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LEGISLATIVE ACTION

Senate

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House

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Senator Diaz de la Portilla moved the following:

1           **Senate Substitute for Amendment (251734) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

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

8           97.012 Secretary of State as chief election officer.—The  
9 Secretary of State is the chief election officer of the state,  
10 and it is his or her responsibility to:

11           (16) Provide written direction and opinions to the  
12 supervisors of elections on the performance of their official  
13 duties with respect to the Florida Election Code or rules



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14 adopted by the Department of State.

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

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

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

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

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



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43 ~~for distribution, upon request, to~~ each candidate who qualifies  
44 with the supervisor and ~~to~~ each clerk of elections has access to  
45 the pamphlet. The cost of making printing the pamphlets  
46 available shall be paid out of funds appropriated for conducting  
47 elections.

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

50 97.0575 Third-party voter registrations.—

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

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

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

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

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

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



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

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

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



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101 ~~forms.~~

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

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

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



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

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

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

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

157 (4) If the Secretary of State reasonably believes that a  
158 person has committed a violation of this section, the secretary



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

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

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

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

185 (7)-(6) The civil fines provided in this section are in  
186 addition to any applicable criminal penalties.

187 (8)-(7) Fines collected pursuant to this section shall be



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188 annually appropriated by the Legislature to the department for  
189 enforcement of this section and for voter education.

190 (9)~~(8)~~ The division may adopt rules to administer this  
191 section.

192 (10) The requirements of this section are retroactive for  
193 any third-party voter registration organization registered with  
194 the department on July 1, 2011, and must be complied with within  
195 90 days after the department provides notice to the third-party  
196 voter registration organization of the requirements contained in  
197 this section. Failure of the third-party voter registration  
198 organization to comply with the requirements within 90 days  
199 after receipt of the notice shall automatically result in the  
200 cancellation of the third-party voter registration  
201 organization's registration.

202 Section 5. Effective August 1, 2012, section 97.071,  
203 Florida Statutes, is amended to read:

204 97.071 Voter information card.—

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

208 (a) Voter's registration number.

209 (b) Date of registration.

210 (c) Full name.

211 (d) Party affiliation.

212 (e) Date of birth.

213 (f) Address of legal residence.

214 (g) Precinct number.

215 (h) Polling place address.

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





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217 supervisor.

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

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

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

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

230 97.073 Disposition of voter registration applications;  
231 cancellation notice.—

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

245 Section 7. Section 97.1031, Florida Statutes, is amended to



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246 read:

247 97.1031 Notice of change of residence, change of name, or  
248 change of party affiliation.—

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

253 (b) If the address change is within the state and notice is  
254 provided to the supervisor of elections of the county where the  
255 elector has moved, the elector may change his or her residence  
256 address by:

257 1. Contacting the supervisor of elections by telephone or  
258 electronic means; or

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

272 (2) When an elector ~~moves from the address named on that~~  
273 ~~person's voter registration record to another address in a~~  
274 ~~different county but within the state, the elector seeks to~~



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275 change party affiliation, the elector shall notify his or her  
276 supervisor of elections or other voter registration official by  
277 using a signed written notice with the elector's date of birth.  
278 When an ~~or the~~ elector changes his or her name of an elector is  
279 ~~changed~~ by marriage or other legal process, the elector shall  
280 notify his or her supervisor of elections or other ~~provide~~  
281 ~~notice of such change to a voter registration official by using~~  
282 ~~a voter registration application signed by the elector. A voter~~  
283 ~~information card reflecting the new information shall be issued~~  
284 ~~to the elector as provided in subsection (3).~~

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

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

292 98.075 Registration records maintenance activities;  
293 ineligibility determinations.—

294 (3) DECEASED PERSONS.—

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

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

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

302 2. Within 7 days after ~~Upon~~ receipt of such information  
303 through the statewide voter registration system, the supervisor



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304 shall remove the name of the registered voter.

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

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

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

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

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



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

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

345 (e) The Florida Parole Commission Board of Executive  
346 Clemency shall furnish at least bimonthly ~~monthly~~ to the  
347 department data including a list of those persons granted  
348 clemency in the preceding month or any updates to prior records  
349 which have occurred in the preceding month. The data list shall  
350 contain the commission's Board of Executive Clemency case  
351 number, name, address, date of birth, race, gender ~~sex~~, Florida  
352 driver's license number, Florida identification card number, or  
353 the last four digits of the social security number, if  
354 available, and references to record identifiers assigned by the  
355 Department of Corrections and the Department of Law Enforcement,  
356 a unique identifier of each clemency case, and the effective  
357 date of clemency of each person.

358 (f) The Department of Corrections shall identify those  
359 persons who have been convicted of a felony and committed to its  
360 custody or placed on felony community supervision in a time and  
361 manner that enables ~~furnish monthly to the department to~~



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362 identify registered voters who are convicted felons and to meet  
363 obligations under state and federal law. a list of those persons  
364 ~~transferred to the Department of Corrections in the preceding~~  
365 ~~month or any updates to prior records which have occurred in the~~  
366 ~~preceding month. The list shall contain the name, address, date~~  
367 ~~of birth, race, sex, social security number, Department of~~  
368 ~~Corrections record identification number, and associated~~  
369 ~~Department of Law Enforcement felony conviction record number of~~  
370 ~~each person.~~

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

373 98.0981 Reports; voting history; statewide voter  
374 registration system information; precinct-level election  
375 results; book closing statistics.-

376 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
377 INFORMATION.-

378 (a) Within 30 ~~45~~ days after certification by the Elections  
379 Canvassing Commission of a presidential preference primary,  
380 special election, primary election, or a general election,  
381 supervisors of elections shall transmit to the department, in a  
382 uniform electronic format specified in paragraph (d) ~~by the~~  
383 ~~department~~, completely updated voting history information for  
384 each qualified voter who voted.

385 (b) After receipt of the information in paragraph (a), the  
386 department shall prepare a report in electronic format which  
387 contains the following information, separately compiled for the  
388 primary and general election for all voters qualified to vote in  
389 either election:

390 1. The unique identifier assigned to each qualified voter



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391 within the statewide voter registration system;  
392       2. All information provided by each qualified voter on his  
393 or her voter registration application pursuant to s. 97.052(2),  
394 except that which is confidential or exempt from public records  
395 requirements;  
396       3. Each qualified voter's date of registration;  
397       4. Each qualified voter's current state representative  
398 district, state senatorial district, and congressional district,  
399 assigned by the supervisor of elections;  
400       5. Each qualified voter's current precinct; and  
401       6. Voting history as transmitted under paragraph (a) to  
402 include whether the qualified voter voted at a precinct  
403 location, voted during the early voting period, voted by  
404 absentee ballot, attempted to vote by absentee ballot that was  
405 not counted, attempted to vote by provisional ballot that was  
406 not counted, or did not vote.  
407       (c) Within 45 ~~60~~ days after certification by the Elections  
408 Canvassing Commission of a presidential preference primary,  
409 special election, primary election, or a general election, the  
410 department shall send to the President of the Senate, the  
411 Speaker of the House of Representatives, the Senate Minority  
412 Leader, and the House Minority Leader a report in electronic  
413 format that includes all information set forth in paragraph (b).  
414       (d) File specifications are as follows:  
415       1. The file shall contain records designated by the  
416 categories below for all qualified voters who, regardless of the  
417 voter's county of residence or active or inactive registration  
418 status at the book closing for the corresponding election that  
419 the file is being created for:



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- 420       a. Voted a regular ballot at a precinct location.
- 421       b. Voted at a precinct location using a provisional ballot  
422 that was subsequently counted.
- 423       c. Voted a regular ballot during the early voting period.
- 424       d. Voted during the early voting period using a provisional  
425 ballot that was subsequently counted.
- 426       e. Voted by absentee ballot.
- 427       f. Attempted to vote by absentee ballot but the ballot was  
428 not counted.
- 429       g. Attempted to vote by provisional ballot but the ballot  
430 was not counted in that election.
- 431       2. Each file shall be created or converted into a tab-  
432 delimited format.
- 433       3. File names shall adhere to the following convention:
- 434       a. Three-character county identifier as established by the  
435 department followed by an underscore.
- 436       b. Followed by four-character file type identifier of  
437 'VH03' followed by an underscore.
- 438       c. Followed by FVRS election ID followed by an underscore.
- 439       d. Followed by Date Created followed by an underscore.
- 440       e. Date format is YYYYMMDD.
- 441       f. Followed by Time Created - HHMMSS.
- 442       g. Followed by ".txt".
- 443       4. Each record shall contain the following columns: Record  
444 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
445 Date, Vote History Code, Precinct, Congressional District, House  
446 District, Senate District, County Commission District, and  
447 School Board District.
- 448       (e) Each supervisor of elections shall reconcile, before





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449 submission, the aggregate total of ballots cast in each precinct  
450 as reported in the precinct-level election results to the  
451 aggregate total number of voters with voter history for the  
452 election for each district.

453 (f) Each supervisor of elections shall submit the results  
454 of the data reconciliation as described in paragraph (e) to the  
455 department in an electronic format and give a written  
456 explanation for any precincts where the reconciliation as  
457 described in paragraph (e) results in a discrepancy between the  
458 voter history and the election results.

459 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within 30 45 days  
460 after certification by the Elections Canvassing Commission ~~the~~  
461 ~~date~~ of a presidential preference primary election, a special  
462 election, primary election, or a general election, the  
463 supervisors of elections shall collect and submit to the  
464 department precinct-level election results for the election in a  
465 uniform electronic format specified by paragraph (c) ~~the~~  
466 ~~department~~. The precinct-level election results shall be  
467 compiled separately for the primary or special primary election  
468 that preceded the general or special general election,  
469 respectively. The results shall specifically include for each  
470 precinct the ~~aggregate~~ total of all ballots cast for each  
471 candidate or nominee to fill a national, state, county, or  
472 district office or proposed constitutional amendment, with  
473 subtotals for each candidate and ballot type, unless fewer than  
474 10 voters voted a ballot type. "All ballots cast" means ballots  
475 cast by voters who cast a ballot whether at a precinct location,  
476 by absentee ballot including overseas absentee ballots, during  
477 the early voting period, or by provisional ballot.



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478       (b) The department shall make such information available on  
479 a searchable, sortable, and downloadable database via its  
480 website that also includes the file layout and codes. The  
481 database shall be searchable and sortable by county, precinct,  
482 and candidate. The database shall be downloadable in a tab-  
483 delimited format. The database shall be available for download  
484 county-by-county and also as a statewide file. Such report shall  
485 also be made available upon request.

486       (c) The files containing the precinct-level election  
487 results shall be created in accordance with the applicable file  
488 specification:

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

491           2. The row immediately before the first data record shall  
492 contain the column names of the data elements that make up the  
493 data records. There shall be one header record followed by  
494 multiple data records.

495           3. The data records shall include the following columns:  
496 County Name, Election Number, Election Date, Unique Precinct  
497 Identifier, Precinct Polling Location, Total Registered Voters,  
498 Total Registered Republicans, Total Registered Democrats, Total  
499 Registered All Other Parties, Contest Name,  
500 Candidate/Retention/Issue Name, Candidate Florida Voter  
501 Registration System ID Number, Division of Elections Unique  
502 Candidate Identifying Number, Candidate Party, District,  
503 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

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

506           99.012 Restrictions on individuals qualifying for public



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507 office.-

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

515 (7) Nothing contained in subsection (3) relates to persons  
516 holding any federal office or seeking the office of President or  
517 Vice President.

