

1 A bill to be entitled
2 An act relating to elections; amending s. 97.012, F.S.;
3 expanding the list of responsibilities of the Secretary of
4 State when acting in his or her capacity as chief election
5 officer; amending s. 97.021, F.S.; revising the definition
6 of "minor political party"; amending s. 97.025, F.S.;
7 revising methods of publication and distribution of the
8 Florida Election Code pamphlet to candidates qualifying
9 with the Department of State; amending s. 97.0575, F.S.;
10 requiring that third-party voter registration
11 organizations register with the Division of Elections and
12 provide the division with certain information; requiring
13 that the division or a supervisor of elections make voter
14 registration forms available to third-party voter
15 registration organizations; requiring that such forms
16 contain certain information; requiring that the division
17 maintain a database of certain information; requiring
18 supervisors of elections to provide specified information
19 to the division in a format and at times required by the
20 division; requiring that such information be updated and
21 made public daily at a specified time; requiring third-
22 party voter registration organizations to deliver
23 collected voter registration applications within a
24 specified period; revising penalty provisions to conform;
25 specifying grounds for an affirmative defense to a
26 violation of timely submission requirements; providing for
27 the referral of violations to the Attorney General;
28 authorizing the Attorney General to initiate a civil

29 | action; providing that an action for relief may include a
30 | permanent or temporary injunction, a restraining order, or
31 | any other appropriate order; requiring that the division
32 | adopt rules for specified purposes; amending s. 97.071,
33 | F.S.; requiring that voter information cards contain the
34 | address of the polling place of the registered voter;
35 | requiring a supervisor of elections to issue a new voter
36 | information card to a voter upon a change in a voter's
37 | address of legal residence or a change in a voter's
38 | polling place address; amending s. 97.073, F.S.; requiring
39 | a supervisor to notify an applicant within 5 business days
40 | regarding disposition of the voter registration
41 | applications; amending s. 97.1031, F.S.; requiring an
42 | elector to notify the supervisor of elections when he or
43 | she changes his or her residence address; providing a
44 | voter with various options for providing address updates;
45 | revising notice requirements for any change in party
46 | affiliation; amending s. 98.075, F.S.; requiring a
47 | supervisor of elections to remove a registered voter from
48 | the statewide voter registration system upon certain
49 | notice; providing bases for ineligibility; amending
50 | 98.093, F.S.; requiring the Florida Parole Commission and
51 | the Department of Corrections to provide specified data
52 | for the updating of the statewide voter registration
53 | system regarding convicted felons; amending s. 98.0981,
54 | F.S.; providing timeframes and formats for voting history
55 | information to be sent by the supervisors of elections to
56 | the department; providing timeframes and formats for

57 | voting history information to be sent by the department to
58 | the President of the Senate, the Speaker of the House of
59 | Representatives, and the respective minority leaders;
60 | requiring submission of precinct-level information in a
61 | certain format by a time certain; amending s. 99.012,
62 | F.S., relating to restrictions on individuals qualifying
63 | for public office; providing that if a final court order
64 | determines that a person did not comply with specific
65 | provisions of the section the person is not qualified as a
66 | candidate and his or her name may not appear on ballot;
67 | providing for nonapplicability to presidential and vice
68 | presidential candidates; amending s. 99.021, F.S.;
69 | revising the candidate oath requirement for a person
70 | seeking to qualify for nomination or election or as a
71 | candidate of a political party; removing requirement for
72 | qualifying officer to give printed copy of candidate oath;
73 | removing requirement for taking public employee oath;
74 | providing exceptions for certain candidates taking other
75 | oaths; amending s. 99.061, F.S.; revising timeframe for
76 | candidate to pay qualifying fee under certain
77 | circumstances; requiring checks to be payable as
78 | prescribed by filing officer; requiring notarized
79 | signature on certain oaths; removing requirement for
80 | public employee oath; requiring filing of a notarized
81 | financial disclosure; clarifying time for qualifying
82 | papers to be received; providing that qualifying officer
83 | performs ministerial duty only; exempting qualifying
84 | officer decision from Administrative Procedures Act;

85 | amending s. 99.063, F.S.; removing the requirement that a
86 | candidate swear a public employee loyalty oath; amending
87 | s. 99.093, F.S.; remitting assessments directly to the
88 | Florida Elections Commissions rather than passing through
89 | the department; amending s. 99.095, F.S.; allowing certain
90 | individuals seeking county or district office in a year of
91 | apportionment to obtain signatures countywide; amending s.
92 | 99.097, F.S.; clarifying that the supervisor of elections
93 | checks more than signatures on petition forms; clarifying
94 | rulemaking authority of the department relating to
95 | petitions; prohibiting certain random sampling method of
96 | petition verification for constitutional amendments
97 | petitions; providing for invalidity of undue burden oaths
98 | under specified circumstances; providing for certain funds
99 | to be used to reimburse a supervisor of elections for
100 | signature verification fees not previously paid when an
101 | undue burden oath is held invalid; amending s. 100.061,
102 | F.S.; revising the primary election date; amending s.
103 | 100.111, F.S.; providing notification requirements and
104 | procedures for filling a vacancy in nomination for certain
105 | offices; deleting the definition of the term "district
106 | political party executive committee"; providing that a
107 | vacancy in nomination is not created if an order of a
108 | court that has become final determines the nominee did not
109 | properly qualify or does not meet the necessary
110 | qualifications to hold the office sought; amending s.
111 | 100.371, F.S.; providing that signatures on an initiative
112 | petition are valid for 2 years instead of 4 years;

113 requiring that a petition signer must be a registered
114 elector at time of signing for a supervisor to verify his
115 or her signature as valid; requiring the supervisor of
116 elections to notify petition sponsor of misfiled petition
117 under certain circumstances; deleting certain petition
118 revocation provisions; amending s. 101.001, F.S.;
119 requiring the supervisors of elections to provide the
120 department with precinct data including specified
121 information; requiring the department to maintain a
122 searchable database containing certain precinct and census
123 block information; requiring supervisors of elections to
124 notify the department of precinct changes within a
125 specified time; deleting a waiver; amending s. 101.043,
126 F.S.; providing that the address appearing on the photo
127 identification used at polls cannot be used to confirm or
128 challenge an elector's legal residence for address
129 verification; amending s. 101.045, F.S.; permitting a
130 change of residence at the polling place for a person
131 changing residence within a county; providing that a
132 person whose change of address is from outside the county
133 may not change his or her legal residence at the polling
134 place or vote a regular ballot but may vote a provisional
135 ballot; amending s. 101.131, F.S.; revising procedures for
136 the designation of poll watchers; requiring that the
137 division prescribe a form for the designation of poll
138 watchers; providing conditions under which poll watchers
139 are authorized to enter polling areas and watch polls;
140 requiring that a supervisor of elections provide

141 identification to poll watchers by a specified period
142 before early voting begins; requiring that poll watchers
143 display such identification while in a polling place;
144 amending s. 101.151, F.S.; providing changes in ballot
145 appearance; reducing length and appearance of ballot and
146 redundancy; expanding use of ballot on demand technology;
147 amending s. 101.5605, F.S.; clarifying that testing of
148 voting equipment be done in accordance with state-adopted
149 voting system standards; amending s. 101.5606, F.S.;
150 removing references to obsolete forms of voting; amending
151 s. 101.5612, F.S.; revising the number or percentage of
152 systems that must be tested; amending s. 101.5614, F.S.;
153 conforming law to current technological practices in
154 canvassing of certain returns; amending s. 101.591, F.S.;
155 providing that a manual recount is not required under
156 certain circumstances; amending s. 101.62, F.S.; extending
157 absentee ballot request through the end of the calendar
158 year of the next two regularly scheduled general
159 elections; providing timeframes for absentee ballots to be
160 sent to voters voting an absentee ballot; clarifying
161 provisions relating to military and overseas voters;
162 requiring the supervisors of elections to update absentee
163 ballot information and make available by a time certain;
164 revising reasons for voting absentee; amending s. 101.65,
165 F.S.; expanding absentee ballot instructions to notify a
166 voter that signatures on ballot and on record must match;
167 informing voter when signature must be updated; amending
168 s. 101.68, F.S.; allowing the county canvassing boards to

CS/CS/HB 1355

2011

169 begin canvassing of absentee ballots at a time certain;
170 amending s. 101.6923, F.S.; expanding special absentee
171 ballot instructions for certain first-time voters to
172 notify voters that signatures on the ballot and on record
173 must match; informing voter when signature must be
174 updated; amending s. 101.75, F.S.; eliminating state
175 mandate for a municipal election to have a 14-day
176 candidate qualifying period when it moves its election to
177 coincide with state or county election; amending s.
178 102.031, F.S.; prohibiting solicitation of voters who are
179 entering or in line to enter any polling place, polling
180 room, or early voting site; requiring the posting of a
181 sign; expanding the definitions of the terms "solicit" and
182 "solicitation"; amending s. 102.141, F.S.; requiring the
183 canvassing board to report all early voting and all
184 tabulated absentee results to the department by a time
185 certain; requiring periodic updates; amending s. 102.168,
186 F.S.; clarifying when canvassing boards are an
187 indispensable party to an election contest; clarifying
188 evidence a circuit court may consider in certain election
189 contests; providing a standard of review; amending s.
190 103.021; F.S.; revising the definition of the term
191 "national party"; revising requirements for a minor
192 political party to have candidates for President and Vice
193 President placed on the general election ballot; amending
194 s. 103.095, F.S.; establishing the process and
195 requirements for becoming a minor political party;
196 authorizing the division to adopt rules; providing for

197 cancellation of minor political party status under certain
198 circumstances; providing for appeal; providing for
199 retroactive effectiveness; amending s. 103.101, F.S.;
200 creating a Presidential Preference Primary Date Selection
201 Committee; providing membership; requiring for the
202 committee to meet by a date certain and to set a date for
203 the presidential preference primary; amending s. 103.141,
204 F.S.; deleting language providing for the removal of
205 certain county executive committee members pursuant to a
206 separate provision of law; amending s. 104.29, F.S.;
207 clarifying when it is an offense for an inspector or other
208 election official to deny a person the opportunity to
209 observe whether ballots are being correctly reconciled;
210 amending s. 106.011, F.S.; revising the definitions of
211 "candidate", "contribution," and "expenditure" to exclude
212 funds received or spent for certain potential candidate
213 polls; clarifying and conforming the definition of
214 "independent expenditure" to the candidate's specific
215 qualifying period; clarifying the qualifying period for
216 the candidate; correcting a cross-reference; creating s.
217 106.012, F.S.; providing that funds spent or received are
218 not contributions or expenditures if used solely for
219 determining candidate viability; providing examples of
220 permissible activities; providing for retention of
221 records; providing that funds become contributions and
222 expenditures upon the candidacy of a person; requiring
223 reporting of funds regardless of date received or spent;
224 providing examples of ineligible activities for fund use;

225 delineating activities indicating intention to become a
226 candidate; limiting the amount of funds that may be
227 received; amending s. 106.021, F.S.; deleting a
228 requirement that certain information be included in
229 campaign reports for reimbursement; amending s. 106.022,
230 F.S.; requiring a political committee, committee of
231 continuous existence, or electioneering communications
232 organization to file a statement of appointment with the
233 filing officer rather than with the division; authorizing
234 an entity to change its appointment of registered agent or
235 registered office by filing a written statement with the
236 filing officer; requiring a registered agent who resigns
237 to execute a written statement of resignation and file it
238 with the filing officer; amending s. 106.023, F.S.;
239 revising the form of the statement of a candidate to
240 require a candidate to acknowledge that he or she has been
241 provided access to and understands the requirements of ch.
242 106, F.S.; amending s. 106.025, F.S.; exempting tickets or
243 advertising for a campaign fundraiser from requirements of
244 s. 106.143, F.S.; amending s. 106.03, F.S.; providing when
245 a group must register as an electioneering communications
246 organization; amending s. 106.04, F.S.; requiring a
247 committee of continuous existence that makes a
248 contribution or expenditure in connection with certain
249 county or municipal elections to file specified reports;
250 subjecting a committee of continuous existence that fails
251 to file a report or to timely file a report with the
252 division or a county or municipal filing officer to a

253 fine; requiring a committee of continuous existence to
254 include transaction information from credit card purchases
255 in a report filed with the division; requiring a committee
256 of continuous existence to report changes in information
257 previously reported to the division within 10 days after
258 the change; requiring the division to revoke the
259 certification of a committee of continuous existence under
260 certain circumstances; requiring the division to adopt
261 rules to prescribe the manner in which the certification
262 is revoked; increasing the amount of a fine to be levied
263 on a committee of continuous existence that fails to
264 timely file certain reports; providing for the deposit of
265 the proceeds of the fines; including the registered agent
266 of a committee of continuous existence as an alternate
267 person whom the filing officer shall notify that a report
268 has not been filed; providing criteria for deeming
269 delivery of a notice of fine complete; requiring a
270 committee of continuous existence that appeals a fine to
271 file a copy of the appeal with the commission; amending s.
272 106.07, F.S.; correcting a cross-reference; revising the
273 dates that certain contribution and expenditure reports
274 must be filed; revising reporting requirements for a
275 statewide candidate who receives funding under the Florida
276 Election Campaign Financing Act and candidates in a race
277 with a candidate who has requested funding under that act;
278 deleting a requirement for a committee of continuous
279 existence to file a campaign treasurer's report relating
280 to contributions or expenditures to influence the results

281 of a special election; revising the methods by which a
282 campaign treasurer may be notified of the determination
283 that a report is incomplete to include certified mail and
284 other methods using a common carrier that provides proof
285 of delivery of the notice; extending the time the campaign
286 treasurer has to file an addendum to the report after
287 receipt of notice of why the report is incomplete;
288 providing criteria for deeming delivery complete of a
289 notice of incomplete report; deleting a provision allowing
290 for notification by telephone of an incomplete report;
291 requiring political committees that make a contribution or
292 expenditure in connection with certain county or municipal
293 elections to file campaign finance reports with the county
294 or municipal filing officer and to include its
295 contributions and expenditures in a report to the
296 division; revising the information that must be included
297 in a report to include transaction information for credit
298 card purchases; deleting a requirement that a campaign
299 depository to return checks drawn on the account to the
300 campaign treasurer; specifying the amount of a fine for
301 the failure to timely file reports after a special primary
302 election or special election; specifying that the
303 registered agent of a political committee is a person whom
304 a filing officer may notify of the amount of the fine for
305 filing a late report; providing criteria for deeming
306 delivery of a notice of late report and resulting fine
307 complete; amending s. 106.0703, F.S.; correcting a cross-
308 reference; deleting a requirement for an electioneering

309 | communications organization to provide certain information
310 | to the department on activities occurring since the last
311 | general election; amending s. 106.0705, F.S.; requiring
312 | certain individuals to electronically file certain reports
313 | with the division; conforming a cross-reference to changes
314 | made by the act; deleting an obsolete provision; amending
315 | s. 106.071, F.S.; conforming provisions relating to
316 | expenditures in the aggregate; clarifying the independent
317 | expenditure disclaimer for paid political advertisement by
318 | an individual; amending s. 106.08, F.S.; deleting a
319 | requirement for the department to notify candidates as to
320 | whether an independent or minor party candidate has
321 | obtained the required number of petition signatures;
322 | deleting a requirement for certain unopposed candidates to
323 | return contributions; specifying the entities with which a
324 | political party's state executive committee and county
325 | executive committees must file a written acceptance of an
326 | in-kind contribution; amending s. 106.09, F.S.; specifying
327 | that the limitations on contributions by cash or cashier's
328 | check apply to the aggregate amount of contributions to a
329 | candidate or committee per election; clarifying that a
330 | violation of a certain subsection, and not a section, of
331 | the law is a misdemeanor of the first degree; amending s.
332 | 106.11, F.S.; revising the statement that must be
333 | contained on checks from a campaign account; deleting
334 | requirements relating to the use of debit cards;
335 | authorizing a campaign for a candidate to reimburse the
336 | candidate's loan to the campaign when the campaign account

337 has sufficient funds; amending s. 106.141, F.S.; removing
338 certain limitations on expenditure of surplus funds;
339 requiring candidates receiving public financing to return
340 all surplus funds to the General Revenue Fund after paying
341 certain monetary obligations and expenses; amending s.
342 106.143, F.S.; revising disclosure requirements for
343 certain political advertisements; specifying disclosure
344 statements that must be included in political
345 advertisements paid for by a write-in candidate;
346 specifying disclosure requirements for political
347 advertisements paid for by in-kind contributions;
348 prohibiting the inclusion of a person's political
349 affiliation in advertisements for a nonpartisan office;
350 clarifying the type of political advertisements that must
351 be approved in advance by a candidate; deleting a
352 duplicative exemption from the requirement to obtain a
353 candidate's approval for messages designed to be worn;
354 providing that political advertisements paid for by a
355 political party or an affiliated party committee may use
356 certain registered names and abbreviations; amending s.
357 106.15, F.S.; prohibiting the making, soliciting, or
358 accepting of any political contribution in a government-
359 occupied room or building space; defining "government-
360 occupied room or building space"; providing an exception;
361 amending s. 106.17, F.S.; authorizing state and county
362 executive committees and affiliated party committees to
363 conduct political polls to determine viability of
364 potential candidates; allowing sharing of results;

365 providing that such expenditures are not contributions to
366 the potential candidates; amending s. 106.19, F.S.;
367 providing that a candidate's failure to comply with ch.
368 106, F.S., has no effect on whether the candidate has
369 qualified for office; amending s. 106.25, F.S., relating
370 to reports of alleged violations to Florida Elections
371 Commission; providing a deadline for the filing of a
372 response by a respondent; prohibiting the commission from
373 defining willfulness by rule, or further defining the term
374 as provided in ch. 106 or ch. 104, F.S.; providing for
375 entering into a consent order under certain circumstances;
376 allowing a respondent who is alleged by the commission to
377 have violated the election code or campaign financing laws
378 to elect as a matter of right a formal hearing before the
379 Division of Administrative Hearings; authorizing an
380 administrative law judge to assess civil penalties upon
381 the finding of a violation; amending s. 106.26, F.S.;
382 authorizing the commission to file a complaint in the
383 circuit court where the witness resides; amending s.
384 106.265, F.S.; authorizing an administrative law judge to
385 assess a civil penalty upon a finding of a violation of
386 the election code or campaign financing laws; providing
387 for civil penalties to be assessed against an
388 electioneering communications organization; removing
389 reference to the expired Election Campaign Financing Trust
390 Fund; directing that moneys from penalties and fines be
391 deposited into the General Revenue Fund; amending s.
392 106.29, F.S.; requiring state and county executive

393 | committees that make contributions or expenditures to
394 | influence the results of a special election or special
395 | primary election to file campaign treasurer's reports by
396 | certain dates; providing for applicable campaign finance
397 | reporting dates, to conform; deleting a requirement that
398 | each state executive committee file the original and one
399 | copy of its reports with the division; revising provisions
400 | relating to penalties for late filing, to conform and to
401 | provide requirements for sufficiency of notice; amending
402 | s. 106.35, F.S.; deleting a requirement that the division
403 | adopt rules relating to the format and filing of certain
404 | printed campaign treasurer's reports under the Florida
405 | Election Campaign Financing Act; amending s. 106.355,
406 | F.S.; eliminating the duty of the department to provide
407 | funds from the Election Campaign Financing Trust Fund when
408 | certain expenditure limits are exceeded; amending s.
409 | 11.045, F.S.; excluding funds received or spent under s.
410 | 106.012, F.S., from the definition of "expenditure";
411 | amending s. 112.312, F.S.; excluding funds received or
412 | spent under s. 106.012, F.S., or contributions or
413 | expenditures reported pursuant to federal election law
414 | from the definition of "gift"; amending s. 112.3215, F.S.;
415 | excluding funds received or spent under s. 106.012, F.S.,
416 | or contributions or expenditures reported pursuant to
417 | federal election law from the definition of "expenditure";
418 | amending s. 876.05, F.S.; deleting the requirement that
419 | candidates for public office take a public employee oath;
420 | amending s. 100.101, F.S.; to conform to changes made by

CS/CS/HB 1355

2011

421 the act; repealing s. 103.161, F.S., relating to the
 422 removal or suspension of officers or members of state
 423 executive committees or county executive committees;
 424 repealing s. 876.07, F.S., relating to the requirement
 425 that a candidate take a public employee oath as a
 426 prerequisite to qualifying for public office, to conform;
 427 providing effective dates.

428

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

430

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

433 97.012 Secretary of State as chief election officer.—The
 434 Secretary of State is the chief election officer of the state,
 435 and it is his or her responsibility to:

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

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

442 97.021 Definitions.—For the purposes of this code, except
 443 where the context clearly indicates otherwise, the term:

444 (18) "Minor political party" is any group as specified in
 445 s. 103.095 ~~defined in this subsection~~ which on January 1
 446 preceding a primary election does not have registered as members
 447 5 percent of the total registered electors of the state. ~~Any~~
 448 ~~group of citizens organized for the general purposes of electing~~

CS/CS/HB 1355

2011

449 ~~to office qualified persons and determining public issues under~~
 450 ~~the democratic processes of the United States may become a minor~~
 451 ~~political party of this state by filing with the department a~~
 452 ~~certificate showing the name of the organization, the names of~~
 453 ~~its current officers, including the members of its executive~~
 454 ~~committee, and a copy of its constitution or bylaws. It shall be~~
 455 ~~the duty of the minor political party to notify the department~~
 456 ~~of any changes in the filing certificate within 5 days of such~~
 457 ~~changes.~~

458 Section 3. Section 97.025, Florida Statutes, is amended to
 459 read:

460 97.025 Election Code; copies thereof.—A pamphlet of a
 461 reprint of the Election Code, adequately indexed, shall be
 462 prepared by the Department of State. The pamphlet shall be made
 463 available ~~It shall have a sufficient number of these pamphlets~~
 464 ~~printed so that one may be given, upon request, to each~~
 465 ~~candidate who qualifies with the department. The pamphlet shall~~
 466 be made available ~~A sufficient number may be sent to each~~
 467 ~~supervisor, before prior to the first day of qualifying, so that~~
 468 ~~for distribution, upon request, to each candidate who qualifies~~
 469 ~~with the supervisor and to each clerk of elections~~ has access to
 470 the pamphlet. The cost of making ~~printing~~ the pamphlets
 471 available shall be paid out of funds appropriated for conducting
 472 elections.

473 Section 4. Section 97.0575, Florida Statutes, is amended
 474 to read:

475 97.0575 Third-party voter registrations.—

476 (1) Before engaging in any voter registration activities,

477 a third-party voter registration organization must register and
478 provide to the division, in an electronic format, the following
479 information:

480 (a) The names of the officers of the organization and the
481 name and permanent address of the organization.

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

484 (c) The names, permanent addresses, temporary addresses,
485 if any, and dates of birth of each registration agent
486 registering persons to vote in this state on behalf of the
487 organization.

488 (d) A sworn statement from each registration agent
489 employed by or volunteering for the organization stating that
490 the agent will obey all state laws and rules regarding the
491 registration of voters. Such statement must be on a form
492 containing notice of applicable penalties for false
493 registration.

494 (2) The division or the supervisor of elections shall make
495 voter registration forms available to third-party voter
496 registration organizations. All such forms must contain
497 information identifying the organization to which the forms are
498 provided. The division shall maintain a database of all third-
499 party voter registration organizations and the voter
500 registration forms assigned to the third-party voter
501 registration organization. Each supervisor of elections shall
502 provide to the division information on voter registration forms
503 assigned to and received from third-party voter registration
504 organizations. The information must be provided in a format and

505 at times as required by the division by rule. The division must
506 update information on third-party voter registrations daily and
507 make the information publicly available.

508 ~~(1) Prior to engaging in any voter registration~~
509 ~~activities, a third-party voter registration organization shall~~
510 ~~name a registered agent in the state and submit to the division,~~
511 ~~in a form adopted by the division, the name of the registered~~
512 ~~agent and the name of those individuals responsible for the day-~~
513 ~~to-day operation of the third-party voter registration~~
514 ~~organization, including, if applicable, the names of the~~
515 ~~entity's board of directors, president, vice president, managing~~
516 ~~partner, or such other individuals engaged in similar duties or~~
517 ~~functions. On or before the 15th day after the end of each~~
518 ~~calendar quarter, each third-party voter registration~~
519 ~~organization shall submit to the division a report providing the~~
520 ~~date and location of any organized voter registration drives~~
521 ~~conducted by the organization in the prior calendar quarter.~~

522 ~~(2) The failure to submit the information required by~~
523 ~~subsection (1) does not subject the third-party voter~~
524 ~~registration organization to any civil or criminal penalties for~~
525 ~~such failure, and the failure to submit such information is not~~
526 ~~a basis for denying such third-party voter registration~~
527 ~~organization with copies of voter registration application~~
528 ~~forms.~~

529 (3) (a) A third-party voter registration organization that
530 collects voter registration applications serves as a fiduciary
531 to the applicant, ensuring that any voter registration
532 application entrusted to the ~~third-party voter registration~~

533 organization, irrespective of party affiliation, race,
 534 ethnicity, or gender, shall be promptly delivered to the
 535 division or the supervisor of elections within 48 hours after
 536 the applicant completes it or the next business day if the
 537 appropriate office is closed for that 48-hour period. If a voter
 538 registration application collected by any third-party voter
 539 registration organization is not promptly delivered to the
 540 division or supervisor of elections, the third-party voter
 541 registration organization is ~~shall be~~ liable for the following
 542 fines:

543 1.(a) A fine in the amount of \$50 for each application
 544 received by the division or the supervisor of elections more
 545 than 48 hours ~~10 days~~ after the applicant delivered the
 546 completed voter registration application to the third-party
 547 voter registration organization or any person, entity, or agent
 548 acting on its behalf or the next business day, if the office is
 549 closed. A fine in the amount of \$250 for each application
 550 received if the third-party voter registration organization or
 551 person, entity, or agency acting on its behalf acted willfully.

