



204820

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2011	.	
	.	
	.	
	.	

---

The Committee on Rules (Thrasher) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



204820

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

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

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

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

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



204820

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

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

49 97.0575 Third-party voter registrations.-

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

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

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

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

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

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



204820

72 organizations and the voter registration forms assigned to the  
73 third-party registration organizations. Such information must be  
74 provided in an electronic format as provided by division rule.  
75 By noon of each day, such information must also be updated, made  
76 publicly available, and, with respect to records in each  
77 supervisor's database, contemporaneously provided to the  
78 division.

79 (3) (a) A third-party voter registration organization that  
80 collects voter registration applications serves as a fiduciary  
81 to the applicant, ensuring that any voter registration  
82 application entrusted to the organization, irrespective of party  
83 affiliation, race, ethnicity, or gender, shall be promptly  
84 delivered to the division or the supervisor of elections within  
85 48 hours after the applicant completes it or the next business  
86 day if the appropriate office is closed for that 48-hour period.  
87 If a voter registration application collected by any third-party  
88 voter registration organization is not promptly delivered to the  
89 division or supervisor of elections, the third-party voter  
90 registration organization is liable for the following fines:

91 1. A fine in the amount of \$50 for each application  
92 received by the division or the supervisor of elections more  
93 than 10 days after the applicant delivered the completed voter  
94 registration application to the third-party voter registration  
95 organization or any person, entity, or agent acting on its  
96 behalf. A fine in the amount of \$250 for each application  
97 received if the third-party registration organization or person,  
98 entity, or agency acting on its behalf acted willfully.

99 2. A fine in the amount of \$100 for each application  
100 collected by a third-party voter registration organization or



204820

101 any person, entity, or agent acting on its behalf, before book  
102 closing for any given election for federal or state office and  
103 received by the division or the supervisor of elections after  
104 the book-closing deadline for such election. A fine in the  
105 amount of \$500 for each application received if the third-party  
106 registration organization or person, entity, or agency acting on  
107 its behalf acted willfully.

108 3. A fine in the amount of \$500 for each application  
109 collected by a third-party voter registration organization or  
110 any person, entity, or agent acting on its behalf, which is not  
111 submitted to the division or supervisor of elections. A fine in  
112 the amount of \$1,000 for any application not submitted if the  
113 third-party registration organization or person, entity, or  
114 agency acting on its behalf acted willfully.

115  
116 The aggregate fine pursuant to this paragraph which may be  
117 assessed against a third-party voter registration organization,  
118 including affiliate organizations, for violations committed in a  
119 calendar year is \$1,000. The fines provided in this subsection  
120 shall be reduced by three-fourths in cases in which the third-  
121 party voter registration organization has complied with  
122 subsection (1).

123 (b) A showing by the organization that the failure to  
124 deliver the voter registration application within the required  
125 timeframe is based upon force majeure or impossibility of  
126 performance shall be an affirmative defense to a violation of  
127 this subsection. The Secretary of State may waive the fines  
128 described in this subsection upon a showing that the failure to  
129 deliver the voter registration application promptly is based



204820

130 upon force majeure or impossibility of performance.

131 (4) If the Secretary of State reasonably believes that a  
132 person has committed a violation of any provision of this  
133 section, the secretary shall refer the matter to the Attorney  
134 General for enforcement. The Attorney General may institute a  
135 civil action for a violation of this section or to prevent a  
136 violation of this section. An action for relief may include a  
137 permanent or temporary injunction, a restraining order, or any  
138 other appropriate order.

139 ~~(1) Prior to engaging in any voter registration activities,~~  
140 ~~a third-party voter registration organization shall name a~~  
141 ~~registered agent in the state and submit to the division, in a~~  
142 ~~form adopted by the division, the name of the registered agent~~  
143 ~~and the name of those individuals responsible for the day-to-day~~  
144 ~~operation of the third-party voter registration organization,~~  
145 ~~including, if applicable, the names of the entity's board of~~  
146 ~~directors, president, vice president, managing partner, or such~~  
147 ~~other individuals engaged in similar duties or functions. On or~~  
148 ~~before the 15th day after the end of each calendar quarter, each~~  
149 ~~third-party voter registration organization shall submit to the~~  
150 ~~division a report providing the date and location of any~~  
151 ~~organized voter registration drives conducted by the~~  
152 ~~organization in the prior calendar quarter.~~

153 ~~(2) The failure to submit the information required by~~  
154 ~~subsection (1) does not subject the third-party voter~~  
155 ~~registration organization to any civil or criminal penalties for~~  
156 ~~such failure, and the failure to submit such information is not~~  
157 ~~a basis for denying such third-party voter registration~~  
158 ~~organization with copies of voter registration application~~



204820

159 ~~forms.~~

160 ~~(3) A third-party voter registration organization that~~  
161 ~~collects voter registration applications serves as a fiduciary~~  
162 ~~to the applicant, ensuring that any voter registration~~  
163 ~~application entrusted to the third-party voter registration~~  
164 ~~organization, irrespective of party affiliation, race,~~  
165 ~~ethnicity, or gender shall be promptly delivered to the division~~  
166 ~~or the supervisor of elections. If a voter registration~~  
167 ~~application collected by any third-party voter registration~~  
168 ~~organization is not promptly delivered to the division or~~  
169 ~~supervisor of elections, the third-party voter registration~~  
170 ~~organization shall be liable for the following fines:~~

171 ~~(a) A fine in the amount of \$50 for each application~~  
172 ~~received by the division or the supervisor of elections more~~  
173 ~~than 10 days after the applicant delivered the completed voter~~  
174 ~~registration application to the third-party voter registration~~  
175 ~~organization or any person, entity, or agent acting on its~~  
176 ~~behalf. A fine in the amount of \$250 for each application~~  
177 ~~received if the third-party registration organization or person,~~  
178 ~~entity, or agency acting on its behalf acted willfully.~~

179 ~~(b) A fine in the amount of \$100 for each application~~  
180 ~~collected by a third-party voter registration organization or~~  
181 ~~any person, entity, or agent acting on its behalf, prior to book~~  
182 ~~closing for any given election for federal or state office and~~  
183 ~~received by the division or the supervisor of elections after~~  
184 ~~the book closing deadline for such election. A fine in the~~  
185 ~~amount of \$500 for each application received if the third-party~~  
186 ~~registration organization or person, entity, or agency acting on~~  
187 ~~its behalf acted willfully.~~



204820

188 ~~(c) A fine in the amount of \$500 for each application~~  
189 ~~collected by a third-party voter registration organization or~~  
190 ~~any person, entity, or agent acting on its behalf, which is not~~  
191 ~~submitted to the division or supervisor of elections. A fine in~~  
192 ~~the amount of \$1,000 for any application not submitted if the~~  
193 ~~third-party registration organization or person, entity, or~~  
194 ~~agency acting on its behalf acted willfully.~~

195  
196 ~~The aggregate fine pursuant to this subsection which may be~~  
197 ~~assessed against a third-party voter registration organization,~~  
198 ~~including affiliate organizations, for violations committed in a~~  
199 ~~calendar year shall be \$1,000. The fines provided in this~~  
200 ~~subsection shall be reduced by three-fourths in cases in which~~  
201 ~~the third-party voter registration organization has complied~~  
202 ~~with subsection (1). The secretary shall waive the fines~~  
203 ~~described in this subsection upon a showing that the failure to~~  
204 ~~deliver the voter registration application promptly is based~~  
205 ~~upon force majeure or impossibility of performance.~~

206 ~~(5)-(4)-(a)~~ The division shall adopt by rule a form to elicit  
207 specific information concerning the facts and circumstances from  
208 a person who claims to have been registered to vote by a third-  
209 party voter registration organization but who does not appear as  
210 an active voter on the voter registration rolls. The division  
211 shall also adopt rules to ensure the integrity of the  
212 registration process, including rules requiring that third-party  
213 voter registration organizations account for all state and  
214 federal registration forms used by their registration agents.

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





204820

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

218 ~~(5) The date on which an applicant signs a voter~~  
219 ~~registration application is presumed to be the date on which the~~  
220 ~~third party voter registration organization received or~~  
221 ~~collected the voter registration application.~~

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

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

227 ~~(8) The division may adopt rules to administer this~~  
228 ~~section.~~

229 Section 5. Section 97.071, Florida Statutes, is amended to  
230 read:

231 97.071 Voter information card.—

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

235 (a) Voter's registration number.

236 (b) Date of registration.

237 (c) Full name.

238 (d) Party affiliation.

239 (e) Date of birth.

240 (f) Address of legal residence.

241 (g) Precinct number.

242 (h) Polling place address.

243 (i) ~~(h)~~ Name of supervisor and contact information of  
244 supervisor.

245 (j) ~~(i)~~ Other information deemed necessary by the



204820

246 supervisor.

247 (2) A voter may receive a replacement voter information  
248 card by providing a signed, written request for a replacement  
249 card to a voter registration official. Upon verification of  
250 registration, the supervisor shall issue the voter a duplicate  
251 card without charge.

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

255 Section 6. The supervisor must meet the requirements of  
256 section 5 of this act for any elector who registers to vote or  
257 who is issued a new voter information card pursuant to s.  
258 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

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

261 97.073 Disposition of voter registration applications;  
262 cancellation notice.—

263 (1) The supervisor must notify each applicant of the  
264 disposition of the applicant's voter registration application as  
265 follows within 5 business days after the voter registration  
266 information is entered into the statewide voter registration  
267 system:

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

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

274 (c) If an application is a duplicate of a current



204820

275 registration record, the supervisor shall process the  
276 application as if it were an update, including a signature  
277 update, to the record and send a new voter information card.

278 (d) If an application is denied, the supervisor shall mail-  
279 ~~The notice must inform the applicant that the application has~~  
280 ~~been approved, is incomplete, has been denied, or is a duplicate~~  
281 ~~of a current registration. A voter information card sent to an~~  
282 ~~applicant constitutes notice of approval of registration. If the~~  
283 ~~application is incomplete, the supervisor must request that the~~  
284 ~~applicant supply the missing information using a voter~~  
285 ~~registration application signed by the applicant. a notice of~~  
286 ~~denial informing ~~must inform~~ the applicant of the reason the~~  
287 ~~application was denied.~~

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

290 97.1031 Notice of change of residence, change of name, or  
291 change of party affiliation.-

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

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

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

302 2. Submitting the change on a voter registration  
303 application or other signed written notice. ~~moves from the~~



204820

304 ~~address named on that person's voter registration record to~~  
305 ~~another address within the same county, the elector must provide~~  
306 ~~notification of such move to the supervisor of elections of that~~  
307 ~~county. The elector may provide the supervisor a signed, written~~  
308 ~~notice or may notify the supervisor by telephone or electronic~~  
309 ~~means. However, notification of such move other than by signed,~~  
310 ~~written notice must include the elector's date of birth. An~~  
311 ~~elector may also provide notification to other voter~~  
312 ~~registration officials as provided in subsection (2). A voter~~  
313 ~~information card reflecting the new information shall be issued~~  
314 ~~to the elector as provided in subsection (3).~~

315 (2) ~~When an elector moves from the address named on that~~  
316 ~~person's voter registration record to another address in a~~  
317 ~~different county but within the state, the elector seeks to~~  
318 ~~change party affiliation, or the name of an elector is changed~~  
319 ~~by marriage or other legal process, the elector shall notify his~~  
320 ~~or her supervisor of elections or other provide notice of such~~  
321 ~~change to a voter registration official by using a voter~~  
322 ~~registration application signed written notice that contains the~~  
323 ~~elector's date of birth by the elector. When an elector changes~~  
324 ~~his or her name by marriage or other legal process, the elector~~  
325 ~~shall notify his or her supervisor of elections or other voter~~  
326 ~~registration official by using a signed written notice that~~  
327 ~~contains the elector's date of birth or voter's registration~~  
328 ~~number. A voter information card reflecting the new information~~  
329 ~~shall be issued to the elector as provided in subsection (3).~~

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

332 98.075 Registration records maintenance activities;



204820

333 ineligibility determinations.-

334 (3) DECEASED PERSONS.-

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

338 a. The Department of Health as provided in s. 98.093; ~~or-~~

339 b. The United States Social Security Administration,  
340 including, but not limited to, any master death file or index  
341 compiled by the United States Social Security Administration.

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

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

349 (6) OTHER BASES FOR INELIGIBILITY.-If the department or  
350 supervisor receives information ~~other than~~ from ~~the~~ sources  
351 other than those identified in subsections (2)-(5) that a  
352 registered voter is ineligible because he or she is deceased,  
353 adjudicated a convicted felon without having had his or her  
354 civil rights restored, adjudicated mentally incapacitated  
355 without having had his or her voting rights restored, does not  
356 meet the age requirement pursuant to s. 97.041, is not a United  
357 States citizen, is a fictitious person, or has listed a  
358 residence that is not his or her legal residence, the supervisor  
359 must ~~shall~~ adhere to the procedures set forth in subsection (7)  
360 prior to the removal of a registered voter's name from the  
361 statewide voter registration system.



204820

362 Section 10. Section 98.093, Florida Statutes, is amended to  
363 read:

364 98.093 Duty of officials to furnish information relating to  
365 ~~lists of~~ deceased persons, persons adjudicated mentally  
366 incapacitated, and persons convicted of a felony.-

367 (1) In order to identify ineligible registered voters and  
368 maintain ~~ensure the maintenance of~~ accurate and current voter  
369 registration records in the statewide voter registration system  
370 pursuant to procedures in s. 98.065 or s. 98.075, it is  
371 necessary for the department and supervisors of elections to  
372 receive or access certain information from state and federal  
373 officials and entities in the format prescribed. ~~The department~~  
374 ~~and supervisors of elections shall use the information provided~~  
375 ~~from the sources in subsection (2) to maintain the voter~~  
376 ~~registration records.~~

377 (2) To the maximum extent feasible, state and local  
378 government agencies shall facilitate provision of information  
379 and access to data to the department, including, but not limited  
380 to, databases that contain reliable criminal records and records  
381 of deceased persons. State and local government agencies that  
382 provide such data shall do so without charge if the direct cost  
383 incurred by those agencies is not significant.

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

388 (b) Each clerk of the circuit court shall furnish monthly  
389 to the department a list of those persons who have been  
390 adjudicated mentally incapacitated with respect to voting during



204820

391 the preceding calendar month, a list of those persons whose  
392 mental capacity with respect to voting has been restored during  
393 the preceding calendar month, and a list of those persons who  
394 have returned signed jury notices during the preceding months to  
395 the clerk of the circuit court indicating a change of address.  
396 Each list shall include the name, address, date of birth, race,  
397 sex, and, whichever is available, the Florida driver's license  
398 number, Florida identification card number, or social security  
399 number of each such person.

400 (c) Upon receipt of information from the United States  
401 Attorney, listing persons convicted of a felony in federal  
402 court, the department shall use such information to identify  
403 registered voters or applicants for voter registration who may  
404 be potentially ineligible based on information provided in  
405 accordance with s. 98.075.

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

411 (e) The Florida Parole Commission Board of Executive  
412 Clemency shall furnish at least bimonthly ~~monthly~~ to the  
413 department data, including the identity ~~a list~~ of those persons  
414 granted clemency in the preceding month or any updates to prior  
415 records which have occurred in the preceding month. The data  
416 ~~list~~ shall contain the commission's Board of Executive Clemency  
417 case number and the person's name, address, date of birth,  
418 race, gender ~~sex~~, Florida driver's license number, Florida  
419 identification card number, or the last four digits of the



204820

420 social security number, if available, and references to record  
421 identifiers assigned by the Department of Corrections and the  
422 Department of Law Enforcement, a unique identifier of each  
423 clemency case, and the effective date of clemency of each  
424 person.

425 (f) The Department of Corrections shall identify those  
426 persons who have been convicted of a felony and committed to its  
427 custody or placed on community supervision. The information must  
428 be provided to the department at a time and in manner that  
429 enables the department to identify registered voters who are  
430 convicted felons and to meet its obligations under state and  
431 federal law. furnish monthly to the department a list of those  
432 persons transferred to the Department of Corrections in the  
433 preceding month or any updates to prior records which have  
434 occurred in the preceding month. The list shall contain the  
435 name, address, date of birth, race, sex, social security number,  
436 Department of Corrections record identification number, and  
437 associated Department of Law Enforcement felony conviction  
438 record number of each person.

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

445 (3) ~~Nothing in~~ This section does not ~~shall~~ limit or  
446 restrict the supervisor in his or her duty to remove the names  
447 of persons from the statewide voter registration system pursuant  
448 to s. 98.075(7) based upon information received from other





204820

449 sources.

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

452 98.0981 Reports; voting history; statewide voter  
453 registration system information; precinct-level election  
454 results; book closing statistics.—

455 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
456 INFORMATION.—

457 (a) Within 30 ~~45~~ days after certification by the Elections  
458 Canvassing Commission of a presidential preference primary,  
459 special election, primary election, or a general election,  
460 supervisors of elections shall transmit to the department, in a  
461 uniform electronic format specified in paragraph (d) ~~by the~~  
462 ~~department~~, completely updated voting history information for  
463 each qualified voter who voted.

464 (b) After receipt of the information in paragraph (a), the  
465 department shall prepare a report in electronic format which  
466 contains the following information, separately compiled for the  
467 primary and general election for all voters qualified to vote in  
468 either election:

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

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

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

476 4. Each qualified voter's current state representative  
477 district, state senatorial district, and congressional district,



204820

478 assigned by the supervisor of elections;

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

480 6. Voting history as transmitted under paragraph (a) to  
481 include whether the qualified voter voted at a precinct  
482 location, voted during the early voting period, voted by  
483 absentee ballot, attempted to vote by absentee ballot that was  
484 not counted, attempted to vote by provisional ballot that was  
485 not counted, or did not vote.

486 (c) Within 15 ~~60~~ days after certification by the Elections  
487 Canvassing Commission of a presidential preference primary,  
488 special election, primary election, or a general election, the  
489 department shall send to the President of the Senate, the  
490 Speaker of the House of Representatives, the Senate Minority  
491 Leader, and the House Minority Leader a report in electronic  
492 format that includes all information set forth in paragraph (b).

493 (d) File specifications are as follows:

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

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

500 b. Voted at a precinct location using a provisional ballot  
501 that was subsequently counted.

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

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

505 e. Voted by absentee ballot.

506 f. Attempted to vote by absentee ballot, but the ballot was



204820

507 not counted.

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

510 2. Each file shall be created or converted into a tab-  
511 delimited format.

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

513 a. Three-character county identifier as established by the  
514 department followed by an underscore.

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

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

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

519 e. Date format is YYYYMMDD.

520 f. Followed by Time Created - HHMMSS.

521 g. Followed by ".txt".

522 4. Each record shall contain the following columns: Record  
523 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
524 Date, Vote History Code, Precinct, Congressional District, House  
525 District, Senate District, County Commission District, and  
526 School Board District.

527 (e) Each supervisor of elections shall reconcile the voting  
528 data within 25 days after a presidential preference primary,  
529 special election, primary election, or general election to  
530 compare the aggregate total of ballots cast in each precinct as  
531 reported in the precinct-level election results to the aggregate  
532 total number of voters with voter history for the election for  
533 each district.

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



204820

536 department in an electronic format and give a written  
537 explanation for any precincts where the reconciliation as  
538 described in paragraph (e) results in a discrepancy between the  
539 voter history and the election results.

540 (g) A supervisor of elections shall be required to pay \$50  
541 per day for each day the required reports are late or not  
542 complete. Fines must be paid from a supervisor of elections'  
543 personal funds. Fines shall be remitted to the department, which  
544 shall transmit the remitted fines for deposit into the General  
545 Revenue Fund.

546 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 25 ~~45~~ days  
547 after the date of a presidential preference primary election, a  
548 special election, primary election, or a general election, the  
549 supervisors of elections shall collect and submit to the  
550 department precinct-level election results for the election in a  
551 uniform electronic format specified by paragraph (c) ~~the~~  
552 ~~department~~. The precinct-level election results shall be  
553 compiled separately for the primary or special primary election  
554 that preceded the general or special general election,  
555 respectively. The results shall specifically include for each  
556 precinct the ~~aggregate~~ total of all ballots cast for each  
557 candidate or nominee to fill a national, state, county, or  
558 district office or proposed constitutional amendment, with  
559 subtotals for each candidate and ballot type. "All ballots cast"  
560 means ballots cast by voters who cast a ballot whether at a  
561 precinct location, by absentee ballot including overseas  
562 absentee ballots, during the early voting period, or by  
563 provisional ballot.

564 (b) The department shall make such information available on



204820

565 a searchable, sortable, and downloadable database via its  
566 website that also includes the file layout and codes. The  
567 database shall be searchable and sortable by county, precinct,  
568 and candidate. The database shall be downloadable in a tab-  
569 delimited format. The database shall be available for download  
570 county-by-county and also as a statewide file. Such report shall  
571 also be made available upon request.

572 (c) The files containing the precinct-level election  
573 results shall be created in accordance with the applicable file  
574 specification:

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

577 2. The row immediately before the first data record shall  
578 contain the column names of the data elements that make up the  
579 data records. There shall be one header record followed by  
580 multiple data records.

581 3. The data records shall include the following columns:  
582 County Name, Election Number, Election Date, Unique Precinct  
583 Identifier, Precinct Polling Location, Total Registered Voters,  
584 Total Registered Republicans, Total Registered Democrats, Total  
585 Registered All Other Parties, Contest Name,  
586 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of  
587 Elections Unique Candidate Identifying Number, Candidate Party,  
588 District, Undervote Total, Overvote Total, Write-in Total, and  
589 Vote Total.

590 (d) A supervisor of elections shall be required to pay \$50  
591 per day for each day the required reports are late or not  
592 complete. Fines must be paid from a supervisor of elections'  
593 personal funds. Fines shall be remitted to the department, which



204820

594 shall transmit the remitted fines for deposit into the General  
595 Revenue Fund.

596 Section 12. Subsection (5) of section 99.012, Florida  
597 Statutes, is amended to read:

598 99.012 Restrictions on individuals qualifying for public  
599 office.—

600 (5) A person may not be qualified as a candidate for an  
601 election or appear on the ballot unless the person complies with  
602 this section. The name of any person who does not comply with  
603 this section may be removed from every ballot on which it  
604 appears when ordered by a circuit court upon the petition of an  
605 elector or the Department of State.

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

609 99.021 Form of candidate oath.—

610 (1) (a) 1. Each candidate, whether a party candidate, a  
611 candidate with no party affiliation, or a write-in candidate, in  
612 order to qualify for nomination or election to any office other  
613 than a judicial office as defined in chapter 105 or a federal  
614 office, shall take and subscribe to an oath or affirmation in  
615 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
616 available ~~furnished~~ to the candidate by the officer before whom  
617 such candidate seeks to qualify and shall be substantially in  
618 the following form:

619  
620 State of Florida

621 County of....

622 Before me, an officer authorized to administer oaths,



204820

623 personally appeared ...(please print name as you wish it to  
624 appear on the ballot)..., to me well known, who, being sworn,  
625 says that he or she is a candidate for the office of ....; that  
626 he or she is a qualified elector of .... County, Florida; that  
627 he or she is qualified under the Constitution and the laws of  
628 Florida to hold the office to which he or she desires to be  
629 nominated or elected; ~~that he or she has taken the oath required~~  
630 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has  
631 qualified for no other public office in the state, the term of  
632 which office or any part thereof runs concurrent with that of  
633 the office he or she seeks; ~~and~~ that he or she has resigned from  
634 any office from which he or she is required to resign pursuant  
635 to s. 99.012, Florida Statutes; and that he or she will support  
636 the Constitution of the United States and the Constitution of  
637 the State of Florida.

638 ... (Signature of candidate)...

639 ... (Address)...

640  
641 Sworn to and subscribed before me this .... day of .....,  
642 ...(year)..., at .... County, Florida.  
643 ... (Signature and title of officer administering oath)...

644  
645 2. Each candidate for federal office, whether a party  
646 candidate, a candidate with no party affiliation, or a write-in  
647 candidate, in order to qualify for nomination or election to  
648 office shall take and subscribe to an oath or affirmation in  
649 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
650 available ~~furnished~~ to the candidate by the officer before whom  
651 such candidate seeks to qualify and shall be substantially in



204820

652 the following form:

653

654 State of Florida

655 County of ....

656 Before me, an officer authorized to administer oaths,  
657 personally appeared ... (please print name as you wish it to  
658 appear on the ballot) ..., to me well known, who, being sworn,  
659 says that he or she is a candidate for the office of ....; that  
660 he or she is qualified under the Constitution and laws of the  
661 United States to hold the office to which he or she desires to  
662 be nominated or elected; ~~and~~ that he or she has qualified for no  
663 other public office in the state, the term of which office or  
664 any part thereof runs concurrent with that of the office he or  
665 she seeks; and that he or she will support the Constitution of  
666 the United States.