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

521 99.021 Form of candidate oath.-

522 (1)(a)1. Each candidate, whether a party candidate, a  
523 candidate with no party affiliation, or a write-in candidate, in  
524 order to qualify for nomination or election to any office other  
525 than a judicial office as defined in chapter 105 or a federal  
526 office, shall take and subscribe to an oath or affirmation in  
527 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
528 available ~~furnished~~ to the candidate by the officer before whom  
529 such candidate seeks to qualify and shall be substantially in  
530 the following form:

531  
532 State of Florida  
533 County of....

534 Before me, an officer authorized to administer oaths,  
535 personally appeared ...(please print name as you wish it to



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536 appear on the ballot)..., to me well known, who, being sworn,  
537 says that he or she is a candidate for the office of ....; that  
538 he or she is a qualified elector of .... County, Florida; that  
539 he or she is qualified under the Constitution and the laws of  
540 Florida to hold the office to which he or she desires to be  
541 nominated or elected; ~~that he or she has taken the oath required~~  
542 ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has  
543 qualified for no other public office in the state, the term of  
544 which office or any part thereof runs concurrent with that of  
545 the office he or she seeks; and that he or she has resigned from  
546 any office from which he or she is required to resign pursuant  
547 to s. 99.012, Florida Statutes; and that he or she will support  
548 the Constitution of the United States and the Constitution of  
549 the State of Florida.

550 ... (Signature of candidate)...

551 ... (Address)...

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

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

555 2. Each candidate for federal office, whether a party  
556 candidate, a candidate with no party affiliation, or a write-in  
557 candidate, in order to qualify for nomination or election to  
558 office shall take and subscribe to an oath or affirmation in  
559 writing. A ~~printed~~ copy of the oath or affirmation shall be made  
560 available ~~furnished~~ to the candidate by the officer before whom  
561 such candidate seeks to qualify and shall be substantially in  
562 the following form:

563  
564 State of Florida



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565 County of ....

566 Before me, an officer authorized to administer oaths,  
567 personally appeared ...(please print name as you wish it to  
568 appear on the ballot)..., to me well known, who, being sworn,  
569 says that he or she is a candidate for the office of ....; that  
570 he or she is qualified under the Constitution and laws of the  
571 United States to hold the office to which he or she desires to  
572 be nominated or elected; ~~and~~ that he or she has qualified for no  
573 other public office in the state, the term of which office or  
574 any part thereof runs concurrent with that of the office he or  
575 she seeks; and that he or she will support the Constitution of  
576 the United States.

577 ... (Signature of candidate)...

578 ... (Address)...

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

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

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

582 (b) In addition, any person seeking to qualify for  
583 nomination as a candidate of any political party shall, at the  
584 time of subscribing to the oath or affirmation, state in  
585 writing:

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

587 2. That the person ~~is not a registered member of any other~~  
588 ~~political party and~~ has not been a registered member of  
589 ~~candidate for nomination for~~ any other political party for 365  
590 days before the beginning of qualifying for a period of 6 months  
591 preceding the general election for which the person seeks to  
592 qualify.

593 3. That the person has paid the assessment levied against



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594 him or her, if any, as a candidate for said office by the  
595 executive committee of the party of which he or she is a member.

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

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

602 99.061 Method of qualifying for nomination or election to  
603 federal, state, county, or district office.-

604 (5) At the time of qualifying for office, each candidate  
605 for a constitutional office shall file a full and public  
606 disclosure of financial interests pursuant to s. 8, Art. II of  
607 the State Constitution, duly notarized pursuant to s. 117.05,  
608 and a candidate for any other office, including local elective  
609 office, shall file a statement of financial interests pursuant  
610 to s. 112.3145.

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

614 1. A properly executed check drawn upon the candidate's  
615 campaign account payable to the person or entity as prescribed  
616 by the filing officer in an amount not less than the fee  
617 required by s. 99.092, unless the candidate obtained the  
618 required number of signatures on petitions ~~or, in lieu thereof,~~  
619 ~~as applicable, the copy of the notice of obtaining ballot~~  
620 ~~position~~ pursuant to s. 99.095. The filing fee for a special  
621 district candidate is not required to be drawn upon the  
622 candidate's campaign account. If a candidate's check is returned



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623 by the bank for any reason, the filing officer shall immediately  
624 notify the candidate and the candidate shall have until, the end  
625 of qualifying ~~notwithstanding, have 48 hours from the time such~~  
626 ~~notification is received, excluding Saturdays, Sundays, and~~  
627 ~~legal holidays,~~ to pay the fee with a cashier's check purchased  
628 from funds of the campaign account. Failure to pay the fee as  
629 provided in this subparagraph shall disqualify the candidate.

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

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

637 ~~3.4.~~ If the office sought is partisan, the written  
638 statement of political party affiliation required by s.  
639 99.021(1)(b).

640 ~~4.5.~~ The completed form for the appointment of campaign  
641 treasurer and designation of campaign depository, as required by  
642 s. 106.021.

643 ~~5.6.~~ The full and public disclosure or statement of  
644 financial interests required by subsection (5). A public officer  
645 who has filed the full and public disclosure or statement of  
646 financial interests with the Commission on Ethics or the  
647 supervisor of elections prior to qualifying for office may file  
648 a copy of that disclosure at the time of qualifying.

649 (b) If the filing officer receives qualifying papers during  
650 the qualifying period prescribed in this section that do not  
651 include all items as required by paragraph (a) prior to the last



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652 day of qualifying, the filing officer shall make a reasonable  
653 effort to notify the candidate of the missing or incomplete  
654 items and shall inform the candidate that all required items  
655 must be received by the close of qualifying. A candidate's name  
656 as it is to appear on the ballot may not be changed after the  
657 end of qualifying.

658 (c) The filing officer performs a ministerial function in  
659 reviewing qualifying papers. In determining whether a candidate  
660 is qualified, the filing officer shall review the qualifying  
661 papers to determine whether all items required by paragraph (a)  
662 have been properly filed and whether each item is complete on  
663 its face, including whether items requiring notarizations are  
664 properly notarized as required by s. 117.05. The filing officer  
665 may not determine whether the contents of the qualifying papers  
666 are accurate.

667 (11) The decision of the filing officer concerning whether  
668 a candidate is qualified is exempt from the provisions of  
669 chapter 120.

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

672 99.063 Candidates for Governor and Lieutenant Governor.—

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

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

680 ~~(b) The loyalty oath required by s. 876.05, signed by the~~





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681 ~~candidate and duly acknowledged.~~

682 (b) ~~(e)~~ If the office sought is partisan, the written  
683 statement of political party affiliation required by s.  
684 99.021(1) (b) .

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

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

692 99.093 Municipal candidates; election assessment.—

693 (1) Each person seeking to qualify for nomination or  
694 election to a municipal office shall pay, at the time of  
695 qualifying for office, an election assessment. The election  
696 assessment shall be an amount equal to 1 percent of the annual  
697 salary of the office sought. Within 30 days after the close of  
698 qualifying, the qualifying officer shall forward all assessments  
699 collected pursuant to this section to the Florida Elections  
700 Commission ~~Department of State~~ for transfer to the Elections  
701 Commission Trust Fund within the Department of Legal Affairs.

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

704 99.095 Petition process in lieu of a qualifying fee and  
705 party assessment.—

706 (2)

707 (d) In a year of apportionment, any candidate for county or  
708 district office seeking ballot position by the petition process  
709 may obtain the required number of signatures from any registered



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710 voter in the respective county, regardless of district  
711 boundaries. The candidate shall obtain at least the number of  
712 signatures equal to 1 percent of the total number of registered  
713 voters, as shown by a compilation by the department for the  
714 immediately preceding general election, divided by the total  
715 number of districts of the office involved.

716 Section 17. Subsections (1), (3), and (5) of section  
717 99.097, Florida Statutes, are amended, and subsection (6) is  
718 added to that section, to read:

719 99.097 Verification of ~~signatures on~~ petitions.-

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

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

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

732 (b) Rules and guidelines for ~~this method of~~ petition  
733 verification shall be adopted ~~promulgated~~ by the Department of  
734 State. Rules and guidelines for a random-sample method of  
735 verification, which may include a requirement that petitions  
736 bear an additional number of names and signatures, not to exceed  
737 15 percent of the names and signatures otherwise required. If  
738 the petitions do not meet such criteria or if the petitions are



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739 prescribed by s. 100.371, then the use of the random-sample  
740 method of verification is ~~method described in this paragraph~~  
741 ~~shall not be~~ available to supervisors.

742 (3) (a) If all other requirements for the petition are met,  
743 a signature on a petition shall be verified and counted as valid  
744 for a registered voter if after comparing the signature on the  
745 petition and the signature of the registered voter in the voter  
746 registration system, the supervisor is able to determine that  
747 the petition signer is the same as the registered voter, even if  
748 the name on the petition is not in substantially the same form  
749 as in the voter registration system. ~~A name on a petition, which~~  
750 ~~name is not in substantially the same form as a name on the~~  
751 ~~voter registration books, shall be counted as a valid signature~~  
752 ~~if, after comparing the signature on the petition with the~~  
753 ~~signature of the alleged signer as shown on the registration~~  
754 ~~books, the supervisor determines that the person signing the~~  
755 ~~petition and the person who registered to vote are one and the~~  
756 ~~same.~~

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

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

765 (5) The results of a verification pursuant to subparagraph  
766 (1) (a) 2. ~~paragraph (1) (b)~~ may be contested in the circuit court  
767 by the candidate; an announced opponent; a representative of a



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768 designated political committee; or a person, party, or other  
769 organization submitting the petition. The contestant shall file  
770 a complaint, together with the fees prescribed in chapter 28,  
771 with the clerk of the circuit court in the county in which the  
772 petition is certified or in Leon County if the petition covers  
773 more than one county within 10 days after midnight of the date  
774 the petition is certified; and the complaint shall set forth the  
775 grounds on which the contestant intends to establish his or her  
776 right to require a complete check of the petition names and  
777 signatures pursuant to subparagraph (1)(a)1. paragraph (1)(a).  
778 In the event the court orders a complete check of the petition  
779 and the result is not changed as to the success or lack of  
780 success of the petitioner in obtaining the requisite number of  
781 valid signatures, then such candidate, unless the candidate has  
782 filed the oath stating that he or she is unable to pay such  
783 charges; announced opponent; representative of a designated  
784 political committee; or party, person, or organization  
785 submitting the petition, unless such person or organization has  
786 filed the oath stating inability to pay such charges, shall pay  
787 to the supervisor of elections of each affected county for the  
788 complete check an amount calculated at the rate of 10 cents for  
789 each additional signature checked or the actual cost of checking  
790 such additional signatures, whichever is less.

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

795 (b) If an undue burden oath has been filed and payment is  
796 subsequently made to any person to solicit signatures on a



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797 petition, then the undue burden oath is no longer valid and a  
798 fee for all signatures previously submitted to the supervisor of  
799 elections and for any that are submitted thereafter shall be  
800 paid by the candidate, person, or organization that submitted  
801 the undue burden oath. If contributions as defined in s. 106.011  
802 are received, any monetary contributions shall first be used to  
803 reimburse the supervisor of elections for any signature  
804 verification fees not paid because of an undue burden oath being  
805 filed.

