



167836

LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/2R	.	Floor: C
05/05/2011 03:17 PM	.	05/05/2011 07:11 PM
	.	

Senator Diaz de la Portilla moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (16) is added to section 97.012,
Florida Statutes, to read:

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

(16) Provide written direction and opinions to the
supervisors of elections on the performance of their official
duties with respect to the Florida Election Code or rules
adopted by the Department of State.



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14 Section 2. Subsection (18) of section 97.021, Florida
15 Statutes, is amended to read:

16 97.021 Definitions.—For the purposes of this code, except
17 where the context clearly indicates otherwise, the term:

18 (18) "Minor political party" is any group as specified
19 ~~defined in s. 103.095 this subsection~~ which on January 1
20 preceding a primary election does not have registered as members
21 5 percent of the total registered electors of the state. ~~Any~~
22 ~~group of citizens organized for the general purposes of electing~~
23 ~~to office qualified persons and determining public issues under~~
24 ~~the democratic processes of the United States may become a minor~~
25 ~~political party of this state by filing with the department a~~
26 ~~certificate showing the name of the organization, the names of~~
27 ~~its current officers, including the members of its executive~~
28 ~~committee, and a copy of its constitution or bylaws. It shall be~~
29 ~~the duty of the minor political party to notify the department~~
30 ~~of any changes in the filing certificate within 5 days of such~~
31 ~~changes.~~

32 Section 3. Section 97.025, Florida Statutes, is amended to
33 read:

34 97.025 Election Code; copies thereof.—A pamphlet of a
35 reprint of the Election Code, adequately indexed, shall be
36 prepared by the Department of State. The pamphlet shall be made
37 available ~~It shall have a sufficient number of these pamphlets~~
38 ~~printed so that one may be given, upon request, to each~~
39 ~~candidate who qualifies with the department. The pamphlet shall~~
40 be made available ~~A sufficient number may be sent to each~~
41 ~~supervisor, prior to the first day of qualifying, so that for~~
42 ~~distribution, upon request, to each candidate who qualifies with~~



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43 the supervisor and ~~to~~ each clerk of elections have access to the
44 pamphlet. The cost of making printing the pamphlets available
45 shall be paid out of funds appropriated for conducting
46 elections.

47 Section 4. Section 97.0575, Florida Statutes, is amended to
48 read:

49 97.0575 Third-party voter registrations.-

50 (1) Before engaging in any voter registration activities, a
51 third-party voter registration organization must register and
52 provide to the division, in an electronic format, the following
53 information:

54 (a) The names of the officers of the organization and the
55 name and permanent address of the organization.

56 (b) The name and address of the organization's registered
57 agent in the state.

58 (c) The names, permanent addresses, and temporary
59 addresses, if any, of each registration agent registering
60 persons to vote in this state on behalf of the organization.

61 (d) A sworn statement from each registration agent employed
62 by or volunteering for the organization stating that the agent
63 will obey all state laws and rules regarding the registration of
64 voters. Such statement must be on a form containing notice of
65 applicable penalties for false registration.

66 (2) The division or the supervisor of elections shall make
67 voter registration forms available to third-party voter
68 registration organizations. All such forms must contain
69 information identifying the organization to which the forms are
70 provided. The division shall maintain a database of all third-
71 party voter registration organizations and the voter



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72 registration forms assigned to the third-party voter
73 registration organization. Each supervisor of elections shall
74 provide to the division information on voter registration forms
75 assigned to and received from third-party voter registration
76 organizations. The information must be provided in a format and
77 at times as required by the division by rule. The division must
78 update information on third-party voter registrations daily and
79 make the information publicly available.

80 ~~(1) Prior to engaging in any voter registration activities,~~
81 ~~a third-party voter registration organization shall name a~~
82 ~~registered agent in the state and submit to the division, in a~~
83 ~~form adopted by the division, the name of the registered agent~~
84 ~~and the name of those individuals responsible for the day-to-day~~
85 ~~operation of the third-party voter registration organization,~~
86 ~~including, if applicable, the names of the entity's board of~~
87 ~~directors, president, vice president, managing partner, or such~~
88 ~~other individuals engaged in similar duties or functions. On or~~
89 ~~before the 15th day after the end of each calendar quarter, each~~
90 ~~third-party voter registration organization shall submit to the~~
91 ~~division a report providing the date and location of any~~
92 ~~organized voter registration drives conducted by the~~
93 ~~organization in the prior calendar quarter.~~

94 ~~(2) The failure to submit the information required by~~
95 ~~subsection (1) does not subject the third-party voter~~
96 ~~registration organization to any civil or criminal penalties for~~
97 ~~such failure, and the failure to submit such information is not~~
98 ~~a basis for denying such third-party voter registration~~
99 ~~organization with copies of voter registration application~~
100 ~~forms.~~



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101 (3) (a) A third-party voter registration organization that
102 collects voter registration applications serves as a fiduciary
103 to the applicant, ensuring that any voter registration
104 application entrusted to the ~~third-party voter registration~~
105 organization, irrespective of party affiliation, race,
106 ethnicity, or gender, shall be promptly delivered to the
107 division or the supervisor of elections within 48 hours after
108 the applicant completes it or the next business day if the
109 appropriate office is closed for that 48-hour period. If a voter
110 registration application collected by any third-party voter
111 registration organization is not promptly delivered to the
112 division or supervisor of elections, the third-party voter
113 registration organization is ~~shall be~~ liable for the following
114 fines:

115 1.(a) A fine in the amount of \$50 for each application
116 received by the division or the supervisor of elections more
117 than 48 hours ~~10 days~~ after the applicant delivered the
118 completed voter registration application to the third-party
119 voter registration organization or any person, entity, or agent
120 acting on its behalf or the next business day, if the office is
121 closed. A fine in the amount of \$250 for each application
122 received if the third-party voter registration organization or
123 person, entity, or agency acting on its behalf acted willfully.

124 2.(b) A fine in the amount of \$100 for each application
125 collected by a third-party voter registration organization or
126 any person, entity, or agent acting on its behalf, before ~~prior~~
127 ~~to~~ book closing for any given election for federal or state
128 office and received by the division or the supervisor of
129 elections after the book-closing ~~book-closing~~ deadline for such



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130 election. A fine in the amount of \$500 for each application
131 received if the third-party registration organization or person,
132 entity, or agency acting on its behalf acted willfully.

133 3.(e) A fine in the amount of \$500 for each application
134 collected by a third-party voter registration organization or
135 any person, entity, or agent acting on its behalf, which is not
136 submitted to the division or supervisor of elections. A fine in
137 the amount of \$1,000 for any application not submitted if the
138 third-party voter registration organization or person, entity,
139 or agency acting on its behalf acted willfully.

140
141 The aggregate fine pursuant to this paragraph ~~subsection~~ which
142 may be assessed against a third-party voter registration
143 organization, including affiliate organizations, for violations
144 committed in a calendar year is ~~shall be~~ \$1,000.

145 (b) ~~A showing by the fines provided in this subsection~~
146 ~~shall be reduced by three-fourths in cases in which the third-~~
147 ~~party voter registration organization that the failure to~~
148 ~~deliver the voter registration application within the required~~
149 ~~timeframe is based upon force majeure or impossibility of~~
150 ~~performance shall be an affirmative defense to a violation of~~
151 ~~this subsection has complied with subsection (1).~~ The secretary
152 may ~~shall~~ waive the fines described in this subsection upon a
153 showing that the failure to deliver the voter registration
154 application promptly is based upon force majeure or
155 impossibility of performance.

156 (4) If the Secretary of State reasonably believes that a
157 person has committed a violation of this section, the secretary
158 may refer the matter to the Attorney General for enforcement.



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159 The Attorney General may institute a civil action for a
160 violation of this section or to prevent a violation of this
161 section. An action for relief may include a permanent or
162 temporary injunction, a restraining order, or any other
163 appropriate order.

164 (5) ~~(4) (a)~~ The division shall adopt by rule a form to elicit
165 specific information concerning the facts and circumstances from
166 a person who claims to have been registered to vote by a third-
167 party voter registration organization but who does not appear as
168 an active voter on the voter registration rolls. The division
169 shall also adopt rules to ensure the integrity of the
170 registration process, including rules requiring third-party
171 voter registration organizations to account for all state and
172 federal registration forms used by their registration agents.
173 Such rules may require an organization to provide organization
174 and form specific identification information on each form as
175 determined by the department as needed to assist in the
176 accounting of state and federal registration forms.

177 ~~(b) The division may investigate any violation of this~~
178 ~~section. Civil fines shall be assessed by the division and~~
179 ~~enforced through any appropriate legal proceedings.~~

180 (6) ~~(5)~~ The date on which an applicant signs a voter
181 registration application is presumed to be the date on which the
182 third-party voter registration organization received or
183 collected the voter registration application.

184 (7) The requirements of this section are retroactive for
185 any third-party voter registration organization registered with
186 the department on the effective date of this act, and must be
187 complied with within 90 days after the department provides



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188 notice to the third-party voter registration organization of the
189 requirements contained in this section. Failure of the third-
190 party voter registration organization to comply with the
191 requirements within 90 days after receipt of the notice shall
192 automatically result in the cancellation of the third-party
193 voter registration organization's registration.

194 ~~(6) The civil fines provided in this section are in~~
195 ~~addition to any applicable criminal penalties.~~

196 ~~(7) Fines collected pursuant to this section shall be~~
197 ~~annually appropriated by the Legislature to the department for~~
198 ~~enforcement of this section and for voter education.~~

199 ~~(8) The division may adopt rules to administer this~~
200 ~~section.~~

201 Section 5. Section 97.071, Florida Statutes, is amended to
202 read:

203 97.071 Voter information card.—

204 (1) A voter information card shall be furnished by the
205 supervisor to all registered voters residing in the supervisor's
206 county. The card must contain:

207 (a) Voter's registration number.

208 (b) Date of registration.

209 (c) Full name.

210 (d) Party affiliation.

211 (e) Date of birth.

212 (f) Address of legal residence.

213 (g) Precinct number.

214 (h) Polling place address.

215 (i) ~~(h)~~ Name of supervisor and contact information of
216 supervisor.



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217 (j)~~(i)~~ Other information deemed necessary by the
218 supervisor.

219 (2) A voter may receive a replacement voter information
220 card by providing a signed, written request for a replacement
221 card to a voter registration official. Upon verification of
222 registration, the supervisor shall issue the voter a duplicate
223 card without charge.

224 (3) In the case of a change of name, address of legal
225 residence, polling place address, or party affiliation, the
226 supervisor shall issue the voter a new voter information card.

227 Section 6. The supervisor must meet the requirements of
228 section 5 of this act for any elector who registers to vote or
229 who is issued a new voter information card pursuant to s.
230 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

231 Section 7. Subsection (1) of section 97.073, Florida
232 Statutes, is amended to read:

233 97.073 Disposition of voter registration applications;
234 cancellation notice.—

235 (1) The supervisor must notify each applicant of the
236 disposition of the applicant's voter registration application
237 within 5 business days after voter registration information is
238 entered into the statewide voter registration system. The notice
239 must inform the applicant that the application has been
240 approved, is incomplete, has been denied, or is a duplicate of a
241 current registration. A voter information card sent to an
242 applicant constitutes notice of approval of registration. If the
243 application is incomplete, the supervisor must request that the
244 applicant supply the missing information using a voter
245 registration application signed by the applicant. A notice of



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246 denial must inform the applicant of the reason the application
247 was denied.

248 Section 8. Subsections (1) and (2) of section 97.1031,
249 Florida Statutes, are amended to read:

250 97.1031 Notice of change of residence, change of name, or
251 change of party affiliation.—

252 (1) (a) When an elector changes his or her residence
253 address, the elector must notify the supervisor of elections.
254 Except as provided in paragraph (b), an address change must be
255 submitted using a voter registration application.

256 (b) If the address change is within the state and notice is
257 provided to the supervisor of elections of the county where the
258 elector has moved, the elector may do so by:

259 1. Contacting the supervisor of elections via telephone or
260 electronic means, in which case the elector must provide his or
261 her date of birth; or

262 2. Submitting the change on a voter registration
263 application or other signed written notice. ~~moves from the~~
264 ~~address named on that person's voter registration record to~~
265 ~~another address within the same county, the elector must provide~~
266 ~~notification of such move to the supervisor of elections of that~~
267 ~~county. The elector may provide the supervisor a signed, written~~
268 ~~notice or may notify the supervisor by telephone or electronic~~
269 ~~means. However, notification of such move other than by signed,~~
270 ~~written notice must include the elector's date of birth. An~~
271 ~~elector may also provide notification to other voter~~
272 ~~registration officials as provided in subsection (2). A voter~~
273 ~~information card reflecting the new information shall be issued~~
274 ~~to the elector as provided in subsection (3).~~



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275 (2) When an elector ~~moves from the address named on that~~
276 ~~person's voter registration record to another address in a~~
277 ~~different county but within the state, the elector seeks to~~
278 ~~change party affiliation, or the name of an elector is changed~~
279 ~~by marriage or other legal process, the elector shall notify his~~
280 ~~or her supervisor of elections or other provide notice of such~~
281 ~~change to a voter registration official by using a voter~~
282 ~~registration application signed written notice that contains the~~
283 ~~elector's date of birth or voter registration number by the~~
284 ~~elector. When an elector changes his or her name by marriage or~~
285 ~~other legal process, the elector shall notify his or her~~
286 ~~supervisor of elections or other voter registration official by~~
287 ~~using a signed written notice that contains the elector's date~~
288 ~~of birth or voter's registration number. A voter information~~
289 ~~card reflecting the new information shall be issued to the~~
290 ~~elector as provided in subsection (3).~~

291 Section 9. Subsections (3) and (6) of section 98.075,
292 Florida Statutes, are amended to read:

293 98.075 Registration records maintenance activities;
294 ineligibility determinations.—

295 (3) DECEASED PERSONS.—

296 (a)1. The department shall identify those registered voters
297 who are deceased by comparing information ~~on the lists of~~
298 ~~deceased persons~~ received from either:

299 a. The Department of Health as provided in s. 98.093; or—

300 b. The United States Social Security Administration,
301 including, but not limited to, any master death file or index
302 compiled by the United States Social Security Administration.

303 2. Within 7 days after ~~Upon~~ receipt of such information



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304 through the statewide voter registration system, the supervisor
305 shall remove the name of the registered voter.

306 (b) The supervisor shall remove the name of a deceased
307 registered voter from the statewide voter registration system
308 upon receipt of a copy of a death certificate issued by a
309 governmental agency authorized to issue death certificates.

310 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
311 supervisor receives information ~~other than~~ from the sources
312 other than those identified in subsections (2)-(5) that a
313 registered voter is ineligible because he or she is deceased,
314 adjudicated a convicted felon without having had his or her
315 civil rights restored, adjudicated mentally incapacitated
316 without having had his or her voting rights restored, does not
317 meet the age requirement pursuant to s. 97.041, is not a United
318 States citizen, is a fictitious person, or has listed a
319 residence that is not his or her legal residence, the supervisor
320 must ~~shall~~ adhere to the procedures set forth in subsection (7)
321 prior to the removal of a registered voter's name from the
322 statewide voter registration system.

323 Section 10. Section 98.093, Florida Statutes, is amended to
324 read:

325 98.093 Duty of officials to furnish information relating to
326 ~~lists of~~ deceased persons, persons adjudicated mentally
327 incapacitated, and persons convicted of a felony.—

328 (1) In order to identify ineligible registered voters and
329 maintain ~~ensure the maintenance of~~ accurate and current voter
330 registration records in the statewide voter registration system
331 pursuant to procedures in s. 98.065 or s. 98.075, it is
332 necessary for the department and supervisors of elections to



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333 receive or access certain information from state and federal
334 officials and entities in the format prescribed. ~~The department~~
335 ~~and supervisors of elections shall use the information provided~~
336 ~~from the sources in subsection (2) to maintain the voter~~
337 ~~registration records.~~

338 (2) To the maximum extent feasible, state and local
339 government agencies shall facilitate provision of information
340 and access to data to the department, including, but not limited
341 to, databases that contain reliable criminal records and records
342 of deceased persons. State and local government agencies that
343 provide such data shall do so without charge if the direct cost
344 incurred by those agencies is not significant.

345 (a) The Department of Health shall furnish monthly to the
346 department a list containing the name, address, date of birth,
347 date of death, social security number, race, and sex of each
348 deceased person 17 years of age or older.

349 (b) Each clerk of the circuit court shall furnish monthly
350 to the department a list of those persons who have been
351 adjudicated mentally incapacitated with respect to voting during
352 the preceding calendar month, a list of those persons whose
353 mental capacity with respect to voting has been restored during
354 the preceding calendar month, and a list of those persons who
355 have returned signed jury notices during the preceding months to
356 the clerk of the circuit court indicating a change of address.
357 Each list shall include the name, address, date of birth, race,
358 sex, and, whichever is available, the Florida driver's license
359 number, Florida identification card number, or social security
360 number of each such person.

361 (c) Upon receipt of information from the United States



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362 Attorney, listing persons convicted of a felony in federal
363 court, the department shall use such information to identify
364 registered voters or applicants for voter registration who may
365 be potentially ineligible based on information provided in
366 accordance with s. 98.075.

367 (d) The Department of Law Enforcement shall identify those
368 persons who have been convicted of a felony who appear in the
369 voter registration records supplied by the statewide voter
370 registration system, in a time and manner that enables the
371 department to meet its obligations under state and federal law.

372 (e) The Florida Parole Commission ~~Board of Executive~~
373 ~~Clemency~~ shall furnish at least bimonthly ~~monthly~~ to the
374 department data, including the identity ~~a list~~ of those persons
375 granted clemency in the preceding month or any updates to prior
376 records which have occurred in the preceding month. The data
377 ~~list~~ shall contain the commission's ~~Board of Executive Clemency~~
378 case number and the person's ~~7~~ name, address, date of birth,
379 race, gender ~~sex~~, Florida driver's license number, Florida
380 identification card number, or the last four digits of the
381 social security number, if available, and references to record
382 identifiers assigned by the Department of Corrections and the
383 Department of Law Enforcement, a unique identifier of each
384 clemency case, and the effective date of clemency of each
385 person.

386 (f) The Department of Corrections shall identify those
387 persons who have been convicted of a felony and committed to its
388 custody or placed on community supervision. The information must
389 be provided to the department at a time and in manner that
390 enables the department to identify registered voters who are



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391 convicted felons and to meet its obligations under state and
392 federal law. furnish monthly to the department a list of those
393 persons transferred to the Department of Corrections in the
394 preceding month or any updates to prior records which have
395 occurred in the preceding month. The list shall contain the
396 name, address, date of birth, race, sex, social security number,
397 Department of Corrections record identification number, and
398 associated Department of Law Enforcement felony conviction
399 record number of each person.

400 (g) The Department of Highway Safety and Motor Vehicles
401 shall furnish monthly to the department a list of those persons
402 whose names have been removed from the driver's license database
403 because they have been licensed in another state. The list shall
404 contain the name, address, date of birth, sex, social security
405 number, and driver's license number of each such person.

406 (3) ~~Nothing in~~ This section does not ~~shall~~ limit or
407 restrict the supervisor in his or her duty to remove the names
408 of persons from the statewide voter registration system pursuant
409 to s. 98.075(7) based upon information received from other
410 sources.

411 Section 11. Effective July 1, 2012, subsections (1) and (2)
412 of section 98.0981, Florida Statutes, are amended to read:

413 98.0981 Reports; voting history; statewide voter
414 registration system information; precinct-level election
415 results; book closing statistics.-

416 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
417 INFORMATION.-

418 (a) Within 30 ~~45~~ days after certification by the Elections
419 Canvassing Commission of a presidential preference primary,



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420 special election, primary election, or a general election,
421 supervisors of elections shall transmit to the department, in a
422 uniform electronic format specified in paragraph (d) by the
423 ~~department,~~ completely updated voting history information for
424 each qualified voter who voted.

425 (b) After receipt of the information in paragraph (a), the
426 department shall prepare a report in electronic format which
427 contains the following information, separately compiled for the
428 primary and general election for all voters qualified to vote in
429 either election:

430 1. The unique identifier assigned to each qualified voter
431 within the statewide voter registration system;

432 2. All information provided by each qualified voter on his
433 or her voter registration application pursuant to s. 97.052(2),
434 except that which is confidential or exempt from public records
435 requirements;

436 3. Each qualified voter's date of registration;

437 4. Each qualified voter's current state representative
438 district, state senatorial district, and congressional district,
439 assigned by the supervisor of elections;

440 5. Each qualified voter's current precinct; and

441 6. Voting history as transmitted under paragraph (a) to
442 include whether the qualified voter voted at a precinct
443 location, voted during the early voting period, voted by
444 absentee ballot, attempted to vote by absentee ballot that was
445 not counted, attempted to vote by provisional ballot that was
446 not counted, or did not vote.

447 (c) Within 45 ~~60~~ days after certification by the Elections
448 Canvassing Commission of a presidential preference primary,



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449 special election, primary election, or a general election, the
450 department shall send to the President of the Senate, the
451 Speaker of the House of Representatives, the Senate Minority
452 Leader, and the House Minority Leader a report in electronic
453 format that includes all information set forth in paragraph (b).

454 (d) File specifications are as follows:

455 1. The file shall contain records designated by the
456 categories below for all qualified voters who, regardless of the
457 voter's county of residence or active or inactive registration
458 status at the book closing for the corresponding election that
459 the file is being created for:

460 a. Voted a regular ballot at a precinct location.

461 b. Voted at a precinct location using a provisional ballot
462 that was subsequently counted.

463 c. Voted a regular ballot during the early voting period.

464 d. Voted during the early voting period using a provisional
465 ballot that was subsequently counted.

466 e. Voted by absentee ballot.

467 f. Attempted to vote by absentee ballot, but the ballot was
468 not counted.

469 g. Attempted to vote by provisional ballot, but the ballot
470 was not counted in that election.

471 2. Each file shall be created or converted into a tab-
472 delimited format.

473 3. File names shall adhere to the following convention:

474 a. Three-character county identifier as established by the
475 department followed by an underscore.

476 b. Followed by four-character file type identifier of
477 'VH03' followed by an underscore.



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478 c. Followed by FVRS election ID followed by an underscore.

479 d. Followed by Date Created followed by an underscore.

480 e. Date format is YYYYMMDD.

481 f. Followed by Time Created - HHMMSS.

482 g. Followed by ".txt".

483 4. Each record shall contain the following columns: Record
484 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
485 Date, Vote History Code, Precinct, Congressional District, House
486 District, Senate District, County Commission District, and
487 School Board District.

488 (e) Each supervisor of elections shall reconcile, before
489 submission, the aggregate total of ballots cast in each precinct
490 as reported in the precinct-level election results to the
491 aggregate total number of voters with voter history for the
492 election for each district.

493 (f) Each supervisor of elections shall submit the results
494 of the data reconciliation as described in paragraph (e) to the
495 department in an electronic format and give a written
496 explanation for any precincts where the reconciliation as
497 described in paragraph (e) results in a discrepancy between the
498 voter history and the election results.

499 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 45 days
500 after certification by the Elections Canvassing Commission ~~the~~
501 ~~date~~ of a presidential preference primary election, a special
502 election, primary election, or a general election, the
503 supervisors of elections shall collect and submit to the
504 department precinct-level election results for the election in a
505 uniform electronic format specified by paragraph (c) ~~the~~
506 ~~department~~. The precinct-level election results shall be



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507 compiled separately for the primary or special primary election
508 that preceded the general or special general election,
509 respectively. The results shall specifically include for each
510 precinct the ~~aggregate~~ total of all ballots cast for each
511 candidate or nominee to fill a national, state, county, or
512 district office or proposed constitutional amendment, with
513 subtotals for each candidate and ballot type, unless fewer than
514 10 voters voted a ballot type. "All ballots cast" means ballots
515 cast by voters who cast a ballot whether at a precinct location,
516 by absentee ballot including overseas absentee ballots, during
517 the early voting period, or by provisional ballot.

518 (b) The department shall make such information available on
519 a searchable, sortable, and downloadable database via its
520 website that also includes the file layout and codes. The
521 database shall be searchable and sortable by county, precinct,
522 and candidate. The database shall be downloadable in a tab-
523 delimited format. The database shall be available for download
524 county-by-county and also as a statewide file. Such report shall
525 also be made available upon request.

526 (c) The files containing the precinct-level election
527 results shall be created in accordance with the applicable file
528 specification:

529 1. The precinct-level results file shall be created or
530 converted into a tab-delimited text file.

531 2. The row immediately before the first data record shall
532 contain the column names of the data elements that make up the
533 data records. There shall be one header record followed by
534 multiple data records.

535 3. The data records shall include the following columns:



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536 County Name, Election Number, Election Date, Unique Precinct
537 Identifier, Precinct Polling Location, Total Registered Voters,
538 Total Registered Republicans, Total Registered Democrats, Total
539 Registered All Other Parties, Contest Name,
540 Candidate/Retention/Issue Name, Candidate Florida Voter
541 Registration System ID Number, Division of Elections Unique
542 Candidate Identifying Number, Candidate Party, District,
543 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

544 Section 12. Subsections (5) and (7) of section 99.012,
545 Florida Statutes, are amended to read:

546 99.012 Restrictions on individuals qualifying for public
547 office.—

548 (5) If an order of a court that has become final determines
549 that a person did not comply with this section, the person shall
550 not be qualified as a candidate for election and his or her name
551 may not appear on the ballot. ~~The name of any person who does~~
552 ~~not comply with this section may be removed from every ballot on~~
553 ~~which it appears when ordered by a circuit court upon the~~
554 ~~petition of an elector or the Department of State.~~

555 (7) Nothing contained in subsection (3) relates to persons
556 holding any federal office or seeking the office of President or
557 Vice President.

558 Section 13. Paragraphs (a) and (b) of subsection (1) of
559 section 99.021, Florida Statutes, are amended, and subsection
560 (3) is added to that section, to read:

561 99.021 Form of candidate oath.—

562 (1) (a) 1. Each candidate, whether a party candidate, a
563 candidate with no party affiliation, or a write-in candidate, in
564 order to qualify for nomination or election to any office other



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565 than a judicial office as defined in chapter 105 or a federal
566 office, shall take and subscribe to an oath or affirmation in
567 writing. A ~~printed~~ copy of the oath or affirmation shall be made
568 available ~~furnished~~ to the candidate by the officer before whom
569 such candidate seeks to qualify and shall be substantially in
570 the following form:

571
572 State of Florida
573 County of....

574 Before me, an officer authorized to administer oaths,
575 personally appeared ...(please print name as you wish it to
576 appear on the ballot)..., to me well known, who, being sworn,
577 says that he or she is a candidate for the office of; that
578 he or she is a qualified elector of County, Florida; that
579 he or she is qualified under the Constitution and the laws of
580 Florida to hold the office to which he or she desires to be
581 nominated or elected; ~~that he or she has taken the oath required~~
582 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
583 qualified for no other public office in the state, the term of
584 which office or any part thereof runs concurrent with that of
585 the office he or she seeks; ~~and~~ that he or she has resigned from
586 any office from which he or she is required to resign pursuant
587 to s. 99.012, Florida Statutes; and that he or she will support
588 the Constitution of the United States and the Constitution of
589 the State of Florida.

