



771936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2010	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

97.0115 Chapters 97-105 govern procedures and processes relating to elections within the state.-

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



771936

13 be governed by s. 100.3605.

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

16 Section 2. Effective upon this act becoming a law, present
17 subsections (2) through (43) of section 97.021, Florida
18 Statutes, are redesignated as subsections (3) through (44),
19 respectively, a new subsection (2) is added to that section, and
20 present subsection (22) of that section is amended, to read:

21 97.021 Definitions.—For the purposes of this code, except
22 where the context clearly indicates otherwise, the term:

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

24 (a) A member of a uniformed service on active duty who, by
25 reason of such active duty, is absent from the place of
26 residence where the member is otherwise qualified to vote;

27 (b) A member of the Merchant Marine who, by reason of
28 service in the Merchant Marine, is absent from the place of
29 residence where the member is otherwise qualified to vote; or

30 (c) A spouse or dependent of a member described in
31 paragraph (a) or paragraph (b) who, by reason of the active duty
32 or service of the member, is absent from the place of residence
33 where the spouse or dependent is otherwise qualified to vote.

34 (23)-(22) "Overseas voter" means:

35 (a) An absent uniformed services voter who, by reason of
36 active duty or service, is absent from the United States on the
37 date of the election involved ~~Members of the uniformed services~~
38 ~~while in the active service who are permanent residents of the~~
39 ~~state and are temporarily residing outside the territorial~~
40 ~~limits of the United States and the District of Columbia;~~

41 (b) A person who resides outside the United States and who



771936

42 is qualified to vote in the last place where the person was
43 domiciled before leaving the United States ~~Members of the~~
44 ~~Merchant Marine of the United States who are permanent residents~~
45 ~~of the state and are temporarily residing outside the~~
46 ~~territorial limits of the United States and the District of~~
47 ~~Columbia; and~~

48 (c) A person who resides outside the United States and, but
49 for such residence, would be qualified to vote in the last place
50 where the person was domiciled before leaving the United States.
51 ~~Other citizens of the United States who are permanent residents~~
52 ~~of the state and are temporarily residing outside the~~
53 ~~territorial limits of the United States and the District of~~
54 ~~Columbia, who are qualified and registered to vote as provided~~
55 ~~by law.~~

56 Section 3. Effective upon this act becoming a law,
57 subsection (3) of section 98.0981, Florida Statutes, is amended
58 to read:

59 98.0981 Reports; voting history; statewide voter
60 registration system information; precinct-level election
61 results; book closing statistics.—

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

68 (a) Precinct numbers.

69 (b) Total number of active registered voters by party for
70 each precinct.



771936

71 Section 4. Section 101.111, Florida Statutes, is amended to
72 read:

73 101.111 Voter challenges ~~Person desiring to vote may be~~
74 ~~challenged; challenger to execute oath; oath of person~~
75 ~~challenged; determination of challenge.-~~

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

80 OATH OF PERSON ENTERING CHALLENGE

81
82 State of Florida
83 County of

84
85 I do solemnly swear or affirm that my name is; ~~that I am a~~
86 ~~member of the Party;~~ that I am a registered voter or
87 pollwatcher; that my residence address is, ~~in the~~
88 ~~municipality of;~~ and that I have reason to believe that
89 is attempting to vote illegally and the reasons for my
90 belief are set forth herein to wit:

91
92
93 ... (Signature of person challenging voter) ...

94
95 Sworn and subscribed to before me this day of,
96 ... (year)

97 ... (Clerk of election) ...

98 (b) 1. The clerk or inspector shall immediately deliver to
99 the challenged person a copy of the oath of the person entering



771936

100 the challenge, and the challenged voter shall be allowed to cast
101 a provisional ballot in accordance with s. 101.048, except as
102 provided in subparagraph 2.

103 2. If the basis for the challenge is that the person's
104 legal residence is not in that precinct, the person shall first
105 be given the opportunity to execute a change of legal residence
106 in order to be able to vote a regular ballot in accordance with
107 s. 101.045(2). If the change of legal residence is such that the
108 person is then properly registered for that precinct, the person
109 shall be allowed to vote a regular ballot. If the change of
110 legal residence places the person in another precinct, the
111 person shall be directed to the proper precinct to vote. If such
112 person insists that he or she is currently in the proper
113 precinct, the person shall be allowed to vote a provisional
114 ballot in accordance with s. 101.048.

115 (c) Alternatively, a challenge in accordance with this
116 section may be filed in advance with the supervisor of elections
117 no sooner than 30 days before an election. The supervisor shall
118 promptly provide the election board in the challenged voter's
119 precinct with a copy of the oath of the person entering the
120 challenge. The challenged voter shall be allowed to cast a
121 provisional ballot in accordance with s. 101.048, subject to the
122 provisions of subparagraph (b)2.

123 (2) Any elector or poll watcher filing a frivolous
124 challenge of any person's right to vote commits a felony
125 ~~misdemeanor~~ of the third first degree, punishable as provided in
126 s. 775.082, ~~or~~ s. 775.083, or s. 775.084; however, electors or
127 poll watchers shall not be subject to liability for any action
128 taken in good faith and in furtherance of any activity or duty



771936

129 permitted of such electors or poll watchers by law. Each
130 instance where any elector or poll watcher files a frivolous
131 challenge of any person's right to vote constitutes a separate
132 offense.

133 Section 5. Section 101.56075, Florida Statutes, is amended
134 to read:

135 101.56075 Voting methods.—

136 (1) Except as provided in subsection (2), all voting shall
137 be by marksense ballot utilizing a marking device for the
138 purpose of designating ballot selections.

139 (2) Persons with disabilities may vote on a voter interface
140 device that meets the voting system accessibility requirements
141 for individuals with disabilities pursuant to s. 301 of the
142 federal Help America Vote Act of 2002 and s. 101.56062.

143 ~~(3) By 2012, persons with disabilities shall vote on a~~
144 ~~voter interface device that meets the voter accessibility~~
145 ~~requirements for individuals with disabilities under s. 301 of~~
146 ~~the federal Help America Vote Act of 2002 and s. 101.56062 which~~
147 ~~are consistent with subsection (1) of this section.~~

148 Section 6. Effective July 1, 2016, subsections (1) and (2)
149 of section 101.56075, Florida Statutes, are amended to read:

150 101.56075 Voting methods.—

151 (1) ~~Except as provided in subsection (2),~~ All voting shall
152 be by marksense ballot utilizing a marking device for the
153 purpose of designating ballot selections.

154 (2) Persons with disabilities shall ~~may~~ vote on a voter
155 interface device that is consistent with the requirements of
156 subsection (1) and meets the voting system accessibility
157 requirements for individuals with disabilities pursuant to s.



771936

158 301 of the federal Help America Vote Act of 2002 and s.
159 101.56062.