806 Section 18. Section 100.061, Florida Statutes, is amended  
807 to read:

808 100.061 Primary election.—In each year in which a general  
809 election is held, a primary election for nomination of  
810 candidates of political parties shall be held on the Tuesday 12  
811 10 weeks before ~~prior to~~ the general election. The candidate  
812 receiving the highest number of votes cast in each contest in  
813 the primary election shall be declared nominated for such  
814 office. If two or more candidates receive an equal and highest  
815 number of votes for the same office, such candidates shall draw  
816 lots to determine which candidate is nominated.

817 Section 19. Section 100.111, Florida Statutes, is amended  
818 to read:

819 100.111 Filling vacancy.—

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



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826 such general election.

827 (b) If such a vacancy occurs prior to the first day set by  
828 law for qualifying for election to office at such general  
829 election, any person seeking nomination or election to the  
830 unexpired portion of the term shall qualify within the time  
831 prescribed by law for qualifying for other offices to be filled  
832 by election at such general election.

833 (c) If such a vacancy occurs prior to the primary election  
834 but on or after the first day set by law for qualifying, the  
835 Secretary of State shall set dates for qualifying for the  
836 unexpired portion of the term of such office. Any person seeking  
837 nomination or election to the unexpired portion of the term  
838 shall qualify within the time set by the Secretary of State. If  
839 time does not permit party nominations to be made in conjunction  
840 with the primary election, the Governor may call a special  
841 primary election to select party nominees for the unexpired  
842 portion of such term.

843 ~~(2) (a) If, in any state or county office required to be~~  
844 ~~filled by election, a vacancy occurs during an election year by~~  
845 ~~reason of the incumbent having qualified as a candidate for~~  
846 ~~federal office pursuant to s. 99.061, no special election is~~  
847 ~~required. Any person seeking nomination or election to the~~  
848 ~~office so vacated shall qualify within the time prescribed by s.~~  
849 ~~99.061 for qualifying for state or county offices to be filled~~  
850 ~~by election.~~

851 ~~(b) If such a vacancy occurs in an election year other than~~  
852 ~~the one immediately preceding expiration of the present term,~~  
853 ~~the Secretary of State shall notify the supervisor of elections~~  
854 ~~in each county served by the office that a vacancy has been~~



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855 ~~created. Such notice shall be provided to the supervisor of~~  
856 ~~elections not later than the close of the first day set for~~  
857 ~~qualifying for state or county office. The supervisor shall~~  
858 ~~provide public notice of the vacancy in any manner the Secretary~~  
859 ~~of State deems appropriate.~~

860       (2)~~(3)~~ Whenever there is a vacancy for which a special  
861 election is required pursuant to s. 100.101, the Governor, after  
862 consultation with the Secretary of State, shall fix the dates of  
863 a special primary election and a special election. Nominees of  
864 political parties shall be chosen under the primary laws of this  
865 state in the special primary election to become candidates in  
866 the special election. Prior to setting the special election  
867 dates, the Governor shall consider any upcoming elections in the  
868 jurisdiction where the special election will be held. The dates  
869 fixed by the Governor shall be specific days certain and shall  
870 not be established by the happening of a condition or stated in  
871 the alternative. The dates fixed shall provide a minimum of 2  
872 weeks between each election. In the event a vacancy occurs in  
873 the office of state senator or member of the House of  
874 Representatives when the Legislature is in regular legislative  
875 session, the minimum times prescribed by this subsection may be  
876 waived upon concurrence of the Governor, the Speaker of the  
877 House of Representatives, and the President of the Senate. If a  
878 vacancy occurs in the office of state senator and no session of  
879 the Legislature is scheduled to be held prior to the next  
880 general election, the Governor may fix the dates for the special  
881 primary election and for the special election to coincide with  
882 the dates of the primary election and general election. If a  
883 vacancy in office occurs in any district in the state Senate or



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884 House of Representatives or in any congressional district, and  
885 no session of the Legislature, or session of Congress if the  
886 vacancy is in a congressional district, is scheduled to be held  
887 during the unexpired portion of the term, the Governor is not  
888 required to call a special election to fill such vacancy.

889 (a) The dates for candidates to qualify in such special  
890 election or special primary election shall be fixed by the  
891 Department of State, and candidates shall qualify not later than  
892 noon of the last day so fixed. The dates fixed for qualifying  
893 shall allow a minimum of 14 days between the last day of  
894 qualifying and the special primary election.

895 (b) The filing of campaign expense statements by candidates  
896 in such special elections or special primaries and by committees  
897 making contributions or expenditures to influence the results of  
898 such special primaries or special elections shall be not later  
899 than such dates as shall be fixed by the Department of State,  
900 and in fixing such dates the Department of State shall take into  
901 consideration and be governed by the practical time limitations.

902 (c) The dates for a candidate to qualify by the petition  
903 process pursuant to s. 99.095 in such special primary or special  
904 election shall be fixed by the Department of State. In fixing  
905 such dates the Department of State shall take into consideration  
906 and be governed by the practical time limitations. Any candidate  
907 seeking to qualify by the petition process in a special primary  
908 election shall obtain 25 percent of the signatures required by  
909 s. 99.095.

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





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

915 (e) Each county canvassing board shall make as speedy a  
916 return of the result of such special primary elections and  
917 special elections as time will permit, and the Elections  
918 Canvassing Commission likewise shall make as speedy a canvass  
919 and declaration of the nominees as time will permit.

920 (3)~~(4)~~(a) In the event that death, resignation, withdrawal,  
921 or removal, or any other cause or event should cause a party to  
922 have a vacancy in nomination which leaves no candidate for an  
923 office from such party, the filing officer before whom the  
924 candidate qualified Department of State shall notify the chair  
925 of the appropriate state, district, or county political party  
926 executive committee of such party~~;~~ and,

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

931 2. If the vacancy in nomination is for the office of United  
932 States Representative, state senator, state representative,  
933 state attorney, or public defender, the state party chair shall  
934 notify the appropriate county chair or chairs and, within 5  
935 days, the appropriate county chair or chairs shall call a  
936 meeting of the members of the executive committee in the  
937 affected county or counties to consider designation of a nominee  
938 to fill the vacancy.

939 3. If the vacancy in nomination is for a county office, the  
940 state party chair shall notify the appropriate county chair and,  
941 within 5 days, the appropriate county chair shall call a meeting



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942 of his or her executive committee to consider designation of a  
943 nominee to fill the vacancy.

944  
945 The name of any person so designated shall be submitted to the  
946 filing officer before whom the candidate qualified ~~Department of~~  
947 ~~State~~ within 7 days after notice to the chair in order that the  
948 person designated may have his or her name on the ballot of the  
949 ensuing general election. If the name of the new nominee is  
950 submitted after the certification of results of the preceding  
951 primary election, however, the ballots shall not be changed and  
952 the former party nominee's name will appear on the ballot. Any  
953 ballots cast for the former party nominee will be counted for  
954 the person designated by the political party to replace the  
955 former party nominee. If there is no opposition to the party  
956 nominee, the person designated by the political party to replace  
957 the former party nominee will be elected to office at the  
958 general election. ~~For purposes of this paragraph, the term~~  
959 ~~"district political party executive committee" means the members~~  
960 ~~of the state executive committee of a political party from those~~  
961 ~~counties comprising the area involving a district office.~~

962 (b) When, under the circumstances set forth in the  
963 preceding paragraph, vacancies in nomination are required to be  
964 filled by committee nominations, such vacancies shall be filled  
965 by party rule. In any instance in which a nominee is selected by  
966 a committee to fill a vacancy in nomination, such nominee shall  
967 pay the same filing fee and take the same oath as the nominee  
968 would have taken had he or she regularly qualified for election  
969 to such office.

970 (c) Any person who, at the close of qualifying as



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971 prescribed in ss. 99.061 and 105.031, was qualified for  
972 nomination or election to or retention in a public office to be  
973 filled at the ensuing general election or who attempted to  
974 qualify and failed to qualify is prohibited from qualifying as a  
975 candidate to fill a vacancy in nomination for any other office  
976 to be filled at that general election, even if such person has  
977 withdrawn or been eliminated as a candidate for the original  
978 office sought. However, this paragraph does not apply to a  
979 candidate for the office of Lieutenant Governor who applies to  
980 fill a vacancy in nomination for the office of Governor on the  
981 same ticket or to a person who has withdrawn or been eliminated  
982 as a candidate and who is subsequently designated as a candidate  
983 for Lieutenant Governor under s. 99.063.

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

988 (5) In the event of unforeseeable circumstances not  
989 contemplated in these general election laws concerning the  
990 calling and holding of special primary elections and special  
991 elections resulting from court order or other unpredictable  
992 circumstances, the Department of State shall have the authority  
993 to provide for the conduct of orderly elections.

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

996 100.371 Initiatives; procedure for placement on ballot.—

997 (1) Constitutional amendments proposed by initiative shall  
998 be placed on the ballot for the general election, provided the  
999 initiative petition has been filed with the Secretary of State



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1000 no later than February 1 of the year the general election is  
1001 held. A petition shall be deemed to be filed with the Secretary  
1002 of State upon the date the secretary determines that valid and  
1003 verified petition forms have been signed by the constitutionally  
1004 required number and distribution of electors under this code,  
1005 ~~subject to the right of revocation established in this section.~~

1006 (3) An initiative petition form circulated for signature  
1007 may not be bundled with or attached to any other petition. Each  
1008 signature shall be dated when made and shall be valid for a  
1009 period of 2 4 years following such date, provided all other  
1010 requirements of law are met. The sponsor shall submit signed and  
1011 dated forms to the ~~appropriate~~ supervisor of elections for  
1012 verification as to the number of registered electors whose valid  
1013 signatures appear thereon. If the signer is a registered voter  
1014 of another county, the supervisor shall notify the petition  
1015 sponsor of the misfiled petition. The supervisor shall promptly  
1016 verify the signatures within 30 days after ~~of~~ receipt of the  
1017 petition forms and payment of the fee required by s. 99.097. The  
1018 supervisor shall promptly record, in the manner prescribed by  
1019 the Secretary of State, the date each form is received by the  
1020 supervisor, and the date the signature on the form is verified  
1021 as valid. The supervisor may verify that the signature on a form  
1022 is valid only if:

1023 (a) The form contains the original signature of the  
1024 purported elector.

1025 (b) The purported elector has accurately recorded on the  
1026 form the date on which he or she signed the form.

1027 (c) The form ~~accurately~~ sets forth the purported elector's  
1028 name, ~~street~~ address, city, county, and voter registration



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1029 number or date of birth.

1030 (d) The purported elector is, at the time he or she signs  
1031 the form and at the time the form is verified, a duly qualified  
1032 and registered elector ~~authorized to vote in the state county in~~  
1033 ~~which his or her signature is submitted.~~

1034  
1035 The supervisor shall retain the signature forms for at least 1  
1036 year following the election in which the issue appeared on the  
1037 ballot or until the Division of Elections notifies the  
1038 supervisors of elections that the committee that ~~which~~  
1039 circulated the petition is no longer seeking to obtain ballot  
1040 position.