590 ... (Signature of candidate)...

591 ... (Address)...

592 Sworn to and subscribed before me this day of,
593 ...(year)..., at County, Florida.



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623 ... (Signature and title of officer administering oath)...

624

625 (b) In addition, any person seeking to qualify for
626 nomination as a candidate of any political party shall, at the
627 time of subscribing to the oath or affirmation, state in
628 writing:

629 1. The party of which the person is a member.

630 2. That the person ~~is not a registered member of any other~~
631 ~~political party and~~ has not been a registered member of
632 ~~candidate for nomination for any other political party for 365~~
633 days before the beginning of qualifying for a period of 6 months
634 preceding the general election for which the person seeks to
635 qualify.

636 3. That the person has paid the assessment levied against
637 him or her, if any, as a candidate for said office by the
638 executive committee of the party of which he or she is a member.

639 (3) This section does not apply to a person who seeks to
640 qualify for election pursuant to ss. 103.021 and 103.101.

641 Section 14. Subsections (5) and (7) of section 99.061,
642 Florida Statutes, are amended, and subsection (11) is added to
643 that section, to read:

644 99.061 Method of qualifying for nomination or election to
645 federal, state, county, or district office.—

646 (5) At the time of qualifying for office, each candidate
647 for a constitutional office shall file a full and public
648 disclosure of financial interests pursuant to s. 8, Art. II of
649 the State Constitution, which must be verified under oath or
650 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
651 other office, including local elective office, shall file a



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652 statement of financial interests pursuant to s. 112.3145.

653 (7) (a) In order for a candidate to be qualified, the
654 following items must be received by the filing officer by the
655 end of the qualifying period:

656 1. A properly executed check drawn upon the candidate's
657 campaign account payable to the person or entity as prescribed
658 by the filing officer in an amount not less than the fee
659 required by s. 99.092, unless the candidate obtained the
660 required number of signatures on petitions ~~or, in lieu thereof,~~
661 ~~as applicable, the copy of the notice of obtaining ballot~~
662 ~~position~~ pursuant to s. 99.095. The filing fee for a special
663 district candidate is not required to be drawn upon the
664 candidate's campaign account. If a candidate's check is returned
665 by the bank for any reason, the filing officer shall immediately
666 notify the candidate and the candidate shall have until, the end
667 of qualifying ~~notwithstanding, have 48 hours from the time such~~
668 ~~notification is received, excluding Saturdays, Sundays, and~~
669 ~~legal holidays~~, to pay the fee with a cashier's check purchased
670 from funds of the campaign account. Failure to pay the fee as
671 provided in this subparagraph shall disqualify the candidate.

672 2. The candidate's oath required by s. 99.021, which must
673 contain the name of the candidate as it is to appear on the
674 ballot; the office sought, including the district or group
675 number if applicable; and the signature of the candidate, which
676 must be verified under oath or affirmation pursuant to s.
677 92.525(1) (a) duly acknowledged.

678 ~~3. The loyalty oath required by s. 876.05, signed by the~~
679 ~~candidate and duly acknowledged.~~

680 ~~3.4.~~ If the office sought is partisan, the written



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681 statement of political party affiliation required by s.
682 99.021(1)(b).

683 ~~4.5-~~ The completed form for the appointment of campaign
684 treasurer and designation of campaign depository, as required by
685 s. 106.021.

686 ~~5.6-~~ The full and public disclosure or statement of
687 financial interests required by subsection (5). A public officer
688 who has filed the full and public disclosure or statement of
689 financial interests with the Commission on Ethics or the
690 supervisor of elections prior to qualifying for office may file
691 a copy of that disclosure at the time of qualifying.

692 (b) If the filing officer receives qualifying papers during
693 the qualifying period prescribed in this section which ~~that~~ do
694 not include all items as required by paragraph (a) prior to the
695 last day of qualifying, the filing officer shall make a
696 reasonable effort to notify the candidate of the missing or
697 incomplete items and shall inform the candidate that all
698 required items must be received by the close of qualifying. A
699 candidate's name as it is to appear on the ballot may not be
700 changed after the end of qualifying.

701 (c) The filing officer performs a ministerial function in
702 reviewing qualifying papers. In determining whether a candidate
703 is qualified, the filing officer shall review the qualifying
704 papers to determine whether all items required by paragraph (a)
705 have been properly filed and whether each item is complete on
706 its face, including whether items that must be verified have
707 been properly verified pursuant to s. 92.525(1)(a). The filing
708 officer may not determine whether the contents of the qualifying
709 papers are accurate.



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710 (11) The decision of the filing officer concerning whether
711 a candidate is qualified is exempt from the provisions of
712 chapter 120.

713 Section 15. Subsection (2) of section 99.063, Florida
714 Statutes, is amended to read:

715 99.063 Candidates for Governor and Lieutenant Governor.—

716 (2) No later than 5 p.m. of the 9th day following the
717 primary election, each designated candidate for Lieutenant
718 Governor shall file with the Department of State:

719 (a) The candidate's oath required by s. 99.021, which must
720 contain the name of the candidate as it is to appear on the
721 ballot; the office sought; and the signature of the candidate,
722 which must be verified under oath or affirmation pursuant to s.
723 92.525(1) (a) duly acknowledged.

724 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
725 ~~candidate and duly acknowledged.~~

726 (b)(e) If the office sought is partisan, the written
727 statement of political party affiliation required by s.
728 99.021(1) (b).

729 (c)(d) The full and public disclosure of financial
730 interests pursuant to s. 8, Art. II of the State Constitution. A
731 public officer who has filed the full and public disclosure with
732 the Commission on Ethics prior to qualifying for office may file
733 a copy of that disclosure at the time of qualifying.

734 Section 16. Subsection (1) of section 99.092, Florida
735 Statutes, is amended to read:

736 99.092 Qualifying fee of candidate; notification of
737 Department of State.—

738 (1) Each person seeking to qualify for nomination or



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739 election to any office, except a person seeking to qualify by
740 the petition process pursuant to s. 99.095 and except a person
741 seeking to qualify as a write-in candidate, shall pay a
742 qualifying fee, which shall consist of a filing fee and election
743 assessment, to the officer with whom the person qualifies, and
744 any party assessment levied, and shall attach the original or
745 signed duplicate of the receipt for his or her party assessment
746 or pay the same, in accordance with the provisions of s.
747 103.121, at the time of filing his or her other qualifying
748 papers. The amount of the filing fee is 3 percent of the annual
749 salary of the office. The amount of the election assessment is 1
750 percent of the annual salary of the office sought. The election
751 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~
752 ~~and~~ transferred to the Elections Commission Trust Fund ~~within~~
753 ~~the Department of Legal Affairs~~. The amount of the party
754 assessment is 2 percent of the annual salary. The annual salary
755 of the office for purposes of computing the filing fee, election
756 assessment, and party assessment shall be computed by
757 multiplying 12 times the monthly salary, excluding any special
758 qualification pay, authorized for such office as of July 1
759 immediately preceding the first day of qualifying. No qualifying
760 fee shall be returned to the candidate unless the candidate
761 withdraws his or her candidacy before the last date to qualify.
762 If a candidate dies prior to an election and has not withdrawn
763 his or her candidacy before the last date to qualify, the
764 candidate's qualifying fee shall be returned to his or her
765 designated beneficiary, and, if the filing fee or any portion
766 thereof has been transferred to the political party of the
767 candidate, the Secretary of State shall direct the party to



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768 return that portion to the designated beneficiary of the
769 candidate.

770 Section 17. Subsection (1) of section 99.093, Florida
771 Statutes, is amended to read:

772 99.093 Municipal candidates; election assessment.—

773 (1) Each person seeking to qualify for nomination or
774 election to a municipal office shall pay, at the time of
775 qualifying for office, an election assessment. The election
776 assessment shall be an amount equal to 1 percent of the annual
777 salary of the office sought. Within 30 days after the close of
778 qualifying, the qualifying officer shall forward all assessments
779 collected pursuant to this section to the Florida Elections
780 Commission ~~Department of State~~ for deposit in transfer to the
781 Elections Commission Trust Fund ~~within the Department of Legal~~
782 ~~Affairs~~.

783 Section 18. Paragraph (d) is added to subsection (2) of
784 section 99.095, Florida Statutes, to read:

785 99.095 Petition process in lieu of a qualifying fee and
786 party assessment.—

787 (2)

788 (d) In a year of apportionment, any candidate for county or
789 district office seeking ballot position by the petition process
790 may obtain the required number of signatures from any registered
791 voter in the respective county, regardless of district
792 boundaries. The candidate shall obtain at least the number of
793 signatures equal to 1 percent of the total number of registered
794 voters, as shown by a compilation by the department for the
795 immediately preceding general election, divided by the total
796 number of districts of the office involved.



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797 Section 19. Subsections (1), (3), and (5) of section
798 99.097, Florida Statutes, are amended, and subsection (6) is
799 added to that section, to read:

800 99.097 Verification of signatures on petitions.-

801 (1)(a) As determined by each supervisor, based upon local
802 conditions, the checking of names on petitions may be based on
803 the most inexpensive and administratively feasible of either of
804 the following methods of verification:

805 ~~1.(a) A name-by-name, signature-by-signature check of each~~
806 ~~petition the number of authorized signatures on the petitions;~~
807 or

808 ~~2.(b) A check of a random sample, as provided by the~~
809 ~~Department of State, of names and signatures on the petitions.~~
810 The sample must be such that a determination can be made as to
811 whether or not the required number of signatures has ~~have~~ been
812 obtained with a reliability of at least 99.5 percent.

813 ~~(b) Rules and guidelines for this method of petition~~
814 ~~verification shall be adopted promulgated by the Department of~~
815 ~~State. Rules and guidelines for a random sample method of~~
816 ~~verification, which~~ may include a requirement that petitions
817 bear an additional number of names and signatures, not to exceed
818 15 percent of the names and signatures otherwise required. If
819 the petitions do not meet such criteria or if the petitions are
820 prescribed by s. 100.371, then the use of the random sample
821 method of verification is ~~method described in this paragraph~~
822 ~~shall not be~~ available to supervisors.

823 (3)(a) If all other requirements for the petition are met,
824 a signature on a petition shall be verified and counted as valid
825 for a registered voter if, after comparing the signature on the



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826 petition and the signature of the registered voter in the voter
827 registration system, the supervisor is able to determine that
828 the petition signer is the same as the registered voter, even if
829 the name on the petition is not in substantially the same form
830 as in the voter registration system. A name on a petition, which
831 ~~name is not in substantially the same form as a name on the~~
832 ~~voter registration books, shall be counted as a valid signature~~
833 ~~if, after comparing the signature on the petition with the~~
834 ~~signature of the alleged signer as shown on the registration~~
835 ~~books, the supervisor determines that the person signing the~~
836 ~~petition and the person who registered to vote are one and the~~
837 ~~same.~~

838 (b) In any situation in which this code requires the form
839 of the petition to be prescribed by the division, no signature
840 shall be counted toward the number of signatures required unless
841 it is on a petition form prescribed by the division.

842 (c) ~~(b)~~ If a voter signs a petition and lists an address
843 other than the legal residence where the voter is registered,
844 the supervisor shall treat the signature as if the voter had
845 listed the address where the voter is registered.

846 (5) The results of a verification pursuant to subparagraph
847 (1)(a)2. ~~paragraph (1)(b)~~ may be contested in the circuit court
848 by the candidate; an announced opponent; a representative of a
849 designated political committee; or a person, party, or other
850 organization submitting the petition. The contestant shall file
851 a complaint, together with the fees prescribed in chapter 28,
852 with the clerk of the circuit court in the county in which the
853 petition is certified or in Leon County if the petition covers
854 more than one county within 10 days after midnight of the date



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855 the petition is certified; and the complaint shall set forth the
856 grounds on which the contestant intends to establish his or her
857 right to require a complete check of the petition names and
858 signatures pursuant to subparagraph (1)(a)1. ~~paragraph (1)(a).~~
859 In the event the court orders a complete check of the petition
860 and the result is not changed as to the success or lack of
861 success of the petitioner in obtaining the requisite number of
862 valid signatures, then such candidate, unless the candidate has
863 filed the oath stating that he or she is unable to pay such
864 charges; announced opponent; representative of a designated
865 political committee; or party, person, or organization
866 submitting the petition, unless such person or organization has
867 filed the oath stating inability to pay such charges, shall pay
868 to the supervisor of elections of each affected county for the
869 complete check an amount calculated at the rate of 10 cents for
870 each additional signature checked or the actual cost of checking
871 such additional signatures, whichever is less.

872 (6) (a) If any person is paid to solicit signatures on a
873 petition, an undue burden oath may not subsequently be filed in
874 lieu of paying the fee to have signatures verified for that
875 petition.

876 (b) If an undue burden oath has been filed and payment is
877 subsequently made to any person to solicit signatures on a
878 petition, the undue burden oath is no longer valid and a fee for
879 all signatures previously submitted to the supervisor of
880 elections and any that are submitted thereafter shall be paid by
881 the candidate, person, or organization that submitted the undue
882 burden oath. If contributions as defined in s. 106.011 are
883 received, any monetary contributions must first be used to



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884 reimburse the supervisor of elections for any signature
885 verification fees that were not paid because of the filing of an
886 undue burden oath.

887 Section 20. Section 100.061, Florida Statutes, is amended
888 to read:

889 100.061 Primary election.—In each year in which a general
890 election is held, a primary election for nomination of
891 candidates of political parties shall be held on the Tuesday 12
892 ~~10~~ weeks prior to the general election. The candidate receiving
893 the highest number of votes cast in each contest in the primary
894 election shall be declared nominated for such office. If two or
895 more candidates receive an equal and highest number of votes for
896 the same office, such candidates shall draw lots to determine
897 which candidate is nominated.

898 Section 21. Section 100.101, Florida Statutes, is amended
899 to read:

900 100.101 Special elections and special primary elections.—
901 ~~Except as provided in s. 100.111(2),~~ A special election or
902 special primary election shall be held in the following cases:

903 (1) If no person has been elected at a general election to
904 fill an office which was required to be filled by election at
905 such general election.

906 (2) If a vacancy occurs in the office of state senator or
907 member of the state house of representatives.

908 (3) If it is necessary to elect presidential electors, by
909 reason of the offices of President and Vice President both
910 having become vacant.

911 (4) If a vacancy occurs in the office of member from
912 Florida of the House of Representatives of Congress.



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913 Section 22. Section 100.111, Florida Statutes, is amended
914 to read:

915 100.111 Filling vacancy.—

916 (1) (a) If any vacancy occurs in any office which is
917 required to be filled pursuant to s. 1(f), Art. IV of the State
918 Constitution and the remainder of the term of such office is 28
919 months or longer, then at the next general election a person
920 shall be elected to fill the unexpired portion of such term,
921 commencing on the first Tuesday after the first Monday following
922 such general election.

923 (b) If such a vacancy occurs prior to the first day set by
924 law for qualifying for election to office at such general
925 election, any person seeking nomination or election to the
926 unexpired portion of the term shall qualify within the time
927 prescribed by law for qualifying for other offices to be filled
928 by election at such general election.

929 (c) If such a vacancy occurs prior to the primary election
930 but on or after the first day set by law for qualifying, the
931 Secretary of State shall set dates for qualifying for the
932 unexpired portion of the term of such office. Any person seeking
933 nomination or election to the unexpired portion of the term
934 shall qualify within the time set by the Secretary of State. If
935 time does not permit party nominations to be made in conjunction
936 with the primary election, the Governor may call a special
937 primary election to select party nominees for the unexpired
938 portion of such term.

939 ~~(2) (a) If, in any state or county office required to be~~
940 ~~filled by election, a vacancy occurs during an election year by~~
941 ~~reason of the incumbent having qualified as a candidate for~~



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942 ~~federal office pursuant to s. 99.061, no special election is~~
943 ~~required. Any person seeking nomination or election to the~~
944 ~~office so vacated shall qualify within the time prescribed by s.~~
945 ~~99.061 for qualifying for state or county offices to be filled~~
946 ~~by election.~~

947 ~~(b) If such a vacancy occurs in an election year other than~~
948 ~~the one immediately preceding expiration of the present term,~~
949 ~~the Secretary of State shall notify the supervisor of elections~~
950 ~~in each county served by the office that a vacancy has been~~
951 ~~created. Such notice shall be provided to the supervisor of~~
952 ~~elections not later than the close of the first day set for~~
953 ~~qualifying for state or county office. The supervisor shall~~
954 ~~provide public notice of the vacancy in any manner the Secretary~~
955 ~~of State deems appropriate.~~

956 ~~(2)~~⁽³⁾ Whenever there is a vacancy for which a special
957 election is required pursuant to s. 100.101, the Governor, after
958 consultation with the Secretary of State, shall fix the dates of
959 a special primary election and a special election. Nominees of
960 political parties shall be chosen under the primary laws of this
961 state in the special primary election to become candidates in
962 the special election. Prior to setting the special election
963 dates, the Governor shall consider any upcoming elections in the
964 jurisdiction where the special election will be held. The dates
965 fixed by the Governor shall be specific days certain and shall
966 not be established by the happening of a condition or stated in
967 the alternative. The dates fixed shall provide a minimum of 2
968 weeks between each election. In the event a vacancy occurs in
969 the office of state senator or member of the House of
970 Representatives when the Legislature is in regular legislative



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971 session, the minimum times prescribed by this subsection may be
972 waived upon concurrence of the Governor, the Speaker of the
973 House of Representatives, and the President of the Senate. If a
974 vacancy occurs in the office of state senator and no session of
975 the Legislature is scheduled to be held prior to the next
976 general election, the Governor may fix the dates for the special
977 primary election and for the special election to coincide with
978 the dates of the primary election and general election. If a
979 vacancy in office occurs in any district in the state Senate or
980 House of Representatives or in any congressional district, and
981 no session of the Legislature, or session of Congress if the
982 vacancy is in a congressional district, is scheduled to be held
983 during the unexpired portion of the term, the Governor is not
984 required to call a special election to fill such vacancy.

985 (a) The dates for candidates to qualify in such special
986 election or special primary election shall be fixed by the
987 Department of State, and candidates shall qualify not later than
988 noon of the last day so fixed. The dates fixed for qualifying
989 shall allow a minimum of 14 days between the last day of
990 qualifying and the special primary election.

991 (b) The filing of campaign expense statements by candidates
992 in such special elections or special primaries and by committees
993 making contributions or expenditures to influence the results of
994 such special primaries or special elections shall be not later
995 than such dates as shall be fixed by the Department of State,
996 and in fixing such dates the Department of State shall take into
997 consideration and be governed by the practical time limitations.

998 (c) The dates for a candidate to qualify by the petition
999 process pursuant to s. 99.095 in such special primary or special



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1000 election shall be fixed by the Department of State. In fixing
1001 such dates the Department of State shall take into consideration
1002 and be governed by the practical time limitations. Any candidate
1003 seeking to qualify by the petition process in a special primary
1004 election shall obtain 25 percent of the signatures required by
1005 s. 99.095.

1006 (d) The qualifying fees and party assessments of such
1007 candidates as may qualify shall be the same as collected for the
1008 same office at the last previous primary for that office. The
1009 party assessment shall be paid to the appropriate executive
1010 committee of the political party to which the candidate belongs.

1011 (e) Each county canvassing board shall make as speedy a
1012 return of the result of such special primary elections and
1013 special elections as time will permit, and the Elections
1014 Canvassing Commission likewise shall make as speedy a canvass
1015 and declaration of the nominees as time will permit.

1016 ~~(3)(4)~~(a) In the event that death, resignation, withdrawal,
1017 or removal, ~~or any other cause or event~~ should cause a party to
1018 have a vacancy in nomination which leaves no candidate for an
1019 office from such party, the filing officer before whom the
1020 candidate qualified ~~Department of State~~ shall notify the chair
1021 of the ~~appropriate state and, district, or county political~~
1022 party executive committee of such party; ~~and:~~

1023 1. If the vacancy in nomination is for a statewide office,
1024 the state party chair shall, within 5 days, ~~the chair shall~~ call
1025 a meeting of his or her executive board ~~committee~~ to consider
1026 designation of a nominee to fill the vacancy.

1027 2. If the vacancy in nomination is for the office of United
1028 States Representative, state senator, state representative,



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1029 state attorney, or public defender, the state party chair shall
1030 notify the appropriate county chair or chairs and, within 5
1031 days, the appropriate county chair or chairs shall call a
1032 meeting of the members of the executive committee in the
1033 affected county or counties to consider designation of a nominee
1034 to fill the vacancy.

1035 3. If the vacancy in nomination is for a county office, the
1036 state party chair shall notify the appropriate county chair and,
1037 within 5 days, the appropriate county chair shall call a meeting
1038 of his or her executive committee to consider designation of a
1039 nominee to fill the vacancy.

1040
1041 The name of any person so designated shall be submitted to the
1042 filing officer before whom the candidate qualified ~~Department of~~
1043 ~~State~~ within 7 days after notice to the chair in order that the
1044 person designated may have his or her name on the ballot of the
1045 ensuing general election. If the name of the new nominee is
1046 submitted after the certification of results of the preceding
1047 primary election, however, the ballots shall not be changed and
1048 the former party nominee's name will appear on the ballot. Any
1049 ballots cast for the former party nominee will be counted for
1050 the person designated by the political party to replace the
1051 former party nominee. If there is no opposition to the party
1052 nominee, the person designated by the political party to replace
1053 the former party nominee will be elected to office at the
1054 general election. ~~For purposes of this paragraph, the term~~
1055 ~~"district political party executive committee" means the members~~
1056 ~~of the state executive committee of a political party from those~~
1057 ~~counties comprising the area involving a district office.~~



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1058 (b) When, under the circumstances set forth in the
1059 preceding paragraph, vacancies in nomination are required to be
1060 filled by committee nominations, such vacancies shall be filled
1061 by party rule. In any instance in which a nominee is selected by
1062 a committee to fill a vacancy in nomination, such nominee shall
1063 pay the same filing fee and take the same oath as the nominee
1064 would have taken had he or she regularly qualified for election
1065 to such office.

1066 (c) Any person who, at the close of qualifying as
1067 prescribed in ss. 99.061 and 105.031, was qualified for
1068 nomination or election to or retention in a public office to be
1069 filled at the ensuing general election or who attempted to
1070 qualify and failed to qualify is prohibited from qualifying as a
1071 candidate to fill a vacancy in nomination for any other office
1072 to be filled at that general election, even if such person has
1073 withdrawn or been eliminated as a candidate for the original
1074 office sought. However, this paragraph does not apply to a
1075 candidate for the office of Lieutenant Governor who applies to
1076 fill a vacancy in nomination for the office of Governor on the
1077 same ticket or to a person who has withdrawn or been eliminated
1078 as a candidate and who is subsequently designated as a candidate
1079 for Lieutenant Governor under s. 99.063.

1080 (4) A vacancy in nomination is not created if an order of a
1081 court that has become final determines that a nominee did not
1082 properly qualify or did not meet the necessary qualifications to
1083 hold the office for which he or she sought to qualify.

1084 (5) In the event of unforeseeable circumstances not
1085 contemplated in these general election laws concerning the
1086 calling and holding of special primary elections and special



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1087 elections resulting from court order or other unpredictable
1088 circumstances, the Department of State shall have the authority
1089 to provide for the conduct of orderly elections.

1090 Section 23. Subsections (1), (3), (6), (7), and (8) of
1091 section 100.371, Florida Statutes, are amended to read:

1092 100.371 Initiatives; procedure for placement on ballot.—

1093 (1) Constitutional amendments proposed by initiative shall
1094 be placed on the ballot for the general election, provided the
1095 initiative petition has been filed with the Secretary of State
1096 no later than February 1 of the year the general election is
1097 held. A petition shall be deemed to be filed with the Secretary
1098 of State upon the date the secretary determines that valid and
1099 verified petition forms have been signed by the constitutionally
1100 required number and distribution of electors under this code,
1101 ~~subject to the right of revocation established in this section.~~

1102 (3) An initiative petition form circulated for signature
1103 may not be bundled with or attached to any other petition. Each
1104 signature shall be dated when made and shall be valid for a
1105 period of 2 4 years following such date, provided all other
1106 requirements of law are met. The sponsor shall submit signed and
1107 dated forms to the ~~appropriate~~ supervisor of elections for the
1108 county of residence listed by the person signing the form for
1109 verification of ~~as to~~ the number of ~~registered electors whose~~
1110 valid signatures obtained appear thereon. If a signature on a
1111 petition is from a registered voter in another county, the
1112 supervisor shall notify the petition sponsor of the misfiled
1113 petition. The supervisor shall promptly verify the signatures
1114 within 30 days after ~~of~~ receipt of the petition forms and
1115 payment of the fee required by s. 99.097. The supervisor shall



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1116 promptly record, in the manner prescribed by the Secretary of
1117 State, the date each form is received by the supervisor, and the
1118 date the signature on the form is verified as valid. The
1119 supervisor may verify that the signature on a form is valid only
1120 if:

1121 (a) The form contains the original signature of the
1122 purported elector.

1123 (b) The purported elector has accurately recorded on the
1124 form the date on which he or she signed the form.

1125 (c) The form accurately sets forth the purported elector's
1126 name, ~~street~~ address, city, county, and voter registration
1127 number or date of birth.

1128 (d) The purported elector is, at the time he or she signs
1129 the form and at the time the form is verified, a duly qualified
1130 and registered elector ~~authorized to vote in the state county in~~
1131 ~~which his or her signature is submitted~~.

1132
1133 The supervisor shall retain the signature forms for at least 1
1134 year following the election in which the issue appeared on the
1135 ballot or until the Division of Elections notifies the
1136 supervisors of elections that the committee that ~~which~~
1137 circulated the petition is no longer seeking to obtain ballot
1138 position.