667 ... (Signature of candidate) ...

668 ... (Address) ...

669

670 Sworn to and subscribed before me this .... day of ....,

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

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

673

674 (b) In addition, any person seeking to qualify for  
675 nomination as a candidate of any political party shall, at the  
676 time of subscribing to the oath or affirmation, state in  
677 writing:

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

679 2. That the person ~~is not a registered member of any other~~  
680 ~~political party and~~ has not been a registered member of





204820

681 ~~candidate for nomination for any other political party in the~~  
682 ~~calendar year leading up to the general election for a period of~~  
683 ~~6 months preceding the general election~~ for which the person  
684 seeks to qualify.

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

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

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

693 99.061 Method of qualifying for nomination or election to  
694 federal, state, county, or district office.-

695 (5) At the time of qualifying for office, each candidate  
696 for a constitutional office shall file a full and public  
697 disclosure of financial interests pursuant to s. 8, Art. II of  
698 the State Constitution, which must be verified under oath or  
699 affirmation pursuant to s. 92.525(1)(a), and a candidate for any  
700 other office, including local elective office, shall file a  
701 statement of financial interests pursuant to s. 112.3145.

702 (7) (a) In order for a candidate to be qualified, the  
703 original of the following items must be received by the filing  
704 officer by the end of the qualifying period:

705 1. A properly executed check drawn upon the candidate's  
706 campaign account payable to the person or entity as prescribed  
707 by the filing officer in an amount not less than the fee  
708 required by s. 99.092, unless the candidate obtained the  
709 required number of signatures on petitions ~~or, in lieu thereof,~~



204820

710 ~~as applicable, the copy of the notice of obtaining ballot~~  
711 ~~position~~ pursuant to s. 99.095. The filing fee for a special  
712 district candidate is not required to be drawn upon the  
713 candidate's campaign account. If a candidate's check is returned  
714 by the bank for any reason, the filing officer shall immediately  
715 notify the candidate and the candidate shall have until, the end  
716 of qualifying ~~notwithstanding, have 48 hours from the time such~~  
717 ~~notification is received, excluding Saturdays, Sundays, and~~  
718 ~~legal holidays,~~ to pay the fee with a cashier's check purchased  
719 from funds of the campaign account. Failure to pay the fee as  
720 provided in this subparagraph shall disqualify the candidate.

721 2. The candidate's oath required by s. 99.021, which must  
722 contain the name of the candidate as it is to appear on the  
723 ballot; the office sought, including the district or group  
724 number if applicable; and the signature of the candidate, which  
725 must be verified under oath or affirmation pursuant to s.  
726 92.525(1)(a) duly acknowledged.

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

729 ~~3.4.~~ If the office sought is partisan, the written  
730 statement of political party affiliation required by s.  
731 99.021(1)(b).

732 ~~4.5.~~ Unless the original is filed with the qualifying  
733 officer before the beginning of the qualifying period for the  
734 office sought, the completed form for the appointment of  
735 campaign treasurer and designation of campaign depository, as  
736 required by s. 106.021.

737 ~~5.6.~~ The full and public disclosure or statement of  
738 financial interests required by subsection (5). A public officer



204820

739 who has filed the full and public disclosure or statement of  
740 financial interests with the Commission on Ethics or the  
741 supervisor of elections prior to qualifying for office may file  
742 a copy of that disclosure at the time of qualifying.

743 (b) If the filing officer receives qualifying papers during  
744 the qualifying period prescribed in this section which ~~that~~ do  
745 not include all items as required by paragraph (a) prior to the  
746 last day of qualifying, the filing officer shall make a  
747 reasonable effort to notify the candidate of the missing or  
748 incomplete items and shall inform the candidate that all  
749 required items must be received by the close of qualifying. A  
750 candidate's name as it is to appear on the ballot may not be  
751 changed after the end of qualifying.

752 (c) The filing officer performs a ministerial function in  
753 reviewing qualifying papers. In determining whether a candidate  
754 is qualified, the filing officer shall review the qualifying  
755 papers to determine whether all items required by paragraph (a)  
756 have been properly filed and whether each item is complete on  
757 its face, including whether items that must be verified have  
758 been properly verified pursuant to s. 92.525(1)(a). The filing  
759 officer may not determine whether the contents of the qualifying  
760 papers are accurate.

761 (11) The decision of the filing officer concerning whether  
762 a candidate is qualified is exempt from the provisions of  
763 chapter 120.

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

766 99.063 Candidates for Governor and Lieutenant Governor.—

767 (2) No later than 5 p.m. of the 9th day following the



204820

768 primary election, each designated candidate for Lieutenant  
769 Governor shall file with the Department of State:

770 (a) The candidate's oath required by s. 99.021, which must  
771 contain the name of the candidate as it is to appear on the  
772 ballot; the office sought; and the signature of the candidate,  
773 which must be verified under oath or affirmation pursuant to s.  
774 92.525(1) (a) ~~duly acknowledged.~~

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

777 ~~(b)(e)~~ If the office sought is partisan, the written  
778 statement of political party affiliation required by s.  
779 99.021(1) (b) .

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

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

787 99.092 Qualifying fee of candidate; notification of  
788 Department of State.—

789 (1) Each person seeking to qualify for nomination or  
790 election to any office, except a person seeking to qualify by  
791 the petition process pursuant to s. 99.095 and except a person  
792 seeking to qualify as a write-in candidate, shall pay a  
793 qualifying fee, which shall consist of a filing fee and election  
794 assessment, to the officer with whom the person qualifies, and  
795 any party assessment levied, and shall attach the original or  
796 signed duplicate of the receipt for his or her party assessment



204820

797 or pay the same, in accordance with the provisions of s.  
798 103.121, at the time of filing his or her other qualifying  
799 papers. The amount of the filing fee is 3 percent of the annual  
800 salary of the office. The amount of the election assessment is 1  
801 percent of the annual salary of the office sought. The election  
802 assessment shall be ~~deposited into the Clearing Funds Trust Fund~~  
803 ~~and~~ transferred to the Elections Commission Trust Fund ~~within~~  
804 ~~the Department of Legal Affairs~~. The amount of the party  
805 assessment is 2 percent of the annual salary. The annual salary  
806 of the office for purposes of computing the filing fee, election  
807 assessment, and party assessment shall be computed by  
808 multiplying 12 times the monthly salary, excluding any special  
809 qualification pay, authorized for such office as of July 1  
810 immediately preceding the first day of qualifying. No qualifying  
811 fee shall be returned to the candidate unless the candidate  
812 withdraws his or her candidacy before the last date to qualify.  
813 If a candidate dies prior to an election and has not withdrawn  
814 his or her candidacy before the last date to qualify, the  
815 candidate's qualifying fee shall be returned to his or her  
816 designated beneficiary, and, if the filing fee or any portion  
817 thereof has been transferred to the political party of the  
818 candidate, the Secretary of State shall direct the party to  
819 return that portion to the designated beneficiary of the  
820 candidate.

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

823 99.093 Municipal candidates; election assessment.—

824 (1) Each person seeking to qualify for nomination or  
825 election to a municipal office shall pay, at the time of



204820

826 qualifying for office, an election assessment. The election  
827 assessment shall be an amount equal to 1 percent of the annual  
828 salary of the office sought. Within 30 days after the close of  
829 qualifying, the qualifying officer shall forward all assessments  
830 collected pursuant to this section to the Florida Elections  
831 Commission ~~Department of State~~ for deposit in ~~transfer to~~ the  
832 Elections Commission Trust Fund ~~within the Department of Legal~~  
833 ~~Affairs~~.

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

836 99.095 Petition process in lieu of a qualifying fee and  
837 party assessment.-

838 (2)

839 (d) In a year of apportionment, any candidate for county or  
840 district office seeking ballot position by the petition process  
841 may obtain the required number of signatures from any registered  
842 voter in the respective county, regardless of district  
843 boundaries. The candidate shall obtain at least the number of  
844 signatures equal to 1 percent of the total number of registered  
845 voters, as shown by a compilation by the department for the  
846 immediately preceding general election, divided by the total  
847 number of districts of the office involved.

848 Section 19. Subsections (1), (3), and (5) of section  
849 99.097, Florida Statutes, are amended, and subsection (6) is  
850 added to that section, to read:

851 99.097 Verification of signatures on petitions.-

852 (1) (a) As determined by each supervisor, based upon local  
853 conditions, the checking of names on petitions may be based on  
854 the most inexpensive and administratively feasible of either of



204820

855 the following methods of verification:

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

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

864 (b) Rules and guidelines for this method of petition  
865 verification shall be adopted promulgated by the Department of  
866 State. Rules and guidelines for a random sample method of  
867 verification, which may include a requirement that petitions  
868 bear an additional number of names and signatures, not to exceed  
869 15 percent of the names and signatures otherwise required. If  
870 the petitions do not meet such criteria or if the petitions are  
871 prescribed by s. 100.371, then the use of the random sample  
872 method of verification is ~~method described in this paragraph~~  
873 ~~shall not be~~ available to supervisors.

874 (3) (a) If all other requirements for the petition are met,  
875 a signature on a petition shall be verified and counted as valid  
876 for a registered voter if, after comparing the signature on the  
877 petition and the signature of the registered voter in the voter  
878 registration system, the supervisor is able to determine that  
879 the petition signer is the same as the registered voter, even if  
880 the name on the petition is not in substantially the same form  
881 as in the voter registration system. A name on a petition, which  
882 ~~name is not in substantially the same form as a name on the~~  
883 ~~voter registration books, shall be counted as a valid signature~~



204820

884 ~~if, after comparing the signature on the petition with the~~  
885 ~~signature of the alleged signer as shown on the registration~~  
886 ~~books, the supervisor determines that the person signing the~~  
887 ~~petition and the person who registered to vote are one and the~~  
888 ~~same.~~

889       **(b)** In any situation in which this code requires the form  
890 of the petition to be prescribed by the division, no signature  
891 shall be counted toward the number of signatures required unless  
892 it is on a petition form prescribed by the division.

893       **(c)** ~~(b)~~ If a voter signs a petition and lists an address  
894 other than the legal residence where the voter is registered,  
895 the supervisor shall treat the signature as if the voter had  
896 listed the address where the voter is registered.

897       (5) The results of a verification pursuant to subparagraph  
898 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court  
899 by the candidate; an announced opponent; a representative of a  
900 designated political committee; or a person, party, or other  
901 organization submitting the petition. The contestant shall file  
902 a complaint, together with the fees prescribed in chapter 28,  
903 with the clerk of the circuit court in the county in which the  
904 petition is certified or in Leon County if the petition covers  
905 more than one county within 10 days after midnight of the date  
906 the petition is certified; and the complaint shall set forth the  
907 grounds on which the contestant intends to establish his or her  
908 right to require a complete check of the petition names and  
909 ~~signatures~~ pursuant to subparagraph (1) (a) 1. ~~paragraph (1) (a).~~  
910 In the event the court orders a complete check of the petition  
911 and the result is not changed as to the success or lack of  
912 success of the petitioner in obtaining the requisite number of





204820

913 valid signatures, then such candidate, unless the candidate has  
914 filed the oath stating that he or she is unable to pay such  
915 charges; announced opponent; representative of a designated  
916 political committee; or party, person, or organization  
917 submitting the petition, unless such person or organization has  
918 filed the oath stating inability to pay such charges, shall pay  
919 to the supervisor of elections of each affected county for the  
920 complete check an amount calculated at the rate of 10 cents for  
921 each additional signature checked or the actual cost of checking  
922 such additional signatures, whichever is less.

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

927 (b) If an undue burden oath has been filed and payment is  
928 subsequently made to any person to solicit signatures on a  
929 petition, the undue burden oath is no longer valid and a fee for  
930 all signatures previously submitted to the supervisor of  
931 elections and any that are submitted thereafter shall be paid by  
932 the candidate, person, or organization that submitted the undue  
933 burden oath. If contributions as defined in s. 106.011 are  
934 received, any monetary contributions must first be used to  
935 reimburse the supervisor of elections for any signature  
936 verification fees that were not paid because of the filing of an  
937 undue burden oath.

938 Section 20. Section 100.061, Florida Statutes, is amended  
939 to read:

940 100.061 Primary election.—In each year in which a general  
941 election is held, a primary election for nomination of



204820

942 candidates of political parties shall be held on the Tuesday 9  
943 ~~10~~ weeks prior to the general election. The candidate receiving  
944 the highest number of votes cast in each contest in the primary  
945 election shall be declared nominated for such office. If two or  
946 more candidates receive an equal and highest number of votes for  
947 the same office, such candidates shall draw lots to determine  
948 which candidate is nominated.

949 Section 21. Section 100.111, Florida Statutes, is amended  
950 to read:

951 100.111 Filling vacancy.—

952 (1) (a) If any vacancy occurs in any office which is  
953 required to be filled pursuant to s. 1(f), Art. IV of the State  
954 Constitution and the remainder of the term of such office is 28  
955 months or longer, then at the next general election a person  
956 shall be elected to fill the unexpired portion of such term,  
957 commencing on the first Tuesday after the first Monday following  
958 such general election.

959 (b) If such a vacancy occurs prior to the first day set by  
960 law for qualifying for election to office at such general  
961 election, any person seeking nomination or election to the  
962 unexpired portion of the term shall qualify within the time  
963 prescribed by law for qualifying for other offices to be filled  
964 by election at such general election.

965 (c) If such a vacancy occurs prior to the primary election  
966 but on or after the first day set by law for qualifying, the  
967 Secretary of State shall set dates for qualifying for the  
968 unexpired portion of the term of such office. Any person seeking  
969 nomination or election to the unexpired portion of the term  
970 shall qualify within the time set by the Secretary of State. If



204820

971 time does not permit party nominations to be made in conjunction  
972 with the primary election, the Governor may call a special  
973 primary election to select party nominees for the unexpired  
974 portion of such term.

975 ~~(2)(a) If, in any state or county office required to be~~  
976 ~~filled by election, a vacancy occurs during an election year by~~  
977 ~~reason of the incumbent having qualified as a candidate for~~  
978 ~~federal office pursuant to s. 99.061, no special election is~~  
979 ~~required. Any person seeking nomination or election to the~~  
980 ~~office so vacated shall qualify within the time prescribed by s.~~  
981 ~~99.061 for qualifying for state or county offices to be filled~~  
982 ~~by election.~~

983 ~~(b) If such a vacancy occurs in an election year other than~~  
984 ~~the one immediately preceding expiration of the present term,~~  
985 ~~the Secretary of State shall notify the supervisor of elections~~  
986 ~~in each county served by the office that a vacancy has been~~  
987 ~~created. Such notice shall be provided to the supervisor of~~  
988 ~~elections not later than the close of the first day set for~~  
989 ~~qualifying for state or county office. The supervisor shall~~  
990 ~~provide public notice of the vacancy in any manner the Secretary~~  
991 ~~of State deems appropriate.~~

992 (2)~~(3)~~ Whenever there is a vacancy for which a special  
993 election is required pursuant to s. 100.101, the Governor, after  
994 consultation with the Secretary of State, shall fix the dates of  
995 a special primary election and a special election. Nominees of  
996 political parties shall be chosen under the primary laws of this  
997 state in the special primary election to become candidates in  
998 the special election. Prior to setting the special election  
999 dates, the Governor shall consider any upcoming elections in the



204820

1000 jurisdiction where the special election will be held. The dates  
1001 fixed by the Governor shall be specific days certain and shall  
1002 not be established by the happening of a condition or stated in  
1003 the alternative. The dates fixed shall provide a minimum of 2  
1004 weeks between each election. In the event a vacancy occurs in  
1005 the office of state senator or member of the House of  
1006 Representatives when the Legislature is in regular legislative  
1007 session, the minimum times prescribed by this subsection may be  
1008 waived upon concurrence of the Governor, the Speaker of the  
1009 House of Representatives, and the President of the Senate. If a  
1010 vacancy occurs in the office of state senator and no session of  
1011 the Legislature is scheduled to be held prior to the next  
1012 general election, the Governor may fix the dates for the special  
1013 primary election and for the special election to coincide with  
1014 the dates of the primary election and general election. If a  
1015 vacancy in office occurs in any district in the state Senate or  
1016 House of Representatives or in any congressional district, and  
1017 no session of the Legislature, or session of Congress if the  
1018 vacancy is in a congressional district, is scheduled to be held  
1019 during the unexpired portion of the term, the Governor is not  
1020 required to call a special election to fill such vacancy.

1021 (a) The dates for candidates to qualify in such special  
1022 election or special primary election shall be fixed by the  
1023 Department of State, and candidates shall qualify not later than  
1024 noon of the last day so fixed. The dates fixed for qualifying  
1025 shall allow a minimum of 14 days between the last day of  
1026 qualifying and the special primary election.

1027 (b) The filing of campaign expense statements by candidates  
1028 in such special elections or special primaries and by committees



204820

1029 making contributions or expenditures to influence the results of  
1030 such special primaries or special elections shall be not later  
1031 than such dates as shall be fixed by the Department of State,  
1032 and in fixing such dates the Department of State shall take into  
1033 consideration and be governed by the practical time limitations.

1034 (c) The dates for a candidate to qualify by the petition  
1035 process pursuant to s. 99.095 in such special primary or special  
1036 election shall be fixed by the Department of State. In fixing  
1037 such dates the Department of State shall take into consideration  
1038 and be governed by the practical time limitations. Any candidate  
1039 seeking to qualify by the petition process in a special primary  
1040 election shall obtain 25 percent of the signatures required by  
1041 s. 99.095.

1042 (d) The qualifying fees and party assessments of such  
1043 candidates as may qualify shall be the same as collected for the  
1044 same office at the last previous primary for that office. The  
1045 party assessment shall be paid to the appropriate executive  
1046 committee of the political party to which the candidate belongs.

1047 (e) Each county canvassing board shall make as speedy a  
1048 return of the result of such special primary elections and  
1049 special elections as time will permit, and the Elections  
1050 Canvassing Commission likewise shall make as speedy a canvass  
1051 and declaration of the nominees as time will permit.

1052 ~~(3)-(4)~~(a) In the event that death, resignation, withdrawal,  
1053 removal, or any other cause or event should cause a party to  
1054 have a vacancy in nomination which leaves no candidate for an  
1055 office from such party, the filing officer before whom the  
1056 candidate qualified ~~Department of State~~ shall notify the chair  
1057 of the ~~appropriate state and county, district, or county~~



204820

1058 political party executive committee of such party~~r~~ and,

1059 1. If the vacancy in nomination is for a statewide office,  
1060 the state party chair shall, within 5 days, the chair shall call  
1061 a meeting of his or her executive board committee to consider  
1062 designation of a nominee to fill the vacancy.

1063 2. If the vacancy in nomination is for a legislative or  
1064 multicounty office, the state party chair shall notify the  
1065 appropriate county chair or chairs and, within 5 days, the  
1066 appropriate county chair or chairs shall call a meeting of the  
1067 members of the executive committee in the affected county or  
1068 counties to consider designation of a nominee to fill the  
1069 vacancy.

1070 3. If the vacancy in nomination is for a county office, the  
1071 state party chair shall notify the appropriate county chair and,  
1072 within 5 days, the appropriate county chair shall call a meeting  
1073 of his or her executive committee to consider designation of a  
1074 nominee to fill the vacancy.

1075  
1076 The name of any person so designated shall be submitted to the  
1077 filing officer before whom the candidate qualified ~~Department of~~  
1078 ~~State~~ within 7 days after notice to the chair in order that the  
1079 person designated may have his or her name on the ballot of the  
1080 ensuing general election. If the name of the new nominee is  
1081 submitted after the certification of results of the preceding  
1082 primary election, however, the ballots shall not be changed and  
1083 the former party nominee's name will appear on the ballot. Any  
1084 ballots cast for the former party nominee will be counted for  
1085 the person designated by the political party to replace the  
1086 former party nominee. If there is no opposition to the party



204820

1087 nominee, the person designated by the political party to replace  
1088 the former party nominee will be elected to office at the  
1089 general election. ~~For purposes of this paragraph, the term~~  
1090 ~~"district political party executive committee" means the members~~  
1091 ~~of the state executive committee of a political party from those~~  
1092 ~~counties comprising the area involving a district office.~~

1093 (b) When, under the circumstances set forth in the  
1094 preceding paragraph, vacancies in nomination are required to be  
1095 filled by committee nominations, such vacancies shall be filled  
1096 by party rule. In any instance in which a nominee is selected by  
1097 a committee to fill a vacancy in nomination, such nominee shall  
1098 pay the same filing fee and take the same oath as the nominee  
1099 would have taken had he or she regularly qualified for election  
1100 to such office.

1101 (c) Any person who, at the close of qualifying as  
1102 prescribed in ss. 99.061 and 105.031, was qualified for  
1103 nomination or election to or retention in a public office to be  
1104 filled at the ensuing general election or who attempted to  
1105 qualify and failed to qualify is prohibited from qualifying as a  
1106 candidate to fill a vacancy in nomination for any other office  
1107 to be filled at that general election, even if such person has  
1108 withdrawn or been eliminated as a candidate for the original  
1109 office sought. However, this paragraph does not apply to a  
1110 candidate for the office of Lieutenant Governor who applies to  
1111 fill a vacancy in nomination for the office of Governor on the  
1112 same ticket or to a person who has withdrawn or been eliminated  
1113 as a candidate and who is subsequently designated as a candidate  
1114 for Lieutenant Governor under s. 99.063.

1115 (4) A vacancy in nomination is not created if an order of a



204820

1116 court that has become final determines that a nominee did not  
1117 properly qualify or did not meet the necessary qualifications to  
1118 hold the office for which he or she sought to qualify.

1119 (5) In the event of unforeseeable circumstances not  
1120 contemplated in these general election laws concerning the  
1121 calling and holding of special primary elections and special  
1122 elections resulting from court order or other unpredictable  
1123 circumstances, the Department of State shall have the authority  
1124 to provide for the conduct of orderly elections.

1125 Section 22. Subsections (1), (3), (6), (7), and (8) of  
1126 section 100.371, Florida Statutes, are amended to read:

1127 100.371 Initiatives; procedure for placement on ballot.—

1128 (1) Constitutional amendments proposed by initiative shall  
1129 be placed on the ballot for the general election, provided the  
1130 initiative petition has been filed with the Secretary of State  
1131 no later than February 1 of the year the general election is  
1132 held. A petition shall be deemed to be filed with the Secretary  
1133 of State upon the date the secretary determines that valid and  
1134 verified petition forms have been signed by the constitutionally  
1135 required number and distribution of electors under this code,  
1136 ~~subject to the right of revocation established in this section.~~

1137 (3) An initiative petition form circulated for signature  
1138 may not be bundled with or attached to any other petition. Each  
1139 signature shall be dated when made and shall be valid for a  
1140 period of 2 4 years following such date, provided all other  
1141 requirements of law are met. The sponsor shall submit signed and  
1142 dated forms to the ~~appropriate~~ supervisor of elections for the  
1143 county of residence listed by the person signing the form for  
1144 verification of ~~as to~~ the number of ~~registered electors whose~~





204820

1145 valid signatures obtained ~~appear thereon~~. If a signature on a  
1146 petition is from a registered voter in another county, the  
1147 supervisor shall notify the petition sponsor of the misfiled  
1148 petition. The supervisor shall promptly verify the signatures  
1149 within 30 days after ~~of~~ receipt of the petition forms and  
1150 payment of the fee required by s. 99.097. The supervisor shall  
1151 promptly record, in the manner prescribed by the Secretary of  
1152 State, the date each form is received by the supervisor, and the  
1153 date the signature on the form is verified as valid. The  
1154 supervisor may verify that the signature on a form is valid only  
1155 if:

1156 (a) The form contains the original signature of the  
1157 purported elector.

1158 (b) The purported elector has accurately recorded on the  
1159 form the date on which he or she signed the form.

1160 (c) The form ~~accurately~~ sets forth the purported elector's  
1161 name, ~~street~~ address, city, county, and voter registration  
1162 number or date of birth.