1041 ~~(6) (a) An elector's signature on a petition form may be~~  
1042 ~~revoked within 150 days of the date on which he or she signed~~  
1043 ~~the petition form by submitting to the appropriate supervisor of~~  
1044 ~~elections a signed petition revocation form.~~

1045 ~~(b) The petition revocation form and the manner in which~~  
1046 ~~signatures are obtained, submitted, and verified shall be~~  
1047 ~~subject to the same relevant requirements and timeframes as the~~  
1048 ~~corresponding petition form and processes under this code and~~  
1049 ~~shall be approved by the Secretary of State before any signature~~  
1050 ~~on a petition revocation form is obtained.~~

1051 ~~(c) In those circumstances in which a petition revocation~~  
1052 ~~form for a corresponding initiative petition has not been~~  
1053 ~~submitted and approved, an elector may complete and submit a~~  
1054 ~~standard petition revocation form directly to the supervisor of~~  
1055 ~~elections. All other requirements and processes apply for the~~  
1056 ~~submission and verification of the signatures as for initiative~~  
1057 ~~petitions.~~



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1058           ~~(d) Supervisors of elections shall provide petition~~  
1059 ~~revocation forms to the public at all main and branch offices.~~

1060           ~~(e) The petition revocation form shall be filed with the~~  
1061 ~~supervisor of elections by February 1 preceding the next general~~  
1062 ~~election or, if the initiative amendment is not certified for~~  
1063 ~~ballot position in that election, by February 1 preceding the~~  
1064 ~~next successive general election. The supervisor of elections~~  
1065 ~~shall promptly verify the signature on the petition revocation~~  
1066 ~~form and process such revocation upon payment, in advance, of a~~  
1067 ~~fee of 10 cents or the actual cost of verifying such signature,~~  
1068 ~~whichever is less. The supervisor shall promptly record each~~  
1069 ~~valid and verified signature on a petition revocation form in~~  
1070 ~~the manner prescribed by the Secretary of State.~~

1071           ~~(f) The division shall adopt by rule the petition~~  
1072 ~~revocation forms to be used under this subsection.~~

1073           ~~(6)(7)~~ The Department of State may adopt rules in  
1074 accordance with s. 120.54 to carry out the provisions of  
1075 subsections ~~(1)-(5)~~ ~~(1)-(6)~~.

1076           ~~(7)(8)~~ No provision of this code shall be deemed to  
1077 prohibit a private person exercising lawful control over  
1078 privately owned property, including property held open to the  
1079 public for the purposes of a commercial enterprise, from  
1080 excluding from such property persons seeking to engage in  
1081 activity supporting or opposing initiative amendments.

1082           Section 21. Effective July 1, 2012, subsections (3) and (4)  
1083 of section 101.001, Florida Statutes, are amended to read:

1084           101.001 Precincts and polling places; boundaries.—

1085           (3) (a) Each supervisor of elections shall maintain a  
1086 suitable map drawn to a scale no smaller than 3 miles to the



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1087 inch and clearly delineating all major observable features such  
1088 as roads, streams, and railway lines and showing the current  
1089 geographical boundaries of each precinct, representative  
1090 district, and senatorial district, and other type of district in  
1091 the county subject to the elections process in this code.

1092 (b) The supervisor shall provide to the department data on  
1093 all precincts in the county associated with the most recent  
1094 decennial census blocks within each precinct.

1095 (c) The department shall maintain a searchable database  
1096 that contains the precincts and the corresponding most recent  
1097 decennial census blocks within the precincts for each county,  
1098 including a historical file that allows the census blocks to be  
1099 traced through the prior decade.

1100 (d)~~(b)~~ The supervisor of elections shall notify the  
1101 Secretary of State in writing within 10 ~~30~~ days after any  
1102 reorganization of precincts and shall furnish a copy of the map  
1103 showing the current geographical boundaries and designation of  
1104 each new precinct. However, if precincts are composed of whole  
1105 census blocks, the supervisor may furnish, in lieu of a copy of  
1106 the map, a list, in an electronic format prescribed by the  
1107 Department of State, associating each census block in the county  
1108 with its precinct.

1109 (e)~~(e)~~ Any precinct established or altered under the  
1110 provisions of this section shall consist of areas bounded on all  
1111 sides only by census block boundaries from the most recent  
1112 United States Census. If the census block boundaries split or  
1113 conflict with another political boundary listed below, the  
1114 boundary listed below may be used:

1115 1. ~~Census block boundaries from the most recent United~~



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1116 ~~States Census;~~

1117 ~~1.2.~~ Governmental unit boundaries reported in the most  
1118 recent Boundary and Annexation Survey published by the United  
1119 States Census Bureau;

1120 ~~2.3.~~ Visible features that are readily distinguishable upon  
1121 the ground, such as streets, railroads, tracks, streams, and  
1122 lakes, and that are indicated upon current census maps, official  
1123 Department of Transportation maps, official municipal maps,  
1124 official county maps, or a combination of such maps;

1125 ~~3.4.~~ Boundaries of public parks, public school grounds, or  
1126 churches; or

1127 ~~4.5.~~ Boundaries of counties, incorporated municipalities,  
1128 or other political subdivisions that meet criteria established  
1129 by the United States Census Bureau for block boundaries.

1130 ~~(d) Until July 1, 2012, a supervisor may apply for and~~  
1131 ~~obtain from the Secretary of State a waiver of the requirement~~  
1132 ~~in paragraph (c).~~

1133 (4) (a) Within 10 days after there is any change in the  
1134 division, number, or boundaries of the precincts, or the  
1135 location of the polling places, the supervisor of elections  
1136 shall make in writing an accurate description of any new or  
1137 altered precincts, setting forth the boundary lines and shall  
1138 identify the location of each new or altered polling place. A  
1139 copy of the document describing such changes shall be posted at  
1140 the supervisor's office.

1141 (b) Any changes in the county precinct data shall be  
1142 provided to the department within 10 days after a change.

1143 (c) Precinct data shall include all precincts for which  
1144 precinct-level election results and voting history results are





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1145 reported.

1146 Section 22. Subsection (1) of section 101.043, Florida  
1147 Statutes, is amended to read:

1148 101.043 Identification required at polls.—

1149 (1) The precinct register, as prescribed in s. 98.461,  
1150 shall be used at the polls for the purpose of identifying the  
1151 elector at the polls prior to allowing him or her to vote. The  
1152 clerk or inspector shall require each elector, upon entering the  
1153 polling place, to present one of the following current and valid  
1154 picture identifications:

1155 (a) Florida driver's license.

1156 (b) Florida identification card issued by the Department of  
1157 Highway Safety and Motor Vehicles.

1158 (c) United States passport.

1159 (d) Debit or credit card.

1160 (e) Military identification.

1161 (f) Student identification.

1162 (g) Retirement center identification.

1163 (h) Neighborhood association identification.

1164 (i) Public assistance identification.

1165

1166 If the picture identification does not contain the signature of  
1167 the voter, an additional identification that provides the  
1168 elector's ~~voter's~~ signature shall be required. The address  
1169 appearing on the identification presented by the elector is not  
1170 to be used as the basis to confirm an elector's legal residence  
1171 or otherwise challenge an elector's legal residence. The elector  
1172 shall sign his or her name in the space provided on the precinct  
1173 register or on an electronic device provided for recording the



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1174 elector's ~~voter's~~ signature. The clerk or inspector shall  
1175 compare the signature with that on the identification provided  
1176 by the elector and enter his or her initials in the space  
1177 provided on the precinct register or on an electronic device  
1178 provided for that purpose and allow the elector to vote if the  
1179 clerk or inspector is satisfied as to the identity of the  
1180 elector.

1181 Section 23. Section 101.045, Florida Statutes, is amended  
1182 to read:

1183 101.045 Electors must be registered in precinct; provisions  
1184 for change of residence or name.—

1185 (1) A ~~No~~ person is not ~~shall be~~ permitted to vote in any  
1186 election precinct or district other than the one in which the  
1187 person has his or her legal residence and in which the person is  
1188 registered. However, a person temporarily residing outside the  
1189 county shall be registered in the precinct in which the main  
1190 office of the supervisor, as designated by the supervisor, is  
1191 located when the person has no permanent address in the county  
1192 and it is the person's intention to remain a resident of Florida  
1193 and of the county in which he or she is registered to vote. Such  
1194 persons who are registered in the precinct in which the main  
1195 office of the supervisor, as designated by the supervisor, is  
1196 located and who are residing outside the county with no  
1197 permanent address in the county shall not be registered electors  
1198 of a municipality and therefore shall not be permitted to vote  
1199 in any municipal election.

1200 (2) (a) An elector who moves from the precinct in which the  
1201 elector is registered may be permitted to vote in the precinct  
1202 to which he or she has moved his or her legal residence, if the



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1203 change of residence is within the same county and the ~~provided~~  
1204 ~~such~~ elector completes an affirmation in substantially the  
1205 following form:

1206 Change of Legal Residence of Registered

1207 Voter

1208 Under penalties for false swearing, I, ...(Name of voter)...,  
1209 swear (or affirm) that the former address of my legal residence  
1210 was ...(Address of legal residence)... in the municipality of  
1211 ....., in .... County, Florida, and I was registered to vote in  
1212 the .... precinct of .... County, Florida; that I have not voted  
1213 in the precinct of my former registration in this election; that  
1214 I now reside at ...(Address of legal residence)... in the  
1215 Municipality of ....., in .... County, Florida, and am therefore  
1216 eligible to vote in the .... precinct of .... County, Florida;  
1217 and I further swear (or affirm) that I am otherwise legally  
1218 registered and entitled to vote.

1219 ...(Signature of voter whose address of legal residence has  
1220 changed)...

1221 (b) An elector whose change of address is from outside the  
1222 county may not change his or her legal residence at the polling  
1223 place and vote a regular ballot; however, such elector is  
1224 entitled to vote a provisional ballot.

1225 (c) ~~(b)~~ An elector whose name changes because of marriage or  
1226 other legal process may be permitted to vote, provided such  
1227 elector completes an affirmation in substantially the following  
1228 form:

1229 Change of Name of Registered

1230 Voter

1231 Under penalties for false swearing, I, ...(New name of



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1232 voter)..., swear (or affirm) that my name has been changed  
1233 because of marriage or other legal process. My former name and  
1234 address of legal residence appear on the registration records of  
1235 precinct .... as follows:

1236  
1237 Name.....  
1238 Address.....  
1239 Municipality.....  
1240 County.....  
1241 Florida, Zip.....

1242 My present name and address of legal residence are as follows:

1243 Name.....  
1244 Address.....  
1245 Municipality.....  
1246 County.....  
1247 Florida, Zip.....

1248 and I further swear (or affirm) that I am otherwise legally  
1249 registered and entitled to vote.

1250  
1251 ... (Signature of voter whose name has changed) ...

1252 (d)~~(e)~~ Instead of the affirmation contained in paragraph  
1253 (a) or paragraph (c) ~~(b)~~, an elector may complete a voter  
1254 registration application that indicates the change of name or  
1255 change of address of legal residence.

1256 (e)~~(d)~~ Such affirmation or application, when completed and  
1257 presented at the precinct in which such elector is entitled to  
1258 vote, and upon verification of the elector's registration, shall  
1259 entitle such elector to vote as provided in this subsection. If  
1260 the elector's eligibility to vote cannot be determined, he or



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1261 she shall be entitled to vote a provisional ballot, subject to  
1262 the requirements and procedures in s. 101.048. Upon receipt of  
1263 an affirmation or application certifying a change in address of  
1264 legal residence or name, the supervisor shall as soon as  
1265 practicable make the necessary changes in the statewide voter  
1266 registration system to indicate the change in address of legal  
1267 residence or name of such elector.