1139 ~~(6) (a) An elector's signature on a petition form may be~~
1140 ~~revoked within 150 days of the date on which he or she signed~~
1141 ~~the petition form by submitting to the appropriate supervisor of~~
1142 ~~elections a signed petition-revocation form.~~

1143 ~~(b) The petition-revocation form and the manner in which~~
1144 ~~signatures are obtained, submitted, and verified shall be~~



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1145 ~~subject to the same relevant requirements and timeframes as the~~
1146 ~~corresponding petition form and processes under this code and~~
1147 ~~shall be approved by the Secretary of State before any signature~~
1148 ~~on a petition revocation form is obtained.~~

1149 ~~(c) In those circumstances in which a petition revocation~~
1150 ~~form for a corresponding initiative petition has not been~~
1151 ~~submitted and approved, an elector may complete and submit a~~
1152 ~~standard petition revocation form directly to the supervisor of~~
1153 ~~elections. All other requirements and processes apply for the~~
1154 ~~submission and verification of the signatures as for initiative~~
1155 ~~petitions.~~

1156 ~~(d) Supervisors of elections shall provide petition~~
1157 ~~revocation forms to the public at all main and branch offices.~~

1158 ~~(e) The petition revocation form shall be filed with the~~
1159 ~~supervisor of elections by February 1 preceding the next general~~
1160 ~~election or, if the initiative amendment is not certified for~~
1161 ~~ballot position in that election, by February 1 preceding the~~
1162 ~~next successive general election. The supervisor of elections~~
1163 ~~shall promptly verify the signature on the petition revocation~~
1164 ~~form and process such revocation upon payment, in advance, of a~~
1165 ~~fee of 10 cents or the actual cost of verifying such signature,~~
1166 ~~whichever is less. The supervisor shall promptly record each~~
1167 ~~valid and verified signature on a petition revocation form in~~
1168 ~~the manner prescribed by the Secretary of State.~~

1169 ~~(f) The division shall adopt by rule the petition~~
1170 ~~revocation forms to be used under this subsection.~~

1171 ~~(6)-(7)~~ The Department of State may adopt rules in
1172 accordance with s. 120.54 to carry out the provisions of
1173 subsections (1)-(5) ~~(1)-(6)~~.



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1174 (7)~~(8)~~ No provision of this code shall be deemed to
1175 prohibit a private person exercising lawful control over
1176 privately owned property, including property held open to the
1177 public for the purposes of a commercial enterprise, from
1178 excluding from such property persons seeking to engage in
1179 activity supporting or opposing initiative amendments.

1180 Section 24. Effective July 1, 2012, subsections (3) and (4)
1181 of section 101.001, Florida Statutes, are amended to read:

1182 101.001 Precincts and polling places; boundaries.—

1183 (3) (a) Each supervisor of elections shall maintain a
1184 suitable map drawn to a scale no smaller than 3 miles to the
1185 inch and clearly delineating all major observable features such
1186 as roads, streams, and railway lines and showing the current
1187 geographical boundaries of each precinct, representative
1188 district, and senatorial district, and other type of district in
1189 the county subject to the elections process in this code.

1190 (b) The supervisor shall provide to the department data on
1191 all precincts in the county associated with the most recent
1192 decennial census blocks within each precinct.

1193 (c) The department shall maintain a searchable database
1194 that contains the precincts and the corresponding most recent
1195 decennial census blocks within the precincts for each county,
1196 including a historical file that allows the census blocks to be
1197 traced through the prior decade.

1198 (d)~~(b)~~ The supervisor of elections shall notify the
1199 Secretary of State in writing within 10 ~~30~~ days after any
1200 reorganization of precincts and shall furnish a copy of the map
1201 showing the current geographical boundaries and designation of
1202 each new precinct. However, if precincts are composed of whole



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1203 census blocks, the supervisor may furnish, in lieu of a copy of
1204 the map, a list, in an electronic format prescribed by the
1205 Department of State, associating each census block in the county
1206 with its precinct.

1207 ~~(e)~~ Any precinct established or altered under the
1208 provisions of this section shall consist of areas bounded on all
1209 sides only by census block boundaries from the most recent
1210 United States Census. If the census block boundaries split or
1211 conflict with another political boundary listed below, the
1212 boundary listed below may be used:

1213 ~~1. Census block boundaries from the most recent United~~
1214 ~~States Census;~~

1215 ~~1.2.~~ Governmental unit boundaries reported in the most
1216 recent Boundary and Annexation Survey published by the United
1217 States Census Bureau;

1218 ~~2.3.~~ Visible features that are readily distinguishable upon
1219 the ground, such as streets, railroads, tracks, streams, and
1220 lakes, and that are indicated upon current census maps, official
1221 Department of Transportation maps, official municipal maps,
1222 official county maps, or a combination of such maps;

1223 ~~3.4.~~ Boundaries of public parks, public school grounds, or
1224 churches; or

1225 ~~4.5.~~ Boundaries of counties, incorporated municipalities,
1226 or other political subdivisions that meet criteria established
1227 by the United States Census Bureau for block boundaries.

1228 ~~(d) Until July 1, 2012, a supervisor may apply for and~~
1229 ~~obtain from the Secretary of State a waiver of the requirement~~
1230 ~~in paragraph (c).~~

1231 (4) (a) Within 10 days after there is any change in the



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1232 division, number, or boundaries of the precincts, or the
1233 location of the polling places, the supervisor of elections
1234 shall make in writing an accurate description of any new or
1235 altered precincts, setting forth the boundary lines and shall
1236 identify the location of each new or altered polling place. A
1237 copy of the document describing such changes shall be posted at
1238 the supervisor's office.

1239 (b) Any changes in the county precinct data shall be
1240 provided to the department within 10 days after a change.

1241 (c) Precinct data shall include all precincts for which
1242 precinct-level election results and voting history results are
1243 reported.

1244 Section 25. Section 101.043, Florida Statutes, is amended
1245 to read:

1246 101.043 Identification required at polls.—

1247 (1) (a) The precinct register, as prescribed in s. 98.461,
1248 shall be used at the polls for the purpose of identifying the
1249 elector at the polls before ~~prior to~~ allowing him or her to
1250 vote. The clerk or inspector shall require each elector, upon
1251 entering the polling place, to present one of the following
1252 current and valid picture identifications:

1253 1. ~~(a)~~ Florida driver's license.

1254 2. ~~(b)~~ Florida identification card issued by the Department
1255 of Highway Safety and Motor Vehicles.

1256 3. ~~(c)~~ United States passport.

1257 4. ~~(d)~~ Debit or credit card.

1258 5. ~~(e)~~ Military identification.

1259 6. ~~(f)~~ Student identification.

1260 7. ~~(g)~~ Retirement center identification.



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1261 8.~~(h)~~ Neighborhood association identification.

1262 9.~~(i)~~ Public assistance identification.

1263 (b) If the picture identification does not contain the
1264 signature of the elector ~~voter~~, an additional identification
1265 that provides the elector's ~~voter's~~ signature shall be required.
1266 The address appearing on the identification presented by the
1267 elector may not be used as the basis to confirm an elector's
1268 legal residence or otherwise challenge an elector's legal
1269 residence. The elector shall sign his or her name in the space
1270 provided on the precinct register or on an electronic device
1271 provided for recording the elector's ~~voter's~~ signature. The
1272 clerk or inspector shall compare the signature with that on the
1273 identification provided by the elector and enter his or her
1274 initials in the space provided on the precinct register or on an
1275 electronic device provided for that purpose and allow the
1276 elector to vote if the clerk or inspector is satisfied as to the
1277 identity of the elector.

1278 (c) When an elector presents his or her picture
1279 identification to the clerk or inspector and the elector's
1280 address on the picture identification matches the elector's
1281 address in the supervisor's records, the elector may not be
1282 asked to provide additional information or to recite his or her
1283 home address.

1284 (2) If the elector fails to furnish the required
1285 identification, the elector shall be allowed to vote a
1286 provisional ballot. The canvassing board shall determine the
1287 validity of the ballot pursuant to s. 101.048(2).

1288 Section 26. Section 101.045, Florida Statutes, is amended
1289 to read:



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1290 101.045 Electors must be registered in precinct; provisions
1291 for change of residence or name.—

1292 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any
1293 election precinct or district other than the one in which the
1294 person has his or her legal residence and in which the person is
1295 registered. However, a person temporarily residing outside the
1296 county shall be registered in the precinct in which the main
1297 office of the supervisor, as designated by the supervisor, is
1298 located when the person has no permanent address in the county
1299 and it is the person's intention to remain a resident of Florida
1300 and of the county in which he or she is registered to vote. Such
1301 persons who are registered in the precinct in which the main
1302 office of the supervisor, as designated by the supervisor, is
1303 located and who are residing outside the county with no
1304 permanent address in the county shall not be registered electors
1305 of a municipality and therefore shall not be permitted to vote
1306 in any municipal election.

1307 (2) (a) An elector who moves from the precinct in which the
1308 elector is registered may be permitted to vote in the precinct
1309 to which he or she has moved his or her legal residence, if the
1310 change of residence is within the same county and the ~~provided~~
1311 ~~such~~ elector completes an affirmation in substantially the
1312 following form:

1313 Change of Legal Residence of Registered
1314 Voter

1315 Under penalties for false swearing, I, ...(Name of voter)...,
1316 swear (or affirm) that the former address of my legal residence
1317 was ...(Address of legal residence)... in the municipality of
1318, in County, Florida, and I was registered to vote in



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1319 the precinct of County, Florida; that I have not voted
1320 in the precinct of my former registration in this election; that
1321 I now reside at ...(Address of legal residence)... in the
1322 Municipality of, in County, Florida, and am therefore
1323 eligible to vote in the precinct of County, Florida;
1324 and I further swear (or affirm) that I am otherwise legally
1325 registered and entitled to vote.

1326 ... (Signature of voter whose address of legal residence has
1327 changed)...

1328 (b) Except for an active uniformed services voter or a
1329 member of his or her family, an elector whose change of address
1330 is from outside the county may not change his or her legal
1331 residence at the polling place and vote a regular ballot;
1332 however, such elector is entitled to vote a provisional ballot.

1333 (c) ~~(b)~~ An elector whose name changes because of marriage or
1334 other legal process may be permitted to vote, provided such
1335 elector completes an affirmation in substantially the following
1336 form:

1337 Change of Name of Registered
1338 Voter

1339 Under penalties for false swearing, I, ...(New name of
1340 voter)..., swear (or affirm) that my name has been changed
1341 because of marriage or other legal process. My former name and
1342 address of legal residence appear on the registration records of
1343 precinct as follows:

1344 Name.....
1345 Address.....
1346 Municipality.....
1347 County.....



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1348 Florida, Zip.....
1349 My present name and address of legal residence are as follows:
1350 Name.....
1351 Address.....
1352 Municipality.....
1353 County.....
1354 Florida, Zip.....
1355 and I further swear (or affirm) that I am otherwise legally
1356 registered and entitled to vote.

1357 ...(Signature of voter whose name has changed)...

1358 (d)~~(e)~~ Instead of the affirmation contained in paragraph
1359 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter
1360 registration application that indicates the change of name or
1361 change of address of legal residence.

1362 (e)~~(d)~~ Such affirmation or application, when completed and
1363 presented at the precinct in which such elector is entitled to
1364 vote, and upon verification of the elector's registration, shall
1365 entitle such elector to vote as provided in this subsection. If
1366 the elector's eligibility to vote cannot be determined, he or
1367 she shall be entitled to vote a provisional ballot, subject to
1368 the requirements and procedures in s. 101.048. Upon receipt of
1369 an affirmation or application certifying a change in address of
1370 legal residence or name, the supervisor shall as soon as
1371 practicable make the necessary changes in the statewide voter
1372 registration system to indicate the change in address of legal
1373 residence or name of such elector.

1374 Section 27. Subsection (2) of section 101.131, Florida
1375 Statutes, is amended, and subsections (4) and (5) are added to
1376 that section, to read:



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1377 101.131 Watchers at polls.-

1378 (2) Each party, each political committee, and each
1379 candidate requesting to have poll watchers shall designate, in
1380 writing to the supervisors of elections, on a form prescribed by
1381 the division, before ~~prior to~~ noon of the second Tuesday
1382 preceding the election poll watchers for each polling room on
1383 election day. Designations of poll watchers for early voting
1384 areas shall be submitted in writing to the supervisor of
1385 elections, on a form prescribed by the division, before noon at
1386 least 14 days before early voting begins. The poll watchers for
1387 each polling rooms ~~room~~ shall be approved by the supervisor of
1388 elections on or before the Tuesday before the election. Poll
1389 watchers for early voting areas shall be approved by the
1390 supervisor of elections no later than 7 days before early voting
1391 begins. The supervisor shall furnish to each election board a
1392 list of the poll watchers designated and approved for such
1393 polling rooms ~~room~~ or early voting areas area. Designation of
1394 poll watchers shall be made by the chair of the county executive
1395 committee of a political party, the chair of a political
1396 committee, or the candidate requesting to have poll watchers.

1397 (4) All poll watchers shall be allowed to enter and watch
1398 polls in all polling rooms and early voting areas within the
1399 county in which they have been designated if the number of poll
1400 watchers at any particular polling place does not exceed the
1401 number provided in this section.

1402 (5) The supervisor of elections shall provide to each
1403 designated poll watcher, no later than 7 days before early
1404 voting begins, a poll watcher identification badge that
1405 identifies the poll watcher by name. Each poll watcher must wear



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1406 his or her identification badge while in the polling room or
1407 early voting area.

1408 Section 28. Subsections (1), (2), and (3) of section
1409 101.151, Florida Statutes, are amended to read:

1410 101.151 Specifications for ballots.—

1411 (1) (a) Marksense ballots shall be printed on paper of such
1412 thickness that the printing cannot be distinguished from the
1413 back and shall meet the specifications of the voting system that
1414 will be used to tabulate the ballots.

1415 (b) Early voting sites may employ a ballot-on-demand
1416 production system to print individual marksense ballots,
1417 including provisional ballots, for eligible electors pursuant to
1418 s. 101.657. Ballot-on-demand technology may be used to produce
1419 marksense absentee and election-day ballots. ~~Not later than 30~~
1420 ~~days before an election, the Secretary of State may also~~
1421 ~~authorize in writing the use of ballot-on-demand technology for~~
1422 ~~the production of election-day ballots.~~

1423 (2) (a) The ballot shall have the following office titles
1424 ~~headings~~ under which shall appear ~~the names of the offices and~~
1425 the names of the candidates for the respective offices in the
1426 following order:

1427 1. The office titles of heading "President and Vice
1428 President" and thereunder the names of the candidates for
1429 President and Vice President of the United States nominated by
1430 the political party that received the highest vote for Governor
1431 in the last general election of the Governor in this state. Then
1432 shall appear the names of other candidates for President and
1433 Vice President of the United States who have been properly
1434 nominated.



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1435 2. The office titles ~~Then shall follow the heading~~
1436 ~~"Congressional" and thereunder the offices~~ of United States
1437 ~~Senator and Representative in Congress.~~

1438 3. The office titles ~~then the heading "State" and~~
1439 ~~thereunder the offices~~ of Governor and Lieutenant Governor;
1440 Attorney General;
1441 Chief Financial Officer; Commissioner of
1442 Agriculture; State Attorney, with the applicable judicial
1443 circuit; and Public Defender, with the applicable judicial
1444 circuit.

1444 4. together with the names of the candidates for each
1445 ~~office and the title of the office which they seek; then the~~
1446 ~~heading "Legislative" and thereunder~~ The office titles offices
1447 of State Senator and State Representative, with the applicable
1448 district for the office printed beneath.; ~~then the heading~~
1449 ~~"County" and thereunder~~

1450 5. The office titles of Clerk of the Circuit Court, or
1451 Clerk of the Circuit Court and Comptroller (whichever is
1452 applicable and when authorized by law), Clerk of the County
1453 Court (when authorized by law), Sheriff, Property Appraiser, Tax
1454 Collector, District Superintendent of Schools, and Supervisor of
1455 Elections.

1456 6. The office titles ~~Thereafter follows: members of the~~
1457 ~~Board of County Commissioners,~~ with the applicable district
1458 printed beneath each office, and such other county and district
1459 offices as are involved in the election, in the order fixed by
1460 the Department of State, followed, in the year of their
1461 election, by "Party Offices," and thereunder the offices of
1462 state and county party executive committee members.

1463 (b) In a general election, in addition to the names printed



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1464 on the ballot, a blank space shall be provided under each
1465 ~~heading for an~~ office for which a write-in candidate has
1466 qualified. With respect to write-in candidates, if two or more
1467 candidates are seeking election to one office, only one blank
1468 space shall be provided.

1469 (c) ~~(b)~~ When more than one candidate is nominated for
1470 office, the candidates for such office shall qualify and run in
1471 a group or district, and the group or district number shall be
1472 printed beneath the name of the office. Each nominee of a
1473 political party chosen in a primary shall appear on the general
1474 election ballot in the same numbered group or district as on the
1475 primary election ballot.

1476 (d) ~~(e)~~ If in any election all the offices as set forth in
1477 paragraph (a) are not involved, those offices not to be filled
1478 shall be omitted and the remaining offices shall be arranged on
1479 the ballot in the order named.

1480 (3) (a) The names of the candidates of the party that
1481 received the highest number of votes for Governor in the last
1482 election in which a Governor was elected shall be placed first
1483 ~~under the heading~~ for each office on the general election
1484 ballot, together with an appropriate abbreviation of the party
1485 name; the names of the candidates of the party that received the
1486 second highest vote for Governor shall be placed second ~~under~~
1487 ~~the heading~~ for each office, together with an appropriate
1488 abbreviation of the party name.

1489 (b) Minor political party candidates ~~and candidates with no~~
1490 ~~party affiliation~~ shall have their names appear on the general
1491 election ballot following the names of recognized political
1492 parties, in the same order as they were qualified, ~~certified~~



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1493 followed by the names of candidates with no party affiliation,
1494 in the order as they were qualified.

1495 Section 29. Section 101.161, Florida Statutes, is amended
1496 to read:

1497 101.161 Referenda; ballots.—

1498 (1) Whenever a constitutional amendment or other public
1499 measure is submitted to the vote of the people, a ballot summary
1500 ~~the substance~~ of such amendment or other public measure shall be
1501 printed in clear and unambiguous language on the ballot after
1502 the list of candidates, followed by the word "yes" and also by
1503 the word "no," and shall be styled in such a manner that a "yes"
1504 vote will indicate approval of the proposal and a "no" vote will
1505 indicate rejection. The ballot summary wording of the substance
1506 of the amendment or other public measure and the ballot title to
1507 appear on the ballot shall be embodied in the ~~joint resolution,~~
1508 constitutional revision commission proposal, constitutional
1509 convention proposal, taxation and budget reform commission
1510 proposal, or enabling resolution or ordinance. The ballot
1511 summary ~~Except for amendments and ballot language proposed by~~
1512 ~~joint resolution, the substance~~ of the amendment or other public
1513 measure shall be an explanatory statement, not exceeding 75
1514 words in length, of the chief purpose of the measure. In
1515 addition, for every amendment proposed by initiative, the ballot
1516 shall include, following the ballot summary, a separate
1517 financial impact statement concerning the measure prepared by
1518 the Financial Impact Estimating Conference in accordance with s.
1519 100.371(5). The ballot title shall consist of a caption, not
1520 exceeding 15 words in length, by which the measure is commonly
1521 referred to or spoken of. This subsection does not apply to



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1522 constitutional amendments or revisions proposed by joint
1523 resolution.

1524 (2) The ballot summary ~~substance~~ and ballot title of a
1525 constitutional amendment proposed by initiative shall be
1526 prepared by the sponsor and approved by the Secretary of State
1527 in accordance with rules adopted pursuant to s. 120.54. The
1528 Department of State shall give each proposed constitutional
1529 amendment a designating number for convenient reference. This
1530 number designation shall appear on the ballot. Designating
1531 numbers shall be assigned in the order of filing or
1532 certification and in accordance with rules adopted by the
1533 Department of State. The Department of State shall furnish the
1534 designating number, the ballot title, and, unless otherwise
1535 specified in a joint resolution, the ballot summary ~~the~~
1536 ~~substance~~ of each amendment to the supervisor of elections of
1537 each county in which such amendment is to be voted on.

1538 (3) (a) Each joint resolution that proposes a constitutional
1539 amendment or revision shall include one or more ballot
1540 statements set forth in order of priority. Each ballot statement
1541 shall consist of a ballot title, by which the measure is
1542 commonly referred to or spoken of, not exceeding 15 words in
1543 length, and either a ballot summary that describes the chief
1544 purpose of the amendment or revision in clear and unambiguous
1545 language, or the full text of the amendment or revision. The
1546 Department of State shall furnish a designating number pursuant
1547 to subsection (2) and the appropriate ballot statement to the
1548 supervisor of elections of each county. The ballot statement
1549 shall be printed on the ballot after the list of candidates,
1550 followed by the word "yes" and also by the word "no," and shall



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1551 be styled in such a manner that a "yes" vote will indicate
1552 approval of the amendment or revision and a "no" vote will
1553 indicate rejection.

1554 (b)1. Any action for a judicial determination that one or
1555 more ballot statements embodied in a joint resolution are
1556 defective must be commenced by filing a complaint or petition
1557 with the appropriate court within 30 days after the joint
1558 resolution is filed with the Secretary of State. The complaint
1559 or petition shall assert all grounds for challenge to each
1560 ballot statement. Any ground not asserted within 30 days after
1561 the joint resolution is filed with the Secretary of State is
1562 waived.

1563 2. The court, including any appellate court, shall accord
1564 an action described in subparagraph 1. priority over other
1565 pending cases and render a decision as expeditiously as
1566 possible. If the court finds that all ballot statements embodied
1567 in a joint resolution are defective and further appeals are
1568 declined, abandoned, or exhausted, unless otherwise provided in
1569 the joint resolution, the Attorney General shall, within 10
1570 days, prepare and submit to the Department of State a revised
1571 ballot title or ballot summary that corrects the deficiencies
1572 identified by the court, and the Department of State shall
1573 furnish a designating number and the revised ballot title or
1574 ballot summary to the supervisor of elections of each county for
1575 placement on the ballot. The court shall retain jurisdiction
1576 over challenges to a revised ballot title or ballot summary
1577 prepared by the Attorney General, and any challenge to a revised
1578 ballot title or ballot summary must be filed within 10 days
1579 after a revised ballot title or ballot summary is submitted to



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1580 the Department of State.

1581 3. A ballot statement that consists of the full text of an
1582 amendment or revision shall be presumed to be a clear and
1583 unambiguous statement of the substance and effect of the
1584 amendment or revision, providing fair notice to the electors of
1585 the content of the amendment or revision and sufficiently
1586 advising electors of the issue upon which they are to vote.

1587 (4) ~~(3)~~ (a) For any general election in which the Secretary
1588 of State, for any circuit, or the supervisor of elections, for
1589 any county, has certified the ballot position for an initiative
1590 to change the method of selection of judges, the ballot for any
1591 circuit must contain the statement in paragraph (b) or paragraph
1592 (c) and the ballot for any county must contain the statement in
1593 paragraph (d) or paragraph (e).

1594 (b) In any circuit where the initiative is to change the
1595 selection of circuit court judges to selection by merit
1596 selection and retention, the ballot shall state: "Shall the
1597 method of selecting circuit court judges in the ...(number of
1598 the circuit)... judicial circuit be changed from election by a
1599 vote of the people to selection by the judicial nominating
1600 commission and appointment by the Governor with subsequent terms
1601 determined by a retention vote of the people?" This statement
1602 must be followed by the word "yes" and also by the word "no."

1603 (c) In any circuit where the initiative is to change the
1604 selection of circuit court judges to election by the voters, the
1605 ballot shall state: "Shall the method of selecting circuit court
1606 judges in the ...(number of the circuit)... judicial circuit be
1607 changed from selection by the judicial nominating commission and
1608 appointment by the Governor with subsequent terms determined by



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1609 a retention vote of the people to election by a vote of the
1610 people?" This statement must be followed by the word "yes" and
1611 also by the word "no."

1612 (d) In any county where the initiative is to change the
1613 selection of county court judges to merit selection and
1614 retention, the ballot shall state: "Shall the method of
1615 selecting county court judges in ...(name of county)... be
1616 changed from election by a vote of the people to selection by
1617 the judicial nominating commission and appointment by the
1618 Governor with subsequent terms determined by a retention vote of
1619 the people?" This statement must be followed by the word "yes"
1620 and also by the word "no."

1621 (e) In any county where the initiative is to change the
1622 selection of county court judges to election by the voters, the
1623 ballot shall state: "Shall the method of selecting county court
1624 judges in ...(name of the county)... be changed from selection
1625 by the judicial nominating commission and appointment by the
1626 Governor with subsequent terms determined by a retention vote of
1627 the people to election by a vote of the people?" This statement
1628 must be followed by the word "yes" and also by the word "no."

1629 Section 30. The amendment of section 101.161, Florida
1630 Statutes, made by this act applies retroactively to all joint
1631 resolutions adopted by the Legislature during the 2011 Regular
1632 Session, except that any legal action challenging a ballot title
1633 or ballot summary embodied in such joint resolution or
1634 challenging placement on the ballot of the full text of the
1635 proposed amendment or revision to the State Constitution as
1636 specified in such joint resolution must be commenced within 30
1637 days after the effective date of this act or within 30 days



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1638 after the joint resolution to which a challenge relates is filed
1639 with the Secretary of State, whichever occurs later.

1640 Section 31. Paragraph (a) of subsection (2) of section
1641 101.5605, Florida Statutes, is amended to read:

1642 101.5605 Examination and approval of equipment.-

1643 (2) (a) Any person owning or interested in an electronic or
1644 electromechanical voting system may submit it to the Department
1645 of State for examination. The vote counting segment shall be
1646 certified after a satisfactory evaluation testing has been
1647 performed according to the standards adopted under s. 101.015(1)
1648 ~~electronic industry standards~~. This testing shall include, but
1649 is not limited to, testing of all software required for the
1650 voting system's operation; the ballot reader; the rote
1651 processor, especially in its logic and memory components; the
1652 digital printer; the fail-safe operations; the counting center
1653 environmental requirements; and the equipment reliability
1654 estimate. For the purpose of assisting in examining the system,
1655 the department shall employ or contract for services of at least
1656 one individual who is expert in one or more fields of data
1657 processing, mechanical engineering, and public administration
1658 and shall require from the individual a written report of his or
1659 her examination.

1660 Section 32. Subsection (11) of section 101.5606, Florida
1661 Statutes, is amended to read

1662 101.5606 Requirements for approval of systems.-No
1663 electronic or electromechanical voting system shall be approved
1664 by the Department of State unless it is so constructed that:

1665 (11) It is capable of automatically producing precinct
1666 totals in printed, ~~marked, or punched form, or a combination~~



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1667 ~~thereof.~~

1668 Section 33. Subsection (4) is added to section 101.56075,
1669 Florida Statutes, to read:

1670 101.56075 Voting methods.—

1671 (4) By December 31, 2013, all voting systems utilized by
1672 voters during a state election shall permit placement on the
1673 ballot of the full text of a constitutional amendment or
1674 revision containing stricken or underlined text.

1675 Section 34. Paragraph (a) of subsection (4) of section
1676 101.5612, Florida Statutes, is amended to read:

1677 101.5612 Testing of tabulating equipment.—

1678 (4) (a) 1. For electronic or electromechanical voting systems
1679 configured to include electronic or electromechanical tabulation
1680 devices which are distributed to the precincts, all or a sample
1681 of the devices to be used in the election shall be publicly
1682 tested. If a sample is to be tested, the sample shall consist of
1683 a random selection of at least 5 percent or 10 of the devices
1684 for an optical scan system ~~or 2 percent of the devices for a~~
1685 ~~touchscreen system or 10 of the devices for either system, as~~
1686 ~~applicable~~, whichever is greater. For touchscreen systems used
1687 for voters having a disability, a sample of at least 2 percent
1688 of the devices must be tested. The test shall be conducted by
1689 processing a group of ballots, causing the device to output
1690 results for the ballots processed, and comparing the output of
1691 results to the results expected for the ballots processed. The
1692 group of ballots shall be produced so as to record a
1693 predetermined number of valid votes for each candidate and on
1694 each measure and to include for each office one or more ballots
1695 which have activated voting positions in excess of the number



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1696 allowed by law in order to test the ability of the tabulating
1697 device to reject such votes.

