

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 and provide the
12 division with certain information; requiring that the
13 Division of Elections of the Department of State or a
14 supervisor of elections make voter registration forms
15 available to third-party voter registration organizations;
16 requiring that such forms contain certain information;
17 requiring that the division and supervisors of elections
18 maintain a database of certain information; requiring that
19 such information be provided in electronic format;
20 requiring that such information be updated and made public
21 daily at a specified time; providing that a third-party
22 voter registration organization that collects voter
23 registration applications serves as a fiduciary to the
24 applicant; specifying duties of such an organization;
25 providing penalties for violations of certain provisions
26 of state law; providing circumstances under which a third-
27 party voter registration organization is subject to
28 specified civil penalties; specifying an affirmative

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

57 | the statewide voter registration system regarding
58 | convicted felons; amending s. 98.0981, F.S.; providing
59 | timeframes and formats for voting history information to
60 | be sent by the supervisors of elections to the department;
61 | providing timeframes and formats for voting history
62 | information to be sent by the department to the President
63 | of the Senate, the Speaker of the House of
64 | Representatives, and the respective minority leaders;
65 | providing for the imposition of fines on a supervisor of
66 | elections for failure to comply in a timely manner;
67 | providing for deposit of fines in the General Revenue
68 | Fund; requiring submission of precinct-level information
69 | in a certain format by a time certain; providing for
70 | imposition of a fine on a supervisor of elections for
71 | failure to comply and for depositing of the fine into the
72 | General Revenue Fund; amending s. 99.012, F.S.; providing
73 | that a person not complying with specific provisions of
74 | the section is not qualified as a candidate and his or her
75 | name may not appear on ballot; amending s. 99.021, F.S.;
76 | revising the candidate oath requirement for a person
77 | seeking to qualify for nomination or election or as a
78 | candidate of a political party; removing requirement for
79 | qualifying officer to give printed copy of candidate oath;
80 | removing requirement for taking public employee oath;
81 | correcting references for other oaths; amending s. 99.061,
82 | F.S.; revising timeframe for candidate to pay qualifying
83 | fee under certain circumstances; requiring checks to be
84 | payable as prescribed by filing officer; requiring

85 | notarized signature on certain oaths; removing requirement
86 | for public employee oath; requiring filing of a notarized
87 | financial disclosure; clarifying time for qualifying
88 | papers to be received; providing that qualifying officer
89 | performs ministerial duty only; exempting qualifying
90 | officer decision from Administrative Procedures Act;
91 | amending s. 99.063, F.S.; removing the requirement that a
92 | candidate swear a public employee loyalty oath; amending
93 | s. 99.093, F.S.; remitting assessments directly to the
94 | Florida Elections Commissions rather than passing through
95 | the department; amending s. 99.097, F.S.; clarifying that
96 | the supervisor of elections checks more than signatures on
97 | petition forms; clarifying rulemaking authority of the
98 | department relating to petitions; prohibiting certain
99 | random sampling method of petition verification for
100 | constitutional amendments petitions; providing for
101 | invalidity of undue burden oaths under specified
102 | circumstances; providing for certain funds to be used to
103 | reimburse a supervisor of elections for signature
104 | verification fees not previously paid when an undue burden
105 | oath is held invalid; amending s. 100.111, F.S.; providing
106 | notification requirements and procedures for filling a
107 | vacancy in nomination for certain offices; deleting the
108 | definition of the term "district political party executive
109 | committee"; providing that a vacancy in nomination is not
110 | created if a nominee did not properly qualify or does not
111 | meet the necessary qualifications to hold the office
112 | sought; amending s. 100.371, F.S.; providing that

113 | signatures on an initiative petition are valid for 2 years
114 | instead of 4 years; requiring that a petition signer must
115 | be a registered elector at time of signing for a
116 | supervisor to verify his or her signature as valid;
117 | requiring the supervisor of elections to notify petition
118 | sponsor of misfiled petition under certain circumstances;
119 | deleting certain petition revocation provisions; amending
120 | s. 101.001, F.S.; requiring the supervisors of elections
121 | to provide the department with a precinct database
122 | including specified information; requiring the department
123 | to maintain a searchable database containing certain
124 | precinct and census block information; requiring
125 | supervisors of elections to notify the department of
126 | precinct changes within a specified time; deleting a
127 | waiver; amending s. 101.043, F.S.; providing that the
128 | address appearing on the photo identification used at
129 | polls cannot be used to confirm or challenge an elector's
130 | legal residence for address verification; amending s.
131 | 101.045, F.S.; retaining language prohibiting a person
132 | from voting in a precinct or district other than the one
133 | in which the person is registered and has legal residence;
134 | retaining language regarding the elector's voting a
135 | provisional ballot if eligibility cannot be determined;
136 | retaining language permitting a person temporarily
137 | residing out of county with no permanent residence in
138 | county to vote through the supervisor of elections' office
139 | for all but municipal races; removing language permitting
140 | an elector to present an affirmation or application for

141 change of residence or name at the precinct; amending s.
142 101.131, F.S.; revising procedures for the designation of
143 poll watchers; requiring that the Division of Elections
144 prescribe a form for the designation of poll watchers;
145 providing conditions under which poll watchers are
146 authorized to enter polling areas and watch polls;
147 requiring that a supervisor of elections provide
148 identification to poll watchers by a specified period
149 before early voting begins; requiring that poll watchers
150 display such identification while in a polling place;
151 amending s. 101.151, F.S.; providing changes in ballot
152 appearance; reducing length and appearance of ballot and
153 redundancy; expanding use of ballot on demand technology;
154 amending s. 101.5605, F.S.; clarifying that testing of
155 voting equipment be done in accordance with state-adopted
156 voting system standards; amending s. 101.5606, F.S.;
157 removing references to obsolete forms of voting; amending
158 s. 101.5612, F.S.; revising the number or percentage of
159 systems that must be tested; amending s. 101.5614, F.S.;
160 conforming law to current technological practices in
161 canvassing of certain returns; amending s. 101.62, F.S.;
162 extending absentee ballot request for 2 regularly
163 scheduled general elections; providing timeframe for
164 absentee ballots to be sent to voters voting an absentee
165 ballot; clarifying provisions relating to military and
166 overseas voters; requiring the supervisors of elections to
167 update absentee ballot information and make available by a
168 time certain; amending s. 101.65, F.S.; expanding absentee

169 ballot instructions to notify a voter that signatures on
170 ballot and on record must match; informing voter when
171 signature must be updated; amending s. 101.6923, F.S.;
172 expanding special absentee ballot instructions for certain
173 first-time voters to notify voters that signatures on the
174 ballot and on record must match; informing voter when
175 signature must be updated; amending s. 101.75, F.S.;
176 eliminating state mandate for a municipal election to have
177 a 14-day candidate qualifying period when it moves its
178 election to coincide with state or county election; s.
179 102.031, F.S.; prohibiting solicitation of voters who are
180 entering or in line to enter any polling place or early
181 voting site; expanding the definitions of the terms
182 "solicit" and "solicitation"; amending s. 102.168, F.S.;
183 clarifying when canvassing boards are an indispensable
184 party to an election contest; clarifying evidence a
185 circuit court may consider in certain election contests;
186 providing a standard of review; amending s. 103.095, F.S.;
187 establishing the process and requirements for becoming a
188 minor political party; authorizing the division to adopt
189 rules; providing for cancellation of minor political party
190 status under certain circumstances; providing for appeal;
191 providing for retroactive effectiveness; amending s.
192 103.101, F.S.; eliminating the Presidential Candidate
193 Selection Committee for the Presidential Preference
194 Primary Election; providing for lists of candidates to be
195 provided by political parties to the Secretary of State;
196 providing for candidate notification of placement of the

197 ballot; amending s. 103.141, F.S.; deleting language
198 providing for the removal of certain county executive
199 committee members pursuant to a separate provision of law;
200 amending s. 104.29, F.S.; clarifying when it is an offense
201 for an inspector or other election official to deny a
202 person the opportunity to observe whether ballots are
203 being correctly reconciled; amending s. 106.011, F.S.;
204 revising the definitions of "candidate", "contribution,"
205 and "expenditure" to exclude funds received or spent for
206 certain potential candidate polls; clarifying and
207 conforming the definition of "independent expenditure" to
208 the candidate's specific qualifying period; clarifying the
209 qualifying period for the candidate; correcting a cross-
210 reference; creating s. 106.012, F.S.; providing that funds
211 spent or received are not contributions or expenditures if
212 used solely for determining candidate viability; providing
213 examples of permissible activities; providing for
214 retention of records; providing that funds become
215 contributions and expenditures upon the candidacy of a
216 person; requiring reporting of funds regardless of date
217 received or spent; providing examples of ineligible
218 activities for fund use; delineating activities indicating
219 intention to become a candidate; limiting the amount of
220 funds that may be received; amending s. 106.021, F.S.;
221 deleting a requirement that certain information be
222 included in campaign reports for reimbursement; amending
223 s. 106.022, F.S.; requiring a political committee,
224 committee of continuous existence, or electioneering

225 | communications organization to file a statement of
226 | appointment with the filing officer rather than with the
227 | Division of Elections; authorizing an entity to change its
228 | appointment of registered agent or registered office by
229 | filing a written statement with the filing officer;
230 | requiring a registered agent who resigns to execute a
231 | written statement of resignation and file it with the
232 | filing officer; amending s. 106.023, F.S.; revising the
233 | form of the statement of a candidate to require a
234 | candidate to acknowledge that he or she has been provided
235 | access to and understands the requirements of ch. 106,
236 | F.S.; amending s. 106.025, F.S.; revising the information
237 | required on tickets for a campaign fundraiser; amending s.
238 | 106.04, F.S.; requiring a committee of continuous
239 | existence that makes a contribution or expenditure in
240 | connection with certain county or municipal elections to
241 | file specified reports; subjecting a committee of
242 | continuous existence that fails to file a report or to
243 | timely file a report with the Division of Elections or a
244 | county or municipal filing officer to a fine; requiring a
245 | committee of continuous existence to include transaction
246 | information from credit card purchases in a report filed
247 | with the Division of Elections; requiring a committee of
248 | continuous existence to report changes in information
249 | previously reported to the Division of Elections within 10
250 | days after the change; requiring the Division of Elections
251 | to revoke the certification of a committee of continuous
252 | existence that fails to file or report certain

253 information; requiring the division to adopt rules to
254 prescribe the manner in which the certification is
255 revoked; increasing the amount of a fine to be levied on a
256 committee of continuous existence that fails to timely
257 file certain reports; providing for the deposit of the
258 proceeds of the fines; including the registered agent of a
259 committee of continuous existence as a person whom the
260 filing officer shall notify that a report has not been
261 filed; providing criteria for deeming delivery complete of
262 a notice of fine; requiring a committee of continuous
263 existence that appeals a fine to file a copy of the appeal
264 with the commission; defining the term "repeated late
265 filing"; requiring the Elections Commission to treat the
266 notification of each repeated late filing as a separate
267 violation; amending s. 106.07, F.S.; correcting a cross-
268 reference; revising the dates that certain contribution
269 and expenditure reports must be filed; revising reporting
270 requirements for a statewide candidate who receives
271 funding under the Florida Election Campaign Financing Act
272 and candidates in a race with a candidate who has
273 requested funding under that act; deleting a requirement
274 for a committee of continuous existence to file a campaign
275 treasurer's report relating to contributions or
276 expenditures to influence the results of a special
277 election; revising the methods by which a campaign
278 treasurer may be notified of the determination that a
279 report is incomplete to include certified mail and other
280 methods using a common carrier that provides proof of

281 delivery of the notice; extending the time the campaign
282 treasurer has to file an addendum to the report after
283 receipt of notice of why the report is incomplete;
284 providing criteria for deeming delivery complete of a
285 notice of incomplete report; deleting a provision allowing
286 for notification by telephone of an incomplete report;
287 requiring political committees that make a contribution or
288 expenditure in connection with certain county or municipal
289 elections to file campaign finance reports with the county
290 or municipal filing officer and to include its
291 contributions and expenditures in a report to the Division
292 of Elections; revising the information that must be
293 included in a report to include transaction information
294 for credit card purchases; deleting a requirement that a
295 campaign depository to return checks drawn on the account
296 to the campaign treasurer; deleting a provision providing
297 that the failure to file a copy of a report is not subject
298 to a separate fine; specifying the amount of a fine for
299 the failure to timely file reports after a special primary
300 election or special election; specifying that the
301 registered agent of a political committee is a person whom
302 a filing officer may notify of the amount of the fine for
303 filing a late report; providing criteria for deeming
304 delivery complete of a notice of late report and resulting
305 fine; defining the term "repeated late filing"; requiring
306 the Elections Commission to treat notification of each
307 repeated late filing as a separate violation of the
308 section; the late filings addressed in a single notice of

309 repeated late filings as a single violation; amending s.
310 106.0703, F.S.; correcting a cross-reference; deleting a
311 requirement for an electioneering communications
312 organization to provide certain information to the
313 Department of State on activities occurring since the last
314 general election; defining the term "repeated late
315 filing"; requiring the Elections Commission to
316 notification of each repeated late filing as a separate
317 violation of the section; amending s. 106.0705, F.S.;
318 requiring certain individuals to electronically file
319 certain reports with the Division of Elections; conforming
320 a cross-reference to changes made by the act; deleting an
321 obsolete provision; amending s. 106.071, F.S.; conforming
322 provisions relating to expenditures in the aggregate;
323 clarifying the independent expenditure disclaimer for paid
324 political advertisement by an individual; amending s.
325 106.08, F.S.; deleting a requirement for the Department of
326 State to notify candidates as to whether an independent or
327 minor party candidate has obtained the required number of
328 petition signatures; deleting a requirement for certain
329 unopposed candidates to return contributions; specifying
330 the entities with which a political party's state
331 executive committee and county executive committees must
332 file a written acceptance of an in-kind contribution;
333 amending s. 106.09, F.S.; specifying that the limitations
334 on contributions by cash or cashier's check apply to the
335 aggregate amount of contributions to a candidate or
336 committee per election; clarifying that a violation of a

337 certain subsection, and not a section, of the law is a
 338 misdemeanor of the first degree; amending s. 106.141,
 339 F.S.; removing certain limitations on expenditure of
 340 surplus funds; requiring candidates receiving public
 341 financing to return all surplus funds to the General
 342 Revenue Fund after paying certain monetary obligations and
 343 expenses; amending s. 106.143, F.S.; revising disclosure
 344 requirements for certain political advertisements;
 345 specifying disclosure statements that must be included in
 346 political advertisements paid for by a write-in candidate;
 347 specifying disclosure requirements for political
 348 advertisements paid for by in-kind contributions;
 349 prohibiting the inclusion of a person's political
 350 affiliation in advertisements for a nonpartisan office;
 351 clarifying the type of political advertisements that must
 352 be approved in advance by a candidate; deleting a
 353 duplicative exemption from the requirement to obtain a
 354 candidate's approval for messages designed to be worn;
 355 amending s. 106.15, F.S.; prohibiting the making,
 356 soliciting, or accepting of any political contribution in
 357 a government-occupied room or building space; defining
 358 "government-occupied room or building space"; providing an
 359 exception; amending s. 106.17; authorizing state and
 360 county executive committees to conduct political polls to
 361 determine viability of potential candidates; allowing
 362 sharing of results; providing that such expenditures are
 363 not contributions to the potential candidates; amending s.
 364 106.18, F.S.; deleting a provision providing that a

365 candidate will not be prevented from receiving a
 366 certificate of election for failing to file a report;
 367 amending s. 106.19, F.S.; providing that a candidate's
 368 failure to comply with ch. 106, F.S., has no effect on
 369 whether the candidate has qualified for office; amending
 370 s. 106.25, F.S.; allowing a respondent who is alleged by
 371 the Elections Commission to have violated the election
 372 code or campaign financing laws to elect as a matter of
 373 right a formal hearing before the Division of
 374 Administrative Hearings; authorizing an administrative law
 375 judge to assess civil penalties upon the finding of a
 376 violation; amending s. 106.265, F.S.; authorizing an
 377 administrative law judge to assess a civil penalty upon a
 378 finding of a violation of the election code or campaign
 379 financing laws; providing for civil penalties to be
 380 assessed against an electioneering communications
 381 organization; removing reference to the expired Election
 382 Campaign Financing Trust Fund; directing that moneys from
 383 penalties and fines be deposited into the General Revenue
 384 Fund; amending s. 106.355, F.S.; eliminating the duty of
 385 the department to provide funds from the Election Campaign
 386 Financing Trust Fund when certain expenditure limits are
 387 exceeded; amending s. 11.045, F.S.; excluding funds
 388 received or spent under s. 106.012, F.S., from the
 389 definition of "expenditure"; amending s. 112.312, F.S.;
 390 excluding funds received or spent under s. 106.012, F.S.,
 391 from the definition of "gift"; amending s. 876.05, F.S.;
 392 deleting the requirement that candidates for public office

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393 take a public employee oath; amending ss. 97.055, 100.101,
 394 and 101.111, F.S.; to conform to changes made by the act;
 395 repealing s. 876.07, F.S., relating to the requirement
 396 that a candidate take a public employee oath as a
 397 prerequisite to qualifying for public office, to conform;
 398 providing effective dates.

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

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

404 97.012 Secretary of State as chief election officer.—The
 405 Secretary of State is the chief election officer of the state,
 406 and it is his or her responsibility to:

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

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

413 97.021 Definitions.—For the purposes of this code, except
 414 where the context clearly indicates otherwise, the term:

415 (18) "Minor political party" is any group as specified in
 416 s. 103.095 ~~defined in this subsection~~ which on January 1
 417 preceding a primary election does not have registered as members
 418 5 percent of the total registered electors of the state. ~~Any~~
 419 ~~group of citizens organized for the general purposes of electing~~
 420 ~~to office qualified persons and determining public issues under~~

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421 ~~the democratic processes of the United States may become a minor~~
 422 ~~political party of this state by filing with the department a~~
 423 ~~certificate showing the name of the organization, the names of~~
 424 ~~its current officers, including the members of its executive~~
 425 ~~committee, and a copy of its constitution or bylaws. It shall be~~
 426 ~~the duty of the minor political party to notify the department~~
 427 ~~of any changes in the filing certificate within 5 days of such~~
 428 ~~changes.~~

429 Section 3. Section 97.025, Florida Statutes, is amended to
 430 read:

431 97.025 Election Code; copies thereof.—A pamphlet of a
 432 reprint of the Election Code, adequately indexed, shall be
 433 prepared by the Department of State. The pamphlet shall be made
 434 available ~~It shall have a sufficient number of these pamphlets~~
 435 ~~printed so that one may be given, upon request, to each~~
 436 ~~candidate who qualifies with the department. The pamphlet shall~~
 437 be made available ~~A sufficient number may be sent to each~~
 438 ~~supervisor, before prior to the first day of qualifying, so that~~
 439 ~~for distribution, upon request, to each candidate who qualifies~~
 440 ~~with the supervisor and to each clerk of elections~~ has access to
 441 the pamphlet. The cost of making ~~printing~~ the pamphlets
 442 available shall be paid out of funds appropriated for conducting
 443 elections.

444 Section 4. Section 97.0575, Florida Statutes, is amended
 445 to read:

446 97.0575 Third-party voter registrations.—

447 (1) Before engaging in any voter registration activities,
 448 a third-party voter registration organization shall register and

449 provide to the division, in an electronic format, the following
 450 information:

451 (a) The names of the officers of the organization and the
 452 name and permanent address of the organization.

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

455 (c) The names, permanent addresses, temporary addresses,
 456 if any, and dates of birth of each registration agent
 457 registering persons to vote in this state on behalf of the
 458 organization.

459 (d) A sworn statement from each registration agent
 460 employed by or volunteering for the organization stating that
 461 the agent will obey all state laws and rules regarding the
 462 registration of voters. Such statement must be on a form
 463 containing notice of applicable criminal penalties for false
 464 registration.

465 (2) The division or the supervisor of elections shall make
 466 voter registration forms available to third-party voter
 467 registration organizations. All such forms must contain
 468 information identifying the organization to which the forms are
 469 provided. The division and each supervisor of elections shall
 470 maintain a database of all third-party registration
 471 organizations and the voter registration forms assigned to the
 472 third-party registration organizations. Such information must be
 473 provided in electronic format as provided by division rule. By
 474 noon of each day, such information must also be updated, made
 475 publicly available, and, with respect to records in each
 476 supervisor's database, contemporaneously provided to the

477 division.

478 (3) (a) A third-party voter registration organization that
479 collects voter registration applications serves as a fiduciary
480 to the applicant, ensuring that any voter registration
481 application entrusted to the organization, irrespective of party
482 affiliation, race, ethnicity, or gender, shall be promptly
483 delivered to the division or the supervisor of elections within
484 48 hours after the applicant completes it or the next business
485 day if the appropriate office is closed for that 48-hour period.
486 If a voter registration application collected by any third-party
487 voter registration organization is not promptly delivered to the
488 division or supervisor of elections, the third-party voter
489 registration organization is liable for the following fines:

490 1. A fine in the amount of \$50 for each application
491 received by the division or the supervisor of elections more
492 than 10 days after the applicant delivered the completed voter
493 registration application to the third-party voter registration
494 organization or any person, entity, or agent acting on its
495 behalf. A fine in the amount of \$250 for each application
496 received if the third-party registration organization or person,
497 entity, or agency acting on its behalf acted willfully.

498 2. A fine in the amount of \$100 for each application
499 collected by a third-party voter registration organization or
500 any person, entity, or agent acting on its behalf, before book
501 closing for any given election for federal or state office and
502 received by the division or the supervisor of elections after
503 the book-closing deadline for such election. A fine in the
504 amount of \$500 for each application received if the third-party

505 registration organization or person, entity, or agency acting on
 506 its behalf acted willfully.

507 3. A fine in the amount of \$500 for each application
 508 collected by a third-party voter registration organization or
 509 any person, entity, or agent acting on its behalf, which is not
 510 submitted to the division or supervisor of elections. A fine in
 511 the amount of \$1,000 for any application not submitted if the
 512 third-party registration organization or person, entity, or
 513 agency acting on its behalf acted willfully.

514
 515 The aggregate fine pursuant to this paragraph which may be
 516 assessed against a third-party voter registration organization,
 517 including affiliate organizations, for violations committed in a
 518 calendar year is \$1,000. The fines provided in this subsection
 519 shall be reduced by three-fourths in cases in which the third-
 520 party voter registration organization has complied with
 521 subsection (1).

522 (b) A showing by the organization that the failure to
 523 deliver the voter registration application within the required
 524 timeframe is based upon force majeure or impossibility of
 525 performance shall be an affirmative defense to a violation of
 526 this subsection. The secretary may waive the fines described in
 527 this subsection upon a showing that the failure to deliver the
 528 voter registration application promptly is based upon force
 529 majeure or impossibility of performance.

530 (4) If the Secretary of State reasonably believes that a
 531 person has committed a violation of any provision of this
 532 section, the secretary shall refer the matter to the Attorney

533 General for enforcement. The Attorney General may institute a
534 civil action for a violation of this section or to prevent a
535 violation of this section. An action for relief may include a
536 permanent or temporary injunction, a restraining order, or any
537 other appropriate order.