160 Section 7. Effective upon this act becoming a law,
161 subsections (2) and (5) of section 101.5612, Florida Statutes,
162 are amended to read:

163 101.5612 Testing of tabulating equipment.—

164 (2) On any day not more than 10 days prior to the
165 commencement of early voting as provided in s. 101.657, the
166 supervisor of elections shall have the automatic tabulating
167 equipment publicly tested to ascertain that the equipment will
168 correctly count the votes cast for all offices and on all
169 measures. If the ballots to be used at the polling place on
170 election day are not available at the time of the testing, the
171 supervisor may conduct an additional test not more than 10 days
172 before election day. Public notice of the time and place of the
173 test shall be given at least 48 hours prior thereto by
174 publication once in one or more newspapers of general
175 circulation in the county and on the supervisor's website or, if
176 there is no newspaper of general circulation in the county, by
177 posting the notice in at least four conspicuous places in the
178 county. The supervisor or the municipal elections official may,
179 at the time of qualifying, give written notice of the time and
180 location of the public preelection test to each candidate
181 qualifying with that office and obtain a signed receipt that the
182 notice has been given. The Department of State shall give
183 written notice to each statewide candidate at the time of
184 qualifying, or immediately at the end of qualifying, that the
185 voting equipment will be tested and advise each candidate to
186 contact the county supervisor of elections as to the time and



771936

187 location of the public preelection test. The supervisor or the
188 municipal elections official shall, at least 15 days prior to
189 the commencement of early voting as provided in s. 101.657, send
190 written notice by certified mail to the county party chair of
191 each political party and to all candidates for other than
192 statewide office whose names appear on the ballot in the county
193 and who did not receive written notification from the supervisor
194 or municipal elections official at the time of qualifying,
195 stating the time and location of the public preelection test of
196 the automatic tabulating equipment. The canvassing board shall
197 convene, and each member of the canvassing board shall certify
198 to the accuracy of the test. For the test, the canvassing board
199 may designate one member to represent it. The test shall be open
200 to representatives of the political parties, the press, and the
201 public. Each political party may designate one person with
202 expertise in the computer field who shall be allowed in the
203 central counting room when all tests are being conducted and
204 when the official votes are being counted. The designee shall
205 not interfere with the normal operation of the canvassing board.

206 (5) Any tests involving marksense ballots pursuant to this
207 section shall employ test preprinted ballots created by the
208 supervisor of elections using actual ballots that have been
209 printed for the election. ~~If preprinted ballots will be used in~~
210 ~~the election, and~~ ballot-on-demand ballots will be used in the
211 election, the supervisor shall create test ballots using the, if
212 ballot-on-demand technology that will be used to produce ballots
213 in the election, using the same paper stock that will be used
214 for ballots in the election or both.

215 Section 8. Effective upon this act becoming a law, section



771936

216 101.62, Florida Statutes, is amended to read:

217 101.62 Request for absentee ballots.—

218 (1) (a) The supervisor shall ~~may~~ accept a request for an
219 absentee ballot from an elector in person or in writing. ~~Except~~
220 ~~as provided in s. 101.694,~~ One request shall be deemed
221 sufficient to receive an absentee ballot for all elections
222 through the next ~~two~~ regularly scheduled general election
223 ~~elections~~, unless the elector or the elector's designee
224 indicates at the time the request is made the elections for
225 which the elector desires to receive an absentee ballot. Such
226 request may be considered canceled when any first-class mail
227 sent by the supervisor to the elector is returned as
228 undeliverable.

229 (b) The supervisor shall ~~may~~ accept a ~~written or telephonic~~
230 request for an absentee ballot from the elector, or, if directly
231 instructed by the elector, a member of the elector's immediate
232 family, or the elector's legal guardian. For purposes of this
233 section, the term "immediate family" has the same meaning as
234 specified in paragraph (4) (b). The person making the request
235 must disclose:

236 1. The name of the elector for whom the ballot is
237 requested;

238 2. The elector's address;

239 3. The elector's date of birth;

240 4. The requester's name;

241 5. The requester's address; and

242 ~~6. The requester's driver's license number, if available;~~

243 6.7. The requester's relationship to the elector; ~~and~~

244 ~~8. The requester's signature (written requests only).~~



771936

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

249 (2) A request for an absentee ballot to be mailed to a
250 voter must be received no later than 5 p.m. on the sixth day
251 before the election by the supervisor of elections. The
252 supervisor of elections shall mail absentee ballots to voters
253 requesting ballots by such deadline no later than 4 days before
254 the election.

255 (3) For each request for an absentee ballot received, the
256 supervisor shall record the date the request was made, the date
257 the absentee ballot was delivered to the voter or the voter's
258 designee or the date the absentee ballot was delivered to the
259 post office or other carrier, the date the ballot was received
260 by the supervisor, and such other information he or she may deem
261 necessary. This information shall be provided in electronic
262 format as provided by rule adopted by the division. The
263 information shall be updated and made available no later than
264 noon of each day beginning on the date on which the first
265 absentee ballots are mailed for the election and shall be
266 contemporaneously provided to the division. This information
267 shall be confidential and exempt from the provisions of s.
268 119.07(1) and shall be made available to or reproduced only for
269 the voter requesting the ballot, a canvassing board, an election
270 official, a political party or official thereof, a candidate who
271 has filed qualification papers and is opposed in an upcoming
272 election, and registered political committees or registered
273 committees of continuous existence, for political purposes only.



771936

274 (4) (a) No later than 45 days before each election, the
275 supervisor of elections shall send an absentee ballot, in the
276 manner prescribed in subparagraph (b)3., to each absent
277 uniformed services voter and to each overseas voter who has
278 requested an absentee ballot. ~~To each absent qualified elector~~
279 ~~overseas who has requested an absentee ballot, the supervisor of~~
280 ~~elections shall mail an absentee ballot not less than 35 days~~
281 ~~before the primary election and not less than 45 days before the~~
282 ~~general election.~~

283 (b) The supervisor shall provide an absentee ballot to each
284 elector by whom a request for that ballot has been made by one
285 of the following means:

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

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

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

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

296 c. The elector is in a hospital, assisted living facility,
297 nursing home, short-term medical or rehabilitation facility, or
298 correctional facility ~~7~~

299
300 ~~in which case the supervisor shall mail the ballot by~~
301 ~~nonforwardable, return-if-undeliverable mail to any other~~
302 ~~address the elector specifies in the request.~~



771936

303 3.2. By forwardable mail, e-mail, or facsimile machine
304 transmission to absent uniformed services voters and overseas
305 voters who are entitled to vote by absentee ballot under the
306 Uniformed and Overseas Citizens Absentee Voting Act. The absent
307 uniformed services voter or overseas voter may designate in the
308 request the preferred method of transmission. If the voter does
309 not designate the method of transmission, the ballot shall be
310 mailed.

311 4.3. By personal delivery before 7 p.m. on election day to
312 the elector, upon presentation of the identification required in
313 s. 101.043.