552 2.(b) A fine in the amount of \$100 for each application
 553 collected by a third-party voter registration organization or
 554 any person, entity, or agent acting on its behalf, before ~~prior~~
 555 ~~to~~ book closing for any given election for federal or state
 556 office and received by the division or the supervisor of
 557 elections after the book-closing ~~book-closing~~ deadline for such
 558 election. A fine in the amount of \$500 for each application
 559 received if the third-party registration organization or person,
 560 entity, or agency acting on its behalf acted willfully.

CS/CS/HB 1355

2011

561 ~~3.(e)~~ A fine in the amount of \$500 for each application
562 collected by a third-party voter registration organization or
563 any person, entity, or agent acting on its behalf, which is not
564 submitted to the division or supervisor of elections. A fine in
565 the amount of \$1,000 for any application not submitted if the
566 third-party voter registration organization or person, entity,
567 or agency acting on its behalf acted willfully.

568
569 The aggregate fine pursuant to this paragraph ~~subsection~~ which
570 may be assessed against a third-party voter registration
571 organization, including affiliate organizations, for violations
572 committed in a calendar year is ~~shall be~~ \$1,000.

573 (b) A showing by the ~~finer provided in this subsection~~
574 ~~shall be reduced by three-fourths in cases in which the third-~~
575 ~~party voter registration organization~~ that the failure to
576 deliver the voter registration application within the required
577 timeframe is based upon force majeure or impossibility of
578 performance shall be an affirmative defense to a violation of
579 this subsection ~~has complied with subsection (1)~~. The secretary
580 may ~~shall~~ waive the fines described in this subsection upon a
581 showing that the failure to deliver the voter registration
582 application promptly is based upon force majeure or
583 impossibility of performance.

584 (4) If the Secretary of State reasonably believes that a
585 person has committed a violation of this section, the secretary
586 may refer the matter to the Attorney General for enforcement.
587 The Attorney General may institute a civil action for a
588 violation of this section or to prevent a violation of this

CS/CS/HB 1355

2011

589 section. An action for relief may include a permanent or
590 temporary injunction, a restraining order, or any other
591 appropriate order.

592 (5) ~~(4)~~ (a) The division shall adopt by rule a form to
593 elicit specific information concerning the facts and
594 circumstances from a person who claims to have been registered
595 to vote by a third-party voter registration organization but who
596 does not appear as an active voter on the voter registration
597 rolls. The division shall also adopt rules to ensure the
598 integrity of the registration process, including rules requiring
599 third-party voter registration organizations to account for all
600 state and federal registration forms used by their registration
601 agents.

602 (b) The division may investigate any violation of this
603 section. Civil fines shall be assessed by the division and
604 enforced through any appropriate legal proceedings.

605 (6) ~~(5)~~ The date on which an applicant signs a voter
606 registration application is presumed to be the date on which the
607 third-party voter registration organization received or
608 collected the voter registration application.

609 (7) ~~(6)~~ The civil fines provided in this section are in
610 addition to any applicable criminal penalties.

611 (8) ~~(7)~~ Fines collected pursuant to this section shall be
612 annually appropriated by the Legislature to the department for
613 enforcement of this section and for voter education.

614 (9) ~~(8)~~ The division may adopt rules to administer this
615 section.

616 Section 5. Effective August 1, 2012, section 97.071,

CS/CS/HB 1355

2011

617 Florida Statutes, is amended to read:

618 97.071 Voter information card.—

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

622 (a) Voter's registration number.

623 (b) Date of registration.

624 (c) Full name.

625 (d) Party affiliation.

626 (e) Date of birth.

627 (f) Address of legal residence.

628 (g) Precinct number.

629 (h) Polling place address.

630 (i) ~~(h)~~ Name of supervisor and contact information of
631 supervisor.

632 (j) ~~(i)~~ Other information deemed necessary by the
633 supervisor.

634 (2) A voter may receive a replacement voter information
635 card by providing a signed, written request for a replacement
636 card to a voter registration official. Upon verification of
637 registration, the supervisor shall issue the voter a duplicate
638 card without charge.

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

642 Section 6. Subsection (1) of section 97.073, Florida
643 Statutes, is amended to read:

644 97.073 Disposition of voter registration applications;

645 cancellation notice.—

646 (1) The supervisor must notify each applicant of the
 647 disposition of the applicant's voter registration application
 648 within 5 business days after voter registration information is
 649 entered into the statewide voter registration system. The notice
 650 must inform the applicant that the application has been
 651 approved, is incomplete, has been denied, or is a duplicate of a
 652 current registration. A voter information card sent to an
 653 applicant constitutes notice of approval of registration. If the
 654 application is incomplete, the supervisor must request that the
 655 applicant supply the missing information using a voter
 656 registration application signed by the applicant. A notice of
 657 denial must inform the applicant of the reason the application
 658 was denied.

659 Section 7. Section 97.1031, Florida Statutes, is amended
 660 to read:

661 97.1031 Notice of change of residence, change of name, or
 662 change of party affiliation.—

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

667 (b) If the address change is within the state and notice
 668 is provided to the supervisor of elections of the county where
 669 the elector has moved, the elector may change his or her
 670 residence address by:

671 1. Contacting the supervisor of elections by telephone or
 672 electronic means; or

673 2. Submitting the change on a voter registration
674 application or other signed written notice. ~~moves from the~~
675 ~~address named on that person's voter registration record to~~
676 ~~another address within the same county, the elector must provide~~
677 ~~notification of such move to the supervisor of elections of that~~
678 ~~county. The elector may provide the supervisor a signed, written~~
679 ~~notice or may notify the supervisor by telephone or electronic~~
680 ~~means.~~ However, notification of such move other than by signed,
681 written notice must include the elector's date of birth. ~~An~~
682 ~~elector may also provide notification to other voter~~
683 ~~registration officials as provided in subsection (2). A voter~~
684 ~~information card reflecting the new information shall be issued~~
685 ~~to the elector as provided in subsection (3).~~

686 (2) When an elector ~~moves from the address named on that~~
687 ~~person's voter registration record to another address in a~~
688 ~~different county but within the state, the elector seeks to~~
689 ~~change party affiliation, the elector shall notify his or her~~
690 supervisor of elections or other voter registration official by
691 using a signed written notice with the elector's date of birth.
692 When an ~~or the~~ elector changes his or her name ~~of an elector is~~
693 ~~changed~~ by marriage or other legal process, the elector shall
694 notify his or her supervisor of elections or other ~~provide~~
695 ~~notice of such change to a voter registration official by using
696 a voter registration application ~~signed by the elector. A voter~~
697 ~~information card reflecting the new information shall be issued~~
698 ~~to the elector as provided in subsection (3).~~~~

699 (3) The voter registration official shall make the
700 necessary changes in the elector's records as soon as practical

CS/CS/HB 1355

2011

701 upon receipt of the ~~such~~ notice of a change of address of legal
 702 residence, name, or party affiliation. The supervisor of
 703 elections shall issue the new voter information card.

704 Section 8. Subsections (3) and (6) of section 98.075,
 705 Florida Statutes, are amended to read:

706 98.075 Registration records maintenance activities;
 707 ineligibility determinations.—

708 (3) DECEASED PERSONS.—

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

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

713 b. The United States Social Security Administration,
 714 including, but not limited to, any master death file or index
 715 that the administration compiles.

716 2. Within 7 days after ~~Upon~~ receipt of such information
 717 through the statewide voter registration system, the supervisor
 718 shall remove the name of the registered voter.

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

723 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
 724 supervisor receives information ~~other than~~ ~~from the~~ sources
 725 other than those identified in subsections (2)-(5) that a
 726 registered voter is ineligible because he or she is deceased,
 727 adjudicated a convicted felon without having had his or her
 728 civil rights restored, adjudicated mentally incapacitated

CS/CS/HB 1355

2011

729 without having had his or her voting rights restored, does not
730 meet the age requirement pursuant to s. 97.041, is not a United
731 States citizen, is a fictitious person, or has listed a
732 residence that is not his or her legal residence, the supervisor
733 shall adhere to the procedures set forth in subsection (7) prior
734 to the removal of a registered voter's name from the statewide
735 voter registration system.

736 Section 9. Subsection (1) and paragraphs (e) and (f) of
737 subsection (2) of section 98.093, Florida Statutes, are amended
738 to read:

739 98.093 Duty of officials to furnish information relating
740 to ~~lists of~~ deceased persons, persons adjudicated mentally
741 incapacitated, and persons convicted of a felony.—

742 (1) In order to identify ineligible registered voters and
743 to maintain ~~ensure the maintenance of~~ accurate and current voter
744 registration records in the statewide voter registration system
745 pursuant to procedures in s. 98.065 or s. 98.075, it is
746 necessary for the department and supervisors of elections to
747 receive or access certain information from state and federal
748 officials and entities in the format prescribed. ~~The department~~
749 ~~and supervisors of elections shall use the information provided~~
750 ~~from the sources in subsection (2) to maintain the voter~~
751 ~~registration records.~~

752 (2) To the maximum extent feasible, state and local
753 government agencies shall facilitate provision of information
754 and access to data to the department, including, but not limited
755 to, databases that contain reliable criminal records and records
756 of deceased persons. State and local government agencies that

CS/CS/HB 1355

2011

757 provide such data shall do so without charge if the direct cost
758 incurred by those agencies is not significant.

759 (e) The Florida Parole Commission Board of Executive
760 Clemency shall furnish at least bimonthly ~~monthly~~ to the
761 department data including ~~a list of~~ those persons granted
762 clemency in the preceding month or any updates to prior records
763 which have occurred in the preceding month. The data ~~list~~ shall
764 contain the commission's Board of Executive Clemency case
765 number, name, address, date of birth, race, gender ~~sex~~, Florida
766 driver's license number, Florida identification card number, or
767 the last four digits of the social security number, if
768 available, and references to record identifiers assigned by the
769 Department of Corrections and the Department of Law Enforcement,
770 a unique identifier of each clemency case, and the effective
771 date of clemency of each person.

772 (f) The Department of Corrections shall identify those
773 persons who have been convicted of a felony and committed to its
774 custody or placed on felony community supervision in a time and
775 manner that enables ~~furnish monthly to the department to~~
776 identify registered voters who are convicted felons and to meet
777 obligations under state and federal law. ~~a list of those persons~~
778 ~~transferred to the Department of Corrections in the preceding~~
779 ~~month or any updates to prior records which have occurred in the~~
780 ~~preceding month. The list shall contain the name, address, date~~
781 ~~of birth, race, sex, social security number, Department of~~
782 ~~Corrections record identification number, and associated~~
783 ~~Department of Law Enforcement felony conviction record number of~~
784 ~~each person.~~

785 Section 10. Effective July 1, 2012, subsections (1) and
 786 (2) of section 98.0981, Florida Statutes, are amended to read:
 787 98.0981 Reports; voting history; statewide voter
 788 registration system information; precinct-level election
 789 results; book closing statistics.—

790 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
 791 INFORMATION.—

792 (a) Within 30 ~~45~~ days after certification by the Elections
 793 Canvassing Commission of a presidential preference primary,
 794 special election, primary election, or a general election,
 795 supervisors of elections shall transmit to the department, in a
 796 uniform electronic format specified in paragraph (d) ~~by the~~
 797 ~~department~~, completely updated voting history information for
 798 each qualified voter who voted.

799 (b) After receipt of the information in paragraph (a), the
 800 department shall prepare a report in electronic format which
 801 contains the following information, separately compiled for the
 802 primary and general election for all voters qualified to vote in
 803 either election:

- 804 1. The unique identifier assigned to each qualified voter
 805 within the statewide voter registration system;
- 806 2. All information provided by each qualified voter on his
 807 or her voter registration application pursuant to s. 97.052(2),
 808 except that which is confidential or exempt from public records
 809 requirements;
- 810 3. Each qualified voter's date of registration;
- 811 4. Each qualified voter's current state representative
 812 district, state senatorial district, and congressional district,

CS/CS/HB 1355

2011

813 assigned by the supervisor of elections;

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

815 6. Voting history as transmitted under paragraph (a) to
 816 include whether the qualified voter voted at a precinct
 817 location, voted during the early voting period, voted by
 818 absentee ballot, attempted to vote by absentee ballot that was
 819 not counted, attempted to vote by provisional ballot that was
 820 not counted, or did not vote.

821 (c) Within 45 ~~60~~ days after certification by the Elections
 822 Canvassing Commission of a presidential preference primary,
 823 special election, primary election, or a general election, the
 824 department shall send to the President of the Senate, the
 825 Speaker of the House of Representatives, the Senate Minority
 826 Leader, and the House Minority Leader a report in electronic
 827 format that includes all information set forth in paragraph (b).

828 (d) File specifications are as follows:

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

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

835 b. Voted at a precinct location using a provisional ballot
 836 that was subsequently counted.

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

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

840 e. Voted by absentee ballot.

841 f. Attempted to vote by absentee ballot but the ballot was
842 not counted.

843 g. Attempted to vote by provisional ballot but the ballot
844 was not counted in that election.

845 2. Each file shall be created or converted into a tab-
846 delimited format.

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

848 a. Three-character county identifier as established by the
849 department followed by an underscore.

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

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

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

854 e. Date format is YYYYMMDD.

855 f. Followed by Time Created - HHMMSS.

856 g. Followed by ".txt".

857 4. Each record shall contain the following columns: Record
858 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
859 Date, Vote History Code, Precinct, Congressional District, House
860 District, Senate District, County Commission District, and
861 School Board District.

862 (e) Each supervisor of elections shall reconcile, before
863 submission, the aggregate total of ballots cast in each precinct
864 as reported in the precinct-level election results to the
865 aggregate total number of voters with voter history for the
866 election for each district.

867 (f) Each supervisor of elections shall submit the results
868 of the data reconciliation as described in paragraph (e) to the

CS/CS/HB 1355

2011

869 department in an electronic format and give a written
870 explanation for any precincts where the reconciliation as
871 described in paragraph (e) results in a discrepancy between the
872 voter history and the election results.

873 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 ~~45~~ days
874 after certification by the Elections Canvassing Commission ~~the~~
875 ~~date~~ of a presidential preference primary election, ~~a~~ special
876 election, primary election, or ~~a~~ general election, the
877 supervisors of elections shall collect and submit to the
878 department precinct-level election results for the election in a
879 uniform electronic format specified by paragraph (c) ~~the~~
880 ~~department~~. The precinct-level election results shall be
881 compiled separately for the primary or special primary election
882 that preceded the general or special general election,
883 respectively. The results shall specifically include for each
884 precinct the ~~aggregate~~ total of all ballots cast for each
885 candidate or nominee to fill a national, state, county, or
886 district office or proposed constitutional amendment, with
887 subtotals for each candidate and ballot type, unless fewer than
888 10 voters voted a ballot type. "All ballots cast" means ballots
889 cast by voters who cast a ballot whether at a precinct location,
890 by absentee ballot including overseas absentee ballots, during
891 the early voting period, or by provisional ballot.

892 (b) The department shall make such information available
893 on a searchable, sortable, and downloadable database via its
894 website that also includes the file layout and codes. The
895 database shall be searchable and sortable by county, precinct,
896 and candidate. The database shall be downloadable in a tab-

CS/CS/HB 1355

2011

897 delimited format. The database shall be available for download
898 county-by-county and also as a statewide file. Such report shall
899 also be made available upon request.

900 (c) The files containing the precinct-level election
901 results shall be created in accordance with the applicable file
902 specification:

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

905 2. The row immediately before the first data record shall
906 contain the column names of the data elements that make up the
907 data records. There shall be one header record followed by
908 multiple data records.

909 3. The data records shall include the following columns:
910 County Name, Election Number, Election Date, Unique Precinct
911 Identifier, Precinct Polling Location, Total Registered Voters,
912 Total Registered Republicans, Total Registered Democrats, Total
913 Registered All Other Parties, Contest Name,
914 Candidate/Retention/Issue Name, Candidate Florida Voter
915 Registration System ID Number, Division of Elections Unique
916 Candidate Identifying Number, Candidate Party, District,
917 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

918 Section 11. Subsections (5) and (7) of section 99.012,
919 Florida Statutes, are amended to read:

920 99.012 Restrictions on individuals qualifying for public
921 office.—

922 (5) If an order of a court that has become final
923 determines that a person did not comply with this section, the
924 person shall not be qualified as a candidate for election and

925 his or her name may not appear on the ballot. ~~The name of any~~
 926 ~~person who does not comply with this section may be removed from~~
 927 ~~every ballot on which it appears when ordered by a circuit court~~
 928 ~~upon the petition of an elector or the Department of State.~~

929 (7) Nothing contained in subsection (3) relates to persons
 930 holding any federal office or seeking the office of President or
 931 Vice President.

932 Section 12. Paragraphs (a) and (b) of subsection (1) of
 933 section 99.021, Florida Statutes, are amended, and subsection
 934 (3) is added to that section, to read:

935 99.021 Form of candidate oath.—

936 (1)(a)1. Each candidate, whether a party candidate, a
 937 candidate with no party affiliation, or a write-in candidate, in
 938 order to qualify for nomination or election to any office other
 939 than a judicial office as defined in chapter 105 or a federal
 940 office, shall take and subscribe to an oath or affirmation in
 941 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 942 available ~~furnished~~ to the candidate by the officer before whom
 943 such candidate seeks to qualify and shall be substantially in
 944 the following form:

945
 946 State of Florida
 947 County of....

948 Before me, an officer authorized to administer oaths,
 949 personally appeared ...(please print name as you wish it to
 950 appear on the ballot)..., to me well known, who, being sworn,
 951 says that he or she is a candidate for the office of; that
 952 he or she is a qualified elector of County, Florida; that

CS/CS/HB 1355

2011

953 he or she is qualified under the Constitution and the laws of
 954 Florida to hold the office to which he or she desires to be
 955 nominated or elected; ~~that he or she has taken the oath required~~
 956 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 957 qualified for no other public office in the state, the term of
 958 which office or any part thereof runs concurrent with that of
 959 the office he or she seeks; and that he or she has resigned from
 960 any office from which he or she is required to resign pursuant
 961 to s. 99.012, Florida Statutes; and that he or she will support
 962 the Constitution of the United States and the Constitution of
 963 the State of Florida.

964 ... (Signature of candidate)...

965 ... (Address)...

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

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

969 2. Each candidate for federal office, whether a party
 970 candidate, a candidate with no party affiliation, or a write-in
 971 candidate, in order to qualify for nomination or election to
 972 office shall take and subscribe to an oath or affirmation in
 973 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 974 available ~~furnished~~ to the candidate by the officer before whom
 975 such candidate seeks to qualify and shall be substantially in
 976 the following form:

977
 978 State of Florida

979 County of

980 Before me, an officer authorized to administer oaths,

CS/CS/HB 1355

2011

981 personally appeared ...(please print name as you wish it to
 982 appear on the ballot)..., to me well known, who, being sworn,
 983 says that he or she is a candidate for the office of; that
 984 he or she is qualified under the Constitution and laws of the
 985 United States to hold the office to which he or she desires to
 986 be nominated or elected; ~~and~~ that he or she has qualified for no
 987 other public office in the state, the term of which office or
 988 any part thereof runs concurrent with that of the office he or
 989 she seeks; and that he or she will support the Constitution of
 990 the United States.

991 ... (Signature of candidate)...

992 ... (Address)...

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

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

996 (b) In addition, any person seeking to qualify for
 997 nomination as a candidate of any political party shall, at the
 998 time of subscribing to the oath or affirmation, state in
 999 writing:

1000 1. The party of which the person is a member.

1001 2. That the person ~~is not a registered member of any other~~
 1002 ~~political party and~~ has not been a registered member of
 1003 ~~candidate for nomination for~~ any other political party for 365
 1004 days before the beginning of qualifying ~~for a period of 6 months~~
 1005 preceding the general election for which the person seeks to
 1006 qualify.

1007 3. That the person has paid the assessment levied against
 1008 him or her, if any, as a candidate for said office by the

CS/CS/HB 1355

2011

1009 executive committee of the party of which he or she is a member.

1010 (3) This section does not apply to persons who seek to
 1011 qualify for election pursuant to the provisions of ss. 103.021
 1012 and 103.101.

1013 Section 13. Subsections (5) and (7) of section 99.061,
 1014 Florida Statutes, are amended, and subsection (11) is added to
 1015 that section, to read:

1016 99.061 Method of qualifying for nomination or election to
 1017 federal, state, county, or district office.—

1018 (5) At the time of qualifying for office, each candidate
 1019 for a constitutional office shall file a full and public
 1020 disclosure of financial interests pursuant to s. 8, Art. II of
 1021 the State Constitution, duly notarized pursuant to s. 117.05,
 1022 and a candidate for any other office, including local elective
 1023 office, shall file a statement of financial interests pursuant
 1024 to s. 112.3145.

1025 (7) (a) In order for a candidate to be qualified, the
 1026 following items must be received by the filing officer by the
 1027 end of the qualifying period:

1028 1. A properly executed check drawn upon the candidate's
 1029 campaign account payable to the person or entity as prescribed
 1030 by the filing officer in an amount not less than the fee
 1031 required by s. 99.092, unless the candidate obtained the
 1032 required number of signatures on petitions ~~or, in lieu thereof,~~
 1033 ~~as applicable, the copy of the notice of obtaining ballot~~
 1034 ~~position~~ pursuant to s. 99.095. The filing fee for a special
 1035 district candidate is not required to be drawn upon the
 1036 candidate's campaign account. If a candidate's check is returned

CS/CS/HB 1355

2011

1037 by the bank for any reason, the filing officer shall immediately
 1038 notify the candidate and the candidate shall have until, the end
 1039 of qualifying ~~notwithstanding, have 48 hours from the time such~~
 1040 ~~notification is received, excluding Saturdays, Sundays, and~~
 1041 ~~legal holidays,~~ to pay the fee with a cashier's check purchased
 1042 from funds of the campaign account. Failure to pay the fee as
 1043 provided in this subparagraph shall disqualify the candidate.

1044 2. The candidate's oath required by s. 99.021, which must
 1045 contain the name of the candidate as it is to appear on the
 1046 ballot; the office sought, including the district or group
 1047 number if applicable; and the signature of the candidate, duly
 1048 notarized pursuant to s. 117.05 ~~acknowledged.~~

1049 ~~3. The loyalty oath required by s. 876.05, signed by the~~
 1050 ~~candidate and duly acknowledged.~~

1051 ~~3.4.~~ If the office sought is partisan, the written
 1052 statement of political party affiliation required by s.
 1053 99.021(1)(b).

1054 ~~4.5.~~ The completed form for the appointment of campaign
 1055 treasurer and designation of campaign depository, as required by
 1056 s. 106.021.

1057 ~~5.6.~~ The full and public disclosure or statement of
 1058 financial interests required by subsection (5). A public officer
 1059 who has filed the full and public disclosure or statement of
 1060 financial interests with the Commission on Ethics or the
 1061 supervisor of elections prior to qualifying for office may file
 1062 a copy of that disclosure at the time of qualifying.

1063 (b) If the filing officer receives qualifying papers
 1064 during the qualifying period prescribed in this section that do

CS/CS/HB 1355

2011

1065 not include all items as required by paragraph (a) prior to the
1066 last day of qualifying, the filing officer shall make a
1067 reasonable effort to notify the candidate of the missing or
1068 incomplete items and shall inform the candidate that all
1069 required items must be received by the close of qualifying. A
1070 candidate's name as it is to appear on the ballot may not be
1071 changed after the end of qualifying.

1072 (c) The filing officer performs a ministerial function in
1073 reviewing qualifying papers. In determining whether a candidate
1074 is qualified, the filing officer shall review the qualifying
1075 papers to determine whether all items required by paragraph (a)
1076 have been properly filed and whether each item is complete on
1077 its face, including whether items requiring notarizations are
1078 properly notarized as required by s. 117.05. The filing officer
1079 may not determine whether the contents of the qualifying papers
1080 are accurate.

1081 (11) The decision of the filing officer concerning whether
1082 a candidate is qualified is exempt from the provisions of
1083 chapter 120.

1084 Section 14. Subsection (2) of section 99.063, Florida
1085 Statutes, is amended to read:

1086 99.063 Candidates for Governor and Lieutenant Governor.—

1087 (2) No later than 5 p.m. of the 9th day following the
1088 primary election, each designated candidate for Lieutenant
1089 Governor shall file with the Department of State:

1090 (a) The candidate's oath required by s. 99.021, which must
1091 contain the name of the candidate as it is to appear on the
1092 ballot; the office sought; and the signature of the candidate,

CS/CS/HB 1355

2011

1093 | duly acknowledged.

1094 | ~~(b) The loyalty oath required by s. 876.05, signed by the~~
 1095 | ~~candidate and duly acknowledged.~~

1096 | (b)~~(e)~~ If the office sought is partisan, the written
 1097 | statement of political party affiliation required by s.
 1098 | 99.021(1)(b).

1099 | (c)~~(d)~~ The full and public disclosure of financial
 1100 | interests pursuant to s. 8, Art. II of the State Constitution. A
 1101 | public officer who has filed the full and public disclosure with
 1102 | the Commission on Ethics prior to qualifying for office may file
 1103 | a copy of that disclosure at the time of qualifying.

1104 | Section 15. Subsection (1) of section 99.093, Florida
 1105 | Statutes, is amended to read:

1106 | 99.093 Municipal candidates; election assessment.—

1107 | (1) Each person seeking to qualify for nomination or
 1108 | election to a municipal office shall pay, at the time of
 1109 | qualifying for office, an election assessment. The election
 1110 | assessment shall be an amount equal to 1 percent of the annual
 1111 | salary of the office sought. Within 30 days after the close of
 1112 | qualifying, the qualifying officer shall forward all assessments
 1113 | collected pursuant to this section to the Florida Elections
 1114 | Commission ~~Department of State~~ for transfer to the Elections
 1115 | Commission Trust Fund within the Department of Legal Affairs.

1116 | Section 16. Paragraph (d) is added to subsection (2) of
 1117 | section 99.095, Florida Statutes, to read:

1118 | 99.095 Petition process in lieu of a qualifying fee and
 1119 | party assessment.—

1120 | (2)

1121 (d) In a year of apportionment, any candidate for county
 1122 or district office seeking ballot position by the petition
 1123 process may obtain the required number of signatures from any
 1124 registered voter in the respective county, regardless of
 1125 district boundaries. The candidate shall obtain at least the
 1126 number of signatures equal to 1 percent of the total number of
 1127 registered voters, as shown by a compilation by the department
 1128 for the immediately preceding general election, divided by the
 1129 total number of districts of the office involved.