1268 Section 24. Subsection (2) of section 101.131, Florida  
1269 Statutes, is amended, and subsections (4) and (5) are added to  
1270 that section, to read:

1271 101.131 Watchers at polls.-

1272 (2) Each party, each political committee, and each  
1273 candidate requesting to have poll watchers shall designate, in  
1274 writing to the supervisor of elections, on a form prescribed by  
1275 the division, before ~~prior to~~ noon of the second Tuesday  
1276 preceding the election poll watchers for each polling room on  
1277 election day. Designations of poll watchers for early voting  
1278 areas shall be submitted in writing to the supervisor of  
1279 elections, on a form prescribed by the division, before noon at  
1280 least 14 days before early voting begins. The poll watchers for  
1281 ~~each~~ polling rooms ~~room~~ shall be approved by the supervisor of  
1282 elections on or before the Tuesday before the election. Poll  
1283 watchers for early voting areas shall be approved by the  
1284 supervisor of elections no later than 7 days before early voting  
1285 begins. The supervisor shall furnish to each election board a  
1286 list of the poll watchers designated and approved for such  
1287 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of  
1288 poll watchers shall be made by the chair of the county executive  
1289 committee of a political party, the chair of a political



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1290 committee, or the candidate requesting to have poll watchers.

1291 (4) All poll watchers shall be allowed to enter and watch  
1292 polls in all polling rooms and early voting areas within the  
1293 county in which they have been designated if the number of poll  
1294 watchers at any particular polling place does not exceed the  
1295 number provided in this section.

1296 (5) The supervisor of elections shall provide to each  
1297 designated poll watcher, no later than 7 days before early  
1298 voting begins, a poll watcher identification badge that  
1299 identifies the poll watcher by name. Each poll watcher shall  
1300 wear his or her identification badge while in the polling room  
1301 or early voting area.

1302 Section 25. Subsections (1), (2), and (3) of section  
1303 101.151, Florida Statutes, are amended to read:

1304 101.151 Specifications for ballots.—

1305 (1) (a) Marksense ballots shall be printed on paper of such  
1306 thickness that the printing cannot be distinguished from the  
1307 back and shall meet the specifications of the voting system that  
1308 will be used to tabulate the ballots.

1309 (b) Early voting sites may employ a ballot-on-demand  
1310 production system to print individual marksense ballots,  
1311 including provisional ballots, for eligible electors pursuant to  
1312 s. 101.657. Ballot-on-demand technology may be used to produce  
1313 marksense absentee and election day ballots. ~~Not later than 30~~  
1314 ~~days before an election, the Secretary of State may also~~  
1315 ~~authorize in writing the use of ballot-on-demand technology for~~  
1316 ~~the production of election-day ballots.~~

1317 (2) (a) The ballot shall have the following office titles  
1318 ~~headings~~ under which shall appear ~~the names of the offices and~~



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1319 the names of the candidates for the respective offices in the  
1320 following order:

1321 1. The office titles of heading "President and Vice  
1322 President" and thereunder the names of the candidates for  
1323 President and Vice President of the United States nominated by  
1324 the political party that received the highest vote for Governor  
1325 in the last general election of the Governor in this state. Then  
1326 shall appear the names of other candidates for President and  
1327 Vice President of the United States who have been properly  
1328 nominated.

1329 2. The office titles ~~Then shall follow the heading~~  
1330 ~~"Congressional" and thereunder the offices~~ of United States  
1331 Senator and Representative in Congress.†

1332 3. The office titles ~~then the heading "State" and~~  
1333 ~~thereunder the offices~~ of Governor and Lieutenant Governor;†  
1334 Attorney General;† Chief Financial Officer;† Commissioner of  
1335 Agriculture;† State Attorney, with the applicable judicial  
1336 circuit; and Public Defender, with the applicable judicial  
1337 circuit.

1338 4. together with the names of the candidates for each  
1339 ~~office and the title of the office which they seek; then the~~  
1340 ~~heading "Legislative" and thereunder~~ The office titles offices  
1341 of State Senator and State Representative, with the applicable  
1342 district for the office printed beneath.; ~~then the heading~~  
1343 ~~"County" and thereunder~~

1344 5. The office titles of Clerk of the Circuit Court, or  
1345 Clerk of the Circuit Court and Comptroller (whichever is  
1346 applicable and when authorized by law), Clerk of the County  
1347 Court (when authorized by law), Sheriff, Property Appraiser, Tax



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1348 Collector, District Superintendent of Schools, and Supervisor of  
1349 Elections.

1350 6. The office titles ~~Thereafter follows: members of the~~  
1351 Board of County Commissioners with the applicable district  
1352 printed beneath each office, and such other county and district  
1353 offices as are involved in the election, in the order fixed by  
1354 the Department of State, followed, in the year of their  
1355 election, by "Party Offices," and thereunder the offices of  
1356 state and county party executive committee members.

1357 (b) In a general election, in addition to the names printed  
1358 on the ballot, a blank space shall be provided under each  
1359 ~~heading for an~~ office for which a write-in candidate has  
1360 qualified. With respect to write-in candidates, if two or more  
1361 candidates are seeking election to one office, only one blank  
1362 space shall be provided.

1363 (c) ~~(b)~~ When more than one candidate is nominated for  
1364 office, the candidates for such office shall qualify and run in  
1365 a group or district, and the group or district number shall be  
1366 printed beneath the name of the office. Each nominee of a  
1367 political party chosen in a primary shall appear on the general  
1368 election ballot in the same numbered group or district as on the  
1369 primary election ballot.

1370 (d) ~~(c)~~ If in any election all the offices as set forth in  
1371 paragraph (a) are not involved, those offices not to be filled  
1372 shall be omitted and the remaining offices shall be arranged on  
1373 the ballot in the order named.

1374 (3) (a) The names of the candidates of the party that  
1375 received the highest number of votes for Governor in the last  
1376 election in which a Governor was elected shall be placed first





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1377 ~~under the heading~~ for each office on the general election  
1378 ballot, together with an appropriate abbreviation of the party  
1379 name; the names of the candidates of the party that received the  
1380 second highest vote for Governor shall be placed second ~~under~~  
1381 ~~the heading~~ for each office, together with an appropriate  
1382 abbreviation of the party name.

1383 (b) Minor political party candidates ~~and candidates with no~~  
1384 ~~party affiliation~~ shall have their names appear on the general  
1385 election ballot following the names of recognized political  
1386 parties, in the ~~same~~ order as they were qualified, followed by  
1387 the names of candidates with no party affiliation, in the order  
1388 as they were qualified ~~certified~~.

1389 Section 26. Paragraph (a) of subsection (2) of section  
1390 101.5605, Florida Statutes, is amended to read:

1391 101.5605 Examination and approval of equipment.—

1392 (2) (a) Any person owning or interested in an electronic or  
1393 electromechanical voting system may submit it to the Department  
1394 of State for examination. The vote counting segment shall be  
1395 certified after a satisfactory evaluation testing has been  
1396 performed according to s. 101.015(1) electronic industry  
1397 ~~standards~~. This testing shall include, but is not limited to,  
1398 testing of all software required for the voting system's  
1399 operation; the ballot reader; the rote processor, especially in  
1400 its logic and memory components; the digital printer; the fail-  
1401 safe operations; the counting center environmental requirements;  
1402 and the equipment reliability estimate. For the purpose of  
1403 assisting in examining the system, the department shall employ  
1404 or contract for services of at least one individual who is  
1405 expert in one or more fields of data processing, mechanical



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1406 engineering, and public administration and shall require from  
1407 the individual a written report of his or her examination.

1408 Section 27. Subsection (11) of section 101.5606, Florida  
1409 Statutes, is amended to read:

1410 101.5606 Requirements for approval of systems.—No  
1411 electronic or electromechanical voting system shall be approved  
1412 by the Department of State unless it is so constructed that:

1413 (11) It is capable of automatically producing precinct  
1414 totals in printed, ~~marked, or punched form, or a combination~~  
1415 ~~thereof.~~

1416 Section 28. Subsection (4) is added to section 101.56075,  
1417 Florida Statutes, to read:

1418 101.56075 Voting methods.—

1419 (4) By December 31, 2013, all voting systems utilized by  
1420 voters during a state election shall permit placement on the  
1421 ballot of the full text of a constitutional amendment containing  
1422 stricken or underlined text.

1423 Section 29. Paragraph (a) of subsection (4) of section  
1424 101.5612, Florida Statutes, is amended to read:

1425 101.5612 Testing of tabulating equipment.—

1426 (4) (a) 1. For electronic or electromechanical voting systems  
1427 configured to include electronic or electromechanical tabulation  
1428 devices which are distributed to the precincts, all or a sample  
1429 of the devices to be used in the election shall be publicly  
1430 tested. If a sample is to be tested, the sample shall consist of  
1431 a random selection of at least 5 percent or 10 of the devices  
1432 for an optical scan system ~~or 2 percent of the devices for a~~  
1433 ~~touchscreen system or 10 of the devices for either system, as~~  
1434 ~~applicable,~~ whichever is greater. For touchscreen systems used



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1435 for voters with disabilities, a sample of at least 2 percent of  
1436 the devices must be tested. The test shall be conducted by  
1437 processing a group of ballots, causing the device to output  
1438 results for the ballots processed, and comparing the output of  
1439 results to the results expected for the ballots processed. The  
1440 group of ballots shall be produced so as to record a  
1441 predetermined number of valid votes for each candidate and on  
1442 each measure and to include for each office one or more ballots  
1443 which have activated voting positions in excess of the number  
1444 allowed by law in order to test the ability of the tabulating  
1445 device to reject such votes.

1446         2. If any tested tabulating device is found to have an  
1447 error in tabulation, it shall be deemed unsatisfactory. For each  
1448 device deemed unsatisfactory, the canvassing board shall take  
1449 steps to determine the cause of the error, shall attempt to  
1450 identify and test other devices that could reasonably be  
1451 expected to have the same error, and shall test a number of  
1452 additional devices sufficient to determine that all devices are  
1453 satisfactory. Upon deeming any device unsatisfactory, the  
1454 canvassing board may require all devices to be tested or may  
1455 declare that all devices are unsatisfactory.

1456         3. If the operation or output of any tested tabulation  
1457 device, such as spelling or the order of candidates on a report,  
1458 is in error, such problem shall be reported to the canvassing  
1459 board. The canvassing board shall then determine if the reported  
1460 problem warrants its deeming the device unsatisfactory.

1461         Section 30. Subsection (4) of section 101.5614, Florida  
1462 Statutes, is amended to read:

1463             101.5614 Canvass of returns.—



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1464           ~~(4) If ballot cards are used, and separate write-in ballots~~  
1465 ~~or envelopes for casting write-in votes are used, write-in~~  
1466 ~~ballots or the envelopes on which write-in ballots have been~~  
1467 ~~cast shall be serially numbered, starting with the number one,~~  
1468 ~~and the same number shall be placed on the ballot card of the~~  
1469 ~~voter. This process may be completed at either the precinct by~~  
1470 ~~the election board or at the central counting location. For each~~  
1471 ~~ballot or ballot image and ballot envelope on which write-in~~  
1472 ~~votes have been cast, the canvassing board shall compare the~~  
1473 ~~write-in votes with the votes cast on the ballot card.~~ † If the  
1474 total number of votes for any office exceeds the number allowed  
1475 by law, ~~a notation to that effect, specifying the office~~  
1476 ~~involved, shall be entered on the back of the ballot card or in~~  
1477 ~~a margin if voting areas are printed on both sides of the ballot~~  
1478 ~~card.~~ such votes shall not be counted. All valid votes shall be  
1479 tallied by the canvassing board.