538 ~~(1) Prior to engaging in any voter registration~~
539 ~~activities, a third-party voter registration organization shall~~
540 ~~name a registered agent in the state and submit to the division,~~
541 ~~in a form adopted by the division, the name of the registered~~
542 ~~agent and the name of those individuals responsible for the day-~~
543 ~~to-day operation of the third-party voter registration~~
544 ~~organization, including, if applicable, the names of the~~
545 ~~entity's board of directors, president, vice president, managing~~
546 ~~partner, or such other individuals engaged in similar duties or~~
547 ~~functions. On or before the 15th day after the end of each~~
548 ~~calendar quarter, each third-party voter registration~~
549 ~~organization shall submit to the division a report providing the~~
550 ~~date and location of any organized voter registration drives~~
551 ~~conducted by the organization in the prior calendar quarter.~~

552 ~~(2) The failure to submit the information required by~~
553 ~~subsection (1) does not subject the third-party voter~~
554 ~~registration organization to any civil or criminal penalties for~~
555 ~~such failure, and the failure to submit such information is not~~
556 ~~a basis for denying such third-party voter registration~~
557 ~~organization with copies of voter registration application~~
558 ~~forms.~~

559 ~~(3) A third-party voter registration organization that~~
560 ~~collects voter registration applications serves as a fiduciary~~

561 ~~to the applicant, ensuring that any voter registration~~
562 ~~application entrusted to the third party voter registration~~
563 ~~organization, irrespective of party affiliation, race,~~
564 ~~ethnicity, or gender shall be promptly delivered to the division~~
565 ~~or the supervisor of elections. If a voter registration~~
566 ~~application collected by any third party voter registration~~
567 ~~organization is not promptly delivered to the division or~~
568 ~~supervisor of elections, the third party voter registration~~
569 ~~organization shall be liable for the following fines:~~

570 ~~(a) A fine in the amount of \$50 for each application~~
571 ~~received by the division or the supervisor of elections more~~
572 ~~than 10 days after the applicant delivered the completed voter~~
573 ~~registration application to the third party voter registration~~
574 ~~organization or any person, entity, or agent acting on its~~
575 ~~behalf. A fine in the amount of \$250 for each application~~
576 ~~received if the third party registration organization or person,~~
577 ~~entity, or agency acting on its behalf acted willfully.~~

578 ~~(b) A fine in the amount of \$100 for each application~~
579 ~~collected by a third party voter registration organization or~~
580 ~~any person, entity, or agent acting on its behalf, prior to book~~
581 ~~closing for any given election for federal or state office and~~
582 ~~received by the division or the supervisor of elections after~~
583 ~~the book closing deadline for such election. A fine in the~~
584 ~~amount of \$500 for each application received if the third party~~
585 ~~registration organization or person, entity, or agency acting on~~
586 ~~its behalf acted willfully.~~

587 ~~(c) A fine in the amount of \$500 for each application~~
588 ~~collected by a third party voter registration organization or~~

589 ~~any person, entity, or agent acting on its behalf, which is not~~
 590 ~~submitted to the division or supervisor of elections. A fine in~~
 591 ~~the amount of \$1,000 for any application not submitted if the~~
 592 ~~third-party registration organization or person, entity, or~~
 593 ~~agency acting on its behalf acted willfully.~~

594
 595 ~~The aggregate fine pursuant to this subsection which may be~~
 596 ~~assessed against a third-party voter registration organization,~~
 597 ~~including affiliate organizations, for violations committed in a~~
 598 ~~calendar year shall be \$1,000. The fines provided in this~~
 599 ~~subsection shall be reduced by three-fourths in cases in which~~
 600 ~~the third-party voter registration organization has complied~~
 601 ~~with subsection (1). The secretary shall waive the fines~~
 602 ~~described in this subsection upon a showing that the failure to~~
 603 ~~deliver the voter registration application promptly is based~~
 604 ~~upon force majeure or impossibility of performance.~~

605 (5)(4)(a) The division shall adopt by rule a form to
 606 elicit specific information concerning the facts and
 607 circumstances from a person who claims to have been registered
 608 to vote by a third-party voter registration organization but who
 609 does not appear as an active voter on the voter registration
 610 rolls. The division shall also adopt rules to ensure the
 611 integrity of the registration process, including rules requiring
 612 that third-party voter registration organizations account for
 613 all state and federal registration forms used by their
 614 registration agents.

615 ~~(b) The division may investigate any violation of this~~
 616 ~~section. Civil fines shall be assessed by the division and~~

617 ~~enforced through any appropriate legal proceedings.~~

618 ~~(5) The date on which an applicant signs a voter~~
 619 ~~registration application is presumed to be the date on which the~~
 620 ~~third-party voter registration organization received or~~
 621 ~~collected the voter registration application.~~

622 (6) The civil fines provided in this section are in
 623 addition to any applicable criminal penalties.

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

627 ~~(8) The division may adopt rules to administer this~~
 628 ~~section.~~

629 Section 5. Effective September 1, 2011, section 97.071,
 630 Florida Statutes, is amended to read:

631 97.071 Voter information card.—

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

635 (a) Voter's registration number.

636 (b) Date of registration.

637 (c) Full name.

638 (d) Party affiliation.

639 (e) Date of birth.

640 (f) Address of legal residence.

641 (g) Precinct number.

642 (h) Polling place address.

643 (i) ~~(h)~~ Name of supervisor and contact information of
 644 supervisor.

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645 (j)~~(i)~~ Other information deemed necessary by the
646 supervisor.

647 (2) A voter may receive a replacement voter information
648 card by providing a signed, written request for a replacement
649 card to a voter registration official. Upon verification of
650 registration, the supervisor shall issue the voter a duplicate
651 card without charge.

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

655 (4) The supervisor must meet the requirements of this
656 section for any elector who registers to vote or who is issued a
657 new voter information card pursuant to subsection (2) or
658 subsection (3) on or after September 1, 2011.

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

661 97.073 Disposition of voter registration applications;
662 cancellation notice.—

663 (1) The supervisor must notify each applicant of the
664 disposition of the applicant's voter registration application
665 within 5 business days after voter registration information is
666 entered into the statewide voter registration system as follows:

667 (a) If an application is approved, the supervisor shall
668 mail a voter information card. A voter information card sent to
669 an applicant constitutes a notice of registration.

670 (b) If an application is incomplete for failure to provide
671 any of the information required by s. 97.053(5), the supervisor
672 shall mail a notice requesting the missing information.

673 (c) If an application is a duplicate of a current
 674 registration record, the supervisor shall process the
 675 application as if it were an update, including a signature
 676 update, to the record and send a new voter information card.

677 (d) If an application is denied, the supervisor shall
 678 mail. ~~The notice must inform the applicant that the application~~
 679 ~~has been approved, is incomplete, has been denied, or is a~~
 680 ~~duplicate of a current registration. A voter information card~~
 681 ~~sent to an applicant constitutes notice of approval of~~
 682 ~~registration. If the application is incomplete, the supervisor~~
 683 ~~must request that the applicant supply the missing information~~
 684 ~~using a voter registration application signed by the applicant.~~
 685 a notice of denial that must inform the applicant of the reason
 686 the application was denied.

687 Section 7. Section 97.1031, Florida Statutes, is amended
 688 to read:

689 97.1031 Notice of change of residence, change of name, or
 690 change of party affiliation.—

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

695 (b) If the address change is within the state and notice
 696 is provided to the supervisor of elections of the county where
 697 the elector has moved, the elector may change his or her
 698 residence address by:

699 1. Contacting the supervisor of elections by telephone or
 700 electronic means; or

701 2. Submitting the change on a voter registration
 702 application or other signed written notice. ~~moves from the~~
 703 ~~address named on that person's voter registration record to~~
 704 ~~another address within the same county, the elector must provide~~
 705 ~~notification of such move to the supervisor of elections of that~~
 706 ~~county. The elector may provide the supervisor a signed, written~~
 707 ~~notice or may notify the supervisor by telephone or electronic~~
 708 ~~means.~~ However, notification of such move other than by signed,
 709 written notice must include the elector's date of birth. ~~An~~
 710 ~~elector may also provide notification to other voter~~
 711 ~~registration officials as provided in subsection (2). A voter~~
 712 ~~information card reflecting the new information shall be issued~~
 713 ~~to the elector as provided in subsection (3).~~

714 (2) When an elector ~~moves from the address named on that~~
 715 ~~person's voter registration record to another address in a~~
 716 ~~different county but within the state, the elector seeks to~~
 717 ~~change party affiliation, or the~~ elector changes his or her name
 718 ~~of an elector is changed~~ by marriage or other legal process, the
 719 elector shall notify his or her supervisor of elections or other
 720 ~~provide notice of such change to a voter registration official~~
 721 by using a voter registration application ~~signed by the elector.~~
 722 ~~A voter information card reflecting the new information shall be~~
 723 ~~issued to the elector as provided in subsection (3).~~

724 (3) The voter registration official shall make the
 725 necessary changes in the elector's records as soon as practical
 726 upon receipt of the ~~such~~ notice of a change of address of legal
 727 residence, name, or party affiliation. The supervisor of
 728 elections shall issue the new voter information card.

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

731 98.075 Registration records maintenance activities;
732 ineligibility determinations.—

733 (3) DECEASED PERSONS.—

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

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

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

741 2. Within 7 days after ~~upon~~ receipt of such information
742 through the statewide voter registration system, the supervisor
743 shall remove the name of the registered voter.

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

748 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
749 supervisor receives information ~~other than~~ ~~from the~~ sources
750 other than those identified in subsections (2)-(5) that a
751 registered voter is ineligible because he or she is deceased,
752 adjudicated a convicted felon without having had his or her
753 civil rights restored, adjudicated mentally incapacitated
754 without having had his or her voting rights restored, does not
755 meet the age requirement pursuant to s. 97.041, is not a United
756 States citizen, is a fictitious person, or has listed a

757 residence that is not his or her legal residence, the supervisor
 758 shall adhere to the procedures set forth in subsection (7) prior
 759 to the removal of a registered voter's name from the statewide
 760 voter registration system.

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

764 98.093 Duty of officials to furnish information relating
 765 to ~~lists of~~ deceased persons, persons adjudicated mentally
 766 incapacitated, and persons convicted of a felony.—

767 (1) In order to identify ineligible registered voters and
 768 to maintain ~~ensure the maintenance of~~ accurate and current voter
 769 registration records in the statewide voter registration system
 770 pursuant to procedures in s. 98.065 or s. 98.075, it is
 771 necessary for the department and supervisors of elections to
 772 receive or access certain information from state and federal
 773 officials and entities in the format prescribed. ~~The department~~
 774 ~~and supervisors of elections shall use the information provided~~
 775 ~~from the sources in subsection (2) to maintain the voter~~
 776 ~~registration records.~~

777 (2) To the maximum extent feasible, state and local
 778 government agencies shall facilitate provision of information
 779 and access to data to the department, including, but not limited
 780 to, databases that contain reliable criminal records and records
 781 of deceased persons. State and local government agencies that
 782 provide such data shall do so without charge if the direct cost
 783 incurred by those agencies is not significant.

784 (e) The Florida Parole Commission ~~Board of Executive~~

785 ~~Clemency~~ shall furnish at least bi-monthly ~~monthly~~ to the
 786 department data including ~~a list of~~ those persons granted
 787 clemency in the preceding month or any updates to prior records
 788 which have occurred in the preceding month. The data ~~list~~ shall
 789 contain the commission's ~~Board of Executive Clemency~~ case
 790 number, name, address, date of birth, race, gender ~~sex~~, Florida
 791 driver's license number, Florida identification card number or
 792 the last four digits of the social security number, if
 793 available, and references to record identifiers assigned by the
 794 Department of Corrections and the Department of Law Enforcement,
 795 a unique identifier of each clemency case, and the effective
 796 date of clemency of each person.

797 (f) The Department of Corrections shall make available, in
 798 the format prescribed, ~~furnish monthly~~ to the department and its
 799 designees real-time electronic access to make an identification
 800 match of a convicted felon who is incarcerated or on probation
 801 based on the first and last name, date of birth, and the Florida
 802 driver's license number, Florida identification card number, or
 803 last four digits of the social security number, if available.
 804 The program must allow for return data to include, but not be
 805 limited to, first and last ~~a list of those persons transferred~~
 806 ~~to the Department of Corrections in the preceding month or any~~
 807 ~~updates to prior records which have occurred in the preceding~~
 808 ~~month. The list shall contain the name, address, date of birth,~~
 809 the Florida driver's license number or last four digits of the
 810 ~~race, sex,~~ social security number, the Department of Corrections
 811 record identification number, and the status of the convicted
 812 felon as to whether incarcerated, on probation with clemency, or

813 ~~on probation without clemency associated Department of Law~~
 814 ~~Enforcement felony conviction record number of each person.~~

815 Section 10. Effective July 1, 2012, subsections (1) and
 816 (2) of section 98.0981, Florida Statutes, are amended to read:

817 98.0981 Reports; voting history; statewide voter
 818 registration system information; precinct-level election
 819 results; book closing statistics.—

820 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
 821 INFORMATION.—

822 (a) Within 30 ~~45~~ days after certification by the Elections
 823 Canvassing Commission of a presidential preference primary,
 824 special election, primary election, or a general election,
 825 supervisors of elections shall transmit to the department, in a
 826 uniform electronic format specified in paragraph (d) ~~by the~~
 827 ~~department~~, completely updated voting history information for
 828 each qualified voter who voted.

829 (b) After receipt of the information in paragraph (a), the
 830 department shall prepare a report in electronic format which
 831 contains the following information, separately compiled for the
 832 primary and general election for all voters qualified to vote in
 833 either election:

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

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

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

841 4. Each qualified voter's current state representative
 842 district, state senatorial district, and congressional district,
 843 assigned by the supervisor of elections;

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

845 6. Voting history as transmitted under paragraph (a) to
 846 include whether the qualified voter voted at a precinct
 847 location, voted during the early voting period, voted by
 848 absentee ballot, attempted to vote by absentee ballot that was
 849 not counted, attempted to vote by provisional ballot that was
 850 not counted, or did not vote.

851 (c) Within 15 ~~60~~ days after certification by the Elections
 852 Canvassing Commission of a presidential preference primary,
 853 special election, primary election, or a general election, the
 854 department shall send to the President of the Senate, the
 855 Speaker of the House of Representatives, the Senate Minority
 856 Leader, and the House Minority Leader a report in electronic
 857 format that includes all information set forth in paragraph (b).

858 (d) File specifications are as follows:

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

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

865 b. Voted at a precinct location using a provisional ballot
 866 that was subsequently counted.

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

868 d. Voted during the early voting period using a

869 provisional ballot that was subsequently counted.

870 e. Voted by absentee ballot.

871 f. Attempted to vote by absentee ballot but the ballot was
872 not counted.

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

875 2. Each file shall be created or converted into a tab-
876 delimited format.

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

878 a. Three-character county identifier as established by the
879 department followed by an underscore.

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

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

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

884 e. Date format is YYYYMMDD.

885 f. Followed by Time Created - HHMMSS.

886 g. Followed by ".txt".

887 4. Each record shall contain the following columns: Record
888 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
889 Date, Vote History Code, Precinct, Congressional District, House
890 District, Senate District, County Commission District, and
891 School Board District.

892 (e) Each supervisor of elections shall reconcile the
893 voting data within 25 days after a presidential preference
894 primary, special election, primary election, or general election
895 to compare the aggregate total of ballots cast in each precinct
896 as reported in the precinct-level election results to the

897 aggregate total number of voters with voter history for the
 898 election for each district.

899 (f) Each supervisor of elections shall submit the results
 900 of the data reconciliation as described in paragraph (e) to the
 901 department in an electronic format and give a written
 902 explanation for any precincts where the reconciliation as
 903 described in paragraph (e) results in a discrepancy between the
 904 voter history and the election results.

905 (g) A supervisor of elections shall be required to pay \$50
 906 per day for each day the required reports are late or not
 907 complete. Fines must be paid from a supervisor of elections'
 908 personal funds. Fines shall be remitted to the department, which
 909 shall transmit the remitted fines for deposit into the General
 910 Revenue Fund.

911 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 25 ~~45~~ days
 912 after the date of a presidential preference primary election, a
 913 special election, primary election, or a general election, the
 914 supervisors of elections shall collect and submit to the
 915 department precinct-level election results for the election in a
 916 uniform electronic format specified by paragraph (c) ~~the~~
 917 ~~department~~. The precinct-level election results shall be
 918 compiled separately for the primary or special primary election
 919 that preceded the general or special general election,
 920 respectively. The results shall specifically include for each
 921 precinct the ~~aggregate~~ total of all ballots cast for each
 922 candidate or nominee to fill a national, state, county, or
 923 district office or proposed constitutional amendment, with
 924 subtotals for each candidate and ballot type. "All ballots cast"

925 means ballots cast by voters who cast a ballot whether at a
 926 precinct location, by absentee ballot including overseas
 927 absentee ballots, during the early voting period, or by
 928 provisional ballot.

929 (b) The department shall make such information available
 930 on a searchable, sortable, and downloadable database via its
 931 website that also includes the file layout and codes. The
 932 database shall be searchable and sortable by county, precinct,
 933 and candidate. The database shall be downloadable in a tab-
 934 delimited format. The database shall be available for download
 935 county-by-county and also as a statewide file. Such report shall
 936 also be made available upon request.

937 (c) The files containing the precinct-level election
 938 results shall be created in accordance with the applicable file
 939 specification:

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

942 2. The row immediately before the first data record shall
 943 contain the column names of the data elements that make up the
 944 data records. There shall be one header record followed by
 945 multiple data records.

946 3. The data records shall include the following columns:
 947 County Name, Election Number, Election Date, Unique Precinct
 948 Identifier, Precinct Polling Location, Total Registered Voters,
 949 Total Registered Republicans, Total Registered Democrats, Total
 950 Registered All Other Parties, Contest Name,
 951 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of
 952 Elections Unique Candidate Identifying Number, Candidate Party,

953 District, Undervote Total, Overvote Total, Write-in Total, and
 954 Vote Total.

955 (d) A supervisor of elections shall be required to pay \$50
 956 per day for each day the required reports are late or not
 957 complete. Fines must be paid from a supervisor of elections'
 958 personal funds. Fines shall be remitted to the department, which
 959 shall transmit the remitted fines for deposit into the General
 960 Revenue Fund.

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

963 99.012 Restrictions on individuals qualifying for public
 964 office.—

965 (5) Any person not complying with this section may not be
 966 qualified as a candidate for election and may not appear on the
 967 ballot. ~~The name of any person who does not comply with this~~
 968 ~~section may be removed from every ballot on which it appears~~
 969 ~~when ordered by a circuit court upon the petition of an elector~~
 970 ~~or the Department of State.~~

971 (7) Nothing contained in subsection (3) relates to persons
 972 holding any federal office or seeking the office of President or
 973 Vice President.

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

977 99.021 Form of candidate oath.—

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

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981 than a judicial office as defined in chapter 105 or a federal
 982 office, shall take and subscribe to an oath or affirmation in
 983 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 984 available ~~furnished~~ to the candidate by the officer before whom
 985 such candidate seeks to qualify and shall be substantially in
 986 the following form:

987
 988 State of Florida
 989 County of....

990 Before me, an officer authorized to administer oaths,
 991 personally appeared ...(please print name as you wish it to
 992 appear on the ballot)..., to me well known, who, being sworn,
 993 says that he or she is a candidate for the office of; that
 994 he or she is a qualified elector of County, Florida; that
 995 he or she is qualified under the Constitution and the laws of
 996 Florida to hold the office to which he or she desires to be
 997 nominated or elected; ~~that he or she has taken the oath required~~
 998 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 999 qualified for no other public office in the state, the term of
 1000 which office or any part thereof runs concurrent with that of
 1001 the office he or she seeks; and that he or she has resigned from
 1002 any office from which he or she is required to resign pursuant
 1003 to s. 99.012, Florida Statutes; and that he or she will support
 1004 the Constitution of the United States and the Constitution of
 1005 the State of Florida.

1006 ... (Signature of candidate)...

1007 ... (Address)...

1008 Sworn to and subscribed before me this day of,

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1009 ... (year) ..., at County, Florida.

1010 ... (Signature and title of officer administering oath) ...

1011 2. Each candidate for federal office, whether a party
 1012 candidate, a candidate with no party affiliation, or a write-in
 1013 candidate, in order to qualify for nomination or election to
 1014 office shall take and subscribe to an oath or affirmation in
 1015 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1016 available ~~furnished~~ to the candidate by the officer before whom
 1017 such candidate seeks to qualify and shall be substantially in
 1018 the following form:

1019
 1020 State of Florida
 1021 County of

1022 Before me, an officer authorized to administer oaths,
 1023 personally appeared ... (please print name as you wish it to
 1024 appear on the ballot) ..., to me well known, who, being sworn,
 1025 says that he or she is a candidate for the office of; that
 1026 he or she is qualified under the Constitution and laws of the
 1027 United States to hold the office to which he or she desires to
 1028 be nominated or elected; ~~and~~ that he or she has qualified for no
 1029 other public office in the state, the term of which office or
 1030 any part thereof runs concurrent with that of the office he or
 1031 she seeks; and that he or she will support the Constitution of
 1032 the United States.

1033 ... (Signature of candidate) ...

1034 ... (Address) ...

1035 Sworn to and subscribed before me this day of,

1036 ... (year) ..., at County, Florida.

1037 ... (Signature and title of officer administering oath)...

1038 (b) In addition, any person seeking to qualify for
 1039 nomination as a candidate of any political party shall, at the
 1040 time of subscribing to the oath or affirmation, state in
 1041 writing:

1042 1. The party of which the person is a member.

1043 2. That the person ~~is not a registered member of any other~~
 1044 ~~political party and~~ has not been a registered member of
 1045 ~~candidate for nomination for~~ any other political party in the
 1046 calendar year leading up to the general election for a period of
 1047 ~~6 months preceding the general election~~ for which the person
 1048 seeks to qualify.

1049 3. That the person has paid the assessment levied against
 1050 him or her, if any, as a candidate for said office by the
 1051 executive committee of the party of which he or she is a member.

1052 (3) This section does not apply to persons who seek to
 1053 qualify for election pursuant to the provisions of ss. 103.021
 1054 and 103.101.

1055 Section 13. Subsections (5) and (7) of section 99.061,
 1056 Florida Statutes, are amended, and subsection (11) is added to
 1057 that section, to read:

1058 99.061 Method of qualifying for nomination or election to
 1059 federal, state, county, or district office.—

1060 (5) At the time of qualifying for office, each candidate
 1061 for a constitutional office shall file a full and public
 1062 disclosure of financial interests pursuant to s. 8, Art. II of
 1063 the State Constitution, duly notarized pursuant to s. 117.05,
 1064 and a candidate for any other office, including local elective

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1065 office, shall file a statement of financial interests pursuant
 1066 to s. 112.3145.