314 5.4. By delivery to a designee on election day or up to 5
315 days prior to the day of an election. Any elector may designate
316 in writing a person to pick up the ballot for the elector;
317 however, the person designated may not pick up more than two
318 absentee ballots per election, other than the designee's own
319 ballot, except that additional ballots may be picked up for
320 members of the designee's immediate family. For purposes of this
321 section, "immediate family" means the designee's spouse or the
322 parent, child, grandparent, or sibling of the designee or of the
323 designee's spouse. The designee shall provide to the supervisor
324 the written authorization by the elector and a picture
325 identification of the designee and must complete an affidavit.
326 The designee shall state in the affidavit that the designee is
327 authorized by the elector to pick up that ballot and shall
328 indicate if the elector is a member of the designee's immediate
329 family and, if so, the relationship. The department shall
330 prescribe the form of the affidavit. If the supervisor is
331 satisfied that the designee is authorized to pick up the ballot



771936

332 and that the signature of the elector on the written
333 authorization matches the signature of the elector on file, the
334 supervisor shall give the ballot to that designee for delivery
335 to the elector.

336 (5) ~~If In the event that~~ the department Elections
337 ~~Canvassing Commission~~ is unable to certify candidates for the
338 ~~results of an election for a state office~~ in time for the
339 supervisors to comply with paragraph (4) (a) subsection (4), the
340 Department of State is authorized to prescribe rules for a
341 ballot to be sent to absent uniformed services voters and
342 ~~electors~~ overseas voters.

343 (6) Nothing other than the materials necessary to vote
344 absentee shall be mailed or delivered with any absentee ballot.

345 Section 9. Effective upon this act becoming a law,
346 subsection (1) of section 101.694, Florida Statutes, is amended
347 to read:

348 101.694 Mailing of ballots upon receipt of federal postcard
349 application.-

350 (1) Upon receipt of a federal postcard application for an
351 absentee ballot executed by a person whose registration is in
352 order or whose application is sufficient to register or update
353 the registration of that person, the supervisor shall send the
354 ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
355 ~~ballot, if the ballots are available for mailing. The federal~~
356 ~~postcard application request for an absentee ballot shall be~~
357 ~~effective for all elections through the next two regularly~~
358 ~~scheduled general elections.~~

359 Section 10. Effective upon this act becoming a law,
360 subsection (1) of section 101.6952, Florida Statutes, is amended



771936

361 to read:

362 101.6952 Absentee ballots for overseas voters.—

363 (1) If an overseas voter's request for an absentee ballot
364 includes an e-mail address, the supervisor of elections shall:

365 (a) Record the voter's e-mail address in the absentee
366 ballot record;

367 (b) Confirm via e-mail that the absentee request was
368 received and inform the voter of the estimated date on which the
369 ballot will be sent to the voter;

370 (c) Inform the voter of the names of candidates who will be
371 on the ballots via electronic transmission. The supervisor of
372 elections shall e-mail to the voter the list of candidates for
373 the primary and general election not later than 30 days before
374 each election; and

375 (d) Notify the voter via e-mail when the voted absentee
376 ballot is received by the supervisor of elections.

377 Section 11. Effective upon this act becoming a law,
378 subsection (2) of section 101.71, Florida Statutes, is amended
379 to read:

380 101.71 Polling place.—

381 (2) Notwithstanding the provisions of subsection (1),
382 whenever the supervisor of elections of any county determines
383 that the accommodations for holding any election at a polling
384 place designated for any precinct in the county are unavailable,
385 are inadequate for the expeditious and efficient housing and
386 handling of voting and voting paraphernalia, or do not comply
387 with the requirements of s. 101.715, the supervisor shall, not
388 less than 30 days prior to the holding of an election, provide
389 for the voting place for such precinct to be moved to another



771936

390 site that is accessible to the public on election day in said
391 precinct or, if such is not available, to another site that is
392 accessible to the public on election day in a contiguous
393 precinct. If such action of the supervisor results in the voting
394 place for two or more precincts being located for the purposes
395 of an election in one building, the supervisor of elections
396 shall provide adequate supplies, equipment, and personnel to
397 accommodate the voters for the precincts that are collocated
398 ~~voting places for the several precincts involved shall be~~
399 ~~established and maintained separate from each other in said~~
400 ~~building~~. When any supervisor moves any polling place pursuant
401 to this subsection, the supervisor shall, not more than 30 days
402 or fewer than 7 days prior to the holding of an election, give
403 notice of the change of the polling place for the precinct
404 involved, with clear description of the voting place to which
405 changed, at least once in a newspaper of general circulation in
406 said county and on the supervisor's website. A notice of the
407 change of the polling place involved shall be mailed, at least
408 14 days prior to an election, to each registered elector or to
409 each household in which there is a registered elector.

410 Section 12. Effective upon this act becoming a law,
411 subsection (1) of section 102.012, Florida Statutes, is amended
412 to read:

413 102.012 Inspectors and clerks to conduct elections.-

414 (1) (a) The supervisor of elections of each county, at least
415 20 days prior to the holding of any election, shall appoint an
416 election board comprised of poll workers who serve as clerks or
417 inspectors for each precinct in the county. The clerk shall be
418 in charge of, and responsible for, seeing that the election



771936

419 board carries out its duties and responsibilities. Each
420 inspector and each clerk shall take and subscribe to an oath or
421 affirmation, which shall be written or printed, to the effect
422 that he or she will perform the duties of inspector or clerk of
423 election, respectively, according to law and will endeavor to
424 prevent all fraud, deceit, or abuse in conducting the election.
425 The oath may be taken before an officer authorized to administer
426 oaths or before any of the persons who are to act as inspectors,
427 one of them to swear the others, and one of the others sworn
428 thus, in turn, to administer the oath to the one who has not
429 been sworn. The oaths shall be returned with the poll list and
430 the returns of the election to the supervisor. In all questions
431 that may arise before the members of an election board, the
432 decision of a majority of them shall decide the question. The
433 supervisor of elections of each county shall be responsible for
434 the attendance and diligent performance of his or her duties by
435 each clerk and inspector.

436 (b) If two or more precincts share the same building and
437 voting place, the supervisor of elections may appoint one
438 election board for all such precincts. The supervisor shall
439 provide a sufficient number of poll workers to adequately handle
440 the processing of the voters in the collocated precincts.

441 Section 13. Effective upon this act becoming a law, section
442 102.111, Florida Statutes, is amended to read:

443 102.111 Elections Canvassing Commission.—

444 (1) The Elections Canvassing Commission shall consist of
445 the Governor and two members of the Cabinet selected by the
446 Governor, all of whom shall serve ex officio. If a member of the
447 ~~Elections Canvassing~~ commission is unable to serve for any



771936

448 reason, the Governor shall appoint a remaining member of the
449 Cabinet. If there is a further vacancy, the remaining members of
450 the commission shall agree on another elected official to fill
451 the vacancy.