1480           Section 31. Subsection (6) is added to section 101.591,  
1481 Florida Statutes, to read:

1482           101.591 Voting system audit.—

1483           (6) If a manual recount is undertaken pursuant to s.  
1484 102.166, the canvassing board is not required to perform the  
1485 audit provided for in this section.

1486           Section 32. Paragraphs (a) and (b) of subsection (1) and  
1487 subsections (3) and (4) of section 101.62, Florida Statutes, are  
1488 amended to read:

1489           101.62 Request for absentee ballots.—

1490           (1)(a) The supervisor shall accept a request for an  
1491 absentee ballot from an elector in person or in writing. One  
1492 request shall be deemed sufficient to receive an absentee ballot



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1493 for all elections through the end of the calendar year of the  
1494 next two regularly scheduled general elections ~~election~~, unless  
1495 the elector or the elector's designee indicates at the time the  
1496 request is made the elections for which the elector desires to  
1497 receive an absentee ballot. Such request may be considered  
1498 canceled when any first-class mail sent by the supervisor to the  
1499 elector is returned as undeliverable.

1500 (b) The supervisor may accept a written or telephonic  
1501 request for an absentee ballot from the elector, or, if directly  
1502 instructed by the elector, a member of the elector's immediate  
1503 family, or the elector's legal guardian. For purposes of this  
1504 section, the term "immediate family" has the same meaning as  
1505 specified in paragraph (4) (c) ~~(b)~~. The person making the request  
1506 must disclose:

- 1507 1. The name of the elector for whom the ballot is
- 1508 requested.
- 1509 2. The elector's address.
- 1510 3. The elector's date of birth.
- 1511 4. The requester's name.
- 1512 5. The requester's address.
- 1513 6. The requester's driver's license number, if available.
- 1514 7. The requester's relationship to the elector.
- 1515 8. The requester's signature (written requests only).

1516 (3) For each request for an absentee ballot received, the  
1517 supervisor shall record the date the request was made, the date  
1518 the absentee ballot was delivered to the voter or the voter's  
1519 designee or the date the absentee ballot was delivered to the  
1520 post office or other carrier, the date the ballot was received  
1521 by the supervisor, and such other information he or she may deem



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1522 necessary. This information shall be provided in electronic  
1523 format as provided by rule adopted by the division. The  
1524 information shall be updated and made available no later than 8  
1525 a.m. noon of each day, including weekends, beginning 60 days  
1526 before the primary until 15 days after the general election and  
1527 shall be contemporaneously provided to the division. This  
1528 information shall be confidential and exempt from the provisions  
1529 of s. 119.07(1) and shall be made available to or reproduced  
1530 only for the voter requesting the ballot, a canvassing board, an  
1531 election official, a political party or official thereof, a  
1532 candidate who has filed qualification papers and is opposed in  
1533 an upcoming election, and registered political committees or  
1534 registered committees of continuous existence, for political  
1535 purposes only.

1536 (4) (a) No later than 45 days before each presidential  
1537 preference primary election, primary election, and general  
1538 election, the supervisor of elections shall send an absentee  
1539 ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each absent  
1540 uniformed services voter and to each overseas voter who has  
1541 requested an absentee ballot.

1542 (b) The supervisor of elections shall mail an absentee  
1543 ballot to each absent qualified voter, other than those listed  
1544 in paragraph (a), who has requested such a ballot, between the  
1545 35th and 28th days before the presidential preference primary  
1546 election, primary election, and general election. Except as  
1547 otherwise provided in subsection (2) and after the period  
1548 described in this paragraph, the supervisor shall mail absentee  
1549 ballots within 2 business days after receiving a request for  
1550 such a ballot.



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1551            ~~(c)-(b)~~ The supervisor shall provide an absentee ballot to  
1552 each elector by whom a request for that ballot has been made by  
1553 one of the following means:

1554            1. By nonforwardable, return-if-undeliverable mail to the  
1555 elector's current mailing address on file with the supervisor or  
1556 ~~, unless the elector specifies in the request that:~~

1557            a. ~~The elector is absent from the county and does not plan~~  
1558 ~~to return before the day of the election;~~

1559            b. ~~The elector is temporarily unable to occupy the~~  
1560 ~~residence because of hurricane, tornado, flood, fire, or other~~  
1561 ~~emergency or natural disaster; or~~

1562            c. ~~The elector is in a hospital, assisted living facility,~~  
1563 ~~nursing home, short term medical or rehabilitation facility, or~~  
1564 ~~correctional facility,~~

1565  
1566 ~~in which case the supervisor shall mail the ballot by~~  
1567 ~~nonforwardable, return-if-undeliverable mail to any other~~  
1568 address the elector specifies in the request.

1569            2. By forwardable mail, e-mail, or facsimile machine  
1570 transmission to absent uniformed services voters and overseas  
1571 voters. The absent uniformed services voter or overseas voter  
1572 may designate in the absentee ballot request the preferred  
1573 method of transmission. If the voter does not designate the  
1574 method of transmission, the absentee ballot shall be mailed.

1575            3. By personal delivery before 7 p.m. on election day to  
1576 the elector, upon presentation of the identification required in  
1577 s. 101.043.

1578            4. By delivery to a designee on election day or up to 5  
1579 days prior to the day of an election. Any elector may designate



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1580 in writing a person to pick up the ballot for the elector;  
1581 however, the person designated may not pick up more than two  
1582 absentee ballots per election, other than the designee's own  
1583 ballot, except that additional ballots may be picked up for  
1584 members of the designee's immediate family. For purposes of this  
1585 section, "immediate family" means the designee's spouse or the  
1586 parent, child, grandparent, or sibling of the designee or of the  
1587 designee's spouse. The designee shall provide to the supervisor  
1588 the written authorization by the elector and a picture  
1589 identification of the designee and must complete an affidavit.  
1590 The designee shall state in the affidavit that the designee is  
1591 authorized by the elector to pick up that ballot and shall  
1592 indicate if the elector is a member of the designee's immediate  
1593 family and, if so, the relationship. The department shall  
1594 prescribe the form of the affidavit. If the supervisor is  
1595 satisfied that the designee is authorized to pick up the ballot  
1596 and that the signature of the elector on the written  
1597 authorization matches the signature of the elector on file, the  
1598 supervisor shall give the ballot to that designee for delivery  
1599 to the elector.

1600 Section 33. Section 101.65, Florida Statutes, is amended to  
1601 read:

1602 101.65 Instructions to absent electors.—The supervisor  
1603 shall enclose with each absentee ballot separate printed  
1604 instructions in substantially the following form:

1605  
1606 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1607 1. VERY IMPORTANT. In order to ensure that your absentee  
1608 ballot will be counted, it should be completed and returned as





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1609 soon as possible so that it can reach the supervisor of  
1610 elections of the county in which your precinct is located no  
1611 later than 7 p.m. on the day of the election.

1612 2. Mark your ballot in secret as instructed on the ballot.  
1613 You must mark your own ballot unless you are unable to do so  
1614 because of blindness, disability, or inability to read or write.

1615 3. Mark only the number of candidates or issue choices for  
1616 a race as indicated on the ballot. If you are allowed to "Vote  
1617 for One" candidate and you vote for more than one candidate,  
1618 your vote in that race will not be counted.

1619 4. Place your marked ballot in the enclosed secrecy  
1620 envelope.

1621 5. Insert the secrecy envelope into the enclosed mailing  
1622 envelope which is addressed to the supervisor.

1623 6. Seal the mailing envelope and completely fill out the  
1624 Voter's Certificate on the back of the mailing envelope.

1625 7. VERY IMPORTANT. In order for your absentee ballot to be  
1626 counted, you must sign your name on the line above (Voter's  
1627 Signature). An absentee ballot will be considered illegal and  
1628 will not be counted if the signature on the voter's certificate  
1629 does not match the signature on record. The signature on file at  
1630 the start of the canvass of the absentee ballots is the  
1631 signature that will be used to verify your signature on the  
1632 voter's certificate. If you need to update your signature for  
1633 this election, send your signature update on a voter  
1634 registration application to your supervisor of elections so that  
1635 it is received no later than the start of the canvassing of  
1636 absentee ballots, which occurs no earlier than the 15th day  
1637 before election day.



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1638           8. VERY IMPORTANT. If you are an overseas voter, you must  
1639 include the date you signed the Voter's Certificate on the line  
1640 above (Date) or your ballot may not be counted.

1641           9. Mail, deliver, or have delivered the completed mailing  
1642 envelope. Be sure there is sufficient postage if mailed.

1643           10. FELONY NOTICE. It is a felony under Florida law to  
1644 accept any gift, payment, or gratuity in exchange for your vote  
1645 for a candidate. It is also a felony under Florida law to vote  
1646 in an election using a false identity or false address, or under  
1647 any other circumstances making your ballot false or fraudulent.

1648           Section 34. Paragraph (a) of subsection (2) of section  
1649 101.68, Florida Statutes, is amended to read:

1650           101.68 Canvassing of absentee ballot.—

1651           (2) (a) The county canvassing board may begin the canvassing  
1652 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the  
1653 election, but not later than noon on the day following the  
1654 election. In addition, for any county using electronic  
1655 tabulating equipment, the processing of absentee ballots through  
1656 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~  
1657 day before the election. However, notwithstanding any such  
1658 authorization to begin canvassing or otherwise processing  
1659 absentee ballots early, no result shall be released until after  
1660 the closing of the polls in that county on election day. Any  
1661 supervisor of elections, deputy supervisor of elections,  
1662 canvassing board member, election board member, or election  
1663 employee who releases the results of a canvassing or processing  
1664 of absentee ballots prior to the closing of the polls in that  
1665 county on election day commits a felony of the third degree,  
1666 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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1667 Section 35. Subsection (2) of section 101.6923, Florida  
1668 Statutes, is amended to read:

1669 101.6923 Special absentee ballot instructions for certain  
1670 first-time voters.—

1671 (2) A voter covered by this section shall be provided with  
1672 printed instructions with his or her absentee ballot in  
1673 substantially the following form:

1674

1675 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
1676 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
1677 TO COUNT.

1678

1679 1. In order to ensure that your absentee ballot will be  
1680 counted, it should be completed and returned as soon as possible  
1681 so that it can reach the supervisor of elections of the county  
1682 in which your precinct is located no later than 7 p.m. on the  
1683 date of the election.

1684 2. Mark your ballot in secret as instructed on the ballot.  
1685 You must mark your own ballot unless you are unable to do so  
1686 because of blindness, disability, or inability to read or write.

1687 3. Mark only the number of candidates or issue choices for  
1688 a race as indicated on the ballot. If you are allowed to "Vote  
1689 for One" candidate and you vote for more than one, your vote in  
1690 that race will not be counted.

1691 4. Place your marked ballot in the enclosed secrecy  
1692 envelope and seal the envelope.

1693 5. Insert the secrecy envelope into the enclosed envelope  
1694 bearing the Voter's Certificate. Seal the envelope and  
1695 completely fill out the Voter's Certificate on the back of the



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1696 envelope.

1697 a. You must sign your name on the line above (Voter's  
1698 Signature).