1163 (d) The purported elector is, at the time he or she signs  
1164 the form and at the time the form is verified, a duly qualified  
1165 and registered elector ~~authorized to vote in the~~ state ~~county in~~  
1166 ~~which his or her signature is submitted.~~

1167  
1168 The supervisor shall retain the signature forms for at least 1  
1169 year following the election in which the issue appeared on the  
1170 ballot or until the Division of Elections notifies the  
1171 supervisors of elections that the committee that ~~which~~  
1172 circulated the petition is no longer seeking to obtain ballot  
1173 position.



204820

1174           ~~(6) (a) An elector's signature on a petition form may be~~  
1175 ~~revoked within 150 days of the date on which he or she signed~~  
1176 ~~the petition form by submitting to the appropriate supervisor of~~  
1177 ~~elections a signed petition revocation form.~~

1178           ~~(b) The petition revocation form and the manner in which~~  
1179 ~~signatures are obtained, submitted, and verified shall be~~  
1180 ~~subject to the same relevant requirements and timeframes as the~~  
1181 ~~corresponding petition form and processes under this code and~~  
1182 ~~shall be approved by the Secretary of State before any signature~~  
1183 ~~on a petition revocation form is obtained.~~

1184           ~~(c) In those circumstances in which a petition revocation~~  
1185 ~~form for a corresponding initiative petition has not been~~  
1186 ~~submitted and approved, an elector may complete and submit a~~  
1187 ~~standard petition revocation form directly to the supervisor of~~  
1188 ~~elections. All other requirements and processes apply for the~~  
1189 ~~submission and verification of the signatures as for initiative~~  
1190 ~~petitions.~~

1191           ~~(d) Supervisors of elections shall provide petition~~  
1192 ~~revocation forms to the public at all main and branch offices.~~

1193           ~~(e) The petition revocation form shall be filed with the~~  
1194 ~~supervisor of elections by February 1 preceding the next general~~  
1195 ~~election or, if the initiative amendment is not certified for~~  
1196 ~~ballot position in that election, by February 1 preceding the~~  
1197 ~~next successive general election. The supervisor of elections~~  
1198 ~~shall promptly verify the signature on the petition revocation~~  
1199 ~~form and process such revocation upon payment, in advance, of a~~  
1200 ~~fee of 10 cents or the actual cost of verifying such signature,~~  
1201 ~~whichever is less. The supervisor shall promptly record each~~  
1202 ~~valid and verified signature on a petition revocation form in~~



204820

1203 ~~the manner prescribed by the Secretary of State.~~

1204 ~~(f) The division shall adopt by rule the petition-~~  
1205 ~~revocation forms to be used under this subsection.~~

1206 (6)~~(7)~~ The Department of State may adopt rules in  
1207 accordance with s. 120.54 to carry out the provisions of  
1208 subsections (1)-(5) ~~subsections (1)-(6)~~.

1209 (7)~~(8)~~ No provision of this code shall be deemed to  
1210 prohibit a private person exercising lawful control over  
1211 privately owned property, including property held open to the  
1212 public for the purposes of a commercial enterprise, from  
1213 excluding from such property persons seeking to engage in  
1214 activity supporting or opposing initiative amendments.

1215 Section 23. Subsection (1) of section 101.043, Florida  
1216 Statutes, is amended to read:

1217 101.043 Identification required at polls.—

1218 (1) The precinct register, as prescribed in s. 98.461,  
1219 shall be used at the polls for the purpose of identifying the  
1220 elector at the polls prior to allowing him or her to vote. The  
1221 clerk or inspector shall require each elector, upon entering the  
1222 polling place, to present one of the following current and valid  
1223 picture identifications:

1224 (a) Florida driver's license.

1225 (b) Florida identification card issued by the Department of  
1226 Highway Safety and Motor Vehicles.

1227 (c) United States passport.

1228 (d) Debit or credit card.

1229 (e) Military identification.

1230 (f) Student identification.

1231 (g) Retirement center identification.



204820

1232 (h) Neighborhood association identification.

1233 (i) Public assistance identification.

1234  
1235 If the picture identification does not contain the signature of  
1236 the elector ~~voter~~, an additional identification that provides  
1237 the elector's ~~voter's~~ signature shall be required. The address  
1238 appearing on the identification presented by the elector may not  
1239 be used as the basis to confirm an elector's legal residence or  
1240 otherwise challenge an elector's legal residence. The elector  
1241 shall sign his or her name in the space provided on the precinct  
1242 register or on an electronic device provided for recording the  
1243 elector's ~~voter's~~ signature. The clerk or inspector shall  
1244 compare the signature with that on the identification provided  
1245 by the elector and enter his or her initials in the space  
1246 provided on the precinct register or on an electronic device  
1247 provided for that purpose and allow the elector to vote if the  
1248 clerk or inspector is satisfied as to the identity of the  
1249 elector.

1250 Section 24. Section 101.045, Florida Statutes, is amended  
1251 to read:

1252 (Substantial rewording of section. See  
1253 s. 101.045, F.S., for present text.)

1254 101.045 Electors must be registered in precinct.-

1255 (1) A person is not permitted to vote in any election  
1256 precinct or district other than the one in which the person has  
1257 his or her legal residence and in which the person is  
1258 registered. However, a person temporarily residing outside the  
1259 county shall be registered in the precinct in which the main  
1260 office of the supervisor, as designated by the supervisor, is



204820

1261 located when the person has no permanent address in the county  
1262 and it is the person's intention to remain a resident of Florida  
1263 and of the county in which he or she is registered to vote. Such  
1264 persons who are registered in the precinct in which the main  
1265 office of the supervisor, as designated by the supervisor, is  
1266 located and who are residing outside the county with no  
1267 permanent address in the county may not be registered electors  
1268 of a municipality and therefore are not permitted to vote in any  
1269 municipal elections.

1270 (2) If the elector's eligibility to vote cannot be  
1271 determined, he or she is entitled to vote using a provisional  
1272 ballot, subject to the requirements and procedures in s.  
1273 101.048.

1274 Section 25. Subsection (2) of section 101.131, Florida  
1275 Statutes, is amended, and subsections (4) and (5) are added to  
1276 that section, to read:

1277 101.131 Watchers at polls.-

1278 (2) Each party, each political committee, and each  
1279 candidate requesting to have poll watchers shall designate, in  
1280 writing to the supervisors of elections, on a form prescribed by  
1281 the division, before ~~prior to~~ noon of the second Tuesday  
1282 preceding the election poll watchers for each polling room on  
1283 election day. Designations of poll watchers for early voting  
1284 areas shall be submitted in writing to the supervisor of  
1285 elections, on a form prescribed by the division, before noon at  
1286 least 14 days before early voting begins. The poll watchers for  
1287 each polling rooms ~~room~~ shall be approved by the supervisor of  
1288 elections on or before the Tuesday before the election. Poll  
1289 watchers for early voting areas shall be approved by the



204820

1290 supervisor of elections no later than 7 days before early voting  
1291 begins. The supervisor shall furnish to each election board a  
1292 list of the poll watchers designated and approved for such  
1293 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of  
1294 poll watchers shall be made by the chair of the county executive  
1295 committee of a political party, the chair of a political  
1296 committee, or the candidate requesting to have poll watchers.

1297 (4) All poll watchers shall be allowed to enter and watch  
1298 polls in all polling rooms and early voting areas within the  
1299 county in which they have been designated if the number of poll  
1300 watchers at any particular polling place does not exceed the  
1301 number provided in this section.

1302 (5) The supervisor of elections shall provide to each  
1303 designated poll watcher, no later than 7 days before early  
1304 voting begins, a poll watcher identification badge that  
1305 identifies the poll watcher by name. Each poll watcher must wear  
1306 his or her identification badge while in the polling room or  
1307 early voting area.

1308 Section 26. Subsections (1), (2), and (3) of section  
1309 101.151, Florida Statutes, are amended to read:

1310 101.151 Specifications for ballots.—

1311 (1) (a) Marksense ballots shall be printed on paper of such  
1312 thickness that the printing cannot be distinguished from the  
1313 back and shall meet the specifications of the voting system that  
1314 will be used to tabulate the ballots.

1315 (b) Early voting sites may employ a ballot-on-demand  
1316 production system to print individual marksense ballots,  
1317 including provisional ballots, for eligible electors pursuant to  
1318 s. 101.657. Ballot-on-demand technology may be used to produce



204820

1319 ~~marksense absentee and election-day ballots. Not later than 30~~  
1320 ~~days before an election, the Secretary of State may also~~  
1321 ~~authorize in writing the use of ballot on-demand technology for~~  
1322 ~~the production of election-day ballots.~~

1323 (2) (a) The ballot shall have the following office titles  
1324 ~~headings~~ under which shall appear ~~the names of the offices and~~  
1325 the names of the candidates for the respective offices in the  
1326 following order:

1327 1. The office titles of heading "President and Vice  
1328 President of the United States" and thereunder the names of the  
1329 candidates for President and Vice President of the United States  
1330 nominated by the political party that received the highest vote  
1331 for Governor in the last general election of the Governor in  
1332 this state. Then shall appear the names of other candidates for  
1333 President and Vice President of the United States who have been  
1334 properly nominated.

1335 2. The office titles ~~Then shall follow the heading~~  
1336 ~~"Congressional"~~ and thereunder the offices of United States  
1337 Senator and Representative in Congress.†

1338 3. The office titles ~~then the heading "State" and~~  
1339 ~~thereunder the offices~~ of Governor and Lieutenant Governor,  
1340 Attorney General, Chief Financial Officer, Commissioner of  
1341 Agriculture, State Attorney, with the applicable judicial  
1342 circuit printed beneath the office, and Public Defender, with  
1343 the applicable judicial circuit printed beneath the office.  
1344 ~~together with the names of the candidates for each office and~~  
1345 ~~the title of the office which they seek; then the heading~~  
1346 ~~"Legislative" and thereunder~~

1347 4. The office titles ~~offices~~ of State Senator and State



204820

1348 Representative, with the applicable district for the office  
1349 printed beneath.; then the heading "County" and thereunder

1350 5. The office titles of County Clerk of the Circuit Court,  
1351 or Clerk of the Circuit Court and Comptroller, whichever is  
1352 applicable and when authorized by law, Clerk of the County  
1353 Court, (when authorized by law), County Sheriff, County Property  
1354 Appraiser, County Tax Collector, District Superintendent of  
1355 Schools, and County Supervisor of Elections.

1356 6. The office titles ~~Thereafter follows: members of the~~  
1357 Board of County Commissioners, with the applicable district  
1358 printed beneath each office, and such other county and district  
1359 offices as are involved in the election, in the order fixed by  
1360 the Department of State, followed, in the year of their  
1361 election, by "Party Offices," and thereunder the offices of  
1362 state and county party executive committee members.

1363 (b) In a general election, in addition to the names printed  
1364 on the ballot, a blank space shall be provided under each  
1365 ~~heading for an~~ office for which a write-in candidate has  
1366 qualified. With respect to write-in candidates, if two or more  
1367 candidates are seeking election to one office, only one blank  
1368 space shall be provided.

1369 (c) ~~(b)~~ When more than one candidate is nominated for  
1370 office, the candidates for such office shall qualify and run in  
1371 a group or district, and the group or district number shall be  
1372 printed beneath the name of the office. Each nominee of a  
1373 political party chosen in a primary shall appear on the general  
1374 election ballot in the same numbered group or district as on the  
1375 primary election ballot.

1376 (d) ~~(c)~~ If in any election all the offices as set forth in





204820

1377 paragraph (a) are not involved, those offices not to be filled  
1378 shall be omitted and the remaining offices shall be arranged on  
1379 the ballot in the order named.

1380 (3) (a) The names of the candidates of the party that  
1381 received the highest number of votes for Governor in the last  
1382 election in which a Governor was elected shall be placed first  
1383 ~~under the heading~~ for each office on the general election  
1384 ballot, together with an appropriate abbreviation of the party  
1385 name; the names of the candidates of the party that received the  
1386 second highest vote for Governor shall be placed second ~~under~~  
1387 ~~the heading~~ for each office, together with an appropriate  
1388 abbreviation of the party name.

1389 (b) Minor political party candidates ~~and candidates with no~~  
1390 ~~party affiliation~~ shall have their names appear on the general  
1391 election ballot following the names of recognized political  
1392 parties, in the same order as they were qualified, certified  
1393 followed by the names of candidates with no party affiliation,  
1394 in the order as they were qualified.

1395 Section 27. Subsection (2) of section 101.161, Florida  
1396 Statutes, is amended to read:

1397 101.161 Referenda; ballots.—

1398 (2) (a) The substance and ballot title of a constitutional  
1399 amendment proposed by initiative shall be prepared by the  
1400 sponsor and approved by the Secretary of State in accordance  
1401 with rules adopted pursuant to s. 120.54. The Department of  
1402 State shall give each proposed constitutional amendment a  
1403 designating number for convenient reference. This number  
1404 designation shall appear on the ballot. Designating numbers  
1405 shall be assigned in the order of filing or certification and in



204820

1406 accordance with rules adopted by the Department of State. The  
1407 Department of State shall furnish the designating number, the  
1408 ballot title, and the substance of each amendment to the  
1409 supervisor of elections of each county in which such amendment  
1410 is to be voted on.

1411 (b) Any action for a judicial determination that the ballot  
1412 title or substance embodied in a joint resolution is inaccurate,  
1413 misleading, or otherwise defective must be commenced within 30  
1414 days after the joint resolution is filed with the Secretary of  
1415 State or at least 150 days before the election at which the  
1416 amendment will appear on the ballot, whichever occurs later. The  
1417 court, including any appellate court, shall accord the case  
1418 priority over other pending cases and render a decision as  
1419 expeditiously as possible. If the court determines that the  
1420 ballot title or substance embodied in the joint resolution is  
1421 defective and further appeals are declined, abandoned, or  
1422 exhausted, the Attorney General shall promptly prepare a revised  
1423 ballot title and substance that correct the deficiencies  
1424 identified by the court, and the Department of State shall  
1425 furnish a designating number and the revised ballot title and  
1426 substance to the supervisors of elections for placement on the  
1427 ballot. A defect in the ballot title or substance embodied in  
1428 the joint resolution is not grounds to remove the proposed  
1429 amendment from the ballot.

1430 Section 28. Paragraph (a) of subsection (2) of section  
1431 101.5605, Florida Statutes, is amended to read:

1432 101.5605 Examination and approval of equipment.—

1433 (2) (a) Any person owning or interested in an electronic or  
1434 electromechanical voting system may submit it to the Department



204820

1435 of State for examination. The vote counting segment shall be  
1436 certified after a satisfactory evaluation testing has been  
1437 performed according to the standards adopted under s. 101.015(1)  
1438 ~~electronic industry standards~~. This testing shall include, but  
1439 is not limited to, testing of all software required for the  
1440 voting system's operation; the ballot reader; the rote  
1441 processor, especially in its logic and memory components; the  
1442 digital printer; the fail-safe operations; the counting center  
1443 environmental requirements; and the equipment reliability  
1444 estimate. For the purpose of assisting in examining the system,  
1445 the department shall employ or contract for services of at least  
1446 one individual who is expert in one or more fields of data  
1447 processing, mechanical engineering, and public administration  
1448 and shall require from the individual a written report of his or  
1449 her examination.

1450 Section 29. Subsection (11) of section 101.5606, Florida  
1451 Statutes, is amended to read

1452 101.5606 Requirements for approval of systems.—No  
1453 electronic or electromechanical voting system shall be approved  
1454 by the Department of State unless it is so constructed that:

1455 (11) It is capable of automatically producing precinct  
1456 totals in printed, ~~marked, or punched form, or a combination~~  
1457 ~~thereof~~.

1458 Section 30. Paragraph (a) of subsection (4) of section  
1459 101.5612, Florida Statutes, is amended to read:

1460 101.5612 Testing of tabulating equipment.—

1461 (4) (a) 1. For electronic or electromechanical voting systems  
1462 configured to include electronic or electromechanical tabulation  
1463 devices which are distributed to the precincts, all or a sample



204820

1464 of the devices to be used in the election shall be publicly  
1465 tested. If a sample is to be tested, the sample shall consist of  
1466 a random selection of at least 5 percent or 10 of the devices  
1467 for an optical scan system ~~or 2 percent of the devices for a~~  
1468 ~~touchscreen system or 10 of the devices for either system, as~~  
1469 ~~applicable~~, whichever is greater. For touchscreen systems used  
1470 for voters having a disability, a sample of at least 2 percent  
1471 of the devices must be tested. The test shall be conducted by  
1472 processing a group of ballots, causing the device to output  
1473 results for the ballots processed, and comparing the output of  
1474 results to the results expected for the ballots processed. The  
1475 group of ballots shall be produced so as to record a  
1476 predetermined number of valid votes for each candidate and on  
1477 each measure and to include for each office one or more ballots  
1478 which have activated voting positions in excess of the number  
1479 allowed by law in order to test the ability of the tabulating  
1480 device to reject such votes.

1481         2. If any tested tabulating device is found to have an  
1482 error in tabulation, it shall be deemed unsatisfactory. For each  
1483 device deemed unsatisfactory, the canvassing board shall take  
1484 steps to determine the cause of the error, shall attempt to  
1485 identify and test other devices that could reasonably be  
1486 expected to have the same error, and shall test a number of  
1487 additional devices sufficient to determine that all devices are  
1488 satisfactory. Upon deeming any device unsatisfactory, the  
1489 canvassing board may require all devices to be tested or may  
1490 declare that all devices are unsatisfactory.

1491         3. If the operation or output of any tested tabulation  
1492 device, such as spelling or the order of candidates on a report,



204820

1493 is in error, such problem shall be reported to the canvassing  
1494 board. The canvassing board shall then determine if the reported  
1495 problem warrants its deeming the device unsatisfactory.

1496 Section 31. Subsection (4) of section 101.5614, Florida  
1497 Statutes, is amended to read:

1498 101.5614 Canvass of returns.—

1499 ~~(4) If ballot cards are used, and separate write-in ballots~~  
1500 ~~or envelopes for casting write-in votes are used, write-in~~  
1501 ~~ballots or the envelopes on which write-in ballots have been~~  
1502 ~~cast shall be serially numbered, starting with the number one,~~  
1503 ~~and the same number shall be placed on the ballot card of the~~  
1504 ~~voter. This process may be completed at either the precinct by~~  
1505 ~~the election board or at the central counting location. For each~~  
1506 ~~ballot or ballot image and ballot envelope on which write-in~~  
1507 ~~votes have been cast, the canvassing board shall compare the~~  
1508 ~~write-in votes with the votes cast on the ballot card; if the~~  
1509 ~~total number of votes for any office exceeds the number allowed~~  
1510 ~~by law, a notation to that effect, specifying the office~~  
1511 ~~involved, shall be entered on the back of the ballot card or in~~  
1512 ~~a margin if voting areas are printed on both sides of the ballot~~  
1513 ~~card. such votes shall not be counted. All valid votes shall be~~  
1514 tallied by the canvassing board.

1515 Section 32. Subsection (6) is added to section 101.591,  
1516 Florida Statutes, to read:

1517 101.591 Voting system audit.—

1518 (6) If a manual recount is undertaken pursuant to s.  
1519 102.166, the canvassing board is not required to perform the  
1520 audit provided for in this section.

1521 Section 33. Paragraphs (a) and (b) of subsection (1), and



204820

1522 subsections (3) and (4) of section 101.62, Florida Statutes, are  
1523 amended to read:

1524 101.62 Request for absentee ballots.—

1525 (1)(a) The supervisor shall accept a request for an  
1526 absentee ballot from an elector in person or in writing. One  
1527 request shall be deemed sufficient to receive an absentee ballot  
1528 for all elections through the end of the calendar year of the  
1529 next two regularly scheduled general elections ~~election~~, unless  
1530 the elector or the elector's designee indicates at the time the  
1531 request is made the elections for which the elector desires to  
1532 receive an absentee ballot. Such request may be considered  
1533 canceled when any first-class mail sent by the supervisor to the  
1534 elector is returned as undeliverable.

1535 (b) The supervisor may accept a written or telephonic  
1536 request for an absentee ballot from the elector, or, if directly  
1537 instructed by the elector, a member of the elector's immediate  
1538 family, or the elector's legal guardian. For purposes of this  
1539 section, the term "immediate family" has the same meaning as  
1540 specified in paragraph (4)(c) ~~paragraph (4)(b)~~. The person  
1541 making the request must disclose:

- 1542 1. The name of the elector for whom the ballot is  
1543 requested.
- 1544 2. The elector's address.
- 1545 3. The elector's date of birth.
- 1546 4. The requester's name.
- 1547 5. The requester's address.
- 1548 6. The requester's driver's license number, if available.
- 1549 7. The requester's relationship to the elector.
- 1550 8. The requester's signature (written requests only).



204820

1551 (3) For each request for an absentee ballot received, the  
1552 supervisor shall record the date the request was made, the date  
1553 the absentee ballot was delivered to the voter or the voter's  
1554 designee or the date the absentee ballot was delivered to the  
1555 post office or other carrier, the date the ballot was received  
1556 by the supervisor, and such other information he or she may deem  
1557 necessary. This information shall be provided in electronic  
1558 format as provided by rule adopted by the division. The  
1559 information shall be updated and made available no later than 8  
1560 a.m. noon of each day, including weekends, beginning 60 days  
1561 before the primary until 15 days after the general election and  
1562 shall be contemporaneously provided to the division. This  
1563 information shall be confidential and exempt from the provisions  
1564 of s. 119.07(1) and shall be made available to or reproduced  
1565 only for the voter requesting the ballot, a canvassing board, an  
1566 election official, a political party or official thereof, a  
1567 candidate who has filed qualification papers and is opposed in  
1568 an upcoming election, and registered political committees or  
1569 registered committees of continuous existence, for political  
1570 purposes only.

1571 (4) (a) No later than 45 days before each presidential  
1572 preference primary election, primary election, and general  
1573 election, the supervisor of elections shall send an absentee  
1574 ballot as provided in subparagraph (c)2. ~~subparagraph (b)2.~~ to  
1575 each absent uniformed services voter and to each overseas voter  
1576 who has requested an absentee ballot.

1577 (b) The supervisor shall begin mailing absentee ballots  
1578 between the 35th and 30th day before the presidential preference  
1579 primary election, special election, primary election, and



204820

1580 general election to each absent qualified voter, other than  
1581 those listed in paragraph (a), who has requested such a ballot.  
1582 Except as otherwise provided in subsection (2) and after the  
1583 period described in this paragraph, the supervisor shall mail  
1584 absentee ballots within 48 hours after receiving a request for  
1585 such a ballot.

1586 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to  
1587 each elector by whom a request for that ballot has been made by  
1588 one of the following means:

1589 1. By nonforwardable, return-if-undeliverable mail to the  
1590 elector's current mailing address on file with the supervisor  
1591 or, unless the elector specifies in the request that:

1592 a. The elector is absent from the county and does not plan  
1593 to return before the day of the election;

1594 b. The elector is temporarily unable to occupy the  
1595 residence because of hurricane, tornado, flood, fire, or other  
1596 emergency or natural disaster; or

1597 e. The elector is in a hospital, assisted living facility,  
1598 nursing home, short term medical or rehabilitation facility, or  
1599 correctional facility,

1600 in which case the supervisor shall mail the ballot by  
1601 nonforwardable, return-if-undeliverable mail to any other  
1602 address the elector specifies in the request.

1604 2. By forwardable mail, e-mail, or facsimile machine  
1605 transmission to absent uniformed services voters and overseas  
1606 voters. The absent uniformed services voter or overseas voter  
1607 may designate in the absentee ballot request the preferred  
1608 method of transmission. If the voter does not designate the





204820

1609 method of transmission, the absentee ballot shall be mailed.

1610 3. By personal delivery before 7 p.m. on election day to  
1611 the elector, upon presentation of the identification required in  
1612 s. 101.043.

1613 4. By delivery to a designee on election day or up to 5  
1614 days prior to the day of an election. Any elector may designate  
1615 in writing a person to pick up the ballot for the elector;  
1616 however, the person designated may not pick up more than two  
1617 absentee ballots per election, other than the designee's own  
1618 ballot, except that additional ballots may be picked up for  
1619 members of the designee's immediate family. For purposes of this  
1620 section, "immediate family" means the designee's spouse or the  
1621 parent, child, grandparent, or sibling of the designee or of the  
1622 designee's spouse. The designee shall provide to the supervisor  
1623 the written authorization by the elector and a picture  
1624 identification of the designee and must complete an affidavit.  
1625 The designee shall state in the affidavit that the designee is  
1626 authorized by the elector to pick up that ballot and shall  
1627 indicate if the elector is a member of the designee's immediate  
1628 family and, if so, the relationship. The department shall  
1629 prescribe the form of the affidavit. If the supervisor is  
1630 satisfied that the designee is authorized to pick up the ballot  
1631 and that the signature of the elector on the written  
1632 authorization matches the signature of the elector on file, the  
1633 supervisor shall give the ballot to that designee for delivery  
1634 to the elector.