452 (2) The Elections Canvassing Commission shall meet at 9
453 a.m. on the 9th day after a primary election and at 9 a.m. on
454 the 14th day after a general election to, ~~as soon as the~~
455 ~~official results are compiled from all counties,~~ certify the
456 returns of the election ~~and determine and declare who has been~~
457 ~~elected~~ for each federal, state, and multicounty office. If a
458 member of a county canvassing board that was constituted
459 pursuant to s. 102.141 determines, within 5 days after the
460 certification by the Elections Canvassing Commission, that a
461 typographical error occurred in the official returns of the
462 county, the correction of which could result in a change in the
463 outcome of an election, the county canvassing board must certify
464 corrected returns to the Department of State within 24 hours,
465 and the Elections Canvassing Commission must correct and
466 recertify the election returns as soon as practicable.

467 (3) ~~(2)~~ The Division of Elections shall provide the staff
468 services required by the Elections Canvassing Commission.

469 Section 14. Effective upon this act becoming a law,
470 subsection (2) of section 102.112, Florida Statutes, is amended
471 to read:

472 102.112 Deadline for submission of county returns to the
473 Department of State.—

474 (2) Returns must be filed by 5 p.m. on the 7th day
475 following a primary election and by noon on the 12th day
476 following the general election. However, the Department of State



771936

477 may correct typographical errors, including the transposition of
478 numbers, in any returns submitted to the Department of State
479 pursuant to s. 102.111(2) ~~s. 102.111(1)~~.

480 Section 15. Effective upon this act becoming a law,
481 subsections (2) and (7) of section 102.141, Florida Statutes,
482 are amended to read:

483 102.141 County canvassing board; duties.—

484 (2) The county canvassing board shall meet in a building
485 accessible to the public in the county where the election
486 occurred at a time and place to be designated by the supervisor
487 of elections to publicly canvass the absentee electors' ballots
488 as provided for in s. 101.68 and provisional ballots as provided
489 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
490 pursuant to s. 101.049 shall be canvassed in a manner that votes
491 for candidates and issues on those ballots can be segregated
492 from other votes. Public notice of the time and place at which
493 the county canvassing board shall meet to canvass the absentee
494 electors' ballots and provisional ballots shall be given at
495 least 48 hours prior thereto by publication once in one or more
496 newspapers of general circulation in the county and on the
497 supervisor's website or, if there is no newspaper of general
498 circulation in the county, by posting such notice in at least
499 four conspicuous places in the county. As soon as the absentee
500 electors' ballots and the provisional ballots are canvassed, the
501 board shall proceed to publicly canvass the vote given each
502 candidate, nominee, constitutional amendment, or other measure
503 submitted to the electorate of the county, as shown by the
504 returns then on file in the office of the supervisor of
505 elections ~~and the office of the county court judge.~~



771936

506 (7) If the unofficial returns reflect that a candidate for
507 any office was defeated or eliminated by one-half of a percent
508 or less of the votes cast for such office, that a candidate for
509 retention to a judicial office was retained or not retained by
510 one-half of a percent or less of the votes cast on the question
511 of retention, or that a measure appearing on the ballot was
512 approved or rejected by one-half of a percent or less of the
513 votes cast on such measure, ~~the board responsible for certifying~~
514 ~~the results of the vote on such race or measure shall order a~~
515 recount shall be ordered of the votes cast with respect to such
516 office or measure. The Secretary of State Elections Canvassing
517 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in
518 federal, state, and multicounty races ~~recounts~~. The county
519 canvassing board or the local board responsible for certifying
520 the election is responsible for ordering recounts in all other
521 races. A recount need not be ordered with respect to the returns
522 for any office, however, if the candidate or candidates defeated
523 or eliminated from contention for such office by one-half of a
524 percent or less of the votes cast for such office request in
525 writing that a recount not be made.

526 (a) Each canvassing board responsible for conducting a
527 recount shall put each marksense ballot through automatic
528 tabulating equipment and determine whether the returns correctly
529 reflect the votes cast. If any marksense ballot is physically
530 damaged so that it cannot be properly counted by the automatic
531 tabulating equipment during the recount, a true duplicate shall
532 be made of the damaged ballot pursuant to the procedures in s.
533 101.5614(5). Immediately before the start of the recount, a test
534 of the tabulating equipment shall be conducted as provided in s.



771936

535 101.5612. If the test indicates no error, the recount tabulation
536 of the ballots cast shall be presumed correct and such votes
537 shall be canvassed accordingly. If an error is detected, the
538 cause therefor shall be ascertained and corrected and the
539 recount repeated, as necessary. The canvassing board shall
540 immediately report the error, along with the cause of the error
541 and the corrective measures being taken, to the Department of
542 State. No later than 11 days after the election, the canvassing
543 board shall file a separate incident report with the Department
544 of State, detailing the resolution of the matter and identifying
545 any measures that will avoid a future recurrence of the error.

546 (b) Each canvassing board responsible for conducting a
547 recount where touchscreen ballots were used shall examine the
548 counters on the precinct tabulators to ensure that the total of
549 the returns on the precinct tabulators equals the overall
550 election return. If there is a discrepancy between the overall
551 election return and the counters of the precinct tabulators, the
552 counters of the precinct tabulators shall be presumed correct
553 and such votes shall be canvassed accordingly.

554 (c) The canvassing board shall submit on forms or in
555 formats provided by the division a second set of unofficial
556 returns to the Department of State for each federal, statewide,
557 state, or multicounty office or ballot measure. Such returns
558 shall be filed no later than 3 p.m. on the fifth day after any
559 primary election and no later than 3 p.m. on the ninth day after
560 any general election in which a recount was ordered by the
561 Secretary of State ~~conducted pursuant to this subsection~~. If the
562 canvassing board is unable to complete the recount prescribed in
563 this subsection by the deadline, the second set of unofficial



771936

564 returns submitted by the canvassing board shall be identical to
565 the initial unofficial returns and the submission shall also
566 include a detailed explanation of why it was unable to timely
567 complete the recount. However, the canvassing board shall
568 complete the recount prescribed in this subsection, along with
569 any manual recount prescribed in s. 102.166, and certify
570 election returns in accordance with the requirements of this
571 chapter.

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

575 Section 16. Effective upon this act becoming a law, section
576 102.166, Florida Statutes, is amended to read:

577 102.166 Manual recounts of overvotes and undervotes.-

578 (1) If the second set of unofficial returns pursuant to s.
579 102.141 indicates that a candidate for any office was defeated
580 or eliminated by one-quarter of a percent or fewer ~~less~~ of the
581 votes cast for such office, that a candidate for retention to a
582 judicial office was retained or not retained by one-quarter of a
583 percent or fewer ~~less~~ of the votes cast on the question of
584 retention, or that a measure appearing on the ballot was
585 approved or rejected by one-quarter of a percent or fewer ~~less~~
586 of the votes cast on such measure, ~~the board responsible for~~
587 ~~certifying the results of the vote on such race or measure shall~~
588 ~~order~~ a manual recount of the overvotes and undervotes cast in
589 the entire geographic jurisdiction of such office or ballot
590 measure shall be ordered unless:

591 (a) The candidate or candidates defeated or eliminated from
592 contention by one-quarter of a percent or fewer of the votes



771936

593 cast for such office request in writing that a recount not be
594 made; or. A manual recount may not be ordered, however, if

595 (b) The number of overvotes and, undervotes, and
596 provisional ballots is fewer than the number of votes needed to
597 change the outcome of the election.