1698 2. If any tested tabulating device is found to have an
1699 error in tabulation, it shall be deemed unsatisfactory. For each
1700 device deemed unsatisfactory, the canvassing board shall take
1701 steps to determine the cause of the error, shall attempt to
1702 identify and test other devices that could reasonably be
1703 expected to have the same error, and shall test a number of
1704 additional devices sufficient to determine that all devices are
1705 satisfactory. Upon deeming any device unsatisfactory, the
1706 canvassing board may require all devices to be tested or may
1707 declare that all devices are unsatisfactory.

1708 3. If the operation or output of any tested tabulation
1709 device, such as spelling or the order of candidates on a report,
1710 is in error, such problem shall be reported to the canvassing
1711 board. The canvassing board shall then determine if the reported
1712 problem warrants its deeming the device unsatisfactory.

1713 Section 35. Subsection (4) of section 101.5614, Florida
1714 Statutes, is amended to read:

1715 101.5614 Canvass of returns.—

1716 (4) ~~If ballot cards are used, and separate write-in ballots~~
1717 ~~or envelopes for casting write-in votes are used, write-in~~
1718 ~~ballots or the envelopes on which write-in ballots have been~~
1719 ~~cast shall be serially numbered, starting with the number one,~~
1720 ~~and the same number shall be placed on the ballot card of the~~
1721 ~~voter. This process may be completed at either the precinct by~~
1722 ~~the election board or at the central counting location.~~ For each
1723 ballot or ballot image and ~~ballot envelope~~ on which write-in
1724 votes have been cast, the canvassing board shall compare the



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1725 write-in votes with the votes cast on the ballot ~~card~~; if the
1726 total number of votes for any office exceeds the number allowed
1727 by law, ~~a notation to that effect, specifying the office~~
1728 ~~involved, shall be entered on the back of the ballot card or in~~
1729 ~~a margin if voting areas are printed on both sides of the ballot~~
1730 ~~card.~~ such votes shall not be counted. All valid votes shall be
1731 tallied by the canvassing board.

1732 Section 36. Subsection (6) is added to section 101.591,
1733 Florida Statutes, to read:

1734 101.591 Voting system audit.—

1735 (6) If a manual recount is undertaken pursuant to s.
1736 102.166, the canvassing board is not required to perform the
1737 audit provided for in this section.

1738 Section 37. Paragraphs (a) and (b) of subsection (1) and
1739 subsections (3) and (4) of section 101.62, Florida Statutes, are
1740 amended to read:

1741 101.62 Request for absentee ballots.—

1742 (1) (a) The supervisor shall accept a request for an
1743 absentee ballot from an elector in person or in writing. One
1744 request shall be deemed sufficient to receive an absentee ballot
1745 for all elections through the end of the calendar year of the
1746 second ensuing ~~next~~ regularly scheduled general election, unless
1747 the elector or the elector's designee indicates at the time the
1748 request is made the elections for which the elector desires to
1749 receive an absentee ballot. Such request may be considered
1750 canceled when any first-class mail sent by the supervisor to the
1751 elector is returned as undeliverable.

1752 (b) The supervisor may accept a written or telephonic
1753 request for an absentee ballot from the elector, or, if directly



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1754 instructed by the elector, a member of the elector's immediate
1755 family, or the elector's legal guardian. For purposes of this
1756 section, the term "immediate family" has the same meaning as
1757 specified in paragraph (4) (c) ~~(4) (b)~~. The person making the
1758 request must disclose:

- 1759 1. The name of the elector for whom the ballot is
1760 requested.
- 1761 2. The elector's address.
- 1762 3. The elector's date of birth.
- 1763 4. The requester's name.
- 1764 5. The requester's address.
- 1765 6. The requester's driver's license number, if available.
- 1766 7. The requester's relationship to the elector.
- 1767 8. The requester's signature (written requests only).

1768 (3) For each request for an absentee ballot received, the
1769 supervisor shall record the date the request was made, the date
1770 the absentee ballot was delivered to the voter or the voter's
1771 designee or the date the absentee ballot was delivered to the
1772 post office or other carrier, the date the ballot was received
1773 by the supervisor, and such other information he or she may deem
1774 necessary. This information shall be provided in electronic
1775 format as provided by rule adopted by the division. The
1776 information shall be updated and made available no later than 8
1777 a.m. noon of each day, including weekends, beginning 60 days
1778 before the primary until 15 days after the general election and
1779 shall be contemporaneously provided to the division. This
1780 information shall be confidential and exempt from the provisions
1781 of s. 119.07(1) and shall be made available to or reproduced
1782 only for the voter requesting the ballot, a canvassing board, an



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1783 election official, a political party or official thereof, a
1784 candidate who has filed qualification papers and is opposed in
1785 an upcoming election, and registered political committees or
1786 registered committees of continuous existence, for political
1787 purposes only.

1788 (4) (a) No later than 45 days before each presidential
1789 preference primary election, primary election, and general
1790 election, the supervisor of elections shall send an absentee
1791 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent
1792 uniformed services voter and to each overseas voter who has
1793 requested an absentee ballot.

1794 (b) The supervisor of elections shall mail an absentee
1795 ballot to each absent qualified voter, other than those listed
1796 in paragraph (a), who has requested such a ballot, between the
1797 35th and 28th days before the presidential preference primary
1798 election, primary election, and general election. Except as
1799 otherwise provided in subsection (2) and after the period
1800 described in this paragraph, the supervisor shall mail absentee
1801 ballots within 2 business days after receiving a request for
1802 such a ballot.

1803 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
1804 each elector by whom a request for that ballot has been made by
1805 one of the following means:

1806 1. By nonforwardable, return-if-undeliverable mail to the
1807 elector's current mailing address on file with the supervisor
1808 or, unless the elector specifies in the request that:

1809 ~~a. The elector is absent from the county and does not plan~~
1810 ~~to return before the day of the election;~~

1811 ~~b. The elector is temporarily unable to occupy the~~



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1812 ~~residence because of hurricane, tornado, flood, fire, or other~~
1813 ~~emergency or natural disaster; or~~

1814 ~~e. The elector is in a hospital, assisted living facility,~~
1815 ~~nursing home, short term medical or rehabilitation facility, or~~
1816 ~~correctional facility,~~

1817
1818 ~~in which case the supervisor shall mail the ballot by~~
1819 ~~nonforwardable, return-if-undeliverable mail to any other~~
1820 address the elector specifies in the request.

1821 2. By forwardable mail, e-mail, or facsimile machine
1822 transmission to absent uniformed services voters and overseas
1823 voters. The absent uniformed services voter or overseas voter
1824 may designate in the absentee ballot request the preferred
1825 method of transmission. If the voter does not designate the
1826 method of transmission, the absentee ballot shall be mailed.

1827 3. By personal delivery before 7 p.m. on election day to
1828 the elector, upon presentation of the identification required in
1829 s. 101.043.

1830 4. By delivery to a designee on election day or up to 5
1831 days prior to the day of an election. Any elector may designate
1832 in writing a person to pick up the ballot for the elector;
1833 however, the person designated may not pick up more than two
1834 absentee ballots per election, other than the designee's own
1835 ballot, except that additional ballots may be picked up for
1836 members of the designee's immediate family. For purposes of this
1837 section, "immediate family" means the designee's spouse or the
1838 parent, child, grandparent, or sibling of the designee or of the
1839 designee's spouse. The designee shall provide to the supervisor
1840 the written authorization by the elector and a picture



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1841 identification of the designee and must complete an affidavit.
1842 The designee shall state in the affidavit that the designee is
1843 authorized by the elector to pick up that ballot and shall
1844 indicate if the elector is a member of the designee's immediate
1845 family and, if so, the relationship. The department shall
1846 prescribe the form of the affidavit. If the supervisor is
1847 satisfied that the designee is authorized to pick up the ballot
1848 and that the signature of the elector on the written
1849 authorization matches the signature of the elector on file, the
1850 supervisor shall give the ballot to that designee for delivery
1851 to the elector.

1852 Section 38. Section 101.65, Florida Statutes, is amended to
1853 read:

1854 101.65 Instructions to absent electors.—The supervisor
1855 shall enclose with each absentee ballot separate printed
1856 instructions in substantially the following form:

1857
1858 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1859 1. VERY IMPORTANT. In order to ensure that your absentee
1860 ballot will be counted, it should be completed and returned as
1861 soon as possible so that it can reach the supervisor of
1862 elections of the county in which your precinct is located no
1863 later than 7 p.m. on the day of the election.

1864 2. Mark your ballot in secret as instructed on the ballot.
1865 You must mark your own ballot unless you are unable to do so
1866 because of blindness, disability, or inability to read or write.

1867 3. Mark only the number of candidates or issue choices for
1868 a race as indicated on the ballot. If you are allowed to "Vote
1869 for One" candidate and you vote for more than one candidate,



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1870 your vote in that race will not be counted.

1871 4. Place your marked ballot in the enclosed secrecy
1872 envelope.

1873 5. Insert the secrecy envelope into the enclosed mailing
1874 envelope which is addressed to the supervisor.

1875 6. Seal the mailing envelope and completely fill out the
1876 Voter's Certificate on the back of the mailing envelope.

1877 7. VERY IMPORTANT. In order for your absentee ballot to be
1878 counted, you must sign your name on the line above (Voter's
1879 Signature). An absentee ballot will be considered illegal and
1880 not be counted if the signature on the voter's certificate does
1881 not match the signature on record. The signature on file at the
1882 start of the canvass of the absentee ballots is the signature
1883 that will be used to verify your signature on the voter's
1884 certificate. If you need to update your signature for this
1885 election, send your signature update on a voter registration
1886 application to your supervisor of elections so that it is
1887 received no later than the start of the canvassing of absentee
1888 ballots, which occurs no earlier than the 15th day before
1889 election day.

1890 8. VERY IMPORTANT. If you are an overseas voter, you must
1891 include the date you signed the Voter's Certificate on the line
1892 above (Date) or your ballot may not be counted.

1893 9. Mail, deliver, or have delivered the completed mailing
1894 envelope. Be sure there is sufficient postage if mailed.

1895 10. FELONY NOTICE. It is a felony under Florida law to
1896 accept any gift, payment, or gratuity in exchange for your vote
1897 for a candidate. It is also a felony under Florida law to vote
1898 in an election using a false identity or false address, or under



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1899 any other circumstances making your ballot false or fraudulent.

1900 Section 39. Subsection (1) of section 101.657, Florida
1901 Statutes, is amended to read:

1902 101.657 Early voting.—

1903 (1) (a) As a convenience to the voter, the supervisor of
1904 elections shall allow an elector to vote early in the main or
1905 branch office of the supervisor. The supervisor shall mark,
1906 code, indicate on, or otherwise track the voter's precinct for
1907 each early voted ballot. In order for a branch office to be used
1908 for early voting, it shall be a permanent facility of the
1909 supervisor and shall have been designated and used as such for
1910 at least 1 year prior to the election. The supervisor may also
1911 designate any city hall or permanent public library facility as
1912 early voting sites; however, if so designated, the sites must be
1913 geographically located so as to provide all voters in the county
1914 an equal opportunity to cast a ballot, insofar as is
1915 practicable. The results or tabulation of votes cast during
1916 early voting may not be made before the close of the polls on
1917 election day. Results shall be reported by precinct.

1918 (b) The supervisor shall designate each early voting site
1919 by no later than the 30th day prior to an election and shall
1920 designate an early voting area, as defined in s. 97.021, at each
1921 early voting site. The supervisor shall provide to the division
1922 no later than the 30th day before an election the address of
1923 each early voting site and the hours that early voting will
1924 occur at each site.

1925 (c) All early voting sites in a county shall ~~be open on the~~
1926 ~~same days for the same amount of time and shall allow any person~~
1927 in line at the closing of an early voting site to vote.



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1928 (d) Early voting shall begin on the 10th ~~15th~~ day before an
1929 election that contains state or federal races and end on the 3rd
1930 2nd day before the an election, and. ~~For purposes of a special~~
1931 ~~election held pursuant to s. 100.101, early voting shall begin~~
1932 ~~on the 8th day before an election and end on the 2nd day before~~
1933 ~~an election. Early voting shall be provided for no less than 6 &~~
1934 ~~hours and no more than 12 hours per day weekday and 8 hours in~~
1935 ~~the aggregate each weekend at each site during the applicable~~
1936 ~~period periods. The supervisor of elections may provide early~~
1937 ~~voting for elections that are not held in conjunction with a~~
1938 ~~state or federal election. However, the supervisor has the~~
1939 ~~discretion to determine the hours of operation of early voting~~
1940 ~~sites in those elections. Early voting sites shall open no~~
1941 ~~sooner than 7 a.m. and close no later than 7 p.m. on each~~
1942 ~~applicable day.~~

1943 (e) Notwithstanding the requirements of s. 100.3605,
1944 municipalities may provide early voting in municipal elections
1945 that are not held in conjunction with county or state elections.
1946 If a municipality provides early voting, it may designate as
1947 many sites as necessary and shall conduct its activities in
1948 accordance with the provisions of paragraphs (a)-(c). The
1949 supervisor is not required to conduct early voting if it is
1950 provided pursuant to this subsection.

1951 (f) Notwithstanding the requirements of s. 189.405, special
1952 districts may provide early voting in any district election not
1953 held in conjunction with county or state elections. If a special
1954 district provides early voting, it may designate as many sites
1955 as necessary and shall conduct its activities in accordance with
1956 the provisions of paragraphs (a)-(c). The supervisor is not



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1957 required to conduct early voting if it is provided pursuant to
1958 this subsection.

1959 Section 40. Paragraph (a) of subsection (2) of section
1960 101.68, Florida Statutes, is amended to read:

1961 101.68 Canvassing of absentee ballot.-

1962 (2) (a) The county canvassing board may begin the canvassing
1963 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
1964 election, but not later than noon on the day following the
1965 election. In addition, for any county using electronic
1966 tabulating equipment, the processing of absentee ballots through
1967 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
1968 day before the election. However, notwithstanding any such
1969 authorization to begin canvassing or otherwise processing
1970 absentee ballots early, no result shall be released until after
1971 the closing of the polls in that county on election day. Any
1972 supervisor of elections, deputy supervisor of elections,
1973 canvassing board member, election board member, or election
1974 employee who releases the results of a canvassing or processing
1975 of absentee ballots prior to the closing of the polls in that
1976 county on election day commits a felony of the third degree,
1977 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1978 Section 41. Subsection (2) of section 101.6923, Florida
1979 Statutes, is amended to read:

1980 101.6923 Special absentee ballot instructions for certain
1981 first-time voters.-

1982 (2) A voter covered by this section shall be provided with
1983 printed instructions with his or her absentee ballot in
1984 substantially the following form:
1985



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1986 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
1987 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
1988 TO COUNT.

1989
1990 1. In order to ensure that your absentee ballot will be
1991 counted, it should be completed and returned as soon as possible
1992 so that it can reach the supervisor of elections of the county
1993 in which your precinct is located no later than 7 p.m. on the
1994 date of the election.

1995 2. Mark your ballot in secret as instructed on the ballot.
1996 You must mark your own ballot unless you are unable to do so
1997 because of blindness, disability, or inability to read or write.

1998 3. Mark only the number of candidates or issue choices for
1999 a race as indicated on the ballot. If you are allowed to "Vote
2000 for One" candidate and you vote for more than one, your vote in
2001 that race will not be counted.

2002 4. Place your marked ballot in the enclosed secrecy
2003 envelope and seal the envelope.

2004 5. Insert the secrecy envelope into the enclosed envelope
2005 bearing the Voter's Certificate. Seal the envelope and
2006 completely fill out the Voter's Certificate on the back of the
2007 envelope.

2008 a. You must sign your name on the line above (Voter's
2009 Signature).

2010 b. If you are an overseas voter, you must include the date
2011 you signed the Voter's Certificate on the line above (Date) or
2012 your ballot may not be counted.

2013 c. An absentee ballot will be considered illegal and will
2014 not be counted if the signature on the Voter's Certificate does



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2015 not match the signature on record. The signature on file at the
2016 start of the canvass of the absentee ballots is the signature
2017 that will be used to verify your signature on the Voter's
2018 Certificate. If you need to update your signature for this
2019 election, send your signature update on a voter registration
2020 application to your supervisor of elections so that it is
2021 received no later than the start of canvassing of absentee
2022 ballots, which occurs no earlier than the 15th day before
2023 election day.

2024 6. Unless you meet one of the exemptions in Item 7., you
2025 must make a copy of one of the following forms of
2026 identification:

2027 a. Identification which must include your name and
2028 photograph: United States passport; debit or credit card;
2029 military identification; student identification; retirement
2030 center identification; neighborhood association identification;
2031 or public assistance identification; or

2032 b. Identification which shows your name and current
2033 residence address: current utility bill, bank statement,
2034 government check, paycheck, or government document (excluding
2035 voter identification card).

2036 7. The identification requirements of Item 6. do not apply
2037 if you meet one of the following requirements:

2038 a. You are 65 years of age or older.

2039 b. You have a temporary or permanent physical disability.

2040 c. You are a member of a uniformed service on active duty
2041 who, by reason of such active duty, will be absent from the
2042 county on election day.

2043 d. You are a member of the Merchant Marine who, by reason



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2044 of service in the Merchant Marine, will be absent from the
2045 county on election day.

2046 e. You are the spouse or dependent of a member referred to
2047 in paragraph c. or paragraph d. who, by reason of the active
2048 duty or service of the member, will be absent from the county on
2049 election day.

2050 f. You are currently residing outside the United States.

2051 8. Place the envelope bearing the Voter's Certificate into
2052 the mailing envelope addressed to the supervisor. Insert a copy
2053 of your identification in the mailing envelope. DO NOT PUT YOUR
2054 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
2055 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
2056 BALLOT WILL NOT COUNT.

2057 9. Mail, deliver, or have delivered the completed mailing
2058 envelope. Be sure there is sufficient postage if mailed.

2059 10. FELONY NOTICE. It is a felony under Florida law to
2060 accept any gift, payment, or gratuity in exchange for your vote
2061 for a candidate. It is also a felony under Florida law to vote
2062 in an election using a false identity or false address, or under
2063 any other circumstances making your ballot false or fraudulent.

2064 Section 42. Subsection (3) of section 101.75, Florida
2065 Statutes, is amended to read:

2066 101.75 Municipal elections; change of dates for cause.—

2067 (3) Notwithstanding any provision of local law or municipal
2068 charter, the governing body of a municipality may, by ordinance,
2069 move the date of any municipal election to a date concurrent
2070 with any statewide or countywide election. The dates for
2071 qualifying for the election moved by the passage of such
2072 ordinance shall be specifically provided for in the ordinance



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2073 ~~and shall run for no less than 14 days.~~ The term of office for
2074 any elected municipal official shall commence as provided by the
2075 relevant municipal charter or ordinance.

2076 Section 43. Subsection (4) of section 102.141, Florida
2077 Statutes, is amended to read:

2078 102.141 County canvassing board; duties.—

2079 (4) The canvassing board shall report all early voting and
2080 all tabulated absentee results to the Department of State within
2081 30 minutes after the polls close. Thereafter, the canvassing
2082 board shall report, with the exception of provisional ballot
2083 results, updated precinct election results to the department at
2084 least every 45 minutes until all results are completely
2085 reported. The supervisor of elections shall notify the
2086 department immediately of any circumstances that do not permit
2087 periodic updates as required. Results shall be submitted in a
2088 format prescribed by the department ~~submit by 11:59 p.m. on~~
2089 ~~election night the preliminary returns it has received to the~~
2090 ~~Department of State in a format provided by the department.~~

2091 Section 44. Subsection (4) of section 102.168, Florida
2092 Statutes, is amended, and subsection (8) is added to that
2093 section, to read:

2094 102.168 Contest of election.—

2095 (4) The ~~county~~ canvassing board responsible for canvassing
2096 the election is an indispensable and proper party defendant in
2097 county and local elections. ~~+~~ The Elections Canvassing Commission
2098 is an indispensable ~~and proper~~ party defendant in federal,
2099 state, and multicounty elections and in elections for justice of
2100 the Supreme Court, judge of a district court of appeal, and
2101 judge of a circuit court. ~~aces; and~~ The successful candidate is



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2102 an indispensable party to any action brought to contest the
2103 election or nomination of a candidate.

2104 (8) In any contest that requires a review of the canvassing
2105 board's decision on the legality of an absentee ballot pursuant
2106 to s. 101.68 based upon a comparison of the signature on the
2107 voter's certificate and the signature of the elector in the
2108 registration records, the circuit court may not review or
2109 consider any evidence other than the signatures on the voter's
2110 certificate and the signature of the elector in the registration
2111 records. The court's review of such issue shall be to determine
2112 only if the canvassing board abused its discretion in making its
2113 decision.

2114 Section 45. Paragraph (a) of subsection (4) of section
2115 103.021, Florida Statutes, is amended to read:

2116 103.021 Nomination for presidential electors.—Candidates
2117 for presidential electors shall be nominated in the following
2118 manner:

2119 (4) (a) A minor political party that is affiliated with a
2120 national party holding a national convention to nominate
2121 candidates for President and Vice President of the United States
2122 may have the names of its candidates for President and Vice
2123 President of the United States printed on the general election
2124 ballot by filing with the Department of State a certificate
2125 naming the candidates for President and Vice President and
2126 listing the required number of persons to serve as electors.
2127 Notification to the Department of State under this subsection
2128 shall be made by September 1 of the year in which the election
2129 is held. When the Department of State has been so notified, it
2130 shall order the names of the candidates nominated by the minor



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2131 political party to be included on the ballot and shall permit
2132 the required number of persons to be certified as electors in
2133 the same manner as other party candidates. As used in this
2134 section, the term "national party" means a political party that
2135 is registered with and recognized as a qualified national
2136 committee of a political party by the Federal Election
2137 Commission established and admitted to the ballot in at least
2138 one state other than Florida.

2139 Section 46. Section 103.095, Florida Statutes, is created
2140 to read:

2141 103.095 Minor political parties.-

2142 (1) Any group of citizens organized for the general
2143 purposes of electing to office qualified persons and determining
2144 public issues under the democratic processes of the United
2145 States may become a minor political party of this state by
2146 filing with the department a certificate showing the name of the
2147 organization, the names and addresses of its current officers,
2148 including the members of its executive committee, accompanied by
2149 a completed uniform statewide voter registration application as
2150 specified in s. 97.052 for each of its current officers and
2151 members of its executive committee which reflect their
2152 affiliation with the proposed minor political party, and a copy
2153 of its constitution, bylaws, and rules and regulations.

2154 (2) Each elector registered to vote in the minor political
2155 party in which he or she has so designated has a fundamental
2156 right to fully and meaningfully participate in the business and
2157 affairs of the minor political party without any monetary
2158 encumbrance. The constitution, bylaws, rules, regulations, or
2159 other equivalent documents must reflect this fundamental right



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2160 and must provide for and contain reasonable provisions that, at
2161 a minimum, prescribe procedures to: prescribe its membership;
2162 conduct its meetings according to generally accepted
2163 parliamentary practices; timely notify its members as to the
2164 time, date, and place of all of its meetings; timely publish
2165 notice on its public and functioning website as to the time,
2166 date, and place of all of its meetings; elect its officers;
2167 remove its officers; make party nominations when required by
2168 law; conduct campaigns for party nominees; raise and expend
2169 party funds; select delegates to its national convention, if
2170 applicable; select presidential electors, if applicable; and
2171 alter or amend all of its governing documents.

2172 (3) The members of the executive committee must elect a
2173 chair, vice chair, secretary, and treasurer, all of whom shall
2174 be members of the minor political party and no member may hold
2175 more than one office, except that one person may hold the
2176 offices of secretary and treasurer.

2177 (4) Upon approval of the minor political party's filing,
2178 the department shall process the voter registration applications
2179 submitted by the minor political party's officers and members of
2180 its executive committee. It shall be the duty of the minor
2181 political party to notify the department of any changes in the
2182 filing certificate within 5 days after such changes.

2183 (5) The Division of Elections shall adopt rules to
2184 prescribe the manner in which political parties, including minor
2185 political parties, may have their filings with the Department of
2186 State canceled. Such rules shall, at a minimum, provide for:

2187 (a) Notice, which must contain the facts and conduct that
2188 warrant the intended action, including, but not limited to, the



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2189 failure to have any voters registered in the party, the failure
2190 to notify the department of replacement officers, the failure to
2191 file campaign finance reports, the failure to adopt and file
2192 with the department all governing documents containing the
2193 provisions specified in subsection (2), and limited activity.

2194 (b) Adequate opportunity to respond.

2195 (c) Appeal of the decision to the Florida Elections
2196 Commission. Such appeals are exempt from the confidentiality
2197 provisions of s. 106.25.

2198 (6) The requirements of this section are retroactive for
2199 any minor political party registered with the department on July
2200 1, 2011, and must be complied with within 180 days after the
2201 department provides notice to the minor political party of the
2202 requirements contained in this section. Failure of the minor
2203 political party to comply with the requirements within 180 days
2204 after receipt of the notice shall automatically result in the
2205 cancellation of the minor political party's registration.

2206 Section 47. Section 103.101, Florida Statutes, is amended
2207 to read:

2208 103.101 Presidential preference primary.—

2209 (1)(a) There shall be a Presidential Preference Primary
2210 Date Selection Committee composed of the Secretary of State, who
2211 shall be a nonvoting chair; three members, no more than two of
2212 whom may be from the same political party, appointed by the
2213 Governor; three members, no more than two of whom may be from
2214 the same political party, appointed by the Speaker of the House
2215 of Representatives; and three members, no more than two of whom
2216 may be from the same political party, appointed by the President
2217 of the Senate. No later than October 1 of the year preceding the



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2218 presidential preference primary, the committee shall meet and
2219 set a date for the presidential preference primary. The date
2220 selected may be no earlier than the first Tuesday in January and
2221 no later than the first Tuesday in March in the year of the
2222 presidential preference primary. The presidential preference
2223 primary shall be held in each year the number of which is a
2224 multiple of four.

2225 (b) Each political party other than a minor political party
2226 shall, on the date selected by the Presidential Preference
2227 Primary Date Selection Committee last Tuesday in January in each
2228 year the number of which is a multiple of 4, elect one person to
2229 be the candidate for nomination of such party for President of
2230 the United States or select delegates to the national nominating
2231 convention, as provided by party rule. Any party rule directing
2232 the vote of delegates at a national nominating convention shall
2233 reasonably reflect the results of the presidential preference
2234 primary, if one is held.