1130 Section 17. Subsections (1), (3), and (5) of section
 1131 99.097, Florida Statutes, are amended, and subsection (6) is
 1132 added to that section, to read:

1133 99.097 Verification of ~~signatures on~~ petitions.-

1134 (1) (a) As determined by each supervisor, based upon local
 1135 conditions, the checking of names on petitions may be based on
 1136 the most inexpensive and administratively feasible of either of
 1137 the following methods of verification:

1138 1.(a) A ~~name-by-name, signature-by-signature~~ check of each
 1139 petition the number of authorized signatures on the petitions;
 1140 or

1141 2.(b) A check of a random sample, as provided by the
 1142 Department of State, of ~~names and signatures on~~ the petitions.
 1143 The sample must be such that a determination can be made as to
 1144 whether or not the required number of signatures has ~~have~~ been
 1145 obtained with a reliability of at least 99.5 percent.

1146 (b) Rules and guidelines for ~~this method of~~ petition
 1147 verification shall be adopted ~~promulgated~~ by the Department of
 1148 State. Rules and guidelines for a random-sample method of

CS/CS/HB 1355

2011

1149 verification, ~~which~~ may include a requirement that petitions
1150 bear an additional number of names and signatures, not to exceed
1151 15 percent of the names and signatures otherwise required. If
1152 the petitions do not meet such criteria or if the petitions are
1153 prescribed by s. 100.371, then the use of the random-sample
1154 method of verification is ~~method described in this paragraph~~
1155 ~~shall not be~~ available to supervisors.

1156 (3) (a) If all other requirements for the petition are met,
1157 a signature on a petition shall be verified and counted as valid
1158 for a registered voter if after comparing the signature on the
1159 petition and the signature of the registered voter in the voter
1160 registration system, the supervisor is able to determine that
1161 the petition signer is the same as the registered voter, even if
1162 the name on the petition is not in substantially the same form
1163 as in the voter registration system. ~~A name on a petition, which~~
1164 ~~name is not in substantially the same form as a name on the~~
1165 ~~voter registration books, shall be counted as a valid signature~~
1166 ~~if, after comparing the signature on the petition with the~~
1167 ~~signature of the alleged signer as shown on the registration~~
1168 ~~books, the supervisor determines that the person signing the~~
1169 ~~petition and the person who registered to vote are one and the~~
1170 ~~same.~~

1171 (b) In any situation in which this code requires the form
1172 of the petition to be prescribed by the division, no signature
1173 shall be counted toward the number of signatures required unless
1174 it is on a petition form prescribed by the division.

1175 (c) ~~(b)~~ If a voter signs a petition and lists an address
1176 other than the legal residence where the voter is registered,

CS/CS/HB 1355

2011

1177 | the supervisor shall treat the signature as if the voter had
 1178 | listed the address where the voter is registered.

1179 | (5) The results of a verification pursuant to subparagraph
 1180 | (1) (a)2. ~~paragraph (1) (b)~~ may be contested in the circuit court
 1181 | by the candidate; an announced opponent; a representative of a
 1182 | designated political committee; or a person, party, or other
 1183 | organization submitting the petition. The contestant shall file
 1184 | a complaint, together with the fees prescribed in chapter 28,
 1185 | with the clerk of the circuit court in the county in which the
 1186 | petition is certified or in Leon County if the petition covers
 1187 | more than one county within 10 days after midnight of the date
 1188 | the petition is certified; and the complaint shall set forth the
 1189 | grounds on which the contestant intends to establish his or her
 1190 | right to require a complete check of the petition names and
 1191 | signatures pursuant to subparagraph (1) (a)1. ~~paragraph (1) (a).~~
 1192 | In the event the court orders a complete check of the petition
 1193 | and the result is not changed as to the success or lack of
 1194 | success of the petitioner in obtaining the requisite number of
 1195 | valid signatures, then such candidate, unless the candidate has
 1196 | filed the oath stating that he or she is unable to pay such
 1197 | charges; announced opponent; representative of a designated
 1198 | political committee; or party, person, or organization
 1199 | submitting the petition, unless such person or organization has
 1200 | filed the oath stating inability to pay such charges, shall pay
 1201 | to the supervisor of elections of each affected county for the
 1202 | complete check an amount calculated at the rate of 10 cents for
 1203 | each additional signature checked or the actual cost of checking
 1204 | such additional signatures, whichever is less.

CS/CS/HB 1355

2011

1205 (6) (a) If any person is paid to solicit signatures on a
 1206 petition, an undue burden oath may not subsequently be filed in
 1207 lieu of paying the fee to have signatures verified for that
 1208 petition.

1209 (b) If an undue burden oath has been filed and payment is
 1210 subsequently made to any person to solicit signatures on a
 1211 petition, then the undue burden oath is no longer valid and a
 1212 fee for all signatures previously submitted to the supervisor of
 1213 elections and for any that are submitted thereafter shall be
 1214 paid by the candidate, person, or organization that submitted
 1215 the undue burden oath. If contributions as defined in s. 106.011
 1216 are received, any monetary contributions shall first be used to
 1217 reimburse the supervisor of elections for any signature
 1218 verification fees not paid because of an undue burden oath being
 1219 filed.

1220 Section 18. Section 100.061, Florida Statutes, is amended
 1221 to read:

1222 100.061 Primary election.—In each year in which a general
 1223 election is held, a primary election for nomination of
 1224 candidates of political parties shall be held on the Tuesday 12
 1225 ~~10~~ weeks before ~~prior to~~ the general election. The candidate
 1226 receiving the highest number of votes cast in each contest in
 1227 the primary election shall be declared nominated for such
 1228 office. If two or more candidates receive an equal and highest
 1229 number of votes for the same office, such candidates shall draw
 1230 lots to determine which candidate is nominated.

1231 Section 19. Section 100.111, Florida Statutes, is amended
 1232 to read:

CS/CS/HB 1355

2011

1233 100.111 Filling vacancy.—

1234 (1) (a) If any vacancy occurs in any office which is
 1235 required to be filled pursuant to s. 1(f), Art. IV of the State
 1236 Constitution and the remainder of the term of such office is 28
 1237 months or longer, then at the next general election a person
 1238 shall be elected to fill the unexpired portion of such term,
 1239 commencing on the first Tuesday after the first Monday following
 1240 such general election.

1241 (b) If such a vacancy occurs prior to the first day set by
 1242 law for qualifying for election to office at such general
 1243 election, any person seeking nomination or election to the
 1244 unexpired portion of the term shall qualify within the time
 1245 prescribed by law for qualifying for other offices to be filled
 1246 by election at such general election.

1247 (c) If such a vacancy occurs prior to the primary election
 1248 but on or after the first day set by law for qualifying, the
 1249 Secretary of State shall set dates for qualifying for the
 1250 unexpired portion of the term of such office. Any person seeking
 1251 nomination or election to the unexpired portion of the term
 1252 shall qualify within the time set by the Secretary of State. If
 1253 time does not permit party nominations to be made in conjunction
 1254 with the primary election, the Governor may call a special
 1255 primary election to select party nominees for the unexpired
 1256 portion of such term.

1257 ~~(2) (a) If, in any state or county office required to be~~
 1258 ~~filled by election, a vacancy occurs during an election year by~~
 1259 ~~reason of the incumbent having qualified as a candidate for~~
 1260 ~~federal office pursuant to s. 99.061, no special election is~~

CS/CS/HB 1355

2011

1261 ~~required. Any person seeking nomination or election to the~~
 1262 ~~office so vacated shall qualify within the time prescribed by s.~~
 1263 ~~99.061 for qualifying for state or county offices to be filled~~
 1264 ~~by election.~~

1265 ~~(b) If such a vacancy occurs in an election year other~~
 1266 ~~than the one immediately preceding expiration of the present~~
 1267 ~~term, the Secretary of State shall notify the supervisor of~~
 1268 ~~elections in each county served by the office that a vacancy has~~
 1269 ~~been created. Such notice shall be provided to the supervisor of~~
 1270 ~~elections not later than the close of the first day set for~~
 1271 ~~qualifying for state or county office. The supervisor shall~~
 1272 ~~provide public notice of the vacancy in any manner the Secretary~~
 1273 ~~of State deems appropriate.~~

1274 (2) ~~(3)~~ Whenever there is a vacancy for which a special
 1275 election is required pursuant to s. 100.101, the Governor, after
 1276 consultation with the Secretary of State, shall fix the dates of
 1277 a special primary election and a special election. Nominees of
 1278 political parties shall be chosen under the primary laws of this
 1279 state in the special primary election to become candidates in
 1280 the special election. Prior to setting the special election
 1281 dates, the Governor shall consider any upcoming elections in the
 1282 jurisdiction where the special election will be held. The dates
 1283 fixed by the Governor shall be specific days certain and shall
 1284 not be established by the happening of a condition or stated in
 1285 the alternative. The dates fixed shall provide a minimum of 2
 1286 weeks between each election. In the event a vacancy occurs in
 1287 the office of state senator or member of the House of
 1288 Representatives when the Legislature is in regular legislative

CS/CS/HB 1355

2011

1289 session, the minimum times prescribed by this subsection may be
1290 waived upon concurrence of the Governor, the Speaker of the
1291 House of Representatives, and the President of the Senate. If a
1292 vacancy occurs in the office of state senator and no session of
1293 the Legislature is scheduled to be held prior to the next
1294 general election, the Governor may fix the dates for the special
1295 primary election and for the special election to coincide with
1296 the dates of the primary election and general election. If a
1297 vacancy in office occurs in any district in the state Senate or
1298 House of Representatives or in any congressional district, and
1299 no session of the Legislature, or session of Congress if the
1300 vacancy is in a congressional district, is scheduled to be held
1301 during the unexpired portion of the term, the Governor is not
1302 required to call a special election to fill such vacancy.

1303 (a) The dates for candidates to qualify in such special
1304 election or special primary election shall be fixed by the
1305 Department of State, and candidates shall qualify not later than
1306 noon of the last day so fixed. The dates fixed for qualifying
1307 shall allow a minimum of 14 days between the last day of
1308 qualifying and the special primary election.

1309 (b) The filing of campaign expense statements by
1310 candidates in such special elections or special primaries and by
1311 committees making contributions or expenditures to influence the
1312 results of such special primaries or special elections shall be
1313 not later than such dates as shall be fixed by the Department of
1314 State, and in fixing such dates the Department of State shall
1315 take into consideration and be governed by the practical time
1316 limitations.

CS/CS/HB 1355

2011

1317 (c) The dates for a candidate to qualify by the petition
 1318 process pursuant to s. 99.095 in such special primary or special
 1319 election shall be fixed by the Department of State. In fixing
 1320 such dates the Department of State shall take into consideration
 1321 and be governed by the practical time limitations. Any candidate
 1322 seeking to qualify by the petition process in a special primary
 1323 election shall obtain 25 percent of the signatures required by
 1324 s. 99.095.

1325 (d) The qualifying fees and party assessments of such
 1326 candidates as may qualify shall be the same as collected for the
 1327 same office at the last previous primary for that office. The
 1328 party assessment shall be paid to the appropriate executive
 1329 committee of the political party to which the candidate belongs.

1330 (e) Each county canvassing board shall make as speedy a
 1331 return of the result of such special primary elections and
 1332 special elections as time will permit, and the Elections
 1333 Canvassing Commission likewise shall make as speedy a canvass
 1334 and declaration of the nominees as time will permit.

1335 ~~(3)-(4)~~(a) In the event that death, resignation,
 1336 withdrawal, or removal, ~~or any other cause or event~~ should cause
 1337 a party to have a vacancy in nomination which leaves no
 1338 candidate for an office from such party, the filing officer
 1339 before whom the candidate qualified ~~Department of State~~ shall
 1340 notify the chair of the ~~appropriate state, district, or county~~
 1341 political party executive committee of such party~~;~~ and,

1342 1. If the vacancy in nomination is for a statewide office,
 1343 the state party chair shall, within 5 days, ~~the chair shall~~ call
 1344 a meeting of his or her executive board ~~committee~~ to consider

CS/CS/HB 1355

2011

1345 designation of a nominee to fill the vacancy.

1346 2. If the vacancy in nomination is for the office of
 1347 United States Representative, state senator, state
 1348 representative, state attorney, or public defender, the state
 1349 party chair shall notify the appropriate county chair or chairs
 1350 and, within 5 days, the appropriate county chair or chairs shall
 1351 call a meeting of the members of the executive committee in the
 1352 affected county or counties to consider designation of a nominee
 1353 to fill the vacancy.

1354 3. If the vacancy in nomination is for a county office,
 1355 the state party chair shall notify the appropriate county chair
 1356 and, within 5 days, the appropriate county chair shall call a
 1357 meeting of his or her executive committee to consider
 1358 designation of a nominee to fill the vacancy.

1359
 1360 The name of any person so designated shall be submitted to the
 1361 filing officer before whom the candidate qualified ~~Department of~~
 1362 ~~State~~ within 7 days after notice to the chair in order that the
 1363 person designated may have his or her name on the ballot of the
 1364 ensuing general election. If the name of the new nominee is
 1365 submitted after the certification of results of the preceding
 1366 primary election, however, the ballots shall not be changed and
 1367 the former party nominee's name will appear on the ballot. Any
 1368 ballots cast for the former party nominee will be counted for
 1369 the person designated by the political party to replace the
 1370 former party nominee. If there is no opposition to the party
 1371 nominee, the person designated by the political party to replace
 1372 the former party nominee will be elected to office at the

CS/CS/HB 1355

2011

1373 general election. ~~For purposes of this paragraph, the term~~
1374 ~~"district political party executive committee" means the members~~
1375 ~~of the state executive committee of a political party from those~~
1376 ~~counties comprising the area involving a district office.~~

1377 (b) When, under the circumstances set forth in the
1378 preceding paragraph, vacancies in nomination are required to be
1379 filled by committee nominations, such vacancies shall be filled
1380 by party rule. In any instance in which a nominee is selected by
1381 a committee to fill a vacancy in nomination, such nominee shall
1382 pay the same filing fee and take the same oath as the nominee
1383 would have taken had he or she regularly qualified for election
1384 to such office.

1385 (c) Any person who, at the close of qualifying as
1386 prescribed in ss. 99.061 and 105.031, was qualified for
1387 nomination or election to or retention in a public office to be
1388 filled at the ensuing general election or who attempted to
1389 qualify and failed to qualify is prohibited from qualifying as a
1390 candidate to fill a vacancy in nomination for any other office
1391 to be filled at that general election, even if such person has
1392 withdrawn or been eliminated as a candidate for the original
1393 office sought. However, this paragraph does not apply to a
1394 candidate for the office of Lieutenant Governor who applies to
1395 fill a vacancy in nomination for the office of Governor on the
1396 same ticket or to a person who has withdrawn or been eliminated
1397 as a candidate and who is subsequently designated as a candidate
1398 for Lieutenant Governor under s. 99.063.

1399 (4) A vacancy in nomination is not created if an order of
1400 a court that has become final determines that a nominee did not

CS/CS/HB 1355

2011

1401 properly qualify or did not meet the necessary qualifications to
 1402 hold the office for which he or she sought to qualify.

1403 (5) In the event of unforeseeable circumstances not
 1404 contemplated in these general election laws concerning the
 1405 calling and holding of special primary elections and special
 1406 elections resulting from court order or other unpredictable
 1407 circumstances, the Department of State shall have the authority
 1408 to provide for the conduct of orderly elections.

1409 Section 20. Subsections (1), (3), (6), (7), and (8) of
 1410 section 100.371, Florida Statutes, are amended to read:

1411 100.371 Initiatives; procedure for placement on ballot.—

1412 (1) Constitutional amendments proposed by initiative shall
 1413 be placed on the ballot for the general election, provided the
 1414 initiative petition has been filed with the Secretary of State
 1415 no later than February 1 of the year the general election is
 1416 held. A petition shall be deemed to be filed with the Secretary
 1417 of State upon the date the secretary determines that valid and
 1418 verified petition forms have been signed by the constitutionally
 1419 required number and distribution of electors under this code,
 1420 ~~subject to the right of revocation established in this section.~~

1421 (3) An initiative petition form circulated for signature
 1422 may not be bundled with or attached to any other petition. Each
 1423 signature shall be dated when made and shall be valid for a
 1424 period of 2 4 years following such date, provided all other
 1425 requirements of law are met. The sponsor shall submit signed and
 1426 dated forms to the ~~appropriate~~ supervisor of elections for
 1427 verification as to the number of registered electors whose valid
 1428 signatures appear thereon. If the signer is a registered voter

CS/CS/HB 1355

2011

1429 of another county, the supervisor shall notify the petition
1430 sponsor of the misfiled petition. The supervisor shall promptly
1431 verify the signatures within 30 days after ~~of~~ receipt of the
1432 petition forms and payment of the fee required by s. 99.097. The
1433 supervisor shall promptly record, in the manner prescribed by
1434 the Secretary of State, the date each form is received by the
1435 supervisor, and the date the signature on the form is verified
1436 as valid. The supervisor may verify that the signature on a form
1437 is valid only if:

1438 (a) The form contains the original signature of the
1439 purported elector.

1440 (b) The purported elector has accurately recorded on the
1441 form the date on which he or she signed the form.

1442 (c) The form ~~accurately~~ sets forth the purported elector's
1443 name, ~~street~~ address, city, county, and voter registration
1444 number or date of birth.

1445 (d) The purported elector is, at the time he or she signs
1446 the form and at the time the form is verified, a duly qualified
1447 and registered elector ~~authorized to vote in the~~ state ~~county in~~
1448 ~~which his or her signature is submitted.~~

1449
1450 The supervisor shall retain the signature forms for at least 1
1451 year following the election in which the issue appeared on the
1452 ballot or until the Division of Elections notifies the
1453 supervisors of elections that the committee that ~~which~~
1454 circulated the petition is no longer seeking to obtain ballot
1455 position.

1456 ~~(6) (a) An elector's signature on a petition form may be~~

CS/CS/HB 1355

2011

1457 ~~revoked within 150 days of the date on which he or she signed~~
1458 ~~the petition form by submitting to the appropriate supervisor of~~
1459 ~~elections a signed petition-revocation form.~~

1460 ~~(b) The petition-revocation form and the manner in which~~
1461 ~~signatures are obtained, submitted, and verified shall be~~
1462 ~~subject to the same relevant requirements and timeframes as the~~
1463 ~~corresponding petition form and processes under this code and~~
1464 ~~shall be approved by the Secretary of State before any signature~~
1465 ~~on a petition-revocation form is obtained.~~

1466 ~~(c) In those circumstances in which a petition-revocation~~
1467 ~~form for a corresponding initiative petition has not been~~
1468 ~~submitted and approved, an elector may complete and submit a~~
1469 ~~standard petition-revocation form directly to the supervisor of~~
1470 ~~elections. All other requirements and processes apply for the~~
1471 ~~submission and verification of the signatures as for initiative~~
1472 ~~petitions.~~

1473 ~~(d) Supervisors of elections shall provide petition-~~
1474 ~~revocation forms to the public at all main and branch offices.~~

1475 ~~(e) The petition-revocation form shall be filed with the~~
1476 ~~supervisor of elections by February 1 preceding the next general~~
1477 ~~election or, if the initiative amendment is not certified for~~
1478 ~~ballot position in that election, by February 1 preceding the~~
1479 ~~next successive general election. The supervisor of elections~~
1480 ~~shall promptly verify the signature on the petition-revocation~~
1481 ~~form and process such revocation upon payment, in advance, of a~~
1482 ~~fee of 10 cents or the actual cost of verifying such signature,~~
1483 ~~whichever is less. The supervisor shall promptly record each~~
1484 ~~valid and verified signature on a petition-revocation form in~~

1485 ~~the manner prescribed by the Secretary of State.~~

1486 ~~(f) The division shall adopt by rule the petition-~~
 1487 ~~revocation forms to be used under this subsection.~~

1488 (6)~~(7)~~ The Department of State may adopt rules in
 1489 accordance with s. 120.54 to carry out the provisions of
 1490 subsections (1)-(5) ~~(1)-(6)~~.

1491 (7)~~(8)~~ No provision of this code shall be deemed to
 1492 prohibit a private person exercising lawful control over
 1493 privately owned property, including property held open to the
 1494 public for the purposes of a commercial enterprise, from
 1495 excluding from such property persons seeking to engage in
 1496 activity supporting or opposing initiative amendments.

1497 Section 21. Effective July 1, 2012, subsections (3) and
 1498 (4) of section 101.001, Florida Statutes, are amended to read:

1499 101.001 Precincts and polling places; boundaries.—

1500 (3) (a) Each supervisor of elections shall maintain a
 1501 suitable map drawn to a scale no smaller than 3 miles to the
 1502 inch and clearly delineating all major observable features such
 1503 as roads, streams, and railway lines and showing the current
 1504 geographical boundaries of each precinct, representative
 1505 district, and senatorial district, and other type of district in
 1506 the county subject to the elections process in this code.

1507 (b) The supervisor shall provide to the department data on
 1508 all precincts in the county associated with the most recent
 1509 decennial census blocks within each precinct.

1510 (c) The department shall maintain a searchable database
 1511 that contains the precincts and the corresponding most recent
 1512 decennial census blocks within the precincts for each county,

CS/CS/HB 1355

2011

1513 including a historical file that allows the census blocks to be
1514 traced through the prior decade.

1515 (d)-(b) The supervisor of elections shall notify the
1516 Secretary of State in writing within 10 ~~30~~ days after any
1517 reorganization of precincts and shall furnish a copy of the map
1518 showing the current geographical boundaries and designation of
1519 each new precinct. However, if precincts are composed of whole
1520 census blocks, the supervisor may furnish, in lieu of a copy of
1521 the map, a list, in an electronic format prescribed by the
1522 Department of State, associating each census block in the county
1523 with its precinct.

1524 (e)-(e) Any precinct established or altered under the
1525 provisions of this section shall consist of areas bounded on all
1526 sides only by census block boundaries from the most recent
1527 United States Census. If the census block boundaries split or
1528 conflict with another political boundary listed below, the
1529 boundary listed below may be used:

1530 ~~1. Census block boundaries from the most recent United~~
1531 ~~States Census;~~

1532 ~~1.2.~~ Governmental unit boundaries reported in the most
1533 recent Boundary and Annexation Survey published by the United
1534 States Census Bureau;

1535 ~~2.3.~~ Visible features that are readily distinguishable
1536 upon the ground, such as streets, railroads, tracks, streams,
1537 and lakes, and that are indicated upon current census maps,
1538 official Department of Transportation maps, official municipal
1539 maps, official county maps, or a combination of such maps;

1540 ~~3.4.~~ Boundaries of public parks, public school grounds, or

1541 churches; or

1542 ~~4.5.~~ Boundaries of counties, incorporated municipalities,

1543 or other political subdivisions that meet criteria established

1544 by the United States Census Bureau for block boundaries.

1545 ~~(d) Until July 1, 2012, a supervisor may apply for and~~

1546 ~~obtain from the Secretary of State a waiver of the requirement~~

1547 ~~in paragraph (c).~~

1548 (4) (a) Within 10 days after there is any change in the

1549 division, number, or boundaries of the precincts, or the

1550 location of the polling places, the supervisor of elections

1551 shall make in writing an accurate description of any new or

1552 altered precincts, setting forth the boundary lines and shall

1553 identify the location of each new or altered polling place. A

1554 copy of the document describing such changes shall be posted at

1555 the supervisor's office.

1556 (b) Any changes in the county precinct data shall be

1557 provided to the department within 10 days after a change.

1558 (c) Precinct data shall include all precincts for which

1559 precinct-level election results and voting history results are

1560 reported.

1561 Section 22. Subsection (1) of section 101.043, Florida

1562 Statutes, is amended to read:

1563 101.043 Identification required at polls.—

1564 (1) The precinct register, as prescribed in s. 98.461,

1565 shall be used at the polls for the purpose of identifying the

1566 elector at the polls prior to allowing him or her to vote. The

1567 clerk or inspector shall require each elector, upon entering the

1568 polling place, to present one of the following current and valid

CS/CS/HB 1355

2011

- 1569 picture identifications:
- 1570 (a) Florida driver's license.
 - 1571 (b) Florida identification card issued by the Department
 - 1572 of Highway Safety and Motor Vehicles.
 - 1573 (c) United States passport.
 - 1574 (d) Debit or credit card.
 - 1575 (e) Military identification.
 - 1576 (f) Student identification.
 - 1577 (g) Retirement center identification.
 - 1578 (h) Neighborhood association identification.
 - 1579 (i) Public assistance identification.

1580

1581 If the picture identification does not contain the signature of

1582 the voter, an additional identification that provides the

1583 elector's ~~voter's~~ signature shall be required. The address

1584 appearing on the identification presented by the elector is not

1585 to be used as the basis to confirm an elector's legal residence

1586 or otherwise challenge an elector's legal residence. The elector

1587 shall sign his or her name in the space provided on the precinct

1588 register or on an electronic device provided for recording the

1589 elector's ~~voter's~~ signature. The clerk or inspector shall

1590 compare the signature with that on the identification provided

1591 by the elector and enter his or her initials in the space

1592 provided on the precinct register or on an electronic device

1593 provided for that purpose and allow the elector to vote if the

1594 clerk or inspector is satisfied as to the identity of the

1595 elector.

1596 Section 23. Section 101.045, Florida Statutes, is amended

CS/CS/HB 1355

2011

1597 to read:

1598 101.045 Electors must be registered in precinct;
 1599 provisions for change of residence or name.—

1600 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any
 1601 election precinct or district other than the one in which the
 1602 person has his or her legal residence and in which the person is
 1603 registered. However, a person temporarily residing outside the
 1604 county shall be registered in the precinct in which the main
 1605 office of the supervisor, as designated by the supervisor, is
 1606 located when the person has no permanent address in the county
 1607 and it is the person's intention to remain a resident of Florida
 1608 and of the county in which he or she is registered to vote. Such
 1609 persons who are registered in the precinct in which the main
 1610 office of the supervisor, as designated by the supervisor, is
 1611 located and who are residing outside the county with no
 1612 permanent address in the county shall not be registered electors
 1613 of a municipality and therefore shall not be permitted to vote
 1614 in any municipal election.