598
599 The Secretary of State is responsible for ordering a manual
600 recount for federal, state, and multicounty races. The county
601 canvassing board or local board responsible for certifying the
602 election is responsible for ordering a manual recount for all
603 other races.

604 (2) (a) Any hardware or software used to identify and sort
605 overvotes and undervotes for a given race or ballot measure must
606 be certified by the Department of State as part of the voting
607 system pursuant to s. 101.015. Any such hardware or software
608 must be capable of simultaneously counting votes.

609 (b) Overvotes and undervotes shall be identified and sorted
610 while recounting ballots pursuant to s. 102.141, if the hardware
611 or software for this purpose has been certified or the
612 department's rules so provide.

613 (3) Any manual recount shall be open to the public.

614 (4) (a) A vote for a candidate or ballot measure shall be
615 counted if there is a clear indication on the ballot that the
616 voter has made a definite choice.

617 (b) The Department of State shall adopt specific rules for
618 each certified voting system prescribing what constitutes a
619 "clear indication on the ballot that the voter has made a
620 definite choice." The rules may not:

621 1. Exclusively provide that the voter must properly mark or



771936

622 designate his or her choice on the ballot; or
623 2. Contain a catch-all provision that fails to identify
624 specific standards, such as "any other mark or indication
625 clearly indicating that the voter has made a definite choice."
626 (5) Procedures for a manual recount are as follows:
627 (a) The county canvassing board shall appoint as many
628 counting teams of at least two electors as is necessary to
629 manually recount the ballots. A counting team must have, when
630 possible, members of at least two political parties. A candidate
631 involved in the race shall not be a member of the counting team.
632 (b) Each duplicate ballot prepared pursuant to s.
633 101.5614(5) or s. 102.141(7) shall be compared with the original
634 ballot to ensure the correctness of the duplicate.
635 (c) If a counting team is unable to determine whether the
636 ballot contains a clear indication that the voter has made a
637 definite choice, the ballot shall be presented to the county
638 canvassing board for a determination.
639 (d) The Department of State shall adopt detailed rules
640 prescribing additional recount procedures for each certified
641 voting system which shall be uniform to the extent practicable.
642 The rules shall address, at a minimum, the following areas:
643 1. Security of ballots during the recount process;
644 2. Time and place of recounts;
645 3. Public observance of recounts;
646 4. Objections to ballot determinations;
647 5. Record of recount proceedings; and
648 6. Procedures relating to candidate and petitioner
649 representatives.
650 Section 17. Subsections (4) and (7) of section 106.03,



771936

651 Florida Statutes, are amended to read:

652 106.03 Registration of political committees.—

653 (4) Any change in information previously submitted ~~in a~~
654 ~~statement of organization shall be reported~~ to the agency or
655 officer with whom such political committee is registered shall
656 be reported ~~required to register pursuant to subsection (3),~~
657 within 10 days following the change.

658 (7) The Division of Elections shall adopt ~~promulgate~~ rules
659 to prescribe the manner in which ~~inactive~~ committees that fail
660 to file a report or information required pursuant to this
661 chapter or that fail to meet the criteria prescribed in s.
662 106.011 may be dissolved and have their registration canceled.
663 Such rules shall, at a minimum, provide for:

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

667 (b) Adequate opportunity to respond.

668 (c) Appeal of the decision to the Florida Elections
669 Commission. Such appeals shall be exempt from the
670 confidentiality provisions of s. 106.25.

671 Section 18. Subsection (4) of section 106.04, Florida
672 Statutes, is amended, present subsections (7) and (8) of that
673 section are renumbered as subsections (8) and (9), respectively,
674 and amended, and a new subsection (7) is added to that section,
675 to read:

676 106.04 Committees of continuous existence.—

677 (4) (a) Each committee of continuous existence shall file an
678 annual report with the Division of Elections during the month of
679 January. Such annual reports shall contain the same information



771936

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

685 (b)1. Each committee of continuous existence shall file
686 regular reports with the Division of Elections pursuant to s.
687 106.0705 at the same times and subject to the same filing
688 conditions as are established by s. 106.07(1) and (2) for
689 candidates' reports. In addition, when a special election is
690 called to fill a vacancy in office, all committees of continuous
691 existence making contributions or expenditures to influence the
692 results of the special election or the preceding special primary
693 election must file campaign treasurers' reports with the filing
694 officer on the dates set by the Department of State pursuant to
695 s. 100.111.

696 2. A committee of continuous existence that makes a
697 contribution or an expenditure in connection with a county or
698 municipal election that is not being held at the same time as a
699 state or federal election must also file campaign finance
700 reports with the county or municipal filing officer on the same
701 dates as county or municipal candidates or committees for that
702 election. The committee of continuous existence must include the
703 contribution or expenditure in the next report filed with the
704 Division of Elections pursuant to this section following the
705 county or municipal election.

706 3.2. Any committee of continuous existence failing to so
707 file a report with the Division of Elections or applicable
708 filing officer pursuant to this paragraph on the designated due



771936

709 date shall be subject to a fine for late filing as provided by
710 this section.

711 (c) ~~All committees of continuous existence shall file their~~
712 ~~reports with the Division of Elections. Reports filed pursuant~~
713 ~~to paragraph (b) must shall be filed in accordance with s.~~
714 ~~106.0705 and shall~~ contain the following information:

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

730 2. The name and address of each political committee or
731 committee of continuous existence from which the reporting
732 committee received, or the name and address of each political
733 committee, committee of continuous existence, or political party
734 to which it made, any transfer of funds, together with the
735 amounts and dates of all transfers.

736 3. Any other receipt of funds not listed pursuant to
737 subparagraph 1. or subparagraph 2., including the sources and



771936

738 amounts of all such funds.

739 4. The name and address of, and office sought by, each
740 candidate to whom the committee has made a contribution during
741 the reporting period, together with the amount and date of each
742 contribution.

743 5. The full name and address of each person to whom
744 expenditures have been made by or on behalf of the committee
745 within the reporting period; the amount, date, and purpose of
746 each such expenditure; and the name and address, and office
747 sought by, each candidate on whose behalf such expenditure was
748 made.

749 6. The full name and address of each person to whom an
750 expenditure for personal services, salary, or reimbursement for
751 authorized expenses has been made, including the full name and
752 address of each entity to whom the person made payment for which
753 reimbursement was made by check drawn upon the committee
754 account, together with the amount and purpose of such payment.

755 7. Transaction information from each credit card purchase
756 ~~statement that will be included in the next report following~~
757 ~~receipt thereof by the committee~~. Receipts for each credit card
758 purchase shall be retained by the treasurer with the records for
759 the committee account.