1067 (7) (a) In order for a candidate to be qualified, the
 1068 following items must be received by the filing officer by the
 1069 end of the qualifying period:

1070 1. A properly executed check drawn upon the candidate's
 1071 campaign account payable to the person or entity as prescribed
 1072 by the filing officer in an amount not less than the fee
 1073 required by s. 99.092, unless the candidate obtained the
 1074 required number of signatures on petitions ~~or, in lieu thereof,~~
 1075 ~~as applicable, the copy of the notice of obtaining ballot~~
 1076 ~~position~~ pursuant to s. 99.095. The filing fee for a special
 1077 district candidate is not required to be drawn upon the
 1078 candidate's campaign account. If a candidate's check is returned
 1079 by the bank for any reason, the filing officer shall immediately
 1080 notify the candidate and the candidate shall have until, the end
 1081 of qualifying ~~notwithstanding, have 48 hours from the time such~~
 1082 ~~notification is received, excluding Saturdays, Sundays, and~~
 1083 ~~legal holidays,~~ to pay the fee with a cashier's check purchased
 1084 from funds of the campaign account. Failure to pay the fee as
 1085 provided in this subparagraph shall disqualify the candidate.

1086 2. The candidate's oath required by s. 99.021, which must
 1087 contain the name of the candidate as it is to appear on the
 1088 ballot; the office sought, including the district or group
 1089 number if applicable; and the signature of the candidate, duly
 1090 notarized pursuant to s. 117.05 ~~acknowledged.~~

1091 3. ~~The loyalty oath required by s. 876.05, signed by the~~
 1092 ~~candidate and duly acknowledged.~~

1093 ~~3.4.~~ If the office sought is partisan, the written
 1094 statement of political party affiliation required by s.
 1095 99.021(1)(b).

1096 ~~4.5.~~ The completed form for the appointment of campaign
 1097 treasurer and designation of campaign depository, as required by
 1098 s. 106.021.

1099 ~~5.6.~~ The full and public disclosure or statement of
 1100 financial interests required by subsection (5). A public officer
 1101 who has filed the full and public disclosure or statement of
 1102 financial interests with the Commission on Ethics or the
 1103 supervisor of elections prior to qualifying for office may file
 1104 a copy of that disclosure at the time of qualifying.

1105 (b) If the filing officer receives qualifying papers
 1106 during the qualifying period prescribed in this section that do
 1107 not include all items as required by paragraph (a) prior to the
 1108 last day of qualifying, the filing officer shall make a
 1109 reasonable effort to notify the candidate of the missing or
 1110 incomplete items and shall inform the candidate that all
 1111 required items must be received by the close of qualifying. A
 1112 candidate's name as it is to appear on the ballot may not be
 1113 changed after the end of qualifying.

1114 (c) The filing officer performs a ministerial function in
 1115 reviewing qualifying papers. In determining whether a candidate
 1116 is qualified, the filing officer shall review the qualifying
 1117 papers to determine whether all items required by paragraph (a)
 1118 have been properly filed and whether each item is complete on
 1119 its face, including whether items requiring notarizations are
 1120 properly notarized as required by s. 117.05. The filing officer

1121 may not determine whether the contents of the qualifying papers
 1122 are accurate.

1123 (11) The decision of the filing officer concerning whether
 1124 a candidate is qualified is exempt from the provisions of
 1125 chapter 120.

1126 Section 14. Subsection (2) of section 99.063, Florida
 1127 Statutes, is amended to read:

1128 99.063 Candidates for Governor and Lieutenant Governor.—

1129 (2) No later than 5 p.m. of the 9th day following the
 1130 primary election, each designated candidate for Lieutenant
 1131 Governor shall file with the Department of State:

1132 (a) The candidate's oath required by s. 99.021, which must
 1133 contain the name of the candidate as it is to appear on the
 1134 ballot; the office sought; and the signature of the candidate,
 1135 duly acknowledged.

1136 ~~(b) The loyalty oath required by s. 876.05, signed by the~~
 1137 ~~candidate and duly acknowledged.~~

1138 (b)~~(e)~~ If the office sought is partisan, the written
 1139 statement of political party affiliation required by s.
 1140 99.021(1)(b).

1141 (c)~~(d)~~ The full and public disclosure of financial
 1142 interests pursuant to s. 8, Art. II of the State Constitution. A
 1143 public officer who has filed the full and public disclosure with
 1144 the Commission on Ethics prior to qualifying for office may file
 1145 a copy of that disclosure at the time of qualifying.

1146 Section 15. Subsection (1) of section 99.093, Florida
 1147 Statutes, is amended to read:

1148 99.093 Municipal candidates; election assessment.—

1149 (1) Each person seeking to qualify for nomination or
 1150 election to a municipal office shall pay, at the time of
 1151 qualifying for office, an election assessment. The election
 1152 assessment shall be an amount equal to 1 percent of the annual
 1153 salary of the office sought. Within 30 days after the close of
 1154 qualifying, the qualifying officer shall forward all assessments
 1155 collected pursuant to this section to the Florida Elections
 1156 Commission ~~Department of State~~ for transfer to the Elections
 1157 Commission Trust Fund within the Department of Legal Affairs.

1158 Section 16. Subsections (1), (3), and (5) of section
 1159 99.097, Florida Statutes, are amended, and subsection (6) is
 1160 added to that section, to read:

1161 99.097 Verification of ~~signatures on~~ petitions.-

1162 (1) (a) As determined by each supervisor, based upon local
 1163 conditions, the checking of names on petitions may be based on
 1164 the most inexpensive and administratively feasible of either of
 1165 the following methods of verification:

1166 1.(a) A ~~name-by-name, signature-by-signature~~ check of each
 1167 petition ~~the number of authorized signatures on the petitions;~~
 1168 or

1169 2.(b) A check of a random sample, as provided by the
 1170 Department of State, of ~~names and signatures on~~ the petitions.
 1171 The sample must be such that a determination can be made as to
 1172 whether or not the required number of signatures has ~~have~~ been
 1173 obtained with a reliability of at least 99.5 percent.

1174 (b) Rules and guidelines for ~~this method of~~ petition
 1175 verification shall be adopted ~~promulgated~~ by the Department of
 1176 State. Rules and guidelines for a random-sample method of

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1177 verification, ~~which~~ may include a requirement that petitions
 1178 bear an additional number of names and signatures, not to exceed
 1179 15 percent of the names and signatures otherwise required. If
 1180 the petitions do not meet such criteria or if the petitions are
 1181 prescribed by s. 100.371, then the use of the random-sample
 1182 method of verification is ~~method described in this paragraph~~
 1183 ~~shall not be~~ available to supervisors.

1184 (3) (a) If all other requirements for the petition are met,
 1185 a signature on a petition shall be verified and counted as valid
 1186 for a registered voter if after comparing the signature on the
 1187 petition and the signature of the registered voter in the voter
 1188 registration system, the supervisor is able to determine that
 1189 the petition signer is the same as the registered voter, even if
 1190 the name on the petition is not in substantially the same form
 1191 as in the voter registration system. ~~A name on a petition, which~~
 1192 ~~name is not in substantially the same form as a name on the~~
 1193 ~~voter registration books, shall be counted as a valid signature~~
 1194 ~~if, after comparing the signature on the petition with the~~
 1195 ~~signature of the alleged signer as shown on the registration~~
 1196 ~~books, the supervisor determines that the person signing the~~
 1197 ~~petition and the person who registered to vote are one and the~~
 1198 ~~same.~~

1199 (b) In any situation in which this code requires the form
 1200 of the petition to be prescribed by the division, no signature
 1201 shall be counted toward the number of signatures required unless
 1202 it is on a petition form prescribed by the division.

1203 (c) ~~(b)~~ If a voter signs a petition and lists an address
 1204 other than the legal residence where the voter is registered,

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1205 the supervisor shall treat the signature as if the voter had
 1206 listed the address where the voter is registered.

1207 (5) The results of a verification pursuant to subparagraph
 1208 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court
 1209 by the candidate; an announced opponent; a representative of a
 1210 designated political committee; or a person, party, or other
 1211 organization submitting the petition. The contestant shall file
 1212 a complaint, together with the fees prescribed in chapter 28,
 1213 with the clerk of the circuit court in the county in which the
 1214 petition is certified or in Leon County if the petition covers
 1215 more than one county within 10 days after midnight of the date
 1216 the petition is certified; and the complaint shall set forth the
 1217 grounds on which the contestant intends to establish his or her
 1218 right to require a complete check of the petition names and
 1219 ~~signatures~~ pursuant to subparagraph (1) (a) 1. ~~paragraph (1) (a).~~

1220 In the event the court orders a complete check of the petition
 1221 and the result is not changed as to the success or lack of
 1222 success of the petitioner in obtaining the requisite number of
 1223 valid signatures, then such candidate, unless the candidate has
 1224 filed the oath stating that he or she is unable to pay such
 1225 charges; announced opponent; representative of a designated
 1226 political committee; or party, person, or organization
 1227 submitting the petition, unless such person or organization has
 1228 filed the oath stating inability to pay such charges, shall pay
 1229 to the supervisor of elections of each affected county for the
 1230 complete check an amount calculated at the rate of 10 cents for
 1231 each additional signature checked or the actual cost of checking
 1232 such additional signatures, whichever is less.

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1233 (6) (a) If any person is paid to solicit signatures on a
 1234 petition, an undue burden oath may not subsequently be filed in
 1235 lieu of paying the fee to have signatures verified for that
 1236 petition.

1237 (b) If an undue burden oath has been filed and payment is
 1238 subsequently made to any person to solicit signatures on a
 1239 petition, then the undue burden oath is no longer valid and a
 1240 fee for all signatures previously submitted to the supervisor of
 1241 elections and for any that are submitted thereafter shall be
 1242 paid by the candidate, person, or organization that submitted
 1243 the undue burden oath. If contributions as defined in s. 106.011
 1244 are received, any monetary contributions shall first be used to
 1245 reimburse the supervisor of elections for any signature
 1246 verification fees not paid because of an undue burden oath being
 1247 filed.

1248 Section 17. Section 100.111, Florida Statutes, is amended
 1249 to read:

1250 100.111 Filling vacancy.—

1251 (1) (a) If any vacancy occurs in any office which is
 1252 required to be filled pursuant to s. 1(f), Art. IV of the State
 1253 Constitution and the remainder of the term of such office is 28
 1254 months or longer, then at the next general election a person
 1255 shall be elected to fill the unexpired portion of such term,
 1256 commencing on the first Tuesday after the first Monday following
 1257 such general election.

1258 (b) If such a vacancy occurs prior to the first day set by
 1259 law for qualifying for election to office at such general
 1260 election, any person seeking nomination or election to the

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1261 unexpired portion of the term shall qualify within the time
1262 prescribed by law for qualifying for other offices to be filled
1263 by election at such general election.

1264 (c) If such a vacancy occurs prior to the primary election
1265 but on or after the first day set by law for qualifying, the
1266 Secretary of State shall set dates for qualifying for the
1267 unexpired portion of the term of such office. Any person seeking
1268 nomination or election to the unexpired portion of the term
1269 shall qualify within the time set by the Secretary of State. If
1270 time does not permit party nominations to be made in conjunction
1271 with the primary election, the Governor may call a special
1272 primary election to select party nominees for the unexpired
1273 portion of such term.

1274 ~~(2)(a) If, in any state or county office required to be~~
1275 ~~filled by election, a vacancy occurs during an election year by~~
1276 ~~reason of the incumbent having qualified as a candidate for~~
1277 ~~federal office pursuant to s. 99.061, no special election is~~
1278 ~~required. Any person seeking nomination or election to the~~
1279 ~~office so vacated shall qualify within the time prescribed by s.~~
1280 ~~99.061 for qualifying for state or county offices to be filled~~
1281 ~~by election.~~

1282 ~~(b) If such a vacancy occurs in an election year other~~
1283 ~~than the one immediately preceding expiration of the present~~
1284 ~~term, the Secretary of State shall notify the supervisor of~~
1285 ~~elections in each county served by the office that a vacancy has~~
1286 ~~been created. Such notice shall be provided to the supervisor of~~
1287 ~~elections not later than the close of the first day set for~~
1288 ~~qualifying for state or county office. The supervisor shall~~

1289 ~~provide public notice of the vacancy in any manner the Secretary~~
 1290 ~~of State deems appropriate.~~

1291 (2)~~(3)~~ Whenever there is a vacancy for which a special
 1292 election is required pursuant to s. 100.101, the Governor, after
 1293 consultation with the Secretary of State, shall fix the dates of
 1294 a special primary election and a special election. Nominees of
 1295 political parties shall be chosen under the primary laws of this
 1296 state in the special primary election to become candidates in
 1297 the special election. Prior to setting the special election
 1298 dates, the Governor shall consider any upcoming elections in the
 1299 jurisdiction where the special election will be held. The dates
 1300 fixed by the Governor shall be specific days certain and shall
 1301 not be established by the happening of a condition or stated in
 1302 the alternative. The dates fixed shall provide a minimum of 2
 1303 weeks between each election. In the event a vacancy occurs in
 1304 the office of state senator or member of the House of
 1305 Representatives when the Legislature is in regular legislative
 1306 session, the minimum times prescribed by this subsection may be
 1307 waived upon concurrence of the Governor, the Speaker of the
 1308 House of Representatives, and the President of the Senate. If a
 1309 vacancy occurs in the office of state senator and no session of
 1310 the Legislature is scheduled to be held prior to the next
 1311 general election, the Governor may fix the dates for the special
 1312 primary election and for the special election to coincide with
 1313 the dates of the primary election and general election. If a
 1314 vacancy in office occurs in any district in the state Senate or
 1315 House of Representatives or in any congressional district, and
 1316 no session of the Legislature, or session of Congress if the

1317 vacancy is in a congressional district, is scheduled to be held
 1318 during the unexpired portion of the term, the Governor is not
 1319 required to call a special election to fill such vacancy.

1320 (a) The dates for candidates to qualify in such special
 1321 election or special primary election shall be fixed by the
 1322 Department of State, and candidates shall qualify not later than
 1323 noon of the last day so fixed. The dates fixed for qualifying
 1324 shall allow a minimum of 14 days between the last day of
 1325 qualifying and the special primary election.

1326 (b) The filing of campaign expense statements by
 1327 candidates in such special elections or special primaries and by
 1328 committees making contributions or expenditures to influence the
 1329 results of such special primaries or special elections shall be
 1330 not later than such dates as shall be fixed by the Department of
 1331 State, and in fixing such dates the Department of State shall
 1332 take into consideration and be governed by the practical time
 1333 limitations.

1334 (c) The dates for a candidate to qualify by the petition
 1335 process pursuant to s. 99.095 in such special primary or special
 1336 election shall be fixed by the Department of State. In fixing
 1337 such dates the Department of State shall take into consideration
 1338 and be governed by the practical time limitations. Any candidate
 1339 seeking to qualify by the petition process in a special primary
 1340 election shall obtain 25 percent of the signatures required by
 1341 s. 99.095.

1342 (d) The qualifying fees and party assessments of such
 1343 candidates as may qualify shall be the same as collected for the
 1344 same office at the last previous primary for that office. The

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1345 party assessment shall be paid to the appropriate executive
 1346 committee of the political party to which the candidate belongs.

1347 (e) Each county canvassing board shall make as speedy a
 1348 return of the result of such special primary elections and
 1349 special elections as time will permit, and the Elections
 1350 Canvassing Commission likewise shall make as speedy a canvass
 1351 and declaration of the nominees as time will permit.

1352 (3)~~(4)~~ (a) In the event that death, resignation,
 1353 withdrawal, removal, or any other cause or event should cause a
 1354 party to have a vacancy in nomination which leaves no candidate
 1355 for an office from such party, the filing officer before whom
 1356 the candidate qualified ~~Department of State~~ shall notify the
 1357 chair of the ~~appropriate state, district, or county~~ political
 1358 party executive committee of such party~~;~~ and,

1359 1. If the vacancy in nomination is for a statewide office,
 1360 the state party chair shall, within 5 days, the chair shall call
 1361 a meeting of his or her executive board committee to consider
 1362 designation of a nominee to fill the vacancy.

1363 2. If the vacancy in nomination is for a legislative or
 1364 multicounty office, the state party chair shall notify the
 1365 appropriate county chair or chairs and, within 5 days, the
 1366 appropriate county chair or chairs shall call a meeting of the
 1367 members of the executive committee in the affected county or
 1368 counties to consider designation of a nominee to fill the
 1369 vacancy.

1370 3. If the vacancy in nomination is for a county office,
 1371 the state party chair shall notify the appropriate county chair
 1372 and, within 5 days, the appropriate county chair shall call a

1373 meeting of his or her executive committee to consider
 1374 designation of a nominee to fill the vacancy.

1375
 1376 The name of any person so designated shall be submitted to the
 1377 filing officer before whom the candidate qualified ~~Department of~~
 1378 ~~State~~ within 7 days after notice to the chair in order that the
 1379 person designated may have his or her name on the ballot of the
 1380 ensuing general election. If the name of the new nominee is
 1381 submitted after the certification of results of the preceding
 1382 primary election, however, the ballots shall not be changed and
 1383 the former party nominee's name will appear on the ballot. Any
 1384 ballots cast for the former party nominee will be counted for
 1385 the person designated by the political party to replace the
 1386 former party nominee. If there is no opposition to the party
 1387 nominee, the person designated by the political party to replace
 1388 the former party nominee will be elected to office at the
 1389 general election. ~~For purposes of this paragraph, the term~~
 1390 ~~"district political party executive committee" means the members~~
 1391 ~~of the state executive committee of a political party from those~~
 1392 ~~counties comprising the area involving a district office.~~

1393 (b) When, under the circumstances set forth in the
 1394 preceding paragraph, vacancies in nomination are required to be
 1395 filled by committee nominations, such vacancies shall be filled
 1396 by party rule. In any instance in which a nominee is selected by
 1397 a committee to fill a vacancy in nomination, such nominee shall
 1398 pay the same filing fee and take the same oath as the nominee
 1399 would have taken had he or she regularly qualified for election
 1400 to such office.

1401 (c) Any person who, at the close of qualifying as
 1402 prescribed in ss. 99.061 and 105.031, was qualified for
 1403 nomination or election to or retention in a public office to be
 1404 filled at the ensuing general election or who attempted to
 1405 qualify and failed to qualify is prohibited from qualifying as a
 1406 candidate to fill a vacancy in nomination for any other office
 1407 to be filled at that general election, even if such person has
 1408 withdrawn or been eliminated as a candidate for the original
 1409 office sought. However, this paragraph does not apply to a
 1410 candidate for the office of Lieutenant Governor who applies to
 1411 fill a vacancy in nomination for the office of Governor on the
 1412 same ticket or to a person who has withdrawn or been eliminated
 1413 as a candidate and who is subsequently designated as a candidate
 1414 for Lieutenant Governor under s. 99.063.

1415 (4) A vacancy in nomination is not created if an order of
 1416 a court that has become final determines that a nominee did not
 1417 properly qualify or did not meet the necessary qualifications to
 1418 hold the office for which he or she sought to qualify.

1419 (5) In the event of unforeseeable circumstances not
 1420 contemplated in these general election laws concerning the
 1421 calling and holding of special primary elections and special
 1422 elections resulting from court order or other unpredictable
 1423 circumstances, the Department of State shall have the authority
 1424 to provide for the conduct of orderly elections.

1425 Section 18. Subsections (1), (3), (6), (7), and (8) of
 1426 section 100.371, Florida Statutes, are amended to read:

1427 100.371 Initiatives; procedure for placement on ballot.—

1428 (1) Constitutional amendments proposed by initiative shall

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1429 | be placed on the ballot for the general election, provided the
 1430 | initiative petition has been filed with the Secretary of State
 1431 | no later than February 1 of the year the general election is
 1432 | held. A petition shall be deemed to be filed with the Secretary
 1433 | of State upon the date the secretary determines that valid and
 1434 | verified petition forms have been signed by the constitutionally
 1435 | required number and distribution of electors under this code,
 1436 | ~~subject to the right of revocation established in this section.~~

1437 | (3) An initiative petition form circulated for signature
 1438 | may not be bundled with or attached to any other petition. Each
 1439 | signature shall be dated when made and shall be valid for a
 1440 | period of 2 4 years following such date, provided all other
 1441 | requirements of law are met. The sponsor shall submit signed and
 1442 | dated forms to the ~~appropriate~~ supervisor of elections for
 1443 | verification as to the number of registered electors whose valid
 1444 | signatures appear thereon. If the signer is a registered voter
 1445 | of another county, the supervisor shall notify the petition
 1446 | sponsor of the misfiled petition. The supervisor shall promptly
 1447 | verify the signatures within 30 days after ~~of~~ receipt of the
 1448 | petition forms and payment of the fee required by s. 99.097. The
 1449 | supervisor shall promptly record, in the manner prescribed by
 1450 | the Secretary of State, the date each form is received by the
 1451 | supervisor, and the date the signature on the form is verified
 1452 | as valid. The supervisor may verify that the signature on a form
 1453 | is valid only if:

1454 | (a) The form contains the original signature of the
 1455 | purported elector.

1456 | (b) The purported elector has accurately recorded on the

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1457 form the date on which he or she signed the form.

1458 (c) The form ~~accurately~~ sets forth the purported elector's
 1459 name, ~~street~~ address, city, county, and voter registration
 1460 number or date of birth.

1461 (d) The purported elector is, at the time he or she signs
 1462 the form and at the time the form is verified, a duly qualified
 1463 and registered elector ~~authorized to vote~~ in the state county in
 1464 ~~which his or her signature is submitted~~.

1465
 1466 The supervisor shall retain the signature forms for at least 1
 1467 year following the election in which the issue appeared on the
 1468 ballot or until the Division of Elections notifies the
 1469 supervisors of elections that the committee that ~~which~~
 1470 circulated the petition is no longer seeking to obtain ballot
 1471 position.

1472 ~~(6) (a) An elector's signature on a petition form may be~~
 1473 ~~revoked within 150 days of the date on which he or she signed~~
 1474 ~~the petition form by submitting to the appropriate supervisor of~~
 1475 ~~elections a signed petition revocation form.~~

1476 ~~(b) The petition revocation form and the manner in which~~
 1477 ~~signatures are obtained, submitted, and verified shall be~~
 1478 ~~subject to the same relevant requirements and timeframes as the~~
 1479 ~~corresponding petition form and processes under this code and~~
 1480 ~~shall be approved by the Secretary of State before any signature~~
 1481 ~~on a petition revocation form is obtained.~~

1482 ~~(c) In those circumstances in which a petition revocation~~
 1483 ~~form for a corresponding initiative petition has not been~~
 1484 ~~submitted and approved, an elector may complete and submit a~~

1485 ~~standard petition revocation form directly to the supervisor of~~
 1486 ~~elections. All other requirements and processes apply for the~~
 1487 ~~submission and verification of the signatures as for initiative~~
 1488 ~~petitions.~~

1489 ~~(d) Supervisors of elections shall provide petition-~~
 1490 ~~revocation forms to the public at all main and branch offices.~~

1491 ~~(e) The petition revocation form shall be filed with the~~
 1492 ~~supervisor of elections by February 1 preceding the next general~~
 1493 ~~election or, if the initiative amendment is not certified for~~
 1494 ~~ballot position in that election, by February 1 preceding the~~
 1495 ~~next successive general election. The supervisor of elections~~
 1496 ~~shall promptly verify the signature on the petition revocation~~
 1497 ~~form and process such revocation upon payment, in advance, of a~~
 1498 ~~fee of 10 cents or the actual cost of verifying such signature,~~
 1499 ~~whichever is less. The supervisor shall promptly record each~~
 1500 ~~valid and verified signature on a petition revocation form in~~
 1501 ~~the manner prescribed by the Secretary of State.~~

1502 ~~(f) The division shall adopt by rule the petition-~~
 1503 ~~revocation forms to be used under this subsection.~~

1504 (6)~~(7)~~ The Department of State may adopt rules in
 1505 accordance with s. 120.54 to carry out the provisions of
 1506 subsections (1)-(5) ~~(1)-(6)~~.