1699 b. If you are an overseas voter, you must include the date  
1700 you signed the Voter's Certificate on the line above (Date) or  
1701 your ballot may not be counted.

1702 c. An absentee ballot will be considered illegal and will  
1703 not be counted if the signature on the voter's certificate does  
1704 not match the signature on record. The signature on file at the  
1705 start of the canvass of the absentee ballots is the signature  
1706 that will be used to verify your signature on the voter's  
1707 certificate. If you need to update your signature for this  
1708 election, send your signature update on a voter registration  
1709 application to your supervisor of elections so that it is  
1710 received no later than the start of canvassing of absentee  
1711 ballots, which occurs no earlier than the 15th day before  
1712 election day.

1713 6. Unless you meet one of the exemptions in Item 7., you  
1714 must make a copy of one of the following forms of  
1715 identification:

1716 a. Identification which must include your name and  
1717 photograph: United States passport; debit or credit card;  
1718 military identification; student identification; retirement  
1719 center identification; neighborhood association identification;  
1720 or public assistance identification; or

1721 b. Identification which shows your name and current  
1722 residence address: current utility bill, bank statement,  
1723 government check, paycheck, or government document (excluding  
1724 voter identification card).



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1725           7. The identification requirements of Item 6. do not apply  
1726 if you meet one of the following requirements:  
1727           a. You are 65 years of age or older.  
1728           b. You have a temporary or permanent physical disability.  
1729           c. You are a member of a uniformed service on active duty  
1730 who, by reason of such active duty, will be absent from the  
1731 county on election day.  
1732           d. You are a member of the Merchant Marine who, by reason  
1733 of service in the Merchant Marine, will be absent from the  
1734 county on election day.  
1735           e. You are the spouse or dependent of a member referred to  
1736 in paragraph c. or paragraph d. who, by reason of the active  
1737 duty or service of the member, will be absent from the county on  
1738 election day.  
1739           f. You are currently residing outside the United States.  
1740           8. Place the envelope bearing the Voter's Certificate into  
1741 the mailing envelope addressed to the supervisor. Insert a copy  
1742 of your identification in the mailing envelope. DO NOT PUT YOUR  
1743 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
1744 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
1745 BALLOT WILL NOT COUNT.  
1746           9. Mail, deliver, or have delivered the completed mailing  
1747 envelope. Be sure there is sufficient postage if mailed.  
1748           10. FELONY NOTICE. It is a felony under Florida law to  
1749 accept any gift, payment, or gratuity in exchange for your vote  
1750 for a candidate. It is also a felony under Florida law to vote  
1751 in an election using a false identity or false address, or under  
1752 any other circumstances making your ballot false or fraudulent.  
1753           Section 36. Subsection (3) of section 101.75, Florida



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1754 Statutes, is amended to read:

1755 101.75 Municipal elections; change of dates for cause.—

1756 (3) Notwithstanding any provision of local law or municipal  
1757 charter, the governing body of a municipality may, by ordinance,  
1758 move the date of any municipal election to a date concurrent  
1759 with any statewide or countywide election. The dates for  
1760 qualifying for the election moved by the passage of such  
1761 ordinance shall be specifically provided for in the ordinance  
1762 ~~and shall run for no less than 14 days.~~ The term of office for  
1763 any elected municipal official shall commence as provided by the  
1764 relevant municipal charter or ordinance.

1765 Section 37. Subsection (4) of section 102.031, Florida  
1766 Statutes, is amended to read:

1767 102.031 Maintenance of good order at polls; authorities;  
1768 persons allowed in polling rooms and early voting areas;  
1769 unlawful solicitation of voters.—

1770 (4) (a) A ~~Ne~~ person, political committee, committee of  
1771 continuous existence, or other group or organization may not  
1772 solicit voters inside the polling place or within 100 feet of  
1773 the entrance to any polling place, or polling room where the  
1774 polling place is also a polling room, or early voting site.

1775 (b) A person, political committee, committee of continuous  
1776 existence, or other group or organization may not solicit voters  
1777 who are standing in line to enter any polling place, polling  
1778 room, or early voting site.

1779 (c) Before the opening of the polling place or early voting  
1780 site, the clerk or supervisor shall designate the no-  
1781 solicitation zone and mark the boundaries and shall post a sign  
1782 stating that no one may solicit a person standing in line to



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1783 vote.

1784 (d)~~(b)~~ For the purpose of this subsection, whether in  
1785 person or by means of audio or visual equipment, the terms  
1786 "solicit" or "solicitation" shall include, but not be limited  
1787 to, seeking or attempting to seek any vote, fact, opinion, or  
1788 contribution; distributing or attempting to distribute any  
1789 political or campaign material, leaflet, or handout; conducting  
1790 a poll except as specified in this paragraph; seeking or  
1791 attempting to seek a signature on any petition; offering voting  
1792 or legal advice regarding voting or ballots; and selling or  
1793 attempting to sell any item. The terms "solicit" or  
1794 "solicitation" shall not be construed to prohibit exit polling.

1795 (e)~~(e)~~ Each supervisor of elections shall inform the clerk  
1796 of the area within which soliciting is unlawful, based on the  
1797 particular characteristics of that polling place. The supervisor  
1798 or the clerk may take any reasonable action necessary to ensure  
1799 order at the polling places, including, but not limited to,  
1800 having disruptive and unruly persons removed by law enforcement  
1801 officers from the polling room or place or from the 100-foot  
1802 zone surrounding the polling place.

1803 Section 38. Subsection (4) of section 102.141, Florida  
1804 Statutes, is amended to read:

1805 102.141 County canvassing board; duties.—

1806 (4) The canvassing board shall report all early voting and  
1807 all tabulated absentee results to the Department of State within  
1808 30 minutes after the polls close. Thereafter, the canvassing  
1809 board shall report, with the exception of provisional ballot  
1810 results, updated precinct election results to the department at  
1811 least every 45 minutes until all results are completely



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1812 reported. The supervisor of elections shall notify the  
1813 department immediately of any circumstances that do not permit  
1814 periodic updates as required. Results shall be submitted in a  
1815 format prescribed by the department ~~submit by 11:59 p.m. on~~  
1816 ~~election night the preliminary returns it has received to the~~  
1817 ~~Department of State in a format provided by the department.~~

1818 Section 39. Subsection (4) of section 102.168, Florida  
1819 Statutes, is amended, and subsection (8) is added to that  
1820 section, to read:

1821 102.168 Contest of election.—

1822 (4) The ~~county~~ canvassing board responsible for canvassing  
1823 the election is an indispensable and proper party defendant in  
1824 county and local elections. ~~The Elections Canvassing Commission~~  
1825 ~~is an indispensable and proper party defendant in federal,~~  
1826 ~~state, and multicounty elections and in elections for justice of~~  
1827 ~~the Supreme Court, judge of a district court of appeal, and~~  
1828 ~~judge of a circuit court. races; and~~ The successful candidate is  
1829 an indispensable party to any action brought to contest the  
1830 election or nomination of a candidate.

1831 (8) In any contest that requires a review of a canvassing  
1832 board's decision that an absentee ballot is illegal under s.  
1833 101.68, because the signature of the elector on the voter's  
1834 certificate is not the signature of the elector in the  
1835 registration records, the circuit court may not look at or  
1836 consider any evidence beyond the elector's signature on the  
1837 voter's certificate and in the registration records. The court's  
1838 review of the issue shall be to determine only if the canvassing  
1839 board abused its discretion in making its decision.

1840 Section 40. Subsection (4) of section 103.021, Florida





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1841 Statutes, is amended to read:

1842       103.021 Nomination for presidential electors.—Candidates  
1843 for presidential electors shall be nominated in the following  
1844 manner:

1845       (4) (a) A minor political party that is affiliated with a  
1846 national party holding a national convention to nominate  
1847 candidates for President and Vice President of the United States  
1848 may have the names of its candidates for President and Vice  
1849 President of the United States printed on the general election  
1850 ballot by filing with the Department of State a certificate  
1851 naming the candidates for President and Vice President and  
1852 listing the required number of persons to serve as electors.  
1853 Notification to the Department of State under this subsection  
1854 shall be made by September 1 of the year in which the election  
1855 is held. When the Department of State has been so notified, it  
1856 shall order the names of the candidates nominated by the minor  
1857 political party to be included on the ballot and shall permit  
1858 the required number of persons to be certified as electors in  
1859 the same manner as other party candidates. As used in this  
1860 section, the term "national party" means a political party that  
1861 is registered with and recognized as a qualified national  
1862 committee of a political party by the Federal Election  
1863 Commission established and admitted to the ballot in at least  
1864 one state other than Florida.

1865       (b) A minor political party that is not affiliated with a  
1866 national party holding a national convention to nominate  
1867 candidates for President and Vice President of the United States  
1868 may have the names of its candidates for President and Vice  
1869 President printed on the general election ballot if a petition



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1870 is signed by a number of electors in each of one half of the  
1871 congressional districts of the state, and of the state as a  
1872 whole, equal to 4 percent of the votes cast in each of such  
1873 districts respectively and in the state as a whole in the last  
1874 preceding election in which presidential electors were chosen ±  
1875 ~~percent of the registered electors of this state, as shown by~~  
1876 the compilation by the Department of State ~~for the preceding~~  
1877 ~~general election~~. A separate petition from each county for which  
1878 signatures are solicited shall be submitted to the supervisors  
1879 of elections of the respective county no later than July 15 of  
1880 each presidential election year. The supervisor shall check the  
1881 names and, on or before the date of the primary election, shall  
1882 certify the number shown as registered electors of the county.  
1883 The supervisor shall be paid by the person requesting the  
1884 certification the cost of checking the petitions as prescribed  
1885 in s. 99.097. The supervisor shall then forward the certificate  
1886 to the Department of State, which shall determine whether or not  
1887 the percentage factor required in this section has been met.  
1888 When the percentage factor required in this section has been  
1889 met, the Department of State shall order the names of the  
1890 candidates for whom the petition was circulated to be included  
1891 on the ballot and shall permit the required number of persons to  
1892 be certified as electors in the same manner as other party  
1893 candidates.

1894 Section 41. Section 103.095, Florida Statutes, is created  
1895 to read:

1896 103.095 Minor political parties.—

1897 (1) Any group of citizens organized for the general  
1898 purposes of electing to office qualified persons and determining



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1899 public issues under the democratic processes of the United  
1900 States may become a minor political party of this state by  
1901 filing with the department a certificate showing the name of the  
1902 organization, the names and addresses of its current officers,  
1903 including the members of its executive committee, accompanied by  
1904 a completed uniform statewide voter registration application as  
1905 specified in s. 97.052 for each of its current officers and  
1906 members of its executive committee which reflect their  
1907 affiliation with the proposed minor political party, and a copy  
1908 of its constitution, bylaws, and rules and regulations.

1909 (2) All electors registered to vote in the minor political  
1910 party in which he or she has so designated has a fundamental  
1911 right to fully and meaningfully participate in the business and  
1912 affairs of the minor political party without any monetary  
1913 encumbrance. The constitution, bylaws, rules, regulations, or  
1914 other equivalent documents must reflect this fundamental right  
1915 and must provide for and contain reasonable provisions which at  
1916 a minimum must prescribe procedures to: prescribe its  
1917 membership, conduct its meetings according to generally accepted  
1918 parliamentary practices, timely notify its members as to the  
1919 time, date, and place of all of its meetings, timely publish  
1920 notice on its public and functioning website as to the time,  
1921 date, and place of all of its meetings, elect its officers,  
1922 remove its officers, make party nominations when required by  
1923 law, conduct campaigns for party nominees, raise and expend  
1924 party funds, select delegates to its national convention, select  
1925 presidential electors, and alter or amend all of its governing  
1926 documents.