760 8. The total sum of expenditures made by the committee
761 during the reporting period.

762 (d) The treasurer of each committee shall certify as to the
763 correctness of each report and shall bear the responsibility for
764 its accuracy and veracity. Any treasurer who willfully certifies
765 to the correctness of a report while knowing that such report is
766 incorrect, false, or incomplete commits a misdemeanor of the



771936

767 first degree, punishable as provided in s. 775.082 or s.
768 775.083.

769 (7) Any change in information previously submitted to the
770 division must be reported within 10 days following the change.

771 (8)~~(7)~~ If a committee of continuous existence ceases to
772 meet the criteria prescribed by subsection (1) or fails to file
773 a report or information required pursuant to this chapter, the
774 Division of Elections shall revoke its certification ~~until such~~
775 ~~time as the criteria are again met.~~ The Division of Elections
776 shall adopt promulgate rules to prescribe the manner in which
777 the such certification of a committee of continuous existence
778 shall be revoked. Such rules shall, at a minimum, provide for:

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

781 (b) Adequate opportunity to respond.

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

785 (9)~~(8)~~ (a) Any committee of continuous existence failing to
786 file a report on the designated due date is ~~shall be~~ subject to
787 a fine. The fine shall be \$50 per day for the first 3 days late
788 and, thereafter, \$500 per day for each late day, not to exceed
789 25 percent of the total receipts or expenditures, whichever is
790 greater, for the period covered by the late report. However, for
791 the reports immediately preceding each primary and general
792 election, including a special primary election and a special
793 general election, the fine shall be \$500 per day for each late
794 day, not to exceed 25 percent of the total receipts or
795 expenditures, whichever is greater, for the period covered by



771936

796 the late report. The fine shall be assessed by the filing
797 officer, and the moneys collected shall be deposited:

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

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

804 (b) Upon determining that a report is late, the filing
805 officer shall immediately notify the treasurer of the committee
806 or the committee's registered agent as to the failure to file a
807 report by the designated due date and that a fine is being
808 assessed for each late day. Upon receipt of the report, the
809 filing officer shall determine the amount of fine which is due
810 and shall notify the treasurer of the committee. Notice is
811 deemed sufficient upon proof of delivery of written notice to
812 the mailing or street address on record with the filing officer.

813 The filing officer shall determine the amount of the fine due
814 based upon the earliest of the following:

- 815 1. When the report is actually received by such officer.
- 816 2. When the report is postmarked.
- 817 3. When the certificate of mailing is dated.
- 818 4. When the receipt from an established courier company is
819 dated.

820
821 Such fine shall be paid to the filing officer within 20 days
822 after receipt of the notice of payment due, unless appeal is
823 made to the Florida Elections Commission pursuant to paragraph
824 (c). An officer or member of a committee is ~~shall~~ not ~~be~~



771936

825 personally liable for such fine.

826 (c) Any treasurer of a committee may appeal or dispute the
827 fine, based upon unusual circumstances surrounding the failure
828 to file on the designated due date, and may request and is shall
829 ~~be~~ entitled to a hearing before the Florida Elections
830 Commission, which may shall have the authority to waive the fine
831 in whole or in part. Any such request must shall be made within
832 20 days after receipt of the notice of payment due. ~~In such~~
833 ~~ease, the treasurer of~~ The committee shall file a copy of the
834 appeal with, ~~within the 20-day period,~~ notify the filing officer
835 ~~in writing of his or her intention to bring the matter before~~
836 ~~the commission.~~

837 (d) The filing officer shall notify the Florida Elections
838 Commission of the repeated late filing by a committee of
839 continuous existence, the failure of a committee of continuous
840 existence to file a report after notice, or the failure to pay
841 the fine imposed.

842 Section 19. Paragraph (b) of subsection (2), subsections
843 (3) and (4), and paragraph (b) of subsection (8) of section
844 106.07, Florida Statutes, are amended to read:

845 106.07 Reports; certification and filing.-

846 (2)

847 (b)1. Any report which is deemed to be incomplete by the
848 officer with whom the candidate qualifies shall be accepted on a
849 conditional basis. ~~and~~ The campaign treasurer shall be notified
850 by certified registered mail, or other common carrier that can
851 provide proof-of-delivery service for the notice, as to why the
852 report is incomplete, and within 7 ~~be given 3~~ days after from
853 receipt of such notice, must to file an addendum to the report



771936

854 providing all information necessary to complete the report in
855 compliance with this section. Failure to file a complete report
856 after such notice constitutes a violation of this chapter.

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

867 (3) (a) Reports required of a political committee shall be
868 filed with the agency or officer before whom such committee
869 registers pursuant to s. 106.03(3) and shall be subject to the
870 same filing conditions as established for candidates' reports.
871 Incomplete reports by political committees shall be treated in
872 the manner provided for incomplete reports by candidates in
873 subsection (2).

874 (b) In addition to the reports required by paragraph (a), a
875 political committee that is registered with the Department of
876 State and that makes a contribution or expenditure in connection
877 with a county or municipal election that is not being held at
878 the same time as a state or federal election must file campaign
879 finance reports with the county or municipal filing officer on
880 the same dates as county or municipal candidates or committees
881 for that election. The political committee must also include
882 such contribution or expenditure in the next report filed with



771936

883 the Division of Elections pursuant to this section following the
884 county or municipal election.

885 (4) (a) Each report required by this section must ~~shall~~
886 contain:

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

897 2. The name and address of each political committee from
898 which the reporting committee or the candidate received, or to
899 which the reporting committee or candidate made, any transfer of
900 funds, together with the amounts and dates of all transfers.

901 3. Each loan for campaign purposes to or from any person or
902 political committee within the reporting period, together with
903 the full names, addresses, and occupations, and principal places
904 of business, if any, of the lender and endorsers, if any, and
905 the date and amount of such loans.

906 4. A statement of each contribution, rebate, refund, or
907 other receipt not otherwise listed under subparagraphs 1.
908 through 3.

909 5. The total sums of all loans, in-kind contributions, and
910 other receipts by or for such committee or candidate during the
911 reporting period. The reporting forms shall be designed to



771936

912 elicit separate totals for in-kind contributions, loans, and
913 other receipts.

914 6. The full name and address of each person to whom
915 expenditures have been made by or on behalf of the committee or
916 candidate within the reporting period; the amount, date, and
917 purpose of each such expenditure; and the name and address of,
918 and office sought by, each candidate on whose behalf such
919 expenditure was made. However, expenditures made from the petty
920 cash fund provided by s. 106.12 need not be reported
921 individually.

922 7. The full name and address of each person to whom an
923 expenditure for personal services, salary, or reimbursement for
924 authorized expenses as provided in s. 106.021(3) has been made
925 and which is not otherwise reported, including the amount, date,
926 and purpose of such expenditure. However, expenditures made from
927 the petty cash fund provided for in s. 106.12 need not be
928 reported individually.