1615 (2) (a) An elector who moves from the precinct in which the
 1616 elector is registered may be permitted to vote in the precinct
 1617 to which he or she has moved his or her legal residence, if the
 1618 change of residence is within the same county and the ~~provided~~
 1619 ~~such~~ elector completes an affirmation in substantially the
 1620 following form:

1621 Change of Legal Residence of Registered
 1622 Voter

1623 Under penalties for false swearing, I, ...(Name of voter)...,
 1624 swear (or affirm) that the former address of my legal residence

CS/CS/HB 1355

2011

1653 Municipality

1654 County

1655 Florida, Zip

1656 My present name and address of legal residence are as follows:

1657 Name

1658 Address

1659 Municipality

1660 County

1661 Florida, Zip

1662 and I further swear (or affirm) that I am otherwise legally
1663 registered and entitled to vote.

1664 ... (Signature of voter whose name has changed) ...

1665 (d) ~~(e)~~ Instead of the affirmation contained in paragraph
1666 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter
1667 registration application that indicates the change of name or
1668 change of address of legal residence.

1669 (e) ~~(d)~~ Such affirmation or application, when completed and
1670 presented at the precinct in which such elector is entitled to
1671 vote, and upon verification of the elector's registration, shall
1672 entitle such elector to vote as provided in this subsection. If
1673 the elector's eligibility to vote cannot be determined, he or
1674 she shall be entitled to vote a provisional ballot, subject to
1675 the requirements and procedures in s. 101.048. Upon receipt of
1676 an affirmation or application certifying a change in address of
1677 legal residence or name, the supervisor shall as soon as
1678 practicable make the necessary changes in the statewide voter
1679 registration system to indicate the change in address of legal
1680 residence or name of such elector.

CS/CS/HB 1355

2011

1681 Section 24. Subsection (2) of section 101.131, Florida
 1682 Statutes, is amended, and subsections (4) and (5) are added to
 1683 that section, to read:

1684 101.131 Watchers at polls.—

1685 (2) Each party, each political committee, and each
 1686 candidate requesting to have poll watchers shall designate, in
 1687 writing to the supervisor of elections, on a form prescribed by
 1688 the division, before ~~prior to~~ noon of the second Tuesday
 1689 preceding the election poll watchers for each polling room on
 1690 election day. Designations of poll watchers for early voting
 1691 areas shall be submitted in writing to the supervisor of
 1692 elections, on a form prescribed by the division, before noon at
 1693 least 14 days before early voting begins. The poll watchers for
 1694 ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of
 1695 elections on or before the Tuesday before the election. Poll
 1696 watchers for early voting areas shall be approved by the
 1697 supervisor of elections no later than 7 days before early voting
 1698 begins. The supervisor shall furnish to each election board a
 1699 list of the poll watchers designated and approved for such
 1700 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of
 1701 poll watchers shall be made by the chair of the county executive
 1702 committee of a political party, the chair of a political
 1703 committee, or the candidate requesting to have poll watchers.

1704 (4) All poll watchers shall be allowed to enter and watch
 1705 polls in all polling rooms and early voting areas within the
 1706 county in which they have been designated if the number of poll
 1707 watchers at any particular polling place does not exceed the
 1708 number provided in this section.

CS/CS/HB 1355

2011

1709 (5) The supervisor of elections shall provide to each
 1710 designated poll watcher, no later than 7 days before early
 1711 voting begins, a poll watcher identification badge that
 1712 identifies the poll watcher by name. Each poll watcher shall
 1713 wear his or her identification badge while in the polling room
 1714 or early voting area.

1715 Section 25. Subsections (1), (2), and (3) of section
 1716 101.151, Florida Statutes, are amended to read:

1717 101.151 Specifications for ballots.—

1718 (1) (a) Marksense ballots shall be printed on paper of such
 1719 thickness that the printing cannot be distinguished from the
 1720 back and shall meet the specifications of the voting system that
 1721 will be used to tabulate the ballots.

1722 (b) Early voting sites may employ a ballot-on-demand
 1723 production system to print individual marksense ballots,
 1724 including provisional ballots, for eligible electors pursuant to
 1725 s. 101.657. Ballot-on-demand technology may be used to produce
 1726 marksense absentee and election day ballots. ~~Not later than 30~~
 1727 ~~days before an election, the Secretary of State may also~~
 1728 ~~authorize in writing the use of ballot-on-demand technology for~~
 1729 ~~the production of election-day ballots.~~

1730 (2) (a) The ballot shall have the following office titles
 1731 ~~headings~~ under which shall appear ~~the names of the offices and~~
 1732 the names of the candidates for the respective offices in the
 1733 following order:

1734 1. The office titles of heading "President and Vice
 1735 President of the United States" and thereunder the names of the
 1736 candidates for President and Vice President of the United States

CS/CS/HB 1355

2011

1737 | nominated by the political party that received the highest vote
 1738 | for Governor in the last general election of the Governor in
 1739 | this state. Then shall appear the names of other candidates for
 1740 | President and Vice President of the United States who have been
 1741 | properly nominated.

1742 | 2. The office titles ~~Then shall follow the heading~~
 1743 | ~~"Congressional" and thereunder the offices~~ of United States
 1744 | Senator and Representative in Congress.~~;~~

1745 | 3. The office titles ~~then the heading "State" and~~
 1746 | ~~thereunder the offices~~ of Governor and Lieutenant Governor;~~;~~
 1747 | Attorney General;~~;~~ Chief Financial Officer;~~;~~ Commissioner of
 1748 | Agriculture;~~;~~ State Attorney, with the applicable judicial
 1749 | circuit printed beneath the office; and Public Defender, with
 1750 | the applicable judicial circuit printed beneath the office.

1751 | 4. ~~together with the names of the candidates for each~~
 1752 | ~~office and the title of the office which they seek; then the~~
 1753 | ~~heading "Legislative" and thereunder~~ The office titles offices
 1754 | of State Senator and State Representative with the applicable
 1755 | district for the office printed beneath.~~;~~ ~~then the heading~~
 1756 | ~~"County" and thereunder~~

1757 | 5. The office titles of County Clerk of the Circuit Court,
 1758 | or Clerk of the Circuit Court and Comptroller (whichever is
 1759 | applicable and when authorized by law), Clerk of the County
 1760 | Court (when authorized by law), County Sheriff, County Property
 1761 | Appraiser, County Tax Collector, District Superintendent of
 1762 | Schools, and County Supervisor of Elections.

1763 | 6. The office titles ~~Thereafter follows: members of the~~
 1764 | Board of County Commissioners with the applicable district

CS/CS/HB 1355

2011

1765 printed beneath each office, and such other county and district
 1766 offices as are involved in the election, in the order fixed by
 1767 the Department of State, followed, in the year of their
 1768 election, by "Party Offices," and thereunder the offices of
 1769 state and county party executive committee members.

1770 (b) In a general election, in addition to the names
 1771 printed on the ballot, a blank space shall be provided under
 1772 each ~~heading for an~~ office for which a write-in candidate has
 1773 qualified. With respect to write-in candidates, if two or more
 1774 candidates are seeking election to one office, only one blank
 1775 space shall be provided.

1776 (c) ~~(b)~~ When more than one candidate is nominated for
 1777 office, the candidates for such office shall qualify and run in
 1778 a group or district, and the group or district number shall be
 1779 printed beneath the name of the office. Each nominee of a
 1780 political party chosen in a primary shall appear on the general
 1781 election ballot in the same numbered group or district as on the
 1782 primary election ballot.

1783 (d) ~~(e)~~ If in any election all the offices as set forth in
 1784 paragraph (a) are not involved, those offices not to be filled
 1785 shall be omitted and the remaining offices shall be arranged on
 1786 the ballot in the order named.

1787 (3) (a) The names of the candidates of the party that
 1788 received the highest number of votes for Governor in the last
 1789 election in which a Governor was elected shall be placed first
 1790 ~~under the heading~~ for each office on the general election
 1791 ballot, together with an appropriate abbreviation of the party
 1792 name; the names of the candidates of the party that received the

CS/CS/HB 1355

2011

1793 second highest vote for Governor shall be placed second ~~under~~
 1794 ~~the heading~~ for each office, together with an appropriate
 1795 abbreviation of the party name.

1796 (b) Minor political party candidates ~~and candidates with~~
 1797 ~~no party affiliation~~ shall have their names appear on the
 1798 general election ballot following the names of recognized
 1799 political parties, in the ~~same~~ order as they were qualified,
 1800 followed by the names of candidates with no party affiliation,
 1801 in the order as they were qualified ~~certified~~.

1802 Section 26. Paragraph (a) of subsection (2) of section
 1803 101.5605, Florida Statutes, is amended to read:

1804 101.5605 Examination and approval of equipment.—

1805 (2) (a) Any person owning or interested in an electronic or
 1806 electromechanical voting system may submit it to the Department
 1807 of State for examination. The vote counting segment shall be
 1808 certified after a satisfactory evaluation testing has been
 1809 performed according to s. 101.015(1) ~~electronic industry~~
 1810 ~~standards~~. This testing shall include, but is not limited to,
 1811 testing of all software required for the voting system's
 1812 operation; the ballot reader; the rote processor, especially in
 1813 its logic and memory components; the digital printer; the fail-
 1814 safe operations; the counting center environmental requirements;
 1815 and the equipment reliability estimate. For the purpose of
 1816 assisting in examining the system, the department shall employ
 1817 or contract for services of at least one individual who is
 1818 expert in one or more fields of data processing, mechanical
 1819 engineering, and public administration and shall require from
 1820 the individual a written report of his or her examination.

1821 Section 27. Subsection (11) of section 101.5606, Florida
 1822 Statutes, is amended to read:

1823 101.5606 Requirements for approval of systems.—No
 1824 electronic or electromechanical voting system shall be approved
 1825 by the Department of State unless it is so constructed that:

1826 (11) It is capable of automatically producing precinct
 1827 totals in printed, ~~marked, or punched form, or a combination~~
 1828 ~~thereof.~~

1829 Section 28. Paragraph (a) of subsection (4) of section
 1830 101.5612, Florida Statutes, is amended to read:

1831 101.5612 Testing of tabulating equipment.—

1832 (4) (a) 1. For electronic or electromechanical voting
 1833 systems configured to include electronic or electromechanical
 1834 tabulation devices which are distributed to the precincts, all
 1835 or a sample of the devices to be used in the election shall be
 1836 publicly tested. If a sample is to be tested, the sample shall
 1837 consist of a random selection of at least 5 percent or 10 of the
 1838 devices for an optical scan system ~~or 2 percent of the devices~~
 1839 ~~for a touchscreen system or 10 of the devices for either system,~~
 1840 ~~as applicable,~~ whichever is greater. For touchscreen systems
 1841 used for voters with disabilities, a sample of at least 2
 1842 percent of the devices must be tested. The test shall be
 1843 conducted by processing a group of ballots, causing the device
 1844 to output results for the ballots processed, and comparing the
 1845 output of results to the results expected for the ballots
 1846 processed. The group of ballots shall be produced so as to
 1847 record a predetermined number of valid votes for each candidate
 1848 and on each measure and to include for each office one or more

CS/CS/HB 1355

2011

1849 ballots which have activated voting positions in excess of the
 1850 number allowed by law in order to test the ability of the
 1851 tabulating device to reject such votes.

1852 2. If any tested tabulating device is found to have an
 1853 error in tabulation, it shall be deemed unsatisfactory. For each
 1854 device deemed unsatisfactory, the canvassing board shall take
 1855 steps to determine the cause of the error, shall attempt to
 1856 identify and test other devices that could reasonably be
 1857 expected to have the same error, and shall test a number of
 1858 additional devices sufficient to determine that all devices are
 1859 satisfactory. Upon deeming any device unsatisfactory, the
 1860 canvassing board may require all devices to be tested or may
 1861 declare that all devices are unsatisfactory.

1862 3. If the operation or output of any tested tabulation
 1863 device, such as spelling or the order of candidates on a report,
 1864 is in error, such problem shall be reported to the canvassing
 1865 board. The canvassing board shall then determine if the reported
 1866 problem warrants its deeming the device unsatisfactory.

1867 Section 29. Subsection (4) of section 101.5614, Florida
 1868 Statutes, is amended to read:

1869 101.5614 Canvass of returns.—

1870 (4) ~~If ballot cards are used, and separate write-in~~
 1871 ~~ballots or envelopes for casting write-in votes are used, write-~~
 1872 ~~in ballots or the envelopes on which write-in ballots have been~~
 1873 ~~cast shall be serially numbered, starting with the number one,~~
 1874 ~~and the same number shall be placed on the ballot card of the~~
 1875 ~~voter. This process may be completed at either the precinct by~~
 1876 ~~the election board or at the central counting location. For each~~

CS/CS/HB 1355

2011

1877 ballot or ballot image ~~and ballot envelope~~ on which write-in
 1878 votes have been cast, the canvassing board shall compare the
 1879 write-in votes with the votes cast on the ballot card. ~~‡~~ If the
 1880 total number of votes for any office exceeds the number allowed
 1881 by law, ~~a notation to that effect, specifying the office~~
 1882 ~~involved, shall be entered on the back of the ballot card or in~~
 1883 ~~a margin if voting areas are printed on both sides of the ballot~~
 1884 ~~card.~~ such votes shall not be counted. All valid votes shall be
 1885 tallied by the canvassing board.

1886 Section 30. Subsection (6) is added to section 101.591,
 1887 Florida Statutes, to read:

1888 101.591 Voting system audit.—

1889 (6) If a manual recount is undertaken pursuant to s.
 1890 102.166, the canvassing board is not required to perform the
 1891 audit provided for in this section.

1892 Section 31. Paragraphs (a) and (b) of subsection (1) and
 1893 subsections (3) and (4) of section 101.62, Florida Statutes, are
 1894 amended to read:

1895 101.62 Request for absentee ballots.—

1896 (1) (a) The supervisor shall accept a request for an
 1897 absentee ballot from an elector in person or in writing. One
 1898 request shall be deemed sufficient to receive an absentee ballot
 1899 for all elections through the end of the calendar year of the
 1900 next two regularly scheduled general elections ~~election~~, unless
 1901 the elector or the elector's designee indicates at the time the
 1902 request is made the elections for which the elector desires to
 1903 receive an absentee ballot. Such request may be considered
 1904 canceled when any first-class mail sent by the supervisor to the

CS/CS/HB 1355

2011

1905 elector is returned as undeliverable.

1906 (b) The supervisor may accept a written or telephonic
 1907 request for an absentee ballot from the elector, or, if directly
 1908 instructed by the elector, a member of the elector's immediate
 1909 family, or the elector's legal guardian. For purposes of this
 1910 section, the term "immediate family" has the same meaning as
 1911 specified in paragraph (4) (c) ~~(b)~~. The person making the request
 1912 must disclose:

- 1913 1. The name of the elector for whom the ballot is
- 1914 requested.
- 1915 2. The elector's address.
- 1916 3. The elector's date of birth.
- 1917 4. The requester's name.
- 1918 5. The requester's address.
- 1919 6. The requester's driver's license number, if available.
- 1920 7. The requester's relationship to the elector.
- 1921 8. The requester's signature (written requests only).

1922 (3) For each request for an absentee ballot received, the
 1923 supervisor shall record the date the request was made, the date
 1924 the absentee ballot was delivered to the voter or the voter's
 1925 designee or the date the absentee ballot was delivered to the
 1926 post office or other carrier, the date the ballot was received
 1927 by the supervisor, and such other information he or she may deem
 1928 necessary. This information shall be provided in electronic
 1929 format as provided by rule adopted by the division. The
 1930 information shall be updated and made available no later than 8
 1931 a.m. noon of each day, including weekends, beginning 60 days
 1932 before the primary until 15 days after the general election and

CS/CS/HB 1355

2011

1933 shall be contemporaneously provided to the division. This
 1934 information shall be confidential and exempt from the provisions
 1935 of s. 119.07(1) and shall be made available to or reproduced
 1936 only for the voter requesting the ballot, a canvassing board, an
 1937 election official, a political party or official thereof, a
 1938 candidate who has filed qualification papers and is opposed in
 1939 an upcoming election, and registered political committees or
 1940 registered committees of continuous existence, for political
 1941 purposes only.

1942 (4) (a) No later than 45 days before each presidential
 1943 preference primary election, primary election, and general
 1944 election, the supervisor of elections shall send an absentee
 1945 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent
 1946 uniformed services voter and to each overseas voter who has
 1947 requested an absentee ballot.

1948 (b) The supervisor of elections shall mail an absentee
 1949 ballot to each absent qualified voter, other than those listed
 1950 in paragraph (a), who has requested such a ballot, between the
 1951 35th and 28th days before the presidential preference primary
 1952 election, primary election, and general election. Except as
 1953 otherwise provided in subsection (2) and after the period
 1954 described in this paragraph, the supervisor shall mail absentee
 1955 ballots within 2 business days after receiving a request for
 1956 such a ballot.

1957 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
 1958 each elector by whom a request for that ballot has been made by
 1959 one of the following means:

1960 1. By nonforwardable, return-if-undeliverable mail to the

1961 elector's current mailing address on file with the supervisor or
 1962 ~~, unless the elector specifies in the request that:~~

1963 ~~a. The elector is absent from the county and does not plan~~
 1964 ~~to return before the day of the election;~~

1965 ~~b. The elector is temporarily unable to occupy the~~
 1966 ~~residence because of hurricane, tornado, flood, fire, or other~~
 1967 ~~emergency or natural disaster; or~~

1968 ~~e. The elector is in a hospital, assisted living facility,~~
 1969 ~~nursing home, short-term medical or rehabilitation facility, or~~
 1970 ~~correctional facility,~~

1971
 1972 ~~in which case the supervisor shall mail the ballot by~~
 1973 ~~nonforwardable, return-if-undeliverable mail to any other~~
 1974 ~~address the elector specifies in the request.~~

1975 2. By forwardable mail, e-mail, or facsimile machine
 1976 transmission to absent uniformed services voters and overseas
 1977 voters. The absent uniformed services voter or overseas voter
 1978 may designate in the absentee ballot request the preferred
 1979 method of transmission. If the voter does not designate the
 1980 method of transmission, the absentee ballot shall be mailed.

1981 3. By personal delivery before 7 p.m. on election day to
 1982 the elector, upon presentation of the identification required in
 1983 s. 101.043.

1984 4. By delivery to a designee on election day or up to 5
 1985 days prior to the day of an election. Any elector may designate
 1986 in writing a person to pick up the ballot for the elector;
 1987 however, the person designated may not pick up more than two
 1988 absentee ballots per election, other than the designee's own

CS/CS/HB 1355

2011

1989 ballot, except that additional ballots may be picked up for
 1990 members of the designee's immediate family. For purposes of this
 1991 section, "immediate family" means the designee's spouse or the
 1992 parent, child, grandparent, or sibling of the designee or of the
 1993 designee's spouse. The designee shall provide to the supervisor
 1994 the written authorization by the elector and a picture
 1995 identification of the designee and must complete an affidavit.
 1996 The designee shall state in the affidavit that the designee is
 1997 authorized by the elector to pick up that ballot and shall
 1998 indicate if the elector is a member of the designee's immediate
 1999 family and, if so, the relationship. The department shall
 2000 prescribe the form of the affidavit. If the supervisor is
 2001 satisfied that the designee is authorized to pick up the ballot
 2002 and that the signature of the elector on the written
 2003 authorization matches the signature of the elector on file, the
 2004 supervisor shall give the ballot to that designee for delivery
 2005 to the elector.

2006 Section 32. Section 101.65, Florida Statutes, is amended
 2007 to read:

2008 101.65 Instructions to absent electors.—The supervisor
 2009 shall enclose with each absentee ballot separate printed
 2010 instructions in substantially the following form:

2011
 2012 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

2013 1. VERY IMPORTANT. In order to ensure that your absentee
 2014 ballot will be counted, it should be completed and returned as
 2015 soon as possible so that it can reach the supervisor of
 2016 elections of the county in which your precinct is located no

CS/CS/HB 1355

2011

- 2017 later than 7 p.m. on the day of the election.
- 2018 2. Mark your ballot in secret as instructed on the ballot.
- 2019 You must mark your own ballot unless you are unable to do so
- 2020 because of blindness, disability, or inability to read or write.
- 2021 3. Mark only the number of candidates or issue choices for
- 2022 a race as indicated on the ballot. If you are allowed to "Vote
- 2023 for One" candidate and you vote for more than one candidate,
- 2024 your vote in that race will not be counted.
- 2025 4. Place your marked ballot in the enclosed secrecy
- 2026 envelope.
- 2027 5. Insert the secrecy envelope into the enclosed mailing
- 2028 envelope which is addressed to the supervisor.
- 2029 6. Seal the mailing envelope and completely fill out the
- 2030 Voter's Certificate on the back of the mailing envelope.
- 2031 7. VERY IMPORTANT. In order for your absentee ballot to be
- 2032 counted, you must sign your name on the line above (Voter's
- 2033 Signature). An absentee ballot will be considered illegal and
- 2034 will not be counted if the signature on the voter's certificate
- 2035 does not match the signature on record. The signature on file at
- 2036 the start of the canvass of the absentee ballots is the
- 2037 signature that will be used to verify your signature on the
- 2038 voter's certificate. If you need to update your signature for
- 2039 this election, send your signature update on a voter
- 2040 registration application to your supervisor of elections so that
- 2041 it is received no later than the start of the canvassing of
- 2042 absentee ballots, which occurs no earlier than the 15th day
- 2043 before election day.
- 2044 8. VERY IMPORTANT. If you are an overseas voter, you must

CS/CS/HB 1355

2011

2045 include the date you signed the Voter's Certificate on the line
 2046 above (Date) or your ballot may not be counted.

2047 9. Mail, deliver, or have delivered the completed mailing
 2048 envelope. Be sure there is sufficient postage if mailed.

2049 10. FELONY NOTICE. It is a felony under Florida law to
 2050 accept any gift, payment, or gratuity in exchange for your vote
 2051 for a candidate. It is also a felony under Florida law to vote
 2052 in an election using a false identity or false address, or under
 2053 any other circumstances making your ballot false or fraudulent.

2054 Section 33. Paragraph (a) of subsection (2) of section
 2055 101.68, Florida Statutes, is amended to read:

2056 101.68 Canvassing of absentee ballot.—

2057 (2) (a) The county canvassing board may begin the
 2058 canvassing of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day
 2059 before the election, but not later than noon on the day
 2060 following the election. In addition, for any county using
 2061 electronic tabulating equipment, the processing of absentee
 2062 ballots through such tabulating equipment may begin at 7 a.m. on
 2063 the 15th ~~sixth~~ day before the election. However, notwithstanding
 2064 any such authorization to begin canvassing or otherwise
 2065 processing absentee ballots early, no result shall be released
 2066 until after the closing of the polls in that county on election
 2067 day. Any supervisor of elections, deputy supervisor of
 2068 elections, canvassing board member, election board member, or
 2069 election employee who releases the results of a canvassing or
 2070 processing of absentee ballots prior to the closing of the polls
 2071 in that county on election day commits a felony of the third
 2072 degree, punishable as provided in s. 775.082, s. 775.083, or s.

CS/CS/HB 1355

2011

2073 775.084.

2074 Section 34. Subsection (2) of section 101.6923, Florida
2075 Statutes, is amended to read:

2076 101.6923 Special absentee ballot instructions for certain
2077 first-time voters.—

2078 (2) A voter covered by this section shall be provided with
2079 printed instructions with his or her absentee ballot in
2080 substantially the following form:

2081
2082 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
2083 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
2084 TO COUNT.

2085
2086 1. In order to ensure that your absentee ballot will be
2087 counted, it should be completed and returned as soon as possible
2088 so that it can reach the supervisor of elections of the county
2089 in which your precinct is located no later than 7 p.m. on the
2090 date of the election.

2091 2. Mark your ballot in secret as instructed on the ballot.
2092 You must mark your own ballot unless you are unable to do so
2093 because of blindness, disability, or inability to read or write.

2094 3. Mark only the number of candidates or issue choices for
2095 a race as indicated on the ballot. If you are allowed to "Vote
2096 for One" candidate and you vote for more than one, your vote in
2097 that race will not be counted.

2098 4. Place your marked ballot in the enclosed secrecy
2099 envelope and seal the envelope.

2100 5. Insert the secrecy envelope into the enclosed envelope

CS/CS/HB 1355

2011

2101 bearing the Voter's Certificate. Seal the envelope and
 2102 completely fill out the Voter's Certificate on the back of the
 2103 envelope.

2104 a. You must sign your name on the line above (Voter's
 2105 Signature).

2106 b. If you are an overseas voter, you must include the date
 2107 you signed the Voter's Certificate on the line above (Date) or
 2108 your ballot may not be counted.

2109 c. An absentee ballot will be considered illegal and will
 2110 not be counted if the signature on the voter's certificate does
 2111 not match the signature on record. The signature on file at the
 2112 start of the canvass of the absentee ballots is the signature
 2113 that will be used to verify your signature on the voter's
 2114 certificate. If you need to update your signature for this
 2115 election, send your signature update on a voter registration
 2116 application to your supervisor of elections so that it is
 2117 received no later than the start of canvassing of absentee
 2118 ballots, which occurs no earlier than the 15th day before
 2119 election day.

2120 6. Unless you meet one of the exemptions in Item 7., you
 2121 must make a copy of one of the following forms of
 2122 identification:

2123 a. Identification which must include your name and
 2124 photograph: United States passport; debit or credit card;
 2125 military identification; student identification; retirement
 2126 center identification; neighborhood association identification;
 2127 or public assistance identification; or

2128 b. Identification which shows your name and current

CS/CS/HB 1355

2011

2129 residence address: current utility bill, bank statement,
 2130 government check, paycheck, or government document (excluding
 2131 voter identification card).

2132 7. The identification requirements of Item 6. do not apply
 2133 if you meet one of the following requirements:

2134 a. You are 65 years of age or older.

2135 b. You have a temporary or permanent physical disability.

