
994 | Statutes, is amended to read:

995 | 106.0705 Electronic filing of campaign treasurer's
996 | reports.—

997 | (3) Reports filed pursuant to this section shall be
998 | completed and filed through the electronic filing system not
999 | later than midnight of the day designated. Reports not filed by
1000 | midnight of the day designated are late filed and are subject to
1001 | the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), or
1002 | s. 106.29(3), as applicable.

1003 | Section 18. Subsection (6) is added to section 106.11,
1004 | Florida Statutes, to read:

1005 | 106.11 Expenses of and expenditures by candidates and

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1006 political committees.—Each candidate and each political
 1007 committee which designates a primary campaign depository
 1008 pursuant to s. 106.021(1) shall make expenditures from funds on
 1009 deposit in such primary campaign depository only in the
 1010 following manner, with the exception of expenditures made from
 1011 petty cash funds provided by s. 106.12:

1012 (6) A candidate who made a loan to his or her campaign and
 1013 reported the loan as required by s. 106.07 may be reimbursed for
 1014 the loan at any time the campaign account has sufficient funds
 1015 to repay the loan and satisfy its other obligations.

1016 Section 19. Subsections (1) and (2) of section 106.143,
 1017 Florida Statutes, are amended to read:

1018 106.143 Political advertisements circulated prior to
 1019 election; requirements.—

1020 (1)(a) Any political advertisement that is paid for by a
 1021 candidate and that is published, displayed, or circulated prior
 1022 to, or on the day of, any election must prominently state:

1023 "Political advertisement paid for and approved by ...(name of
 1024 candidate)..., ...(party affiliation)..., for ...(office
 1025 sought)...." or "Pol. adv. pd. for and approved by ...(name of
 1026 candidate)..., ...(party affiliation)..., for ...(office
 1027 sought)...." A candidate seeking nonpartisan office shall omit
 1028 the reference to party affiliation in all disclaimers.

1029 (b) Any other political advertisement published,
 1030 displayed, or circulated prior to, or on the day of, any
 1031 election must prominently:

1032 1. Be marked "paid political advertisement" or with the
 1033 abbreviation "pd. pol. adv."

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1034 2. State the name and address of the persons sponsoring
1035 the advertisement.

1036 3.a.(I) State whether the advertisement and the cost of
1037 production is paid for or provided in kind by or at the expense
1038 of the entity publishing, displaying, broadcasting, or
1039 circulating the political advertisement; or

1040 (II) State who provided or paid for the advertisement and
1041 cost of production, if different from the source of sponsorship.

1042 b. This subparagraph does not apply if the source of the
1043 sponsorship is patently clear from the content or format of the
1044 political advertisement.

1045 (c) Any political advertisement made pursuant to s.
1046 106.021(3)(d) must be marked "paid political advertisement" or
1047 with the abbreviation "pd. pol. adv." and must prominently
1048 state, "Paid for and sponsored by ...(name of person paying for
1049 political advertisement).... Approved by ...(names of persons,
1050 party affiliation, and offices sought in the political
1051 advertisement)...."

1052
1053 This subsection does not apply to campaign messages used by a
1054 candidate and the candidate's supporters if those messages are
1055 designed to be worn by a person.

1056 (2) Any political advertisement of a candidate running for
1057 partisan office shall express the name of the political party of
1058 which the candidate is seeking nomination or is the nominee. If
1059 the candidate for partisan office is running as a candidate with
1060 no party affiliation, any political advertisement of the
1061 candidate must state that the candidate has no party

1062 affiliation. A candidate running for a nonpartisan office must
 1063 exclude the candidate's political party affiliation from any
 1064 political advertisement.

1065 Section 20. Paragraph (b) of subsection (3) of section
 1066 106.29, Florida Statutes, is amended to read:

1067 106.29 Reports by political parties; restrictions on
 1068 contributions and expenditures; penalties.—

1069 (3)

1070 (b) Upon determining that a report is late, the filing
 1071 officer shall immediately notify the chair of the executive
 1072 committee as to the failure to file a report by the designated
 1073 due date and that a fine is being assessed for each late day.
 1074 The fine shall be \$1,000 for a state executive committee, and
 1075 \$50 for a county executive committee, per day for each late day,
 1076 not to exceed 25 percent of the total receipts or expenditures,
 1077 whichever is greater, for the period covered by the late report.
 1078 However, if an executive committee fails to file a report on the
 1079 Friday immediately preceding the general election, the fine
 1080 shall be \$10,000 per day for each day a state executive
 1081 committee is late and \$500 per day for each day a county
 1082 executive committee is late. Upon receipt of the report, the
 1083 filing officer shall determine the amount of the fine which is
 1084 due and shall notify the chair. Notice is deemed sufficient upon
 1085 proof of delivery of written notice to the mailing or street
 1086 address on record with the filing officer. The filing officer
 1087 shall determine the amount of the fine due based upon the
 1088 earliest of the following:

1089 1. When the report is actually received by such officer.

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- 1090 2. When the report is postmarked.
 1091 3. When the certificate of mailing is dated.
 1092 4. When the receipt from an established courier company is
 1093 dated.
 1094 5. When the electronic receipt issued pursuant to s.
 1095 106.0705 is dated.

1096
 1097 Such fine shall be paid to the filing officer within 20 days
 1098 after receipt of the notice of payment due, unless appeal is
 1099 made to the Florida Elections Commission pursuant to paragraph
 1100 (c). An officer or member of an executive committee shall not be
 1101 personally liable for such fine.

1102 Section 21. Subsection (11) of section 379.352, Florida
 1103 Statutes, is amended to read:

1104 379.352 Recreational licenses, permits, and authorization
 1105 numbers to take wild animal life, freshwater aquatic life, and
 1106 marine life; issuance; costs; reporting.—

1107 (11) When acting in its official capacity pursuant to this
 1108 section, neither the commission nor a subagent is deemed a
 1109 third-party registration organization, as defined in s.
 1110 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as
 1111 defined in s. 97.021(41) ~~97.021(40)~~, and is not authorized to
 1112 solicit, accept, or collect voter registration applications or
 1113 provide voter registration services.

1114 Section 22. Except as otherwise expressly provided in this
 1115 act and except for this section, which shall take effect upon
 1116 this act becoming a law, this act shall take effect January 1,
 1117 2011.