1635 Section 34. Section 101.65, Florida Statutes, is amended to  
1636 read:

1637 101.65 Instructions to absent electors.—The supervisor



204820

1638 shall enclose with each absentee ballot separate printed  
1639 instructions in substantially the following form:

1640

1641 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1642 1. VERY IMPORTANT. In order to ensure that your absentee  
1643 ballot will be counted, it should be completed and returned as  
1644 soon as possible so that it can reach the supervisor of  
1645 elections of the county in which your precinct is located no  
1646 later than 7 p.m. on the day of the election.

1647 2. Mark your ballot in secret as instructed on the ballot.  
1648 You must mark your own ballot unless you are unable to do so  
1649 because of blindness, disability, or inability to read or write.

1650 3. Mark only the number of candidates or issue choices for  
1651 a race as indicated on the ballot. If you are allowed to "Vote  
1652 for One" candidate and you vote for more than one candidate,  
1653 your vote in that race will not be counted.

1654 4. Place your marked ballot in the enclosed secrecy  
1655 envelope.

1656 5. Insert the secrecy envelope into the enclosed mailing  
1657 envelope which is addressed to the supervisor.

1658 6. Seal the mailing envelope and completely fill out the  
1659 Voter's Certificate on the back of the mailing envelope.

1660 7. VERY IMPORTANT. In order for your absentee ballot to be  
1661 counted, you must sign your name on the line above (Voter's  
1662 Signature). An absentee ballot will be considered illegal and  
1663 not be counted if the signature on the voter's certificate does  
1664 not match the signature on record. The signature on file at the  
1665 start of the canvass of the absentee ballots is the signature  
1666 that will be used to verify your signature on the voter's



204820

1667 certificate. If you need to update your signature for this  
1668 election, send your signature update on a voter registration  
1669 application to your supervisor of elections so that it is  
1670 received no later than the start of the canvassing of absentee  
1671 ballots, which occurs no earlier than the Wednesday before  
1672 election day.

1673 8. VERY IMPORTANT. If you are an overseas voter, you must  
1674 include the date you signed the Voter's Certificate on the line  
1675 above (Date) or your ballot may not be counted.

1676 9. Mail, deliver, or have delivered the completed mailing  
1677 envelope. Be sure there is sufficient postage if mailed.

1678 10. FELONY NOTICE. It is a felony under Florida law to  
1679 accept any gift, payment, or gratuity in exchange for your vote  
1680 for a candidate. It is also a felony under Florida law to vote  
1681 in an election using a false identity or false address, or under  
1682 any other circumstances making your ballot false or fraudulent.

1683 Section 35. Subsection (1) of section 101.657, Florida  
1684 Statutes, is amended to read:

1685 101.657 Early voting.-

1686 (1) (a) As a convenience to the voter, the supervisor of  
1687 elections shall allow an elector to vote early in the main or  
1688 branch office of the supervisor. The supervisor shall mark,  
1689 code, indicate on, or otherwise track the voter's precinct for  
1690 each early voted ballot. In order for a branch office to be used  
1691 for early voting, it shall be a permanent facility of the  
1692 supervisor and shall have been designated and used as such for  
1693 at least 1 year prior to the election. The supervisor may also  
1694 designate any city hall or permanent public library facility as  
1695 early voting sites; however, if so designated, the sites must be



204820

1696 geographically located so as to provide all voters in the county  
1697 an equal opportunity to cast a ballot, insofar as is  
1698 practicable. The results or tabulation of votes cast during  
1699 early voting may not be made before the close of the polls on  
1700 election day. Results shall be reported by precinct.

1701 (b) The supervisor shall designate each early voting site  
1702 by no later than the 30th day prior to an election and shall  
1703 designate an early voting area, as defined in s. 97.021, at each  
1704 early voting site.

1705 (c) All early voting sites in a county shall be open on the  
1706 same days for the same amount of time and shall allow any person  
1707 in line at the closing of an early voting site to vote.

1708 (d) Early voting shall begin on the 7th ~~15th~~ day before an  
1709 election which contains state or federal races and end on the  
1710 2nd day before the ~~an~~ election and. ~~For purposes of a special~~  
1711 ~~election held pursuant to s. 100.101, early voting shall begin~~  
1712 ~~on the 8th day before an election and end on the 2nd day before~~  
1713 ~~an election. Early voting shall be provided for 8 hours per~~  
1714 ~~weekday and 8 hours in the aggregate each weekend at each site~~  
1715 ~~during the applicable periods. The supervisor of elections may~~  
1716 provide early voting for elections that are not held in  
1717 conjunction with a state or federal election. However, the  
1718 supervisor has the discretion to determine the hours of  
1719 operation of early voting sites in those elections ~~Early voting~~  
1720 ~~sites shall open no sooner than 7 a.m. and close no later than 7~~  
1721 ~~p.m. on each applicable day.~~

1722 (e) Notwithstanding the requirements of s. 100.3605,  
1723 municipalities may provide early voting in municipal elections  
1724 that are not held in conjunction with county or state elections.



204820

1725 If a municipality provides early voting, it may designate as  
1726 many sites as necessary and shall conduct its activities in  
1727 accordance with the provisions of paragraphs (a)-(c). The  
1728 supervisor is not required to conduct early voting if it is  
1729 provided pursuant to this subsection.

1730 (f) Notwithstanding the requirements of s. 189.405, special  
1731 districts may provide early voting in any district election not  
1732 held in conjunction with county or state elections. If a special  
1733 district provides early voting, it may designate as many sites  
1734 as necessary and shall conduct its activities in accordance with  
1735 the provisions of paragraphs (a)-(c). The supervisor is not  
1736 required to conduct early voting if it is provided pursuant to  
1737 this subsection.

1738 Section 36. Paragraph (a) of subsection (2) of section  
1739 101.68, Florida Statutes, is amended to read:

1740 101.68 Canvassing of absentee ballot.—

1741 (2) (a) The county canvassing board may begin the canvassing  
1742 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the  
1743 election, but not later than noon on the day following the  
1744 election. In addition, for any county using electronic  
1745 tabulating equipment, the processing of absentee ballots through  
1746 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~  
1747 day before the election. However, notwithstanding any such  
1748 authorization to begin canvassing or otherwise processing  
1749 absentee ballots early, no result shall be released until after  
1750 the closing of the polls in that county on election day. Any  
1751 supervisor of elections, deputy supervisor of elections,  
1752 canvassing board member, election board member, or election  
1753 employee who releases the results of a canvassing or processing



204820

1754 of absentee ballots prior to the closing of the polls in that  
1755 county on election day commits a felony of the third degree,  
1756 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1757 Section 37. Subsection (2) of section 101.6923, Florida  
1758 Statutes, is amended to read:

1759 101.6923 Special absentee ballot instructions for certain  
1760 first-time voters.-

1761 (2) A voter covered by this section shall be provided with  
1762 printed instructions with his or her absentee ballot in  
1763 substantially the following form:

1764  
1765 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
1766 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
1767 TO COUNT.

1768  
1769 1. In order to ensure that your absentee ballot will be  
1770 counted, it should be completed and returned as soon as possible  
1771 so that it can reach the supervisor of elections of the county  
1772 in which your precinct is located no later than 7 p.m. on the  
1773 date of the election.

1774 2. Mark your ballot in secret as instructed on the ballot.  
1775 You must mark your own ballot unless you are unable to do so  
1776 because of blindness, disability, or inability to read or write.

1777 3. Mark only the number of candidates or issue choices for  
1778 a race as indicated on the ballot. If you are allowed to "Vote  
1779 for One" candidate and you vote for more than one, your vote in  
1780 that race will not be counted.

1781 4. Place your marked ballot in the enclosed secrecy  
1782 envelope and seal the envelope.



204820

1783           5. Insert the secrecy envelope into the enclosed envelope  
1784 bearing the Voter's Certificate. Seal the envelope and  
1785 completely fill out the Voter's Certificate on the back of the  
1786 envelope.

1787           a. You must sign your name on the line above (Voter's  
1788 Signature).

1789           b. If you are an overseas voter, you must include the date  
1790 you signed the Voter's Certificate on the line above (Date) or  
1791 your ballot may not be counted.

1792           c. An absentee ballot will be considered illegal and will  
1793 not be counted if the signature on the Voter's Certificate does  
1794 not match the signature on record. The signature on file at the  
1795 start of the canvass of the absentee ballots is the signature  
1796 that will be used to verify your signature on the Voter's  
1797 Certificate. If you need to update your signature for this  
1798 election, send your signature update on a voter registration  
1799 application to your supervisor of elections so that it is  
1800 received no later than the start of canvassing of absentee  
1801 ballots, which occurs no earlier than the Wednesday before  
1802 election day.

1803           6. Unless you meet one of the exemptions in Item 7., you  
1804 must make a copy of one of the following forms of  
1805 identification:

1806           a. Identification which must include your name and  
1807 photograph: United States passport; debit or credit card;  
1808 military identification; student identification; retirement  
1809 center identification; neighborhood association identification;  
1810 or public assistance identification; or

1811           b. Identification which shows your name and current



204820

1812 residence address: current utility bill, bank statement,  
1813 government check, paycheck, or government document (excluding  
1814 voter identification card).

1815 7. The identification requirements of Item 6. do not apply  
1816 if you meet one of the following requirements:

1817 a. You are 65 years of age or older.

1818 b. You have a temporary or permanent physical disability.

1819 c. You are a member of a uniformed service on active duty  
1820 who, by reason of such active duty, will be absent from the  
1821 county on election day.

1822 d. You are a member of the Merchant Marine who, by reason  
1823 of service in the Merchant Marine, will be absent from the  
1824 county on election day.

1825 e. You are the spouse or dependent of a member referred to  
1826 in paragraph c. or paragraph d. who, by reason of the active  
1827 duty or service of the member, will be absent from the county on  
1828 election day.

1829 f. You are currently residing outside the United States.

1830 8. Place the envelope bearing the Voter's Certificate into  
1831 the mailing envelope addressed to the supervisor. Insert a copy  
1832 of your identification in the mailing envelope. DO NOT PUT YOUR  
1833 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
1834 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
1835 BALLOT WILL NOT COUNT.

1836 9. Mail, deliver, or have delivered the completed mailing  
1837 envelope. Be sure there is sufficient postage if mailed.

1838 10. FELONY NOTICE. It is a felony under Florida law to  
1839 accept any gift, payment, or gratuity in exchange for your vote  
1840 for a candidate. It is also a felony under Florida law to vote





204820

1841 in an election using a false identity or false address, or under  
1842 any other circumstances making your ballot false or fraudulent.

1843 Section 38. Subsection (3) of section 101.75, Florida  
1844 Statutes, is amended to read:

1845 101.75 Municipal elections; change of dates for cause.—

1846 (3) Notwithstanding any provision of local law or municipal  
1847 charter, the governing body of a municipality may, by ordinance,  
1848 move the date of any municipal election to a date concurrent  
1849 with any statewide or countywide election. The dates for  
1850 qualifying for the election moved by the passage of such  
1851 ordinance shall be specifically provided for in the ordinance  
1852 ~~and shall run for no less than 14 days.~~ The term of office for  
1853 any elected municipal official shall commence as provided by the  
1854 relevant municipal charter or ordinance.

1855 Section 39. Subsection (4) of section 102.168, Florida  
1856 Statutes, is amended, and subsection (8) is added to that  
1857 section, to read:

1858 102.168 Contest of election.—

1859 (4) The ~~county~~ canvassing board responsible for canvassing  
1860 the election is an indispensable ~~and proper~~ party defendant in  
1861 county and local elections. ~~+~~ The Elections Canvassing Commission  
1862 is an indispensable ~~and proper~~ party defendant in federal,  
1863 state, and multicounty elections and in elections for justice of  
1864 the Supreme Court, judge of a district court of appeal, and  
1865 judge of a circuit court. ~~faces; and~~ The successful candidate is  
1866 an indispensable party to any action brought to contest the  
1867 election or nomination of a candidate.

1868 (8) In any contest that requires a review of the canvassing  
1869 board's decision on the legality of an absentee ballot pursuant



204820

1870 to s. 101.68 based upon a comparison of the signature on the  
1871 voter's certificate and the signature of the elector in the  
1872 registration records, the circuit court may not review or  
1873 consider any evidence other than the signatures on the voter's  
1874 certificate and the signature of the elector in the registration  
1875 records. The court's review of such issue shall be to determine  
1876 only if the canvassing board abused its discretion in making its  
1877 decision.

1878 Section 40. Subsection (4) of section 103.021, Florida  
1879 Statutes, is amended to read:

1880 103.021 Nomination for presidential electors.—Candidates  
1881 for presidential electors shall be nominated in the following  
1882 manner:

1883 (4) (a) A minor political party that is affiliated with a  
1884 national party holding a national convention to nominate  
1885 candidates for President and Vice President of the United States  
1886 may have the names of its candidates for President and Vice  
1887 President of the United States printed on the general election  
1888 ballot by filing with the Department of State a certificate  
1889 naming the candidates for President and Vice President and  
1890 listing the required number of persons to serve as electors.  
1891 Notification to the Department of State under this subsection  
1892 shall be made by September 1 of the year in which the election  
1893 is held. When the Department of State has been so notified, it  
1894 shall order the names of the candidates nominated by the minor  
1895 political party to be included on the ballot and shall permit  
1896 the required number of persons to be certified as electors in  
1897 the same manner as other party candidates. As used in this  
1898 section, the term "national party" means a political party that



204820

1899 is registered with and recognized as a qualified national  
1900 committee of a political party by the Federal Election  
1901 Commission established and admitted to the ballot in at least  
1902 one state other than Florida.

1903 (b) A minor political party that is not affiliated with a  
1904 national party holding a national convention to nominate  
1905 candidates for President and Vice President of the United States  
1906 may have the names of its candidates for President and Vice  
1907 President printed on the general election ballot if a petition  
1908 is signed by a number of electors in each of one-half of the  
1909 congressional districts of the state, and of the state as a  
1910 whole, equal to 2 percent of the votes cast in each of such  
1911 districts respectively and in the state as a whole in the last  
1912 preceding election in which presidential electors were chosen  $\frac{1}{2}$   
1913 percent of the registered electors of this state, as shown by  
1914 the compilation by the Department of State for the preceding  
1915 general election. A separate petition from each county for which  
1916 signatures are solicited shall be submitted to the supervisors  
1917 of elections of the respective county no later than July 15 of  
1918 each presidential election year. The supervisor shall check the  
1919 names and, on or before the date of the primary election, shall  
1920 certify the number shown as registered electors of the county.  
1921 The supervisor shall be paid by the person requesting the  
1922 certification the cost of checking the petitions as prescribed  
1923 in s. 99.097. The supervisor shall then forward the certificate  
1924 to the Department of State, which shall determine whether or not  
1925 the percentage factor required in this section has been met.  
1926 When the percentage factor required in this section has been  
1927 met, the Department of State shall order the names of the



204820

1928 candidates for whom the petition was circulated to be included  
1929 on the ballot and shall permit the required number of persons to  
1930 be certified as electors in the same manner as other party  
1931 candidates.

1932 Section 41. Section 103.095, Florida Statutes, is created  
1933 to read:

1934 103.095 Minor political parties.-

1935 (1) Any group of citizens organized for the general  
1936 purposes of electing to office qualified persons and determining  
1937 public issues under the democratic processes of the United  
1938 States may become a minor political party of this state by  
1939 filing with the department a certificate showing the name of the  
1940 organization, the names and addresses of its current officers,  
1941 including the members of its executive committee, accompanied by  
1942 a completed uniform statewide voter registration application as  
1943 specified in s. 97.052 for each of its current officers and  
1944 members of its executive committee which reflect their  
1945 affiliation with the proposed minor political party, and a copy  
1946 of its constitution, bylaws, and rules and regulations.

1947 (2) All electors registered to vote in the minor political  
1948 party in which he or she has so designated has a fundamental  
1949 right to fully and meaningfully participate in the business and  
1950 affairs of the minor political party without any monetary  
1951 encumbrance. The constitution, bylaws, rules, regulations, or  
1952 other equivalent documents must reflect this fundamental right  
1953 and must provide for and contain reasonable provisions which at  
1954 a minimum must prescribe procedures to: prescribe its  
1955 membership, conduct its meetings according to generally accepted  
1956 parliamentary practices, timely notify its members as to the



204820

1957 time, date, and place of all of its meetings, timely publish  
1958 notice on its public and functioning website as to the time,  
1959 date, and place of all of its meetings, elect its officers,  
1960 remove its officers, make party nominations when required by  
1961 law, conduct campaigns for party nominees, raise and expend  
1962 party funds, select delegates to its national convention, select  
1963 presidential electors, and alter or amend all of its governing  
1964 documents.

1965 (3) The members of the executive committee must elect a  
1966 chair, vice chair, secretary, and treasurer, all of whom shall  
1967 be members of the minor political party and no member may hold  
1968 more than one office, except that one person may hold the  
1969 offices of secretary and treasurer.

1970 (4) Upon approval of the minor political party's filing,  
1971 the department shall process the voter registration applications  
1972 submitted by the minor political party's officers and members of  
1973 its executive committee. It shall be the duty of the minor  
1974 political party to notify the department of any changes in the  
1975 filing certificate within 5 days after such changes.

1976 (5) The Division of Elections shall adopt rules to  
1977 prescribe the manner in which political parties, including minor  
1978 political parties, may have their filings with the Department of  
1979 State canceled. Such rules shall, at a minimum, provide for:

1980 (a) Notice, which must contain the facts and conduct that  
1981 warrant the intended action, including, but not limited to, the  
1982 failure to have any voters registered in the party, the failure  
1983 to notify the department of replacement officers, and the  
1984 failure to file campaign finance reports, the failure to adopt  
1985 or file with the department all governing documents containing



204820

1986 the provisions specified in subsection (2), and limited  
1987 activity.

1988 (b) Adequate opportunity to respond.

1989 (c) Appeal of the decision to the Florida Elections  
1990 Commission. Such appeals are exempt from the confidentiality  
1991 provisions of s. 106.25.

1992 (6) The requirements of this section are retroactive for  
1993 any minor political party registered with the department on July  
1994 1, 2011, and must be complied with within 180 days after the  
1995 department provides notice to the minor political party of the  
1996 requirements contained in this section. Failure of the minor  
1997 political party to comply with the requirements within 180 days  
1998 after receipt of the notice shall automatically result in the  
1999 cancellation of the minor political party's registration.

2000 Section 42. Subsection (2) of section 103.101, Florida  
2001 Statutes, is amended to read:

2002 103.101 Presidential preference primary.-

2003 ~~(2) (a) There shall be a Presidential Candidate Selection~~  
2004 ~~Committee composed of the Secretary of State, who shall be a~~  
2005 ~~nonvoting chair; the Speaker of the House of Representatives;~~  
2006 ~~the President of the Senate; the minority leader of each house~~  
2007 ~~of the Legislature; and the chair of each political party~~  
2008 ~~required to have a presidential preference primary under this~~  
2009 ~~section.~~

2010 ~~(b)~~ By October 31 of the year preceding the presidential  
2011 preference primary, each political party shall submit to the  
2012 Secretary of State a list of its presidential candidates to be  
2013 placed on the presidential preference primary ballot or  
2014 candidates entitled to have delegates appear on the presidential



204820

2015 preference primary ballot. The Secretary of State shall prepare  
2016 and publish a list of the names of the presidential candidates  
2017 submitted not later than on the first Tuesday after the first  
2018 Monday in November of the year preceding the presidential  
2019 preference primary. ~~The Secretary of State shall submit such~~  
2020 ~~list of names of presidential candidates to the selection~~  
2021 ~~committee on the first Tuesday after the first Monday in~~  
2022 ~~November of the year preceding the presidential preference~~  
2023 ~~primary. Each person designated as a presidential candidate~~  
2024 ~~shall have his or her name appear, or have his or her delegates'~~  
2025 ~~names appear, on the presidential preference primary ballot~~  
2026 ~~unless all committee members of the same political party as the~~  
2027 ~~candidate agree to delete such candidate's name from the ballot.~~

2028       ~~(c) The selection committee shall meet in Tallahassee on~~  
2029 ~~the first Tuesday after the first Monday in November of the year~~  
2030 ~~preceding the presidential preference primary. The selection~~  
2031 ~~committee shall publicly announce and submit to the Department~~  
2032 ~~of State no later than 5 p.m. on the following day the names of~~  
2033 ~~presidential candidates who shall have their names appear, or~~  
2034 ~~who are entitled to have their delegates' names appear, on the~~  
2035 ~~presidential preference primary ballot. The Department of State~~  
2036 ~~shall immediately notify each presidential candidate listed~~  
2037 ~~designated by the Secretary of State committee. Such~~  
2038 ~~notification shall be in writing, by registered mail, with~~  
2039 ~~return receipt requested.~~

2040       Section 43. Section 103.141, Florida Statutes, is amended  
2041 to read:

2042       103.141 Removal of county executive committee member for  
2043 violation of oath.-



204820

2044           ~~(1) If~~ Where the county executive committee by at least a  
2045 two-thirds majority vote of the members of the committee,  
2046 attending a meeting held after due notice has been given and at  
2047 which meeting a quorum is present, determines an incumbent  
2048 county executive committee member is ~~to be~~ guilty of an offense  
2049 involving a violation of the member's oath of office, the said  
2050 member ~~so violating his or her oath~~ shall be removed from office  
2051 and the office shall be deemed vacant. ~~Provided,~~ However, if the  
2052 county committee wrongfully removes a county committee member  
2053 and the committee member ~~so~~ wrongfully removed files suit in the  
2054 circuit court alleging his or her removal was wrongful and wins  
2055 the said suit, the committee member shall be restored to office  
2056 and the county committee shall pay the costs incurred by the  
2057 wrongfully removed committee member in bringing the suit,  
2058 including reasonable attorney's fees.

2059           ~~(2) Any officer, county committeeman, county~~  
2060 ~~committeewoman, precinct committeeman, precinct committeewoman,~~  
2061 ~~or member of a county executive committee may be removed from~~  
2062 ~~office pursuant to s. 103.161.~~

2063           Section 44. Section 103.161, Florida Statutes, is repealed.

2064           Section 45. Section 104.29, Florida Statutes, is amended to  
2065 read:

2066           104.29 Inspectors refusing to allow watchers while ballots  
2067 are counted.—The inspectors or other election officials at the  
2068 polling place shall, after the polls close ~~at all times while~~  
2069 ~~the ballots are being counted~~, allow as many as three persons  
2070 near to them to see whether the ballots are being reconciled  
2071 correctly. ~~read and called and the votes correctly tallied, and~~  
2072 Any official who denies this privilege or interferes therewith





204820

2073 commits ~~is guilty of~~ a misdemeanor of the first degree,  
2074 punishable as provided in s. 775.082 or s. 775.083.

2075 Section 46. Subsection (3), paragraph (b) of subsection  
2076 (5), subsection (15), and paragraph (c) of subsection (16) of  
2077 section 106.011, Florida Statutes, are amended to read:

2078 106.011 Definitions.—As used in this chapter, the following  
2079 terms have the following meanings unless the context clearly  
2080 indicates otherwise:

2081 (3) "Contribution" means:

2082 (a) A gift, subscription, conveyance, deposit, loan,  
2083 payment, or distribution of money or anything of value,  
2084 including contributions in kind having an attributable monetary  
2085 value in any form, made for the purpose of influencing the  
2086 results of an election or making an electioneering  
2087 communication.

2088 (b) A transfer of funds between political committees,  
2089 between committees of continuous existence, between  
2090 electioneering communications organizations, or between any  
2091 combination of these groups.

2092 (c) The payment, by any person other than a candidate or  
2093 political committee, of compensation for the personal services  
2094 of another person which are rendered to a candidate or political  
2095 committee without charge to the candidate or committee for such  
2096 services.

2097 (d) The transfer of funds by a campaign treasurer or deputy  
2098 campaign treasurer between a primary depository and a separate  
2099 interest-bearing account or certificate of deposit, and the term  
2100 includes any interest earned on such account or certificate.