2136 c. You are a member of a uniformed service on active duty
 2137 who, by reason of such active duty, will be absent from the
 2138 county on election day.

2139 d. You are a member of the Merchant Marine who, by reason
 2140 of service in the Merchant Marine, will be absent from the
 2141 county on election day.

2142 e. You are the spouse or dependent of a member referred to
 2143 in paragraph c. or paragraph d. who, by reason of the active
 2144 duty or service of the member, will be absent from the county on
 2145 election day.

2146 f. You are currently residing outside the United States.

2147 8. Place the envelope bearing the Voter's Certificate into
 2148 the mailing envelope addressed to the supervisor. Insert a copy
 2149 of your identification in the mailing envelope. DO NOT PUT YOUR
 2150 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2151 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2152 BALLOT WILL NOT COUNT.

2153 9. Mail, deliver, or have delivered the completed mailing
 2154 envelope. Be sure there is sufficient postage if mailed.

2155 10. FELONY NOTICE. It is a felony under Florida law to
 2156 accept any gift, payment, or gratuity in exchange for your vote

CS/CS/HB 1355

2011

2157 | for a candidate. It is also a felony under Florida law to vote
 2158 | in an election using a false identity or false address, or under
 2159 | any other circumstances making your ballot false or fraudulent.

2160 | Section 35. Subsection (3) of section 101.75, Florida
 2161 | Statutes, is amended to read:

2162 | 101.75 Municipal elections; change of dates for cause.—

2163 | (3) Notwithstanding any provision of local law or
 2164 | municipal charter, the governing body of a municipality may, by
 2165 | ordinance, move the date of any municipal election to a date
 2166 | concurrent with any statewide or countywide election. The dates
 2167 | for qualifying for the election moved by the passage of such
 2168 | ordinance shall be specifically provided for in the ordinance
 2169 | ~~and shall run for no less than 14 days.~~ The term of office for
 2170 | any elected municipal official shall commence as provided by the
 2171 | relevant municipal charter or ordinance.

2172 | Section 36. Subsection (4) of section 102.031, Florida
 2173 | Statutes, is amended to read:

2174 | 102.031 Maintenance of good order at polls; authorities;
 2175 | persons allowed in polling rooms and early voting areas;
 2176 | unlawful solicitation of voters.—

2177 | (4) (a) A ~~No~~ person, political committee, committee of
 2178 | continuous existence, or other group or organization may not
 2179 | solicit voters inside the polling place or within 100 feet of
 2180 | the entrance to any polling place, or polling room where the
 2181 | polling place is also a polling room, or early voting site.

2182 | (b) A person, political committee, committee of continuous
 2183 | existence, or other group or organization may not solicit voters
 2184 | who are standing in line to enter any polling place, polling

CS/CS/HB 1355

2011

2185 room, or early voting site.

2186 (c) Before the opening of the polling place or early
 2187 voting site, the clerk or supervisor shall designate the no-
 2188 solicitation zone and mark the boundaries and shall post a sign
 2189 stating that no one may solicit a person standing in line to
 2190 vote.

2191 (d) ~~(b)~~ For the purpose of this subsection, whether in
 2192 person or by means of audio or visual equipment, the terms
 2193 "solicit" or "solicitation" shall include, but not be limited
 2194 to, seeking or attempting to seek any vote, fact, opinion, or
 2195 contribution; distributing or attempting to distribute any
 2196 political or campaign material, leaflet, or handout; conducting
 2197 a poll except as specified in this paragraph; seeking or
 2198 attempting to seek a signature on any petition; offering voting
 2199 or legal advice regarding voting or ballots; and selling or
 2200 attempting to sell any item. The terms "solicit" or
 2201 "solicitation" shall not be construed to prohibit exit polling.

2202 (e) ~~(e)~~ Each supervisor of elections shall inform the clerk
 2203 of the area within which soliciting is unlawful, based on the
 2204 particular characteristics of that polling place. The supervisor
 2205 or the clerk may take any reasonable action necessary to ensure
 2206 order at the polling places, including, but not limited to,
 2207 having disruptive and unruly persons removed by law enforcement
 2208 officers from the polling room or place or from the 100-foot
 2209 zone surrounding the polling place.

2210 Section 37. Subsection (4) of section 102.141, Florida
 2211 Statutes, is amended to read:

2212 102.141 County canvassing board; duties.—

CS/CS/HB 1355

2011

2213 (4) The canvassing board shall report all early voting and
 2214 all tabulated absentee results to the Department of State within
 2215 30 minutes after the polls close. Thereafter, the canvassing
 2216 board shall report, with the exception of provisional ballot
 2217 results, updated precinct election results to the department at
 2218 least every 45 minutes until all results are completely
 2219 reported. The supervisor of elections shall notify the
 2220 department immediately of any circumstances that do not permit
 2221 periodic updates as required. Results shall be submitted in a
 2222 format prescribed by the department ~~submit by 11:59 p.m. on~~
 2223 ~~election night the preliminary returns it has received to the~~
 2224 ~~Department of State in a format provided by the department.~~

2225 Section 38. Subsection (4) of section 102.168, Florida
 2226 Statutes, is amended, and subsection (8) is added to that
 2227 section, to read:

2228 102.168 Contest of election.—

2229 (4) The ~~county~~ canvassing board responsible for canvassing
 2230 the election is an indispensable ~~and proper~~ party defendant in
 2231 county and local elections. ~~‡~~ The Elections Canvassing Commission
 2232 is an indispensable ~~and proper~~ party defendant in federal,
 2233 state, and multicounty elections and in elections for justice of
 2234 the Supreme Court, judge of a district court of appeal, and
 2235 judge of a circuit court. ~~faces; and~~ The successful candidate is
 2236 an indispensable party to any action brought to contest the
 2237 election or nomination of a candidate.

2238 (8) In any contest that requires a review of a canvassing
 2239 board's decision that an absentee ballot is illegal under s.
 2240 101.68, because the signature of the elector on the voter's

2241 certificate is not the signature of the elector in the
 2242 registration records, the circuit court may not look at or
 2243 consider any evidence beyond the elector's signature on the
 2244 voter's certificate and in the registration records. The court's
 2245 review of the issue shall be to determine only if the canvassing
 2246 board abused its discretion in making its decision.

2247 Section 39. Subsection (4) of section 103.021, Florida
 2248 Statutes, is amended to read:

2249 103.021 Nomination for presidential electors.—Candidates
 2250 for presidential electors shall be nominated in the following
 2251 manner:

2252 (4) (a) A minor political party that is affiliated with a
 2253 national party holding a national convention to nominate
 2254 candidates for President and Vice President of the United States
 2255 may have the names of its candidates for President and Vice
 2256 President of the United States printed on the general election
 2257 ballot by filing with the Department of State a certificate
 2258 naming the candidates for President and Vice President and
 2259 listing the required number of persons to serve as electors.
 2260 Notification to the Department of State under this subsection
 2261 shall be made by September 1 of the year in which the election
 2262 is held. When the Department of State has been so notified, it
 2263 shall order the names of the candidates nominated by the minor
 2264 political party to be included on the ballot and shall permit
 2265 the required number of persons to be certified as electors in
 2266 the same manner as other party candidates. As used in this
 2267 section, the term "national party" means a political party that
 2268 is registered with and recognized as a qualified national

2269 committee of a political party by the Federal Election
 2270 Commission established and admitted to the ballot in at least
 2271 ~~one state other than Florida.~~

2272 (b) A minor political party that is not affiliated with a
 2273 national party holding a national convention to nominate
 2274 candidates for President and Vice President of the United States
 2275 may have the names of its candidates for President and Vice
 2276 President printed on the general election ballot if a petition
 2277 is signed by a number of electors in each of one half of the
 2278 congressional districts of the state, and of the state as a
 2279 whole, equal to 4 percent of the votes cast in each of such
 2280 districts respectively and in the state as a whole in the last
 2281 preceding election in which presidential electors were chosen ~~4~~
 2282 ~~percent of the registered electors of this state, as shown by~~
 2283 the compilation by the Department of State ~~for the preceding~~
 2284 ~~general election.~~ A separate petition from each county for which
 2285 signatures are solicited shall be submitted to the supervisors
 2286 of elections of the respective county no later than July 15 of
 2287 each presidential election year. The supervisor shall check the
 2288 names and, on or before the date of the primary election, shall
 2289 certify the number shown as registered electors of the county.
 2290 The supervisor shall be paid by the person requesting the
 2291 certification the cost of checking the petitions as prescribed
 2292 in s. 99.097. The supervisor shall then forward the certificate
 2293 to the Department of State, which shall determine whether or not
 2294 the percentage factor required in this section has been met.
 2295 When the percentage factor required in this section has been
 2296 met, the Department of State shall order the names of the

CS/CS/HB 1355

2011

2297 candidates for whom the petition was circulated to be included
 2298 on the ballot and shall permit the required number of persons to
 2299 be certified as electors in the same manner as other party
 2300 candidates.

2301 Section 40. Section 103.095, Florida Statutes, is created
 2302 to read:

2303 103.095 Minor political parties.-

2304 (1) Any group of citizens organized for the general
 2305 purposes of electing to office qualified persons and determining
 2306 public issues under the democratic processes of the United
 2307 States may become a minor political party of this state by
 2308 filing with the department a certificate showing the name of the
 2309 organization, the names and addresses of its current officers,
 2310 including the members of its executive committee, accompanied by
 2311 a completed uniform statewide voter registration application as
 2312 specified in s. 97.052 for each of its current officers and
 2313 members of its executive committee that reflect their
 2314 affiliation with the proposed minor political party, and a copy
 2315 of its constitution, bylaws, and rules and regulations.

2316 (2) The members of the executive committee shall include a
 2317 chair, vice chair, secretary, and treasurer, all of whom shall
 2318 be members of the minor political party and no member may hold
 2319 more than one office, except that one person may hold the
 2320 offices of secretary and treasurer.

2321 (3) Upon approval of the minor political party's filing,
 2322 the department shall process the voter registration applications
 2323 submitted by the minor political party's officers and members of
 2324 its executive committee. It shall be the duty of the minor

CS/CS/HB 1355

2011

2325 political party to notify the department of any changes in the
 2326 filing certificate within 5 days after such changes.

2327 (4) The Division of Elections shall adopt rules to
 2328 prescribe the manner in which the Department of State may cancel
 2329 the filings of political parties, including minor political
 2330 parties. Such rules shall, at a minimum, provide for:

2331 (a) Notice containing the facts and conduct that warrant
 2332 the intended action, including, but not limited to, the failure
 2333 to notify the department of replacement officers, the failure to
 2334 file campaign finance reports, and limited activity.

2335 (b) Adequate opportunity to respond.

2336 (c) Appeal of the decision to the Florida Elections
 2337 Commission. Such appeals are exempt from the confidentiality
 2338 provisions of s. 106.25.

2339 (5) The requirements of this section are retroactive for
 2340 any minor political party registered with the department on July
 2341 1, 2011, and must be complied with within 180 days after the
 2342 department provides notice to the minor political party of the
 2343 requirements contained in this section. Failure of the minor
 2344 political party to comply with the requirements within 180 days
 2345 after receipt of the notice shall automatically result in the
 2346 cancellation of the minor political party's registration.

2347 Section 41. Subsections (1) and (2) of section 103.101,
 2348 Florida Statutes, are amended to read:

2349 103.101 Presidential preference primary.—

2350 (1) (a) There shall be a Presidential Preference Primary
 2351 Date Selection Committee composed of the Secretary of State, who
 2352 shall be a nonvoting chair; three members, no more than two of

CS/CS/HB 1355

2011

2353 whom may be from the same political party, appointed by the
 2354 Governor; three members, no more than two of whom may be from
 2355 the same political party, appointed by the Speaker of the House
 2356 of Representatives; and three members, no more than two of whom
 2357 may be from the same political party, appointed by the President
 2358 of the Senate. No later than October 1 of the year preceding the
 2359 presidential preference primary, the committee shall meet and
 2360 set a date for the presidential preference primary. The date
 2361 selected may be no earlier than the first Tuesday in January and
 2362 no later than the first Tuesday in March in the year of the
 2363 presidential preference primary. The presidential preference
 2364 primary shall be held in each year the number of which is a
 2365 multiple of four.

2366 (b) Each political party other than a minor political
 2367 party shall, on the date selected by the Presidential Preference
 2368 Primary Date Selection Committee ~~last Tuesday in January~~ in each
 2369 year the number of which is a multiple of 4, elect one person to
 2370 be the candidate for nomination of such party for President of
 2371 the United States or select delegates to the national nominating
 2372 convention, ~~as provided by party rule.~~

2373 ~~(2) (a) There shall be a Presidential Candidate Selection~~
 2374 ~~Committee composed of the Secretary of State, who shall be a~~
 2375 ~~nonvoting chair; the Speaker of the House of Representatives;~~
 2376 ~~the President of the Senate; the minority leader of each house~~
 2377 ~~of the Legislature; and the chair of each political party~~
 2378 ~~required to have a presidential preference primary under this~~
 2379 ~~section.~~

2380 ~~(b)~~ By October 31 of the year preceding the presidential

CS/CS/HB 1355

2011

2381 preference primary, each political party shall submit to the
 2382 Secretary of State a list of its presidential candidates to be
 2383 placed on the presidential preference primary ballot or
 2384 candidates entitled to have delegates appear on the presidential
 2385 preference primary ballot. The Secretary of State shall prepare
 2386 and publish a list of the names of the presidential candidates
 2387 submitted not later than on the first Tuesday after the first
 2388 Monday in November of the year preceding the presidential
 2389 preference primary. ~~The Secretary of State shall submit such~~
 2390 ~~list of names of presidential candidates to the selection~~
 2391 ~~committee on the first Tuesday after the first Monday in~~
 2392 ~~November of the year preceding the presidential preference~~
 2393 ~~primary. Each person designated as a presidential candidate~~
 2394 ~~shall have his or her name appear, or have his or her delegates'~~
 2395 ~~names appear, on the presidential preference primary ballot~~
 2396 ~~unless all committee members of the same political party as the~~
 2397 ~~candidate agree to delete such candidate's name from the ballot.~~
 2398 ~~(c) The selection committee shall meet in Tallahassee on~~
 2399 ~~the first Tuesday after the first Monday in November of the year~~
 2400 ~~preceding the presidential preference primary. The selection~~
 2401 ~~committee shall publicly announce and submit to the Department~~
 2402 ~~of State no later than 5 p.m. on the following day the names of~~
 2403 ~~presidential candidates who shall have their names appear, or~~
 2404 ~~who are entitled to have their delegates' names appear, on the~~
 2405 ~~presidential preference primary ballot. The Department of State~~
 2406 ~~shall immediately notify each presidential candidate listed~~
 2407 ~~designated by the Secretary of State committee. Such~~
 2408 notification shall be in writing, by registered mail, with

CS/CS/HB 1355

2011

2409 return receipt requested.

2410 Section 42. Section 103.141, Florida Statutes, is amended
2411 to read:

2412 103.141 Removal of county executive committee member for
2413 violation of oath.—

2414 ~~(1) If~~ Where the county executive committee by at least a
2415 two-thirds majority vote of the members of the committee,
2416 attending a meeting held after due notice has been given and at
2417 which meeting a quorum is present, determines an incumbent
2418 county executive committee member is ~~to be~~ guilty of an offense
2419 involving a violation of the member's oath of office, the said
2420 ~~member so violating his or her oath~~ shall be removed from office
2421 and the office shall be deemed vacant. ~~Provided,~~ However, if the
2422 county committee wrongfully removes a county committee member
2423 and the committee member ~~so~~ wrongfully removed files suit in the
2424 circuit court alleging his or her removal was wrongful and wins
2425 the said suit, the committee member shall be restored to office
2426 and the county committee shall pay the costs incurred by the
2427 wrongfully removed committee member in bringing the suit,
2428 including reasonable attorney's fees.

2429 ~~(2) Any officer, county committeeman, county~~
2430 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2431 ~~or member of a county executive committee may be removed from~~
2432 ~~office pursuant to s. 103.161.~~

2433 Section 43. Section 104.29, Florida Statutes, is amended
2434 to read:

2435 104.29 Inspectors refusing to allow watchers while ballots
2436 are counted.—The inspectors or other election officials at the

CS/CS/HB 1355

2011

2437 polling place shall, after the polls close ~~at all times while~~
 2438 ~~the ballots are being counted~~, allow as many as three persons
 2439 near to them to see whether the ballots are being correctly
 2440 reconciled. ~~read and called and the votes correctly tallied, and~~
 2441 Any official who denies this privilege or interferes therewith
 2442 commits ~~is guilty of~~ a misdemeanor of the first degree,
 2443 punishable as provided in s. 775.082 or s. 775.083.

2444 Section 44. Subsection (3), paragraph (a) of subsection
 2445 (4), paragraph (b) of subsection (5), subsection (15), and
 2446 paragraph (c) of subsection (16) of section 106.011, Florida
 2447 Statutes, are amended to read:

2448 106.011 Definitions.—As used in this chapter, the
 2449 following terms have the following meanings unless the context
 2450 clearly indicates otherwise:

2451 (3) "Contribution" means:

2452 (a) A gift, subscription, conveyance, deposit, loan,
 2453 payment, or distribution of money or anything of value,
 2454 including contributions in kind having an attributable monetary
 2455 value in any form, made for the purpose of influencing the
 2456 results of an election or making an electioneering
 2457 communication.

2458 (b) A transfer of funds between political committees,
 2459 between committees of continuous existence, between
 2460 electioneering communications organizations, or between any
 2461 combination of these groups.

2462 (c) The payment, by any person other than a candidate or
 2463 political committee, of compensation for the personal services
 2464 of another person which are rendered to a candidate or political

CS/CS/HB 1355

2011

2465 | committee without charge to the candidate or committee for such
 2466 | services.

2467 | (d) The transfer of funds by a campaign treasurer or
 2468 | deputy campaign treasurer between a primary depository and a
 2469 | separate interest-bearing account or certificate of deposit, and
 2470 | the term includes any interest earned on such account or
 2471 | certificate.

2472 |
 2473 | Notwithstanding the foregoing meanings of "contribution," the
 2474 | word shall not be construed to include services, including, but
 2475 | not limited to, legal and accounting services, provided without
 2476 | compensation by individuals volunteering a portion or all of
 2477 | their time on behalf of a candidate or political committee,
 2478 | funds received under s. 106.012, or. ~~This definition shall not~~
 2479 | ~~be construed to include~~ editorial endorsements.

2480 | (4) (a) "Expenditure" means a purchase, payment,
 2481 | distribution, loan, advance, transfer of funds by a campaign
 2482 | treasurer or deputy campaign treasurer between a primary
 2483 | depository and a separate interest-bearing account or
 2484 | certificate of deposit, or gift of money or anything of value
 2485 | made for the purpose of influencing the results of an election
 2486 | or making an electioneering communication. However,
 2487 | "expenditure" does not include funds spent under s. 106.012 or a
 2488 | purchase, payment, distribution, loan, advance, or gift of money
 2489 | or anything of value made for the purpose of influencing the
 2490 | results of an election when made by an organization, in
 2491 | existence prior to the time during which a candidate qualifies
 2492 | or an issue is placed on the ballot for that election, for the

CS/CS/HB 1355

2011

2493 | purpose of printing or distributing such organization's
2494 | newsletter, containing a statement by such organization in
2495 | support of or opposition to a candidate or issue, which
2496 | newsletter is distributed only to members of such organization.

2497 | (5)

2498 | (b) An expenditure for the purpose of expressly advocating
2499 | the election or defeat of a candidate which is made by the
2500 | national, state, or county executive committee of a political
2501 | party, including any subordinate committee of a national, state,
2502 | or county committee of a political party, or by any political
2503 | committee or committee of continuous existence, or any other
2504 | person, shall not be considered an independent expenditure if
2505 | the committee or person:

2506 | 1. Communicates with the candidate, the candidate's
2507 | campaign, or an agent of the candidate acting on behalf of the
2508 | candidate, including any pollster, media consultant, advertising
2509 | agency, vendor, advisor, or staff member, concerning the
2510 | preparation of, use of, or payment for, the specific expenditure
2511 | or advertising campaign at issue; or

2512 | 2. Makes a payment in cooperation, consultation, or
2513 | concert with, at the request or suggestion of, or pursuant to
2514 | any general or particular understanding with the candidate, the
2515 | candidate's campaign, a political committee supporting the
2516 | candidate, or an agent of the candidate relating to the specific
2517 | expenditure or advertising campaign at issue; or

2518 | 3. Makes a payment for the dissemination, distribution, or
2519 | republication, in whole or in part, of any broadcast or any
2520 | written, graphic, or other form of campaign material prepared by

CS/CS/HB 1355

2011

2521 the candidate, the candidate's campaign, or an agent of the
 2522 candidate, including any pollster, media consultant, advertising
 2523 agency, vendor, advisor, or staff member; or

2524 4. Makes a payment based on information about the
 2525 candidate's plans, projects, or needs communicated to a member
 2526 of the committee or person by the candidate or an agent of the
 2527 candidate, provided the committee or person uses the information
 2528 in any way, in whole or in part, either directly or indirectly,
 2529 to design, prepare, or pay for the specific expenditure or
 2530 advertising campaign at issue; or

2531 5. After the last day of the qualifying period prescribed
 2532 for the candidate ~~for statewide or legislative office~~, consults
 2533 about the candidate's plans, projects, or needs in connection
 2534 with the candidate's pursuit of election to office and the
 2535 information is used in any way to plan, create, design, or
 2536 prepare an independent expenditure or advertising campaign,
 2537 with:

2538 a. Any officer, director, employee, or agent of a
 2539 national, state, or county executive committee of a political
 2540 party that has made or intends to make expenditures in
 2541 connection with or contributions to the candidate; or

2542 b. Any person whose professional services have been
 2543 retained by a national, state, or county executive committee of
 2544 a political party that has made or intends to make expenditures
 2545 in connection with or contributions to the candidate; or

2546 6. After the last day of the qualifying period prescribed
 2547 for the candidate ~~for statewide or legislative office~~, retains
 2548 the professional services of any person also providing those

CS/CS/HB 1355

2011

2549 | services to the candidate in connection with the candidate's
 2550 | pursuit of election to office; or

2551 | 7. Arranges, coordinates, or directs the expenditure, in
 2552 | any way, with the candidate or an agent of the candidate.

2553 | (15) "Unopposed candidate" means a candidate for
 2554 | nomination or election to an office who, after the last day on
 2555 | which any person, including a write-in candidate, may qualify,
 2556 | is without opposition in the election at which the office is to
 2557 | be filled or who is without such opposition after such date as a
 2558 | result of any primary election or of withdrawal by other
 2559 | candidates seeking the same office. A candidate is not an
 2560 | unopposed candidate if there is a vacancy to be filled under s.
 2561 | 100.111(3) ~~s. 100.111(4)~~, if there is a legal proceeding pending
 2562 | regarding the right to a ballot position for the office sought
 2563 | by the candidate, or if the candidate is seeking retention as a
 2564 | justice or judge.

2565 | (16) "Candidate" means any person to whom any one or more
 2566 | of the following apply:

2567 | (c) Any person who receives contributions or makes
 2568 | expenditures, or consents for any other person to receive
 2569 | contributions or make expenditures, with a view to bring about
 2570 | his or her nomination or election to, or retention in, public
 2571 | office. Expenditures related to potential candidate polls as
 2572 | provided in s. 106.17 are not contributions or expenditures for
 2573 | purposes of this subsection.

2574 |
 2575 | However, this definition does not include any candidate for a
 2576 | political party executive committee.

CS/CS/HB 1355

2011

2577 Section 45. Section 106.012, Florida Statutes, is created
2578 to read:

2579 106.012 Testing the waters.—

2580 (1) Funds received and spent solely for the purpose of
2581 determining whether an individual should become a candidate are
2582 not contributions and expenditures. Examples of activities
2583 permissible under this exemption include, but are not limited
2584 to, conducting a poll, telephone calls, and travel. Funds
2585 permissible under this chapter may only be used for such
2586 activities. The individual shall retain records of all such
2587 funds received and spent. If the individual subsequently becomes
2588 a candidate, the funds received are contributions and the funds
2589 spent are expenditures subject to the reporting requirements of
2590 this chapter. The contributions and expenditures must be
2591 reported with the initial report required by s. 106.07,
2592 regardless of the date the funds were received or spent.

2593 (2) The exemption provided in subsection (1) does not
2594 apply to funds received or spent for activities indicating that
2595 an individual has decided to become a candidate for a particular
2596 office or for activities relevant to conducting a campaign.

2597 Examples of activities that indicate that an individual has
2598 decided to become a candidate include, but are not limited to:

2599 (a) The individual uses general political advertising to
2600 publicize his or her intent to campaign for office.

2601 (b) The individual raises funds in excess of what could
2602 reasonably be expected to be used for exploratory activities or
2603 undertakes activities designed to amass campaign funds that
2604 would be spent after he or she becomes a candidate.

CS/CS/HB 1355

2011

2605 (c) The individual makes or authorizes written or oral
 2606 statements that refer to him or her as a candidate for office.

2607 (d) The individual conducts activities in close proximity
 2608 to the election or over a protracted period of time.

2609 (e) The individual takes action to qualify for office
 2610 under s. 99.061.

2611 (3) Individuals are limited to receiving up to \$10,000 for
 2612 determining whether to become a candidate for office under this
 2613 section. An individual may only determine whether to become a
 2614 candidate for a single office.