2235 ~~(2) (a) There shall be a Presidential Candidate Selection~~
2236 ~~Committee composed of the Secretary of State, who shall be a~~
2237 ~~nonvoting chair; the Speaker of the House of Representatives;~~
2238 ~~the President of the Senate; the minority leader of each house~~
2239 ~~of the Legislature; and the chair of each political party~~
2240 ~~required to have a presidential preference primary under this~~
2241 ~~section.~~

2242 ~~(b)~~ By October 31 of the year preceding the presidential
2243 preference primary, each political party shall submit to the
2244 Secretary of State a list of its presidential candidates to be
2245 placed on the presidential preference primary ballot or
2246 candidates entitled to have delegates appear on the presidential



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2247 preference primary ballot. The Secretary of State shall prepare
2248 and publish a list of the names of the presidential candidates
2249 submitted not later than on the first Tuesday after the first
2250 Monday in November of the year preceding the presidential
2251 preference primary. ~~The Secretary of State shall submit such~~
2252 ~~list of names of presidential candidates to the selection~~
2253 ~~committee on the first Tuesday after the first Monday in~~
2254 ~~November of the year preceding the presidential preference~~
2255 ~~primary. Each person designated as a presidential candidate~~
2256 ~~shall have his or her name appear, or have his or her delegates'~~
2257 ~~names appear, on the presidential preference primary ballot~~
2258 ~~unless all committee members of the same political party as the~~
2259 ~~candidate agree to delete such candidate's name from the ballot.~~

2260 (c) ~~The selection committee shall meet in Tallahassee on~~
2261 ~~the first Tuesday after the first Monday in November of the year~~
2262 ~~preceding the presidential preference primary. The selection~~
2263 ~~committee shall publicly announce and submit to the Department~~
2264 ~~of State no later than 5 p.m. on the following day the names of~~
2265 ~~presidential candidates who shall have their names appear, or~~
2266 ~~who are entitled to have their delegates' names appear, on the~~
2267 ~~presidential preference primary ballot. The Department of State~~
2268 shall immediately notify each presidential candidate listed
2269 ~~designated~~ by the Secretary of State ~~committee~~. Such
2270 notification shall be in writing, by registered mail, with
2271 return receipt requested.

2272 (3) A candidate's name shall be printed on the presidential
2273 preference primary ballot unless the candidate submits to the
2274 Department of State, prior to the second Tuesday after the first
2275 Monday in November of the year preceding the presidential



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2276 preference primary, an affidavit stating that he or she is not
2277 now, and does not presently intend to become, a candidate for
2278 President at the upcoming nominating convention. If a candidate
2279 withdraws pursuant to this subsection, the Department of State
2280 shall notify the state executive committee that the candidate's
2281 name will not be placed on the ballot. The Department of State
2282 shall, no later than the third Tuesday after the first Monday in
2283 November of the year preceding the presidential preference
2284 primary, certify to each supervisor of elections the name of
2285 each candidate for political party nomination to be printed on
2286 the ballot.

2287 (4) The names of candidates for political party nominations
2288 for President of the United States shall be printed on official
2289 ballots for the presidential preference primary election and
2290 shall be marked, counted, canvassed, returned, and proclaimed in
2291 the same manner and under the same conditions, so far as they
2292 are applicable, as in other state elections. If party rule
2293 requires the delegates' names to be printed on the official
2294 presidential preference primary ballot, the name of the
2295 presidential candidates for that political party may not be
2296 printed separately, but the ballot may reflect the presidential
2297 candidate to whom the delegate is pledged. If, however, a
2298 political party has only one presidential candidate, neither the
2299 name of the candidate nor the names of the candidate's delegates
2300 shall be printed on the ballot.

2301 (5) The state executive committee of each party, by rule
2302 adopted at least 60 ~~120~~ days prior to the presidential
2303 preference primary election, shall determine the number, and
2304 establish procedures to be followed in the selection, of



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2305 delegates and delegate alternates from among each candidate's
2306 supporters. A copy of any rule adopted by the executive
2307 committee shall be filed with the Department of State within 7
2308 days after its adoption and shall become a public record. The
2309 Department of State shall review the procedures and shall notify
2310 the state executive committee of each political party of any
2311 ballot limitations. The Department of State may promulgate rules
2312 for the orderly conduct of the presidential preference primary
2313 ballot.

2314 ~~(6) Delegates must qualify no later than the second Friday~~
2315 ~~in November of the year preceding the presidential preference~~
2316 ~~primary in the manner provided by party rule.~~

2317 ~~(7) All delegates shall be allocated as provided by party~~
2318 ~~rule.~~

2319 ~~(6)~~⁽⁸⁾ All names of candidates or delegates shall be listed
2320 as directed by the Department of State.

2321 Section 48. Section 103.141, Florida Statutes, is amended
2322 to read:

2323 103.141 Removal of county executive committee member for
2324 violation of oath.—

2325 ~~(1) If~~ Where the county executive committee by at least a
2326 two-thirds majority vote of the members of the committee,
2327 attending a meeting held after due notice has been given and at
2328 which meeting a quorum is present, determines an incumbent
2329 county executive committee member is ~~to be~~ guilty of an offense
2330 involving a violation of the member's oath of office, the said
2331 ~~member so violating his or her oath~~ shall be removed from office
2332 and the office shall be deemed vacant. ~~Provided,~~ However, if the
2333 county committee wrongfully removes a county committee member



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2334 and the committee member ~~se~~ wrongfully removed files suit in the
2335 circuit court alleging his or her removal was wrongful and wins
2336 the said suit, the committee member shall be restored to office
2337 and the county committee shall pay the costs incurred by the
2338 wrongfully removed committee member in bringing the suit,
2339 including reasonable attorney's fees.

2340 ~~(2) Any officer, county committeeman, county~~
2341 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2342 ~~or member of a county executive committee may be removed from~~
2343 ~~office pursuant to s. 103.161.~~

2344 Section 49. Section 103.161, Florida Statutes, is repealed.

2345 Section 50. Section 104.29, Florida Statutes, is amended to
2346 read:

2347 104.29 Inspectors refusing to allow watchers while ballots
2348 are counted.—The inspectors or other election officials at the
2349 polling place shall, after the polls close ~~at all times while~~
2350 ~~the ballots are being counted~~, allow as many as three persons
2351 near to them to see whether the ballots are being reconciled
2352 correctly. ~~read and called and the votes correctly tallied, and~~
2353 Any official who denies this privilege or interferes therewith
2354 commits ~~is guilty of~~ a misdemeanor of the first degree,
2355 punishable as provided in s. 775.082 or s. 775.083.

2356 Section 51. Paragraph (b) of subsection (4) of section
2357 105.031, Florida Statutes, is amended to read:

2358 105.031 Qualification; filing fee; candidate's oath; items
2359 required to be filed.—

2360 (4) CANDIDATE'S OATH.—

2361 (b) All candidates for judicial office shall subscribe to
2362 an oath or affirmation in writing to be filed with the



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2363 appropriate qualifying officer upon qualifying. A printed copy
2364 of the oath or affirmation shall be furnished to the candidate
2365 by the qualifying officer and shall be in substantially the
2366 following form:

2367
2368 State of Florida
2369 County of

2370 Before me, an officer authorized to administer oaths,
2371 personally appeared ... (please print name as you wish it to
2372 appear on the ballot) ..., to me well known, who, being sworn,
2373 says he or she: is a candidate for the judicial office of;
2374 that his or her legal residence is County, Florida; that he
2375 or she is a qualified elector of the state and of the
2376 territorial jurisdiction of the court to which he or she seeks
2377 election; that he or she is qualified under the constitution and
2378 laws of Florida to hold the judicial office to which he or she
2379 desires to be elected or in which he or she desires to be
2380 retained; ~~that he or she has taken the oath required by ss.~~
2381 ~~876.05-876.10, Florida Statutes;~~ that he or she has qualified
2382 for no other public office in the state, the term of which
2383 office or any part thereof runs concurrent to the office he or
2384 she seeks; ~~and~~ that he or she has resigned from any office which
2385 he or she is required to resign pursuant to s. 99.012, Florida
2386 Statutes; and that he or she will support the Constitution of
2387 the United States and the Constitution of the State of Florida.

2388
2389 ... (Signature of candidate) ...
2390 ... (Address) ...

2391



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2392 Sworn to and subscribed before me this day of,
2393 ...(year)..., at County, Florida.

2394
2395 ... (Signature and title of officer administering oath)...

2396 Section 52. Subsection (3), paragraph (b) of subsection
2397 (5), subsection (15), and paragraph (c) of subsection (16) of
2398 section 106.011, Florida Statutes, are amended to read:

2399 106.011 Definitions.—As used in this chapter, the following
2400 terms have the following meanings unless the context clearly
2401 indicates otherwise:

2402 (3) "Contribution" means:

2403 (a) A gift, subscription, conveyance, deposit, loan,
2404 payment, or distribution of money or anything of value,
2405 including contributions in kind having an attributable monetary
2406 value in any form, made for the purpose of influencing the
2407 results of an election or making an electioneering
2408 communication.

2409 (b) A transfer of funds between political committees,
2410 between committees of continuous existence, between
2411 electioneering communications organizations, or between any
2412 combination of these groups.

2413 (c) The payment, by any person other than a candidate or
2414 political committee, of compensation for the personal services
2415 of another person which are rendered to a candidate or political
2416 committee without charge to the candidate or committee for such
2417 services.

2418 (d) The transfer of funds by a campaign treasurer or deputy
2419 campaign treasurer between a primary depository and a separate
2420 interest-bearing account or certificate of deposit, and the term



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2421 includes any interest earned on such account or certificate.

2422

2423 Notwithstanding the foregoing meanings of "contribution," the
2424 term may ~~word shall~~ not be construed to include services,
2425 including, but not limited to, legal and accounting services,
2426 provided without compensation by individuals volunteering a
2427 portion or all of their time on behalf of a candidate or
2428 political committee. ~~This definition shall not be construed to~~
2429 ~~include~~ editorial endorsements.

2430 (5)

2431 (b) An expenditure for the purpose of expressly advocating
2432 the election or defeat of a candidate which is made by the
2433 national, state, or county executive committee of a political
2434 party, including any subordinate committee of a national, state,
2435 or county committee of a political party, or by any political
2436 committee or committee of continuous existence, or any other
2437 person, shall not be considered an independent expenditure if
2438 the committee or person:

2439 1. Communicates with the candidate, the candidate's
2440 campaign, or an agent of the candidate acting on behalf of the
2441 candidate, including any pollster, media consultant, advertising
2442 agency, vendor, advisor, or staff member, concerning the
2443 preparation of, use of, or payment for, the specific expenditure
2444 or advertising campaign at issue; or

2445 2. Makes a payment in cooperation, consultation, or concert
2446 with, at the request or suggestion of, or pursuant to any
2447 general or particular understanding with the candidate, the
2448 candidate's campaign, a political committee supporting the
2449 candidate, or an agent of the candidate relating to the specific



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2450 expenditure or advertising campaign at issue; or
2451 3. Makes a payment for the dissemination, distribution, or
2452 republication, in whole or in part, of any broadcast or any
2453 written, graphic, or other form of campaign material prepared by
2454 the candidate, the candidate's campaign, or an agent of the
2455 candidate, including any pollster, media consultant, advertising
2456 agency, vendor, advisor, or staff member; or
2457 4. Makes a payment based on information about the
2458 candidate's plans, projects, or needs communicated to a member
2459 of the committee or person by the candidate or an agent of the
2460 candidate, provided the committee or person uses the information
2461 in any way, in whole or in part, either directly or indirectly,
2462 to design, prepare, or pay for the specific expenditure or
2463 advertising campaign at issue; or
2464 5. After the last day of the qualifying period prescribed
2465 for the candidate ~~for statewide or legislative office~~, consults
2466 about the candidate's plans, projects, or needs in connection
2467 with the candidate's pursuit of election to office and the
2468 information is used in any way to plan, create, design, or
2469 prepare an independent expenditure or advertising campaign,
2470 with:
2471 a. Any officer, director, employee, or agent of a national,
2472 state, or county executive committee of a political party that
2473 has made or intends to make expenditures in connection with or
2474 contributions to the candidate; or
2475 b. Any person whose professional services have been
2476 retained by a national, state, or county executive committee of
2477 a political party that has made or intends to make expenditures
2478 in connection with or contributions to the candidate; or



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2479 6. After the last day of the qualifying period prescribed
2480 for the candidate ~~for statewide or legislative office~~, retains
2481 the professional services of any person also providing those
2482 services to the candidate in connection with the candidate's
2483 pursuit of election to office; or

2484 7. Arranges, coordinates, or directs the expenditure, in
2485 any way, with the candidate or an agent of the candidate.

2486 (15) "Unopposed candidate" means a candidate for nomination
2487 or election to an office who, after the last day on which any
2488 person, including a write-in candidate, may qualify, is without
2489 opposition in the election at which the office is to be filled
2490 or who is without such opposition after such date as a result of
2491 any primary election or of withdrawal by other candidates
2492 seeking the same office. A candidate is not an unopposed
2493 candidate if there is a vacancy to be filled under s. 100.111(3)
2494 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding
2495 the right to a ballot position for the office sought by the
2496 candidate, or if the candidate is seeking retention as a justice
2497 or judge.

2498 (16) "Candidate" means any person to whom any one or more
2499 of the following apply:

2500 (c) Any person who receives contributions or makes
2501 expenditures, or consents for any other person to receive
2502 contributions or make expenditures, with a view to bring about
2503 his or her nomination or election to, or retention in, public
2504 office. However, this definition does not include any candidate
2505 for a political party executive committee. Expenditures related
2506 to potential candidate polls as provided in s. 106.17 are not
2507 contributions or expenditures for purposes of this subsection.



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2508 Section 53. Subsection (3) of section 106.021, Florida
2509 Statutes, is amended to read:

2510 106.021 Campaign treasurers; deputies; primary and
2511 secondary depositories.—

2512 (3) No contribution or expenditure, including contributions
2513 or expenditures of a candidate or of the candidate's family,
2514 shall be directly or indirectly made or received in furtherance
2515 of the candidacy of any person for nomination or election to
2516 political office in the state or on behalf of any political
2517 committee except through the duly appointed campaign treasurer
2518 of the candidate or political committee, subject to the
2519 following exceptions:

2520 (a) Independent expenditures;

2521 (b) Reimbursements to a candidate or any other individual
2522 for expenses incurred in connection with the campaign or
2523 activities of the political committee by a check drawn upon the
2524 campaign account and reported pursuant to s. 106.07(4). ~~After~~
2525 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom
2526 the candidate or other individual made payment for which
2527 reimbursement was made by check drawn upon the campaign account
2528 shall be reported pursuant to s. 106.07(4), together with the
2529 purpose of such payment;

2530 (c) Expenditures made indirectly through a treasurer for
2531 goods or services, such as communications media placement or
2532 procurement services, campaign signs, insurance, or other
2533 expenditures that include multiple integral components as part
2534 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;;
2535 or

2536 (d) Expenditures made directly by any political committee



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2537 or political party regulated by chapter 103 for obtaining time,
2538 space, or services in or by any communications medium for the
2539 purpose of jointly endorsing three or more candidates, and any
2540 such expenditure shall not be considered a contribution or
2541 expenditure to or on behalf of any such candidates for the
2542 purposes of this chapter.

2543 Section 54. Section 106.022, Florida Statutes, is amended
2544 to read:

2545 106.022 Appointment of a registered agent; duties.—

2546 (1) Each political committee, committee of continuous
2547 existence, or electioneering communications organization shall
2548 have and continuously maintain in this state a registered office
2549 and a registered agent and must file with the filing officer
2550 ~~division~~ a statement of appointment for the registered office
2551 and registered agent. The statement of appointment must:

2552 (a) Provide the name of the registered agent and the street
2553 address and phone number for the registered office;

2554 (b) Identify the entity for whom the registered agent
2555 serves;

2556 (c) Designate the address the registered agent wishes to
2557 use to receive mail;

2558 (d) Include the entity's undertaking to inform the filing
2559 officer ~~division~~ of any change in such designated address;

2560 (e) Provide for the registered agent's acceptance of the
2561 appointment, which must confirm that the registered agent is
2562 familiar with and accepts the obligations of the position as set
2563 forth in this section; and

2564 (f) Contain the signature of the registered agent and the
2565 entity engaging the registered agent.



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2566 (2) An entity may change its appointment of registered
2567 agent and registered office under this section by executing a
2568 written statement of change and filing it with the filing
2569 officer. The statement must satisfy ~~that identifies the former~~
2570 ~~registered agent and registered address and also satisfies~~ all
2571 of the requirements of subsection (1).

2572 (3) A registered agent may resign his or her appointment as
2573 registered agent by executing a written statement of resignation
2574 and filing it with the filing officer ~~division~~. An entity
2575 without a registered agent may not make expenditures or accept
2576 contributions until it files a written statement of change as
2577 required in subsection (2).

2578 Section 55. Subsection (1) of section 106.023, Florida
2579 Statutes, is amended to read:

2580 106.023 Statement of candidate.—

2581 (1) Each candidate must file a statement with the
2582 qualifying officer within 10 days after filing the appointment
2583 of campaign treasurer and designation of campaign depository,
2584 stating that the candidate has read and understands the
2585 requirements of this chapter. Such statement shall be provided
2586 by the filing officer and shall be in substantially the
2587 following form:

2588
2589 STATEMENT OF CANDIDATE

2590
2591 I,, candidate for the office of, have been
2592 provided access to ~~received~~, read, and understand the
2593 requirements of Chapter 106, Florida Statutes.

2594



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2595 ... (Signature of candidate) ... (Date) ...

2596

2597 Willful failure to file this form is a violation of ss.

2598 106.19(1)(c) and 106.25(3), F.S.

2599 Section 56. Paragraph (c) of subsection (1) of section

2600 106.025, Florida Statutes, is amended to read:

2601 106.025 Campaign fund raisers.-

2602 (1)

2603 (c) Any tickets or advertising for such a campaign fund

2604 raiser is exempt from the requirements of s. 106.143 ~~shall~~

2605 ~~contain the following statement: "The purchase of a ticket for,~~

2606 ~~or a contribution to, the campaign fund raiser is a contribution~~

2607 ~~to the campaign of ... (name of the candidate for whose benefit~~

2608 ~~the campaign fund raiser is held)...." Such tickets or~~

2609 ~~advertising shall also comply with other provisions of this~~

2610 ~~chapter relating to political advertising.~~

2611 Section 57. Subsection (1) and paragraph (d) of subsection

2612 (3) of section 106.03, Florida Statutes, are amended to read:

2613 106.03 Registration of political committees and

2614 electioneering communications organizations.-

2615 (1)(a) Each political committee that receives ~~anticipates~~

2616 ~~receiving~~ contributions or makes ~~making~~ expenditures during a

2617 calendar year in an aggregate amount exceeding \$500 or that

2618 seeks ~~is seeking~~ the signatures of registered electors in

2619 support of an initiative shall file a statement of organization

2620 as provided in subsection (3) within 10 days after its

2621 organization ~~or, if later, within 10 days after the date on~~

2622 ~~which it has information that causes the committee to anticipate~~

2623 ~~that it will receive contributions or make expenditures in~~



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2624 ~~excess of \$500.~~ If a political committee is organized within 10
2625 days of any election, it shall immediately file the statement of
2626 organization required by this section.

2627 (b)1. Each group ~~electioneering communications organization~~
2628 ~~that receives contributions or makes expenditures during a~~
2629 ~~calendar year in an aggregate amount exceeding \$5,000~~ shall file
2630 a statement of organization as an electioneering communications
2631 organization provided in subparagraph 2. by expedited delivery
2632 within 24 hours after its organization or, if later, within 24
2633 hours after the date on which it receives contributions or makes
2634 expenditures for an electioneering communication in excess of
2635 \$5,000, if such expenditures are made within the timeframes
2636 specified in s. 106.011(18) (a)2. If the group makes expenditures
2637 for an electioneering communication in excess of \$5,000 before
2638 the timeframes specified in s. 106.011(18) (a)2., it shall file
2639 the statement of organization within 24 hours after the 30th day
2640 before a primary or special primary election, or within 24 hours
2641 after the 60th day before any other election, whichever is
2642 applicable.

2643 2.a. In a statewide, legislative, or multicounty election,
2644 an electioneering communications organization shall file a
2645 statement of organization with the Division of Elections.

2646 b. In a countywide election or any election held on less
2647 than a countywide basis, except as described in sub-subparagraph
2648 c., an electioneering communications organization shall file a
2649 statement of organization with the supervisor of elections of
2650 the county in which the election is being held.

2651 c. In a municipal election, an electioneering
2652 communications organization shall file a statement of



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2653 organization with the officer before whom municipal candidates
2654 qualify.

2655 d. Any electioneering communications organization that
2656 would be required to file a statement of organization in two or
2657 more locations ~~by reason of the organization's intention to~~
2658 ~~support or oppose candidates at state or multicounty and local~~
2659 ~~levels of government~~ need only file a statement of organization
2660 with the Division of Elections.

2661 (3)

2662 (d) Any political committee which would be required under
2663 this subsection to file a statement of organization in two or
2664 more locations ~~by reason of the committee's intention to support~~
2665 ~~or oppose candidates or issues at state or multicounty and local~~
2666 ~~levels of government~~ need file only with the Division of
2667 Elections.

2668 Section 58. Subsection (4) of section 106.04, Florida
2669 Statutes, is amended, present subsections (7) and (8) of that
2670 section are amended and renumbered as subsections (8) and (9),
2671 respectively, and a new subsection (7) is added to that section,
2672 to read:

2673 106.04 Committees of continuous existence.—

2674 (4) (a) Each committee of continuous existence shall file an
2675 annual report with the Division of Elections during the month of
2676 January. Such annual reports shall contain the same information
2677 and shall be accompanied by the same materials as original
2678 applications filed pursuant to subsection (2). However, the
2679 charter or bylaws need not be filed if the annual report is
2680 accompanied by a sworn statement by the chair that no changes
2681 have been made to such charter or bylaws since the last filing.



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2682 (b)1. Each committee of continuous existence shall file
2683 regular reports with the Division of Elections at the same times
2684 and subject to the same filing conditions as are established by
2685 s. 106.07(1) and (2) for candidates' reports. In addition, when
2686 a special election is called to fill a vacancy in office, a
2687 committee of continuous existence that makes a contribution or
2688 expenditure to influence the results of such special election or
2689 the preceding special primary election must file campaign
2690 finance reports with the filing officer on the dates set by the
2691 Department of State pursuant to s. 100.111.

2692 2. Any committee of continuous existence failing to so file
2693 a report with the Division of Elections or applicable filing
2694 officer pursuant to this paragraph on the designated due date
2695 shall be subject to a fine for late filing as provided by this
2696 section.

2697 (c) All committees of continuous existence shall file their
2698 reports with the Division of Elections. Reports shall be filed
2699 in accordance with s. 106.0705 and shall contain the following
2700 information:

2701 1. The full name, address, and occupation of each person
2702 who has made one or more contributions, including contributions
2703 that represent the payment of membership dues, to the committee
2704 during the reporting period, together with the amounts and dates
2705 of such contributions. For corporations, the report must provide
2706 as clear a description as practicable of the principal type of
2707 business conducted by the corporation. However, if the
2708 contribution is \$100 or less, the occupation of the contributor
2709 or principal type of business need not be listed. However, for
2710 any contributions that represent the payment of dues by members



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2711 in a fixed amount aggregating no more than \$250 per calendar
2712 year, pursuant to the schedule on file with the Division of
2713 Elections, only the aggregate amount of such contributions need
2714 be listed, together with the number of members paying such dues
2715 and the amount of the membership dues.

2716 2. The name and address of each political committee or
2717 committee of continuous existence from which the reporting
2718 committee received, or the name and address of each political
2719 committee, committee of continuous existence, or political party
2720 to which it made, any transfer of funds, together with the
2721 amounts and dates of all transfers.

2722 3. Any other receipt of funds not listed pursuant to
2723 subparagraph 1. or subparagraph 2., including the sources and
2724 amounts of all such funds.

2725 4. The name and address of, and office sought by, each
2726 candidate to whom the committee has made a contribution during
2727 the reporting period, together with the amount and date of each
2728 contribution.

2729 5. The full name and address of each person to whom
2730 expenditures have been made by or on behalf of the committee
2731 within the reporting period; the amount, date, and purpose of
2732 each such expenditure; and the name and address, and office
2733 sought by, each candidate on whose behalf such expenditure was
2734 made.

2735 6. The full name and address of each person to whom an
2736 expenditure for personal services, salary, or reimbursement for
2737 authorized expenses has been made, including the full name and
2738 address of each entity to whom the person made payment for which
2739 reimbursement was made by check drawn upon the committee



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2740 account, together with the amount and purpose of such payment.

2741 7. Transaction information from each credit card purchase
2742 ~~statement that will be included in the next report following~~
2743 ~~receipt thereof by the committee.~~ Receipts for each credit card
2744 purchase shall be retained by the treasurer with the records for
2745 the committee account.

2746 8. The total sum of expenditures made by the committee
2747 during the reporting period.

2748 (d) The treasurer of each committee shall certify as to the
2749 correctness of each report and shall bear the responsibility for
2750 its accuracy and veracity. Any treasurer who willfully certifies
2751 to the correctness of a report while knowing that such report is
2752 incorrect, false, or incomplete commits a misdemeanor of the
2753 first degree, punishable as provided in s. 775.082 or s.
2754 775.083.

2755 (7) Any change in information previously submitted to the
2756 division shall be reported within 10 days following the change.

2757 (8) ~~(7)~~ If a committee of continuous existence ceases to
2758 meet the criteria prescribed by subsection (1), the Division of
2759 Elections shall revoke its certification ~~until such time as the~~
2760 ~~criteria are again met.~~ The Division of Elections shall adopt
2761 ~~promulgate~~ rules to prescribe the manner in which the such
2762 certification of a committee of continuous existence shall be
2763 revoked. Such rules shall, at a minimum, provide for:

2764 (a) Notice, which must ~~shall~~ contain the facts and conduct
2765 that warrant the intended action.

2766 (b) Adequate opportunity to respond.

2767 (c) Appeal of the decision to the Florida Elections
2768 Commission. Such appeals are ~~shall be~~ exempt from the



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2769 confidentiality provisions of s. 106.25.

2770 ~~(9)~~(8)(a) Any committee of continuous existence failing to
2771 file a report on the designated due date is shall be subject to
2772 a fine. The fine shall be \$50 per day for the first 3 days late
2773 and, thereafter, \$500 per day for each late day, not to exceed
2774 25 percent of the total receipts or expenditures, whichever is
2775 greater, for the period covered by the late report. However, for
2776 the reports immediately preceding each primary and general
2777 election, including a special primary election and a special
2778 general election, the fine shall be \$500 per day for each late
2779 day, not to exceed 25 percent of the total receipts or
2780 expenditures, whichever is greater, for the period covered by
2781 the late report. The fine shall be assessed by the filing
2782 officer, and the moneys collected shall be deposited into:

2783 1. In The General Revenue Fund, in the case of fines
2784 collected by the Division of Elections.