1507 (7)~~(8)~~ No provision of this code shall be deemed to
 1508 prohibit a private person exercising lawful control over
 1509 privately owned property, including property held open to the
 1510 public for the purposes of a commercial enterprise, from
 1511 excluding from such property persons seeking to engage in
 1512 activity supporting or opposing initiative amendments.

1513 Section 19. Effective July 1, 2012, subsections (3) and
 1514 (4) of section 101.001, Florida Statutes, are amended to read:

1515 101.001 Precincts and polling places; boundaries.—

1516 (3) (a) Each supervisor of elections shall maintain a
 1517 suitable map drawn to a scale no smaller than 3 miles to the
 1518 inch and clearly delineating all major observable features such
 1519 as roads, streams, and railway lines and showing the current
 1520 geographical boundaries of each precinct, representative
 1521 district, and senatorial district, and other type of district in
 1522 the county subject to the elections process in this code.

1523 (b) The supervisor shall provide to the department a
 1524 database of all precincts in the county associated with the most
 1525 recent decennial census blocks within each precinct.

1526 (c) The department shall maintain a searchable database
 1527 that contains the precincts and the corresponding most recent
 1528 decennial census blocks within the precincts for each county,
 1529 including a historical file that allows the census blocks to be
 1530 traced through the prior decade.

1531 (d) The department shall charge the office of the
 1532 supervisor of elections of each county the cost of processing
 1533 the data received from the county and inserting it into the
 1534 searchable database format. The cost of the searchable database
 1535 shall be financed proportionally by each county supervisor based
 1536 on the number of registered voters in each county on January 1
 1537 of each year.

1538 (e) ~~(b)~~ The supervisor of elections shall notify the
 1539 Secretary of State in writing within 10 ~~30~~ days after any
 1540 reorganization of precincts and shall furnish a copy of the map

1541 showing the current geographical boundaries and designation of
 1542 each new precinct. However, if precincts are composed of whole
 1543 census blocks, the supervisor may furnish, in lieu of a copy of
 1544 the map, a list, in an electronic format prescribed by the
 1545 Department of State, associating each census block in the county
 1546 with its precinct.

1547 (f)~~(e)~~ Any precinct established or altered under the
 1548 provisions of this section shall consist of areas bounded on all
 1549 sides only by census block boundaries from the most recent
 1550 United States Census. If the census block boundaries split or
 1551 conflict with another political boundary listed below, the
 1552 boundary listed below may be used:

1553 ~~1. Census block boundaries from the most recent United~~
 1554 ~~States Census;~~

1555 ~~1.2.~~ Governmental unit boundaries reported in the most
 1556 recent Boundary and Annexation Survey published by the United
 1557 States Census Bureau;

1558 ~~2.3.~~ Visible features that are readily distinguishable
 1559 upon the ground, such as streets, railroads, tracks, streams,
 1560 and lakes, and that are indicated upon current census maps,
 1561 official Department of Transportation maps, official municipal
 1562 maps, official county maps, or a combination of such maps;

1563 ~~3.4.~~ Boundaries of public parks, public school grounds, or
 1564 churches; or

1565 ~~4.5.~~ Boundaries of counties, incorporated municipalities,
 1566 or other political subdivisions that meet criteria established
 1567 by the United States Census Bureau for block boundaries.

1568 ~~(d) Until July 1, 2012, a supervisor may apply for and~~

1569 ~~obtain from the Secretary of State a waiver of the requirement~~
 1570 ~~in paragraph (c).~~

1571 (4) (a) Within 10 days after there is any change in the
 1572 division, number, or boundaries of the precincts, or the
 1573 location of the polling places, the supervisor of elections
 1574 shall make in writing an accurate description of any new or
 1575 altered precincts, setting forth the boundary lines and shall
 1576 identify the location of each new or altered polling place. A
 1577 copy of the document describing such changes shall be posted at
 1578 the supervisor's office.

1579 (b) Any changes to the county precinct database shall be
 1580 provided to the department within 10 days after a change.

1581 (c) A precinct database shall include all precincts for
 1582 which precinct level election results and voting history results
 1583 are reported.

1584 Section 20. Subsection (1) of section 101.043, Florida
 1585 Statutes, is amended to read:

1586 101.043 Identification required at polls.—

1587 (1) The precinct register, as prescribed in s. 98.461,
 1588 shall be used at the polls for the purpose of identifying the
 1589 elector at the polls prior to allowing him or her to vote. The
 1590 clerk or inspector shall require each elector, upon entering the
 1591 polling place, to present one of the following current and valid
 1592 picture identifications:

1593 (a) Florida driver's license.

1594 (b) Florida identification card issued by the Department
 1595 of Highway Safety and Motor Vehicles.

1596 (c) United States passport.

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- 1597 (d) Debit or credit card.
- 1598 (e) Military identification.
- 1599 (f) Student identification.
- 1600 (g) Retirement center identification.
- 1601 (h) Neighborhood association identification.
- 1602 (i) Public assistance identification.

1603

1604 If the picture identification does not contain the signature of

1605 the voter, an additional identification that provides the

1606 elector's ~~voter's~~ signature shall be required. The address

1607 appearing on the identification presented by the elector is not

1608 to be used as the basis to confirm an elector's legal residence

1609 or otherwise challenge an elector's legal residence. The elector

1610 shall sign his or her name in the space provided on the precinct

1611 register or on an electronic device provided for recording the

1612 elector's ~~voter's~~ signature. The clerk or inspector shall

1613 compare the signature with that on the identification provided

1614 by the elector and enter his or her initials in the space

1615 provided on the precinct register or on an electronic device

1616 provided for that purpose and allow the elector to vote if the

1617 clerk or inspector is satisfied as to the identity of the

1618 elector.

1619 Section 21. Section 101.045, Florida Statutes, is amended

1620 to read:

1621 (Substantial rewording of section. See

1622 s. 101.045, F.S., for present text.)

1623 101.045 Electors must be registered in precinct.—

1624 (1) A person is not permitted to vote in any election

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1625 precinct or district other than the one in which the person has
 1626 his or her legal residence and in which the person is
 1627 registered. However, a person temporarily residing outside the
 1628 county shall be registered in the precinct in which the main
 1629 office of the supervisor, as designated by the supervisor, is
 1630 located when the person has no permanent address in the county
 1631 and it is the person's intention to remain a resident of Florida
 1632 and of the county in which he or she is registered to vote. Such
 1633 persons who are registered in the precinct in which the main
 1634 office of the supervisor, as designated by the supervisor, is
 1635 located and who are residing outside the county with no
 1636 permanent address in the county may not be registered electors
 1637 of a municipality and therefore are not permitted to vote in any
 1638 municipal election.

1639 (2) If the elector's eligibility to vote cannot be
 1640 determined, he or she is entitled to vote a provisional ballot,
 1641 subject to the requirements and procedures in s. 101.048.

1642 Section 22. Subsection (2) of section 101.131, Florida
 1643 Statutes, is amended, and subsections (4) and (5) are added to
 1644 that section, to read:

1645 101.131 Watchers at polls.—

1646 (2) Each party, each political committee, and each
 1647 candidate requesting to have poll watchers shall designate, in
 1648 writing to the supervisors of elections, on a form prescribed by
 1649 the division, before ~~prior to~~ noon of the second Tuesday
 1650 preceding the election poll watchers for each polling room on
 1651 election day. Designations of poll watchers for early voting
 1652 areas shall be submitted in writing to the supervisor of

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1653 elections, on a form prescribed by the division, before noon at
 1654 least 14 days before early voting begins. The poll watchers for
 1655 each polling ~~rooms~~ ~~room~~ shall be approved by the supervisor of
 1656 elections on or before the Tuesday before the election. Poll
 1657 watchers for early voting areas shall be approved by the
 1658 supervisor of elections no later than 7 days before early voting
 1659 begins. The supervisor shall furnish to each election board a
 1660 list of the poll watchers designated and approved for such
 1661 polling ~~rooms~~ ~~room~~ or early voting areas ~~area~~. Designation of
 1662 poll watchers shall be made by the chair of the county executive
 1663 committee of a political party, the chair of a political
 1664 committee, or the candidate requesting to have poll watchers.

1665 (4) All poll watchers shall be allowed to enter and watch
 1666 polls in all polling rooms and early voting areas within the
 1667 county in which they have been designated if the number of poll
 1668 watchers at any particular polling place does not exceed the
 1669 number provided in this section.

1670 (5) The supervisor of elections shall provide to each
 1671 designated poll watcher, no later than 7 days before early
 1672 voting begins, a poll watcher identification badge that
 1673 identifies the poll watcher by name. Each poll watcher shall
 1674 wear his or her identification badge while in the polling room
 1675 or early voting area.

1676 Section 23. Subsections (1), (2), and (3) of section
 1677 101.151, Florida Statutes, are amended to read:

1678 101.151 Specifications for ballots.-

1679 (1) (a) Marksense ballots shall be printed on paper of such
 1680 thickness that the printing cannot be distinguished from the

1681 back and shall meet the specifications of the voting system that
 1682 will be used to tabulate the ballots.

1683 (b) Early voting sites may employ a ballot-on-demand
 1684 production system to print individual marksense ballots,
 1685 including provisional ballots, for eligible electors pursuant to
 1686 s. 101.657. Ballot-on-demand technology may be used to produce
 1687 marksense absentee and election day ballots. ~~Not later than 30~~
 1688 ~~days before an election, the Secretary of State may also~~
 1689 ~~authorize in writing the use of ballot-on-demand technology for~~
 1690 ~~the production of election day ballots.~~

1691 (2) (a) The ballot shall have the following office titles
 1692 ~~headings~~ under which shall appear ~~the names of the offices and~~
 1693 the names of the candidates for the respective offices in the
 1694 following order:

1695 1. The office titles of heading "President and Vice
 1696 President of the United States" and thereunder the names of the
 1697 candidates for President and Vice President of the United States
 1698 nominated by the political party that received the highest vote
 1699 for Governor in the last general election of the Governor in
 1700 this state. Then shall appear the names of other candidates for
 1701 President and Vice President of the United States who have been
 1702 properly nominated.

1703 2. The office titles ~~Then shall follow the heading~~
 1704 ~~"Congressional" and thereunder the offices~~ of United States
 1705 Senator and Representative in Congress. ~~;~~

1706 3. The office titles ~~then the heading "State" and~~
 1707 ~~thereunder the offices~~ of Governor and Lieutenant Governor; ~~;~~
 1708 Attorney General; ~~;~~ Chief Financial Officer; ~~;~~ Commissioner of

1709 Agriculture; ~~7~~ State Attorney, with the applicable judicial
 1710 circuit printed beneath the office; and Public Defender, with
 1711 the applicable judicial circuit printed beneath the office.

1712 ~~4. together with the names of the candidates for each~~
 1713 ~~office and the title of the office which they seek; then the~~
 1714 ~~heading "Legislative" and thereunder~~ The office titles offices
 1715 of State Senator and State Representative with the applicable
 1716 district for the office printed beneath.; ~~then the heading~~
 1717 ~~"County" and thereunder~~

1718 5. The office titles of County Clerk of the Circuit Court,
 1719 or Clerk of the Circuit Court and Comptroller (whichever is
 1720 applicable and when authorized by law), Clerk of the County
 1721 Court (when authorized by law), County Sheriff, County Property
 1722 Appraiser, County Tax Collector, District Superintendent of
 1723 Schools, and County Supervisor of Elections.

1724 6. The office titles ~~Thereafter follows: members of the~~
 1725 Board of County Commissioners with the applicable district
 1726 printed beneath each office, and such other county and district
 1727 offices as are involved in the election, in the order fixed by
 1728 the Department of State, followed, in the year of their
 1729 election, by "Party Offices," and thereunder the offices of
 1730 state and county party executive committee members.

1731 (b) In a general election, in addition to the names
 1732 printed on the ballot, a blank space shall be provided under
 1733 each ~~heading for an~~ office for which a write-in candidate has
 1734 qualified. With respect to write-in candidates, if two or more
 1735 candidates are seeking election to one office, only one blank
 1736 space shall be provided.

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1737 (c) ~~(b)~~ When more than one candidate is nominated for
 1738 office, the candidates for such office shall qualify and run in
 1739 a group or district, and the group or district number shall be
 1740 printed beneath the name of the office. Each nominee of a
 1741 political party chosen in a primary shall appear on the general
 1742 election ballot in the same numbered group or district as on the
 1743 primary election ballot.

1744 (d) ~~(e)~~ If in any election all the offices as set forth in
 1745 paragraph (a) are not involved, those offices not to be filled
 1746 shall be omitted and the remaining offices shall be arranged on
 1747 the ballot in the order named.

1748 (3) (a) The names of the candidates of the party that
 1749 received the highest number of votes for Governor in the last
 1750 election in which a Governor was elected shall be placed first
 1751 ~~under the heading~~ for each office on the general election
 1752 ballot, together with an appropriate abbreviation of the party
 1753 name; the names of the candidates of the party that received the
 1754 second highest vote for Governor shall be placed second ~~under~~
 1755 ~~the heading~~ for each office, together with an appropriate
 1756 abbreviation of the party name.

1757 (b) Minor political party candidates ~~and candidates with~~
 1758 ~~no party affiliation~~ shall have their names appear on the
 1759 general election ballot following the names of recognized
 1760 political parties, in the ~~same~~ order as they were qualified,
 1761 followed by the names of candidates with no party affiliation,
 1762 in the order as they were qualified ~~certified~~.

1763 Section 24. Paragraph (a) of subsection (2) of section
 1764 101.5605, Florida Statutes, is amended to read:

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1765 | 101.5605 Examination and approval of equipment.—
 1766 | (2) (a) Any person owning or interested in an electronic or
 1767 | electromechanical voting system may submit it to the Department
 1768 | of State for examination. The vote counting segment shall be
 1769 | certified after a satisfactory evaluation testing has been
 1770 | performed according to s. 101.015(1) ~~electronic industry~~
 1771 | ~~standards~~. This testing shall include, but is not limited to,
 1772 | testing of all software required for the voting system's
 1773 | operation; the ballot reader; the rote processor, especially in
 1774 | its logic and memory components; the digital printer; the fail-
 1775 | safe operations; the counting center environmental requirements;
 1776 | and the equipment reliability estimate. For the purpose of
 1777 | assisting in examining the system, the department shall employ
 1778 | or contract for services of at least one individual who is
 1779 | expert in one or more fields of data processing, mechanical
 1780 | engineering, and public administration and shall require from
 1781 | the individual a written report of his or her examination.

1782 | Section 25. Subsection (11) of section 101.5606, Florida
 1783 | Statutes, is amended to read:

1784 | 101.5606 Requirements for approval of systems.—No
 1785 | electronic or electromechanical voting system shall be approved
 1786 | by the Department of State unless it is so constructed that:

1787 | (11) It is capable of automatically producing precinct
 1788 | totals in printed, ~~marked, or punched form, or a combination~~
 1789 | ~~thereof~~.

1790 | Section 26. Paragraph (a) of subsection (4) of section
 1791 | 101.5612, Florida Statutes, is amended to read:

1792 | 101.5612 Testing of tabulating equipment.—

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1793 (4) (a)1. For electronic or electromechanical voting
1794 systems configured to include electronic or electromechanical
1795 tabulation devices which are distributed to the precincts, all
1796 or a sample of the devices to be used in the election shall be
1797 publicly tested. If a sample is to be tested, the sample shall
1798 consist of a random selection of at least 5 percent or 10 of the
1799 devices for an optical scan system ~~or 2 percent of the devices~~
1800 ~~for a touchscreen system or 10 of the devices for either system,~~
1801 ~~as applicable,~~ whichever is greater. For touchscreen systems
1802 used for voters with disabilities, a sample of at least 2
1803 percent of the devices must be tested. The test shall be
1804 conducted by processing a group of ballots, causing the device
1805 to output results for the ballots processed, and comparing the
1806 output of results to the results expected for the ballots
1807 processed. The group of ballots shall be produced so as to
1808 record a predetermined number of valid votes for each candidate
1809 and on each measure and to include for each office one or more
1810 ballots which have activated voting positions in excess of the
1811 number allowed by law in order to test the ability of the
1812 tabulating device to reject such votes.

1813 2. If any tested tabulating device is found to have an
1814 error in tabulation, it shall be deemed unsatisfactory. For each
1815 device deemed unsatisfactory, the canvassing board shall take
1816 steps to determine the cause of the error, shall attempt to
1817 identify and test other devices that could reasonably be
1818 expected to have the same error, and shall test a number of
1819 additional devices sufficient to determine that all devices are
1820 satisfactory. Upon deeming any device unsatisfactory, the

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1821 canvassing board may require all devices to be tested or may
 1822 declare that all devices are unsatisfactory.

1823 3. If the operation or output of any tested tabulation
 1824 device, such as spelling or the order of candidates on a report,
 1825 is in error, such problem shall be reported to the canvassing
 1826 board. The canvassing board shall then determine if the reported
 1827 problem warrants its deeming the device unsatisfactory.

1828 Section 27. Subsection (4) of section 101.5614, Florida
 1829 Statutes, is amended to read:

1830 101.5614 Canvass of returns.—

1831 (4) ~~If ballot cards are used, and separate write-in~~
 1832 ~~ballots or envelopes for casting write-in votes are used, write-~~
 1833 ~~in ballots or the envelopes on which write-in ballots have been~~
 1834 ~~cast shall be serially numbered, starting with the number one,~~
 1835 ~~and the same number shall be placed on the ballot card of the~~
 1836 ~~voter. This process may be completed at either the precinct by~~
 1837 ~~the election board or at the central counting location. For each~~
 1838 ballot or ballot image ~~and ballot envelope~~ on which write-in
 1839 votes have been cast, the canvassing board shall compare the
 1840 write-in votes with the votes cast on the ballot card. † If the
 1841 total number of votes for any office exceeds the number allowed
 1842 by law, ~~a notation to that effect, specifying the office~~
 1843 ~~involved, shall be entered on the back of the ballot card or in~~
 1844 ~~a margin if voting areas are printed on both sides of the ballot~~
 1845 ~~card.~~ such votes shall not be counted. All valid votes shall be
 1846 tallied by the canvassing board.

1847 Section 28. Paragraphs (a) and (b) of subsection (1) and
 1848 subsections (3) and (4) of section 101.62, Florida Statutes, are

1849 amended to read:

1850 101.62 Request for absentee ballots.—

1851 (1) (a) The supervisor shall accept a request for an
 1852 absentee ballot from an elector in person or in writing. One
 1853 request shall be deemed sufficient to receive an absentee ballot
 1854 for all elections through the next two regularly scheduled
 1855 general elections ~~election~~, unless the elector or the elector's
 1856 designee indicates at the time the request is made the elections
 1857 for which the elector desires to receive an absentee ballot.
 1858 Such request may be considered canceled when any first-class
 1859 mail sent by the supervisor to the elector is returned as
 1860 undeliverable.

1861 (b) The supervisor may accept a written or telephonic
 1862 request for an absentee ballot from the elector, or, if directly
 1863 instructed by the elector, a member of the elector's immediate
 1864 family, or the elector's legal guardian. For purposes of this
 1865 section, the term "immediate family" has the same meaning as
 1866 specified in paragraph (4) (c) ~~(b)~~. The person making the request
 1867 must disclose:

- 1868 1. The name of the elector for whom the ballot is
- 1869 requested.
- 1870 2. The elector's address.
- 1871 3. The elector's date of birth.
- 1872 4. The requester's name.
- 1873 5. The requester's address.
- 1874 6. The requester's driver's license number, if available.
- 1875 7. The requester's relationship to the elector.
- 1876 8. The requester's signature (written requests only).

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1877 (3) For each request for an absentee ballot received, the
1878 supervisor shall record the date the request was made, the date
1879 the absentee ballot was delivered to the voter or the voter's
1880 designee or the date the absentee ballot was delivered to the
1881 post office or other carrier, the date the ballot was received
1882 by the supervisor, and such other information he or she may deem
1883 necessary. This information shall be provided in electronic
1884 format as provided by rule adopted by the division. The
1885 information shall be updated and made available no later than 8
1886 a.m. noon of each day, including weekends, beginning 60 days
1887 before the primary until 15 days after the general election and
1888 shall be contemporaneously provided to the division. This
1889 information shall be confidential and exempt from the provisions
1890 of s. 119.07(1) and shall be made available to or reproduced
1891 only for the voter requesting the ballot, a canvassing board, an
1892 election official, a political party or official thereof, a
1893 candidate who has filed qualification papers and is opposed in
1894 an upcoming election, and registered political committees or
1895 registered committees of continuous existence, for political
1896 purposes only.

1897 (4) (a) No later than 45 days before each presidential
1898 preference primary election, special election, primary election,
1899 and general election, the supervisor of elections shall send an
1900 absentee ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each
1901 absent uniformed services voter and to each overseas voter who
1902 has requested an absentee ballot.

1903 (b) The supervisor shall begin mailing absentee ballots
1904 between the 35th and 30th day before the presidential preference

1905 primary election, special election, primary election, and
 1906 general election to each absent qualified voter, other than
 1907 those listed in paragraph (a), who has requested such a ballot.
 1908 Except as otherwise provided in subsection (2) and after the
 1909 period described in this paragraph, the supervisor shall mail
 1910 absentee ballots within 48 hours after receiving a request for
 1911 such a ballot.

1912 (c)~~(b)~~ The supervisor shall provide an absentee ballot to
 1913 each elector by whom a request for that ballot has been made by
 1914 one of the following means:

1915 1. By nonforwardable, return-if-undeliverable mail to the
 1916 elector's current mailing address on file with the supervisor,
 1917 unless the elector specifies in the request that:

1918 a. The elector is absent from the county and does not plan
 1919 to return before the day of the election;

1920 b. The elector is temporarily unable to occupy the
 1921 residence because of hurricane, tornado, flood, fire, or other
 1922 emergency or natural disaster; or

1923 c. The elector is in a hospital, assisted living facility,
 1924 nursing home, short-term medical or rehabilitation facility, or
 1925 correctional facility,

1926
 1927 in which case the supervisor shall mail the ballot by
 1928 nonforwardable, return-if-undeliverable mail to any other
 1929 address the elector specifies in the request.