2615 Section 46. Subsection (3) of section 106.021, Florida
 2616 Statutes, is amended to read:

2617 106.021 Campaign treasurers; deputies; primary and
 2618 secondary depositories.—

2619 (3) No contribution or expenditure, including
 2620 contributions or expenditures of a candidate or of the
 2621 candidate's family, shall be directly or indirectly made or
 2622 received in furtherance of the candidacy of any person for
 2623 nomination or election to political office in the state or on
 2624 behalf of any political committee except through the duly
 2625 appointed campaign treasurer of the candidate or political
 2626 committee, subject to the following exceptions:

2627 (a) Independent expenditures;

2628 (b) Reimbursements to a candidate or any other individual
 2629 for expenses incurred in connection with the campaign or
 2630 activities of the political committee by a check drawn upon the
 2631 campaign account and reported pursuant to s. 106.07(4). ~~After~~
 2632 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom

CS/CS/HB 1355

2011

2633 the candidate or other individual made payment for which
 2634 reimbursement was made by check drawn upon the campaign account
 2635 shall be reported pursuant to s. 106.07(4), together with the
 2636 purpose of such payment;

2637 (c) Expenditures made indirectly through a treasurer for
 2638 goods or services, such as communications media placement or
 2639 procurement services, campaign signs, insurance, or other
 2640 expenditures that include multiple integral components as part
 2641 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
 2642 or

2643 (d) Expenditures made directly by any political committee
 2644 or political party regulated by chapter 103 for obtaining time,
 2645 space, or services in or by any communications medium for the
 2646 purpose of jointly endorsing three or more candidates, and any
 2647 such expenditure shall not be considered a contribution or
 2648 expenditure to or on behalf of any such candidates for the
 2649 purposes of this chapter.

2650 Section 47. Section 106.022, Florida Statutes, is amended
 2651 to read:

2652 106.022 Appointment of a registered agent; duties.—

2653 (1) Each political committee, committee of continuous
 2654 existence, or electioneering communications organization shall
 2655 have and continuously maintain in this state a registered office
 2656 and a registered agent and must file with the filing officer
 2657 ~~division~~ a statement of appointment for the registered office
 2658 and registered agent. The statement of appointment must:

2659 (a) Provide the name of the registered agent and the
 2660 street address and phone number for the registered office;

2661 (b) Identify the entity for whom the registered agent
 2662 serves;

2663 (c) Designate the address the registered agent wishes to
 2664 use to receive mail;

2665 (d) Include the entity's undertaking to inform the filing
 2666 officer ~~division~~ of any change in such designated address;

2667 (e) Provide for the registered agent's acceptance of the
 2668 appointment, which must confirm that the registered agent is
 2669 familiar with and accepts the obligations of the position as set
 2670 forth in this section; and

2671 (f) Contain the signature of the registered agent and the
 2672 entity engaging the registered agent.

2673 (2) An entity may change its appointment of registered
 2674 agent and registered office under this section by executing a
 2675 written statement of change and filing it with the filing
 2676 officer. The statement must satisfy ~~that identifies the former~~
 2677 ~~registered agent and registered address and also satisfies all~~
 2678 of the requirements of subsection (1).

2679 (3) A registered agent may resign his or her appointment
 2680 as registered agent by executing a written statement of
 2681 resignation and filing it with the filing officer ~~division~~. An
 2682 entity without a registered agent may not make expenditures or
 2683 accept contributions until it files a written statement of
 2684 change as required in subsection (2).

2685 Section 48. Subsection (1) of section 106.023, Florida
 2686 Statutes, is amended to read:

2687 106.023 Statement of candidate.—

2688 (1) Each candidate must file a statement with the

CS/CS/HB 1355

2011

2689 | qualifying officer within 10 days after filing the appointment
 2690 | of campaign treasurer and designation of campaign depository,
 2691 | stating that the candidate has read and understands the
 2692 | requirements of this chapter. Such statement shall be provided
 2693 | by the filing officer and shall be in substantially the
 2694 | following form:

2695 | STATEMENT OF CANDIDATE

2696 | I,, candidate for the office of, have been
 2697 | provided access to ~~received~~, read, and understand the
 2698 | requirements of Chapter 106, Florida Statutes.

2699 | ... (Signature of candidate) ... (Date) ...

2700 | Willful failure to file this form is a violation of ss.

2701 | 106.19(1)(c) and 106.25(3), F.S.

2702 | Section 49. Paragraph (c) of subsection (1) of section
 2703 | 106.025, Florida Statutes, is amended to read:

2704 | 106.025 Campaign fund raisers.—

2705 | (1)

2706 | (c) Any tickets or advertising for such a campaign fund
 2707 | raiser is exempt from the requirements of s. 106.143 ~~shall~~
 2708 | ~~contain the following statement: "The purchase of a ticket for,~~
 2709 | ~~or a contribution to, the campaign fund raiser is a contribution~~
 2710 | ~~to the campaign of ... (name of the candidate for whose benefit~~
 2711 | ~~the campaign fund raiser is held) ..."~~ Such tickets or
 2712 | advertising shall also comply with other provisions of this
 2713 | chapter relating to political advertising.

2714 | Section 50. Paragraph (b) of subsection (1) of section
 2715 | 106.03, Florida Statutes, is amended to read:

2716 | 106.03 Registration of political committees and

CS/CS/HB 1355

2011

2717 | electioneering communications organizations.—

2718 | (1)

2719 | (b)1. Each group electioneering communications
 2720 | ~~organization that receives contributions or makes expenditures~~
 2721 | ~~during a calendar year in an aggregate amount exceeding \$5,000~~
 2722 | shall file a statement of organization as an electioneering
 2723 | communications organization provided in subparagraph 2. by
 2724 | ~~expedited delivery within 24 hours after its organization or, if~~
 2725 | ~~later,~~ within 24 hours after the date on which it ~~receives~~
 2726 | ~~contributions or makes expenditures for an electioneering~~
 2727 | ~~communication in excess of \$5,000,~~ if such expenditures are made
 2728 | within the timeframes specified in s. 106.011(18)(a)2. If the
 2729 | group makes expenditures for an electioneering communication in
 2730 | excess of \$5,000 before the timeframes specified in s.
 2731 | 106.011(18)(a)2., it shall file the statement of organization
 2732 | within 24 hours after the 30th day before a primary or special
 2733 | primary election, or within 24 hours after the 60th day before
 2734 | any other election, whichever is applicable.

2735 | 2.a. In a statewide, legislative, or multicounty election,
 2736 | an electioneering communications organization shall file a
 2737 | statement of organization with the Division of Elections.

2738 | b. In a countywide election or any election held on less
 2739 | than a countywide basis, except as described in sub-subparagraph
 2740 | c., an electioneering communications organization shall file a
 2741 | statement of organization with the supervisor of elections of
 2742 | the county in which the election is being held.

2743 | c. In a municipal election, an electioneering
 2744 | communications organization shall file a statement of

CS/CS/HB 1355

2011

2745 organization with the officer before whom municipal candidates
 2746 qualify.

2747 d. Any electioneering communications organization that
 2748 would be required to file a statement of organization in two or
 2749 more locations by reason of the organization's intention to
 2750 support or oppose candidates at state or multicounty and local
 2751 levels of government need only file a statement of organization
 2752 with the Division of Elections.

2753 Section 51. Subsection (4) of section 106.04, Florida
 2754 Statutes, is amended, present subsections (7) and (8) are
 2755 amended and renumbered as subsections (8) and (9), respectively,
 2756 and a new subsection (7) is added to that section, to read:

2757 106.04 Committees of continuous existence.—

2758 (4) (a) Each committee of continuous existence shall file
 2759 an annual report with the Division of Elections during the month
 2760 of January. Such annual reports shall contain the same
 2761 information and shall be accompanied by the same materials as
 2762 original applications filed pursuant to subsection (2). However,
 2763 the charter or bylaws need not be filed if the annual report is
 2764 accompanied by a sworn statement by the chair that no changes
 2765 have been made to such charter or bylaws since the last filing.

2766 (b)1. Each committee of continuous existence shall file
 2767 regular reports with the Division of Elections at the same times
 2768 and subject to the same filing conditions as are established by
 2769 s. 106.07(1) and (2) for candidates' reports.

2770 2. A committee of continuous existence that makes a
 2771 contribution to or an expenditure on behalf of a candidate in a
 2772 county or municipal election that is not being held at the same

CS/CS/HB 1355

2011

2773 time as a state or federal election must file campaign finance
2774 reports with the county or municipal filing officer on the same
2775 dates as county or municipal candidates or committees for that
2776 election. The committee of continuous existence must also
2777 include the contribution or expenditure in the next report filed
2778 with the Division of Elections pursuant to this section after
2779 the county or municipal election.

2780 ~~3.2.~~ Any committee of continuous existence failing to so
2781 file a report with the Division of Elections or applicable
2782 filing officer pursuant to this paragraph on the designated due
2783 date shall be subject to a fine for late filing as provided by
2784 this section.

2785 (c) All committees of continuous existence shall file
2786 their reports with the Division of Elections. Reports shall be
2787 filed in accordance with s. 106.0705 and shall contain the
2788 following information:

2789 1. The full name, address, and occupation of each person
2790 who has made one or more contributions, including contributions
2791 that represent the payment of membership dues, to the committee
2792 during the reporting period, together with the amounts and dates
2793 of such contributions. For corporations, the report must provide
2794 as clear a description as practicable of the principal type of
2795 business conducted by the corporation. However, if the
2796 contribution is \$100 or less, the occupation of the contributor
2797 or principal type of business need not be listed. However, for
2798 any contributions that represent the payment of dues by members
2799 in a fixed amount aggregating no more than \$250 per calendar
2800 year, pursuant to the schedule on file with the Division of

2801 Elections, only the aggregate amount of such contributions need
 2802 be listed, together with the number of members paying such dues
 2803 and the amount of the membership dues.

2804 2. The name and address of each political committee or
 2805 committee of continuous existence from which the reporting
 2806 committee received, or the name and address of each political
 2807 committee, committee of continuous existence, or political party
 2808 to which it made, any transfer of funds, together with the
 2809 amounts and dates of all transfers.

2810 3. Any other receipt of funds not listed pursuant to
 2811 subparagraph 1. or subparagraph 2., including the sources and
 2812 amounts of all such funds.

2813 4. The name and address of, and office sought by, each
 2814 candidate to whom the committee has made a contribution during
 2815 the reporting period, together with the amount and date of each
 2816 contribution.

2817 5. The full name and address of each person to whom
 2818 expenditures have been made by or on behalf of the committee
 2819 within the reporting period; the amount, date, and purpose of
 2820 each such expenditure; and the name and address, and office
 2821 sought by, each candidate on whose behalf such expenditure was
 2822 made.

2823 6. The full name and address of each person to whom an
 2824 expenditure for personal services, salary, or reimbursement for
 2825 authorized expenses has been made, including the full name and
 2826 address of each entity to whom the person made payment for which
 2827 reimbursement was made by check drawn upon the committee
 2828 account, together with the amount and purpose of such payment.

CS/CS/HB 1355

2011

2829 7. Transaction information from each credit card purchase
 2830 ~~statement that will be included in the next report following~~
 2831 ~~receipt thereof by the committee.~~ Receipts for each credit card
 2832 purchase shall be retained by the treasurer with the records for
 2833 the committee account.

2834 8. The total sum of expenditures made by the committee
 2835 during the reporting period.

2836 (d) The treasurer of each committee shall certify as to
 2837 the correctness of each report and shall bear the responsibility
 2838 for its accuracy and veracity. Any treasurer who willfully
 2839 certifies to the correctness of a report while knowing that such
 2840 report is incorrect, false, or incomplete commits a misdemeanor
 2841 of the first degree, punishable as provided in s. 775.082 or s.
 2842 775.083.

2843 (7) Any change in information previously submitted to the
 2844 division shall be reported within 10 days after the change.

2845 (8)~~(7)~~ If a committee of continuous existence ceases to
 2846 meet the criteria prescribed by subsection (1), the Division of
 2847 Elections shall revoke its certification ~~until such time as the~~
 2848 ~~criteria are again met.~~ The Division of Elections shall adopt
 2849 ~~promulgate~~ rules to prescribe the manner in which the such
 2850 certification of a committee of continuous existence shall be
 2851 revoked. Such rules shall, at a minimum, provide for:

2852 (a) Notice, which must ~~shall~~ contain the facts and conduct
 2853 that warrant the intended action.

2854 (b) Adequate opportunity to respond.

2855 (c) Appeal of the decision to the Florida Elections
 2856 Commission. Such appeals are ~~shall be~~ exempt from the

CS/CS/HB 1355

2011

2857 confidentiality provisions of s. 106.25.

2858 (9)~~(8)~~(a) Any committee of continuous existence failing to
 2859 file a report on the designated due date is ~~shall be~~ subject to
 2860 a fine. The fine shall be \$50 per day for the first 3 days late
 2861 and, thereafter, \$500 per day for each late day, not to exceed
 2862 25 percent of the total receipts or expenditures, whichever is
 2863 greater, for the period covered by the late report. However, for
 2864 the reports immediately before each primary and general
 2865 election, including a special primary election and a special
 2866 general election, the fine shall be \$500 per day for each late
 2867 day, not to exceed 25 percent of the total receipts or
 2868 expenditures, whichever is greater, for the period covered by
 2869 the late report. The fine shall be assessed by the filing
 2870 officer, and the moneys collected shall be deposited into:

2871 1. ~~In~~ The General Revenue Fund, in the case of fines
 2872 collected by the Division of Elections.

2873 2. The general revenue fund of the political subdivision,
 2874 in the case of fines collected by a county or municipal filing
 2875 officer.

2876
 2877 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file
 2878 a copy of any report required by this section.

2879 (b) Upon determining that a report is late, the filing
 2880 officer shall immediately notify the treasurer of the committee
 2881 or the committee's registered agent as to the failure to file a
 2882 report by the designated due date and that a fine is being
 2883 assessed for each late day. Upon receipt of the report, the
 2884 filing officer shall determine the amount of fine which is due

CS/CS/HB 1355

2011

2885 and shall notify the treasurer of the committee. Notice is
 2886 deemed complete upon proof of delivery of written notice to the
 2887 mailing or street address on record with the filing officer. The
 2888 filing officer shall determine the amount of the fine due based
 2889 upon the earliest of the following:

- 2890 1. When the report is actually received by such officer.
- 2891 2. When the report is postmarked.
- 2892 3. When the certificate of mailing is dated.
- 2893 4. When the receipt from an established courier company is
 2894 dated.

2895
 2896 Such fine shall be paid to the filing officer within 20 days
 2897 after receipt of the notice of payment due, unless appeal is
 2898 made to the Florida Elections Commission pursuant to paragraph
 2899 (c). An officer or member of a committee is ~~shall~~ not ~~be~~
 2900 personally liable for such fine.

2901 (c) Any treasurer of a committee may appeal or dispute the
 2902 fine, based upon unusual circumstances surrounding the failure
 2903 to file on the designated due date, and may request and is ~~shall~~
 2904 ~~be~~ entitled to a hearing before the Florida Elections
 2905 Commission, which may ~~shall~~ ~~have the authority to~~ waive the fine
 2906 in whole or in part. Any such request must ~~shall~~ be made within
 2907 20 days after receipt of the notice of payment due. ~~In such~~
 2908 ~~case, the treasurer of~~ The committee shall file a copy of the
 2909 appeal with, ~~within the 20-day period,~~ ~~notify the filing officer~~
 2910 ~~in writing of his or her intention to bring the matter before~~
 2911 the commission.

2912 (d) The filing officer shall notify the Florida Elections

CS/CS/HB 1355

2011

2913 Commission of the repeated late filing by a committee of
 2914 continuous existence, the failure of a committee of continuous
 2915 existence to file a report after notice, or the failure to pay
 2916 the fine imposed.

2917 Section 52. Section 106.07, Florida Statutes, is amended
 2918 to read:

2919 106.07 Reports; certification and filing.—

2920 (1) Each campaign treasurer designated by a candidate or
 2921 political committee pursuant to s. 106.021 shall file regular
 2922 reports of all contributions received, and all expenditures
 2923 made, by or on behalf of such candidate or political committee.
 2924 Except for the third calendar quarter immediately before a
 2925 general election, reports shall be filed on the 10th day
 2926 following the end of each calendar quarter from the time the
 2927 campaign treasurer is appointed, except that, if the 10th day
 2928 following the end of a calendar quarter occurs on a Saturday,
 2929 Sunday, or legal holiday, the report shall be filed on the next
 2930 following day which is not a Saturday, Sunday, or legal holiday.
 2931 Quarterly reports shall include all contributions received and
 2932 expenditures made during the calendar quarter which have not
 2933 otherwise been reported pursuant to this section.

2934 (a) Except as provided in paragraph (b), ~~following the~~
 2935 ~~last day of qualifying for office,~~ the reports shall also be
 2936 filed on the 32nd, 18th, and 4th days immediately preceding the
 2937 primary and on the 46th, 32nd, 18th, and 4th days immediately
 2938 preceding the election, for a candidate who is opposed in
 2939 seeking nomination or election to any office, for a political
 2940 committee, or for a committee of continuous existence.

CS/CS/HB 1355

2011

2941 (b) ~~Following the last day of qualifying for office,~~ Any
 2942 statewide candidate who has requested to receive contributions
 2943 pursuant to ~~from~~ the Florida Election Campaign Financing Act
 2944 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
 2945 who has requested to receive contributions pursuant to ~~from~~ the
 2946 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,
 2947 25th, and 32nd days prior to the primary election, and on the
 2948 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
 2949 the general election.

2950 (c) Following the last day of qualifying for office, any
 2951 unopposed candidate need only file a report within 90 days after
 2952 the date such candidate became unopposed. Such report shall
 2953 contain all previously unreported contributions and expenditures
 2954 as required by this section and shall reflect disposition of
 2955 funds as required by s. 106.141.

2956 (d)1. When a special election is called to fill a vacancy
 2957 in office, all political committees ~~and committees of continuous~~
 2958 ~~existence~~ making contributions or expenditures to influence the
 2959 results of such special election or the preceding special
 2960 primary election shall file campaign treasurers' reports with
 2961 the filing officer on the dates set by the Department of State
 2962 pursuant to s. 100.111.

2963 2. When an election is called for an issue to appear on
 2964 the ballot at a time when no candidates are scheduled to appear
 2965 on the ballot, all political committees making contributions or
 2966 expenditures in support of or in opposition to such issue shall
 2967 file reports on the 18th and 4th days prior to such election.

2968 (e) The filing officer shall provide each candidate with a

CS/CS/HB 1355

2011

2969 | schedule designating the beginning and end of reporting periods
2970 | as well as the corresponding designated due dates.

2971 | (2) (a) 1. All reports required of a candidate by this
2972 | section shall be filed with the officer before whom the
2973 | candidate is required by law to qualify. All candidates who file
2974 | with the Department of State shall file their reports pursuant
2975 | to s. 106.0705. Except as provided in s. 106.0705, reports shall
2976 | be filed not later than 5 p.m. of the day designated; however,
2977 | any report postmarked by the United States Postal Service no
2978 | later than midnight of the day designated shall be deemed to
2979 | have been filed in a timely manner. Any report received by the
2980 | filing officer within 5 days after the designated due date that
2981 | was delivered by the United States Postal Service shall be
2982 | deemed timely filed unless it has a postmark that indicates that
2983 | the report was mailed after the designated due date. A
2984 | certificate of mailing obtained from and dated by the United
2985 | States Postal Service at the time of mailing, or a receipt from
2986 | an established courier company, which bears a date on or before
2987 | the date on which the report is due, shall be proof of mailing
2988 | in a timely manner. Reports shall contain information of all
2989 | previously unreported contributions received and expenditures
2990 | made as of the preceding Friday, except that the report filed on
2991 | the Friday immediately preceding the election shall contain
2992 | information of all previously unreported contributions received
2993 | and expenditures made as of the day preceding that designated
2994 | due date. All such reports shall be open to public inspection.

2995 | 2. This subsection does not prohibit the governing body of
2996 | a political subdivision, by ordinance or resolution, from

CS/CS/HB 1355

2011

2997 imposing upon its own officers and candidates electronic filing
 2998 requirements not in conflict with s. 106.0705. Expenditure of
 2999 public funds for such purpose is deemed to be for a valid public
 3000 purpose.

3001 (b)1. Any report that ~~which~~ is deemed to be incomplete by
 3002 the officer with whom the candidate qualifies shall be accepted
 3003 on a conditional basis. ~~and~~ The campaign treasurer shall be
 3004 notified by certified registered mail or by another method using
 3005 a common carrier that provides a proof of delivery of the notice
 3006 as to why the report is incomplete and within 7 ~~be given 3~~ days
 3007 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
 3008 the report providing all information necessary to complete the
 3009 report in compliance with this section. Failure to file a
 3010 complete report after such notice constitutes a violation of
 3011 this chapter.

3012 2. Notice is deemed complete upon proof of delivery of a
 3013 written notice to the mailing or street address of the campaign
 3014 treasurer or registered agent of record with the filing officer.
 3015 ~~In lieu of the notice by registered mail as required in~~
 3016 ~~subparagraph 1., the qualifying officer may notify the campaign~~
 3017 ~~treasurer by telephone that the report is incomplete and request~~
 3018 ~~the information necessary to complete the report. If, however,~~
 3019 ~~such information is not received by the qualifying officer~~
 3020 ~~within 3 days after the telephone request therefor, notice shall~~
 3021 ~~be sent by registered mail as provided in subparagraph 1.~~

3022 (3) (a) Reports required of a political committee shall be
 3023 filed with the agency or officer before whom such committee
 3024 registers pursuant to s. 106.03(3) and shall be subject to the

CS/CS/HB 1355

2011

3025 same filing conditions as established for candidates' reports.
 3026 Incomplete reports by political committees shall be treated in
 3027 the manner provided for incomplete reports by candidates in
 3028 subsection (2).

3029 (b) In addition to the reports required under paragraph
 3030 (a), a political committee that is registered with the
 3031 Department of State and that makes a contribution to or an
 3032 expenditure on behalf of a candidate in a county or municipal
 3033 election that is not being held at the same time as a state or
 3034 federal election must file campaign finance reports with the
 3035 county or municipal filing officer on the same filing dates
 3036 required of a county or municipal candidate or committee for
 3037 that election. The political committee must also include such
 3038 contribution or expenditure in the next report filed with the
 3039 Division of Elections pursuant to this section after the county
 3040 or municipal election.

3041 (4) (a) Each report required by this section must ~~shall~~
 3042 contain:

3043 1. The full name, address, and occupation, if any of each
 3044 person who has made one or more contributions to or for such
 3045 committee or candidate within the reporting period, together
 3046 with the amount and date of such contributions. For
 3047 corporations, the report must provide as clear a description as
 3048 practicable of the principal type of business conducted by the
 3049 corporation. However, if the contribution is \$100 or less or is
 3050 from a relative, as defined in s. 112.312, provided that the
 3051 relationship is reported, the occupation of the contributor or
 3052 the principal type of business need not be listed.

3053 2. The name and address of each political committee from
 3054 which the reporting committee or the candidate received, or to
 3055 which the reporting committee or candidate made, any transfer of
 3056 funds, together with the amounts and dates of all transfers.

3057 3. Each loan for campaign purposes to or from any person
 3058 or political committee within the reporting period, together
 3059 with the full names, addresses, and occupations, and principal
 3060 places of business, if any, of the lender and endorsers, if any,
 3061 and the date and amount of such loans.

3062 4. A statement of each contribution, rebate, refund, or
 3063 other receipt not otherwise listed under subparagraphs 1.
 3064 through 3.

3065 5. The total sums of all loans, in-kind contributions, and
 3066 other receipts by or for such committee or candidate during the
 3067 reporting period. The reporting forms shall be designed to
 3068 elicit separate totals for in-kind contributions, loans, and
 3069 other receipts.

3070 6. The full name and address of each person to whom
 3071 expenditures have been made by or on behalf of the committee or
 3072 candidate within the reporting period; the amount, date, and
 3073 purpose of each such expenditure; and the name and address of,
 3074 and office sought by, each candidate on whose behalf such
 3075 expenditure was made. However, expenditures made from the petty
 3076 cash fund provided by s. 106.12 need not be reported
 3077 individually.

3078 7. The full name and address of each person to whom an
 3079 expenditure for personal services, salary, or reimbursement for
 3080 authorized expenses as provided in s. 106.021(3) has been made

CS/CS/HB 1355

2011

3081 and which is not otherwise reported, including the amount, date,
3082 and purpose of such expenditure. However, expenditures made from
3083 the petty cash fund provided for in s. 106.12 need not be
3084 reported individually. Receipts for reimbursement for authorized
3085 expenses shall be retained by the treasurer with the records for
3086 the campaign account.

3087 8. The total amount withdrawn and the total amount spent
3088 for petty cash purposes pursuant to this chapter during the
3089 reporting period.

3090 9. The total sum of expenditures made by such committee or
3091 candidate during the reporting period.

3092 10. The amount and nature of debts and obligations owed by
3093 or to the committee or candidate, which relate to the conduct of
3094 any political campaign.

3095 11. Transaction information for each credit card purchase.
3096 ~~A copy of each credit card statement which shall be included in~~
3097 ~~the next report following receipt thereof by the candidate or~~
3098 ~~political committee. Receipts for each credit card purchase~~
3099 ~~shall be retained by the treasurer with the records for the~~
3100 ~~campaign account.~~

3101 12. The amount and nature of any separate interest-bearing
3102 accounts or certificates of deposit and identification of the
3103 financial institution in which such accounts or certificates of
3104 deposit are located.

3105 13. The primary purposes of an expenditure made indirectly
3106 through a campaign treasurer pursuant to s. 106.021(3) for goods
3107 and services such as communications media placement or
3108 procurement services, campaign signs, insurance, and other

3109 expenditures that include multiple components as part of the
 3110 expenditure. The primary purpose of an expenditure shall be that
 3111 purpose, including integral and directly related components,
 3112 that comprises 80 percent of such expenditure.

3113 (b) The filing officer shall make available to any
 3114 candidate or committee a reporting form which the candidate or
 3115 committee may use to indicate contributions received by the
 3116 candidate or committee but returned to the contributor before
 3117 deposit.

3118 (5) The candidate and his or her campaign treasurer, in
 3119 the case of a candidate, or the political committee chair and
 3120 campaign treasurer of the committee, in the case of a political
 3121 committee, shall certify as to the correctness of each report;
 3122 and each person so certifying shall bear the responsibility for
 3123 the accuracy and veracity of each report. Any campaign
 3124 treasurer, candidate, or political committee chair who willfully
 3125 certifies the correctness of any report while knowing that such
 3126 report is incorrect, false, or incomplete commits a misdemeanor
 3127 of the first degree, punishable as provided in s. 775.082 or s.
 3128 775.083.