2101



204820

2102 Notwithstanding the foregoing meanings of "contribution," the  
2103 term may ~~word shall~~ not be construed to include services,  
2104 including, but not limited to, legal and accounting services,  
2105 provided without compensation by individuals volunteering a  
2106 portion or all of their time on behalf of a candidate or  
2107 political committee. ~~This definition shall not be construed to~~  
2108 ~~include~~ editorial endorsements.

2109 (5)

2110 (b) An expenditure for the purpose of expressly advocating  
2111 the election or defeat of a candidate which is made by the  
2112 national, state, or county executive committee of a political  
2113 party, including any subordinate committee of a national, state,  
2114 or county committee of a political party, or by any political  
2115 committee or committee of continuous existence, or any other  
2116 person, shall not be considered an independent expenditure if  
2117 the committee or person:

2118 1. Communicates with the candidate, the candidate's  
2119 campaign, or an agent of the candidate acting on behalf of the  
2120 candidate, including any pollster, media consultant, advertising  
2121 agency, vendor, advisor, or staff member, concerning the  
2122 preparation of, use of, or payment for, the specific expenditure  
2123 or advertising campaign at issue; or

2124 2. Makes a payment in cooperation, consultation, or concert  
2125 with, at the request or suggestion of, or pursuant to any  
2126 general or particular understanding with the candidate, the  
2127 candidate's campaign, a political committee supporting the  
2128 candidate, or an agent of the candidate relating to the specific  
2129 expenditure or advertising campaign at issue; or

2130 3. Makes a payment for the dissemination, distribution, or



204820

2131 republication, in whole or in part, of any broadcast or any  
2132 written, graphic, or other form of campaign material prepared by  
2133 the candidate, the candidate's campaign, or an agent of the  
2134 candidate, including any pollster, media consultant, advertising  
2135 agency, vendor, advisor, or staff member; or

2136 4. Makes a payment based on information about the  
2137 candidate's plans, projects, or needs communicated to a member  
2138 of the committee or person by the candidate or an agent of the  
2139 candidate, provided the committee or person uses the information  
2140 in any way, in whole or in part, either directly or indirectly,  
2141 to design, prepare, or pay for the specific expenditure or  
2142 advertising campaign at issue; or

2143 5. After the last day of the qualifying period prescribed  
2144 for the candidate ~~for statewide or legislative office~~, consults  
2145 about the candidate's plans, projects, or needs in connection  
2146 with the candidate's pursuit of election to office and the  
2147 information is used in any way to plan, create, design, or  
2148 prepare an independent expenditure or advertising campaign,  
2149 with:

2150 a. Any officer, director, employee, or agent of a national,  
2151 state, or county executive committee of a political party that  
2152 has made or intends to make expenditures in connection with or  
2153 contributions to the candidate; or

2154 b. Any person whose professional services have been  
2155 retained by a national, state, or county executive committee of  
2156 a political party that has made or intends to make expenditures  
2157 in connection with or contributions to the candidate; or

2158 6. After the last day of the qualifying period prescribed  
2159 for the candidate ~~for statewide or legislative office~~, retains



204820

2160 the professional services of any person also providing those  
2161 services to the candidate in connection with the candidate's  
2162 pursuit of election to office; or

2163 7. Arranges, coordinates, or directs the expenditure, in  
2164 any way, with the candidate or an agent of the candidate.

2165 (15) "Unopposed candidate" means a candidate for nomination  
2166 or election to an office who, after the last day on which any  
2167 person, including a write-in candidate, may qualify, is without  
2168 opposition in the election at which the office is to be filled  
2169 or who is without such opposition after such date as a result of  
2170 any primary election or of withdrawal by other candidates  
2171 seeking the same office. A candidate is not an unopposed  
2172 candidate if there is a vacancy to be filled under s. 100.111(3)  
2173 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding  
2174 the right to a ballot position for the office sought by the  
2175 candidate, or if the candidate is seeking retention as a justice  
2176 or judge.

2177 (16) "Candidate" means any person to whom any one or more  
2178 of the following apply:

2179 (c) Any person who receives contributions or makes  
2180 expenditures, or consents for any other person to receive  
2181 contributions or make expenditures, with a view to bring about  
2182 his or her nomination or election to, or retention in, public  
2183 office. However, this definition does not include any candidate  
2184 for a political party executive committee. Expenditures related  
2185 to potential candidate polls as provided in s. 106.17 are not  
2186 contributions or expenditures for purposes of this subsection.

2187 Section 47. Subsection (3) of section 106.021, Florida  
2188 Statutes, is amended to read:



204820

2189           106.021 Campaign treasurers; deputies; primary and  
2190 secondary depositories.—

2191           (3) No contribution or expenditure, including contributions  
2192 or expenditures of a candidate or of the candidate's family,  
2193 shall be directly or indirectly made or received in furtherance  
2194 of the candidacy of any person for nomination or election to  
2195 political office in the state or on behalf of any political  
2196 committee except through the duly appointed campaign treasurer  
2197 of the candidate or political committee, subject to the  
2198 following exceptions:

2199           (a) Independent expenditures;

2200           (b) Reimbursements to a candidate or any other individual  
2201 for expenses incurred in connection with the campaign or  
2202 activities of the political committee by a check drawn upon the  
2203 campaign account and reported pursuant to s. 106.07(4). ~~After~~  
2204 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom  
2205 the candidate or other individual made payment for which  
2206 reimbursement was made by check drawn upon the campaign account  
2207 shall be reported pursuant to s. 106.07(4), together with the  
2208 purpose of such payment;

2209           (c) Expenditures made indirectly through a treasurer for  
2210 goods or services, such as communications media placement or  
2211 procurement services, campaign signs, insurance, or other  
2212 expenditures that include multiple integral components as part  
2213 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
2214 or

2215           (d) Expenditures made directly by any political committee  
2216 or political party regulated by chapter 103 for obtaining time,  
2217 space, or services in or by any communications medium for the



204820

2218 purpose of jointly endorsing three or more candidates, and any  
2219 such expenditure shall not be considered a contribution or  
2220 expenditure to or on behalf of any such candidates for the  
2221 purposes of this chapter.

2222 Section 48. Section 106.022, Florida Statutes, is amended  
2223 to read:

2224 106.022 Appointment of a registered agent; duties.—

2225 (1) Each political committee, committee of continuous  
2226 existence, or electioneering communications organization shall  
2227 have and continuously maintain in this state a registered office  
2228 and a registered agent and must file with the filing officer  
2229 ~~division~~ a statement of appointment for the registered office  
2230 and registered agent. The statement of appointment must:

2231 (a) Provide the name of the registered agent and the street  
2232 address and phone number for the registered office;

2233 (b) Identify the entity for whom the registered agent  
2234 serves;

2235 (c) Designate the address the registered agent wishes to  
2236 use to receive mail;

2237 (d) Include the entity's undertaking to inform the filing  
2238 officer ~~division~~ of any change in such designated address;

2239 (e) Provide for the registered agent's acceptance of the  
2240 appointment, which must confirm that the registered agent is  
2241 familiar with and accepts the obligations of the position as set  
2242 forth in this section; and

2243 (f) Contain the signature of the registered agent and the  
2244 entity engaging the registered agent.

2245 (2) An entity may change its appointment of registered  
2246 agent and registered office under this section by executing a



204820

2247 written statement of change and filing it with the filing  
2248 officer. The statement must satisfy ~~that identifies the former~~  
2249 ~~registered agent and registered address and also satisfies~~ all  
2250 of the requirements of subsection (1).

2251 (3) A registered agent may resign his or her appointment as  
2252 registered agent by executing a written statement of resignation  
2253 and filing it with the filing officer ~~division~~. An entity  
2254 without a registered agent may not make expenditures or accept  
2255 contributions until it files a written statement of change as  
2256 required in subsection (2).

2257 Section 49. Subsection (1) of section 106.023, Florida  
2258 Statutes, is amended to read:

2259 106.023 Statement of candidate.-

2260 (1) Each candidate must file a statement with the  
2261 qualifying officer within 10 days after filing the appointment  
2262 of campaign treasurer and designation of campaign depository,  
2263 stating that the candidate has read and understands the  
2264 requirements of this chapter. Such statement shall be provided  
2265 by the filing officer and shall be in substantially the  
2266 following form:

2267  
2268 STATEMENT OF CANDIDATE

2269  
2270 I, ....., candidate for the office of ....., have been  
2271 provided access to ~~received~~, read, and understand the  
2272 requirements of Chapter 106, Florida Statutes.

2273  
2274 ...(Signature of candidate)...

...(Date)...



204820

2276 Willful failure to file this form is a violation of ss.  
2277 106.19(1)(c) and 106.25(3), F.S.

2278 Section 50. Paragraph (c) of subsection (1) of section  
2279 106.025, Florida Statutes, is amended to read:

2280 106.025 Campaign fund raisers.—

2281 (1)

2282 (c) Any tickets or advertising for such a campaign fund  
2283 raiser shall contain the following statement: "The purchase of a  
2284 ticket for, or a contribution to, the campaign fund raiser is a  
2285 contribution to the campaign of ...(name of the candidate for  
2286 whose benefit the campaign fund raiser is held)...." However,  
2287 this paragraph does not apply to any campaign message or  
2288 political advertisement that satisfies the requirements of s.  
2289 106.143(8). Such tickets or advertising shall also comply with  
2290 other provisions of this chapter relating to political  
2291 advertising.

2292 Section 51. Subsection (1) and paragraph (d) of subsection  
2293 (3) of section 106.03, Florida Statutes, are amended to read:

2294 106.03 Registration of political committees and  
2295 electioneering communications organizations.—

2296 (1)(a) Each political committee that anticipates receiving  
2297 contributions or making expenditures during a calendar year in  
2298 an aggregate amount exceeding \$500 or that is seeking the  
2299 signatures of registered electors in support of an initiative  
2300 shall file a statement of organization as provided in subsection  
2301 (3) within 10 days after its organization or, if later, within  
2302 10 days after the date on which it has information that causes  
2303 the committee to anticipate that it will receive contributions  
2304 or make expenditures in excess of \$500. If a political committee





204820

2305 is organized within 10 days of any election, it shall  
2306 immediately file the statement of organization required by this  
2307 section.

2308 (b)1. Each group that ~~electioneering communications~~  
2309 ~~organization that receives contributions or~~ makes expenditures  
2310 during a calendar year in an aggregate amount exceeding \$5,000  
2311 shall file a statement of organization as provided in  
2312 subparagraph 2. ~~by expedited delivery within 24 hours after its~~  
2313 ~~organization or, if later,~~ within 24 hours after the date on  
2314 which it ~~receives contributions or~~ makes expenditures for an  
2315 electioneering communication in excess of \$5,000, if such  
2316 expenditures are made within the time frames specified in s.  
2317 106.011(18)(a)2. If the group makes expenditures for an  
2318 electioneering communication in excess of \$5,000 before the time  
2319 frames specified in s. 106.011(18)(a)2., it shall file the  
2320 statement of organization within 24 hours of the 30th day before  
2321 a primary or special primary election, or within 24 hours of the  
2322 60th day before any other election, whichever is applicable.

2323 2.a. In a statewide, legislative, or multicounty election,  
2324 an electioneering communications organization shall file a  
2325 statement of organization with the Division of Elections.

2326 b. In a countywide election or any election held on less  
2327 than a countywide basis, except as described in sub-subparagraph  
2328 c., an electioneering communications organization shall file a  
2329 statement of organization with the supervisor of elections of  
2330 the county in which the election is being held.

2331 c. In a municipal election, an electioneering  
2332 communications organization shall file a statement of  
2333 organization with the officer before whom municipal candidates



204820

2334 qualify.

2335           d. Any electioneering communications organization that  
2336 would be required to file a statement of organization in two or  
2337 more locations ~~by reason of the organization's intention to~~  
2338 ~~support or oppose candidates at state or multicounty and local~~  
2339 ~~levels of government~~ need only file a statement of organization  
2340 with the Division of Elections.

2341           (3)

2342           (d) Any political committee which would be required under  
2343 this subsection to file a statement of organization in two or  
2344 more locations ~~by reason of the committee's intention to support~~  
2345 ~~or oppose candidates or issues at state or multicounty and local~~  
2346 ~~levels of government~~ need file only with the Division of  
2347 Elections.

2348           Section 52. Subsection (4) of section 106.04, Florida  
2349 Statutes, is amended, present subsections (7) and (8) of that  
2350 section are amended and renumbered as subsections (8) and (9),  
2351 respectively, and a new subsection (7) is added to that section,  
2352 to read:

2353           106.04 Committees of continuous existence.—

2354           (4) (a) Each committee of continuous existence shall file an  
2355 annual report with the Division of Elections during the month of  
2356 January. Such annual reports shall contain the same information  
2357 and shall be accompanied by the same materials as original  
2358 applications filed pursuant to subsection (2). However, the  
2359 charter or bylaws need not be filed if the annual report is  
2360 accompanied by a sworn statement by the chair that no changes  
2361 have been made to such charter or bylaws since the last filing.

2362           (b)1. Each committee of continuous existence shall file



204820

2363 regular reports with the Division of Elections at the same times  
2364 and subject to the same filing conditions as are established by  
2365 s. 106.07(1) and (2) for candidates' reports. In addition, when  
2366 a special election is called to fill a vacancy in office, a  
2367 committee of continuous existence that makes a contribution or  
2368 expenditure to influence the results of such special election or  
2369 the preceding special primary election must file campaign  
2370 finance reports with the filing officer on the dates set by the  
2371 Department of State pursuant to s. 100.111.

2372 2. A committee of continuous existence that makes a  
2373 contribution or an expenditure to influence the results of a  
2374 county or municipal election that is not being held at the same  
2375 time as a state or federal election must also file campaign  
2376 finance reports with the county or municipal filing officer on  
2377 the same dates as county or municipal candidates or committees  
2378 for that election. The committee of continuous existence must  
2379 also include the contribution or expenditure in the next report  
2380 filed with the Division of Elections pursuant to this section  
2381 following the county or municipal election.

2382 3.2. Any committee of continuous existence failing to so  
2383 file a report with the Division of Elections or applicable  
2384 filing officer pursuant to this paragraph on the designated due  
2385 date shall be subject to a fine for late filing as provided by  
2386 this section.

2387 (c) All committees of continuous existence shall file their  
2388 reports with the Division of Elections. Reports shall be filed  
2389 in accordance with s. 106.0705 and shall contain the following  
2390 information:

2391 1. The full name, address, and occupation of each person



204820

2392 who has made one or more contributions, including contributions  
2393 that represent the payment of membership dues, to the committee  
2394 during the reporting period, together with the amounts and dates  
2395 of such contributions. For corporations, the report must provide  
2396 as clear a description as practicable of the principal type of  
2397 business conducted by the corporation. However, if the  
2398 contribution is \$100 or less, the occupation of the contributor  
2399 or principal type of business need not be listed. However, for  
2400 any contributions that represent the payment of dues by members  
2401 in a fixed amount aggregating no more than \$250 per calendar  
2402 year, pursuant to the schedule on file with the Division of  
2403 Elections, only the aggregate amount of such contributions need  
2404 be listed, together with the number of members paying such dues  
2405 and the amount of the membership dues.

2406 2. The name and address of each political committee or  
2407 committee of continuous existence from which the reporting  
2408 committee received, or the name and address of each political  
2409 committee, committee of continuous existence, or political party  
2410 to which it made, any transfer of funds, together with the  
2411 amounts and dates of all transfers.

2412 3. Any other receipt of funds not listed pursuant to  
2413 subparagraph 1. or subparagraph 2., including the sources and  
2414 amounts of all such funds.

2415 4. The name and address of, and office sought by, each  
2416 candidate to whom the committee has made a contribution during  
2417 the reporting period, together with the amount and date of each  
2418 contribution.

2419 5. The full name and address of each person to whom  
2420 expenditures have been made by or on behalf of the committee



204820

2421 within the reporting period; the amount, date, and purpose of  
2422 each such expenditure; and the name and address, and office  
2423 sought by, each candidate on whose behalf such expenditure was  
2424 made.

2425         6. The full name and address of each person to whom an  
2426 expenditure for personal services, salary, or reimbursement for  
2427 authorized expenses has been made, including the full name and  
2428 address of each entity to whom the person made payment for which  
2429 reimbursement was made by check drawn upon the committee  
2430 account, together with the amount and purpose of such payment.

2431         7. Transaction information from each credit card purchase  
2432 ~~statement that will be included in the next report following~~  
2433 ~~receipt thereof by the committee~~. Receipts for each credit card  
2434 purchase shall be retained by the treasurer with the records for  
2435 the committee account.

2436         8. The total sum of expenditures made by the committee  
2437 during the reporting period.

2438         (d) The treasurer of each committee shall certify as to the  
2439 correctness of each report and shall bear the responsibility for  
2440 its accuracy and veracity. Any treasurer who willfully certifies  
2441 to the correctness of a report while knowing that such report is  
2442 incorrect, false, or incomplete commits a misdemeanor of the  
2443 first degree, punishable as provided in s. 775.082 or s.  
2444 775.083.

2445         (7) Any change in information previously submitted to the  
2446 division shall be reported within 10 days following the change.

2447         (8) ~~(7)~~ If a committee of continuous existence ceases to  
2448 meet the criteria prescribed by subsection (1) or fails to file  
2449 a report or information required pursuant to this chapter, the



204820

2450 Division of Elections shall revoke its certification ~~until such~~  
2451 ~~time as the criteria are again met~~. The Division of Elections  
2452 shall adopt ~~promulgate~~ rules to prescribe the manner in which  
2453 the such certification of a committee of continuous existence  
2454 shall be revoked. Such rules shall, at a minimum, provide for:

2455 (a) Notice, which must ~~shall~~ contain the facts and conduct  
2456 that warrant the intended action.

2457 (b) Adequate opportunity to respond.

2458 (c) Appeal of the decision to the Florida Elections  
2459 Commission. Such appeals are ~~shall be~~ exempt from the  
2460 confidentiality provisions of s. 106.25.

2461 ~~(9)-(8)~~ (a) Any committee of continuous existence failing to  
2462 file a report on the designated due date is ~~shall be~~ subject to  
2463 a fine. The fine shall be \$50 per day for the first 3 days late  
2464 and, thereafter, \$500 per day for each late day, not to exceed  
2465 25 percent of the total receipts or expenditures, whichever is  
2466 greater, for the period covered by the late report. However, for  
2467 the reports immediately preceding each primary and general  
2468 election, including a special primary election and a special  
2469 general election, the fine shall be \$500 per day for each late  
2470 day, not to exceed 25 percent of the total receipts or  
2471 expenditures, whichever is greater, for the period covered by  
2472 the late report. The fine shall be assessed by the filing  
2473 officer, and the moneys collected shall be deposited into:

2474 1. In The General Revenue Fund, in the case of fines  
2475 collected by the Division of Elections.

2476 2. The general revenue fund of the political subdivision,  
2477 in the case of fines collected by a county or municipal filing  
2478 officer. No separate fine shall be assessed for failure to file



204820

2479 ~~a copy of any report required by this section.~~

2480 (b) Upon determining that a report is late, the filing  
2481 officer shall immediately notify the treasurer of the committee  
2482 or the committee's registered agent as to the failure to file a  
2483 report by the designated due date and that a fine is being  
2484 assessed for each late day. Upon receipt of the report, the  
2485 filing officer shall determine the amount of fine which is due  
2486 and shall notify the treasurer of the committee. Notice is  
2487 deemed complete upon proof of delivery of written notice to the  
2488 mailing or street address on record with the filing officer. The  
2489 filing officer shall determine the amount of the fine due based  
2490 upon the earliest of the following:

- 2491 1. When the report is actually received by such officer.  
2492 2. When the report is postmarked.  
2493 3. When the certificate of mailing is dated.  
2494 4. When the receipt from an established courier company is  
2495 dated.

2496  
2497 Such fine shall be paid to the filing officer within 20 days  
2498 after receipt of the notice of payment due, unless appeal is  
2499 made to the Florida Elections Commission pursuant to paragraph  
2500 (c). An officer or member of a committee is shall not ~~be~~  
2501 personally liable for such fine.

2502 (c) Any treasurer of a committee may appeal or dispute the  
2503 fine, based upon unusual circumstances surrounding the failure  
2504 to file on the designated due date, and may request and is shall  
2505 ~~be~~ entitled to a hearing before the Florida Elections  
2506 Commission, which may shall have the authority to waive the fine  
2507 in whole or in part. Any such request must shall be made within



204820

2508 20 days after receipt of the notice of payment due. ~~In such~~  
2509 ~~case, the treasurer of~~ The committee shall file a copy of the  
2510 appeal with, ~~within the 20-day period,~~ notify the filing officer  
2511 ~~in writing of his or her intention to bring the matter before~~  
2512 ~~the commission.~~

2513 (d) The filing officer shall notify the Florida Elections  
2514 Commission of the repeated late filing by a committee of  
2515 continuous existence, the failure of a committee of continuous  
2516 existence to file a report after notice, or the failure to pay  
2517 the fine imposed. As used in this paragraph, the term "repeated  
2518 late filing" means at least three late filings occurring within  
2519 any 2-year period. The commission shall treat notification of  
2520 each repeated late filing as a separate violation of this  
2521 section.

2522 Section 53. Section 106.07, Florida Statutes, is amended to  
2523 read:

2524 106.07 Reports; certification and filing.—

2525 (1) Each campaign treasurer designated by a candidate or  
2526 political committee pursuant to s. 106.021 shall file regular  
2527 reports of all contributions received, and all expenditures  
2528 made, by or on behalf of such candidate or political committee.  
2529 Except for the third calendar quarter immediately preceding a  
2530 general election, reports shall be filed on the 10th day  
2531 following the end of each calendar quarter from the time the  
2532 campaign treasurer is appointed, except that, if the 10th day  
2533 following the end of a calendar quarter occurs on a Saturday,  
2534 Sunday, or legal holiday, the report shall be filed on the next  
2535 following day which is not a Saturday, Sunday, or legal holiday.  
2536 Quarterly reports shall include all contributions received and





204820

2537 expenditures made during the calendar quarter which have not  
2538 otherwise been reported pursuant to this section.

2539 (a) Except as provided in paragraph (b), ~~following the last~~  
2540 ~~day of qualifying for office,~~ the reports shall also be filed on  
2541 the 32nd, 18th, and 4th days immediately preceding the primary  
2542 and on the 46th, 32nd, 18th, and 4th days immediately preceding  
2543 the election, for a candidate who is opposed in seeking  
2544 nomination or election to any office, for a political committee,  
2545 or for a committee of continuous existence.

2546 (b) ~~Following the last day of qualifying for office,~~ Any  
2547 statewide candidate who has requested to receive contributions  
2548 pursuant to ~~from~~ the Florida Election Campaign Financing Act  
2549 ~~Trust Fund~~ or any statewide candidate in a race with a candidate  
2550 who has requested to receive contributions pursuant to ~~from~~ the  
2551 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,  
2552 25th, and 32nd days prior to the primary election, and on the  
2553 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to  
2554 the general election.

2555 (c) Following the last day of qualifying for office, any  
2556 unopposed candidate need only file a report within 90 days after  
2557 the date such candidate became unopposed. Such report shall  
2558 contain all previously unreported contributions and expenditures  
2559 as required by this section and shall reflect disposition of  
2560 funds as required by s. 106.141.

2561 (d)1. When a special election is called to fill a vacancy  
2562 in office, all political committees ~~and committees of continuous~~  
2563 ~~existence~~ making contributions or expenditures to influence the  
2564 results of such special election or the preceding special  
2565 primary election shall file campaign treasurers' reports with



204820

2566 the filing officer on the dates set by the Department of State  
2567 pursuant to s. 100.111.

2568 2. When an election is called for an issue to appear on the  
2569 ballot at a time when no candidates are scheduled to appear on  
2570 the ballot, all political committees making contributions or  
2571 expenditures in support of or in opposition to such issue shall  
2572 file reports on the 18th and 4th days prior to such election.

2573 (e) The filing officer shall provide each candidate with a  
2574 schedule designating the beginning and end of reporting periods  
2575 as well as the corresponding designated due dates.