1930 2. By forwardable mail, e-mail, or facsimile machine
 1931 transmission to absent uniformed services voters and overseas
 1932 voters. The absent uniformed services voter or overseas voter

1933 | may designate in the absentee ballot request the preferred
 1934 | method of transmission. If the voter does not designate the
 1935 | method of transmission, the absentee ballot shall be mailed.

1936 | 3. By personal delivery before 7 p.m. on election day to
 1937 | the elector, upon presentation of the identification required in
 1938 | s. 101.043.

1939 | 4. By delivery to a designee on election day or up to 5
 1940 | days prior to the day of an election. Any elector may designate
 1941 | in writing a person to pick up the ballot for the elector;
 1942 | however, the person designated may not pick up more than two
 1943 | absentee ballots per election, other than the designee's own
 1944 | ballot, except that additional ballots may be picked up for
 1945 | members of the designee's immediate family. For purposes of this
 1946 | section, "immediate family" means the designee's spouse or the
 1947 | parent, child, grandparent, or sibling of the designee or of the
 1948 | designee's spouse. The designee shall provide to the supervisor
 1949 | the written authorization by the elector and a picture
 1950 | identification of the designee and must complete an affidavit.
 1951 | The designee shall state in the affidavit that the designee is
 1952 | authorized by the elector to pick up that ballot and shall
 1953 | indicate if the elector is a member of the designee's immediate
 1954 | family and, if so, the relationship. The department shall
 1955 | prescribe the form of the affidavit. If the supervisor is
 1956 | satisfied that the designee is authorized to pick up the ballot
 1957 | and that the signature of the elector on the written
 1958 | authorization matches the signature of the elector on file, the
 1959 | supervisor shall give the ballot to that designee for delivery
 1960 | to the elector.

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1961 Section 29. Section 101.65, Florida Statutes, is amended
 1962 to read:

1963 101.65 Instructions to absent electors.—The supervisor
 1964 shall enclose with each absentee ballot separate printed
 1965 instructions in substantially the following form:

1966
 1967 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1968 1. VERY IMPORTANT. In order to ensure that your absentee
 1969 ballot will be counted, it should be completed and returned as
 1970 soon as possible so that it can reach the supervisor of
 1971 elections of the county in which your precinct is located no
 1972 later than 7 p.m. on the day of the election.

1973 2. Mark your ballot in secret as instructed on the ballot.
 1974 You must mark your own ballot unless you are unable to do so
 1975 because of blindness, disability, or inability to read or write.

1976 3. Mark only the number of candidates or issue choices for
 1977 a race as indicated on the ballot. If you are allowed to "Vote
 1978 for One" candidate and you vote for more than one candidate,
 1979 your vote in that race will not be counted.

1980 4. Place your marked ballot in the enclosed secrecy
 1981 envelope.

1982 5. Insert the secrecy envelope into the enclosed mailing
 1983 envelope which is addressed to the supervisor.

1984 6. Seal the mailing envelope and completely fill out the
 1985 Voter's Certificate on the back of the mailing envelope.

1986 7. VERY IMPORTANT. In order for your absentee ballot to be
 1987 counted, you must sign your name on the line above (Voter's
 1988 Signature). An absentee ballot will be considered illegal and

1989 will not be counted if the signature on the voter's certificate
 1990 does not match the signature on record. The signature on file at
 1991 the start of the canvass of the absentee ballots is the
 1992 signature that will be used to verify your signature on the
 1993 voter's certificate. If you need to update your signature for
 1994 this election, send your signature update on a voter
 1995 registration application to your supervisor of elections so that
 1996 it is received no later than the start of the canvassing of
 1997 absentee ballots, which occurs no earlier than the Wednesday
 1998 before election day.

1999 8. VERY IMPORTANT. If you are an overseas voter, you must
 2000 include the date you signed the Voter's Certificate on the line
 2001 above (Date) or your ballot may not be counted.

2002 9. Mail, deliver, or have delivered the completed mailing
 2003 envelope. Be sure there is sufficient postage if mailed.

2004 10. FELONY NOTICE. It is a felony under Florida law to
 2005 accept any gift, payment, or gratuity in exchange for your vote
 2006 for a candidate. It is also a felony under Florida law to vote
 2007 in an election using a false identity or false address, or under
 2008 any other circumstances making your ballot false or fraudulent.

2009 Section 30. Subsection (2) of section 101.6923, Florida
 2010 Statutes, is amended to read:

2011 101.6923 Special absentee ballot instructions for certain
 2012 first-time voters.—

2013 (2) A voter covered by this section shall be provided with
 2014 printed instructions with his or her absentee ballot in
 2015 substantially the following form:

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2017 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2018 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2019 TO COUNT.

2020
 2021 1. In order to ensure that your absentee ballot will be
 2022 counted, it should be completed and returned as soon as possible
 2023 so that it can reach the supervisor of elections of the county
 2024 in which your precinct is located no later than 7 p.m. on the
 2025 date of the election.

2026 2. Mark your ballot in secret as instructed on the ballot.
 2027 You must mark your own ballot unless you are unable to do so
 2028 because of blindness, disability, or inability to read or write.

2029 3. Mark only the number of candidates or issue choices for
 2030 a race as indicated on the ballot. If you are allowed to "Vote
 2031 for One" candidate and you vote for more than one, your vote in
 2032 that race will not be counted.

2033 4. Place your marked ballot in the enclosed secrecy
 2034 envelope and seal the envelope.

2035 5. Insert the secrecy envelope into the enclosed envelope
 2036 bearing the Voter's Certificate. Seal the envelope and
 2037 completely fill out the Voter's Certificate on the back of the
 2038 envelope.

2039 a. You must sign your name on the line above (Voter's
 2040 Signature).

2041 b. If you are an overseas voter, you must include the date
 2042 you signed the Voter's Certificate on the line above (Date) or
 2043 your ballot may not be counted.

2044 c. An absentee ballot will be considered illegal and will

2045 not be counted if the signature on the voter's certificate does
 2046 not match the signature on record. The signature on file at the
 2047 start of the canvass of the absentee ballots is the signature
 2048 that will be used to verify your signature on the voter's
 2049 certificate. If you need to update your signature for this
 2050 election, send your signature update on a voter registration
 2051 application to your supervisor of elections so that it is
 2052 received no later than the start of canvassing of absentee
 2053 ballots, which occurs no earlier than the Wednesday before
 2054 election day.

2055 6. Unless you meet one of the exemptions in Item 7., you
 2056 must make a copy of one of the following forms of
 2057 identification:

2058 a. Identification which must include your name and
 2059 photograph: United States passport; debit or credit card;
 2060 military identification; student identification; retirement
 2061 center identification; neighborhood association identification;
 2062 or public assistance identification; or

2063 b. Identification which shows your name and current
 2064 residence address: current utility bill, bank statement,
 2065 government check, paycheck, or government document (excluding
 2066 voter identification card).

2067 7. The identification requirements of Item 6. do not apply
 2068 if you meet one of the following requirements:

2069 a. You are 65 years of age or older.

2070 b. You have a temporary or permanent physical disability.

2071 c. You are a member of a uniformed service on active duty
 2072 who, by reason of such active duty, will be absent from the

2073 county on election day.

2074 d. You are a member of the Merchant Marine who, by reason
 2075 of service in the Merchant Marine, will be absent from the
 2076 county on election day.

2077 e. You are the spouse or dependent of a member referred to
 2078 in paragraph c. or paragraph d. who, by reason of the active
 2079 duty or service of the member, will be absent from the county on
 2080 election day.

2081 f. You are currently residing outside the United States.

2082 8. Place the envelope bearing the Voter's Certificate into
 2083 the mailing envelope addressed to the supervisor. Insert a copy
 2084 of your identification in the mailing envelope. DO NOT PUT YOUR
 2085 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2086 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2087 BALLOT WILL NOT COUNT.

2088 9. Mail, deliver, or have delivered the completed mailing
 2089 envelope. Be sure there is sufficient postage if mailed.

2090 10. FELONY NOTICE. It is a felony under Florida law to
 2091 accept any gift, payment, or gratuity in exchange for your vote
 2092 for a candidate. It is also a felony under Florida law to vote
 2093 in an election using a false identity or false address, or under
 2094 any other circumstances making your ballot false or fraudulent.

2095 Section 31. Subsection (3) of section 101.75, Florida
 2096 Statutes, is amended to read:

2097 101.75 Municipal elections; change of dates for cause.—

2098 (3) Notwithstanding any provision of local law or
 2099 municipal charter, the governing body of a municipality may, by
 2100 ordinance, move the date of any municipal election to a date

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2101 concurrent with any statewide or countywide election. The dates
 2102 for qualifying for the election moved by the passage of such
 2103 ordinance shall be specifically provided for in the ordinance
 2104 ~~and shall run for no less than 14 days.~~ The term of office for
 2105 any elected municipal official shall commence as provided by the
 2106 relevant municipal charter or ordinance.

2107 Section 32. Subsection (4) of section 102.031, Florida
 2108 Statutes, is amended to read:

2109 102.031 Maintenance of good order at polls; authorities;
 2110 persons allowed in polling rooms and early voting areas;
 2111 unlawful solicitation of voters.—

2112 (4) (a) A ~~No~~ person, political committee, committee of
 2113 continuous existence, or other group or organization may not
 2114 solicit voters inside the polling place or within 100 feet of:

- 2115 1. The entrance to any polling place; ~~or~~
- 2116 2. The entrance to any polling room, where the polling
 2117 place is also a polling room; ~~or~~
- 2118 3. The entrance to any early voting site; or
- 2119 4. The line in which voters are standing to enter any
 2120 polling place or early voting site.

2121
 2122 Before the opening of the polling place or early voting site,
 2123 the clerk or supervisor shall designate the no-solicitation zone
 2124 and mark the boundaries.

2125 (b) For the purpose of this subsection, whether in person
 2126 or by means of audio or visual equipment, the terms "solicit" or
 2127 "solicitation" shall include, but not be limited to, seeking or
 2128 attempting to seek any vote, fact, opinion, or contribution;

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2129 distributing or attempting to distribute any political or
 2130 campaign material, leaflet, or handout; conducting a poll except
 2131 as specified in this paragraph; seeking or attempting to seek a
 2132 signature on any petition; offering voting or legal advice
 2133 regarding voting or ballots; and selling or attempting to sell
 2134 any item. The terms "solicit" or "solicitation" shall not be
 2135 construed to prohibit exit polling.

2136 (c) Each supervisor of elections shall inform the clerk of
 2137 the area within which soliciting is unlawful, based on the
 2138 particular characteristics of that polling place. The supervisor
 2139 or the clerk may take any reasonable action necessary to ensure
 2140 order at the polling places, including, but not limited to,
 2141 having disruptive and unruly persons removed by law enforcement
 2142 officers from the polling room or place or from the 100-foot
 2143 zone surrounding the polling place.

2144 Section 33. Subsection (4) of section 102.168, Florida
 2145 Statutes, is amended, and subsection (8) is added to that
 2146 section, to read:

2147 102.168 Contest of election.—

2148 (4) The ~~county~~ canvassing board responsible for canvassing
 2149 the election is an indispensable ~~and proper~~ party defendant in
 2150 county and local elections. ~~†~~ The Elections Canvassing Commission
 2151 is an indispensable ~~and proper~~ party defendant in federal,
 2152 state, and multicounty elections and in elections for justice of
 2153 the Supreme Court, judge of a district court of appeal, and
 2154 judge of a circuit court. ~~faces; and~~ The successful candidate is
 2155 an indispensable party to any action brought to contest the
 2156 election or nomination of a candidate.

2157 (8) In any contest that requires a review of a canvassing
 2158 board's decision that an absentee ballot is illegal under s.
 2159 101.68 because the signature of the elector on the voter's
 2160 certificate is not the signature of the elector in the
 2161 registration records, the circuit court may not look at or
 2162 consider any evidence beyond the elector's signature on the
 2163 voter's certificate and in the registration records. The court's
 2164 review of the issue shall be to determine only if the canvassing
 2165 board abused its discretion in making its decision.

2166 Section 34. Section 103.095, Florida Statutes, is created
 2167 to read:

2168 103.095 Minor political parties.-

2169 (1) Any group of citizens organized for the general
 2170 purposes of electing to office qualified persons and determining
 2171 public issues under the democratic processes of the United
 2172 States may become a minor political party of this state by
 2173 filing with the department a certificate showing the name of the
 2174 organization, the names and addresses of its current officers,
 2175 including the members of its executive committee, accompanied by
 2176 a completed uniform statewide voter registration application as
 2177 specified in s. 97.052 for each of its current officers and
 2178 members of its executive committee that reflect their
 2179 affiliation with the proposed minor political party, and a copy
 2180 of its constitution, bylaws, and rules and regulations.

2181 (2) The members of the executive committee shall include a
 2182 chair, vice chair, secretary, and treasurer, all of whom shall
 2183 be members of the minor political party and no member may hold
 2184 more than one office, except that one person may hold the

2185 offices of secretary and treasurer.

2186 (3) Upon approval of the minor political party's filing,
 2187 the department shall process the voter registration applications
 2188 submitted by the minor political party's officers and members of
 2189 its executive committee. It shall be the duty of the minor
 2190 political party to notify the department of any changes in the
 2191 filing certificate within 5 days after such changes.

2192 (4) The Division of Elections shall adopt rules to
 2193 prescribe the manner in which the Department of State may cancel
 2194 the filings of political parties, including minor political
 2195 parties. Such rules shall, at a minimum, provide for:

2196 (a) Notice containing the facts and conduct that warrant
 2197 the intended action, including, but not limited to, the failure
 2198 to notify the department of replacement officers, the failure to
 2199 file campaign finance reports, and limited activity.

2200 (b) Adequate opportunity to respond.

2201 (c) Appeal of the decision to the Florida Elections
 2202 Commission. Such appeals are exempt from the confidentiality
 2203 provisions of s. 106.25.

2204 (5) The requirements of this section are retroactive for
 2205 any minor political party registered with the department on July
 2206 1, 2011, and must be complied with within 180 days after the
 2207 department provides notice to the minor political party of the
 2208 requirements contained in this section. Failure of the minor
 2209 political party to comply with the requirements within 180 days
 2210 after receipt of the notice shall automatically result in the
 2211 cancellation of the minor political party's registration.

2212 Section 35. Subsections (1) and (2) of section 103.101,

2213 Florida Statutes, are amended to read:

2214 103.101 Presidential preference primary.—

2215 (1) Each political party other than a minor political
 2216 party shall, on the last Tuesday in January in each year the
 2217 number of which is a multiple of 4, elect one person to be the
 2218 candidate for nomination of such party for President of the
 2219 United States or select delegates to the national nominating
 2220 convention, ~~as provided by party rule.~~

2221 (2) ~~(a) There shall be a Presidential Candidate Selection~~
 2222 ~~Committee composed of the Secretary of State, who shall be a~~
 2223 ~~nonvoting chair; the Speaker of the House of Representatives;~~
 2224 ~~the President of the Senate; the minority leader of each house~~
 2225 ~~of the Legislature; and the chair of each political party~~
 2226 ~~required to have a presidential preference primary under this~~
 2227 ~~section.~~

2228 ~~(b)~~ By October 31 of the year preceding the presidential
 2229 preference primary, each political party shall submit to the
 2230 Secretary of State a list of its presidential candidates to be
 2231 placed on the presidential preference primary ballot or
 2232 candidates entitled to have delegates appear on the presidential
 2233 preference primary ballot. The Secretary of State shall prepare
 2234 and publish a list of the names of the presidential candidates
 2235 submitted not later than on the first Tuesday after the first
 2236 Monday in November of the year preceding the presidential
 2237 preference primary. ~~The Secretary of State shall submit such~~
 2238 ~~list of names of presidential candidates to the selection~~
 2239 ~~committee on the first Tuesday after the first Monday in~~
 2240 ~~November of the year preceding the presidential preference~~

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2241 ~~primary. Each person designated as a presidential candidate~~
 2242 ~~shall have his or her name appear, or have his or her delegates'~~
 2243 ~~names appear, on the presidential preference primary ballot~~
 2244 ~~unless all committee members of the same political party as the~~
 2245 ~~candidate agree to delete such candidate's name from the ballot.~~

2246 ~~(c) The selection committee shall meet in Tallahassee on~~
 2247 ~~the first Tuesday after the first Monday in November of the year~~
 2248 ~~preceding the presidential preference primary. The selection~~
 2249 ~~committee shall publicly announce and submit to the Department~~
 2250 ~~of State no later than 5 p.m. on the following day the names of~~
 2251 ~~presidential candidates who shall have their names appear, or~~
 2252 ~~who are entitled to have their delegates' names appear, on the~~
 2253 ~~presidential preference primary ballot. The Department of State~~
 2254 shall immediately notify each presidential candidate listed
 2255 designated by the Secretary of State committee. Such
 2256 notification shall be in writing, by registered mail, with
 2257 return receipt requested.

2258 Section 36. Section 103.141, Florida Statutes, is amended
 2259 to read:

2260 103.141 Removal of county executive committee member for
 2261 violation of oath.—

2262 ~~(1) If~~ Where the county executive committee by at least a
 2263 two-thirds majority vote of the members of the committee,
 2264 attending a meeting held after due notice has been given and at
 2265 which meeting a quorum is present, determines an incumbent
 2266 county executive committee member is to be ~~is~~ guilty of an offense
 2267 involving a violation of the member's oath of office, the said
 2268 member ~~so violating his or her oath~~ shall be removed from office

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2269 and the office shall be deemed vacant. ~~Provided,~~ However, if the
 2270 county committee wrongfully removes a county committee member
 2271 and the committee member ~~se~~ wrongfully removed files suit in the
 2272 circuit court alleging his or her removal was wrongful and wins
 2273 the said suit, the committee member shall be restored to office
 2274 and the county committee shall pay the costs incurred by the
 2275 wrongfully removed committee member in bringing the suit,
 2276 including reasonable attorney's fees.

2277 ~~(2) Any officer, county committeeman, county~~
 2278 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
 2279 ~~or member of a county executive committee may be removed from~~
 2280 ~~office pursuant to s. 103.161.~~

2281 Section 37. Section 104.29, Florida Statutes, is amended
 2282 to read:

2283 104.29 Inspectors refusing to allow watchers while ballots
 2284 are counted.—The inspectors or other election officials at the
 2285 polling place shall, after the polls close ~~at all times while~~
 2286 ~~the ballots are being counted~~, allow as many as three persons
 2287 near to them to see whether the ballots are being correctly
 2288 reconciled. ~~read and called and the votes correctly tallied, and~~
 2289 Any official who denies this privilege or interferes therewith
 2290 commits ~~is guilty of~~ a misdemeanor of the first degree,
 2291 punishable as provided in s. 775.082 or s. 775.083.

2292 Section 38. Subsection (3), paragraph (a) of subsection
 2293 (4), paragraph (b) of subsection (5), subsection (15), and
 2294 paragraph (c) of subsection (16) of section 106.011, Florida
 2295 Statutes, are amended to read:

2296 106.011 Definitions.—As used in this chapter, the

2297 following terms have the following meanings unless the context
 2298 clearly indicates otherwise:

2299 (3) "Contribution" means:

2300 (a) A gift, subscription, conveyance, deposit, loan,
 2301 payment, or distribution of money or anything of value,
 2302 including contributions in kind having an attributable monetary
 2303 value in any form, made for the purpose of influencing the
 2304 results of an election or making an electioneering
 2305 communication.

2306 (b) A transfer of funds between political committees,
 2307 between committees of continuous existence, between
 2308 electioneering communications organizations, or between any
 2309 combination of these groups.

2310 (c) The payment, by any person other than a candidate or
 2311 political committee, of compensation for the personal services
 2312 of another person which are rendered to a candidate or political
 2313 committee without charge to the candidate or committee for such
 2314 services.

2315 (d) The transfer of funds by a campaign treasurer or
 2316 deputy campaign treasurer between a primary depository and a
 2317 separate interest-bearing account or certificate of deposit, and
 2318 the term includes any interest earned on such account or
 2319 certificate.

2320

2321 Notwithstanding the foregoing meanings of "contribution," the
 2322 word shall not be construed to include services, including, but
 2323 not limited to, legal and accounting services, provided without
 2324 compensation by individuals volunteering a portion or all of

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2325 their time on behalf of a candidate or political committee,
 2326 funds received under s. 106.012, or. ~~This definition shall not~~
 2327 ~~be construed to include~~ editorial endorsements.

2328 (4) (a) "Expenditure" means a purchase, payment,
 2329 distribution, loan, advance, transfer of funds by a campaign
 2330 treasurer or deputy campaign treasurer between a primary
 2331 depository and a separate interest-bearing account or
 2332 certificate of deposit, or gift of money or anything of value
 2333 made for the purpose of influencing the results of an election
 2334 or making an electioneering communication. However,
 2335 "expenditure" does not include funds spent under s. 106.012 or a
 2336 purchase, payment, distribution, loan, advance, or gift of money
 2337 or anything of value made for the purpose of influencing the
 2338 results of an election when made by an organization, in
 2339 existence prior to the time during which a candidate qualifies
 2340 or an issue is placed on the ballot for that election, for the
 2341 purpose of printing or distributing such organization's
 2342 newsletter, containing a statement by such organization in
 2343 support of or opposition to a candidate or issue, which
 2344 newsletter is distributed only to members of such organization.

2345 (5)

2346 (b) An expenditure for the purpose of expressly advocating
 2347 the election or defeat of a candidate which is made by the
 2348 national, state, or county executive committee of a political
 2349 party, including any subordinate committee of a national, state,
 2350 or county committee of a political party, or by any political
 2351 committee or committee of continuous existence, or any other
 2352 person, shall not be considered an independent expenditure if

2353 | the committee or person:

2354 | 1. Communicates with the candidate, the candidate's
 2355 | campaign, or an agent of the candidate acting on behalf of the
 2356 | candidate, including any pollster, media consultant, advertising
 2357 | agency, vendor, advisor, or staff member, concerning the
 2358 | preparation of, use of, or payment for, the specific expenditure
 2359 | or advertising campaign at issue; or

2360 | 2. Makes a payment in cooperation, consultation, or
 2361 | concert with, at the request or suggestion of, or pursuant to
 2362 | any general or particular understanding with the candidate, the
 2363 | candidate's campaign, a political committee supporting the
 2364 | candidate, or an agent of the candidate relating to the specific
 2365 | expenditure or advertising campaign at issue; or

2366 | 3. Makes a payment for the dissemination, distribution, or
 2367 | republication, in whole or in part, of any broadcast or any
 2368 | written, graphic, or other form of campaign material prepared by
 2369 | the candidate, the candidate's campaign, or an agent of the
 2370 | candidate, including any pollster, media consultant, advertising
 2371 | agency, vendor, advisor, or staff member; or

2372 | 4. Makes a payment based on information about the
 2373 | candidate's plans, projects, or needs communicated to a member
 2374 | of the committee or person by the candidate or an agent of the
 2375 | candidate, provided the committee or person uses the information
 2376 | in any way, in whole or in part, either directly or indirectly,
 2377 | to design, prepare, or pay for the specific expenditure or
 2378 | advertising campaign at issue; or

2379 | 5. After the last day of the qualifying period prescribed
 2380 | for the candidate ~~for statewide or legislative office~~, consults

2381 about the candidate's plans, projects, or needs in connection
 2382 with the candidate's pursuit of election to office and the
 2383 information is used in any way to plan, create, design, or
 2384 prepare an independent expenditure or advertising campaign,
 2385 with:

2386 a. Any officer, director, employee, or agent of a
 2387 national, state, or county executive committee of a political
 2388 party that has made or intends to make expenditures in
 2389 connection with or contributions to the candidate; or

2390 b. Any person whose professional services have been
 2391 retained by a national, state, or county executive committee of
 2392 a political party that has made or intends to make expenditures
 2393 in connection with or contributions to the candidate; or

2394 6. After the last day of the qualifying period prescribed
 2395 for the candidate ~~for statewide or legislative office~~, retains
 2396 the professional services of any person also providing those
 2397 services to the candidate in connection with the candidate's
 2398 pursuit of election to office; or

2399 7. Arranges, coordinates, or directs the expenditure, in
 2400 any way, with the candidate or an agent of the candidate.