2785 2. The general revenue fund of the political subdivision,
2786 in the case of fines collected by a county or municipal filing
2787 officer. No separate fine shall be assessed for failure to file
2788 a copy of any report required by this section.

2789 (b) Upon determining that a report is late, the filing
2790 officer shall immediately notify the treasurer of the committee
2791 or the committee's registered agent as to the failure to file a
2792 report by the designated due date and that a fine is being
2793 assessed for each late day. Upon receipt of the report, the
2794 filing officer shall determine the amount of fine which is due
2795 and shall notify the treasurer of the committee. Notice is
2796 deemed complete upon proof of delivery of written notice to the
2797 mailing or street address on record with the filing officer. The



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2798 filing officer shall determine the amount of the fine due based
2799 upon the earliest of the following:

- 2800 1. When the report is actually received by such officer.
- 2801 2. When the report is postmarked.
- 2802 3. When the certificate of mailing is dated.
- 2803 4. When the receipt from an established courier company is
2804 dated.

2805

2806 Such fine shall be paid to the filing officer within 20 days
2807 after receipt of the notice of payment due, unless appeal is
2808 made to the Florida Elections Commission pursuant to paragraph
2809 (c). An officer or member of a committee is shall not be
2810 personally liable for such fine.

2811 (c) Any treasurer of a committee may appeal or dispute the
2812 fine, based upon unusual circumstances surrounding the failure
2813 to file on the designated due date, and may request and is shall
2814 ~~be~~ entitled to a hearing before the Florida Elections
2815 Commission, which may shall ~~have the authority to~~ waive the fine
2816 in whole or in part. Any such request must shall be made within
2817 20 days after receipt of the notice of payment due. ~~In such~~
2818 ~~ease, the treasurer of~~ The committee shall file the appeal with
2819 ~~, within the 20-day period, notify the filing officer in writing~~
2820 ~~of his or her intention to bring the matter before the~~
2821 commission, with a copy provided to the filing officer.

2822 (d) The filing officer shall notify the Florida Elections
2823 Commission of the repeated late filing by a committee of
2824 continuous existence, the failure of a committee of continuous
2825 existence to file a report after notice, or the failure to pay
2826 the fine imposed.



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2827 Section 59. Section 106.07, Florida Statutes, is amended to
2828 read:

2829 106.07 Reports; certification and filing.—

2830 (1) Each campaign treasurer designated by a candidate or
2831 political committee pursuant to s. 106.021 shall file regular
2832 reports of all contributions received, and all expenditures
2833 made, by or on behalf of such candidate or political committee.
2834 Except for the third calendar quarter immediately preceding a
2835 general election, reports shall be filed on the 10th day
2836 following the end of each calendar quarter from the time the
2837 campaign treasurer is appointed, except that, if the 10th day
2838 following the end of a calendar quarter occurs on a Saturday,
2839 Sunday, or legal holiday, the report shall be filed on the next
2840 following day which is not a Saturday, Sunday, or legal holiday.
2841 Quarterly reports shall include all contributions received and
2842 expenditures made during the calendar quarter which have not
2843 otherwise been reported pursuant to this section.

2844 (a) Except as provided in paragraph (b), ~~following the last~~
2845 ~~day of qualifying for office,~~ the reports shall also be filed on
2846 the 32nd, 18th, and 4th days immediately preceding the primary
2847 and on the 46th, 32nd, 18th, and 4th days immediately preceding
2848 the election, for a candidate who is opposed in seeking
2849 nomination or election to any office, for a political committee,
2850 or for a committee of continuous existence.

2851 (b) ~~Following the last day of qualifying for office,~~ Any
2852 statewide candidate who has requested to receive contributions
2853 pursuant to ~~from~~ the Florida Election Campaign Financing Act
2854 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
2855 who has requested to receive contributions pursuant to ~~from~~ the



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2856 ~~act trust fund~~ shall also file reports on the 4th, 11th, 18th,
2857 25th, and 32nd days prior to the primary election, and on the
2858 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
2859 the general election.

2860 (c) Following the last day of qualifying for office, any
2861 unopposed candidate need only file a report within 90 days after
2862 the date such candidate became unopposed. Such report shall
2863 contain all previously unreported contributions and expenditures
2864 as required by this section and shall reflect disposition of
2865 funds as required by s. 106.141.

2866 (d)1. When a special election is called to fill a vacancy
2867 in office, all political committees ~~and committees of continuous~~
2868 ~~existence~~ making contributions or expenditures to influence the
2869 results of such special election or the preceding special
2870 primary election shall file campaign treasurers' reports with
2871 the filing officer on the dates set by the Department of State
2872 pursuant to s. 100.111.

2873 2. When an election is called for an issue to appear on the
2874 ballot at a time when no candidates are scheduled to appear on
2875 the ballot, all political committees making contributions or
2876 expenditures in support of or in opposition to such issue shall
2877 file reports on the 18th and 4th days prior to such election.

2878 (e) The filing officer shall provide each candidate with a
2879 schedule designating the beginning and end of reporting periods
2880 as well as the corresponding designated due dates.

2881 (2) (a)1. All reports required of a candidate by this
2882 section shall be filed with the officer before whom the
2883 candidate is required by law to qualify. All candidates who file
2884 with the Department of State shall file their reports pursuant



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2885 to s. 106.0705. Except as provided in s. 106.0705, reports shall
2886 be filed not later than 5 p.m. of the day designated; however,
2887 any report postmarked by the United States Postal Service no
2888 later than midnight of the day designated shall be deemed to
2889 have been filed in a timely manner. Any report received by the
2890 filing officer within 5 days after the designated due date that
2891 was delivered by the United States Postal Service shall be
2892 deemed timely filed unless it has a postmark that indicates that
2893 the report was mailed after the designated due date. A
2894 certificate of mailing obtained from and dated by the United
2895 States Postal Service at the time of mailing, or a receipt from
2896 an established courier company, which bears a date on or before
2897 the date on which the report is due, shall be proof of mailing
2898 in a timely manner. Reports shall contain information of all
2899 previously unreported contributions received and expenditures
2900 made as of the preceding Friday, except that the report filed on
2901 the Friday immediately preceding the election shall contain
2902 information of all previously unreported contributions received
2903 and expenditures made as of the day preceding that designated
2904 due date. All such reports shall be open to public inspection.

2905 2. This subsection does not prohibit the governing body of
2906 a political subdivision, by ordinance or resolution, from
2907 imposing upon its own officers and candidates electronic filing
2908 requirements not in conflict with s. 106.0705. Expenditure of
2909 public funds for such purpose is deemed to be for a valid public
2910 purpose.

2911 (b)1. Any report that ~~which~~ is deemed to be incomplete by
2912 the officer with whom the candidate qualifies shall be accepted
2913 on a conditional basis. ~~and~~ The campaign treasurer shall be



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2914 notified by certified ~~registered~~ mail or by another method using
2915 a common carrier that provides a proof of delivery of the notice
2916 as to why the report is incomplete and within 7 ~~be given 3~~ days
2917 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
2918 the report providing all information necessary to complete the
2919 report in compliance with this section. Failure to file a
2920 complete report after such notice constitutes a violation of
2921 this chapter.

2922 2. Notice is deemed complete upon proof of delivery of a
2923 written notice to the mailing or street address of the campaign
2924 treasurer or registered agent of record with the filing officer.
2925 ~~In lieu of the notice by registered mail as required in~~
2926 ~~subparagraph 1., the qualifying officer may notify the campaign~~
2927 ~~treasurer by telephone that the report is incomplete and request~~
2928 ~~the information necessary to complete the report. If, however,~~
2929 ~~such information is not received by the qualifying officer~~
2930 ~~within 3 days after the telephone request therefor, notice shall~~
2931 ~~be sent by registered mail as provided in subparagraph 1.~~

2932 (3) Reports required of a political committee shall be
2933 filed with the agency or officer before whom such committee
2934 registers pursuant to s. 106.03(3) and shall be subject to the
2935 same filing conditions as established for candidates' reports.
2936 Incomplete reports by political committees shall be treated in
2937 the manner provided for incomplete reports by candidates in
2938 subsection (2).

2939 (4) (a) Each report required by this section must ~~shall~~
2940 contain:

2941 1. The full name, address, and occupation, if any of each
2942 person who has made one or more contributions to or for such



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2943 committee or candidate within the reporting period, together
2944 with the amount and date of such contributions. For
2945 corporations, the report must provide as clear a description as
2946 practicable of the principal type of business conducted by the
2947 corporation. However, if the contribution is \$100 or less or is
2948 from a relative, as defined in s. 112.312, provided that the
2949 relationship is reported, the occupation of the contributor or
2950 the principal type of business need not be listed.

2951 2. The name and address of each political committee from
2952 which the reporting committee or the candidate received, or to
2953 which the reporting committee or candidate made, any transfer of
2954 funds, together with the amounts and dates of all transfers.

2955 3. Each loan for campaign purposes to or from any person or
2956 political committee within the reporting period, together with
2957 the full names, addresses, and occupations, and principal places
2958 of business, if any, of the lender and endorsers, if any, and
2959 the date and amount of such loans.

2960 4. A statement of each contribution, rebate, refund, or
2961 other receipt not otherwise listed under subparagraphs 1.
2962 through 3.

2963 5. The total sums of all loans, in-kind contributions, and
2964 other receipts by or for such committee or candidate during the
2965 reporting period. The reporting forms shall be designed to
2966 elicit separate totals for in-kind contributions, loans, and
2967 other receipts.

2968 6. The full name and address of each person to whom
2969 expenditures have been made by or on behalf of the committee or
2970 candidate within the reporting period; the amount, date, and
2971 purpose of each such expenditure; and the name and address of,



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2972 and office sought by, each candidate on whose behalf such
2973 expenditure was made. However, expenditures made from the petty
2974 cash fund provided by s. 106.12 need not be reported
2975 individually.

2976 7. The full name and address of each person to whom an
2977 expenditure for personal services, salary, or reimbursement for
2978 authorized expenses as provided in s. 106.021(3) has been made
2979 and which is not otherwise reported, including the amount, date,
2980 and purpose of such expenditure. However, expenditures made from
2981 the petty cash fund provided for in s. 106.12 need not be
2982 reported individually. Receipts for reimbursement for authorized
2983 expenditures shall be retained by the treasurer along with the
2984 records for the campaign account.

2985 8. The total amount withdrawn and the total amount spent
2986 for petty cash purposes pursuant to this chapter during the
2987 reporting period.

2988 9. The total sum of expenditures made by such committee or
2989 candidate during the reporting period.

2990 10. The amount and nature of debts and obligations owed by
2991 or to the committee or candidate, which relate to the conduct of
2992 any political campaign.

2993 11. Transaction information for each credit card purchase.
2994 ~~A copy of each credit card statement which shall be included in~~
2995 ~~the next report following receipt thereof by the candidate or~~
2996 ~~political committee.~~ Receipts for each credit card purchase
2997 shall be retained by the treasurer with the records for the
2998 campaign account.

2999 12. The amount and nature of any separate interest-bearing
3000 accounts or certificates of deposit and identification of the



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3001 financial institution in which such accounts or certificates of
3002 deposit are located.

3003 13. The primary purposes of an expenditure made indirectly
3004 through a campaign treasurer pursuant to s. 106.021(3) for goods
3005 and services such as communications media placement or
3006 procurement services, campaign signs, insurance, and other
3007 expenditures that include multiple components as part of the
3008 expenditure. The primary purpose of an expenditure shall be that
3009 purpose, including integral and directly related components,
3010 that comprises 80 percent of such expenditure.

3011 (b) The filing officer shall make available to any
3012 candidate or committee a reporting form which the candidate or
3013 committee may use to indicate contributions received by the
3014 candidate or committee but returned to the contributor before
3015 deposit.

3016 (5) The candidate and his or her campaign treasurer, in the
3017 case of a candidate, or the political committee chair and
3018 campaign treasurer of the committee, in the case of a political
3019 committee, shall certify as to the correctness of each report;
3020 and each person so certifying shall bear the responsibility for
3021 the accuracy and veracity of each report. Any campaign
3022 treasurer, candidate, or political committee chair who willfully
3023 certifies the correctness of any report while knowing that such
3024 report is incorrect, false, or incomplete commits a misdemeanor
3025 of the first degree, punishable as provided in s. 775.082 or s.
3026 775.083.

3027 ~~(6) The campaign depository shall return all checks drawn~~
3028 ~~on the account to the campaign treasurer who shall retain the~~
3029 ~~records pursuant to s. 106.06.~~ The records maintained by the



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3030 campaign depository with respect to any campaign account
3031 regulated by this chapter are ~~such account shall be~~ subject to
3032 inspection by an agent of the Division of Elections or the
3033 Florida Elections Commission at any time during normal banking
3034 hours, and such depository shall furnish certified copies of any
3035 of such records to the Division of Elections or Florida
3036 Elections Commission upon request.

3037 (7) Notwithstanding any other provisions of this chapter,
3038 in any reporting period during which a candidate, political
3039 committee, or committee of continuous existence has not received
3040 funds, made any contributions, or expended any reportable funds,
3041 the filing of the required report for that period is waived.
3042 However, the next report filed must specify that the report
3043 covers the entire period between the last submitted report and
3044 the report being filed, and any candidate, political committee,
3045 or committee of continuous existence not reporting by virtue of
3046 this subsection on dates prescribed elsewhere in this chapter
3047 shall notify the filing officer in writing on the prescribed
3048 reporting date that no report is being filed on that date.

3049 (8) (a) Any candidate or political committee failing to file
3050 a report on the designated due date is ~~shall be~~ subject to a
3051 fine as provided in paragraph (b) for each late day, and, in the
3052 case of a candidate, such fine shall be paid only from personal
3053 funds of the candidate. The fine shall be assessed by the filing
3054 officer and the moneys collected shall be deposited:

3055 1. In the General Revenue Fund, in the case of a candidate
3056 for state office or a political committee that registers with
3057 the Division of Elections; or

3058 2. In the general revenue fund of the political



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3059 subdivision, in the case of a candidate for an office of a
3060 political subdivision or a political committee that registers
3061 with an officer of a political subdivision.

3062
3063 No separate fine shall be assessed for failure to file a copy of
3064 any report required by this section.

3065 (b) Upon determining that a report is late, the filing
3066 officer shall immediately notify the candidate or chair of the
3067 political committee as to the failure to file a report by the
3068 designated due date and that a fine is being assessed for each
3069 late day. The fine shall be \$50 per day for the first 3 days
3070 late and, thereafter, \$500 per day for each late day, not to
3071 exceed 25 percent of the total receipts or expenditures,
3072 whichever is greater, for the period covered by the late report.
3073 However, for the reports immediately preceding each special
3074 primary election, special election, primary election, and
3075 general election, the fine shall be \$500 per day for each late
3076 day, not to exceed 25 percent of the total receipts or
3077 expenditures, whichever is greater, for the period covered by
3078 the late report. For reports required under s. 106.141(7), the
3079 fine is \$50 per day for each late day, not to exceed 25 percent
3080 of the total receipts or expenditures, whichever is greater, for
3081 the period covered by the late report. Upon receipt of the
3082 report, the filing officer shall determine the amount of the
3083 fine which is due and shall notify the candidate or chair or
3084 registered agent of the political committee. The filing officer
3085 shall determine the amount of the fine due based upon the
3086 earliest of the following:

3087 1. When the report is actually received by such officer.



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3088 2. When the report is postmarked.
3089 3. When the certificate of mailing is dated.
3090 4. When the receipt from an established courier company is
3091 dated.
3092 5. When the electronic receipt issued pursuant to s.
3093 106.0705 or other electronic filing system authorized in this
3094 section is dated.
3095
3096 Such fine shall be paid to the filing officer within 20 days
3097 after receipt of the notice of payment due, unless appeal is
3098 made to the Florida Elections Commission pursuant to paragraph
3099 (c). Notice is deemed complete upon proof of delivery of written
3100 notice to the mailing or street address on record with the
3101 filing officer. In the case of a candidate, such fine shall not
3102 be an allowable campaign expenditure and shall be paid only from
3103 personal funds of the candidate. An officer or member of a
3104 political committee shall not be personally liable for such
3105 fine.
3106 (c) Any candidate or chair of a political committee may
3107 appeal or dispute the fine, based upon, but not limited to,
3108 unusual circumstances surrounding the failure to file on the
3109 designated due date, and may request and shall be entitled to a
3110 hearing before the Florida Elections Commission, which shall
3111 have the authority to waive the fine in whole or in part. The
3112 Florida Elections Commission must consider the mitigating and
3113 aggravating circumstances contained in s. 106.265(1) when
3114 determining the amount of a fine, if any, to be waived. Any such
3115 request shall be made within 20 days after receipt of the notice
3116 of payment due. In such case, the candidate or chair of the



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3117 political committee shall, within the 20-day period, notify the
3118 filing officer in writing of his or her intention to bring the
3119 matter before the commission.

3120 (d) The appropriate filing officer shall notify the Florida
3121 Elections Commission of the repeated late filing by a candidate
3122 or political committee, the failure of a candidate or political
3123 committee to file a report after notice, or the failure to pay
3124 the fine imposed. The commission shall investigate only those
3125 alleged late filing violations specifically identified by the
3126 filing officer and as set forth in the notification. Any other
3127 alleged violations must be separately stated and reported by the
3128 division to the commission under s. 106.25(2).

3129 (9) The Department of State may prescribe by rule the
3130 requirements for filing campaign treasurers' reports as set
3131 forth in this chapter.

3132 Section 60. Subsections (8) and (9) of section 106.0703,
3133 Florida Statutes, are amended to read:

3134 106.0703 Electioneering communications organizations;
3135 reporting requirements; certification and filing; penalties.-

3136 ~~(8) An electioneering communications organization shall,~~
3137 ~~within 2 days after receiving its initial password or secure~~
3138 ~~sign-on from the Department of State allowing confidential~~
3139 ~~access to the department's electronic campaign finance filing~~
3140 ~~system, electronically file the periodic reports that would have~~
3141 ~~been required pursuant to this section for reportable activities~~
3142 ~~that occurred since the date of the last general election.~~

3143 (8) Electioneering communications organizations shall
3144 not use credit cards.

3145 Section 61. Paragraphs (a) and (c) of subsection (2) and



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3146 subsections (3) and (7) of section 106.0705, Florida Statutes,
3147 are amended to read:

3148 106.0705 Electronic filing of campaign treasurer's
3149 reports.—

3150 (2) (a) Each individual candidate who is required to file
3151 reports with the division pursuant to s. 106.07 or s. 106.141
3152 ~~with the division~~ must file such reports ~~with the division~~ by
3153 means of the division's electronic filing system.

3154 (c) Each person or organization that is required to file
3155 reports with the division under s. 106.071 must file such
3156 reports ~~with the division~~ by means of the division's electronic
3157 filing system.

3158 (3) Reports filed pursuant to this section shall be
3159 completed and filed through the electronic filing system not
3160 later than midnight of the day designated. Reports not filed by
3161 midnight of the day designated are late filed and are subject to
3162 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
3163 106.0703(7), or s. 106.29(3), as applicable.

3164 ~~(7) Notwithstanding anything in law to the contrary, any~~
3165 ~~report required to have been filed under this section for the~~
3166 ~~period ended March 31, 2005, shall be deemed to have been timely~~
3167 ~~filed if the report is filed under this section on or before~~
3168 ~~June 1, 2005.~~

3169 Section 62. Subsections (3) and (6) of section 106.08,
3170 Florida Statutes, are amended to read:

3171 106.08 Contributions; limitations on.—

3172 (3) (a) Any contribution received by a candidate with
3173 opposition in an election or by the campaign treasurer or a
3174 deputy campaign treasurer of such a candidate on the day of that



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3175 election or less than 5 days prior to the day of that election
3176 must be returned by him or her to the person or committee
3177 contributing it and may not be used or expended by or on behalf
3178 of the candidate.

3179 (b) Except as otherwise provided in paragraph (c), any
3180 contribution received by a candidate or by the campaign
3181 treasurer or a deputy campaign treasurer of a candidate after
3182 the date at which the candidate withdraws his or her candidacy,
3183 or after the date the candidate is defeated, becomes unopposed,
3184 or is elected to office must be returned to the person or
3185 committee contributing it and may not be used or expended by or
3186 on behalf of the candidate.

3187 ~~(c) With respect to any campaign for an office in which an~~
3188 ~~independent or minor party candidate has filed as required in s.~~
3189 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
3190 ~~determination by the Department of State or supervisor of~~
3191 ~~elections as to whether or not the required number of petition~~
3192 ~~signatures was obtained:~~

3193 ~~1. The department or supervisor shall, no later than 3 days~~
3194 ~~after that determination has been made, notify in writing all~~
3195 ~~other candidates for that office of that determination.~~

3196 ~~2. Any contribution received by a candidate or the campaign~~
3197 ~~treasurer or deputy campaign treasurer of a candidate after the~~
3198 ~~candidate has been notified in writing by the department or~~
3199 ~~supervisor that he or she has become unopposed as a result of an~~
3200 ~~independent or minor party candidate failing to obtain the~~
3201 ~~required number of petition signatures shall be returned to the~~
3202 ~~person, political committee, or committee of continuous~~
3203 ~~existence contributing it and shall not be used or expended by~~



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3204 ~~or on behalf of the candidate.~~

3205 (6) (a) A political party may not accept any contribution
3206 that has been specifically designated for the partial or
3207 exclusive use of a particular candidate. Any contribution so
3208 designated must be returned to the contributor and may not be
3209 used or expended by or on behalf of the candidate.

3210 (b)1. A political party may not accept any in-kind
3211 contribution that fails to provide a direct benefit to the
3212 political party. A "direct benefit" includes, but is not limited
3213 to, fundraising or furthering the objectives of the political
3214 party.

3215 2.a. An in-kind contribution to a state political party may
3216 be accepted only by the chairperson of the state political party
3217 or by the chairperson's designee or designees whose names are on
3218 file with the division in a form acceptable to the division
3219 prior to the date of the written notice required in sub-
3220 subparagraph b. An in-kind contribution to a county political
3221 party may be accepted only by the chairperson of the county
3222 political party or by the county chairperson's designee or
3223 designees whose names are on file with the supervisor of
3224 elections of the respective county prior to the date of the
3225 written notice required in sub-subparagraph b.

3226 b. A person making an in-kind contribution to a state
3227 political party or county political party must provide prior
3228 written notice of the contribution to a person described in sub-
3229 subparagraph a. The prior written notice must be signed and
3230 dated and may be provided by an electronic or facsimile message.
3231 However, prior written notice is not required for an in-kind
3232 contribution that consists of food and beverage in an aggregate



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3233 amount not exceeding \$1,500 which is consumed at a single
3234 sitting or event if such in-kind contribution is accepted in
3235 advance by a person specified in sub-subparagraph a.

3236 c. A person described in sub-subparagraph a. may accept an
3237 in-kind contribution requiring prior written notice only in a
3238 writing that is ~~signed and~~ dated before the in-kind contribution
3239 is made. Failure to obtain the required written acceptance of an
3240 in-kind contribution to a state or county political party
3241 constitutes a refusal of the contribution.

3242 d. A copy of each prior written acceptance required under
3243 sub-subparagraph c. must be filed ~~with the division~~ at the time
3244 the regular reports of contributions and expenditures required
3245 under s. 106.29 are filed by the state executive committee and
3246 county executive committee. A state executive committee and an
3247 affiliated party committee must file with the division. A county
3248 executive committee must file with the county's supervisor of
3249 elections.

3250 e. An in-kind contribution may not be given to a state or
3251 county political party unless the in-kind contribution is made
3252 as provided in this subparagraph.

3253 Section 63. Section 106.09, Florida Statutes, is amended to
3254 read:

3255 106.09 Cash contributions and contribution by cashier's
3256 checks.—

3257 (1) (a) A person may not make an aggregate ~~or accept a~~ cash
3258 contribution or contribution by means of a cashier's check to
3259 the same candidate or committee in excess of \$50 per election.

3260 (b) A person may not accept an aggregate cash contribution
3261 or contribution by means of a cashier's check from the same



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3262 contributor in excess of \$50 per election.

3263 (2) (a) Any person who makes or accepts a contribution in
3264 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~
3265 commits a misdemeanor of the first degree, punishable as
3266 provided in s. 775.082 or s. 775.083.

3267 (b) Any person who knowingly and willfully makes or accepts
3268 a contribution in excess of \$5,000 in violation of subsection
3269 (1) ~~this section~~ commits a felony of the third degree,
3270 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3271 Section 64. Paragraph (b) of subsection (1) and paragraph
3272 (a) of subsection (2) of section 106.11, Florida Statutes, are
3273 amended, and subsection (6) is added to that section, to read:

3274 106.11 Expenses of and expenditures by candidates and
3275 political committees.—Each candidate and each political
3276 committee which designates a primary campaign depository
3277 pursuant to s. 106.021(1) shall make expenditures from funds on
3278 deposit in such primary campaign depository only in the
3279 following manner, with the exception of expenditures made from
3280 petty cash funds provided by s. 106.12:

3281 (1)

3282 (b) The checks for such account shall contain, as a
3283 minimum, the following information:

3284 1. The statement "~~Campaign Account of~~ ... (name of candidate
3285 or political committee)... Campaign Account."

3286 2. The account number and the name of the bank.

3287 3. The exact amount of the expenditure.

3288 4. The signature of the campaign treasurer or deputy
3289 treasurer.

3290 5. The exact purpose for which the expenditure is



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3291 authorized.

3292 6. The name of the payee.

3293 (2)(a) For purposes of this section, debit cards are

3294 considered bank checks, if:

3295 1. Debit cards are obtained from the same bank that has

3296 been designated as the candidate's or political committee's

3297 primary campaign depository.

3298 2. Debit cards are issued in the name of the treasurer,

3299 deputy treasurer, or authorized user and state "~~Campaign Account~~

3300 ~~of~~ ... (name of candidate or political committee)... Campaign

3301 Account."

3302 3. No more than three debit cards are requested and issued.

3303 ~~4. Before a debit card is used, a list of all persons~~

3304 ~~authorized to use the card is filed with the division.~~

3305 ~~5. All debit cards issued to a candidate's campaign or a~~

3306 ~~political committee expire no later than midnight of the last~~

3307 ~~day of the month of the general election.~~

3308 ~~4.6.~~ The person using the debit card does not receive cash

3309 as part of, or independent of, any transaction for goods or

3310 services.

3311 ~~5.7.~~ All receipts for debit card transactions contain:

3312 a. The last four digits of the debit card number.

3313 b. The exact amount of the expenditure.

3314 c. The name of the payee.

3315 d. The signature of the campaign treasurer, deputy

3316 treasurer, or authorized user.

3317 e. The exact purpose for which the expenditure is

3318 authorized.

3319



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3320 Any information required by this subparagraph but not included
3321 on the debit card transaction receipt may be handwritten on, or
3322 attached to, the receipt by the authorized user before
3323 submission to the treasurer.

3324 (6) A candidate who makes a loan to his or her campaign and
3325 reports the loan as required by s. 106.07 may be reimbursed for
3326 the loan at any time the campaign account has sufficient funds
3327 to repay the loan and satisfy its other obligations.