929 8. The total amount withdrawn and the total amount spent
930 for petty cash purposes pursuant to this chapter during the
931 reporting period.

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

934 10. The amount and nature of debts and obligations owed by
935 or to the committee or candidate, which relate to the conduct of
936 any political campaign.

937 11. Transaction information for each credit card purchase.
938 ~~A copy of each credit card statement which shall be included in~~
939 ~~the next report following receipt thereof by the candidate or~~
940 ~~political committee.~~ Receipts for each credit card purchase



771936

941 shall be retained by the treasurer with the records for the
942 campaign account.

943 12. The amount and nature of any separate interest-bearing
944 accounts or certificates of deposit and identification of the
945 financial institution in which such accounts or certificates of
946 deposit are located.

947 13. The primary purposes of an expenditure made indirectly
948 through a campaign treasurer pursuant to s. 106.021(3) for goods
949 and services such as communications media placement or
950 procurement services, campaign signs, insurance, and other
951 expenditures that include multiple components as part of the
952 expenditure. The primary purpose of an expenditure shall be that
953 purpose, including integral and directly related components,
954 that comprises 80 percent of such expenditure.

955 (8)

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



771936

970 of the total receipts or expenditures, whichever is greater, for
971 the period covered by the late report. Upon receipt of the
972 report, the filing officer shall determine the amount of the
973 fine which is due and shall notify the candidate, ~~or~~ chair, or
974 registered agent of the political committee. The filing officer
975 shall determine the amount of the fine due based upon the
976 earliest of the following:

- 977 1. When the report is actually received by such officer.
- 978 2. When the report is postmarked.
- 979 3. When the certificate of mailing is dated.
- 980 4. When the receipt from an established courier company is
981 dated.
- 982 5. When the electronic receipt issued pursuant to s.
983 106.0705 or other electronic filing system authorized in this
984 section is dated.

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

996 Section 20. Subsection (3) of section 106.0705, Florida
997 Statutes, is amended to read:

998 106.0705 Electronic filing of campaign treasurer's



771936

999 reports.-

1000 (3) Reports filed pursuant to this section shall be
1001 completed and filed through the electronic filing system not
1002 later than midnight of the day designated. Reports not filed by
1003 midnight of the day designated are late filed and are subject to
1004 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), or
1005 s. 106.29(3), as applicable.

1006 Section 21. Subsection (6) is added to section 106.11,
1007 Florida Statutes, to read:

1008 106.11 Expenses of and expenditures by candidates and
1009 political committees.-Each candidate and each political
1010 committee which designates a primary campaign depository
1011 pursuant to s. 106.021(1) shall make expenditures from funds on
1012 deposit in such primary campaign depository only in the
1013 following manner, with the exception of expenditures made from
1014 petty cash funds provided by s. 106.12:

1015 (6) A candidate who made a loan to his or her campaign and
1016 reported the loan as required by s. 106.07 may be reimbursed for
1017 the loan at any time the campaign account has sufficient funds
1018 to repay the loan and satisfy its other obligations.

1019 Section 22. Subsections (1) and (2) of section 106.143,
1020 Florida Statutes, are amended to read:

1021 106.143 Political advertisements circulated prior to
1022 election; requirements.-

1023 (1) (a) Any political advertisement that is paid for by a
1024 candidate and that is published, displayed, or circulated prior
1025 to, or on the day of, any election must prominently state:
1026 "Political advertisement paid for and approved by ... (name of
1027 candidate) ..., ... (party affiliation) ..., for ... (office



771936

1028 sought),” or “Pol. adv. pd. for and approved by (name of
1029 candidate), (party affiliation), for (office sought)....”
1030 Candidates seeking nonpartisan office shall omit the reference
1031 to party affiliation in all disclaimers.

1032 (b) Any other political advertisement published, displayed,
1033 or circulated prior to, or on the day of, any election must
1034 prominently:

1035 1. Be marked “paid political advertisement” or with the
1036 abbreviation “pd. pol. adv.”

1037 2. State the name and address of the persons sponsoring the
1038 advertisement.

1039 3.a.(I) State whether the advertisement and the cost of
1040 production is paid for or provided in kind by or at the expense
1041 of the entity publishing, displaying, broadcasting, or
1042 circulating the political advertisement; or

1043 (II) State who provided or paid for the advertisement and
1044 cost of production, if different from the source of sponsorship.

1045 b. This subparagraph does not apply if the source of the
1046 sponsorship is patently clear from the content or format of the
1047 political advertisement.

1048 (c) Any political advertisement made pursuant to s.
1049 106.021(3)(d) must be marked “paid political advertisement” or
1050 with the abbreviation “pd. pol. adv.” and must prominently
1051 state, “Paid for and sponsored by ... (name of person paying for
1052 political advertisement).... Approved by ... (names of persons,
1053 party affiliation, and offices sought in the political
1054 advertisement)....”

1055
1056 This subsection does not apply to campaign messages used by a



771936

1057 candidate and the candidate's supporters if those messages are
1058 designed to be worn by a person.

1059 (2) Any political advertisement of a candidate running for
1060 partisan office shall express the name of the political party of
1061 which the candidate is seeking nomination or is the nominee. If
1062 the candidate for partisan office is running as a candidate with
1063 no party affiliation, any political advertisement of the
1064 candidate must state that the candidate has no party
1065 affiliation. A candidate who is running for a nonpartisan office
1066 must exclude the candidate's political party affiliation from
1067 any political advertisement.

1068 Section 23. Paragraph (b) of subsection (3) of section
1069 106.29, Florida Statutes, is amended to read:

1070 106.29 Reports by political parties; restrictions on
1071 contributions and expenditures; penalties.—

1072 (3)

1073 (b) Upon determining that a report is late, the filing
1074 officer shall immediately notify the chair of the executive
1075 committee as to the failure to file a report by the designated
1076 due date and that a fine is being assessed for each late day.
1077 The fine shall be \$1,000 for a state executive committee, and
1078 \$50 for a county executive committee, per day for each late day,
1079 not to exceed 25 percent of the total receipts or expenditures,
1080 whichever is greater, for the period covered by the late report.
1081 However, if an executive committee fails to file a report on the
1082 Friday immediately preceding the general election, the fine
1083 shall be \$10,000 per day for each day a state executive
1084 committee is late and \$500 per day for each day a county
1085 executive committee is late. Upon receipt of the report, the



771936

1086 filing officer shall determine the amount of the fine which is
1087 due and shall notify the chair. Notice is deemed sufficient upon
1088 proof of delivery of written notice to the mailing or street
1089 address on record with the filing officer. The filing officer
1090 shall determine the amount of the fine due based upon the
1091 earliest of the following:

- 1092 1. When the report is actually received by such officer.
- 1093 2. When the report is postmarked.
- 1094 3. When the certificate of mailing is dated.
- 1095 4. When the receipt from an established courier company is
1096 dated.
- 1097 5. When the electronic receipt issued pursuant to s.
1098 106.0705 is dated.