2401 (15) "Unopposed candidate" means a candidate for
 2402 nomination or election to an office who, after the last day on
 2403 which any person, including a write-in candidate, may qualify,
 2404 is without opposition in the election at which the office is to
 2405 be filled or who is without such opposition after such date as a
 2406 result of any primary election or of withdrawal by other
 2407 candidates seeking the same office. A candidate is not an
 2408 unopposed candidate if there is a vacancy to be filled under s.

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2409 100.111(3) ~~s. 100.111(4)~~, if there is a legal proceeding pending
 2410 regarding the right to a ballot position for the office sought
 2411 by the candidate, or if the candidate is seeking retention as a
 2412 justice or judge.

2413 (16) "Candidate" means any person to whom any one or more
 2414 of the following apply:

2415 (c) Any person who receives contributions or makes
 2416 expenditures, or consents for any other person to receive
 2417 contributions or make expenditures, with a view to bring about
 2418 his or her nomination or election to, or retention in, public
 2419 office. Expenditures related to potential candidate polls as
 2420 provided in s. 106.17 are not contributions or expenditures for
 2421 purposes of this subsection.

2422
 2423 However, this definition does not include any candidate for a
 2424 political party executive committee.

2425 Section 39. Section 106.012, Florida Statutes, is created
 2426 to read:

2427 106.012 Testing the waters.—

2428 (1) Funds received and spent solely for the purpose of
 2429 determining whether an individual should become a candidate are
 2430 not contributions and expenditures. Examples of activities
 2431 permissible under this exemption include, but are not limited
 2432 to, conducting a poll, telephone calls, and travel. Only funds
 2433 permissible under this chapter may be used for such activities.
 2434 The individual shall retain records of all such funds received
 2435 and spent. If the individual subsequently becomes a candidate,
 2436 the funds received are contributions and the funds spent are

2437 expenditures subject to the reporting requirements of this
 2438 chapter. The contributions and expenditures must be reported
 2439 with the initial report required by s. 106.07, regardless of the
 2440 date the funds were received or spent.

2441 (2) The exemption provided in subsection (1) does not
 2442 apply to funds received or spent for activities indicating that
 2443 an individual has decided to become a candidate for a particular
 2444 office or for activities relevant to conducting a campaign.

2445 Examples of activities that indicate that an individual has
 2446 decided to become a candidate include, but are not limited to:

2447 (a) The individual uses general political advertising to
 2448 publicize his or her intent to campaign for office.

2449 (b) The individual raises funds in excess of what could
 2450 reasonably be expected to be used for exploratory activities or
 2451 undertakes activities designed to amass campaign funds that
 2452 would be spent after he or she becomes a candidate.

2453 (c) The individual makes or authorizes written or oral
 2454 statements that refer to him or her as a candidate for office.

2455 (d) The individual conducts activities in close proximity
 2456 to the election or over a protracted period of time.

2457 (e) The individual takes action to qualify for office
 2458 under s. 99.061.

2459 (3) Individuals are limited to receiving up to \$10,000 for
 2460 determining whether to become a candidate for office under this
 2461 section. An individual may only determine whether to become a
 2462 candidate for a single office.

2463 Section 40. Subsection (3) of section 106.021, Florida
 2464 Statutes, is amended to read:

2465 | 106.021 Campaign treasurers; deputies; primary and
 2466 | secondary depositories.—
 2467 | (3) No contribution or expenditure, including
 2468 | contributions or expenditures of a candidate or of the
 2469 | candidate's family, shall be directly or indirectly made or
 2470 | received in furtherance of the candidacy of any person for
 2471 | nomination or election to political office in the state or on
 2472 | behalf of any political committee except through the duly
 2473 | appointed campaign treasurer of the candidate or political
 2474 | committee, subject to the following exceptions:
 2475 | (a) Independent expenditures;
 2476 | (b) Reimbursements to a candidate or any other individual
 2477 | for expenses incurred in connection with the campaign or
 2478 | activities of the political committee by a check drawn upon the
 2479 | campaign account and reported pursuant to s. 106.07(4). ~~After~~
 2480 | ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom
 2481 | the candidate or other individual made payment for which
 2482 | reimbursement was made by check drawn upon the campaign account
 2483 | shall be reported pursuant to s. 106.07(4), together with the
 2484 | purpose of such payment;
 2485 | (c) Expenditures made indirectly through a treasurer for
 2486 | goods or services, such as communications media placement or
 2487 | procurement services, campaign signs, insurance, or other
 2488 | expenditures that include multiple integral components as part
 2489 | of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
 2490 | or
 2491 | (d) Expenditures made directly by any political committee
 2492 | or political party regulated by chapter 103 for obtaining time,

2493 space, or services in or by any communications medium for the
 2494 purpose of jointly endorsing three or more candidates, and any
 2495 such expenditure shall not be considered a contribution or
 2496 expenditure to or on behalf of any such candidates for the
 2497 purposes of this chapter.

2498 Section 41. Section 106.022, Florida Statutes, is amended
 2499 to read:

2500 106.022 Appointment of a registered agent; duties.—

2501 (1) Each political committee, committee of continuous
 2502 existence, or electioneering communications organization shall
 2503 have and continuously maintain in this state a registered office
 2504 and a registered agent and must file with the filing officer
 2505 ~~division~~ a statement of appointment for the registered office
 2506 and registered agent. The statement of appointment must:

2507 (a) Provide the name of the registered agent and the
 2508 street address and phone number for the registered office;

2509 (b) Identify the entity for whom the registered agent
 2510 serves;

2511 (c) Designate the address the registered agent wishes to
 2512 use to receive mail;

2513 (d) Include the entity's undertaking to inform the filing
 2514 officer ~~division~~ of any change in such designated address;

2515 (e) Provide for the registered agent's acceptance of the
 2516 appointment, which must confirm that the registered agent is
 2517 familiar with and accepts the obligations of the position as set
 2518 forth in this section; and

2519 (f) Contain the signature of the registered agent and the
 2520 entity engaging the registered agent.

2521 (2) An entity may change its appointment of registered
 2522 agent and registered office under this section by executing a
 2523 written statement of change and filing it with the filing
 2524 officer. The statement must satisfy ~~that identifies the former~~
 2525 ~~registered agent and registered address and also satisfies~~ all
 2526 of the requirements of subsection (1).

2527 (3) A registered agent may resign his or her appointment
 2528 as registered agent by executing a written statement of
 2529 resignation and filing it with the filing officer ~~division~~. An
 2530 entity without a registered agent may not make expenditures or
 2531 accept contributions until it files a written statement of
 2532 change as required in subsection (2).

2533 Section 42. Subsection (1) of section 106.023, Florida
 2534 Statutes, is amended to read:

2535 106.023 Statement of candidate.—

2536 (1) Each candidate must file a statement with the
 2537 qualifying officer within 10 days after filing the appointment
 2538 of campaign treasurer and designation of campaign depository,
 2539 stating that the candidate has read and understands the
 2540 requirements of this chapter. Such statement shall be provided
 2541 by the filing officer and shall be in substantially the
 2542 following form:

2543 STATEMENT OF CANDIDATE

2544 I,, candidate for the office of, have been
 2545 provided access to ~~received~~, read, and understand the
 2546 requirements of Chapter 106, Florida Statutes.

2547 ... (Signature of candidate) ... (Date) ...

2548 Willful failure to file this form is a violation of ss.

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2549 106.19(1)(c) and 106.25(3), F.S.

2550 Section 43. Paragraph (c) of subsection (1) of section
2551 106.025, Florida Statutes, is amended to read:

2552 106.025 Campaign fund raisers.—

2553 (1)

2554 (c) Any tickets or advertising for such a campaign fund
2555 raiser shall contain the following statement: "The purchase of a
2556 ticket for, or a contribution to, the campaign fund raiser is a
2557 contribution to the campaign of ...(name of the candidate for
2558 whose benefit the campaign fund raiser is held)...." However,
2559 this paragraph does not apply to any campaign message or
2560 political advertisement that satisfies the requirements of s.
2561 106.143(9). Such tickets or advertising shall also comply with
2562 other provisions of this chapter relating to political
2563 advertising.

2564 Section 44. Subsection (4) of section 106.04, Florida
2565 Statutes, is amended, present subsections (7) and (8) are
2566 amended and renumbered as subsections (8) and (9), respectively,
2567 and a new subsection (7) is added to that section, to read:

2568 106.04 Committees of continuous existence.—

2569 (4)(a) Each committee of continuous existence shall file
2570 an annual report with the Division of Elections during the month
2571 of January. Such annual reports shall contain the same
2572 information and shall be accompanied by the same materials as
2573 original applications filed pursuant to subsection (2). However,
2574 the charter or bylaws need not be filed if the annual report is
2575 accompanied by a sworn statement by the chair that no changes
2576 have been made to such charter or bylaws since the last filing.

2577 (b)1. Each committee of continuous existence shall file
 2578 regular reports with the Division of Elections at the same times
 2579 and subject to the same filing conditions as are established by
 2580 s. 106.07(1) and (2) for candidates' reports.

2581 2. A committee of continuous existence that makes a
 2582 contribution or an expenditure in connection with a county or
 2583 municipal election that is not being held at the same time as a
 2584 state or federal election must file campaign finance reports
 2585 with the county or municipal filing officer on the same dates as
 2586 county or municipal candidates or committees for that election.
 2587 The committee of continuous existence must also include the
 2588 contribution or expenditure in the next report filed with the
 2589 Division of Elections pursuant to this section after the county
 2590 or municipal election.

2591 ~~3.2.~~ Any committee of continuous existence failing to so
 2592 file a report with the Division of Elections or applicable
 2593 filing officer pursuant to this paragraph on the designated due
 2594 date shall be subject to a fine for late filing as provided by
 2595 this section.

2596 (c) All committees of continuous existence shall file
 2597 their reports with the Division of Elections. Reports shall be
 2598 filed in accordance with s. 106.0705 and shall contain the
 2599 following information:

2600 1. The full name, address, and occupation of each person
 2601 who has made one or more contributions, including contributions
 2602 that represent the payment of membership dues, to the committee
 2603 during the reporting period, together with the amounts and dates
 2604 of such contributions. For corporations, the report must provide

2605 as clear a description as practicable of the principal type of
 2606 business conducted by the corporation. However, if the
 2607 contribution is \$100 or less, the occupation of the contributor
 2608 or principal type of business need not be listed. However, for
 2609 any contributions that represent the payment of dues by members
 2610 in a fixed amount aggregating no more than \$250 per calendar
 2611 year, pursuant to the schedule on file with the Division of
 2612 Elections, only the aggregate amount of such contributions need
 2613 be listed, together with the number of members paying such dues
 2614 and the amount of the membership dues.

2615 2. The name and address of each political committee or
 2616 committee of continuous existence from which the reporting
 2617 committee received, or the name and address of each political
 2618 committee, committee of continuous existence, or political party
 2619 to which it made, any transfer of funds, together with the
 2620 amounts and dates of all transfers.

2621 3. Any other receipt of funds not listed pursuant to
 2622 subparagraph 1. or subparagraph 2., including the sources and
 2623 amounts of all such funds.

2624 4. The name and address of, and office sought by, each
 2625 candidate to whom the committee has made a contribution during
 2626 the reporting period, together with the amount and date of each
 2627 contribution.

2628 5. The full name and address of each person to whom
 2629 expenditures have been made by or on behalf of the committee
 2630 within the reporting period; the amount, date, and purpose of
 2631 each such expenditure; and the name and address, and office
 2632 sought by, each candidate on whose behalf such expenditure was

2633 made.

2634 6. The full name and address of each person to whom an
 2635 expenditure for personal services, salary, or reimbursement for
 2636 authorized expenses has been made, including the full name and
 2637 address of each entity to whom the person made payment for which
 2638 reimbursement was made by check drawn upon the committee
 2639 account, together with the amount and purpose of such payment.

2640 7. Transaction information from each credit card purchase
 2641 ~~statement that will be included in the next report following~~
 2642 ~~receipt thereof by the committee.~~ Receipts for each credit card
 2643 purchase shall be retained by the treasurer with the records for
 2644 the committee account.

2645 8. The total sum of expenditures made by the committee
 2646 during the reporting period.

2647 (d) The treasurer of each committee shall certify as to
 2648 the correctness of each report and shall bear the responsibility
 2649 for its accuracy and veracity. Any treasurer who willfully
 2650 certifies to the correctness of a report while knowing that such
 2651 report is incorrect, false, or incomplete commits a misdemeanor
 2652 of the first degree, punishable as provided in s. 775.082 or s.
 2653 775.083.

2654 (7) Any change in information previously submitted to the
 2655 division shall be reported within 10 days after the change.

2656 (8) ~~(7)~~ If a committee of continuous existence ceases to
 2657 meet the criteria prescribed by subsection (1) or fails to file
 2658 a report or information required pursuant to this chapter, the
 2659 Division of Elections shall revoke its certification ~~until such~~
 2660 ~~time as the criteria are again met.~~ The Division of Elections

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2661 shall ~~adopt promulgate~~ rules to prescribe the manner in which
 2662 the such certification of a committee of continuous existence
 2663 shall be revoked. Such rules shall, at a minimum, provide for:
 2664 (a) Notice, which must ~~shall~~ contain the facts and conduct
 2665 that warrant the intended action.
 2666 (b) Adequate opportunity to respond.
 2667 (c) Appeal of the decision to the Florida Elections
 2668 Commission. Such appeals are ~~shall be~~ exempt from the
 2669 confidentiality provisions of s. 106.25.
 2670 ~~(9)(8)~~(a) Any committee of continuous existence failing to
 2671 file a report on the designated due date is ~~shall be~~ subject to
 2672 a fine. The fine shall be \$50 per day for the first 3 days late
 2673 and, thereafter, \$500 per day for each late day, not to exceed
 2674 25 percent of the total receipts or expenditures, whichever is
 2675 greater, for the period covered by the late report. However, for
 2676 the reports immediately before each primary and general
 2677 election, including a special primary election and a special
 2678 general election, the fine shall be \$500 per day for each late
 2679 day, not to exceed 25 percent of the total receipts or
 2680 expenditures, whichever is greater, for the period covered by
 2681 the late report. The fine shall be assessed by the filing
 2682 officer, and the moneys collected shall be deposited into:
 2683 1. ~~In~~ The General Revenue Fund, in the case of fines
 2684 collected by the Division of Elections.
 2685 2. The general revenue fund of the political subdivision,
 2686 in the case of fines collected by a county or municipal filing
 2687 officer. ~~No separate fine shall be assessed for failure to file~~
 2688 ~~a copy of any report required by this section.~~

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2689 (b) Upon determining that a report is late, the filing
 2690 officer shall immediately notify the treasurer of the committee
 2691 or the committee's registered agent as to the failure to file a
 2692 report by the designated due date and that a fine is being
 2693 assessed for each late day. Upon receipt of the report, the
 2694 filing officer shall determine the amount of fine which is due
 2695 and shall notify the treasurer of the committee. Notice is
 2696 deemed complete upon proof of delivery of written notice to the
 2697 mailing or street address on record with the filing officer. The
 2698 filing officer shall determine the amount of the fine due based
 2699 upon the earliest of the following:

- 2700 1. When the report is actually received by such officer.
- 2701 2. When the report is postmarked.
- 2702 3. When the certificate of mailing is dated.
- 2703 4. When the receipt from an established courier company is
 2704 dated.

2705
 2706 Such fine shall be paid to the filing officer within 20 days
 2707 after receipt of the notice of payment due, unless appeal is
 2708 made to the Florida Elections Commission pursuant to paragraph
 2709 (c). An officer or member of a committee is ~~shall~~ not be
 2710 personally liable for such fine.

2711 (c) Any treasurer of a committee may appeal or dispute the
 2712 fine, based upon unusual circumstances surrounding the failure
 2713 to file on the designated due date, and may request and is ~~shall~~
 2714 ~~be~~ entitled to a hearing before the Florida Elections
 2715 Commission, which may ~~shall~~ have the authority to waive the fine
 2716 in whole or in part. Any such request must ~~shall~~ be made within

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2717 20 days after receipt of the notice of payment due. ~~In such~~
 2718 ~~ease, the treasurer of~~ The committee shall file a copy of the
 2719 appeal with, ~~within the 20-day period,~~ ~~notify the filing officer~~
 2720 ~~in writing of his or her intention to bring the matter before~~
 2721 the commission.

2722 (d) The filing officer shall notify the Florida Elections
 2723 Commission of the repeated late filing by a committee of
 2724 continuous existence, the failure of a committee of continuous
 2725 existence to file a report after notice, or the failure to pay
 2726 the fine imposed. As used in this section, the term "repeated
 2727 late filing" means at least three late filings occurring within
 2728 any 2-year period. The commission shall treat notification of
 2729 each repeated late filing as a separate violation of this
 2730 section.

2731 Section 45. Section 106.07, Florida Statutes, is amended
 2732 to read:

2733 106.07 Reports; certification and filing.—

2734 (1) Each campaign treasurer designated by a candidate or
 2735 political committee pursuant to s. 106.021 shall file regular
 2736 reports of all contributions received, and all expenditures
 2737 made, by or on behalf of such candidate or political committee.
 2738 Except for the third calendar quarter immediately before a
 2739 general election, reports shall be filed on the 10th day
 2740 following the end of each calendar quarter from the time the
 2741 campaign treasurer is appointed, except that, if the 10th day
 2742 following the end of a calendar quarter occurs on a Saturday,
 2743 Sunday, or legal holiday, the report shall be filed on the next
 2744 following day which is not a Saturday, Sunday, or legal holiday.

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2745 Quarterly reports shall include all contributions received and
 2746 expenditures made during the calendar quarter which have not
 2747 otherwise been reported pursuant to this section.

2748 (a) Except as provided in paragraph (b), ~~following the~~
 2749 ~~last day of qualifying for office,~~ the reports shall also be
 2750 filed on the 32nd, 18th, and 4th days immediately preceding the
 2751 primary and on the 46th, 32nd, 18th, and 4th days immediately
 2752 preceding the election, for a candidate who is opposed in
 2753 seeking nomination or election to any office, for a political
 2754 committee, or for a committee of continuous existence.

2755 (b) ~~Following the last day of qualifying for office,~~ Any
 2756 statewide candidate who has requested to receive contributions
 2757 pursuant to ~~from~~ the Florida Election Campaign Financing Act
 2758 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
 2759 who has requested to receive contributions pursuant to ~~from~~ the
 2760 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,
 2761 25th, and 32nd days prior to the primary election, and on the
 2762 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
 2763 the general election.

2764 (c) Following the last day of qualifying for office, any
 2765 unopposed candidate need only file a report within 90 days after
 2766 the date such candidate became unopposed. Such report shall
 2767 contain all previously unreported contributions and expenditures
 2768 as required by this section and shall reflect disposition of
 2769 funds as required by s. 106.141.

2770 (d)1. When a special election is called to fill a vacancy
 2771 in office, all political committees ~~and committees of continuous~~
 2772 ~~existence~~ making contributions or expenditures to influence the

2773 results of such special election or the preceding special
 2774 primary election shall file campaign treasurers' reports with
 2775 the filing officer on the dates set by the Department of State
 2776 pursuant to s. 100.111.

2777 2. When an election is called for an issue to appear on
 2778 the ballot at a time when no candidates are scheduled to appear
 2779 on the ballot, all political committees making contributions or
 2780 expenditures in support of or in opposition to such issue shall
 2781 file reports on the 18th and 4th days prior to such election.

2782 (e) The filing officer shall provide each candidate with a
 2783 schedule designating the beginning and end of reporting periods
 2784 as well as the corresponding designated due dates.

2785 (2)(a)1. All reports required of a candidate by this
 2786 section shall be filed with the officer before whom the
 2787 candidate is required by law to qualify. All candidates who file
 2788 with the Department of State shall file their reports pursuant
 2789 to s. 106.0705. Except as provided in s. 106.0705, reports shall
 2790 be filed not later than 5 p.m. of the day designated; however,
 2791 any report postmarked by the United States Postal Service no
 2792 later than midnight of the day designated shall be deemed to
 2793 have been filed in a timely manner. Any report received by the
 2794 filing officer within 5 days after the designated due date that
 2795 was delivered by the United States Postal Service shall be
 2796 deemed timely filed unless it has a postmark that indicates that
 2797 the report was mailed after the designated due date. A
 2798 certificate of mailing obtained from and dated by the United
 2799 States Postal Service at the time of mailing, or a receipt from
 2800 an established courier company, which bears a date on or before

2801 the date on which the report is due, shall be proof of mailing
 2802 in a timely manner. Reports shall contain information of all
 2803 previously unreported contributions received and expenditures
 2804 made as of the preceding Friday, except that the report filed on
 2805 the Friday immediately preceding the election shall contain
 2806 information of all previously unreported contributions received
 2807 and expenditures made as of the day preceding that designated
 2808 due date. All such reports shall be open to public inspection.

2809 2. This subsection does not prohibit the governing body of
 2810 a political subdivision, by ordinance or resolution, from
 2811 imposing upon its own officers and candidates electronic filing
 2812 requirements not in conflict with s. 106.0705. Expenditure of
 2813 public funds for such purpose is deemed to be for a valid public
 2814 purpose.

2815 (b)1. Any report that ~~which~~ is deemed to be incomplete by
 2816 the officer with whom the candidate qualifies shall be accepted
 2817 on a conditional basis, ~~and~~ The campaign treasurer shall be
 2818 notified by certified registered mail or by another method using
 2819 a common carrier that provides a proof of delivery of the notice
 2820 as to why the report is incomplete and within 7 ~~be given 3~~ days
 2821 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
 2822 the report providing all information necessary to complete the
 2823 report in compliance with this section. Failure to file a
 2824 complete report after such notice constitutes a violation of
 2825 this chapter.

2826 2. Notice is deemed complete upon proof of delivery of a
 2827 written notice to the mailing or street address of the campaign
 2828 treasurer or registered agent of record with the filing officer.