3129 ~~(6) The campaign depository shall return all checks drawn~~
 3130 ~~on the account to the campaign treasurer who shall retain the~~
 3131 ~~records pursuant to s. 106.06.~~ The records maintained by the
 3132 campaign depository with respect to any campaign account
 3133 regulated by this chapter are such account shall be subject to
 3134 inspection by an agent of the Division of Elections or the
 3135 Florida Elections Commission at any time during normal banking
 3136 hours, and such depository shall furnish certified copies of any

3137 of such records to the Division of Elections or Florida
 3138 Elections Commission upon request.

3139 (7) Notwithstanding any other provisions of this chapter,
 3140 in any reporting period during which a candidate, political
 3141 committee, or committee of continuous existence has not received
 3142 funds, made any contributions, or expended any reportable funds,
 3143 the filing of the required report for that period is waived.
 3144 However, the next report filed must specify that the report
 3145 covers the entire period between the last submitted report and
 3146 the report being filed, and any candidate, political committee,
 3147 or committee of continuous existence not reporting by virtue of
 3148 this subsection on dates prescribed elsewhere in this chapter
 3149 shall notify the filing officer in writing on the prescribed
 3150 reporting date that no report is being filed on that date.

3151 (8) (a) Any candidate or political committee failing to
 3152 file a report on the designated due date is ~~shall be~~ subject to
 3153 a fine as provided in paragraph (b) for each late day, and, in
 3154 the case of a candidate, such fine shall be paid only from
 3155 personal funds of the candidate. The fine shall be assessed by
 3156 the filing officer and the moneys collected shall be deposited:

3157 1. In the General Revenue Fund, in the case of a candidate
 3158 for state office or a political committee that registers with
 3159 the Division of Elections; or

3160 2. In the general revenue fund of the political
 3161 subdivision, in the case of a candidate for an office of a
 3162 political subdivision or a political committee that registers
 3163 with an officer of a political subdivision.

3164

3165 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file
 3166 a copy of any report required by this section.

3167 (b) Upon determining that a report is late, the filing
 3168 officer shall immediately notify the candidate or chair of the
 3169 political committee as to the failure to file a report by the
 3170 designated due date and that a fine is being assessed for each
 3171 late day. The fine shall be \$50 per day for the first 3 days
 3172 late and, thereafter, \$500 per day for each late day, not to
 3173 exceed 25 percent of the total receipts or expenditures,
 3174 whichever is greater, for the period covered by the late report.
 3175 However, for the reports immediately preceding each special
 3176 primary election, special election, primary election, and
 3177 general election, the fine shall be \$500 per day for each late
 3178 day, not to exceed 25 percent of the total receipts or
 3179 expenditures, whichever is greater, for the period covered by
 3180 the late report. For reports required under s. 106.141(7), the
 3181 fine is \$50 per day for each late day, not to exceed 25 percent
 3182 of the total receipts or expenditures, whichever is greater, for
 3183 the period covered by the late report. Upon receipt of the
 3184 report, the filing officer shall determine the amount of the
 3185 fine which is due and shall notify the candidate or chair or
 3186 registered agent of the political committee. The filing officer
 3187 shall determine the amount of the fine due based upon the
 3188 earliest of the following:

- 3189 1. When the report is actually received by such officer.
- 3190 2. When the report is postmarked.
- 3191 3. When the certificate of mailing is dated.
- 3192 4. When the receipt from an established courier company is

3193 | dated.

3194 | 5. When the electronic receipt issued pursuant to s.

3195 | 106.0705 or other electronic filing system authorized in this

3196 | section is dated.

3197 |

3198 | Such fine shall be paid to the filing officer within 20 days

3199 | after receipt of the notice of payment due, unless appeal is

3200 | made to the Florida Elections Commission pursuant to paragraph

3201 | (c). Notice is deemed complete upon proof of delivery of written

3202 | notice to the mailing or street address of record with the

3203 | filing officer. In the case of a candidate, such fine shall not

3204 | be an allowable campaign expenditure and shall be paid only from

3205 | personal funds of the candidate. An officer or member of a

3206 | political committee shall not be personally liable for such

3207 | fine.

3208 | (c) Any candidate or chair of a political committee may

3209 | appeal or dispute the fine, based upon, but not limited to,

3210 | unusual circumstances surrounding the failure to file on the

3211 | designated due date, and may request and shall be entitled to a

3212 | hearing before the Florida Elections Commission, which shall

3213 | have the authority to waive the fine in whole or in part. The

3214 | Florida Elections Commission must consider the mitigating and

3215 | aggravating circumstances contained in s. 106.265~~(1)~~ when

3216 | determining the amount of a fine, if any, to be waived. Any such

3217 | request shall be made within 20 days after receipt of the notice

3218 | of payment due. In such case, the candidate or chair of the

3219 | political committee shall, within the 20-day period, notify the

3220 | filing officer in writing of his or her intention to bring the

3221 matter before the commission.

3222 (d) The appropriate filing officer shall notify the
 3223 Florida Elections Commission of the repeated late filing by a
 3224 candidate or political committee, the failure of a candidate or
 3225 political committee to file a report after notice, or the
 3226 failure to pay the fine imposed. The commission shall
 3227 investigate only those alleged late filing violations
 3228 specifically identified by the filing officer and as set forth
 3229 in the notification. Any other alleged violations must be
 3230 separately stated and reported by the division to the commission
 3231 under s. 106.25(2).

3232 (9) The Department of State may prescribe by rule the
 3233 requirements for filing campaign treasurers' reports as set
 3234 forth in this chapter.

3235 Section 53. Paragraph (c) of subsection (7) and
 3236 subsections (8) and (9) of section 106.0703, Florida Statutes,
 3237 are amended to read:

3238 106.0703 Electioneering communications organizations;
 3239 reporting requirements; certification and filing; penalties.-

3240 (7)

3241 (c) The treasurer of an electioneering communications
 3242 organization may appeal or dispute the fine, based upon, but not
 3243 limited to, unusual circumstances surrounding the failure to
 3244 file on the designated due date, and may request and shall be
 3245 entitled to a hearing before the Florida Elections Commission,
 3246 which shall have the authority to waive the fine in whole or in
 3247 part. The Florida Elections Commission must consider the
 3248 mitigating and aggravating circumstances contained in s.

CS/CS/HB 1355

2011

3249 | 106.265~~(1)~~ when determining the amount of a fine, if any, to be
 3250 | waived. Any such request shall be made within 20 days after
 3251 | receipt of the notice of payment due. In such case, the
 3252 | treasurer of the electioneering communications organization
 3253 | shall, within the 20-day period, notify the filing officer in
 3254 | writing of his or her intention to bring the matter before the
 3255 | commission.

3256 | ~~(8) An electioneering communications organization shall,~~
 3257 | ~~within 2 days after receiving its initial password or secure~~
 3258 | ~~sign-on from the Department of State allowing confidential~~
 3259 | ~~access to the department's electronic campaign finance filing~~
 3260 | ~~system, electronically file the periodic reports that would have~~
 3261 | ~~been required pursuant to this section for reportable activities~~
 3262 | ~~that occurred since the date of the last general election.~~

3263 | ~~(8)~~⁽⁹⁾ Electioneering communications organizations shall
 3264 | not use credit cards.

3265 | Section 54. Paragraphs (a) and (c) of subsection (2) and
 3266 | subsections (3) and (7) of section 106.0705, Florida Statutes,
 3267 | are amended to read:

3268 | 106.0705 Electronic filing of campaign treasurer's
 3269 | reports.—

3270 | (2) (a) Each individual candidate who is required to file
 3271 | reports with the division pursuant to s. 106.07 or s. 106.141
 3272 | ~~with the division~~ must file such reports ~~with the division~~ by
 3273 | means of the division's electronic filing system.

3274 | (c) Each person or organization that is required to file
 3275 | reports with the division under s. 106.071 must file such
 3276 | reports ~~with the division~~ by means of the division's electronic

CS/CS/HB 1355

2011

3277 filing system.

3278 (3) Reports filed pursuant to this section shall be
 3279 completed and filed through the electronic filing system not
 3280 later than midnight of the day designated. Reports not filed by
 3281 midnight of the day designated are late filed and are subject to
 3282 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
 3283 106.0703(7), or s. 106.29(3), as applicable.

3284 ~~(7) Notwithstanding anything in law to the contrary, any~~
 3285 ~~report required to have been filed under this section for the~~
 3286 ~~period ended March 31, 2005, shall be deemed to have been timely~~
 3287 ~~filed if the report is filed under this section on or before~~
 3288 ~~June 1, 2005.~~

3289 Section 55. Subsections (1) and (2) of section 106.071,
 3290 Florida Statutes, are amended to read:

3291 106.071 Independent expenditures; electioneering
 3292 communications; reports; disclaimers.-

3293 (1) Each person who makes an independent expenditure with
 3294 respect to any candidate or issue, and each individual who makes
 3295 an expenditure for an electioneering communication which is not
 3296 otherwise reported pursuant to this chapter, which expenditure,
 3297 in the aggregate in a calendar year, is in the amount of \$5,000
 3298 or more, shall file periodic reports of such expenditures in the
 3299 same manner, at the same time, subject to the same penalties,
 3300 and with the same officer as a political committee supporting or
 3301 opposing such candidate or issue. The report shall contain the
 3302 full name and address of the person making the expenditure; the
 3303 full name and address of each person to whom and for whom each
 3304 such expenditure has been made; the amount, date, and purpose of

CS/CS/HB 1355

2011

3305 each such expenditure; a description of the services or goods
 3306 obtained by each such expenditure; the issue to which the
 3307 expenditure relates; and the name and address of, and office
 3308 sought by, each candidate on whose behalf such expenditure was
 3309 made.

3310 (2) A ~~Any~~ political advertisement paid for by an
 3311 independent expenditure, other than such an expenditure by an
 3312 individual in an aggregate amount of \$500, shall prominently
 3313 state "Paid political advertisement paid for by ... (Name and
 3314 address of person paying for advertisement)... independently of
 3315 any ... (candidate or committee)...." However, an independent
 3316 expenditure made by an individual must state "Paid political
 3317 advertisement independent of any ... (candidate or
 3318 committee)...."

3319 Section 56. Paragraph (c) of subsection (3) and paragraph
 3320 (b) of subsection (6) of section 106.08, Florida Statutes, are
 3321 amended to read:

3322 106.08 Contributions; limitations on.-

3323 (3)

3324 ~~(c) With respect to any campaign for an office in which an~~
 3325 ~~independent or minor party candidate has filed as required in s.~~
 3326 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
 3327 ~~determination by the Department of State or supervisor of~~
 3328 ~~elections as to whether or not the required number of petition~~
 3329 ~~signatures was obtained:~~

3330 ~~1. The department or supervisor shall, no later than 3~~
 3331 ~~days after that determination has been made, notify in writing~~
 3332 ~~all other candidates for that office of that determination.~~

3333 ~~2. Any contribution received by a candidate or the~~
 3334 ~~campaign treasurer or deputy campaign treasurer of a candidate~~
 3335 ~~after the candidate has been notified in writing by the~~
 3336 ~~department or supervisor that he or she has become unopposed as~~
 3337 ~~a result of an independent or minor party candidate failing to~~
 3338 ~~obtain the required number of petition signatures shall be~~
 3339 ~~returned to the person, political committee, or committee of~~
 3340 ~~continuous existence contributing it and shall not be used or~~
 3341 ~~expended by or on behalf of the candidate.~~

3342 (6)

3343 (b)1. A political party may not accept any in-kind
 3344 contribution that fails to provide a direct benefit to the
 3345 political party. A "direct benefit" includes, but is not limited
 3346 to, fundraising or furthering the objectives of the political
 3347 party.

3348 2.a. An in-kind contribution to a state political party
 3349 may be accepted only by the chairperson of the state political
 3350 party or by the chairperson's designee or designees whose names
 3351 are on file with the division in a form acceptable to the
 3352 division prior to the date of the written notice required in
 3353 sub-subparagraph b. An in-kind contribution to a county
 3354 political party may be accepted only by the chairperson of the
 3355 county political party or by the county chairperson's designee
 3356 or designees whose names are on file with the supervisor of
 3357 elections of the respective county prior to the date of the
 3358 written notice required in sub-subparagraph b.

3359 b. A person making an in-kind contribution to a state
 3360 political party or county political party must provide prior

3361 written notice of the contribution to a person described in sub-
 3362 subparagraph a. The prior written notice must be signed and
 3363 dated and may be provided by an electronic or facsimile message.
 3364 However, prior written notice is not required for an in-kind
 3365 contribution that consists of food and beverage in an aggregate
 3366 amount not exceeding \$1,500 which is consumed at a single
 3367 sitting or event if such in-kind contribution is accepted in
 3368 advance by a person specified in sub-subparagraph a.

3369 c. A person described in sub-subparagraph a. may accept an
 3370 in-kind contribution requiring prior written notice only in a
 3371 writing that is ~~signed and~~ dated before the in-kind contribution
 3372 is made. Failure to obtain the required written acceptance of an
 3373 in-kind contribution to a state or county political party
 3374 constitutes a refusal of the contribution.

3375 d. A copy of each prior written acceptance required under
 3376 sub-subparagraph c. must be filed ~~with the division~~ at the time
 3377 the regular reports of contributions and expenditures required
 3378 under s. 106.29 are filed by the state executive committee and
 3379 county executive committee. A state executive committee must
 3380 file with the division. A county executive committee must file
 3381 with the county's supervisor of elections.

3382 e. An in-kind contribution may not be given to a state or
 3383 county political party unless the in-kind contribution is made
 3384 as provided in this subparagraph.

3385 Section 57. Section 106.09, Florida Statutes, is amended
 3386 to read:

3387 106.09 Cash contributions and contribution by cashier's
 3388 checks.—

CS/CS/HB 1355

2011

3389 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
 3390 contribution or contribution by means of a cashier's check to
 3391 the same candidate or committee in excess of \$50 per election.

3392 (b) A person may not accept an aggregate cash contribution
 3393 or contribution by means of a cashier's check from the same
 3394 contributor in excess of \$50 per election.

3395 (2) (a) Any person who makes or accepts a contribution in
 3396 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~
 3397 commits a misdemeanor of the first degree, punishable as
 3398 provided in s. 775.082 or s. 775.083.

3399 (b) Any person who knowingly and willfully makes or
 3400 accepts a contribution in excess of \$5,000 in violation of
 3401 subsection (1) ~~this section~~ commits a felony of the third
 3402 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3403 775.084.

3404 Section 58. Paragraph (b) of subsection (1) and paragraph
 3405 (a) of subsection (2) of section 106.11, Florida Statutes, are
 3406 amended, and subsection (6) is added to that section, to read:

3407 106.11 Expenses of and expenditures by candidates and
 3408 political committees.—Each candidate and each political
 3409 committee which designates a primary campaign depository
 3410 pursuant to s. 106.021(1) shall make expenditures from funds on
 3411 deposit in such primary campaign depository only in the
 3412 following manner, with the exception of expenditures made from
 3413 petty cash funds provided by s. 106.12:

3414 (1)

3415 (b) The checks for such account shall contain, as a
 3416 minimum, the following information:

CS/CS/HB 1355

2011

- 3417 1. The statement ~~"Campaign Account of ... (name of~~
 3418 candidate or political committee) Campaign Account...."
- 3419 2. The account number and the name of the bank.
- 3420 3. The exact amount of the expenditure.
- 3421 4. The signature of the campaign treasurer or deputy
 3422 treasurer.
- 3423 5. The exact purpose for which the expenditure is
 3424 authorized.
- 3425 6. The name of the payee.
- 3426 (2) (a) For purposes of this section, debit cards are
 3427 considered bank checks, if:
- 3428 1. Debit cards are obtained from the same bank that has
 3429 been designated as the candidate's or political committee's
 3430 primary campaign depository.
- 3431 2. Debit cards are issued in the name of the treasurer,
 3432 deputy treasurer, or authorized user and state ~~"Campaign Account~~
 3433 of ... (name of candidate or political committee) Campaign
 3434 Account...."
- 3435 3. No more than three debit cards are requested and
 3436 issued.
- 3437 ~~4. Before a debit card is used, a list of all persons~~
 3438 ~~authorized to use the card is filed with the division.~~
- 3439 ~~5. All debit cards issued to a candidate's campaign or a~~
 3440 ~~political committee expire no later than midnight of the last~~
 3441 ~~day of the month of the general election.~~
- 3442 4.6. The person using the debit card does not receive cash
 3443 as part of, or independent of, any transaction for goods or
 3444 services.

3445 ~~5.7.~~ All receipts for debit card transactions contain:

3446 a. The last four digits of the debit card number.

3447 b. The exact amount of the expenditure.

3448 c. The name of the payee.

3449 d. The signature of the campaign treasurer, deputy
3450 treasurer, or authorized user.

3451 e. The exact purpose for which the expenditure is
3452 authorized.

3453

3454 Any information required by this subparagraph but not included
3455 on the debit card transaction receipt may be handwritten on, or
3456 attached to, the receipt by the authorized user before
3457 submission to the treasurer.

3458 (6) A candidate who made a loan to his or her campaign and
3459 reported the loan as required by s. 106.07 may be reimbursed for
3460 the loan at any time the campaign account has sufficient funds
3461 to repay the loan and satisfy its other obligations.

3462 Section 59. Subsection (4) of section 106.141, Florida
3463 Statutes, is amended to read:

3464 106.141 Disposition of surplus funds by candidates.—

3465 (4) (a) Except as provided in paragraph (b), any candidate
3466 required to dispose of funds pursuant to this section shall, at
3467 the option of the candidate, dispose of such funds by any of the
3468 following means, or any combination thereof:

3469 1. Return pro rata to each contributor the funds that have
3470 not been spent or obligated.

3471 2. Donate the funds that have not been spent or obligated
3472 to a charitable organization or organizations that meet the

CS/CS/HB 1355

2011

3473 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3474 3. Give ~~not more than \$10,000~~ of the funds that have not
 3475 been spent or obligated to the political party of which such
 3476 candidate is a member, ~~except that a candidate for the Florida~~
 3477 ~~Senate may give not more than \$30,000 of such funds to the~~
 3478 ~~political party of which the candidate is a member.~~

3479 4. Give the funds that have not been spent or obligated:

3480 a. In the case of a candidate for state office, to the
 3481 state, to be deposited in either the Election Campaign Financing
 3482 Trust Fund or the General Revenue Fund, as designated by the
 3483 candidate; or

3484 b. In the case of a candidate for an office of a political
 3485 subdivision, to such political subdivision, to be deposited in
 3486 the general fund thereof.

3487 (b) Any candidate required to dispose of funds pursuant to
 3488 this section who has received contributions pursuant to the
 3489 Florida Election Campaign Financing Act ~~from the Election~~
 3490 ~~Campaign Financing Trust Fund~~ shall, after all monetary
 3491 commitments pursuant to s. 106.11(5)(b) and (c) have been met,
 3492 return all surplus campaign funds to the General Revenue Fund
 3493 ~~Election Campaign Financing Trust Fund.~~

3494 Section 60. Section 106.143, Florida Statutes, is amended
 3495 to read:

3496 106.143 Political advertisements circulated prior to
 3497 election; requirements.—

3498 (1)(a) Any political advertisement that is paid for by a
 3499 candidate, other than a write-in candidate, and that is
 3500 published, displayed, or circulated before, or on the day of,

CS/CS/HB 1355

2011

3501 any election must prominently state:

3502 1. "Political advertisement paid for and approved by
3503 ...(name of candidate)..., ...(party affiliation)..., for
3504 ...(office sought)..."; or

3505 2. "Paid by ...(name of candidate)..., ...(party
3506 affiliation)..., for ...(office sought)...."

3507 (b) Any political advertisement that is paid for by a
3508 write-in candidate and that is published, displayed, or
3509 circulated before, or on the day of, any election must
3510 prominently state:

3511 1. "Political advertisement paid for and approved by
3512 ...(name of candidate)..., write-in candidate, for ...(office
3513 sought)..."; or

3514 2. "Paid by ...(name of candidate)..., write-in candidate,
3515 for ...(office sought)...."

3516 (c) ~~(b)~~ Any other political advertisement published,
3517 displayed, or circulated before, or on the day of, any election
3518 must prominently:

3519 1. Be marked "paid political advertisement" or with the
3520 abbreviation "pd. pol. adv."

3521 2. State the name and address of the persons paying for
3522 ~~sponsoring~~ the advertisement.

3523 3.a. ~~(I)~~ State whether the advertisement and the cost of
3524 production is paid for or provided in kind by or at the expense
3525 of the entity publishing, displaying, broadcasting, or
3526 circulating the political advertisement; ~~or~~

3527 ~~(II) State who provided or paid for the advertisement and~~
3528 ~~cost of production, if different from the source of sponsorship.~~

CS/CS/HB 1355

2011

3529 ~~b. This subparagraph does not apply if the source of the~~
3530 ~~sponsorship is patently clear from the content or format of the~~
3531 ~~political advertisement.~~

3532 (d)~~(e)~~ Any political advertisement made pursuant to s.
3533 106.021(3)(d) must be marked "paid political advertisement" or
3534 with the abbreviation "pd. pol. adv." and must prominently state
3535 the name and address of the political party paying for the
3536 advertisement., ~~"Paid for and sponsored by ... (name of person~~
3537 ~~paying for political advertisement).... Approved by ... (names of~~
3538 ~~persons, party affiliation, and offices sought in the political~~
3539 ~~advertisement)...."~~

3540 (2) Political advertisements made as in-kind contributions
3541 from a political party must prominently state: "Paid political
3542 advertisement paid for in-kind by ... (name of political
3543 party).... Approved by ... (name of person, party affiliation,
3544 and office sought in the political advertisement)...."

3545 (3)~~(2)~~ Any political advertisement of a candidate running
3546 for partisan office shall express the name of the political
3547 party of which the candidate is seeking nomination or is the
3548 nominee. If the candidate for partisan office is running as a
3549 candidate with no party affiliation, any political advertisement
3550 of the candidate must state that the candidate has no party
3551 affiliation. A candidate for nonpartisan office is prohibited
3552 from campaigning based on party affiliation.

3553 (4)~~(3)~~ It is unlawful for any candidate or person on
3554 behalf of a candidate to represent that any person or
3555 organization supports such candidate, unless the person or
3556 organization so represented has given specific approval in

CS/CS/HB 1355

2011

3557 writing to the candidate to make such representation. However,
 3558 this subsection does not apply to:

3559 (a) Editorial endorsement by any newspaper, radio or
 3560 television station, or other recognized news medium.

3561 (b) Publication by a party committee advocating the
 3562 candidacy of its nominees.

3563 (5)~~(4)~~(a) Any political advertisement not paid for by a
 3564 candidate, including those paid for by a political party, other
 3565 than an independent expenditure, offered ~~by or~~ on behalf of a
 3566 candidate must be approved in advance by the candidate. Such
 3567 political advertisement must expressly state that the content of
 3568 the advertisement was approved by the candidate and must state
 3569 who paid for the advertisement. The candidate shall provide a
 3570 written statement of authorization to the newspaper, radio
 3571 station, television station, or other medium for each such
 3572 advertisement submitted for publication, display, broadcast, or
 3573 other distribution.

3574 (b) Any person who makes an independent expenditure for a
 3575 political advertisement shall provide a written statement that
 3576 no candidate has approved the advertisement to the newspaper,
 3577 radio station, television station, or other medium for each such
 3578 advertisement submitted for publication, display, broadcast, or
 3579 other distribution. The advertisement must also contain a
 3580 statement that no candidate has approved the advertisement.

3581 ~~(c) This subsection does not apply to campaign messages~~
 3582 ~~used by a candidate and his or her supporters if those messages~~
 3583 ~~are designed to be worn by a person.~~

3584 (6)~~(5)~~ No political advertisement of a candidate who is

3585 not an incumbent of the office for which the candidate is
3586 running shall use the word "re-elect." Additionally, such
3587 advertisement must include the word "for" between the
3588 candidate's name and the office for which the candidate is
3589 running, in order that incumbency is not implied. This
3590 subsection does not apply to bumper stickers or items designed
3591 to be worn by a person.

3592 (7) Political advertisements paid for by a political party
3593 or an affiliated party committee may use names and abbreviations
3594 as registered under s. 103.081 in the disclaimer.

3595 (8)~~(6)~~ This section does not apply to novelty items having
3596 a retail value of \$10 or less which support, but do not oppose,
3597 a candidate or issue.

3598 (9)~~(7)~~ Any political advertisement which is published,
3599 displayed, or produced in a language other than English may
3600 provide the information required by this section in the language
3601 used in the advertisement.

3602 (10)~~(8)~~ This section does not apply to any campaign
3603 message or political advertisement used by a candidate and the
3604 candidate's supporters or by a political committee if the
3605 message or advertisement is:

3606 (a) Designed to be worn by a person.

3607 (b) Placed as a paid link on an Internet website, provided
3608 the message or advertisement is no more than 200 characters in
3609 length and the link directs the user to another Internet website
3610 that complies with subsection (1).

3611 (c) Placed as a graphic or picture link where compliance
3612 with the requirements of this section is not reasonably

CS/CS/HB 1355

2011

3613 practical due to the size of the graphic or picture link and the
3614 link directs the user to another Internet website that complies
3615 with subsection (1).

3616 (d) Placed at no cost on an Internet website for which
3617 there is no cost to post content for public users.

3618 (e) Placed or distributed on an unpaid profile or account
3619 which is available to the public without charge or on a social
3620 networking Internet website, as long as the source of the
3621 message or advertisement is patently clear from the content or
3622 format of the message or advertisement. A candidate or political
3623 committee may prominently display a statement indicating that
3624 the website or account is an official website or account of the
3625 candidate or political committee and is approved by the
3626 candidate or political committee. A website or account may not
3627 be marked as official without prior approval by the candidate or
3628 political committee.

3629 (f) Distributed as a text message or other message via
3630 Short Message Service, provided the message is no more than 200
3631 characters in length or requires the recipient to sign up or opt
3632 in to receive it.

3633 (g) Connected with or included in any software application
3634 or accompanying function, provided that the user signs up, opts
3635 in, downloads, or otherwise accesses the application from or
3636 through a website that complies with subsection (1).

3637 (h) Sent by a third-party user from or through a campaign
3638 or committee's website, provided the website complies with
3639 subsection (1).