1099
1100 Such fine shall be paid to the filing officer within 20 days
1101 after receipt of the notice of payment due, unless appeal is
1102 made to the Florida Elections Commission pursuant to paragraph
1103 (c). An officer or member of an executive committee shall not be
1104 personally liable for such fine.

1105 Section 24. Effective upon this act becoming a law,
1106 subsection (11) of section 379.352, Florida Statutes, is amended
1107 to read:

1108 379.352 Recreational licenses, permits, and authorization
1109 numbers to take wild animal life, freshwater aquatic life, and
1110 marine life; issuance; costs; reporting.—

1111 (11) When acting in its official capacity pursuant to this
1112 section, neither the commission nor a subagent is deemed a
1113 third-party registration organization, as defined in s.
1114 97.021(36), or a voter registration agency, as defined in s.



771936

1115 97.021(40), and is not authorized to solicit, accept, or collect
1116 voter registration applications or provide voter registration
1117 services.

1118 Section 25. Except as otherwise explicitly provided in this
1119 act and except for this section, which shall take effect upon
1120 this act becoming a law, this act shall take effect January 1,
1121 2011.

1122
1123 ===== T I T L E A M E N D M E N T =====

1124 And the title is amended as follows:

1125 Delete everything before the enacting clause
1126 and insert:

1127 A bill to be entitled
1128 An act relating to elections; creating s. 97.0115,
1129 F.S.; providing that chapters 97 through 105, F.S.,
1130 shall govern all procedures and processes relating to
1131 elections; prohibiting a county or district charter,
1132 ordinance, or regulation from conflicting with
1133 specified provisions of state law; amending s. 97.021,
1134 F.S.; defining the term "absent uniformed services
1135 voter"; revising the definition of "overseas voter";
1136 amending s. 98.0981, F.S., relating to statewide voter
1137 information; conforming a cross-reference; amending s.
1138 101.111, F.S.; revising voter challenge oath
1139 requirements; providing circumstances under which a
1140 challenged voter may execute a change of legal
1141 residence; providing increased penalties for filing a
1142 frivolous voter challenge; amending s. 101.56075,
1143 F.S.; deleting a requirement that persons with



771936

1144 disabilities vote on certain voter interface devices;
1145 requiring that persons with disabilities vote on voter
1146 interface devices meeting specified requirements,
1147 effective July 1, 2016; amending s. 101.5612, F.S.;
1148 requiring that notice of tabulation equipment testing
1149 be posted on a supervisor's website; requiring the use
1150 of certain ballots and technology for testing of
1151 tabulating equipment; amending s. 101.62, F.S.;
1152 requiring that a supervisor of elections accept a
1153 request for an absentee ballot from certain
1154 individuals; revising the time an absentee ballot
1155 request is valid; revising the information that a
1156 person making an absentee ballot request must
1157 disclose; requiring a supervisor to notify a voter of
1158 the free access system under certain circumstances;
1159 requiring a supervisor to make certain absentee ballot
1160 information available on a certain date; requiring a
1161 supervisor to send by a specified means absentee
1162 ballots to certain absentee voters by a date certain
1163 before an election; providing that an absentee ballot
1164 may be sent by email or facsimile to certain voters;
1165 providing that certain voters may choose the means by
1166 which they receive absentee ballots; amending the
1167 procedures for providing ballots to specific voters
1168 under certain circumstances; amending s. 101.694,
1169 F.S.; requiring a supervisor to send absentee ballots
1170 by a specified means to certain persons upon receipt
1171 of a federal postcard application; removing the time
1172 for which an absentee ballot request is valid;



771936

1173 amending s. 101.6952, F.S.; revising procedures for
1174 processing absentee ballot requests and communicating
1175 by electronic mail with overseas voters; amending s.
1176 101.71, F.S.; requiring a supervisor to provide
1177 certain resources for collocated precincts; requiring
1178 a supervisor to post certain information on his or her
1179 website; amending s. 102.012, F.S.; authorizing a
1180 supervisor to appoint one election board for
1181 collocated precincts; requiring a supervisor to
1182 provide a sufficient number of poll workers for
1183 collocated precincts; amending s. 102.111, F.S.;
1184 clarifying that the Governor and Cabinet members shall
1185 serve ex officio on the Elections Canvassing
1186 Commission; establishing meeting times for the
1187 commission; amending s. 102.112, F.S.; conforming a
1188 cross-reference; amending s. 102.141, F.S.; requiring
1189 certain information to be posted on a supervisor's
1190 website; providing circumstances under which the
1191 Secretary of State, county canvassing board, or local
1192 board is responsible for ordering recounts in
1193 elections; amending s. 102.166, F.S.; providing
1194 circumstances under which the Secretary of State,
1195 county canvassing board, or local board is responsible
1196 for ordering a manual recount of overvotes and
1197 undervotes; providing an exception for candidates in
1198 certain circumstances; amending s. 106.03, F.S.;
1199 requiring that changes to the information previously
1200 submitted by political committees be reported within
1201 10 days following such change; requiring that the



771936

1202 Division of Elections adopt rules regarding
1203 dissolution of political committees; amending s.
1204 106.04, F.S.; clarifying that committees of continuous
1205 existence file campaign finance reports electronically
1206 with the Division of Elections; clarifying campaign
1207 finance filing requirements for committees of
1208 continuous existence involved in special elections to
1209 fill vacancies in office; prescribing additional
1210 campaign finance filing requirements for committees of
1211 continuous existence participating in local elections;
1212 amending requirements for reporting transaction
1213 information from credit card purchases; requiring
1214 changes in information previously submitted to be
1215 reported to the Division of Elections within 10 days;
1216 amending provisions for revoking a committee's
1217 certification; increasing late-filing fines for the
1218 campaign finance report immediately preceding an
1219 election; providing for the disposition of collected
1220 fines; amending notice provisions related to late-
1221 filed reports; amending s. 106.07, F.S.; modifying
1222 notice provisions related to the filing of campaign
1223 finance reports by political committees and
1224 candidates; prescribing additional campaign finance
1225 filing requirements for political committees
1226 participating in local elections; amending
1227 requirements for reporting transaction information
1228 from credit card purchases; amending s. 106.0705,
1229 F.S., relating to electronic filing; conforming a
1230 cross-reference; amending s. 106.11, F.S.; authorizing



771936

1231 under certain circumstances the reimbursement of a
1232 loan made by a candidate to his or her campaign;
1233 amending s. 106.143, F.S.; requiring that certain paid
1234 political advertisements contain specified language;
1235 requiring that a candidate running for a nonpartisan
1236 office exclude the candidate's party affiliation from
1237 political advertisement; amending s. 106.29, F.S.;
1238 amending notice provisions related to late-filed
1239 reports; amending s. 379.352, F.S., relating to
1240 recreational licenses and permits; conforming cross-
1241 references; providing effective dates.