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2829 ~~In lieu of the notice by registered mail as required in~~
 2830 ~~subparagraph 1., the qualifying officer may notify the campaign~~
 2831 ~~treasurer by telephone that the report is incomplete and request~~
 2832 ~~the information necessary to complete the report. If, however,~~
 2833 ~~such information is not received by the qualifying officer~~
 2834 ~~within 3 days after the telephone request therefor, notice shall~~
 2835 ~~be sent by registered mail as provided in subparagraph 1.~~

2836 (3) (a) Reports required of a political committee shall be
 2837 filed with the agency or officer before whom such committee
 2838 registers pursuant to s. 106.03(3) and shall be subject to the
 2839 same filing conditions as established for candidates' reports.
 2840 Incomplete reports by political committees shall be treated in
 2841 the manner provided for incomplete reports by candidates in
 2842 subsection (2).

2843 (b) In addition to the reports required under paragraph
 2844 (a), a political committee that is registered with the
 2845 Department of State and that makes a contribution or expenditure
 2846 in connection with a county or municipal election that is not
 2847 being held at the same time as a state or federal election must
 2848 file campaign finance reports with the county or municipal
 2849 filing officer on the same dates as county or municipal
 2850 candidates or committees for that election. The political
 2851 committee must also include such contribution or expenditure in
 2852 the next report filed with the Division of Elections pursuant to
 2853 this section following the county or municipal election.

2854 (4) (a) Each report required by this section must ~~shall~~
 2855 contain:

2856 1. The full name, address, and occupation, if any of each

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2857 person who has made one or more contributions to or for such
2858 committee or candidate within the reporting period, together
2859 with the amount and date of such contributions. For
2860 corporations, the report must provide as clear a description as
2861 practicable of the principal type of business conducted by the
2862 corporation. However, if the contribution is \$100 or less or is
2863 from a relative, as defined in s. 112.312, provided that the
2864 relationship is reported, the occupation of the contributor or
2865 the principal type of business need not be listed.

2866 2. The name and address of each political committee from
2867 which the reporting committee or the candidate received, or to
2868 which the reporting committee or candidate made, any transfer of
2869 funds, together with the amounts and dates of all transfers.

2870 3. Each loan for campaign purposes to or from any person
2871 or political committee within the reporting period, together
2872 with the full names, addresses, and occupations, and principal
2873 places of business, if any, of the lender and endorsers, if any,
2874 and the date and amount of such loans.

2875 4. A statement of each contribution, rebate, refund, or
2876 other receipt not otherwise listed under subparagraphs 1.
2877 through 3.

2878 5. The total sums of all loans, in-kind contributions, and
2879 other receipts by or for such committee or candidate during the
2880 reporting period. The reporting forms shall be designed to
2881 elicit separate totals for in-kind contributions, loans, and
2882 other receipts.

2883 6. The full name and address of each person to whom
2884 expenditures have been made by or on behalf of the committee or

2885 candidate within the reporting period; the amount, date, and
 2886 purpose of each such expenditure; and the name and address of,
 2887 and office sought by, each candidate on whose behalf such
 2888 expenditure was made. However, expenditures made from the petty
 2889 cash fund provided by s. 106.12 need not be reported
 2890 individually.

2891 7. The full name and address of each person to whom an
 2892 expenditure for personal services, salary, or reimbursement for
 2893 authorized expenses as provided in s. 106.021(3) has been made
 2894 and which is not otherwise reported, including the amount, date,
 2895 and purpose of such expenditure. However, expenditures made from
 2896 the petty cash fund provided for in s. 106.12 need not be
 2897 reported individually. Receipts for reimbursement for authorized
 2898 expenses shall be retained by the treasurer with the records for
 2899 the campaign account.

2900 8. The total amount withdrawn and the total amount spent
 2901 for petty cash purposes pursuant to this chapter during the
 2902 reporting period.

2903 9. The total sum of expenditures made by such committee or
 2904 candidate during the reporting period.

2905 10. The amount and nature of debts and obligations owed by
 2906 or to the committee or candidate, which relate to the conduct of
 2907 any political campaign.

2908 11. Transaction information for each credit card purchase.
 2909 ~~A copy of each credit card statement which shall be included in~~
 2910 ~~the next report following receipt thereof by the candidate or~~
 2911 ~~political committee. Receipts for each credit card purchase~~
 2912 ~~shall be retained by the treasurer with the records for the~~

2913 ~~campaign account.~~

2914 12. The amount and nature of any separate interest-bearing
2915 accounts or certificates of deposit and identification of the
2916 financial institution in which such accounts or certificates of
2917 deposit are located.

2918 13. The primary purposes of an expenditure made indirectly
2919 through a campaign treasurer pursuant to s. 106.021(3) for goods
2920 and services such as communications media placement or
2921 procurement services, campaign signs, insurance, and other
2922 expenditures that include multiple components as part of the
2923 expenditure. The primary purpose of an expenditure shall be that
2924 purpose, including integral and directly related components,
2925 that comprises 80 percent of such expenditure.

2926 (b) The filing officer shall make available to any
2927 candidate or committee a reporting form which the candidate or
2928 committee may use to indicate contributions received by the
2929 candidate or committee but returned to the contributor before
2930 deposit.

2931 (5) The candidate and his or her campaign treasurer, in
2932 the case of a candidate, or the political committee chair and
2933 campaign treasurer of the committee, in the case of a political
2934 committee, shall certify as to the correctness of each report;
2935 and each person so certifying shall bear the responsibility for
2936 the accuracy and veracity of each report. Any campaign
2937 treasurer, candidate, or political committee chair who willfully
2938 certifies the correctness of any report while knowing that such
2939 report is incorrect, false, or incomplete commits a misdemeanor
2940 of the first degree, punishable as provided in s. 775.082 or s.

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2941 775.083.

2942 (6) ~~The campaign depository shall return all checks drawn~~
 2943 ~~on the account to the campaign treasurer who shall retain the~~
 2944 ~~records pursuant to s. 106.06.~~ The records maintained by the
 2945 campaign depository with respect to any campaign account
 2946 regulated by this chapter are ~~such account shall be~~ subject to
 2947 inspection by an agent of the Division of Elections or the
 2948 Florida Elections Commission at any time during normal banking
 2949 hours, and such depository shall furnish certified copies of any
 2950 of such records to the Division of Elections or Florida
 2951 Elections Commission upon request.

2952 (7) Notwithstanding any other provisions of this chapter,
 2953 in any reporting period during which a candidate, political
 2954 committee, or committee of continuous existence has not received
 2955 funds, made any contributions, or expended any reportable funds,
 2956 the filing of the required report for that period is waived.
 2957 However, the next report filed must specify that the report
 2958 covers the entire period between the last submitted report and
 2959 the report being filed, and any candidate, political committee,
 2960 or committee of continuous existence not reporting by virtue of
 2961 this subsection on dates prescribed elsewhere in this chapter
 2962 shall notify the filing officer in writing on the prescribed
 2963 reporting date that no report is being filed on that date.

2964 (8) (a) Any candidate or political committee failing to
 2965 file a report on the designated due date is ~~shall be~~ subject to
 2966 a fine as provided in paragraph (b) for each late day, and, in
 2967 the case of a candidate, such fine shall be paid only from
 2968 personal funds of the candidate. The fine shall be assessed by

2969 the filing officer and the moneys collected shall be deposited:

2970 1. In the General Revenue Fund, in the case of a candidate
 2971 for state office or a political committee that registers with
 2972 the Division of Elections; or

2973 2. In the general revenue fund of the political
 2974 subdivision, in the case of a candidate for an office of a
 2975 political subdivision or a political committee that registers
 2976 with an officer of a political subdivision.

2977
 2978 ~~No separate fine shall be assessed for failure to file a copy of~~
 2979 ~~any report required by this section.~~

2980 (b) Upon determining that a report is late, the filing
 2981 officer shall immediately notify the candidate or chair of the
 2982 political committee as to the failure to file a report by the
 2983 designated due date and that a fine is being assessed for each
 2984 late day. The fine shall be \$50 per day for the first 3 days
 2985 late and, thereafter, \$500 per day for each late day, not to
 2986 exceed 25 percent of the total receipts or expenditures,
 2987 whichever is greater, for the period covered by the late report.
 2988 However, for the reports immediately preceding each special
 2989 primary election, special election, primary election, and
 2990 general election, the fine shall be \$500 per day for each late
 2991 day, not to exceed 25 percent of the total receipts or
 2992 expenditures, whichever is greater, for the period covered by
 2993 the late report. For reports required under s. 106.141(7), the
 2994 fine is \$50 per day for each late day, not to exceed 25 percent
 2995 of the total receipts or expenditures, whichever is greater, for
 2996 the period covered by the late report. Upon receipt of the

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2997 | report, the filing officer shall determine the amount of the
 2998 | fine which is due and shall notify the candidate or chair or
 2999 | registered agent of the political committee. The filing officer
 3000 | shall determine the amount of the fine due based upon the
 3001 | earliest of the following:

- 3002 | 1. When the report is actually received by such officer.
- 3003 | 2. When the report is postmarked.
- 3004 | 3. When the certificate of mailing is dated.
- 3005 | 4. When the receipt from an established courier company is
 3006 | dated.
- 3007 | 5. When the electronic receipt issued pursuant to s.
 3008 | 106.0705 or other electronic filing system authorized in this
 3009 | section is dated.

3010 |
 3011 | Such fine shall be paid to the filing officer within 20 days
 3012 | after receipt of the notice of payment due, unless appeal is
 3013 | made to the Florida Elections Commission pursuant to paragraph
 3014 | (c). Notice is deemed complete upon proof of delivery of written
 3015 | notice to the mailing or street address of record with the
 3016 | filing officer. In the case of a candidate, such fine shall not
 3017 | be an allowable campaign expenditure and shall be paid only from
 3018 | personal funds of the candidate. An officer or member of a
 3019 | political committee shall not be personally liable for such
 3020 | fine.

3021 | (c) Any candidate or chair of a political committee may
 3022 | appeal or dispute the fine, based upon, but not limited to,
 3023 | unusual circumstances surrounding the failure to file on the
 3024 | designated due date, and may request and shall be entitled to a

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3025 hearing before the Florida Elections Commission, which shall
3026 have the authority to waive the fine in whole or in part. The
3027 Florida Elections Commission must consider the mitigating and
3028 aggravating circumstances contained in s. 106.265~~(1)~~ when
3029 determining the amount of a fine, if any, to be waived. Any such
3030 request shall be made within 20 days after receipt of the notice
3031 of payment due. In such case, the candidate or chair of the
3032 political committee shall, within the 20-day period, notify the
3033 filing officer in writing of his or her intention to bring the
3034 matter before the commission.

3035 (d) The appropriate filing officer shall notify the
3036 Florida Elections Commission of the repeated late filing by a
3037 candidate or political committee, the failure of a candidate or
3038 political committee to file a report after notice, or the
3039 failure to pay the fine imposed. The commission shall
3040 investigate only those alleged late filing violations
3041 specifically identified by the filing officer and as set forth
3042 in the notification. Any other alleged violations must be
3043 separately stated and reported by the division to the commission
3044 under s. 106.25(2). As used in this paragraph, the term
3045 "repeated late filing" means at least three late filings
3046 occurring within any 2-year period. The commission shall treat
3047 notification of each repeated late filing as a separate
3048 violation of this section.

3049 (9) The Department of State may prescribe by rule the
3050 requirements for filing campaign treasurers' reports as set
3051 forth in this chapter.

3052 Section 46. Paragraphs (c) and (d) of subsection (7) and

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3053 subsection (8) of section 106.0703, Florida Statutes, are
 3054 amended to read:
 3055 106.0703 Electioneering communications organizations;
 3056 reporting requirements; certification and filing; penalties.—
 3057 (7)
 3058 (c) The treasurer of an electioneering communications
 3059 organization may appeal or dispute the fine, based upon, but not
 3060 limited to, unusual circumstances surrounding the failure to
 3061 file on the designated due date, and may request and shall be
 3062 entitled to a hearing before the Florida Elections Commission,
 3063 which shall have the authority to waive the fine in whole or in
 3064 part. The Florida Elections Commission must consider the
 3065 mitigating and aggravating circumstances contained in s.
 3066 ~~106.265(1)~~ when determining the amount of a fine, if any, to be
 3067 waived. Any such request shall be made within 20 days after
 3068 receipt of the notice of payment due. In such case, the
 3069 treasurer of the electioneering communications organization
 3070 shall, within the 20-day period, notify the filing officer in
 3071 writing of his or her intention to bring the matter before the
 3072 commission.
 3073 (d) The appropriate filing officer shall notify the
 3074 Florida Elections Commission of the repeated late filing by an
 3075 electioneering communications organization, the failure of an
 3076 electioneering communications organization to file a report
 3077 after notice, or the failure to pay the fine imposed. The
 3078 commission shall investigate only those alleged late filing
 3079 violations specifically identified by the filing officer and as
 3080 set forth in the notification. Any other alleged violations must

3081 be stated separately and reported by the division to the
 3082 commission under s. 106.25(2). As used in this paragraph, the
 3083 term "repeated late filing" means at least three late filings
 3084 occurring within any 2-year period. The commission shall treat
 3085 notification of each repeated late filing as a separate
 3086 violation of this section.

3087 (8) An electioneering communications organization shall,
 3088 within 2 days after receiving its initial password or secure
 3089 sign-on from the Department of State allowing confidential
 3090 access to the department's electronic campaign finance filing
 3091 system, electronically file ~~the~~ periodic reports ~~that would have~~
 3092 ~~been required pursuant to this section for reportable activities~~
 3093 ~~that occurred since the date of the last general election.~~

3094 Section 47. Paragraphs (a) and (c) of subsection (2) and
 3095 subsections (3) and (7) of section 106.0705, Florida Statutes,
 3096 are amended to read:

3097 106.0705 Electronic filing of campaign treasurer's
 3098 reports.—

3099 (2) (a) Each individual candidate who is required to file
 3100 reports with the division pursuant to s. 106.07 or s. 106.141
 3101 ~~with the division~~ must file such reports ~~with the division~~ by
 3102 means of the division's electronic filing system.

3103 (c) Each person or organization that is required to file
 3104 reports with the division under s. 106.071 must file such
 3105 reports ~~with the division~~ by means of the division's electronic
 3106 filing system.

3107 (3) Reports filed pursuant to this section shall be
 3108 completed and filed through the electronic filing system not

3109 later than midnight of the day designated. Reports not filed by
 3110 midnight of the day designated are late filed and are subject to
 3111 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
 3112 106.0703(7), or s. 106.29(3), as applicable.

3113 ~~(7) Notwithstanding anything in law to the contrary, any~~
 3114 ~~report required to have been filed under this section for the~~
 3115 ~~period ended March 31, 2005, shall be deemed to have been timely~~
 3116 ~~filed if the report is filed under this section on or before~~
 3117 ~~June 1, 2005.~~

3118 Section 48. Subsections (1) and (2) of section 106.071,
 3119 Florida Statutes, are amended to read:

3120 106.071 Independent expenditures; electioneering
 3121 communications; reports; disclaimers.-

3122 (1) Each person who makes an independent expenditure with
 3123 respect to any candidate or issue, and each individual who makes
 3124 an expenditure for an electioneering communication which is not
 3125 otherwise reported pursuant to this chapter, which expenditure,
 3126 in the aggregate in a calendar year, is in the amount of \$5,000
 3127 or more, shall file periodic reports of such expenditures in the
 3128 same manner, at the same time, subject to the same penalties,
 3129 and with the same officer as a political committee supporting or
 3130 opposing such candidate or issue. The report shall contain the
 3131 full name and address of the person making the expenditure; the
 3132 full name and address of each person to whom and for whom each
 3133 such expenditure has been made; the amount, date, and purpose of
 3134 each such expenditure; a description of the services or goods
 3135 obtained by each such expenditure; the issue to which the
 3136 expenditure relates; and the name and address of, and office

3137 | sought by, each candidate on whose behalf such expenditure was
 3138 | made.

3139 | (2) A ~~Any~~ political advertisement paid for by an
 3140 | independent expenditure, other than such an expenditure by an
 3141 | individual in an aggregate amount of \$500, shall prominently
 3142 | state "Paid political advertisement paid for by ... (Name and
 3143 | address of person paying for advertisement)... independently of
 3144 | any ... (candidate or committee)...." However, an independent
 3145 | expenditure made by an individual must state "Paid political
 3146 | advertisement independent of any ... (candidate or
 3147 | committee)...."

3148 | Section 49. Paragraph (c) of subsection (3) and paragraph
 3149 | (b) of subsection (6) of section 106.08, Florida Statutes, are
 3150 | amended to read:

3151 | 106.08 Contributions; limitations on.—

3152 | (3)

3153 | ~~(c) With respect to any campaign for an office in which an~~
 3154 | ~~independent or minor party candidate has filed as required in s.~~
 3155 | ~~99.0955 or s. 99.096, but whose qualification is pending a~~
 3156 | ~~determination by the Department of State or supervisor of~~
 3157 | ~~elections as to whether or not the required number of petition~~
 3158 | ~~signatures was obtained:~~

3159 | ~~1. The department or supervisor shall, no later than 3~~
 3160 | ~~days after that determination has been made, notify in writing~~
 3161 | ~~all other candidates for that office of that determination.~~

3162 | ~~2. Any contribution received by a candidate or the~~
 3163 | ~~campaign treasurer or deputy campaign treasurer of a candidate~~
 3164 | ~~after the candidate has been notified in writing by the~~

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3165 ~~department or supervisor that he or she has become unopposed as~~
3166 ~~a result of an independent or minor party candidate failing to~~
3167 ~~obtain the required number of petition signatures shall be~~
3168 ~~returned to the person, political committee, or committee of~~
3169 ~~continuous existence contributing it and shall not be used or~~
3170 ~~expended by or on behalf of the candidate.~~

3171 (6)

3172 (b)1. A political party may not accept any in-kind
3173 contribution that fails to provide a direct benefit to the
3174 political party. A "direct benefit" includes, but is not limited
3175 to, fundraising or furthering the objectives of the political
3176 party.

3177 2.a. An in-kind contribution to a state political party
3178 may be accepted only by the chairperson of the state political
3179 party or by the chairperson's designee or designees whose names
3180 are on file with the division in a form acceptable to the
3181 division prior to the date of the written notice required in
3182 sub-subparagraph b. An in-kind contribution to a county
3183 political party may be accepted only by the chairperson of the
3184 county political party or by the county chairperson's designee
3185 or designees whose names are on file with the supervisor of
3186 elections of the respective county prior to the date of the
3187 written notice required in sub-subparagraph b.

3188 b. A person making an in-kind contribution to a state
3189 political party or county political party must provide prior
3190 written notice of the contribution to a person described in sub-
3191 subparagraph a. The prior written notice must be signed and
3192 dated and may be provided by an electronic or facsimile message.

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3193 However, prior written notice is not required for an in-kind
 3194 contribution that consists of food and beverage in an aggregate
 3195 amount not exceeding \$1,500 which is consumed at a single
 3196 sitting or event if such in-kind contribution is accepted in
 3197 advance by a person specified in sub-subparagraph a.

3198 c. A person described in sub-subparagraph a. may accept an
 3199 in-kind contribution requiring prior written notice only in a
 3200 writing that is ~~signed and~~ dated before the in-kind contribution
 3201 is made. Failure to obtain the required written acceptance of an
 3202 in-kind contribution to a state or county political party
 3203 constitutes a refusal of the contribution.

3204 d. A copy of each prior written acceptance required under
 3205 sub-subparagraph c. must be filed ~~with the division~~ at the time
 3206 the regular reports of contributions and expenditures required
 3207 under s. 106.29 are filed by the state executive committee and
 3208 county executive committee. A state executive committee must
 3209 file with the division. A county executive committee must file
 3210 with the county's supervisor of elections.

3211 e. An in-kind contribution may not be given to a state or
 3212 county political party unless the in-kind contribution is made
 3213 as provided in this subparagraph.

3214 Section 50. Section 106.09, Florida Statutes, is amended
 3215 to read:

3216 106.09 Cash contributions and contribution by cashier's
 3217 checks.—

3218 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
 3219 contribution or contribution by means of a cashier's check to
 3220 the same candidate or committee in excess of \$50 per election.

3221 (b) A person may not accept an aggregate cash contribution
 3222 or contribution by means of a cashier's check from the same
 3223 contributor in excess of \$50 per election.

3224 (2) (a) Any person who makes or accepts a contribution in
 3225 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~
 3226 commits a misdemeanor of the first degree, punishable as
 3227 provided in s. 775.082 or s. 775.083.

3228 (b) Any person who knowingly and willfully makes or
 3229 accepts a contribution in excess of \$5,000 in violation of
 3230 subsection (1) ~~this section~~ commits a felony of the third
 3231 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3232 775.084.

3233 Section 51. Subsection (4) of section 106.141, Florida
 3234 Statutes, is amended to read:

3235 106.141 Disposition of surplus funds by candidates.—

3236 (4) (a) Except as provided in paragraph (b), any candidate
 3237 required to dispose of funds pursuant to this section shall, at
 3238 the option of the candidate, dispose of such funds by any of the
 3239 following means, or any combination thereof:

3240 1. Return pro rata to each contributor the funds that have
 3241 not been spent or obligated.

3242 2. Donate the funds that have not been spent or obligated
 3243 to a charitable organization or organizations that meet the
 3244 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3245 3. Give ~~not more than \$10,000 of~~ the funds that have not
 3246 been spent or obligated to the political party of which such
 3247 candidate is a member, ~~except that a candidate for the Florida~~
 3248 ~~Senate may give not more than \$30,000 of such funds to the~~

3249 ~~political party of which the candidate is a member.~~

3250 4. Give the funds that have not been spent or obligated:

3251 a. In the case of a candidate for state office, to the
 3252 state, to be deposited in either the Election Campaign Financing
 3253 Trust Fund or the General Revenue Fund, as designated by the
 3254 candidate; or

3255 b. In the case of a candidate for an office of a political
 3256 subdivision, to such political subdivision, to be deposited in
 3257 the general fund thereof.

3258 (b) Any candidate required to dispose of funds pursuant to
 3259 this section who has received contributions pursuant to the
 3260 Florida Election Campaign Financing Act ~~from the Election~~
 3261 ~~Campaign Financing Trust Fund~~ shall, after all monetary
 3262 commitments pursuant to s. 106.11(5)(b) and (c) have been met,
 3263 return all surplus campaign funds to the General Revenue Fund
 3264 ~~Election Campaign Financing Trust Fund.~~

3265 Section 52. Section 106.143, Florida Statutes, is amended
 3266 to read:

3267 106.143 Political advertisements circulated prior to
 3268 election; requirements.—

3269 (1)(a) Any political advertisement that is paid for by a
 3270 candidate, other than a write-in candidate, and that is
 3271 published, displayed, or circulated before, or on the day of,
 3272 any election must prominently state:

3273 1. "Political advertisement paid for and approved by
 3274 ...(name of candidate)..., ...(party affiliation)..., for
 3275 ...(office sought)..." ; or

3276 2. "Paid by ...(name of candidate)..., ...(party

3277 affiliation)..., for ...(office sought)...."