2576 (2)(a)1. All reports required of a candidate by this  
2577 section shall be filed with the officer before whom the  
2578 candidate is required by law to qualify. All candidates who file  
2579 with the Department of State shall file their reports pursuant  
2580 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
2581 be filed not later than 5 p.m. of the day designated; however,  
2582 any report postmarked by the United States Postal Service no  
2583 later than midnight of the day designated shall be deemed to  
2584 have been filed in a timely manner. Any report received by the  
2585 filing officer within 5 days after the designated due date that  
2586 was delivered by the United States Postal Service shall be  
2587 deemed timely filed unless it has a postmark that indicates that  
2588 the report was mailed after the designated due date. A  
2589 certificate of mailing obtained from and dated by the United  
2590 States Postal Service at the time of mailing, or a receipt from  
2591 an established courier company, which bears a date on or before  
2592 the date on which the report is due, shall be proof of mailing  
2593 in a timely manner. Reports shall contain information of all  
2594 previously unreported contributions received and expenditures



204820

2595 made as of the preceding Friday, except that the report filed on  
2596 the Friday immediately preceding the election shall contain  
2597 information of all previously unreported contributions received  
2598 and expenditures made as of the day preceding that designated  
2599 due date. All such reports shall be open to public inspection.

2600 2. This subsection does not prohibit the governing body of  
2601 a political subdivision, by ordinance or resolution, from  
2602 imposing upon its own officers and candidates electronic filing  
2603 requirements not in conflict with s. 106.0705. Expenditure of  
2604 public funds for such purpose is deemed to be for a valid public  
2605 purpose.

2606 (b)1. Any report that ~~which~~ is deemed to be incomplete by  
2607 the officer with whom the candidate qualifies shall be accepted  
2608 on a conditional basis. ~~and~~ The campaign treasurer shall be  
2609 notified by certified registered mail or by another method using  
2610 a common carrier that provides a proof of delivery of the notice  
2611 as to why the report is incomplete and within 7 ~~be given 3~~ days  
2612 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to  
2613 the report providing all information necessary to complete the  
2614 report in compliance with this section. Failure to file a  
2615 complete report after such notice constitutes a violation of  
2616 this chapter.

2617 2. Notice is deemed complete upon proof of delivery of a  
2618 written notice to the mailing or street address of the campaign  
2619 treasurer or registered agent of record with the filing officer.  
2620 ~~In lieu of the notice by registered mail as required in~~  
2621 ~~subparagraph 1., the qualifying officer may notify the campaign~~  
2622 ~~treasurer by telephone that the report is incomplete and request~~  
2623 ~~the information necessary to complete the report. If, however,~~



204820

2624 ~~such information is not received by the qualifying officer~~  
2625 ~~within 3 days after the telephone request therefor, notice shall~~  
2626 ~~be sent by registered mail as provided in subparagraph 1.~~

2627 (3) (a) Reports required of a political committee shall be  
2628 filed with the agency or officer before whom such committee  
2629 registers pursuant to s. 106.03(3) and shall be subject to the  
2630 same filing conditions as established for candidates' reports.  
2631 Incomplete reports by political committees shall be treated in  
2632 the manner provided for incomplete reports by candidates in  
2633 subsection (2).

2634 (b) In addition to the reports required by paragraph (a), a  
2635 political committee that is registered with the Department of  
2636 State and that makes a contribution or expenditure to influence  
2637 the results of a county or municipal election that is not being  
2638 held at the same time as a state or federal election must file  
2639 campaign finance reports with the county or municipal filing  
2640 officer on the same dates as county or municipal candidates or  
2641 committees for that election. The political committee must also  
2642 include such contribution or expenditure in the next report  
2643 filed with the Division of Elections pursuant to this section  
2644 following the county or municipal election.

2645 (4) (a) Each report required by this section must ~~shall~~  
2646 contain:

2647 1. The full name, address, and occupation, if any of each  
2648 person who has made one or more contributions to or for such  
2649 committee or candidate within the reporting period, together  
2650 with the amount and date of such contributions. For  
2651 corporations, the report must provide as clear a description as  
2652 practicable of the principal type of business conducted by the



204820

2653 corporation. However, if the contribution is \$100 or less or is  
2654 from a relative, as defined in s. 112.312, provided that the  
2655 relationship is reported, the occupation of the contributor or  
2656 the principal type of business need not be listed.

2657 2. The name and address of each political committee from  
2658 which the reporting committee or the candidate received, or to  
2659 which the reporting committee or candidate made, any transfer of  
2660 funds, together with the amounts and dates of all transfers.

2661 3. Each loan for campaign purposes to or from any person or  
2662 political committee within the reporting period, together with  
2663 the full names, addresses, and occupations, and principal places  
2664 of business, if any, of the lender and endorsers, if any, and  
2665 the date and amount of such loans.

2666 4. A statement of each contribution, rebate, refund, or  
2667 other receipt not otherwise listed under subparagraphs 1.  
2668 through 3.

2669 5. The total sums of all loans, in-kind contributions, and  
2670 other receipts by or for such committee or candidate during the  
2671 reporting period. The reporting forms shall be designed to  
2672 elicit separate totals for in-kind contributions, loans, and  
2673 other receipts.

2674 6. The full name and address of each person to whom  
2675 expenditures have been made by or on behalf of the committee or  
2676 candidate within the reporting period; the amount, date, and  
2677 purpose of each such expenditure; and the name and address of,  
2678 and office sought by, each candidate on whose behalf such  
2679 expenditure was made. However, expenditures made from the petty  
2680 cash fund provided by s. 106.12 need not be reported  
2681 individually.



204820

2682           7. The full name and address of each person to whom an  
2683 expenditure for personal services, salary, or reimbursement for  
2684 authorized expenses as provided in s. 106.021(3) has been made  
2685 and which is not otherwise reported, including the amount, date,  
2686 and purpose of such expenditure. However, expenditures made from  
2687 the petty cash fund provided for in s. 106.12 need not be  
2688 reported individually. Receipts for reimbursement for authorized  
2689 expenditures shall be retained by the treasurer along with the  
2690 records for the campaign account.

2691           8. The total amount withdrawn and the total amount spent  
2692 for petty cash purposes pursuant to this chapter during the  
2693 reporting period.

2694           9. The total sum of expenditures made by such committee or  
2695 candidate during the reporting period.

2696           10. The amount and nature of debts and obligations owed by  
2697 or to the committee or candidate, which relate to the conduct of  
2698 any political campaign.

2699           11. Transaction information for each credit card purchase.  
2700 ~~A copy of each credit card statement which shall be included in~~  
2701 ~~the next report following receipt thereof by the candidate or~~  
2702 ~~political committee.~~ Receipts for each credit card purchase  
2703 shall be retained by the treasurer with the records for the  
2704 campaign account.

2705           12. The amount and nature of any separate interest-bearing  
2706 accounts or certificates of deposit and identification of the  
2707 financial institution in which such accounts or certificates of  
2708 deposit are located.

2709           13. The primary purposes of an expenditure made indirectly  
2710 through a campaign treasurer pursuant to s. 106.021(3) for goods



204820

2711 and services such as communications media placement or  
2712 procurement services, campaign signs, insurance, and other  
2713 expenditures that include multiple components as part of the  
2714 expenditure. The primary purpose of an expenditure shall be that  
2715 purpose, including integral and directly related components,  
2716 that comprises 80 percent of such expenditure.

2717 (b) The filing officer shall make available to any  
2718 candidate or committee a reporting form which the candidate or  
2719 committee may use to indicate contributions received by the  
2720 candidate or committee but returned to the contributor before  
2721 deposit.

2722 (5) The candidate and his or her campaign treasurer, in the  
2723 case of a candidate, or the political committee chair and  
2724 campaign treasurer of the committee, in the case of a political  
2725 committee, shall certify as to the correctness of each report;  
2726 and each person so certifying shall bear the responsibility for  
2727 the accuracy and veracity of each report. Any campaign  
2728 treasurer, candidate, or political committee chair who willfully  
2729 certifies the correctness of any report while knowing that such  
2730 report is incorrect, false, or incomplete commits a misdemeanor  
2731 of the first degree, punishable as provided in s. 775.082 or s.  
2732 775.083.

2733 ~~(6) The campaign depository shall return all checks drawn~~  
2734 ~~on the account to the campaign treasurer who shall retain the~~  
2735 ~~records pursuant to s. 106.06. The records maintained by the~~  
2736 campaign depository with respect to any campaign account  
2737 regulated by this chapter are such account shall be subject to  
2738 inspection by an agent of the Division of Elections or the  
2739 Florida Elections Commission at any time during normal banking



204820

2740 hours, and such depository shall furnish certified copies of any  
2741 of such records to the Division of Elections or Florida  
2742 Elections Commission upon request.

2743 (7) Notwithstanding any other provisions of this chapter,  
2744 in any reporting period during which a candidate, political  
2745 committee, or committee of continuous existence has not received  
2746 funds, made any contributions, or expended any reportable funds,  
2747 the filing of the required report for that period is waived.  
2748 However, the next report filed must specify that the report  
2749 covers the entire period between the last submitted report and  
2750 the report being filed, and any candidate, political committee,  
2751 or committee of continuous existence not reporting by virtue of  
2752 this subsection on dates prescribed elsewhere in this chapter  
2753 shall notify the filing officer in writing on the prescribed  
2754 reporting date that no report is being filed on that date.

2755 (8) (a) Any candidate or political committee failing to file  
2756 a report on the designated due date is ~~shall be~~ subject to a  
2757 fine as provided in paragraph (b) for each late day, and, in the  
2758 case of a candidate, such fine shall be paid only from personal  
2759 funds of the candidate. The fine shall be assessed by the filing  
2760 officer and the moneys collected shall be deposited:

2761 1. In the General Revenue Fund, in the case of a candidate  
2762 for state office or a political committee that registers with  
2763 the Division of Elections; or

2764 2. In the general revenue fund of the political  
2765 subdivision, in the case of a candidate for an office of a  
2766 political subdivision or a political committee that registers  
2767 with an officer of a political subdivision.  
2768





204820

2769 ~~No separate fine shall be assessed for failure to file a copy of~~  
2770 ~~any report required by this section.~~

2771 (b) Upon determining that a report is late, the filing  
2772 officer shall immediately notify the candidate or chair of the  
2773 political committee as to the failure to file a report by the  
2774 designated due date and that a fine is being assessed for each  
2775 late day. The fine shall be \$50 per day for the first 3 days  
2776 late and, thereafter, \$500 per day for each late day, not to  
2777 exceed 25 percent of the total receipts or expenditures,  
2778 whichever is greater, for the period covered by the late report.  
2779 However, for the reports immediately preceding each special  
2780 primary election, special election, primary election, and  
2781 general election, the fine shall be \$500 per day for each late  
2782 day, not to exceed 25 percent of the total receipts or  
2783 expenditures, whichever is greater, for the period covered by  
2784 the late report. For reports required under s. 106.141(7), the  
2785 fine is \$50 per day for each late day, not to exceed 25 percent  
2786 of the total receipts or expenditures, whichever is greater, for  
2787 the period covered by the late report. Upon receipt of the  
2788 report, the filing officer shall determine the amount of the  
2789 fine which is due and shall notify the candidate or chair or  
2790 registered agent of the political committee. The filing officer  
2791 shall determine the amount of the fine due based upon the  
2792 earliest of the following:

- 2793 1. When the report is actually received by such officer.  
2794 2. When the report is postmarked.  
2795 3. When the certificate of mailing is dated.  
2796 4. When the receipt from an established courier company is  
2797 dated.



204820

2798           5. When the electronic receipt issued pursuant to s.  
2799 106.0705 or other electronic filing system authorized in this  
2800 section is dated.

2801  
2802 Such fine shall be paid to the filing officer within 20 days  
2803 after receipt of the notice of payment due, unless appeal is  
2804 made to the Florida Elections Commission pursuant to paragraph  
2805 (c). Notice is deemed complete upon proof of delivery of written  
2806 notice to the mailing or street address on record with the  
2807 filing officer. In the case of a candidate, such fine shall not  
2808 be an allowable campaign expenditure and shall be paid only from  
2809 personal funds of the candidate. An officer or member of a  
2810 political committee shall not be personally liable for such  
2811 fine.

2812           (c) Any candidate or chair of a political committee may  
2813 appeal or dispute the fine, based upon, but not limited to,  
2814 unusual circumstances surrounding the failure to file on the  
2815 designated due date, and may request and shall be entitled to a  
2816 hearing before the Florida Elections Commission, which shall  
2817 have the authority to waive the fine in whole or in part. The  
2818 Florida Elections Commission must consider the mitigating and  
2819 aggravating circumstances contained in s. 106.265(1) when  
2820 determining the amount of a fine, if any, to be waived. Any such  
2821 request shall be made within 20 days after receipt of the notice  
2822 of payment due. In such case, the candidate or chair of the  
2823 political committee shall, within the 20-day period, notify the  
2824 filing officer in writing of his or her intention to bring the  
2825 matter before the commission.

2826           (d) The appropriate filing officer shall notify the Florida



204820

2827 Elections Commission of the repeated late filing by a candidate  
2828 or political committee, the failure of a candidate or political  
2829 committee to file a report after notice, or the failure to pay  
2830 the fine imposed. The commission shall investigate only those  
2831 alleged late filing violations specifically identified by the  
2832 filing officer and as set forth in the notification. Any other  
2833 alleged violations must be separately stated and reported by the  
2834 division to the commission under s. 106.25(2). As used in this  
2835 paragraph, the term "repeated late filing" means at least three  
2836 late filings occurring within any 2-year period. The commission  
2837 shall treat notification of each repeated late filing as a  
2838 separate violation of this section.

2839 (9) The Department of State may prescribe by rule the  
2840 requirements for filing campaign treasurers' reports as set  
2841 forth in this chapter.

2842 Section 54. Paragraph (d) of subsection (7) and subsection  
2843 (8) of section 106.0703, Florida Statutes, are amended to read:  
2844 106.0703 Electioneering communications organizations;  
2845 reporting requirements; certification and filing; penalties.-

2846 (7)

2847 (d) The appropriate filing officer shall notify the Florida  
2848 Elections Commission of the repeated late filing by an  
2849 electioneering communications organization, the failure of an  
2850 electioneering communications organization to file a report  
2851 after notice, or the failure to pay the fine imposed. The  
2852 commission shall investigate only those alleged late filing  
2853 violations specifically identified by the filing officer and as  
2854 set forth in the notification. Any other alleged violations must  
2855 be stated separately and reported by the division to the



204820

2856 commission under s. 106.25(2). As used in this paragraph, the  
2857 term "repeated late filing" means at least three late filings  
2858 occurring within any 2-year period. The commission shall treat  
2859 notification of each repeated late filing as a separate  
2860 violation of this section.

2861 (8) An electioneering communications organization shall,  
2862 within 2 business days after receiving written notice of its  
2863 initial password or secure sign-on from the Department of State  
2864 allowing confidential access to the department's electronic  
2865 campaign finance filing system, electronically file a single  
2866 retroactive report of receipts and disbursements made the  
2867 ~~periodic reports that would have been required pursuant to this~~  
2868 ~~section for reportable activities that occurred~~ since the date  
2869 of the last general election.

2870 Section 55. Paragraphs (a) and (c) of subsection (2) and  
2871 subsections (3), (5), and (7) of section 106.0705, Florida  
2872 Statutes, are amended to read:

2873 106.0705 Electronic filing of campaign treasurer's  
2874 reports.-

2875 (2) (a) Each individual candidate who is required to file  
2876 reports with the division pursuant to s. 106.07 or s. 106.141  
2877 ~~with the division~~ must file such reports ~~with the division~~ by  
2878 means of the division's electronic filing system.

2879 (c) Each person or organization that is required to file  
2880 reports with the division under s. 106.071 must file such  
2881 reports ~~with the division~~ by means of the division's electronic  
2882 filing system.

2883 (3) Reports filed pursuant to this section shall be  
2884 completed and filed through the electronic filing system not



204820

2885 later than midnight of the day designated. Reports not filed by  
2886 midnight of the day designated are late filed and are subject to  
2887 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.  
2888 106.0703(7), or s. 106.29(3), as applicable.

2889 (5) The electronic filing system developed by the division  
2890 must:

2891 (a) Be based on access by means of the Internet.

2892 (b) Be accessible by anyone with Internet access using  
2893 standard web-browsing software.

2894 (c) Provide for direct entry of campaign finance  
2895 information as well as upload of such information from campaign  
2896 finance software certified by the division.

2897 (d) Provide a method that prevents unauthorized access to  
2898 electronic filing system functions.

2899 (e) Provide a method for filing the retroactive report of  
2900 receipts and disbursements required by s. 106.0703(8).

2901 ~~(7) Notwithstanding anything in law to the contrary, any~~  
2902 ~~report required to have been filed under this section for the~~  
2903 ~~period ended March 31, 2005, shall be deemed to have been timely~~  
2904 ~~filed if the report is filed under this section on or before~~  
2905 ~~June 1, 2005.~~

2906 Section 56. Subsections (3) and (6) of section 106.08,  
2907 Florida Statutes, are amended to read:

2908 106.08 Contributions; limitations on.-

2909 (3) (a) Any contribution received by a candidate with  
2910 opposition in an election or by the campaign treasurer or a  
2911 deputy campaign treasurer of such a candidate on the day of that  
2912 election or less than 5 days prior to the day of that election  
2913 must be returned by him or her to the person or committee



204820

2914 contributing it and may not be used or expended by or on behalf  
2915 of the candidate.

2916 (b) Except as otherwise provided in paragraph (c), any  
2917 contribution received by a candidate or by the campaign  
2918 treasurer or a deputy campaign treasurer of a candidate after  
2919 the date at which the candidate withdraws his or her candidacy,  
2920 or after the date the candidate is defeated, becomes unopposed,  
2921 or is elected to office must be returned to the person or  
2922 committee contributing it and may not be used or expended by or  
2923 on behalf of the candidate.

2924 ~~(c) With respect to any campaign for an office in which an~~  
2925 ~~independent or minor party candidate has filed as required in s.~~  
2926 ~~99.0955 or s. 99.096, but whose qualification is pending a~~  
2927 ~~determination by the Department of State or supervisor of~~  
2928 ~~elections as to whether or not the required number of petition~~  
2929 ~~signatures was obtained:~~

2930 ~~1. The department or supervisor shall, no later than 3 days~~  
2931 ~~after that determination has been made, notify in writing all~~  
2932 ~~other candidates for that office of that determination.~~

2933 ~~2. Any contribution received by a candidate or the campaign~~  
2934 ~~treasurer or deputy campaign treasurer of a candidate after the~~  
2935 ~~candidate has been notified in writing by the department or~~  
2936 ~~supervisor that he or she has become unopposed as a result of an~~  
2937 ~~independent or minor party candidate failing to obtain the~~  
2938 ~~required number of petition signatures shall be returned to the~~  
2939 ~~person, political committee, or committee of continuous~~  
2940 ~~existence contributing it and shall not be used or expended by~~  
2941 ~~or on behalf of the candidate.~~

2942 (6) (a) A political party may not accept any contribution



204820

2943 that has been specifically designated for the partial or  
2944 exclusive use of a particular candidate. Any contribution so  
2945 designated must be returned to the contributor and may not be  
2946 used or expended by or on behalf of the candidate.

2947 (b)1. A political party may not accept any in-kind  
2948 contribution that fails to provide a direct benefit to the  
2949 political party. A "direct benefit" includes, but is not limited  
2950 to, fundraising or furthering the objectives of the political  
2951 party.

2952 2.a. An in-kind contribution to a state political party may  
2953 be accepted only by the chairperson of the state political party  
2954 or by the chairperson's designee or designees whose names are on  
2955 file with the division in a form acceptable to the division  
2956 prior to the date of the written notice required in sub-  
2957 subparagraph b. An in-kind contribution to a county political  
2958 party may be accepted only by the chairperson of the county  
2959 political party or by the county chairperson's designee or  
2960 designees whose names are on file with the supervisor of  
2961 elections of the respective county prior to the date of the  
2962 written notice required in sub-subparagraph b.

2963 b. A person making an in-kind contribution to a state  
2964 political party or county political party must provide prior  
2965 written notice of the contribution to a person described in sub-  
2966 subparagraph a. The prior written notice must be signed and  
2967 dated and may be provided by an electronic or facsimile message.  
2968 However, prior written notice is not required for an in-kind  
2969 contribution that consists of food and beverage in an aggregate  
2970 amount not exceeding \$1,500 which is consumed at a single  
2971 sitting or event if such in-kind contribution is accepted in



204820

2972 advance by a person specified in sub-subparagraph a.

2973 c. A person described in sub-subparagraph a. may accept an  
2974 in-kind contribution requiring prior written notice only in a  
2975 writing that is ~~signed and~~ dated before the in-kind contribution  
2976 is made. Failure to obtain the required written acceptance of an  
2977 in-kind contribution to a state or county political party  
2978 constitutes a refusal of the contribution.

2979 d. A copy of each prior written acceptance required under  
2980 sub-subparagraph c. must be filed ~~with the division~~ at the time  
2981 the regular reports of contributions and expenditures required  
2982 under s. 106.29 are filed by the state executive committee and  
2983 county executive committee. A state executive committee and an  
2984 affiliated party committee must file with the division. A county  
2985 executive committee must file with the county's supervisor of  
2986 elections.

2987 e. An in-kind contribution may not be given to a state or  
2988 county political party unless the in-kind contribution is made  
2989 as provided in this subparagraph.

2990 Section 57. Section 106.09, Florida Statutes, is amended to  
2991 read:

2992 106.09 Cash contributions and contribution by cashier's  
2993 checks.—

2994 (1) (a) A person may not make an aggregate ~~or accept~~ a cash  
2995 contribution or contribution by means of a cashier's check to  
2996 the same candidate or committee in excess of \$50 per election.

2997 (b) A person may not accept an aggregate cash contribution  
2998 or contribution by means of a cashier's check from the same  
2999 contributor in excess of \$50 per election.

3000 (2) (a) Any person who makes or accepts a contribution in





204820

3001 ~~excess of \$50 in violation of subsection (1) this section~~  
3002 commits a misdemeanor of the first degree, punishable as  
3003 provided in s. 775.082 or s. 775.083.

3004 (b) Any person who knowingly and willfully makes or accepts  
3005 a contribution in excess of \$5,000 in violation of subsection  
3006 (1) this section commits a felony of the third degree,  
3007 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3008 Section 58. Paragraph (b) of subsection (1) and paragraph  
3009 (a) of subsection (2) of section 106.11, Florida Statutes, are  
3010 amended, and subsection (6) is added to that section, to read:

3011 106.11 Expenses of and expenditures by candidates and  
3012 political committees.—Each candidate and each political  
3013 committee which designates a primary campaign depository  
3014 pursuant to s. 106.021(1) shall make expenditures from funds on  
3015 deposit in such primary campaign depository only in the  
3016 following manner, with the exception of expenditures made from  
3017 petty cash funds provided by s. 106.12:

3018 (1)

3019 (b) The checks for such account shall contain, as a  
3020 minimum, the following information:

3021 1. The statement "~~Campaign Account of~~ ... (name of candidate  
3022 or political committee)... Campaign Account."

3023 2. The account number and the name of the bank.

3024 3. The exact amount of the expenditure.

3025 4. The signature of the campaign treasurer or deputy  
3026 treasurer.

3027 5. The exact purpose for which the expenditure is  
3028 authorized.

3029 6. The name of the payee.



204820

3030           (2) (a) For purposes of this section, debit cards are  
3031 considered bank checks, if:  
3032           1. Debit cards are obtained from the same bank that has  
3033 been designated as the candidate's or political committee's  
3034 primary campaign depository.  
3035           2. Debit cards are issued in the name of the treasurer,  
3036 deputy treasurer, or authorized user and state "~~Campaign Account~~  
3037 ~~of ... (name of candidate or political committee) ... Campaign~~  
3038 Account."  
3039           3. No more than three debit cards are requested and issued.  
3040           ~~4. Before a debit card is used, a list of all persons~~  
3041 ~~authorized to use the card is filed with the division.~~  
3042           ~~5. All debit cards issued to a candidate's campaign or a~~  
3043 ~~political committee expire no later than midnight of the last~~  
3044 ~~day of the month of the general election.~~  
3045           ~~4.6.~~ The person using the debit card does not receive cash  
3046 as part of, or independent of, any transaction for goods or  
3047 services.  
3048           ~~5.7.~~ All receipts for debit card transactions contain:  
3049           a. The last four digits of the debit card number.  
3050           b. The exact amount of the expenditure.  
3051           c. The name of the payee.  
3052           d. The signature of the campaign treasurer, deputy  
3053 treasurer, or authorized user.  
3054           e. The exact purpose for which the expenditure is  
3055 authorized.  
3056  
3057 Any information required by this subparagraph but not included  
3058 on the debit card transaction receipt may be handwritten on, or



204820

3059 attached to, the receipt by the authorized user before  
3060 submission to the treasurer.