3640 (i) Contained in or distributed through any other

CS/CS/HB 1355

2011

3641 technology-related item, service, or device for which compliance
 3642 with subsection (1) is not reasonably practical due to the size
 3643 or nature of such item, service, or device as available, or the
 3644 means of displaying the message or advertisement makes
 3645 compliance with subsection (1) impracticable.

3646 ~~(11)-(9)~~ Any person who willfully violates any provision of
 3647 this section is subject to the civil penalties prescribed in s.
 3648 106.265.

3649 Section 61. Subsection (4) of section 106.15, Florida
 3650 Statutes, is amended to read:

3651 106.15 Certain acts prohibited.—

3652 (4) (a) No person shall make and no person shall solicit or
 3653 knowingly accept any political contribution in a government-
 3654 occupied room or building space ~~building owned by a governmental~~
 3655 ~~entity.~~

3656 (b) For purposes of this subsection, the term:

3657 1. "Accept" means to receive a contribution by personal
 3658 hand delivery from a contributor or the contributor's agent.

3659 2. "Government-occupied room or building space" means the
 3660 building, or in the case of a partial occupancy that portion of
 3661 a building, owned or leased and being used by a governmental
 3662 entity. However, in the case of a partial occupancy where other
 3663 tenants or owners simultaneously occupy a different portion of
 3664 the building, the term excludes common areas not under the
 3665 exclusive control of the governmental entity, including, but not
 3666 limited to, break rooms, hallways, elevators, stairwells, and
 3667 conference rooms.

3668 (c) This subsection does ~~shall~~ not apply when a

CS/CS/HB 1355

2011

3669 government-occupied room or building space ~~government-owned~~
 3670 ~~building~~ or any portion thereof is rented for the specific
 3671 purpose of holding a campaign fund raiser.

3672 Section 62. Section 106.17, Florida Statutes, is amended
 3673 to read:

3674 106.17 Polls and surveys relating to candidacies.—Any
 3675 candidate, political committee, committee of continuous
 3676 existence, electioneering communication organization, ~~or~~ state
 3677 or county executive committee of a political party, or an
 3678 affiliated party committee may authorize or conduct a political
 3679 poll, survey, index, or measurement of any kind relating to
 3680 candidacy for public office so long as the candidate, political
 3681 committee, committee of continuous existence, electioneering
 3682 communication organization, affiliated party committee, or
 3683 political party maintains complete jurisdiction over the poll in
 3684 all its aspects. State and county executive committees of a
 3685 political party or an affiliated party committee may authorize
 3686 and conduct political polls for the purpose of determining the
 3687 viability of potential candidates. Such poll results may be
 3688 shared with potential candidates and expenditures incurred by
 3689 state and county executive committees or an affiliated party
 3690 committee for potential candidate polls are not contributions to
 3691 the potential candidates.

3692 Section 63. Subsection (4) is added to section 106.19,
 3693 Florida Statutes, to read:

3694 106.19 Violations by candidates, persons connected with
 3695 campaigns, and political committees.—

3696 (4) Except as otherwise expressly stated, the failure by a

CS/CS/HB 1355

2011

3697 candidate to comply with the requirements of this chapter has no
3698 effect upon whether the candidate has qualified for the office
3699 the candidate is seeking.

3700 Section 64. Subsections (2) and (3), paragraph (i) of
3701 subsection (4), and subsection (5) of section 106.25, Florida
3702 Statutes, are amended to read:

3703 106.25 Reports of alleged violations to Florida Elections
3704 Commission; disposition of findings.—

3705 (2) The commission shall investigate all violations of
3706 this chapter and chapter 104, but only after having received
3707 either a sworn complaint or information reported to it under
3708 this subsection by the Division of Elections. Such sworn
3709 complaint must be based upon personal information or information
3710 other than hearsay. Any person, other than the division, having
3711 information of any violation of this chapter or chapter 104
3712 shall file a sworn complaint with the commission. The commission
3713 shall investigate only those alleged violations specifically
3714 contained within the sworn complaint. If any complainant fails
3715 to allege all violations that arise from the facts or
3716 allegations alleged in a complaint, the commission shall be
3717 barred from investigating a subsequent complaint from such
3718 complainant that is based upon such facts or allegations that
3719 were raised or could have been raised in the first complaint. If
3720 the complaint includes allegations of violations relating to
3721 expense items reimbursed by a candidate, committee, or
3722 organization to the campaign account before a sworn complaint is
3723 filed, the commission shall be barred from investigating such
3724 allegations. Such sworn complaint shall state whether a

CS/CS/HB 1355

2011

3725 | complaint of the same violation has been made to any state
3726 | attorney. Within 5 days after receipt of a sworn complaint, the
3727 | commission shall transmit a copy of the complaint to the alleged
3728 | violator. The respondent shall have 14 days after receipt of the
3729 | complainant to file an initial response prior to the executive
3730 | director's determination of legal sufficiency. If the executive
3731 | director finds that the complaint is legally sufficient, the
3732 | respondent shall be notified of such finding by letter, which
3733 | sets forth the statutory provisions alleged to have been
3734 | violated and the alleged factual basis that supports the
3735 | finding. All sworn complaints alleging violations of the Florida
3736 | Election Code over which the commission has jurisdiction shall
3737 | be filed with the commission within 2 years after the alleged
3738 | violations. The period of limitations is tolled on the day a
3739 | sworn complaint is filed with the commission. The complainant
3740 | may withdraw the sworn complaint at any time prior to a probable
3741 | cause hearing if good cause is shown. Withdrawal shall be
3742 | requested in writing, signed by the complainant, and witnessed
3743 | by a notary public, stating the facts and circumstances
3744 | constituting good cause. The executive director shall prepare a
3745 | written recommendation regarding disposition of the request
3746 | which shall be given to the commission together with the
3747 | request. "Good cause" shall be determined based upon the legal
3748 | sufficiency or insufficiency of the complaint to allege a
3749 | violation and the reasons given by the complainant for wishing
3750 | to withdraw the complaint. If withdrawal is permitted, the
3751 | commission must close the investigation and the case. No further
3752 | action may be taken. The complaint will become a public record

CS/CS/HB 1355

2011

3753 at the time of withdrawal.

3754 (3) For the purposes of commission jurisdiction, a
3755 violation shall mean the willful performance of an act
3756 prohibited by this chapter or chapter 104 or the willful failure
3757 to perform an act required by this chapter or chapter 104. The
3758 commission may not by rule determine what constitutes
3759 willfulness or further define the term as provided in this
3760 chapter or chapter 104. Willfulness is a determination of fact;
3761 however, at the request of the respondent at any time after
3762 probable cause is found, willfulness may be considered and
3763 determined in an informal hearing before the commission.

3764 (4) The commission shall undertake a preliminary
3765 investigation to determine if the facts alleged in a sworn
3766 complaint or a matter initiated by the division constitute
3767 probable cause to believe that a violation has occurred.

3768 (i)1. Upon a commission finding of probable cause, the
3769 counsel for the commission shall attempt to reach a consent
3770 agreement with the respondent. At any time, the commission may
3771 enter into a consent order with a respondent without requiring
3772 the respondent to admit to having violated a section for which
3773 the commission has jurisdiction.

3774 2. A consent agreement is not binding upon either party
3775 unless and until it is signed by the respondent and by counsel
3776 for the commission upon approval by the commission.

3777 3. Nothing herein shall be construed to prevent the
3778 commission from entering into a consent agreement with a
3779 respondent prior to a commission finding of probable cause if a
3780 respondent indicates in writing a desire to enter into

CS/CS/HB 1355

2011

3781 negotiations directed towards reaching such a consent agreement.
 3782 Any consent agreement reached under this subparagraph is subject
 3783 to the provisions of subparagraph 2. and shall have the same
 3784 force and effect as a consent agreement reached after the
 3785 commission finding of probable cause.

3786
 3787 In a case where probable cause is found, the commission shall
 3788 make a preliminary determination to consider the matter or to
 3789 refer the matter to the state attorney for the judicial circuit
 3790 in which the alleged violation occurred. Notwithstanding any
 3791 other provisions of this section, the commission may, at its
 3792 discretion, dismiss any complaint at any stage of disposition if
 3793 it determines that the public interest would not be served by
 3794 proceeding further, in which case the commission shall issue a
 3795 public report stating with particularity its reasons for the
 3796 dismissal.

3797 (5) ~~Unless~~ A person alleged by the Elections Commission to
 3798 have committed a violation of this chapter or chapter 104 may
 3799 elect, as a matter of right elects, within 30 days after the
 3800 date of the filing of the commission's allegations, to have a
 3801 formal administrative hearing conducted by an administrative law
 3802 judge in the Division of Administrative Hearings. The
 3803 administrative law judge in such proceedings shall enter a final
 3804 order, which may include the imposition of civil penalties, and
 3805 ~~the formal or informal hearing conducted before the commission,~~
 3806 ~~or elects to resolve the complaint by consent order, such person~~
 3807 ~~shall be entitled to a formal administrative hearing conducted~~
 3808 ~~by an administrative law judge in the Division of Administrative~~

CS/CS/HB 1355

2011

3809 ~~Hearings. The administrative law judge in such proceedings shall~~
 3810 ~~enter a final order~~ is subject to appeal as provided in s.
 3811 120.68.

3812 Section 65. Subsection (1) of section 106.26, Florida
 3813 Statutes, is amended to read:

3814 106.26 Powers of commission; rights and responsibilities
 3815 of parties; findings by commission.—

3816 (1) The commission shall, pursuant to rules adopted and
 3817 published in accordance with chapter 120, consider all sworn
 3818 complaints filed with it and all matters reported to it by the
 3819 Division of Elections. In order to carry out the
 3820 responsibilities prescribed by this chapter, the commission is
 3821 empowered to subpoena and bring before it, or its duly
 3822 authorized representatives, any person in the state, or any
 3823 person doing business in the state, or any person who has filed
 3824 or is required to have filed any application, document, papers,
 3825 or other information with an office or agency of this state or a
 3826 political subdivision thereof and to require the production of
 3827 any papers, books, or other records relevant to any
 3828 investigation, including the records and accounts of any bank or
 3829 trust company doing business in this state. Duly authorized
 3830 representatives of the commission are empowered to administer
 3831 all oaths and affirmations in the manner prescribed by law to
 3832 witnesses who shall appear before them concerning any relevant
 3833 matter. Should any witness fail to respond to the lawful
 3834 subpoena of the commission or, having responded, fail to answer
 3835 all lawful inquiries or to turn over evidence that has been
 3836 subpoenaed, the commission may file a complaint in the ~~before~~

CS/CS/HB 1355

2011

3837 ~~any~~ circuit court where the witness resides ~~of the state~~ setting
 3838 up such failure on the part of the witness. On the filing of
 3839 such complaint, the court shall take jurisdiction of the witness
 3840 and the subject matter of said complaint and shall direct the
 3841 witness to respond to all lawful questions and to produce all
 3842 documentary evidence in the witness's possession which is
 3843 lawfully demanded. The failure of any witness to comply with
 3844 such order of the court shall constitute a direct and criminal
 3845 contempt of court, and the court shall punish said witness
 3846 accordingly. However, the refusal by a witness to answer
 3847 inquiries or turn over evidence on the basis that such testimony
 3848 or material will tend to incriminate such witness shall not be
 3849 deemed refusal to comply with the provisions of this chapter.
 3850 The sheriffs in the several counties shall make such service and
 3851 execute all process or orders when required by the commission.
 3852 Sheriffs shall be paid for these services by the commission as
 3853 provided for in s. 30.231. Any person who is served with a
 3854 subpoena to attend a hearing of the commission also shall be
 3855 served with a general statement informing him or her of the
 3856 subject matter of the commission's investigation or inquiry and
 3857 a notice that he or she may be accompanied at the hearing by
 3858 counsel of his or her own choosing.

3859 Section 66. Section 106.265, Florida Statutes, is amended
 3860 to read:

3861 106.265 Civil penalties.—

3862 (1) The commission or, in cases referred to the Division
 3863 of Administrative Hearings pursuant to s. 106.25(5), an
 3864 administrative law judge is authorized upon the finding of a

3865 violation of this chapter or chapter 104 to impose civil
 3866 penalties in the form of fines not to exceed \$1,000 per count
 3867 or, if applicable, to impose a civil penalty as provided in s.
 3868 106.19.

3869 (2) In determining the amount of such civil penalties, the
 3870 commission or the administrative law judge shall consider, among
 3871 other mitigating and aggravating circumstances:

3872 (a) The gravity of the act or omission;

3873 (b) Any previous history of similar acts or omissions;

3874 (c) The appropriateness of such penalty to the financial
 3875 resources of the person, political committee, committee of
 3876 continuous existence, electioneering communications
 3877 organization, or political party; and

3878 (d) Whether the person, political committee, committee of
 3879 continuous existence, electioneering communications
 3880 organization, or political party has shown good faith in
 3881 attempting to comply with the provisions of this chapter or
 3882 chapter 104.

3883 (3)~~(2)~~ If any person, political committee, committee of
 3884 continuous existence, electioneering communications
 3885 organization, or political party fails or refuses to pay to the
 3886 commission any civil penalties assessed pursuant to the
 3887 provisions of this section, the commission shall be responsible
 3888 for collecting the civil penalties resulting from such action.

3889 (4)~~(3)~~ Any civil penalty collected pursuant to the
 3890 provisions of this section shall be deposited into the General
 3891 Revenue Fund ~~Election Campaign Financing Trust Fund.~~

3892 (5)~~(4)~~ ~~Notwithstanding any other provisions of this~~

CS/CS/HB 1355

2011

3893 ~~chapter,~~ Any fine assessed pursuant to the provisions of this
 3894 chapter shall, ~~which fine is designated to be deposited or which~~
 3895 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~
 3896 ~~the state, shall be deposited into the Election Campaign~~
 3897 ~~Financing Trust Fund.~~

3898 (6) ~~(5)~~ In any case in which the commission determines that
 3899 a person has filed a complaint against another person with a
 3900 malicious intent to injure the reputation of the person
 3901 complained against by filing the complaint with knowledge that
 3902 the complaint contains one or more false allegations or with
 3903 reckless disregard for whether the complaint contains false
 3904 allegations of fact material to a violation of this chapter or
 3905 chapter 104, the complainant shall be liable for costs and
 3906 reasonable attorney's fees incurred in the defense of the person
 3907 complained against, including the costs and reasonable
 3908 attorney's fees incurred in proving entitlement to and the
 3909 amount of costs and fees. If the complainant fails to pay such
 3910 costs and fees voluntarily within 30 days following such finding
 3911 by the commission, the commission shall forward such information
 3912 to the Department of Legal Affairs, which shall bring a civil
 3913 action in a court of competent jurisdiction to recover the
 3914 amount of such costs and fees awarded by the commission.

3915 Section 67. Subsection (1) and paragraph (b) of subsection
 3916 (3) of section 106.29, Florida Statutes, are amended to read:

3917 106.29 Reports by political parties; restrictions on
 3918 contributions and expenditures; penalties.-

3919 (1) The state executive committee and each county
 3920 executive committee of each political party regulated by chapter

CS/CS/HB 1355

2011

3921 103 shall file regular reports of all contributions received and
 3922 all expenditures made by such committee. In addition, when a
 3923 special election is called to fill a vacancy in office, each
 3924 state executive committee and each county executive committee
 3925 making contributions or expenditures to influence the results of
 3926 the special election or the preceding special primary election
 3927 must file a campaign treasurer's report on the dates set by the
 3928 Department of State pursuant to s. 100.111. Such reports shall
 3929 contain the same information as do reports required of
 3930 candidates by s. 106.07 and shall be filed on the 10th day
 3931 following the end of each calendar quarter, except that, during
 3932 the period from the last day for candidate qualifying until the
 3933 general election, such reports shall be filed on the Friday
 3934 immediately preceding each special primary election, special
 3935 election, and both the primary election and the general
 3936 election. In addition to the reports filed under this section,
 3937 the state executive committee and each county executive
 3938 committee shall file a copy of each prior written acceptance of
 3939 an in-kind contribution given by the committee during the
 3940 preceding calendar quarter as required under s. 106.08(6). Each
 3941 state executive committee shall file ~~the original and one copy~~
 3942 ~~of~~ its reports with the Division of Elections. Each county
 3943 executive committee shall file its reports with the supervisor
 3944 of elections in the county in which such committee exists. Any
 3945 state or county executive committee failing to file a report on
 3946 the designated due date shall be subject to a fine as provided
 3947 in subsection (3). A ~~No~~ separate fine may not ~~shall~~ be assessed
 3948 for failure to file a copy of any report required by this

3949 section.

3950 (3)

3951 (b) Upon determining that a report is late, the filing

3952 officer shall immediately notify the chair of the executive

3953 committee as to the failure to file a report by the designated

3954 due date and that a fine is being assessed for each late day.

3955 The fine shall be \$1,000 for a state executive committee, and

3956 \$50 for a county executive committee, per day for each late day,

3957 not to exceed 25 percent of the total receipts or expenditures,

3958 whichever is greater, for the period covered by the late report.

3959 However, if an executive committee fails to file a report on the

3960 Friday immediately preceding the special election or general

3961 election, the fine shall be \$10,000 per day for each day a state

3962 executive committee is late and \$500 per day for each day a

3963 county executive committee is late. Upon receipt of the report,

3964 the filing officer shall determine the amount of the fine which

3965 is due and shall notify the chair. Notice is deemed sufficient

3966 upon proof of delivery of written notice to the mailing or

3967 street address on record with the filing officer. The filing

3968 officer shall determine the amount of the fine due based upon

3969 the earliest of the following:

3970 1. When the report is actually received by such officer.

3971 2. When the report is postmarked.

3972 3. When the certificate of mailing is dated.

3973 4. When the receipt from an established courier company is

3974 dated.

3975 5. When the electronic receipt issued pursuant to s.

3976 106.0705 is dated.

CS/CS/HB 1355

2011

3977
 3978 Such fine shall be paid to the filing officer within 20 days
 3979 after receipt of the notice of payment due, unless appeal is
 3980 made to the Florida Elections Commission pursuant to paragraph
 3981 (c). An officer or member of an executive committee shall not be
 3982 personally liable for such fine.

3983 Section 68. Subsection (5) of section 106.35, Florida
 3984 Statutes, is amended to read:

3985 106.35 Distribution of funds.—

3986 (5) The division shall adopt rules providing for the
 3987 weekly reports and certification and distribution of funds
 3988 pursuant thereto required by this section. Such rules shall, at
 3989 a minimum, provide ~~for~~:

3990 ~~(a) Specifications for printed campaign treasurer's~~
 3991 ~~reports outlining the format for such reports, including size of~~
 3992 ~~paper, typeface, color of print, and placement of required~~
 3993 ~~information on the form.~~

3994 ~~(b)1.~~ specifications for electronically transmitted
 3995 campaign treasurer's reports outlining communication parameters
 3996 and protocol, data record formats, and provisions for ensuring
 3997 security of data and transmission.

3998 ~~2. All electronically transmitted campaign treasurer's~~
 3999 ~~reports must also be filed in printed format. Printed format~~
 4000 ~~shall not include campaign treasurer's reports submitted by~~
 4001 ~~electronic facsimile transmission.~~

4002 Section 69. Section 106.355, Florida Statutes, is amended
 4003 to read:

4004 106.355 Nonparticipating candidate exceeding limits.—

CS/CS/HB 1355

2011

4005 Whenever a candidate for the office of Governor or member of the
 4006 Cabinet who has elected not to participate in election campaign
 4007 financing under the provisions of ss. 106.30-106.36 exceeds the
 4008 applicable expenditure limit provided in s. 106.34, all opposing
 4009 candidates participating in such election campaign financing
 4010 are, notwithstanding the provisions of s. 106.33 or any other
 4011 provision requiring adherence to such limit, released from such
 4012 expenditure limit to the extent the nonparticipating candidate
 4013 exceeded the limit, are still eligible for matching
 4014 contributions up to such limit, and shall not be required to
 4015 reimburse any matching funds provided pursuant thereto. ~~In~~
 4016 ~~addition, the Department of State shall, within 7 days after a~~
 4017 ~~request by a participating candidate, provide such candidate~~
 4018 ~~with funds from the Election Campaign Financing Trust Fund equal~~
 4019 ~~to the amount by which the nonparticipating candidate exceeded~~
 4020 ~~the expenditure limit, not to exceed twice the amount of the~~
 4021 ~~maximum expenditure limits specified in s. 106.34(1)(a) and (b),~~
 4022 ~~which funds shall not be considered matching funds.~~

4023 Section 70. Paragraph (d) of subsection (1) of section
 4024 11.045, Florida Statutes, is amended to read:

4025 11.045 Lobbying before the Legislature; registration and
 4026 reporting; exemptions; penalties.—

4027 (1) As used in this section, unless the context otherwise
 4028 requires:

4029 (d) "Expenditure" means a payment, distribution, loan,
 4030 advance, reimbursement, deposit, or anything of value made by a
 4031 lobbyist or principal for the purpose of lobbying. The term
 4032 "expenditure" does not include contributions or expenditures

4033 reported pursuant to chapter 106 or federal election law, funds
 4034 received or spent under s. 106.012, campaign-related personal
 4035 services provided without compensation by individuals
 4036 volunteering their time, any other contribution or expenditure
 4037 made by or to a political party, or any other contribution or
 4038 expenditure made by an organization that is exempt from taxation
 4039 under 26 U.S.C. s. 527 or s. 501(c)(4).

4040 Section 71. Paragraph (b) of subsection (12) of section
 4041 112.312, Florida Statutes, is amended to read:

4042 112.312 Definitions.—As used in this part and for purposes
 4043 of the provisions of s. 8, Art. II of the State Constitution,
 4044 unless the context otherwise requires:

4045 (12)

4046 (b) "Gift" does not include:

4047 1. Salary, benefits, services, fees, commissions, gifts,
 4048 or expenses associated primarily with the donee's employment,
 4049 business, or service as an officer or director of a corporation
 4050 or organization.

4051 2. Contributions or expenditures reported pursuant to
 4052 chapter 106, funds received or spent under s. 106.012,
 4053 contributions or expenditures reported pursuant to federal
 4054 election law, campaign-related personal services provided
 4055 without compensation by individuals volunteering their time, or
 4056 any other contribution or expenditure by a political party.

4057 3. An honorarium or an expense related to an honorarium
 4058 event paid to a person or the person's spouse.

4059 4. An award, plaque, certificate, or similar personalized
 4060 item given in recognition of the donee's public, civic,

CS/CS/HB 1355

2011

4061 charitable, or professional service.

4062 5. An honorary membership in a service or fraternal
 4063 organization presented merely as a courtesy by such
 4064 organization.

4065 6. The use of a public facility or public property, made
 4066 available by a governmental agency, for a public purpose.

4067 7. Transportation provided to a public officer or employee
 4068 by an agency in relation to officially approved governmental
 4069 business.

4070 8. Gifts provided directly or indirectly by a state,
 4071 regional, or national organization which promotes the exchange
 4072 of ideas between, or the professional development of,
 4073 governmental officials or employees, and whose membership is
 4074 primarily composed of elected or appointed public officials or
 4075 staff, to members of that organization or officials or staff of
 4076 a governmental agency that is a member of that organization.

4077 Section 72. Paragraph (d) of subsection (1) of section
 4078 112.3215, Florida Statutes, is amended to read:

4079 112.3215 Lobbying before the executive branch or the
 4080 Constitution Revision Commission; registration and reporting;
 4081 investigation by commission.—

4082 (1) For the purposes of this section:

4083 (d) "Expenditure" means a payment, distribution, loan,
 4084 advance, reimbursement, deposit, or anything of value made by a
 4085 lobbyist or principal for the purpose of lobbying. The term
 4086 "expenditure" does not include contributions or expenditures
 4087 reported pursuant to chapter 106, funds received or spent under
 4088 s. 106.012, or contributions or expenditures reported pursuant

CS/CS/HB 1355

2011

4089 to federal election law, campaign-related personal services
 4090 provided without compensation by individuals volunteering their
 4091 time, any other contribution or expenditure made by or to a
 4092 political party, or any other contribution or expenditure made
 4093 by an organization that is exempt from taxation under 26 U.S.C.
 4094 s. 527 or s. 501(c)(4).

4095 Section 73. Subsection (1) of section 876.05, Florida
 4096 Statutes, is amended to read:

4097 876.05 Public employees; oath.—

4098 (1) All persons who now or hereafter are employed by or
 4099 who now or hereafter are on the payroll of the state, or any of
 4100 its departments and agencies, subdivisions, counties, cities,
 4101 school boards and districts of the free public school system of
 4102 the state or counties, or institutions of higher learning, ~~and~~
 4103 ~~all candidates for public office,~~ except candidates for federal
 4104 office, are required to take an oath before any person duly
 4105 authorized to take acknowledgments of instruments for public
 4106 record in the state in the following form:

4107 I,, a citizen of the State of Florida and of the
 4108 United States of America, and being employed by or an officer of
 4109 and a recipient of public funds as such employee or
 4110 officer, do hereby solemnly swear or affirm that I will support
 4111 the Constitution of the United States and of the State of
 4112 Florida.

4113 Section 74. Section 100.101, Florida Statutes, is amended
 4114 to read:

4115 100.101 Special elections and special primary elections.—
 4116 ~~Except as provided in s. 100.111(2),~~ A special election or

CS/CS/HB 1355

2011

4117 special primary election shall be held in the following cases:

4118 (1) If no person has been elected at a general election to
 4119 fill an office which was required to be filled by election at
 4120 such general election.

4121 (2) If a vacancy occurs in the office of state senator or
 4122 member of the state house of representatives.

4123 (3) If it is necessary to elect presidential electors, by
 4124 reason of the offices of President and Vice President both
 4125 having become vacant.

4126 (4) If a vacancy occurs in the office of member from
 4127 Florida of the House of Representatives of Congress.

4128 Section 75. Section 103.161, Florida Statutes, is
 4129 repealed.

4130 Section 76. Section 876.07, Florida Statutes, is repealed.

4131 Section 77. Except as otherwise expressly provided in this
 4132 act, this act shall take effect July 1, 2011.