3278 (b) Any political advertisement that is paid for by a
 3279 write-in candidate and that is published, displayed, or
 3280 circulated before, or on the day of, any election must
 3281 prominently state:

3282 1. "Political advertisement paid for and approved by
 3283 ...(name of candidate)..., write-in candidate, for ...(office
 3284 sought)..."; or

3285 2. "Paid by ...(name of candidate)..., write-in candidate,
 3286 for ...(office sought)...."

3287 (c) ~~(b)~~ Any other political advertisement published,
 3288 displayed, or circulated before, or on the day of, any election
 3289 must prominently:

3290 1. Be marked "paid political advertisement" or with the
 3291 abbreviation "pd. pol. adv."

3292 2. State the name and address of the persons paying for
 3293 ~~sponsoring~~ the advertisement.

3294 ~~3.a.(I)~~ State whether the advertisement and the cost of
 3295 production is paid for or provided in kind by or at the expense
 3296 of the entity publishing, displaying, broadcasting, or
 3297 circulating the political advertisement; ~~or~~

3298 ~~(II) State who provided or paid for the advertisement and~~
 3299 ~~cost of production, if different from the source of sponsorship.~~

3300 ~~b. This subparagraph does not apply if the source of the~~
 3301 ~~sponsorship is patently clear from the content or format of the~~
 3302 ~~political advertisement.~~

3303 (d) ~~(e)~~ Any political advertisement made pursuant to s.
 3304 106.021(3)(d) must be marked "paid political advertisement" or

3305 with the abbreviation "pd. pol. adv." and must prominently state
 3306 the name and address of the political party paying for the
 3307 advertisement, if applicable, the names of the persons approving
 3308 the advertisement, and the names, party affiliations, and
 3309 offices sought by the persons in the advertisement., ~~"Paid for~~
 3310 ~~and sponsored by ... (name of person paying for political~~
 3311 ~~advertisement).... Approved by ... (names of persons, party~~
 3312 ~~affiliation, and offices sought in the political~~
 3313 ~~advertisement)...."~~

3314 (2) Political advertisements made as in-kind contributions
 3315 from a political party must prominently state: "Paid political
 3316 advertisement paid for in-kind by ... (name of political
 3317 party).... Approved by ... (name of person, party affiliation,
 3318 and office sought in the political advertisement)...."

3319 (3)~~(2)~~ Any political advertisement of a candidate running
 3320 for partisan office shall express the name of the political
 3321 party of which the candidate is seeking nomination or is the
 3322 nominee. If the candidate for partisan office is running as a
 3323 candidate with no party affiliation, any political advertisement
 3324 of the candidate must state that the candidate has no party
 3325 affiliation. Any political advertisement of a candidate running
 3326 for nonpartisan office may not state the candidate's political
 3327 party affiliation. A candidate for nonpartisan office is
 3328 prohibited from campaigning based on party affiliation.

3329 (4)~~(3)~~ It is unlawful for any candidate or person on
 3330 behalf of a candidate to represent that any person or
 3331 organization supports such candidate, unless the person or
 3332 organization so represented has given specific approval in

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3333 writing to the candidate to make such representation. However,
 3334 this subsection does not apply to:

3335 (a) Editorial endorsement by any newspaper, radio or
 3336 television station, or other recognized news medium.

3337 (b) Publication by a party committee advocating the
 3338 candidacy of its nominees.

3339 (5)~~(4)~~(a) Any political advertisement not paid for by a
 3340 candidate, including those paid for by a political party, other
 3341 than an independent expenditure, offered ~~by or~~ on behalf of a
 3342 candidate must be approved in advance by the candidate. Such
 3343 political advertisement must expressly state that the content of
 3344 the advertisement was approved by the candidate and must state
 3345 who paid for the advertisement. The candidate shall provide a
 3346 written statement of authorization to the newspaper, radio
 3347 station, television station, or other medium for each such
 3348 advertisement submitted for publication, display, broadcast, or
 3349 other distribution.

3350 (b) Any person who makes an independent expenditure for a
 3351 political advertisement shall provide a written statement that
 3352 no candidate has approved the advertisement to the newspaper,
 3353 radio station, television station, or other medium for each such
 3354 advertisement submitted for publication, display, broadcast, or
 3355 other distribution. The advertisement must also contain a
 3356 statement that no candidate has approved the advertisement.

3357 ~~(c) This subsection does not apply to campaign messages~~
 3358 ~~used by a candidate and his or her supporters if those messages~~
 3359 ~~are designed to be worn by a person.~~

3360 (6)~~(5)~~ No political advertisement of a candidate who is

3361 not an incumbent of the office for which the candidate is
 3362 running shall use the word "re-elect." Additionally, such
 3363 advertisement must include the word "for" between the
 3364 candidate's name and the office for which the candidate is
 3365 running, in order that incumbency is not implied. This
 3366 subsection does not apply to bumper stickers or items designed
 3367 to be worn by a person.

3368 (7)~~(6)~~ This section does not apply to novelty items having
 3369 a retail value of \$10 or less which support, but do not oppose,
 3370 a candidate or issue.

3371 (8)~~(7)~~ Any political advertisement which is published,
 3372 displayed, or produced in a language other than English may
 3373 provide the information required by this section in the language
 3374 used in the advertisement.

3375 (9)~~(8)~~ This section does not apply to any campaign message
 3376 or political advertisement used by a candidate and the
 3377 candidate's supporters or by a political committee if the
 3378 message or advertisement is:

3379 (a) Designed to be worn by a person.

3380 (b) Placed as a paid link on an Internet website, provided
 3381 the message or advertisement is no more than 200 characters in
 3382 length and the link directs the user to another Internet website
 3383 that complies with subsection (1).

3384 (c) Placed as a graphic or picture link where compliance
 3385 with the requirements of this section is not reasonably
 3386 practical due to the size of the graphic or picture link and the
 3387 link directs the user to another Internet website that complies
 3388 with subsection (1).

3389 (d) Placed at no cost on an Internet website for which
 3390 there is no cost to post content for public users.

3391 (e) Placed or distributed on an unpaid profile or account
 3392 which is available to the public without charge or on a social
 3393 networking Internet website, as long as the source of the
 3394 message or advertisement is patently clear from the content or
 3395 format of the message or advertisement. A candidate or political
 3396 committee may prominently display a statement indicating that
 3397 the website or account is an official website or account of the
 3398 candidate or political committee and is approved by the
 3399 candidate or political committee. A website or account may not
 3400 be marked as official without prior approval by the candidate or
 3401 political committee.

3402 (f) Distributed as a text message or other message via
 3403 Short Message Service, provided the message is no more than 200
 3404 characters in length or requires the recipient to sign up or opt
 3405 in to receive it.

3406 (g) Connected with or included in any software application
 3407 or accompanying function, provided that the user signs up, opts
 3408 in, downloads, or otherwise accesses the application from or
 3409 through a website that complies with subsection (1).

3410 (h) Sent by a third-party user from or through a campaign
 3411 or committee's website, provided the website complies with
 3412 subsection (1).

3413 (i) Contained in or distributed through any other
 3414 technology-related item, service, or device for which compliance
 3415 with subsection (1) is not reasonably practical due to the size
 3416 or nature of such item, service, or device as available, or the

3417 means of displaying the message or advertisement makes
 3418 compliance with subsection (1) impracticable.

3419 ~~(10)~~~~(9)~~ Any person who willfully violates any provision of
 3420 this section is subject to the civil penalties prescribed in s.
 3421 106.265.

3422 Section 53. Subsection (4) of section 106.15, Florida
 3423 Statutes, is amended to read:

3424 106.15 Certain acts prohibited.—

3425 (4) (a) No person shall make and no person shall solicit or
 3426 knowingly accept any political contribution in a government-
 3427 occupied room or building space ~~building owned by a governmental~~
 3428 ~~entity.~~

3429 (b) For purposes of this subsection, the term:

3430 1. "Accept" means to receive a contribution by personal
 3431 hand delivery from a contributor or the contributor's agent.

3432 2. "Government-occupied room or building space" means the
 3433 building, or in the case of a partial occupancy that portion of
 3434 a building, owned or leased and being used by a governmental
 3435 entity. However, in the case of a partial occupancy where other
 3436 tenants or owners simultaneously occupy a different portion of
 3437 the building, the term excludes common areas not under the
 3438 exclusive control of the governmental entity, including, but not
 3439 limited to, break rooms, hallways, elevators, stairwells, and
 3440 conference rooms.

3441 (c) This subsection does ~~shall~~ not apply when a
 3442 government-occupied room or building space ~~government-owned~~
 3443 ~~building~~ or any portion thereof is rented for the specific
 3444 purpose of holding a campaign fund raiser.

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3445 Section 54. Section 106.17, Florida Statutes, is amended
 3446 to read:

3447 106.17 Polls and surveys relating to candidacies.—Any
 3448 candidate, political committee, committee of continuous
 3449 existence, electioneering communication organization, or state
 3450 or county executive committee of a political party may authorize
 3451 or conduct a political poll, survey, index, or measurement of
 3452 any kind relating to candidacy for public office so long as the
 3453 candidate, political committee, committee of continuous
 3454 existence, electioneering communication organization, or
 3455 political party maintains complete jurisdiction over the poll in
 3456 all its aspects. State and county executive committees of a
 3457 political party or an affiliated party committee may authorize
 3458 and conduct political polls for the purpose of determining the
 3459 viability of potential candidates. Such poll results may be
 3460 shared with potential candidates and expenditures incurred by
 3461 state and county executive committees for potential candidate
 3462 polls are not contributions to the potential candidates.

3463 Section 55. Subsection (3) of section 106.18, Florida
 3464 Statutes, is amended to read:

3465 106.18 When a candidate's name to be omitted from ballot.—

3466 (3) No certificate of election shall be granted to any
 3467 candidate until all preelection reports required by s. 106.07
 3468 have been filed in accordance with the provisions of such
 3469 section. ~~However, no candidate shall be prevented from receiving~~
 3470 ~~a certificate of election for failure to file any copy of a~~
 3471 ~~report required by this chapter.~~

3472 Section 56. Subsection (4) is added to section 106.19,

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3473 Florida Statutes, to read:

3474 106.19 Violations by candidates, persons connected with
3475 campaigns, and political committees.-

3476 (4) Except as otherwise expressly stated, the failure by a
3477 candidate to comply with the requirements of this chapter has no
3478 effect upon whether the candidate has qualified for the office
3479 the candidate is seeking.

3480 Section 57. Subsection (5) of section 106.25, Florida
3481 Statutes, is amended to read:

3482 106.25 Reports of alleged violations to Florida Elections
3483 Commission; disposition of findings.-

3484 (5) ~~Unless~~ A person alleged by the Elections Commission to
3485 have committed a violation of this chapter or chapter 104 may
3486 elect, as a matter of right elects, within 30 days after the
3487 date of the filing of the commission's allegations, to have a
3488 formal administrative hearing conducted by an administrative law
3489 judge in the Division of Administrative Hearings. The
3490 administrative law judge in such proceedings shall enter a final
3491 order, which may include the imposition of civil penalties, and
3492 the formal or informal hearing conducted before the commission,
3493 ~~or elects to resolve the complaint by consent order, such person~~
3494 ~~shall be entitled to a formal administrative hearing conducted~~
3495 ~~by an administrative law judge in the Division of Administrative~~
3496 ~~Hearings. The administrative law judge in such proceedings shall~~
3497 ~~enter a final order~~ is subject to appeal as provided in s.
3498 120.68.

3499 Section 58. Section 106.265, Florida Statutes, is amended
3500 to read:

3501 106.265 Civil penalties.—
 3502 (1) The commission or, in cases referred to the Division
 3503 of Administrative Hearings pursuant to s. 106.25(5), an
 3504 administrative law judge is authorized upon the finding of a
 3505 violation of this chapter or chapter 104 to impose civil
 3506 penalties in the form of fines not to exceed \$1,000 per count
 3507 or, if applicable, to impose a civil penalty as provided in s.
 3508 106.19.

3509 (2) In determining the amount of such civil penalties, the
 3510 commission or the administrative law judge shall consider, among
 3511 other mitigating and aggravating circumstances:

- 3512 (a) The gravity of the act or omission;
- 3513 (b) Any previous history of similar acts or omissions;
- 3514 (c) The appropriateness of such penalty to the financial
 3515 resources of the person, political committee, committee of
 3516 continuous existence, electioneering communications
 3517 organization, or political party; and

3518 (d) Whether the person, political committee, committee of
 3519 continuous existence, electioneering communications
 3520 organization, or political party has shown good faith in
 3521 attempting to comply with the provisions of this chapter or
 3522 chapter 104.

3523 ~~(3)(2)~~ If any person, political committee, committee of
 3524 continuous existence, electioneering communications
 3525 organization, or political party fails or refuses to pay to the
 3526 commission any civil penalties assessed pursuant to the
 3527 provisions of this section, the commission shall be responsible
 3528 for collecting the civil penalties resulting from such action.

3529 (4)~~(3)~~ Any civil penalty collected pursuant to the
 3530 provisions of this section shall be deposited into the General
 3531 Revenue Fund ~~Election Campaign Financing Trust Fund.~~

3532 (5)~~(4)~~ ~~Notwithstanding any other provisions of this~~
 3533 ~~chapter,~~ Any fine assessed pursuant to the provisions of this
 3534 chapter shall, ~~which fine is designated to be deposited or which~~
 3535 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~
 3536 ~~the state,~~ ~~shall be deposited into the Election Campaign~~
 3537 ~~Financing Trust Fund.~~

3538 (6)~~(5)~~ In any case in which the commission determines that
 3539 a person has filed a complaint against another person with a
 3540 malicious intent to injure the reputation of the person
 3541 complained against by filing the complaint with knowledge that
 3542 the complaint contains one or more false allegations or with
 3543 reckless disregard for whether the complaint contains false
 3544 allegations of fact material to a violation of this chapter or
 3545 chapter 104, the complainant shall be liable for costs and
 3546 reasonable attorney's fees incurred in the defense of the person
 3547 complained against, including the costs and reasonable
 3548 attorney's fees incurred in proving entitlement to and the
 3549 amount of costs and fees. If the complainant fails to pay such
 3550 costs and fees voluntarily within 30 days following such finding
 3551 by the commission, the commission shall forward such information
 3552 to the Department of Legal Affairs, which shall bring a civil
 3553 action in a court of competent jurisdiction to recover the
 3554 amount of such costs and fees awarded by the commission.

3555 Section 59. Section 106.355, Florida Statutes, is amended
 3556 to read:

3557 | 106.355 Nonparticipating candidate exceeding limits.—
 3558 | Whenever a candidate for the office of Governor or member of the
 3559 | Cabinet who has elected not to participate in election campaign
 3560 | financing under the provisions of ss. 106.30-106.36 exceeds the
 3561 | applicable expenditure limit provided in s. 106.34, all opposing
 3562 | candidates participating in such election campaign financing
 3563 | are, notwithstanding the provisions of s. 106.33 or any other
 3564 | provision requiring adherence to such limit, released from such
 3565 | expenditure limit to the extent the nonparticipating candidate
 3566 | exceeded the limit, are still eligible for matching
 3567 | contributions up to such limit, and shall not be required to
 3568 | reimburse any matching funds provided pursuant thereto. ~~In~~
 3569 | ~~addition, the Department of State shall, within 7 days after a~~
 3570 | ~~request by a participating candidate, provide such candidate~~
 3571 | ~~with funds from the Election Campaign Financing Trust Fund equal~~
 3572 | ~~to the amount by which the nonparticipating candidate exceeded~~
 3573 | ~~the expenditure limit, not to exceed twice the amount of the~~
 3574 | ~~maximum expenditure limits specified in s. 106.34(1)(a) and (b),~~
 3575 | ~~which funds shall not be considered matching funds.~~

3576 | Section 60. Paragraph (d) of subsection (1) of section
 3577 | 11.045, Florida Statutes, is amended to read:

3578 | 11.045 Lobbying before the Legislature; registration and
 3579 | reporting; exemptions; penalties.—

3580 | (1) As used in this section, unless the context otherwise
 3581 | requires:

3582 | (d) "Expenditure" means a payment, distribution, loan,
 3583 | advance, reimbursement, deposit, or anything of value made by a
 3584 | lobbyist or principal for the purpose of lobbying. The term

3585 "expenditure" does not include contributions or expenditures
 3586 reported pursuant to chapter 106 or federal election law, funds
 3587 received or spent under s. 106.012, campaign-related personal
 3588 services provided without compensation by individuals
 3589 volunteering their time, any other contribution or expenditure
 3590 made by or to a political party, or any other contribution or
 3591 expenditure made by an organization that is exempt from taxation
 3592 under 26 U.S.C. s. 527 or s. 501(c)(4).

3593 Section 61. Paragraph (b) of subsection (12) of section
 3594 112.312, Florida Statutes, is amended to read:

3595 112.312 Definitions.—As used in this part and for purposes
 3596 of the provisions of s. 8, Art. II of the State Constitution,
 3597 unless the context otherwise requires:

3598 (12)

3599 (b) "Gift" does not include:

3600 1. Salary, benefits, services, fees, commissions, gifts,
 3601 or expenses associated primarily with the donee's employment,
 3602 business, or service as an officer or director of a corporation
 3603 or organization.

3604 2. Contributions or expenditures reported pursuant to
 3605 chapter 106, funds received or spent under s. 106.012, campaign-
 3606 related personal services provided without compensation by
 3607 individuals volunteering their time, or any other contribution
 3608 or expenditure by a political party.

3609 3. An honorarium or an expense related to an honorarium
 3610 event paid to a person or the person's spouse.

3611 4. An award, plaque, certificate, or similar personalized
 3612 item given in recognition of the donee's public, civic,

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3613 charitable, or professional service.

3614 5. An honorary membership in a service or fraternal
 3615 organization presented merely as a courtesy by such
 3616 organization.

3617 6. The use of a public facility or public property, made
 3618 available by a governmental agency, for a public purpose.

3619 7. Transportation provided to a public officer or employee
 3620 by an agency in relation to officially approved governmental
 3621 business.

3622 8. Gifts provided directly or indirectly by a state,
 3623 regional, or national organization which promotes the exchange
 3624 of ideas between, or the professional development of,
 3625 governmental officials or employees, and whose membership is
 3626 primarily composed of elected or appointed public officials or
 3627 staff, to members of that organization or officials or staff of
 3628 a governmental agency that is a member of that organization.

3629 Section 62. Subsection (1) of section 876.05, Florida
 3630 Statutes, is amended to read:

3631 876.05 Public employees; oath.—

3632 (1) All persons who now or hereafter are employed by or
 3633 who now or hereafter are on the payroll of the state, or any of
 3634 its departments and agencies, subdivisions, counties, cities,
 3635 school boards and districts of the free public school system of
 3636 the state or counties, or institutions of higher learning, ~~and~~
 3637 ~~all candidates for public office,~~ except candidates for federal
 3638 office, are required to take an oath before any person duly
 3639 authorized to take acknowledgments of instruments for public
 3640 record in the state in the following form:

3641 I,, a citizen of the State of Florida and of the
 3642 United States of America, and being employed by or an officer of
 3643 and a recipient of public funds as such employee or
 3644 officer, do hereby solemnly swear or affirm that I will support
 3645 the Constitution of the United States and of the State of
 3646 Florida.

3647 Section 63. Subsection (1) of section 97.055, Florida
 3648 Statutes, is amended to read:

3649 97.055 Registration books; when closed for an election.—

3650 (1) (a) The registration books must be closed on the 29th
 3651 day before each election and must remain closed until after that
 3652 election. If an election is called and there are fewer than 29
 3653 days before that election, the registration books must be closed
 3654 immediately.

3655 (b) Except as provided in paragraph (c), when the
 3656 registration books are closed for an election, updates to a
 3657 voter's name, address, and signature pursuant to s. ss. 98.077
 3658 ~~and 101.045~~ shall be the only changes permitted for purposes of
 3659 the upcoming election. New voter registration applications must
 3660 be accepted but only for the purpose of subsequent elections.

3661 (c) When the registration books are closed for an upcoming
 3662 election, an update or change to a voter's party affiliation
 3663 made pursuant to s. 97.1031 shall be permitted for that upcoming
 3664 election unless such election is for the purpose of nominating a
 3665 political party nominee, in which case the update or change
 3666 shall be permitted only for the purpose of subsequent elections.

3667 Section 64. Section 100.101, Florida Statutes, is amended
 3668 to read:

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3669 100.101 Special elections and special primary elections.-

3670 ~~Except as provided in s. 100.111(2),~~ A special election or
 3671 special primary election shall be held in the following cases:

3672 (1) If no person has been elected at a general election to
 3673 fill an office which was required to be filled by election at
 3674 such general election.

3675 (2) If a vacancy occurs in the office of state senator or
 3676 member of the state house of representatives.

3677 (3) If it is necessary to elect presidential electors, by
 3678 reason of the offices of President and Vice President both
 3679 having become vacant.

3680 (4) If a vacancy occurs in the office of member from
 3681 Florida of the House of Representatives of Congress.

3682 Section 65. Paragraphs (b) and (c) of subsection (1) of
 3683 section 101.111, Florida Statutes, are amended to read:

3684 101.111 Voter challenges.-

3685 (1)

3686 (b)~~1.~~ The clerk or inspector shall immediately deliver to
 3687 the challenged person a copy of the oath of the person entering
 3688 the challenge, and the challenged voter shall be allowed to cast
 3689 a provisional ballot in accordance with s. 101.048, ~~except as~~
 3690 ~~provided in subparagraph 2.~~

3691 ~~2. If the basis for the challenge is that the person's~~
 3692 ~~legal residence is not in that precinct, the person shall first~~
 3693 ~~be given the opportunity to execute a change of legal residence~~
 3694 ~~in order to be able to vote a regular ballot in accordance with~~
 3695 ~~s. 101.045(2). If the change of legal residence is such that the~~
 3696 ~~person is then properly registered for that precinct, the person~~

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3697 ~~shall be allowed to vote a regular ballot. If the change of~~
3698 ~~legal residence places the person in another precinct, the~~
3699 ~~person shall be directed to the proper precinct to vote. If such~~
3700 ~~person insists that he or she is currently in the proper~~
3701 ~~precinct, the person shall be allowed to vote a provisional~~
3702 ~~ballot in accordance with s. 101.048.~~

3703 (c) Alternatively, a challenge in accordance with this
3704 section may be filed in advance with the supervisor of elections
3705 no sooner than 30 days before an election. The supervisor shall
3706 promptly provide the election board in the challenged voter's
3707 precinct with a copy of the oath of the person entering the
3708 challenge. The challenged voter shall be allowed to cast a
3709 provisional ballot in accordance with s. 101.048, ~~subject to the~~
3710 ~~provisions of subparagraph (b)2.~~

3711 Section 66. Section 876.07, Florida Statutes, is repealed.

3712 Section 67. Except as otherwise expressly provided in this
3713 act, this act shall take effect July 1, 2011.