3061 (6) A candidate who makes a loan to his or her campaign and  
3062 reports the loan as required by s. 106.07 may be reimbursed for  
3063 the loan at any time the campaign account has sufficient funds  
3064 to repay the loan and satisfy its other obligations.

3065 Section 59. Subsection (4) of section 106.141, Florida  
3066 Statutes, is amended to read:

3067 106.141 Disposition of surplus funds by candidates.—

3068 (4) (a) Except as provided in paragraph (b), any candidate  
3069 required to dispose of funds pursuant to this section shall, at  
3070 the option of the candidate, dispose of such funds by any of the  
3071 following means, or any combination thereof:

3072 1. Return pro rata to each contributor the funds that have  
3073 not been spent or obligated.

3074 2. Donate the funds that have not been spent or obligated  
3075 to a charitable organization or organizations that meet the  
3076 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3077 3. Give ~~not more than \$10,000 of~~ the funds that have not  
3078 been spent or obligated to the political party of which such  
3079 candidate is a member, ~~except that a candidate for the Florida~~  
3080 ~~Senate may give not more than \$30,000 of such funds to the~~  
3081 ~~political party of which the candidate is a member.~~

3082 4. Give the funds that have not been spent or obligated:

3083 a. In the case of a candidate for state office, to the  
3084 state, to be deposited in either the Election Campaign Financing  
3085 Trust Fund or the General Revenue Fund, as designated by the  
3086 candidate; or

3087 b. In the case of a candidate for an office of a political



204820

3088 subdivision, to such political subdivision, to be deposited in  
3089 the general fund thereof.

3090 (b) Any candidate required to dispose of funds pursuant to  
3091 this section who has received contributions pursuant to ~~from~~ the  
3092 Florida Election Campaign Financing Act Trust Fund shall, after  
3093 all monetary commitments pursuant to s. 106.11(5) (b) and (c)  
3094 have been met, return all surplus campaign funds to the General  
3095 Revenue Election Campaign Financing Trust Fund.

3096 Section 60. Subsections (1), (2), and (4) of section  
3097 106.143, Florida Statutes, are amended, present subsections (2)  
3098 through (9) of that section are renumbered as subsections (3)  
3099 through (10), respectively, and a new subsection (2) is added to  
3100 that section, to read:

3101 106.143 Political advertisements circulated prior to  
3102 election; requirements.—

3103 (1) (a) Any political advertisement that is paid for by a  
3104 candidate, except a write-in candidate, and that is published,  
3105 displayed, or circulated before, or on the day of, any election  
3106 must prominently state:

3107 1. "Political advertisement paid for and approved by  
3108 ... (name of candidate) ..., ... (party affiliation) ..., for  
3109 ... (office sought) ..."; or

3110 2. "Paid by ... (name of candidate) ..., ... (party  
3111 affiliation) ..., for ... (office sought) ..."

3112 (b) Any political advertisement that is paid for by a  
3113 write-in candidate and that is published, displayed, or  
3114 circulated before, or on the day of, any election must  
3115 prominently state:

3116 1. Political advertisement paid for and approved by



204820

3117 ...(name of candidate)..., write-in candidate, for ...(office  
3118 sought)..."; or  
3119 2. "Paid by ...(name of candidate)..., write-in candidate,  
3120 for ...(office sought)...."  
3121 (c) ~~(b)~~ Any other political advertisement published,  
3122 displayed, or circulated before, or on the day of, any election  
3123 must prominently:  
3124 1. Be marked "paid political advertisement" or with the  
3125 abbreviation "pd. pol. adv."  
3126 2. State the name and address of the persons paying for  
3127 ~~sponsoring~~ the advertisement.  
3128 3. ~~a. (I)~~ State whether the advertisement and the cost of  
3129 production is paid for or provided in kind by or at the expense  
3130 of the entity publishing, displaying, broadcasting, or  
3131 circulating the political advertisement. ~~;~~ or  
3132 ~~(II) State who provided or paid for the advertisement and~~  
3133 ~~cost of production, if different from the source of sponsorship.~~  
3134 ~~b. This subparagraph does not apply if the source of the~~  
3135 ~~sponsorship is patently clear from the content or format of the~~  
3136 ~~political advertisement.~~  
3137 (d) ~~(c)~~ Any political advertisement made pursuant to s.  
3138 106.021(3) (d) must be marked "paid political advertisement" or  
3139 with the abbreviation "pd. pol. adv." and must prominently state  
3140 the name and address of the political party paying for the  
3141 advertisement, and the names, party affiliations, and offices  
3142 sought by the persons in the advertisement, "Paid for and  
3143 sponsored by ...(name of person paying for political  
3144 advertisement).... Approved by ...(names of persons, party  
3145 affiliation, and offices sought in the political



204820

3146 advertisement)....”

3147 (2) Political advertisements made as in-kind contributions  
3148 from a political party must prominently state: “Paid political  
3149 advertisement paid for by in-kind by ... (name of political  
3150 party).... Approved by ... (name of person, party affiliation,  
3151 and office sought in the political advertisement)....”

3152 (3)-(2) Any political advertisement of a candidate running  
3153 for partisan office shall express the name of the political  
3154 party of which the candidate is seeking nomination or is the  
3155 nominee. If the candidate for partisan office is running as a  
3156 candidate with no party affiliation, any political advertisement  
3157 of the candidate must state that the candidate has no party  
3158 affiliation. Any political advertisement of a candidate running  
3159 for nonpartisan office may not state the candidate’s political  
3160 party affiliation. A candidate for nonpartisan office is  
3161 prohibited from campaigning based on party affiliation.

3162 (5)-(4)(a) Any political advertisement not paid for by a  
3163 candidate, including those paid for by a political party, other  
3164 than an independent expenditure, offered by or on behalf of a  
3165 candidate must be approved in advance by the candidate. Such  
3166 political advertisement must expressly state that the content of  
3167 the advertisement was approved by the candidate and must state  
3168 who paid for the advertisement. The candidate shall provide a  
3169 written statement of authorization to the newspaper, radio  
3170 station, television station, or other medium for each such  
3171 advertisement submitted for publication, display, broadcast, or  
3172 other distribution.

3173 (b) Any person who makes an independent expenditure for a  
3174 political advertisement shall provide a written statement that



204820

3175 no candidate has approved the advertisement to the newspaper,  
3176 radio station, television station, or other medium for each such  
3177 advertisement submitted for publication, display, broadcast, or  
3178 other distribution. The advertisement must also contain a  
3179 statement that no candidate has approved the advertisement.

3180 ~~(c) This subsection does not apply to campaign messages~~  
3181 ~~used by a candidate and his or her supporters if those messages~~  
3182 ~~are designed to be worn by a person.~~

3183 Section 61. Section 106.17, Florida Statutes, is amended to  
3184 read:

3185 106.17 Polls and surveys relating to candidacies.—Any  
3186 candidate, political committee, committee of continuous  
3187 existence, electioneering communication organization, or state  
3188 or county executive committee of a political party may authorize  
3189 or conduct a political poll, survey, index, or measurement of  
3190 any kind relating to candidacy for public office so long as the  
3191 candidate, political committee, committee of continuous  
3192 existence, electioneering communication organization, or  
3193 political party maintains complete jurisdiction over the poll in  
3194 all its aspects. State and county executive committees of a  
3195 political party or an affiliated party committee may authorize  
3196 and conduct political polls for the purpose of determining the  
3197 viability of potential candidates. Such poll results may be  
3198 shared with potential candidates and expenditures incurred by  
3199 state and county executive committees for potential candidate  
3200 polls are not contributions to the potential candidates.

3201 Section 62. Subsection (3) of section 106.18, Florida  
3202 Statutes, is amended to read:

3203 106.18 When a candidate's name to be omitted from ballot.—



204820

3204           (3) No certificate of election shall be granted to any  
3205 candidate until all preelection reports required by s. 106.07  
3206 have been filed in accordance with the provisions of such  
3207 section. ~~However, no candidate shall be prevented from receiving~~  
3208 ~~a certificate of election for failure to file any copy of a~~  
3209 ~~report required by this chapter.~~

3210           Section 63. Subsection (4) is added to section 106.19,  
3211 Florida Statutes, to read:

3212           106.19 Violations by candidates, persons connected with  
3213 campaigns, and political committees.—

3214           (4) Except as otherwise expressly stated, the failure by a  
3215 candidate to comply with the requirements of this chapter has no  
3216 effect upon whether the candidate has qualified for the office  
3217 the candidate is seeking.

3218           Section 64. Subsections (2) and (3), paragraph (i) of  
3219 subsection (4), and subsection (5) of section 106.25, Florida  
3220 Statutes, are amended to read:

3221           106.25 Reports of alleged violations to Florida Elections  
3222 Commission; disposition of findings.—

3223           (2) The commission shall investigate all violations of this  
3224 chapter and chapter 104, but only after having received either a  
3225 sworn complaint or information reported to it under this  
3226 subsection by the Division of Elections. Such sworn complaint  
3227 must be based upon personal information or information other  
3228 than hearsay. Any person, other than the division, having  
3229 information of any violation of this chapter or chapter 104  
3230 shall file a sworn complaint with the commission. The commission  
3231 shall investigate only those alleged violations specifically  
3232 contained within the sworn complaint. If any complainant fails





204820

3233 to allege all violations that arise from the facts or  
3234 allegations alleged in a complaint, the commission shall be  
3235 barred from investigating a subsequent complaint from such  
3236 complainant that is based upon such facts or allegations that  
3237 were raised or could have been raised in the first complaint. If  
3238 the complaint includes allegations of violations relating to  
3239 expense items reimbursed by a candidate, committee, or  
3240 organization to the campaign account before a sworn complaint is  
3241 filed, the commission shall be barred from investigating such  
3242 allegations. Such sworn complaint shall state whether a  
3243 complaint of the same violation has been made to any state  
3244 attorney. Within 5 days after receipt of a sworn complaint, the  
3245 commission shall transmit a copy of the complaint to the alleged  
3246 violator. The respondent shall have 14 days after receipt of the  
3247 complaint to file an initial response, and the executive  
3248 director may not determine the legal sufficiency of the  
3249 complaint during that time period. If the executive director  
3250 finds that the complaint is legally sufficient, the respondent  
3251 shall be notified of such finding by letter, which sets forth  
3252 the statutory provisions alleged to have been violated and the  
3253 alleged factual basis that supports the finding. All sworn  
3254 complaints alleging violations of the Florida Election Code over  
3255 which the commission has jurisdiction shall be filed with the  
3256 commission within 2 years after the alleged violations. The  
3257 period of limitations is tolled on the day a sworn complaint is  
3258 filed with the commission. The complainant may withdraw the  
3259 sworn complaint at any time prior to a probable cause hearing if  
3260 good cause is shown. Withdrawal shall be requested in writing,  
3261 signed by the complainant, and witnessed by a notary public,



204820

3262 stating the facts and circumstances constituting good cause. The  
3263 executive director shall prepare a written recommendation  
3264 regarding disposition of the request which shall be given to the  
3265 commission together with the request. "Good cause" shall be  
3266 determined based upon the legal sufficiency or insufficiency of  
3267 the complaint to allege a violation and the reasons given by the  
3268 complainant for wishing to withdraw the complaint. If withdrawal  
3269 is permitted, the commission must close the investigation and  
3270 the case. No further action may be taken. The complaint will  
3271 become a public record at the time of withdrawal.

3272 (3) For the purposes of commission jurisdiction, a  
3273 violation shall mean the willful performance of an act  
3274 prohibited by this chapter or chapter 104 or the willful failure  
3275 to perform an act required by this chapter or chapter 104. The  
3276 commission may not by rule determine what constitutes  
3277 willfulness or further define the term "willful" for purposes of  
3278 this chapter or chapter 104. Willfulness is a determination of  
3279 fact; however, at the request of the respondent at any time  
3280 after probable cause is found, willfulness may be considered and  
3281 determined in an informal hearing before the commission.

3282 (4) The commission shall undertake a preliminary  
3283 investigation to determine if the facts alleged in a sworn  
3284 complaint or a matter initiated by the division constitute  
3285 probable cause to believe that a violation has occurred.

3286 (i)1. Upon a commission finding of probable cause, the  
3287 counsel for the commission shall attempt to reach a consent  
3288 agreement with the respondent. At any time, the commission may  
3289 enter into a consent order with a respondent without requiring  
3290 the respondent to admit to a violation of law within the



204820

3291 jurisdiction of the commission.

3292         2. A consent agreement is not binding upon either party  
3293 unless and until it is signed by the respondent and by counsel  
3294 for the commission upon approval by the commission.

3295         3. Nothing herein shall be construed to prevent the  
3296 commission from entering into a consent agreement with a  
3297 respondent prior to a commission finding of probable cause if a  
3298 respondent indicates in writing a desire to enter into  
3299 negotiations directed towards reaching such a consent agreement.  
3300 Any consent agreement reached under this subparagraph is subject  
3301 to the provisions of subparagraph 2. and shall have the same  
3302 force and effect as a consent agreement reached after the  
3303 commission finding of probable cause.

3304  
3305 In a case where probable cause is found, the commission shall  
3306 make a preliminary determination to consider the matter or to  
3307 refer the matter to the state attorney for the judicial circuit  
3308 in which the alleged violation occurred. Notwithstanding any  
3309 other provisions of this section, the commission may, at its  
3310 discretion, dismiss any complaint at any stage of disposition if  
3311 it determines that the public interest would not be served by  
3312 proceeding further, in which case the commission shall issue a  
3313 public report stating with particularity its reasons for the  
3314 dismissal.

3315         (5) ~~Unless~~ A person alleged by the Elections Commission to  
3316 have committed a violation of this chapter or chapter 104 may  
3317 elect, as a matter of right elects, within 30 days after the  
3318 date of the filing of the commission's allegations, to have a  
3319 formal administrative ~~or informal~~ hearing conducted ~~before the~~



204820

3320 ~~commission, or elects to resolve the complaint by consent order,~~  
3321 ~~such person shall be entitled to a formal administrative hearing~~  
3322 ~~conducted~~ by an administrative law judge in the Division of  
3323 Administrative Hearings. The administrative law judge in such  
3324 proceedings shall enter a final order, which may include the  
3325 imposition of civil penalties, subject to appeal as provided in  
3326 s. 120.68. If the person does not elect to have a hearing by an  
3327 administrative law judge and does not elect to resolve the  
3328 complaint by a consent order, the person is entitled to a formal  
3329 or informal hearing conducted before the commission.

3330 Section 65. Subsection (1) of section 106.26, Florida  
3331 Statutes, is amended to read:

3332 106.26 Powers of commission; rights and responsibilities of  
3333 parties; findings by commission.-

3334 (1) The commission shall, pursuant to rules adopted and  
3335 published in accordance with chapter 120, consider all sworn  
3336 complaints filed with it and all matters reported to it by the  
3337 Division of Elections. In order to carry out the  
3338 responsibilities prescribed by this chapter, the commission is  
3339 empowered to subpoena and bring before it, or its duly  
3340 authorized representatives, any person in the state, or any  
3341 person doing business in the state, or any person who has filed  
3342 or is required to have filed any application, document, papers,  
3343 or other information with an office or agency of this state or a  
3344 political subdivision thereof and to require the production of  
3345 any papers, books, or other records relevant to any  
3346 investigation, including the records and accounts of any bank or  
3347 trust company doing business in this state. Duly authorized  
3348 representatives of the commission are empowered to administer



204820

3349 all oaths and affirmations in the manner prescribed by law to  
3350 witnesses who shall appear before them concerning any relevant  
3351 matter. Should any witness fail to respond to the lawful  
3352 subpoena of the commission or, having responded, fail to answer  
3353 all lawful inquiries or to turn over evidence that has been  
3354 subpoenaed, the commission may file a complaint in the ~~before~~  
3355 ~~any~~ circuit court where the witness resides ~~of the state~~ setting  
3356 up such failure on the part of the witness. On the filing of  
3357 such complaint, the court shall take jurisdiction of the witness  
3358 and the subject matter of said complaint and shall direct the  
3359 witness to respond to all lawful questions and to produce all  
3360 documentary evidence in the witness's possession which is  
3361 lawfully demanded. The failure of any witness to comply with  
3362 such order of the court shall constitute a direct and criminal  
3363 contempt of court, and the court shall punish said witness  
3364 accordingly. However, the refusal by a witness to answer  
3365 inquiries or turn over evidence on the basis that such testimony  
3366 or material will tend to incriminate such witness shall not be  
3367 deemed refusal to comply with the provisions of this chapter.  
3368 The sheriffs in the several counties shall make such service and  
3369 execute all process or orders when required by the commission.  
3370 Sheriffs shall be paid for these services by the commission as  
3371 provided for in s. 30.231. Any person who is served with a  
3372 subpoena to attend a hearing of the commission also shall be  
3373 served with a general statement informing him or her of the  
3374 subject matter of the commission's investigation or inquiry and  
3375 a notice that he or she may be accompanied at the hearing by  
3376 counsel of his or her own choosing.

3377 Section 66. Subsections (1) through (4) of section 106.265,



204820

3378 Florida Statutes, are amended and renumbered, and present  
3379 subsection (5) of that section is renumbered as subsection (6),  
3380 to read:

3381 106.265 Civil penalties.—

3382 (1) The commission or, in cases referred to the Division of  
3383 Administrative Hearings pursuant to s. 106.25(5), the  
3384 administrative law judge is authorized upon the finding of a  
3385 violation of this chapter or chapter 104 to impose civil  
3386 penalties in the form of fines not to exceed \$1,000 per count,  
3387 or, if applicable, to impose a civil penalty as provided in s.  
3388 104.271 or s. 106.19.

3389 (2) In determining the amount of such civil penalties, the  
3390 commission or administrative law judge shall consider, among  
3391 other mitigating and aggravating circumstances:

3392 (a) The gravity of the act or omission;

3393 (b) Any previous history of similar acts or omissions;

3394 (c) The appropriateness of such penalty to the financial  
3395 resources of the person, political committee, committee of  
3396 continuous existence, electioneering communications  
3397 organization, or political party; and

3398 (d) Whether the person, political committee, committee of  
3399 continuous existence, electioneering communications  
3400 organization, or political party has shown good faith in  
3401 attempting to comply with the provisions of this chapter or  
3402 chapter 104.

3403 (3) ~~(2)~~ If any person, political committee, committee of  
3404 continuous existence, electioneering communications  
3405 organization, or political party fails or refuses to pay to the  
3406 commission any civil penalties assessed pursuant to the



204820

3407 provisions of this section, the commission shall be responsible  
3408 for collecting the civil penalties resulting from such action.

3409 ~~(4)(3)~~ Any civil penalty collected pursuant to the  
3410 provisions of this section shall be deposited into the General  
3411 Revenue Fund ~~Election Campaign Financing Trust Fund.~~

3412 ~~(5)(4) Notwithstanding any other provisions of this~~  
3413 ~~chapter,~~ Any fine assessed pursuant to the provisions of this  
3414 chapter shall, ~~which fine is designated to be deposited or which~~  
3415 ~~would otherwise~~ be deposited into the General Revenue Fund of  
3416 the state, ~~shall be deposited into the Election Campaign~~  
3417 ~~Financing Trust Fund.~~

3418 Section 67. Subsection (1) and paragraphs (b) and (d) of  
3419 subsection (3) of section 106.29, Florida Statutes, are amended  
3420 to read:

3421 106.29 Reports by political parties; restrictions on  
3422 contributions and expenditures; penalties.-

3423 (1) The state executive committee and each county executive  
3424 committee of each political party regulated by chapter 103 shall  
3425 file regular reports of all contributions received and all  
3426 expenditures made by such committee. In addition, when a special  
3427 election is called to fill a vacancy in office, each state  
3428 executive committee, each affiliated party committee, and each  
3429 county executive committee making contributions or expenditures  
3430 to influence the results of the special election or the  
3431 preceding special primary election must file campaign  
3432 treasurers' reports on the dates set by the Department of State  
3433 pursuant to s. 100.111. Such reports shall contain the same  
3434 information as do reports required of candidates by s. 106.07  
3435 and shall be filed on the 10th day following the end of each



204820

3436 calendar quarter, except that, during the period from the last  
3437 day for candidate qualifying until the general election, such  
3438 reports shall be filed on the Friday immediately preceding each  
3439 special primary election, special election, ~~both the primary~~  
3440 ~~election,~~ and ~~the~~ general election. In addition to the reports  
3441 filed under this section, the state executive committee and each  
3442 county executive committee shall file a copy of each prior  
3443 written acceptance of an in-kind contribution given by the  
3444 committee during the preceding calendar quarter as required  
3445 under s. 106.08(6). Each state executive committee shall file  
3446 ~~the original and one copy of~~ its reports with the Division of  
3447 Elections. Each county executive committee shall file its  
3448 reports with the supervisor of elections in the county in which  
3449 such committee exists. Any state or county executive committee  
3450 failing to file a report on the designated due date shall be  
3451 subject to a fine as provided in subsection (3). ~~No separate~~  
3452 ~~fine shall be assessed for failure to file a copy of any report~~  
3453 ~~required by this section.~~

3454 (3)

3455 (b) Upon determining that a report is late, the filing  
3456 officer shall immediately notify the chair of the executive  
3457 committee as to the failure to file a report by the designated  
3458 due date and that a fine is being assessed for each late day.  
3459 The fine shall be \$1,000 for a state executive committee, and  
3460 \$50 for a county executive committee, per day for each late day,  
3461 not to exceed 25 percent of the total receipts or expenditures,  
3462 whichever is greater, for the period covered by the late report.  
3463 However, if an executive committee fails to file a report on the  
3464 Friday immediately preceding the special election or general





204820

3465 election, the fine shall be \$10,000 per day for each day a state  
3466 executive committee is late and \$500 per day for each day a  
3467 county executive committee is late. Upon receipt of the report,  
3468 the filing officer shall determine the amount of the fine which  
3469 is due and shall notify the chair. Notice is deemed complete  
3470 upon proof of delivery of written notice to the mailing or  
3471 street address on record with the filing officer. The filing  
3472 officer shall determine the amount of the fine due based upon  
3473 the earliest of the following:

- 3474 1. When the report is actually received by such officer.
- 3475 2. When the report is postmarked.
- 3476 3. When the certificate of mailing is dated.
- 3477 4. When the receipt from an established courier company is  
3478 dated.
- 3479 5. When the electronic receipt issued pursuant to s.  
3480 106.0705 is dated.

3481  
3482 Such fine shall be paid to the filing officer within 20 days  
3483 after receipt of the notice of payment due, unless appeal is  
3484 made to the Florida Elections Commission pursuant to paragraph  
3485 (c). An officer or member of an executive committee shall not be  
3486 personally liable for such fine.

3487 (d) The appropriate filing officer shall notify the Florida  
3488 Elections Commission of the repeated late filing by an executive  
3489 committee, the failure of an executive committee to file a  
3490 report after notice, or the failure to pay the fine imposed. As  
3491 used in this paragraph, the term "repeated late filing" means at  
3492 least three late filings occurring within any 2-year period. The  
3493 commission shall treat notification of each repeated late filing



204820

3494 as a separate violation of this section.

3495 Section 68. Subsection (5) of section 106.35, Florida  
3496 Statutes, is amended to read:

3497 106.35 Distribution of funds.—

3498 (5) The division shall adopt rules providing for the weekly  
3499 reports and certification and distribution of funds pursuant  
3500 thereto required by this section. Such rules shall, at a  
3501 minimum, provide ~~for:~~

3502 ~~(a) Specifications for printed campaign treasurer's reports~~  
3503 ~~outlining the format for such reports, including size of paper,~~  
3504 ~~typeface, color of print, and placement of required information~~  
3505 ~~on the form.~~

3506 ~~(b)1.~~ specifications for electronically transmitted  
3507 campaign treasurer's reports outlining communication parameters  
3508 and protocol, data record formats, and provisions for ensuring  
3509 security of data and transmission.