3328 Section 65. Subsection (4) of section 106.141, Florida
3329 Statutes, is amended to read:

3330 106.141 Disposition of surplus funds by candidates.-

3331 (4) (a) Except as provided in paragraph (b), any candidate
3332 required to dispose of funds pursuant to this section shall, at
3333 the option of the candidate, dispose of such funds by any of the
3334 following means, or any combination thereof:

3335 1. Return pro rata to each contributor the funds that have
3336 not been spent or obligated.

3337 2. Donate the funds that have not been spent or obligated
3338 to a charitable organization or organizations that meet the
3339 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3340 3. Give ~~not more than \$10,000 of~~ the funds that have not
3341 been spent or obligated to the political party of which such
3342 candidate is a member, ~~except that a candidate for the Florida~~
3343 ~~Senate may give not more than \$30,000 of such funds to the~~
3344 ~~political party of which the candidate is a member.~~

3345 4. Give the funds that have not been spent or obligated:

3346 a. In the case of a candidate for state office, to the
3347 state, to be deposited in either the Election Campaign Financing
3348 Trust Fund or the General Revenue Fund, as designated by the



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3349 candidate; or

3350 b. In the case of a candidate for an office of a political
3351 subdivision, to such political subdivision, to be deposited in
3352 the general fund thereof.

3353 (b) Any candidate required to dispose of funds pursuant to
3354 this section who has received contributions pursuant to ~~from~~ the
3355 Florida Election Campaign Financing Act Trust Fund shall, after
3356 all monetary commitments pursuant to s. 106.11(5) (b) and (c)
3357 have been met, return all surplus campaign funds to the General
3358 Revenue Election Campaign Financing Trust Fund.

3359 Section 66. Section 106.143, Florida Statutes, is amended
3360 to read:

3361 106.143 Political advertisements circulated prior to
3362 election; requirements.—

3363 (1) (a) Any political advertisement that is paid for by a
3364 candidate, except a write-in candidate, and that is published,
3365 displayed, or circulated before, or on the day of, any election
3366 must prominently state:

3367 1. "Political advertisement paid for and approved by
3368 ...(name of candidate)..., ...(party affiliation)..., for
3369 ...(office sought)..."; or

3370 2. "Paid by ...(name of candidate)..., ...(party
3371 affiliation)..., for ...(office sought)..."

3372 (b) Any political advertisement that is paid for by a
3373 write-in candidate and that is published, displayed, or
3374 circulated before, or on the day of, any election must
3375 prominently state:

3376 1. "Political advertisement paid for and approved by
3377 ...(name of candidate)..., write-in candidate, for ...(office



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3378 sought)..."; or
3379 2. "Paid by ...(name of candidate)..., write-in candidate,
3380 for ...(office sought)...."
3381 (c) ~~(b)~~ Any other political advertisement published,
3382 displayed, or circulated before, or on the day of, any election
3383 must prominently:
3384 1. Be marked "paid political advertisement" or with the
3385 abbreviation "pd. pol. adv."
3386 2. State the name and address of the persons paying for
3387 sponsoring the advertisement.
3388 3.a. ~~(I)~~ State whether the advertisement and the cost of
3389 production is paid for or provided in kind by or at the expense
3390 of the entity publishing, displaying, broadcasting, or
3391 circulating the political advertisement. ~~;~~ or
3392 ~~(II) State who provided or paid for the advertisement and~~
3393 ~~cost of production, if different from the source of sponsorship.~~
3394 ~~b. This subparagraph does not apply if the source of the~~
3395 ~~sponsorship is patently clear from the content or format of the~~
3396 ~~political advertisement.~~
3397 (d) ~~(e)~~ Any political advertisement made pursuant to s.
3398 106.021(3) (d) must be marked "paid political advertisement" or
3399 with the abbreviation "pd. pol. adv." and must prominently state
3400 the name and address of the political committee or political
3401 party paying for the advertisement., "Paid for and sponsored by
3402 ...(name of person paying for political advertisement)....
3403 Approved by ...(names of persons, party affiliation, and offices
3404 sought in the political advertisement)...."
3405 (2) Political advertisements made as in-kind contributions
3406 from a political party must prominently state: "Paid political



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3407 advertisement paid for by in-kind by ... (name of political
3408 party).... Approved by ... (name of person, party affiliation,
3409 and office sought in the political advertisement)...."

3410 (3)(2) Any political advertisement of a candidate running
3411 for partisan office shall express the name of the political
3412 party of which the candidate is seeking nomination or is the
3413 nominee. If the candidate for partisan office is running as a
3414 candidate with no party affiliation, any political advertisement
3415 of the candidate must state that the candidate has no party
3416 affiliation. A political advertisement of a candidate running
3417 for nonpartisan office may not state the candidate's political
3418 party affiliation. This section does not prohibit a political
3419 advertisement from stating the candidate's partisan-related
3420 experience. A candidate for nonpartisan office is prohibited
3421 from campaigning based on party affiliation.

3422 (4)(3) It is unlawful for any candidate or person on behalf
3423 of a candidate to represent that any person or organization
3424 supports such candidate, unless the person or organization so
3425 represented has given specific approval in writing to the
3426 candidate to make such representation. However, this subsection
3427 does not apply to:

3428 (a) Editorial endorsement by any newspaper, radio or
3429 television station, or other recognized news medium.

3430 (b) Publication by a party committee advocating the
3431 candidacy of its nominees.

3432 (5)(4)(a) Any political advertisement not paid for by a
3433 candidate, including those paid for by a political party, other
3434 than an independent expenditure, offered ~~by or~~ on behalf of a
3435 candidate must be approved in advance by the candidate. Such



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3436 political advertisement must expressly state that the content of
3437 the advertisement was approved by the candidate, unless the
3438 political advertisement is published, displayed, or circulated
3439 in compliance with subparagraph (1)(a)2., and must state who
3440 paid for the advertisement. The candidate shall provide a
3441 written statement of authorization to the newspaper, radio
3442 station, television station, or other medium for each such
3443 advertisement submitted for publication, display, broadcast, or
3444 other distribution.

3445 (b) Any person who makes an independent expenditure for a
3446 political advertisement shall provide a written statement that
3447 no candidate has approved the advertisement to the newspaper,
3448 radio station, television station, or other medium for each such
3449 advertisement submitted for publication, display, broadcast, or
3450 other distribution. The advertisement must also contain a
3451 statement that no candidate has approved the advertisement.

3452 ~~(c) This subsection does not apply to campaign messages~~
3453 ~~used by a candidate and his or her supporters if those messages~~
3454 ~~are designed to be worn by a person.~~

3455 (6)(5) No political advertisement of a candidate who is not
3456 an incumbent of the office for which the candidate is running
3457 shall use the word "re-elect." Additionally, such advertisement
3458 must include the word "for" between the candidate's name and the
3459 office for which the candidate is running, in order that
3460 incumbency is not implied. This subsection does not apply to
3461 bumper stickers or items designed to be worn by a person.

3462 (7) Political advertisements paid for by a political party
3463 or an affiliated party committee may use names and abbreviations
3464 as registered under s. 103.081 in the disclaimer.



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3465 (8)~~(6)~~ This section does not apply to novelty items having
3466 a retail value of \$10 or less which support, but do not oppose,
3467 a candidate or issue.

3468 (9)~~(7)~~ Any political advertisement which is published,
3469 displayed, or produced in a language other than English may
3470 provide the information required by this section in the language
3471 used in the advertisement.

3472 (10)~~(8)~~ This section does not apply to any campaign message
3473 or political advertisement used by a candidate and the
3474 candidate's supporters or by a political committee if the
3475 message or advertisement is:

3476 (a) Designed to be worn by a person.

3477 (b) Placed as a paid link on an Internet website, provided
3478 the message or advertisement is no more than 200 characters in
3479 length and the link directs the user to another Internet website
3480 that complies with subsection (1).

3481 (c) Placed as a graphic or picture link where compliance
3482 with the requirements of this section is not reasonably
3483 practical due to the size of the graphic or picture link and the
3484 link directs the user to another Internet website that complies
3485 with subsection (1).

3486 (d) Placed at no cost on an Internet website for which
3487 there is no cost to post content for public users.

3488 (e) Placed or distributed on an unpaid profile or account
3489 which is available to the public without charge or on a social
3490 networking Internet website, as long as the source of the
3491 message or advertisement is patently clear from the content or
3492 format of the message or advertisement. A candidate or political
3493 committee may prominently display a statement indicating that



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3494 the website or account is an official website or account of the
3495 candidate or political committee and is approved by the
3496 candidate or political committee. A website or account may not
3497 be marked as official without prior approval by the candidate or
3498 political committee.

3499 (f) Distributed as a text message or other message via
3500 Short Message Service, provided the message is no more than 200
3501 characters in length or requires the recipient to sign up or opt
3502 in to receive it.

3503 (g) Connected with or included in any software application
3504 or accompanying function, provided that the user signs up, opts
3505 in, downloads, or otherwise accesses the application from or
3506 through a website that complies with subsection (1).

3507 (h) Sent by a third-party user from or through a campaign
3508 or committee's website, provided the website complies with
3509 subsection (1).

3510 (i) Contained in or distributed through any other
3511 technology-related item, service, or device for which compliance
3512 with subsection (1) is not reasonably practical due to the size
3513 or nature of such item, service, or device as available, or the
3514 means of displaying the message or advertisement makes
3515 compliance with subsection (1) impracticable.

3516 (11)~~(9)~~ Any person who willfully violates any provision of
3517 this section is subject to the civil penalties prescribed in s.
3518 106.265.

3519 Section 67. Section 106.1437, Florida Statutes, is amended
3520 to read:

3521 106.1437 Miscellaneous advertisements.—Any advertisement,
3522 other than a political advertisement, independent expenditure,



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3523 or electioneering communication, on billboards, bumper stickers,
3524 radio, or television, or in a newspaper, a magazine, or a
3525 periodical, intended to influence public policy or the vote of a
3526 public official, shall clearly designate the sponsor of such
3527 advertisement by including a clearly readable statement of
3528 sponsorship. If the advertisement is broadcast on television,
3529 the advertisement shall also contain a verbal statement of
3530 sponsorship. This section does ~~shall~~ not apply to an editorial
3531 endorsement. For purposes of this chapter, an expenditure made
3532 for, or in furtherance of, a miscellaneous advertisement is not
3533 considered to be a contribution to or on behalf of a candidate,
3534 and does not constitute an independent expenditure. Such
3535 expenditures are not subject to the limitations applicable to
3536 independent expenditures.

3537 Section 68. Section 106.17, Florida Statutes, is amended to
3538 read:

3539 106.17 Polls and surveys relating to candidacies.—Any
3540 candidate, political committee, committee of continuous
3541 existence, electioneering communication organization, or state
3542 or county executive committee of a political party may authorize
3543 or conduct a political poll, survey, index, or measurement of
3544 any kind relating to candidacy for public office so long as the
3545 candidate, political committee, committee of continuous
3546 existence, electioneering communication organization, or
3547 political party maintains complete jurisdiction over the poll in
3548 all its aspects. State and county executive committees of a
3549 political party or an affiliated party committee may authorize
3550 and conduct political polls for the purpose of determining the
3551 viability of potential candidates. Such poll results may be



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3552 shared with potential candidates, and expenditures incurred by
3553 state and county executive committees or an affiliated party
3554 committee for potential candidate polls are not contributions to
3555 the potential candidates.

3556 Section 69. Subsection (4) is added to section 106.19,
3557 Florida Statutes, to read:

3558 106.19 Violations by candidates, persons connected with
3559 campaigns, and political committees.—

3560 (4) Except as otherwise expressly stated, the failure by a
3561 candidate to comply with the requirements of this chapter has no
3562 effect upon whether the candidate has qualified for the office
3563 the candidate is seeking.

3564 Section 70. Subsections (2) and (3), paragraph (i) of
3565 subsection (4), and subsection (5) of section 106.25, Florida
3566 Statutes, are amended to read:

3567 106.25 Reports of alleged violations to Florida Elections
3568 Commission; disposition of findings.—

3569 (2) The commission shall investigate all violations of this
3570 chapter and chapter 104, but only after having received either a
3571 sworn complaint or information reported to it under this
3572 subsection by the Division of Elections. Such sworn complaint
3573 must be based upon personal information or information other
3574 than hearsay. Any person, other than the division, having
3575 information of any violation of this chapter or chapter 104
3576 shall file a sworn complaint with the commission. The commission
3577 shall investigate only those alleged violations specifically
3578 contained within the sworn complaint. If any complainant fails
3579 to allege all violations that arise from the facts or
3580 allegations alleged in a complaint, the commission shall be



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3581 barred from investigating a subsequent complaint from such
3582 complainant that is based upon such facts or allegations that
3583 were raised or could have been raised in the first complaint. If
3584 the complaint includes allegations of violations relating to
3585 expense items reimbursed by a candidate, committee, or
3586 organization to the campaign account before a sworn complaint is
3587 filed, the commission shall be barred from investigating such
3588 allegations. Such sworn complaint shall state whether a
3589 complaint of the same violation has been made to any state
3590 attorney. Within 5 days after receipt of a sworn complaint, the
3591 commission shall transmit a copy of the complaint to the alleged
3592 violator. The respondent shall have 14 days after receipt of the
3593 complaint to file an initial response, and the executive
3594 director may not determine the legal sufficiency of the
3595 complaint during that time period. If the executive director
3596 finds that the complaint is legally sufficient, the respondent
3597 shall be notified of such finding by letter, which sets forth
3598 the statutory provisions alleged to have been violated and the
3599 alleged factual basis that supports the finding. All sworn
3600 complaints alleging violations of the Florida Election Code over
3601 which the commission has jurisdiction shall be filed with the
3602 commission within 2 years after the alleged violations. The
3603 period of limitations is tolled on the day a sworn complaint is
3604 filed with the commission. The complainant may withdraw the
3605 sworn complaint at any time prior to a probable cause hearing if
3606 good cause is shown. Withdrawal shall be requested in writing,
3607 signed by the complainant, and witnessed by a notary public,
3608 stating the facts and circumstances constituting good cause. The
3609 executive director shall prepare a written recommendation



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3610 regarding disposition of the request which shall be given to the
3611 commission together with the request. "Good cause" shall be
3612 determined based upon the legal sufficiency or insufficiency of
3613 the complaint to allege a violation and the reasons given by the
3614 complainant for wishing to withdraw the complaint. If withdrawal
3615 is permitted, the commission must close the investigation and
3616 the case. No further action may be taken. The complaint will
3617 become a public record at the time of withdrawal.

3618 (3) For the purposes of commission jurisdiction, a
3619 violation shall mean the willful performance of an act
3620 prohibited by this chapter or chapter 104 or the willful failure
3621 to perform an act required by this chapter or chapter 104. The
3622 commission may not by rule determine what constitutes
3623 willfulness or further define the term "willful" for purposes of
3624 this chapter or chapter 104. Willfulness is a determination of
3625 fact; however, at the request of the respondent at any time
3626 after probable cause is found, willfulness may be considered and
3627 determined in an informal hearing before the commission.

3628 (4) The commission shall undertake a preliminary
3629 investigation to determine if the facts alleged in a sworn
3630 complaint or a matter initiated by the division constitute
3631 probable cause to believe that a violation has occurred.

3632 (i)1. Upon a commission finding of probable cause, the
3633 counsel for the commission shall attempt to reach a consent
3634 agreement with the respondent. At any time, the commission may
3635 enter into a consent order with a respondent without requiring
3636 the respondent to admit to a violation of law within the
3637 jurisdiction of the commission.

3638 2. A consent agreement is not binding upon either party



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3639 unless and until it is signed by the respondent and by counsel
3640 for the commission upon approval by the commission.

3641 3. Nothing herein shall be construed to prevent the
3642 commission from entering into a consent agreement with a
3643 respondent prior to a commission finding of probable cause if a
3644 respondent indicates in writing a desire to enter into
3645 negotiations directed towards reaching such a consent agreement.
3646 Any consent agreement reached under this subparagraph is subject
3647 to the provisions of subparagraph 2. and shall have the same
3648 force and effect as a consent agreement reached after the
3649 commission finding of probable cause.

3650
3651 In a case where probable cause is found, the commission shall
3652 make a preliminary determination to consider the matter or to
3653 refer the matter to the state attorney for the judicial circuit
3654 in which the alleged violation occurred. Notwithstanding any
3655 other provisions of this section, the commission may, at its
3656 discretion, dismiss any complaint at any stage of disposition if
3657 it determines that the public interest would not be served by
3658 proceeding further, in which case the commission shall issue a
3659 public report stating with particularity its reasons for the
3660 dismissal.

3661 (5) ~~Unless~~ A person alleged by the Elections Commission to
3662 have committed a violation of this chapter or chapter 104 may
3663 elect, as a matter of right elects, within 30 days after the
3664 date of the filing of the commission's allegations, to have a
3665 formal administrative ~~or informal~~ hearing conducted ~~before the~~
3666 ~~commission, or elects to resolve the complaint by consent order,~~
3667 ~~such person shall be entitled to a formal administrative hearing~~



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3668 ~~conducted~~ by an administrative law judge in the Division of
3669 Administrative Hearings. The administrative law judge in such
3670 proceedings shall enter a final order, which may include the
3671 imposition of civil penalties, subject to appeal as provided in
3672 s. 120.68. If the person does not elect to have a hearing by an
3673 administrative law judge and does not elect to resolve the
3674 complaint by a consent order, the person is entitled to a formal
3675 or informal hearing conducted before the commission.

3676 Section 71. Subsection (1) of section 106.26, Florida
3677 Statutes, is amended to read:

3678 106.26 Powers of commission; rights and responsibilities of
3679 parties; findings by commission.-

3680 (1) The commission shall, pursuant to rules adopted and
3681 published in accordance with chapter 120, consider all sworn
3682 complaints filed with it and all matters reported to it by the
3683 Division of Elections. In order to carry out the
3684 responsibilities prescribed by this chapter, the commission is
3685 empowered to subpoena and bring before it, or its duly
3686 authorized representatives, any person in the state, or any
3687 person doing business in the state, or any person who has filed
3688 or is required to have filed any application, document, papers,
3689 or other information with an office or agency of this state or a
3690 political subdivision thereof and to require the production of
3691 any papers, books, or other records relevant to any
3692 investigation, including the records and accounts of any bank or
3693 trust company doing business in this state. Duly authorized
3694 representatives of the commission are empowered to administer
3695 all oaths and affirmations in the manner prescribed by law to
3696 witnesses who shall appear before them concerning any relevant



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3697 matter. Should any witness fail to respond to the lawful
3698 subpoena of the commission or, having responded, fail to answer
3699 all lawful inquiries or to turn over evidence that has been
3700 subpoenaed, the commission may file a complaint in the ~~before~~
3701 ~~any~~ circuit court where the witness resides ~~of the state~~ setting
3702 up such failure on the part of the witness. On the filing of
3703 such complaint, the court shall take jurisdiction of the witness
3704 and the subject matter of said complaint and shall direct the
3705 witness to respond to all lawful questions and to produce all
3706 documentary evidence in the witness's possession which is
3707 lawfully demanded. The failure of any witness to comply with
3708 such order of the court shall constitute a direct and criminal
3709 contempt of court, and the court shall punish said witness
3710 accordingly. However, the refusal by a witness to answer
3711 inquiries or turn over evidence on the basis that such testimony
3712 or material will tend to incriminate such witness shall not be
3713 deemed refusal to comply with the provisions of this chapter.
3714 The sheriffs in the several counties shall make such service and
3715 execute all process or orders when required by the commission.
3716 Sheriffs shall be paid for these services by the commission as
3717 provided for in s. 30.231. Any person who is served with a
3718 subpoena to attend a hearing of the commission also shall be
3719 served with a general statement informing him or her of the
3720 subject matter of the commission's investigation or inquiry and
3721 a notice that he or she may be accompanied at the hearing by
3722 counsel of his or her own choosing.

3723 Section 72. Subsections (1) through (4) of section 106.265,
3724 Florida Statutes, are amended and renumbered, and present
3725 subsection (5) of that section is renumbered as subsection (6),



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3726 to read:

3727 106.265 Civil penalties.—

3728 (1) The commission or, in cases referred to the Division of
3729 Administrative Hearings pursuant to s. 106.25(5), the
3730 administrative law judge is authorized upon the finding of a
3731 violation of this chapter or chapter 104 to impose civil
3732 penalties in the form of fines not to exceed \$1,000 per count,
3733 or, if applicable, to impose a civil penalty as provided in s.
3734 104.271 or s. 106.19.

3735 (2) In determining the amount of such civil penalties, the
3736 commission or administrative law judge shall consider, among
3737 other mitigating and aggravating circumstances:

3738 (a) The gravity of the act or omission;

3739 (b) Any previous history of similar acts or omissions;

3740 (c) The appropriateness of such penalty to the financial
3741 resources of the person, political committee, committee of
3742 continuous existence, electioneering communications
3743 organization, or political party; and

3744 (d) Whether the person, political committee, committee of
3745 continuous existence, electioneering communications
3746 organization, or political party has shown good faith in
3747 attempting to comply with the provisions of this chapter or
3748 chapter 104.

3749 ~~(2)~~ (3) If any person, political committee, committee of
3750 continuous existence, electioneering communications
3751 organization, or political party fails or refuses to pay to the
3752 commission any civil penalties assessed pursuant to the
3753 provisions of this section, the commission shall be responsible
3754 for collecting the civil penalties resulting from such action.



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3755 ~~(4)-(3)~~ Any civil penalty collected pursuant to the
3756 provisions of this section shall be deposited into the General
3757 Revenue Fund Election Campaign Financing Trust Fund.

3758 ~~(5)-(4)~~ ~~Notwithstanding any other provisions of this~~
3759 ~~chapter,~~ Any fine assessed pursuant to ~~the provisions of this~~
3760 chapter shall, ~~which fine is designated to be deposited or which~~
3761 ~~would otherwise be deposited into the General Revenue Fund of~~
3762 ~~the state, shall be deposited into the Election Campaign~~
3763 ~~Financing Trust Fund.~~

3764 Section 73. Subsection (1) and paragraph (b) of subsection
3765 (3) of section 106.29, Florida Statutes, are amended to read:

3766 106.29 Reports by political parties; restrictions on
3767 contributions and expenditures; penalties.-

3768 (1) The state executive committee and each county executive
3769 committee of each political party regulated by chapter 103 shall
3770 file regular reports of all contributions received and all
3771 expenditures made by such committee. However, the reports shall
3772 not include contributions and expenditures that are reported to
3773 the Federal Election Commission. In addition, when a special
3774 election is called to fill a vacancy in office, each state
3775 executive committee, each affiliated party committee, and each
3776 county executive committee making contributions or expenditures
3777 to influence the results of the special election or the
3778 preceding special primary election must file campaign
3779 treasurers' reports on the dates set by the Department of State
3780 pursuant to s. 100.111. Such reports shall contain the same
3781 information as do reports required of candidates by s. 106.07
3782 and shall be filed on the 10th day following the end of each
3783 calendar quarter, except that, during the period from the last



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3784 day for candidate qualifying until the general election, such
3785 reports shall be filed on the Friday immediately preceding each
3786 special primary election, special election, ~~both the primary~~
3787 election, and ~~the~~ general election. In addition to the reports
3788 filed under this section, the state executive committee and each
3789 county executive committee shall file a copy of each prior
3790 written acceptance of an in-kind contribution given by the
3791 committee during the preceding calendar quarter as required
3792 under s. 106.08(6). Each state executive committee shall file
3793 ~~the original and one copy of~~ its reports with the Division of
3794 Elections. Each county executive committee shall file its
3795 reports with the supervisor of elections in the county in which
3796 such committee exists. Any state or county executive committee
3797 failing to file a report on the designated due date shall be
3798 subject to a fine as provided in subsection (3). No separate
3799 fine shall be assessed for failure to file a copy of any report
3800 required by this section.

3801 (3)

3802 (b) Upon determining that a report is late, the filing
3803 officer shall immediately notify the chair of the executive
3804 committee as to the failure to file a report by the designated
3805 due date and that a fine is being assessed for each late day.
3806 The fine shall be \$1,000 for a state executive committee, and
3807 \$50 for a county executive committee, per day for each late day,
3808 not to exceed 25 percent of the total receipts or expenditures,
3809 whichever is greater, for the period covered by the late report.
3810 However, if an executive committee fails to file a report on the
3811 Friday immediately preceding the special election or general
3812 election, the fine shall be \$10,000 per day for each day a state



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3813 executive committee is late and \$500 per day for each day a
3814 county executive committee is late. Upon receipt of the report,
3815 the filing officer shall determine the amount of the fine which
3816 is due and shall notify the chair. Notice is deemed complete
3817 upon proof of delivery of written notice to the mailing or
3818 street address on record with the filing officer. The filing
3819 officer shall determine the amount of the fine due based upon
3820 the earliest of the following:

- 3821 1. When the report is actually received by such officer.
3822 2. When the report is postmarked.
3823 3. When the certificate of mailing is dated.
3824 4. When the receipt from an established courier company is
3825 dated.
3826 5. When the electronic receipt issued pursuant to s.
3827 106.0705 is dated.

3828
3829 Such fine shall be paid to the filing officer within 20 days
3830 after receipt of the notice of payment due, unless appeal is
3831 made to the Florida Elections Commission pursuant to paragraph
3832 (c). An officer or member of an executive committee shall not be
3833 personally liable for such fine.

3834 Section 74. Subsection (5) of section 106.35, Florida
3835 Statutes, is amended to read:

3836 106.35 Distribution of funds.—

3837 (5) The division shall adopt rules providing for the weekly
3838 reports and certification and distribution of funds pursuant
3839 thereto required by this section. Such rules shall, at a
3840 minimum, provide for:

3841 ~~(a) Specifications for printed campaign treasurer's reports~~



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3842 ~~outlining the format for such reports, including size of paper,~~
3843 ~~typeface, color of print, and placement of required information~~
3844 ~~on the form.~~

3845 ~~(b)1.~~ specifications for electronically transmitted
3846 campaign treasurer's reports outlining communication parameters
3847 and protocol, data record formats, and provisions for ensuring
3848 security of data and transmission.

3849 ~~2. All electronically transmitted campaign treasurer's~~
3850 ~~reports must also be filed in printed format. Printed format~~
3851 ~~shall not include campaign treasurer's reports submitted by~~
3852 ~~electronic facsimile transmission.~~

3853 Section 75. Paragraph (b) of subsection (12) of section
3854 112.312, Florida Statutes, is amended to read:

3855 112.312 Definitions.—As used in this part and for purposes
3856 of the provisions of s. 8, Art. II of the State Constitution,
3857 unless the context otherwise requires:

3858 (12)

3859 (b) "Gift" does not include:

3860 1. Salary, benefits, services, fees, commissions, gifts, or
3861 expenses associated primarily with the donee's employment,
3862 business, or service as an officer or director of a corporation
3863 or organization.