3510 ~~2. All electronically transmitted campaign treasurer's~~  
3511 ~~reports must also be filed in printed format. Printed format~~  
3512 ~~shall not include campaign treasurer's reports submitted by~~  
3513 ~~electronic facsimile transmission.~~

3514 Section 69. Subsection (1) of section 876.05, Florida  
3515 Statutes, is amended to read:

3516 876.05 Public employees; oath.—

3517 (1) All persons who now or hereafter are employed by or who  
3518 now or hereafter are on the payroll of the state, or any of its  
3519 departments and agencies, subdivisions, counties, cities, school  
3520 boards and districts of the free public school system of the  
3521 state or counties, or institutions of higher learning, ~~and all~~  
3522 ~~candidates for public office,~~ except candidates for federal



204820

3523 office, are required to take an oath before any person duly  
3524 authorized to take acknowledgments of instruments for public  
3525 record in the state in the following form:

3526  
3527 I, ....., a citizen of the State of Florida and of the  
3528 United States of America, and being employed by or an officer of  
3529 .... and a recipient of public funds as such employee or  
3530 officer, do hereby solemnly swear or affirm that I will support  
3531 the Constitution of the United States and of the State of  
3532 Florida.

3533 Section 70. Section 876.07, Florida Statutes, is repealed.

3534 Section 71. If any provision of this act or its application  
3535 to any person or circumstance is held invalid, the invalidity  
3536 does not affect other provisions or applications of the act  
3537 which can be given effect without the invalid provision or  
3538 application, and to this end the provisions of this act are  
3539 severable.

3540 Section 72. Except as otherwise expressly provided in this  
3541 act, this act shall take effect upon becoming a law.

3542  
3543 ===== T I T L E A M E N D M E N T =====

3544 And the title is amended as follows:

3545 Delete everything before the enacting clause  
3546 and insert:

3547 A bill to be entitled  
3548 An act relating to elections; amending s. 97.012,  
3549 F.S.; expanding the list of responsibilities of the  
3550 Secretary of State when acting in his or her capacity  
3551 as chief election officer; amending s. 97.021, F.S.;



204820

3552 redefining the term "minor political party"; amending  
3553 s. 97.025, F.S.; replacing a requirement for the  
3554 Department of State to print copies of a pamphlet  
3555 containing the Election Code with a requirement that  
3556 the pamphlet be made available; amending s. 97.0575,  
3557 F.S.; requiring that third-party voter registration  
3558 organizations register with the Division of Elections;  
3559 requiring such organizations provide the division with  
3560 certain information; requiring that the division or a  
3561 supervisor of elections make voter registration forms  
3562 available to third-party voter registration  
3563 organizations; requiring that such forms contain  
3564 certain information; requiring that the division and  
3565 supervisors of elections maintain a database of  
3566 certain information; requiring that such information  
3567 be provided in electronic format; requiring that such  
3568 information be updated and made public daily at a  
3569 certain time; providing that a third-party voter  
3570 registration organization that collects voter  
3571 registration applications serves as a fiduciary to the  
3572 applicant; specifying duties of such an organization;  
3573 specifying an affirmative defense to certain  
3574 violations of state law; providing penalties for  
3575 violations of certain provisions of state law;  
3576 providing circumstances under which a third-party  
3577 voter registration organization is subject to  
3578 specified civil penalties; providing for the referral  
3579 of violations to the Attorney General; authorizing the  
3580 Attorney General to initiate a civil action; providing



204820

3581 that an action for relief may include a permanent or  
3582 temporary injunction, a restraining order, or any  
3583 other appropriate order; requiring that the division  
3584 adopt rules for specified purposes; amending s.  
3585 97.071, F.S.; requiring that voter information cards  
3586 contain the address of the polling place of the  
3587 registered voter; requiring a supervisor of elections  
3588 to issue a new voter information card to a voter upon  
3589 a change in a voter's address of legal residence or a  
3590 change in a voter's polling place address; providing  
3591 instructions for implementation by the supervisors of  
3592 elections; amending s. 97.073, F.S.; revising  
3593 procedures that a supervisor of elections must follow  
3594 to dispose of a voter registration application;  
3595 amending s. 97.1031, F.S.; revising the methods by  
3596 which a person must update his or her voter  
3597 registration due to a change of address; revising  
3598 procedures for an elector to change his or her party  
3599 affiliation; requiring an elector to notify the  
3600 supervisor of elections when the elector changes his  
3601 or her name; amending s. 98.075, F.S.; revising  
3602 procedures for the removal of deceased persons and  
3603 other potentially ineligible persons from the  
3604 statewide voter registration system; amending s.  
3605 98.093, F.S.; revising requirements for the Department  
3606 of Corrections to provide the Department of State with  
3607 information relating to convicted felons; requiring  
3608 the Florida Parole Commission to regularly furnish  
3609 data to the Department of State relating to persons



204820

3610 who have been granted clemency; amending s. 98.0981,  
3611 F.S.; providing timeframes and formats for voting  
3612 history information to be sent by the supervisors of  
3613 elections to the department; providing timeframes and  
3614 formats for voting history information to be sent by  
3615 the department to the President of the Senate, the  
3616 Speaker of the House of Representatives, and the  
3617 respective minority leaders; providing for the  
3618 imposition of fines on a supervisor of elections for  
3619 failure to comply in a timely manner; providing for  
3620 deposit of fines in the General Revenue Fund;  
3621 requiring submission of precinct-level information in  
3622 a certain format by a time certain; providing for  
3623 imposition of a fine on a supervisor of elections for  
3624 failure to comply and for depositing of the fine into  
3625 the General Revenue Fund; amending s. 99.012, F.S.;  
3626 providing that a person may not be qualified as a  
3627 candidate for an election or appear on the ballot  
3628 unless the person complies with certain requirements;  
3629 amending s. 99.021, F.S.; revising the candidate oath  
3630 requirement for a person seeking to qualify for  
3631 nomination or election or as a candidate of a  
3632 political party; removing requirement for qualifying  
3633 officer to give printed copy of candidate oath;  
3634 removing requirement for taking public employee oath;  
3635 correcting references for other oaths; amending s.  
3636 99.061, F.S.; revising timeframe for candidate to pay  
3637 a qualifying fee under certain circumstances;  
3638 requiring checks to be payable as prescribed by filing



204820

3639 officer; requiring signatures on certain oaths to be  
3640 verified; removing requirement for a public employee  
3641 oath; requiring the filing of a verified notarized  
3642 financial disclosure statement; clarifying the time  
3643 for qualifying papers to be received; providing that  
3644 qualifying officer performs ministerial duty only;  
3645 exempting a decision by qualifying officer from the  
3646 Administrative Procedure Act; amending s. 99.063,  
3647 F.S.; requiring a candidate's oath to be verified;  
3648 deleting a requirement for a candidate to file a  
3649 loyalty oath with the Department of State by a certain  
3650 date; amending s. 99.092, F.S.; providing for the  
3651 transfer of the election assessment to the Elections  
3652 Commission Trust Fund; amending s. 99.093, F.S.;

3653 providing for the election assessments paid by a  
3654 person seeking to qualify for a municipal office to be  
3655 forwarded by the qualifying officer to the Florida  
3656 Elections Commission; amending s. 99.095, F.S.;

3657 allowing a candidate to obtain the required number of  
3658 signatures from any registered voter regardless of  
3659 district boundaries in a year of apportionment;

3660 amending s. 99.097, F.S.; providing for the Department  
3661 of State to adopt rules to verify petitions through  
3662 random sampling; creating exceptions for certain  
3663 petitions from the authorization to use random  
3664 sampling to verify petitions; revising criteria that a  
3665 supervisor of elections must use to determine whether  
3666 a petition may be counted as valid; providing that an  
3667 exemption from paying fees to verify petitions does



204820

3668 not apply if a person has been paid to solicit  
3669 signatures; providing that contributions received  
3670 after the filing of an undue burden oath must first be  
3671 used to pay fees for verifying petitions; amending s.  
3672 100.061, F.S.; decreasing the time period between a  
3673 primary election and a general election; amending s.  
3674 100.111, F.S.; deleting provisions relating to  
3675 vacancies in a state or county office because an  
3676 incumbent qualified as a candidate for federal office;  
3677 providing for a filing officer, rather than the  
3678 Department of State, to notify a political party that  
3679 it may nominate a person for office if certain events  
3680 cause the party to have a vacancy in nomination;  
3681 revising provisions relating to the filling of a  
3682 vacancy in a nomination; deleting a defined term;  
3683 providing that a vacancy in nomination is not created  
3684 as the result of certain court orders; amending s.  
3685 100.371, F.S.; deleting provisions relating to a right  
3686 to revoke a signature on an initiative petition;  
3687 reducing the time period for which a signed and dated  
3688 initiative petition form is valid; requiring an  
3689 initiative sponsor to submit an initiative form to the  
3690 supervisor of elections for the county of residence of  
3691 the person signing the form for verification; revising  
3692 criteria for a supervisor of elections to verify a  
3693 signature on an initiative petition form; amending s.  
3694 101.043, F.S.; replacing references to the word  
3695 "voter" with "elector"; providing that the address on  
3696 a elector's identification is not to be used to





204820

3697 confirm or challenge an elector's legal residence;  
3698 amending s. 101.045, F.S.; prohibiting a person from  
3699 voting in a precinct or district outside his or her  
3700 legal residence; providing an exception; authorizing a  
3701 person whose eligibility to vote cannot be determined  
3702 to use a provisional ballot; amending s. 101.131,  
3703 F.S.; revising procedures for the designation of poll  
3704 watchers; requiring that the Division of Elections  
3705 prescribe a form for the designation of poll watchers;  
3706 providing conditions under which poll watchers are  
3707 authorized to enter polling areas and watch polls;  
3708 requiring that a supervisor of elections provide  
3709 identification to poll watchers by a specified period  
3710 before early voting begins; requiring that poll  
3711 watchers display such identification while in a  
3712 polling place; amending s. 101.151, F.S.; authorizing  
3713 the use of ballot-on-demand technology to produce  
3714 election-day ballots; deleting a requirement that the  
3715 use of such technology be authorized in writing by the  
3716 Secretary of State; revising provisions relating to  
3717 the order of candidates appearing on a ballot;  
3718 amending s. 101.161, F.S.; specifying a time period to  
3719 initiate an action to challenge an amendment to the  
3720 State Constitution proposed by the Legislature;  
3721 requiring the court, including an appellate court, to  
3722 accord the case priority over other cases; requiring  
3723 the Attorney General to revise a ballot title or  
3724 ballot summary for an amendment proposed by the  
3725 Legislature under certain circumstances; requiring the



204820

3726 Department of State to furnish a designating number  
3727 and the revised ballot title and substance to the  
3728 supervisors of elections; providing that a defect in a  
3729 ballot title or ballot summary in an amendment  
3730 proposed by the Legislature is not grounds to remove  
3731 the amendment from the ballot; amending s. 101.5605,  
3732 F.S.; requiring an electromechanical voting system to  
3733 satisfy the standards for certification adopted by  
3734 rule of the Department of State; amending s. 101.5606,  
3735 F.S.; deleting requirements for electromechanical  
3736 voting systems to have the capability to produce  
3737 precinct totals in marked or punched form; amending s.  
3738 101.5612, F.S.; revising the sample size of  
3739 electromechanical voting systems that include the  
3740 electronic or electromechanical tabulation devices to  
3741 be tested; amending s. 101.5614, F.S.; deleting  
3742 provisions relating to the use of ballot cards and  
3743 write-in ballots or envelopes; amending s. 101.591,  
3744 F.S.; removing the audit requirement by the canvassing  
3745 board if a manual recount is undertaken; amending s.  
3746 101.62, F.S.; extending the time for requesting an  
3747 absentee ballot to the end of the calendar year of the  
3748 next regularly scheduled general election; specifying  
3749 types of elections for which a supervisor of elections  
3750 must send an absentee ballot to uniformed services  
3751 voters and overseas voters; specifying a time period  
3752 during which a supervisor of elections must begin  
3753 mailing absentee ballots; removing requirements that  
3754 an elector provide certain information when requesting



204820

3755 an absentee ballot from the county supervisor of  
3756 elections; amending s. 101.65, F.S.; revising the form  
3757 of the instructions to absent electors; stating that  
3758 an absentee ballot is considered illegal if the  
3759 signature on the voter's certificate does not match  
3760 the signature on record; providing instructions for  
3761 updating a signature on a voter registration  
3762 application; amending s. 101.657, F.S.; reducing the  
3763 early voting period; authorizing a supervisor of  
3764 election to provide early voting for elections not  
3765 held in conjunction with a state or federal election;  
3766 amending s. 101.68, F.S.; extending the time for  
3767 canvassing and processing absentee ballots to 15 days  
3768 before the election; amending s. 101.6923, F.S.;  
3769 revising the form of the special absentee ballot  
3770 instructions for certain first-time voters; stating  
3771 that an absentee ballot is considered illegal if the  
3772 signature on the voter's certificate does not match  
3773 the signature on record; providing instructions for  
3774 updating a signature on a voter registration  
3775 application; amending s. 101.75, F.S.; deleting a  
3776 requirement for the dates of the qualifying period for  
3777 certain municipal elections to run for no less than 14  
3778 days; amending s. 102.168, F.S.; revising provisions  
3779 specifying indispensable parties in a contest of an  
3780 election; providing that in an election contest  
3781 involving the review of a signature on an absentee  
3782 ballot by a canvassing board, a circuit court may not  
3783 review or consider evidence other than the signature



204820

3784 on the voter's certificate and the elector's  
3785 signatures in the registration records; providing for  
3786 the reversal of the determination by the canvassing  
3787 board if the court determines that the board abused  
3788 its discretion; amending s. 103.021, F.S.; revising a  
3789 definition; revising requirements for a minor  
3790 political party to have candidates for President and  
3791 Vice-President placed on the general election ballot;  
3792 creating s. 103.095, F.S.; providing a procedure for  
3793 the registration of a minor political party; requiring  
3794 the Division of Elections to adopt rules to prescribe  
3795 the manner in which political parties may have their  
3796 filings cancelled; amending s. 103.101, F.S.; deleting  
3797 provisions relating to a Presidential Candidate  
3798 Selection Committee; specifying a deadline by which  
3799 the Secretary of State must prepare and publish a list  
3800 of presidential candidates selected by political  
3801 parties; amending s. 103.141, F.S.; revising  
3802 procedures for the removal of an officer, county  
3803 committeeman, county committeewoman, precinct  
3804 committeeman, precinct committeewoman, or member of a  
3805 county executive committee; repealing s. 103.161,  
3806 F.S., which relates to the removal or suspension of  
3807 officers or members of a state or county executive  
3808 committee; amending s. 104.29, F.S.; revising  
3809 provisions authorizing persons to view whether ballots  
3810 are being correctly reconciled; amending s. 106.011,  
3811 F.S.; revising the definitions of the terms  
3812 "contribution," "independent expenditure," "unopposed



204820

3813 candidate," and "candidate"; conforming a cross-  
3814 reference to changes made by the act; amending s.  
3815 106.021, F.S.; deleting requirements to report the  
3816 address of certain persons receiving a reimbursement  
3817 by a check drawn on a campaign account; amending s.  
3818 106.022, F.S.; requiring a political committee,  
3819 committee of continuous existence, or electioneering  
3820 communications organization to file a statement of  
3821 appointment with the filing officer rather than with  
3822 the Division of Elections; authorizing an entity to  
3823 change its appointment of registered agent or  
3824 registered office by filing a written statement with  
3825 the filing officer; requiring a registered agent who  
3826 resigns to execute a written statement of resignation  
3827 and file it with the filing officer; amending s.  
3828 106.023, F.S.; revising the form of the statement of  
3829 candidate to require a candidate to acknowledge that  
3830 he or she has been provided access to and understands  
3831 the requirements of ch. 106, F.S.; amending s.  
3832 106.025, F.S.; creating an exception from requirements  
3833 for tickets or advertising for a campaign fund raiser  
3834 to contain a specified disclosure statement; amending  
3835 s. 106.03, F.S.; revising requirements for groups  
3836 making expenditures for electioneering communications  
3837 to file a statement of organization; amending s.  
3838 106.04, F.S.; transferring a requirement that certain  
3839 committees of continuous existence file campaign  
3840 finance reports in special elections; requiring a  
3841 committee of continuous existence that makes a



204820

3842 contribution or expenditure to influence the results  
3843 of certain county or municipal elections to file  
3844 specified reports; subjecting a committee of  
3845 continuous existence that fails to file a report or to  
3846 timely file a report with the Division of Elections or  
3847 a county or municipal filing officer to a fine;  
3848 requiring a committee of continuous existence to  
3849 include transaction information from credit card  
3850 purchases in a report filed with the Division of  
3851 Elections; requiring a committee of continuous  
3852 existence to report changes in information previously  
3853 reported to the Division of Elections within 10 days  
3854 after the change; requiring the Division of Elections  
3855 to revoke the certification of a committee of  
3856 continuous existence that fails to file or report  
3857 certain information; requiring the division to adopt  
3858 rules to prescribe the manner in which the  
3859 certification is revoked; increasing the amount of a  
3860 fine to be levied on a committee of continuous  
3861 existence that fails to timely file certain reports;  
3862 providing for the deposit of the proceeds of the  
3863 fines; including the registered agent of a committee  
3864 of continuous existence as a person whom the filing  
3865 officer may notify that a report has not been filed;  
3866 providing criteria for deeming delivery complete of a  
3867 notice of fine; requiring a committee of continuous  
3868 existence that appeals a fine to file a copy of the  
3869 appeal with the filing officer; defining the term  
3870 "repeated late filing"; requiring the Elections



3871 Commission to treat the late filings addressed in a  
3872 single notice of repeated late filings as a single  
3873 violation; amending s. 106.07, F.S.; creating an  
3874 exception for reports due in the third calendar  
3875 quarter immediately preceding a general election from  
3876 a requirement that the campaign treasurer report  
3877 contributions received and expenditures made on the  
3878 10th day following the end of each calendar quarter;  
3879 revising reporting requirements for a statewide  
3880 candidate who receives funding under the Florida  
3881 Election Campaign Financing Act and candidates in a  
3882 race with a candidate who has requested funding under  
3883 that act; deleting a requirement for a committee of  
3884 continuous existence to file a campaign treasurer's  
3885 report relating to contributions or expenditures to  
3886 influence the results of a special election; revising  
3887 the methods by which a campaign treasurer may be  
3888 notified of the determination that a report is  
3889 incomplete to include certified mail and other methods  
3890 using a common carrier that provides proof of delivery  
3891 of the notice; extending the time the campaign  
3892 treasurer has to file an addendum to the report after  
3893 receipt of notice of why the report is incomplete;  
3894 providing criteria for deeming delivery complete of a  
3895 notice of incomplete report; deleting a provision  
3896 allowing for notification by telephone of an  
3897 incomplete report; requiring political committees that  
3898 make a contribution or expenditure to influence the  
3899 results of certain county or municipal elections to



204820

3900 file campaign finance reports with the county or  
3901 municipal filing officer and to include its  
3902 contributions and expenditures in a report to the  
3903 Division of Elections; revising the information that  
3904 must be included in a report to include transaction  
3905 information for credit card purchases; deleting a  
3906 requirement for a campaign depository to return checks  
3907 drawn on the account to the campaign treasurer;  
3908 deleting a provision providing that the failure to  
3909 file a copy of a report is not subject to a separate  
3910 fine; specifying the amount of a fine for the failure  
3911 to timely file reports after a special primary  
3912 election or special election; specifying that the  
3913 registered agent of a political committee is a person  
3914 whom a filing officer may notify of the amount of the  
3915 fine for filing a late report; providing criteria for  
3916 deeming delivery complete of a notice of late report  
3917 and resulting fine; defining the term "repeated late  
3918 filing"; requiring the Elections Commission to treat  
3919 the late filings addressed in a single notice of  
3920 repeated late filings as a single violation; amending  
3921 s. 106.0703, F.S.; defining the term "repeated late  
3922 filing"; requiring the Elections Commission to treat  
3923 the late filings addressed in a single notice of  
3924 repeated late filings as a single violation; amending  
3925 s. 106.0705, F.S.; requiring certain individuals to  
3926 electronically file certain reports with the Division  
3927 of Elections; conforming a cross-reference to changes  
3928 made by the act; deleting an obsolete provision;





204820

3929 amending s. 106.08, F.S.; deleting a requirement for  
3930 the Department of State to notify candidates as to  
3931 whether an independent or minor party candidate has  
3932 obtained the required number of petition signatures;  
3933 deleting a requirement for certain unopposed  
3934 candidates to return contributions; specifying the  
3935 entities with which a political party's state  
3936 executive committee and county executive committees  
3937 and affiliated party committees must file a written  
3938 acceptance of an in-kind contribution; amending s.  
3939 106.09, F.S.; specifying that the limitations on  
3940 contributions by cash or cashier's check apply to the  
3941 aggregate amount of contributions to a candidate or  
3942 committee per election; amending s. 106.11, F.S.;  
3943 revising the statement that must be contained on  
3944 checks from a campaign account; deleting requirements  
3945 relating to the use of debit cards; authorizing a  
3946 campaign for a candidate to reimburse the candidate's  
3947 loan to the campaign when the campaign account has  
3948 sufficient funds; amending s. 106.141, F.S.; deleting  
3949 a limit on the amount of funds that a candidate may  
3950 give to his or her political party; requiring  
3951 candidates receiving public financing to return all  
3952 surplus funds to the General Revenue Fund after paying  
3953 certain monetary obligations and expenses; amending s.  
3954 106.143, F.S.; specifying disclosure statements that  
3955 must be included in political advertisements paid for  
3956 by a write-in candidate; revising the disclosure  
3957 statements that must be included in certain political



204820

3958 avertisements; prohibiting the inclusion of a person's  
3959 political affiliation in advertisements for a  
3960 nonpartisan office; clarifying the type of political  
3961 advertisements that must be approved in advance by a  
3962 candidate; deleting an exemption from the requirement  
3963 to obtain a candidate's approval for messages designed  
3964 to be worn; amending s. 106.17, F.S.; providing that  
3965 the cost of certain polls are not contributions to a  
3966 candidate; amending s. 106.18, F.S.; deleting a  
3967 provision providing that a candidate will not be  
3968 prevented from receiving a certificate of election for  
3969 failing to file a report; amending s. 106.19, F.S.;  
3970 providing that a candidate's failure to comply with  
3971 ch. 106, F.S., has no effect on whether the candidate  
3972 has qualified for office; amending s. 106.25, F.S.;  
3973 authorizing a person who is the subject of a complaint  
3974 filed with the Florida Elections Commission to file a  
3975 response before executive director of the commission  
3976 determines whether the complaint is legally  
3977 sufficient; prohibiting the commission from  
3978 determining by rule what constitutes willfulness or  
3979 define the term "willful"; authorizing the commission  
3980 to enter into consent orders without requiring the  
3981 respondent to admit to a violation of law; authorizing  
3982 an administrative law judge to impose civil penalties  
3983 for violations of ch. 104 or ch. 106, F.S.; amending  
3984 s. 106.26, F.S.; requiring the commission to enforce  
3985 certain witness subpoenas in the circuit court where  
3986 the witness resides; amending s. 106.265, F.S.;



204820

3987 authorizing an administrative law judge to assess  
3988 civil penalties upon a finding of a violation of the  
3989 election code or campaign financing laws; providing  
3990 for civil penalties to be assessed against an  
3991 electioneering communications organization; removing  
3992 reference to the expired Election Campaign Financing  
3993 Trust Fund; directing that moneys from penalties and  
3994 fines be deposited into the General Revenue Fund;  
3995 amending s. 106.29, F.S.; requiring state and county  
3996 executive committees and affiliated party committees  
3997 that make contributions or expenditures to influence  
3998 the results of a special election or special primary  
3999 election to file campaign treasurer's reports;  
4000 amending campaign finance reporting dates, to conform;  
4001 deleting a requirement that each state executive  
4002 committee file the original and one copy of its  
4003 reports with the Division of Elections; deleting a  
4004 provision prohibiting the assessment of a separate  
4005 fine for failing to file a copy of a report, to  
4006 conform; revising the due date for filing a report;  
4007 providing criteria for deeming delivery complete of a  
4008 notice of fine; defining the term "repeated late  
4009 filing"; requiring the Elections Commission to treat  
4010 the late filings addressed in a single notice of  
4011 repeated late filings as a single violation; amending  
4012 s. 106.35, F.S.; deleting a requirement that the  
4013 Division of Election adopt rules relating to the  
4014 format and filing of certain printed campaign  
4015 treasurer's reports; amending s. 876.05, F.S.;



204820

4016 deleting a requirement for all candidates for public  
4017 office to record an oath to support the Constitution  
4018 of the United States and of the State of Florida;  
4019 repealing s. 876.07, F.S., relating to a requirement  
4020 that a person make an oath to support the Constitution  
4021 of the United States and of the State of Florida to be  
4022 qualified as a candidate for office; providing for  
4023 severability of the act; providing effective dates.