3864 2. Contributions or expenditures reported pursuant to
3865 chapter 106, contributions or expenditures reported pursuant to
3866 federal election law, campaign-related personal services
3867 provided without compensation by individuals volunteering their
3868 time, or any other contribution or expenditure by a political
3869 party.

3870 3. An honorarium or an expense related to an honorarium



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3871 event paid to a person or the person's spouse.

3872 4. An award, plaque, certificate, or similar personalized
3873 item given in recognition of the donee's public, civic,
3874 charitable, or professional service.

3875 5. An honorary membership in a service or fraternal
3876 organization presented merely as a courtesy by such
3877 organization.

3878 6. The use of a public facility or public property, made
3879 available by a governmental agency, for a public purpose.

3880 7. Transportation provided to a public officer or employee
3881 by an agency in relation to officially approved governmental
3882 business.

3883 8. Gifts provided directly or indirectly by a state,
3884 regional, or national organization which promotes the exchange
3885 of ideas between, or the professional development of,
3886 governmental officials or employees, and whose membership is
3887 primarily composed of elected or appointed public officials or
3888 staff, to members of that organization or officials or staff of
3889 a governmental agency that is a member of that organization.

3890 Section 76. Paragraph (d) of subsection (1) of section
3891 112.3215, Florida Statutes, is amended to read:

3892 112.3215 Lobbying before the executive branch or the
3893 Constitution Revision Commission; registration and reporting;
3894 investigation by commission.—

3895 (1) For the purposes of this section:

3896 (d) "Expenditure" means a payment, distribution, loan,
3897 advance, reimbursement, deposit, or anything of value made by a
3898 lobbyist or principal for the purpose of lobbying. The term
3899 "expenditure" does not include contributions or expenditures



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3900 reported pursuant to chapter 106 or contributions or
3901 expenditures reported pursuant to federal election law,
3902 campaign-related personal services provided without compensation
3903 by individuals volunteering their time, any other contribution
3904 or expenditure made by or to a political party, or any other
3905 contribution or expenditure made by an organization that is
3906 exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

3907 Section 77. Subsection (1) of section 876.05, Florida
3908 Statutes, is amended to read:

3909 876.05 Public employees; oath.—

3910 (1) All persons who now or hereafter are employed by or who
3911 now or hereafter are on the payroll of the state, or any of its
3912 departments and agencies, subdivisions, counties, cities, school
3913 boards and districts of the free public school system of the
3914 state or counties, or institutions of higher learning, ~~and all~~
3915 ~~candidates for public office,~~ except candidates for federal
3916 office, are required to take an oath before any person duly
3917 authorized to take acknowledgments of instruments for public
3918 record in the state in the following form:

3919
3920 I,, a citizen of the State of Florida and of the
3921 United States of America, and being employed by or an officer of
3922 and a recipient of public funds as such employee or
3923 officer, do hereby solemnly swear or affirm that I will support
3924 the Constitution of the United States and of the State of
3925 Florida.

3926 Section 78. Section 876.07, Florida Statutes, is repealed.

3927 Section 79. If any provision of this act or its application
3928 to any person or circumstance is held invalid, the invalidity



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3929 does not affect other provisions or applications of the act
3930 which can be given effect without the invalid provision or
3931 application, and to this end the provisions of this act are
3932 severable.

3933 Section 80. Except as otherwise expressly provided in this
3934 act, this act shall take effect upon becoming a law.

3935
3936 ===== T I T L E A M E N D M E N T =====

3937 And the title is amended as follows:

3938 Delete everything before the enacting clause
3939 and insert:

3940 A bill to be entitled
3941 An act relating to elections; amending s. 97.012,
3942 F.S.; expanding the list of responsibilities of the
3943 Secretary of State when acting in his or her capacity
3944 as chief election officer; amending s. 97.021, F.S.;
3945 redefining the term "minor political party"; amending
3946 s. 97.025, F.S.; replacing a requirement for the
3947 Department of State to print copies of a pamphlet
3948 containing the Election Code with a requirement that
3949 the pamphlet be made available; amending s. 97.0575,
3950 F.S.; requiring that third-party voter registration
3951 organizations register with the Division of Elections
3952 and provide the division with certain information;
3953 requiring that the division or a supervisor of
3954 elections make voter registration forms available to
3955 third-party voter registration organizations;
3956 requiring that such forms contain certain information;
3957 requiring that the division maintain a database of



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3958 certain information; requiring supervisors of
3959 elections to provide specified information to the
3960 division in a format and at times required by the
3961 division; requiring that such information be updated
3962 and made public daily at a specified time; requiring
3963 third-party voter registration organizations to
3964 deliver collected voter registration applications
3965 within a specified period; revising penalty provisions
3966 to conform; specifying grounds for an affirmative
3967 defense to a violation of timely submission
3968 requirements; providing for the referral of violations
3969 to the Attorney General; authorizing the Attorney
3970 General to initiate a civil action; providing that an
3971 action for relief may include a permanent or temporary
3972 injunction, a restraining order, or any other
3973 appropriate order; requiring that the division adopt
3974 rules for specified purposes; providing for
3975 retroactive application of certain requirements
3976 applicable to third-party voter registration
3977 organizations; deleting provisions providing for fines
3978 to be in addition to criminal penalties; deleting
3979 provisions providing a continuing appropriation of the
3980 proceeds of fines; amending s. 97.071, F.S.; requiring
3981 that voter information cards contain the address of
3982 the polling place of the registered voter; requiring a
3983 supervisor of elections to issue a new voter
3984 information card to a voter upon a change in a voter's
3985 address of legal residence or a change in a voter's
3986 polling place address; providing instructions for



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3987 implementation by the supervisors of elections;
3988 amending s. 97.073, F.S.; requiring a supervisor to
3989 notify an applicant within 5 business days regarding
3990 disposition of the voter registration applications;
3991 amending s. 97.1031, F.S.; revising the methods by
3992 which a person must update his or her voter
3993 registration due to a change of address; revising
3994 procedures for an elector to change his or her party
3995 affiliation; requiring an elector to notify the
3996 supervisor of elections when the elector changes his
3997 or her name; amending s. 98.075, F.S.; revising
3998 procedures for the removal of deceased persons and
3999 other potentially ineligible persons from the
4000 statewide voter registration system; amending s.
4001 98.093, F.S.; revising requirements for the Department
4002 of Corrections to provide the Department of State with
4003 information relating to convicted felons; requiring
4004 the Florida Parole Commission to regularly furnish
4005 data to the Department of State relating to persons
4006 who have been granted clemency; amending s. 98.0981,
4007 F.S.; providing timeframes and formats for voting
4008 history information to be sent by the supervisors of
4009 elections to the department; providing timeframes and
4010 formats for voting history information to be sent by
4011 the department to the President of the Senate, the
4012 Speaker of the House of Representatives, and the
4013 respective minority leaders; requiring submission of
4014 precinct-level information in a certain format by a
4015 time certain; amending s. 99.012, F.S., relating to



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4016 restrictions on individuals qualifying for public
4017 office; providing that if a final court order
4018 determines that a person did not comply with specified
4019 provisions, the person is not qualified as a candidate
4020 and his or her name may not appear on ballot;
4021 providing for nonapplicability to presidential and
4022 vice presidential candidates; amending s. 99.021,
4023 F.S.; revising the candidate oath requirement for a
4024 person seeking to qualify for nomination or election
4025 or as a candidate of a political party; removing a
4026 requirement for the qualifying officer to provide a
4027 printed copy of the candidate oath; removing a
4028 requirement for taking the public employee oath;
4029 clarifying that candidates for Unites States President
4030 and Vice President need not subscribe certain oaths;
4031 correcting references for other oaths; amending s.
4032 99.061, F.S.; revising the timeframe for a candidate
4033 to pay a qualifying fee under certain circumstances;
4034 requiring checks to be payable as prescribed by the
4035 filing officer; requiring signatures on certain oaths
4036 to be verified; removing a requirement for a public
4037 employee oath; requiring the filing of a verified
4038 notarized financial disclosure statement; clarifying
4039 the time for qualifying papers to be received;
4040 providing that the qualifying officer performs a
4041 ministerial duty only; exempting a decision by the
4042 qualifying officer from the Administrative Procedure
4043 Act; amending s. 99.063, F.S.; requiring a candidate's
4044 oath to be verified; deleting a requirement for a



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4045 candidate to file a loyalty oath with the Department
4046 of State by a certain date; amending s. 99.092, F.S.;
4047 providing for the transfer of the election assessment
4048 to the Elections Commission Trust Fund; amending s.
4049 99.093, F.S.; providing for the election assessments
4050 paid by a person seeking to qualify for a municipal
4051 office to be forwarded by the qualifying officer to
4052 the Florida Elections Commission; amending s. 99.095,
4053 F.S.; allowing a candidate to obtain the required
4054 number of signatures from any registered voter
4055 regardless of district boundaries in a year of
4056 apportionment; amending s. 99.097, F.S.; providing for
4057 the Department of State to adopt rules to verify
4058 petitions through random sampling; creating exceptions
4059 for certain petitions from the authorization to use
4060 random sampling to verify petitions; revising criteria
4061 that a supervisor of elections must use to determine
4062 whether a petition may be counted as valid; providing
4063 that an exemption from paying fees to verify petitions
4064 does not apply if a person has been paid to solicit
4065 signatures; providing that contributions received
4066 after the filing of an undue burden oath must first be
4067 used to pay fees for verifying petitions; amending s.
4068 100.061, F.S.; increasing the time period between a
4069 primary election and a general election; amending s.
4070 100.101, F.S.; conforming a provision to changes made
4071 by the act; amending s. 100.111, F.S.; deleting
4072 provisions relating to vacancies in a state or county
4073 office because an incumbent qualified as a candidate



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4074 for federal office; providing for a filing officer,
4075 rather than the Department of State, to notify a
4076 political party that it may nominate a person for
4077 office if certain events cause the party to have a
4078 vacancy in nomination; revising provisions relating to
4079 the filling of a vacancy in a nomination; deleting a
4080 defined term; providing that a vacancy in nomination
4081 is not created as the result of certain court orders;
4082 amending s. 100.371, F.S.; deleting provisions
4083 relating to a right to revoke a signature on an
4084 initiative petition; reducing the time period for
4085 which a signed and dated initiative petition form is
4086 valid; requiring an initiative sponsor to submit an
4087 initiative form to the supervisor of elections for the
4088 county of residence of the person signing the form for
4089 verification; providing procedures for misfiled
4090 petitions; revising criteria for a supervisor of
4091 elections to verify a signature on an initiative
4092 petition form; deleting provisions relating to
4093 petition signature revocations; amending s. 101.001,
4094 F.S.; requiring the supervisors of elections to
4095 provide the department with precinct data including
4096 specified information; requiring the department to
4097 maintain a searchable database containing certain
4098 precinct and census block information; requiring
4099 supervisors of elections to notify the department of
4100 precinct changes within a specified time; deleting a
4101 waiver; amending s. 101.043, F.S.; replacing
4102 references to the word "voter" with "elector";



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4103 providing that the address on an elector's
4104 identification may not be used to confirm or challenge
4105 an elector's legal residence; providing that the
4106 elector may not be asked to provide additional
4107 information or to recite his or her home address under
4108 certain circumstances; amending s. 101.045, F.S.;
4109 permitting a change of residence at the polling place
4110 for a person changing residence within a county;
4111 providing that a person whose change of address is
4112 from outside the county may not change his or her
4113 legal residence at the polling place or vote a regular
4114 ballot but may vote a provisional ballot; providing an
4115 exception; amending s. 101.131, F.S.; revising
4116 procedures for the designation of poll watchers;
4117 requiring that the Division of Elections prescribe a
4118 form for the designation of poll watchers; providing
4119 conditions under which poll watchers are authorized to
4120 enter polling areas and watch polls; requiring that a
4121 supervisor of elections provide identification to poll
4122 watchers by a specified period before early voting
4123 begins; requiring that poll watchers display such
4124 identification while in a polling place; amending s.
4125 101.151, F.S.; authorizing the use of ballot-on-demand
4126 technology to produce election-day ballots; deleting a
4127 requirement that the use of such technology be
4128 authorized in writing by the Secretary of State;
4129 revising provisions relating to ballot headings and
4130 the order of candidates appearing on a ballot;
4131 amending s. 101.161, F.S.; requiring the Department of



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4132 State to provide the supervisors of elections either a
4133 ballot summary to a joint resolution to amend the
4134 State Constitution or the full text of the amendment
4135 or revision if a ballot summary is not included in the
4136 joint resolution; providing that a joint resolution
4137 may include multiple ballot statements set forth in
4138 order of priority; providing requirements for ballot
4139 statements; detailing responsibilities of the
4140 Department of State with respect to providing ballot
4141 information to supervisors of elections; prescribing
4142 the styling of ballot statements; specifying a time
4143 period and procedures to initiate an action to
4144 challenge an amendment to the State Constitution
4145 proposed by the Legislature; requiring the court,
4146 including an appellate court, to accord the case
4147 priority over other cases; requiring the Attorney
4148 General to revise a ballot title or ballot summary for
4149 an amendment proposed by the Legislature under certain
4150 circumstances; providing a 10-day deadline and
4151 procedures for challenging revised ballot titles or
4152 summaries; requiring the Department of State to
4153 forward modified ballot language to supervisors of
4154 elections; creating a presumption of validity of a
4155 ballot statement that contains the full text of an
4156 amendment or revision; providing for retroactive
4157 application of the amendments to s. 101.161, F.S.;
4158 amending s. 101.5605, F.S.; requiring an
4159 electromechanical voting system to satisfy the
4160 standards for certification adopted by rule of the



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4161 Department of State; amending s. 101.5606, F.S.;
4162 deleting requirements for electromechanical voting
4163 systems to have the capability to produce precinct
4164 totals in marked or punched form; amending s.
4165 101.56075, F.S.; providing that all voting systems
4166 utilized after a certain time shall permit placement
4167 on the ballot of the full text of a constitutional
4168 amendment or revision; amending s. 101.5612, F.S.;;
4169 revising the sample size of electromechanical voting
4170 systems that include the electronic or
4171 electromechanical tabulation devices to be tested;
4172 amending s. 101.5614, F.S.;; deleting provisions
4173 relating to the use of ballot cards and write-in
4174 ballots or envelopes; amending s. 101.591, F.S.;;
4175 removing the audit requirement by the canvassing board
4176 if a manual recount is undertaken; amending s. 101.62,
4177 F.S.;; extending the validity of an absentee ballot
4178 request to include all elections to the end of the
4179 calendar year of the second ensuing regularly
4180 scheduled general election; revising the timeframe for
4181 supervisors to electronically update absentee ballot
4182 request information; specifying types of elections for
4183 which a supervisor of elections must send an absentee
4184 ballot to uniformed services voters and overseas
4185 voters; specifying a time period during which a
4186 supervisor of elections must begin mailing absentee
4187 ballots; removing requirements that an elector provide
4188 certain information when requesting an absentee ballot
4189 from the county supervisor of elections; amending s.



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4190 101.65, F.S.; revising the form of the instructions to
4191 absent electors; stating that an absentee ballot is
4192 considered illegal if the signature on the voter's
4193 certificate does not match the signature on record;
4194 providing instructions for updating a signature on a
4195 voter registration application; amending s. 101.657,
4196 F.S.; requiring the supervisor of elections to provide
4197 to the division the address and hours of operation of
4198 early voting sites; reducing the early voting period
4199 for elections with state or federal races; removing
4200 timetables with respect to early voting in special
4201 elections; removing restrictions with respect to daily
4202 hours of operation of early voting sites; authorizing
4203 a supervisor of elections to provide early voting for
4204 elections not held in conjunction with a state or
4205 federal election; amending s. 101.68, F.S.; extending
4206 the time for canvassing and processing absentee
4207 ballots to 15 days before the election; amending s.
4208 101.6923, F.S.; revising the form of the special
4209 absentee ballot instructions for certain first-time
4210 voters; stating that an absentee ballot is considered
4211 illegal if the signature on the voter's certificate
4212 does not match the signature on record; providing
4213 instructions for updating a signature on a voter
4214 registration application; amending s. 101.75, F.S.;
4215 deleting a requirement for the dates of the qualifying
4216 period for certain municipal elections to run for no
4217 less than 14 days; amending s. 102.141, F.S.;
4218 requiring the canvassing board to report all early



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4219 voting and all tabulated absentee results to the
4220 department by a time certain; requiring periodic
4221 updates; amending s. 102.168, F.S.; revising
4222 provisions specifying indispensable parties in a
4223 contest of an election; providing that in an election
4224 contest involving the review of a signature on an
4225 absentee ballot by a canvassing board, a circuit court
4226 may not review or consider evidence other than the
4227 signature on the voter's certificate and the elector's
4228 signatures in the registration records; providing for
4229 the reversal of the determination by the canvassing
4230 board if the court determines that the board abused
4231 its discretion; amending s. 103.021, F.S.; revising a
4232 definition; creating s. 103.095, F.S.; providing a
4233 procedure for the registration of a minor political
4234 party; requiring the Division of Elections to adopt
4235 rules to prescribe the manner in which political
4236 parties may have their filings cancelled; amending s.
4237 103.101, F.S.; creating a Presidential Preference
4238 Primary Date Selection Committee; providing
4239 membership; requiring for the committee to meet by a
4240 date certain and to set a date for the presidential
4241 preference primary; modifying timing requirements with
4242 respect to the number and selection of delegates for
4243 presidential preference primary candidates; deleting
4244 certain requirements governing party rules involving
4245 such delegates; amending s. 103.141, F.S.; revising
4246 procedures for the removal of an officer, county
4247 committeeman, county committeewoman, precinct



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4248 committeeman, precinct committeewoman, or member of a
4249 county executive committee; repealing s. 103.161,
4250 F.S., which relates to the removal or suspension of
4251 officers or members of a state or county executive
4252 committee; amending s. 104.29, F.S.; revising
4253 provisions authorizing persons to view whether ballots
4254 are being correctly reconciled; amending s. 105.031,
4255 F.S.; revising the oath for candidates for judicial
4256 office; amending s. 106.011, F.S.; revising the
4257 definitions of the terms "contribution," "independent
4258 expenditure," "unopposed candidate," and "candidate";
4259 conforming a cross-reference to changes made by the
4260 act; amending s. 106.021, F.S.; deleting requirements
4261 to report the address of certain persons receiving a
4262 reimbursement by a check drawn on a campaign account;
4263 amending s. 106.022, F.S.; requiring a political
4264 committee, committee of continuous existence, or
4265 electioneering communications organization to file a
4266 statement of appointment with the filing officer
4267 rather than with the Division of Elections;
4268 authorizing an entity to change its appointment of
4269 registered agent or registered office by filing a
4270 written statement with the filing officer; requiring a
4271 registered agent who resigns to execute a written
4272 statement of resignation and file it with the filing
4273 officer; amending s. 106.023, F.S.; revising the form
4274 of the statement of candidate to require a candidate
4275 to acknowledge that he or she has been provided access
4276 to and understands the requirements of ch. 106, F.S.;



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4277 amending s. 106.025, F.S.; exempting tickets or
4278 advertising for a campaign fundraiser from
4279 requirements of s. 106.143, F.S.; amending s. 106.03,
4280 F.S.; revising requirements for groups making
4281 expenditures for electioneering communications to file
4282 a statement of organization; amending s. 106.04, F.S.;
4283 transferring a requirement that certain committees of
4284 continuous existence file campaign finance reports in
4285 special elections; subjecting a committee of
4286 continuous existence that fails to file a report or to
4287 timely file a report with the Division of Elections or
4288 a county or municipal filing officer to a fine;
4289 requiring a committee of continuous existence to
4290 include transaction information from credit card
4291 purchases in a report filed with the Division of
4292 Elections; requiring a committee of continuous
4293 existence to report changes in information previously
4294 reported to the Division of Elections within 10 days
4295 after the change; requiring the Division of Elections
4296 to revoke the certification of a committee of
4297 continuous existence that fails to file or report
4298 certain information; requiring the division to adopt
4299 rules to prescribe the manner in which the
4300 certification is revoked; increasing the amount of a
4301 fine to be levied on a committee of continuous
4302 existence that fails to timely file certain reports;
4303 providing for the deposit of the proceeds of the
4304 fines; including the registered agent of a committee
4305 of continuous existence as a person whom the filing



4306 officer may notify that a report has not been filed;
4307 providing criteria for deeming delivery complete of a
4308 notice of fine; requiring a committee of continuous
4309 existence that appeals a fine to provide a copy of the
4310 appeal with the filing officer; amending s. 106.07,
4311 F.S.; creating an exception for reports due in the
4312 third calendar quarter immediately preceding a general
4313 election from a requirement that the campaign
4314 treasurer report contributions received and
4315 expenditures made on the 10th day following the end of
4316 each calendar quarter; revising reporting requirements
4317 for a statewide candidate who receives funding under
4318 the Florida Election Campaign Financing Act and
4319 candidates in a race with a candidate who has
4320 requested funding under that act; deleting a
4321 requirement for a committee of continuous existence to
4322 file a campaign treasurer's report relating to
4323 contributions or expenditures to influence the results
4324 of a special election; revising the methods by which a
4325 campaign treasurer may be notified of the
4326 determination that a report is incomplete to include
4327 certified mail and other methods using a common
4328 carrier that provides proof of delivery of the notice;
4329 extending the time the campaign treasurer has to file
4330 an addendum to the report after receipt of notice of
4331 why the report is incomplete; providing criteria for
4332 deeming delivery complete of a notice of incomplete
4333 report; deleting a provision allowing for notification
4334 by telephone of an incomplete report; revising the



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4335 information that must be included in a report to
4336 include transaction information for credit card
4337 purchases; deleting a requirement for a campaign
4338 depository to return checks drawn on the account to
4339 the campaign treasurer; specifying the amount of a
4340 fine for the failure to timely file reports after a
4341 special primary election or special election;
4342 specifying that the registered agent of a political
4343 committee is a person whom a filing officer may notify
4344 of the amount of the fine for filing a late report;
4345 providing criteria for deeming delivery complete of a
4346 notice of late report and resulting fine; amending s.
4347 106.0703, F.S.; deleting a requirement that an
4348 electioneering communications organization file
4349 electronically file certain periodic reports with the
4350 Department of State; amending s. 106.0705, F.S.;
4351 requiring certain individuals to electronically file
4352 certain reports with the Division of Elections;
4353 conforming a cross-reference to changes made by the
4354 act; deleting an obsolete provision; amending s.
4355 106.08, F.S.; deleting a requirement for the
4356 Department of State to notify candidates as to whether
4357 an independent or minor party candidate has obtained
4358 the required number of petition signatures; deleting a
4359 requirement for certain unopposed candidates to return
4360 contributions; specifying the entities with which a
4361 political party's state executive committee and county
4362 executive committees and affiliated party committees
4363 must file a written acceptance of an in-kind



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4364 contribution; amending s. 106.09, F.S.; specifying
4365 that the limitations on contributions by cash or
4366 cashier's check apply to the aggregate amount of
4367 contributions to a candidate or committee per
4368 election; amending s. 106.11, F.S.; revising the
4369 statement that must be contained on checks from a
4370 campaign account; deleting requirements relating to
4371 the use of debit cards; authorizing a campaign for a
4372 candidate to reimburse the candidate's loan to the
4373 campaign when the campaign account has sufficient
4374 funds; amending s. 106.141, F.S.; deleting a limit on
4375 the amount of surplus funds that a candidate may give
4376 to his or her political party; requiring candidates
4377 receiving public financing to return all surplus funds
4378 to the General Revenue Fund after paying certain
4379 monetary obligations and expenses; amending s.
4380 106.143, F.S.; specifying disclosure statements that
4381 must be included in political advertisements paid for
4382 by a write-in candidate; revising the disclosure
4383 statements that must be included in certain political
4384 advertisements; clarifying the type of political
4385 advertisements that must be approved in advance by a
4386 candidate; deleting an exemption from the requirement
4387 to obtain a candidate's approval for messages designed
4388 to be worn; authorizing a disclaimer for paid
4389 political advertisements to contain certain registered
4390 names and abbreviations; amending s. 106.1437, F.S.;
4391 providing that expenditures for a miscellaneous
4392 advertisement are not considered to be a contribution



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4393 to or on behalf of a candidate and do not constitute
4394 an independent expenditure; amending s. 106.17, F.S.;
4395 providing that the cost of certain polls are not
4396 contributions to a candidate; amending s. 106.19,
4397 F.S.; providing that a candidate's failure to comply
4398 with ch. 106, F.S., has no effect on whether the
4399 candidate has qualified for office; amending s.
4400 106.25, F.S.; authorizing a person who is the subject
4401 of a complaint filed with the Florida Elections
4402 Commission to file a response before the executive
4403 director of the commission determines whether the
4404 complaint is legally sufficient; prohibiting the
4405 commission from determining by rule what constitutes
4406 willfulness or defining the term "willful";
4407 authorizing the commission to enter into consent
4408 orders without requiring the respondent to admit to a
4409 violation of law; authorizing an administrative law
4410 judge to impose civil penalties for violations of ch.
4411 104 or ch. 106, F.S.; amending s. 106.26, F.S.;
4412 requiring the commission to enforce certain witness
4413 subpoenas in the circuit court where the witness
4414 resides; amending s. 106.265, F.S.; authorizing an
4415 administrative law judge to assess civil penalties
4416 upon a finding of a violation of the election code or
4417 campaign financing laws; providing for civil penalties
4418 to be assessed against an electioneering
4419 communications organization; removing reference to the
4420 expired Election Campaign Financing Trust Fund;
4421 directing that moneys from penalties and fines be



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4422 deposited into the General Revenue Fund; amending s.
4423 106.29, F.S.; creating an exemption from state
4424 reporting requirements for certain contributions and
4425 expenditures by political parties; requiring state and
4426 county executive committees and affiliated party
4427 committees that make contributions or expenditures to
4428 influence the results of a special election or special
4429 primary election to file campaign treasurer's reports;
4430 amending campaign finance reporting dates, to conform;
4431 deleting a requirement that each state executive
4432 committee file the original and one copy of its
4433 reports with the Division of Elections; revising the
4434 due date for filing a report; providing criteria for
4435 deeming delivery complete of a notice of fine;
4436 amending s. 106.35, F.S.; deleting a requirement that
4437 the Division of Election adopt rules relating to the
4438 format and filing of certain printed campaign
4439 treasurer's reports; amending s. 112.312, F.S.;
4440 excluding contributions or expenditures reported
4441 pursuant to federal election law from the definition
4442 of the term "gift"; amending s. 112.3215, F.S.;
4443 excluding contributions or expenditures reported
4444 pursuant to federal election law from the definition
4445 of the term "expenditure"; amending s. 876.05, F.S.;
4446 deleting a requirement for all candidates for public
4447 office to record an oath to support the Constitution
4448 of the United States and of the State of Florida;
4449 repealing s. 876.07, F.S., relating to a requirement
4450 that a person make an oath to support the Constitution



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4451 of the United States and of the State of Florida in
4452 order to be qualified as a candidate for office;
4453 providing for severability of the act; providing
4454 effective dates.