1927 (3) The members of the executive committee must elect a



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1928 chair, vice chair, secretary, and treasurer, all of whom shall  
1929 be members of the minor political party and no member may hold  
1930 more than one office, except that one person may hold the  
1931 offices of secretary and treasurer.

1932 (4) Upon approval of the minor political party's filing,  
1933 the department shall process the voter registration applications  
1934 submitted by the minor political party's officers and members of  
1935 its executive committee. It shall be the duty of the minor  
1936 political party to notify the department of any changes in the  
1937 filing certificate within 5 days after such changes.

1938 (5) The Division of Elections shall adopt rules to  
1939 prescribe the manner in which political parties, including minor  
1940 political parties, may have their filings with the Department of  
1941 State canceled. Such rules shall, at a minimum, provide for:

1942 (a) Notice, which must contain the facts and conduct that  
1943 warrant the intended action, including, but not limited to, the  
1944 failure to have any voters registered in the party, the failure  
1945 to notify the department of replacement officers, and the  
1946 failure to file campaign finance reports, the failure to adopt  
1947 or file with the department all governing documents containing  
1948 the provisions specified in subsection (2), and limited  
1949 activity.

1950 (b) Adequate opportunity to respond.

1951 (c) Appeal of the decision to the Florida Elections  
1952 Commission. Such appeals are exempt from the confidentiality  
1953 provisions of s. 106.25.

1954 (6) The requirements of this section are retroactive for  
1955 any minor political party registered with the department on July  
1956 1, 2011, and must be complied with within 180 days after the



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1957 department provides notice to the minor political party of the  
1958 requirements contained in this section. Failure of the minor  
1959 political party to comply with the requirements within 180 days  
1960 after receipt of the notice shall automatically result in the  
1961 cancellation of the minor political party's registration.

1962 Section 42. Subsections (1) and (2) of section 103.101,  
1963 Florida Statutes, are amended to read:

1964 103.101 Presidential preference primary.—

1965 (1) (a) There shall be a Presidential Preference Primary  
1966 Date Selection Committee composed of the Secretary of State, who  
1967 shall be a nonvoting chair; three members, no more than two of  
1968 whom may be from the same political party, appointed by the  
1969 Governor; three members, no more than two of whom may be from  
1970 the same political party, appointed by the Speaker of the House  
1971 of Representatives; and three members, no more than two of whom  
1972 may be from the same political party, appointed by the President  
1973 of the Senate. No later than October 1 of the year preceding the  
1974 presidential preference primary, the committee shall meet and  
1975 set a date for the presidential preference primary. The date  
1976 selected may be no earlier than the first Tuesday in January and  
1977 no later than the first Tuesday in March in the year of the  
1978 presidential preference primary. The presidential preference  
1979 primary shall be held in each year the number of which is a  
1980 multiple of four.

1981 (b) Each political party other than a minor political party  
1982 shall, on the date selected by the Presidential Preference  
1983 Primary Date Selection Committee ~~last Tuesday in January~~ in each  
1984 year the number of which is a multiple of 4, elect one person to  
1985 be the candidate for nomination of such party for President of



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1986 the United States or select delegates to the national nominating  
1987 convention, ~~as provided by party rule.~~

1988 (2) ~~(a) There shall be a Presidential Candidate Selection~~  
1989 ~~Committee composed of the Secretary of State, who shall be a~~  
1990 ~~nonvoting chair; the Speaker of the House of Representatives;~~  
1991 ~~the President of the Senate; the minority leader of each house~~  
1992 ~~of the Legislature; and the chair of each political party~~  
1993 ~~required to have a presidential preference primary under this~~  
1994 ~~section.~~

1995 ~~(b) By October 31 of the year preceding the presidential~~  
1996 ~~preference primary, each political party shall submit to the~~  
1997 ~~Secretary of State a list of its presidential candidates to be~~  
1998 ~~placed on the presidential preference primary ballot or~~  
1999 ~~candidates entitled to have delegates appear on the presidential~~  
2000 ~~preference primary ballot. The Secretary of State shall prepare~~  
2001 ~~and publish a list of the names of the presidential candidates~~  
2002 ~~submitted not later than on the first Tuesday after the first~~  
2003 ~~Monday in November of the year preceding the presidential~~  
2004 ~~preference primary. The Secretary of State shall submit such~~  
2005 ~~list of names of presidential candidates to the selection~~  
2006 ~~committee on the first Tuesday after the first Monday in~~  
2007 ~~November of the year preceding the presidential preference~~  
2008 ~~primary. Each person designated as a presidential candidate~~  
2009 ~~shall have his or her name appear, or have his or her delegates'~~  
2010 ~~names appear, on the presidential preference primary ballot~~  
2011 ~~unless all committee members of the same political party as the~~  
2012 ~~candidate agree to delete such candidate's name from the ballot.~~

2013 ~~(c) The selection committee shall meet in Tallahassee on~~  
2014 ~~the first Tuesday after the first Monday in November of the year~~



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2015 ~~preceding the presidential preference primary. The selection~~  
2016 ~~committee shall publicly announce and submit to the Department~~  
2017 ~~of State no later than 5 p.m. on the following day the names of~~  
2018 ~~presidential candidates who shall have their names appear, or~~  
2019 ~~who are entitled to have their delegates' names appear, on the~~  
2020 ~~presidential preference primary ballot. The Department of State~~  
2021 shall immediately notify each presidential candidate listed  
2022 ~~designated~~ by the Secretary of State ~~committee~~. Such  
2023 notification shall be in writing, by registered mail, with  
2024 return receipt requested.

2025 Section 43. Section 103.141, Florida Statutes, is amended  
2026 to read:

2027 103.141 Removal of county executive committee member for  
2028 violation of oath.-

2029 ~~(1) If~~ Where the county executive committee by at least a  
2030 two-thirds majority vote of the members of the committee,  
2031 attending a meeting held after due notice has been given and at  
2032 which meeting a quorum is present, determines an incumbent  
2033 county executive committee member is to be ~~is to be~~ guilty of an offense  
2034 involving a violation of the member's oath of office, the said  
2035 member ~~so violating his or her oath~~ shall be removed from office  
2036 and the office shall be deemed vacant. ~~Provided,~~ However, if the  
2037 county committee wrongfully removes a county committee member  
2038 and the committee member ~~so~~ wrongfully removed files suit in the  
2039 circuit court alleging his or her removal was wrongful and wins  
2040 the said suit, the committee member shall be restored to office  
2041 and the county committee shall pay the costs incurred by the  
2042 wrongfully removed committee member in bringing the suit,  
2043 including reasonable attorney's fees.



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2044           ~~(2) Any officer, county committeeman, county~~  
2045 ~~committeewoman, precinct committeeman, precinct committeewoman,~~  
2046 ~~or member of a county executive committee may be removed from~~  
2047 ~~office pursuant to s. 103.161.~~

2048           Section 44. Section 104.29, Florida Statutes, is amended to  
2049 read:

2050           104.29 Inspectors refusing to allow watchers while ballots  
2051 are counted.—The inspectors or other election officials at the  
2052 polling place shall, after the polls close ~~at all times while~~  
2053 ~~the ballots are being counted,~~ allow as many as three persons  
2054 near to them to see whether the ballots are being correctly  
2055 reconciled. ~~read and called and the votes correctly tallied, and~~  
2056 Any official who denies this privilege or interferes therewith  
2057 commits ~~is guilty of~~ a misdemeanor of the first degree,  
2058 punishable as provided in s. 775.082 or s. 775.083.

2059           Section 45. Subsection (3), paragraph (a) of subsection  
2060 (4), paragraph (b) of subsection (5), subsection (15), and  
2061 paragraph (c) of subsection (16) of section 106.011, Florida  
2062 Statutes, are amended to read:

2063           106.011 Definitions.—As used in this chapter, the following  
2064 terms have the following meanings unless the context clearly  
2065 indicates otherwise:

2066           (3) "Contribution" means:

2067           (a) A gift, subscription, conveyance, deposit, loan,  
2068 payment, or distribution of money or anything of value,  
2069 including contributions in kind having an attributable monetary  
2070 value in any form, made for the purpose of influencing the  
2071 results of an election or making an electioneering  
2072 communication.





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2073           (b) A transfer of funds between political committees,  
2074 between committees of continuous existence, between  
2075 electioneering communications organizations, or between any  
2076 combination of these groups.

2077           (c) The payment, by any person other than a candidate or  
2078 political committee, of compensation for the personal services  
2079 of another person which are rendered to a candidate or political  
2080 committee without charge to the candidate or committee for such  
2081 services.

2082           (d) The transfer of funds by a campaign treasurer or deputy  
2083 campaign treasurer between a primary depository and a separate  
2084 interest-bearing account or certificate of deposit, and the term  
2085 includes any interest earned on such account or certificate.

2086  
2087 Notwithstanding the foregoing meanings of "contribution," the  
2088 word shall not be construed to include services, including, but  
2089 not limited to, legal and accounting services, provided without  
2090 compensation by individuals volunteering a portion or all of  
2091 their time on behalf of a candidate or political committee,  
2092 funds received under s. 106.012, or. ~~This definition shall not~~  
2093 ~~be construed to include~~ editorial endorsements.

2094           (4) (a) "Expenditure" means a purchase, payment,  
2095 distribution, loan, advance, transfer of funds by a campaign  
2096 treasurer or deputy campaign treasurer between a primary  
2097 depository and a separate interest-bearing account or  
2098 certificate of deposit, or gift of money or anything of value  
2099 made for the purpose of influencing the results of an election  
2100 or making an electioneering communication. However,  
2101 "expenditure" does not include funds spent under s. 106.012 or a



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2102 purchase, payment, distribution, loan, advance, or gift of money  
2103 or anything of value made for the purpose of influencing the  
2104 results of an election when made by an organization, in  
2105 existence prior to the time during which a candidate qualifies  
2106 or an issue is placed on the ballot for that election, for the  
2107 purpose of printing or distributing such organization's  
2108 newsletter, containing a statement by such organization in  
2109 support of or opposition to a candidate or issue, which  
2110 newsletter is distributed only to members of such organization.

2111 (5)

2112 (b) An expenditure for the purpose of expressly advocating  
2113 the election or defeat of a candidate which is made by the  
2114 national, state, or county executive committee of a political  
2115 party, including any subordinate committee of a national, state,  
2116 or county committee of a political party, or by any political  
2117 committee or committee of continuous existence, or any other  
2118 person, shall not be considered an independent expenditure if  
2119 the committee or person:

2120 1. Communicates with the candidate, the candidate's  
2121 campaign, or an agent of the candidate acting on behalf of the  
2122 candidate, including any pollster, media consultant, advertising  
2123 agency, vendor, advisor, or staff member, concerning the  
2124 preparation of, use of, or payment for, the specific expenditure  
2125 or advertising campaign at issue; or

2126 2. Makes a payment in cooperation, consultation, or concert  
2127 with, at the request or suggestion of, or pursuant to any  
2128 general or particular understanding with the candidate, the  
2129 candidate's campaign, a political committee supporting the  
2130 candidate, or an agent of the candidate relating to the specific



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2131 expenditure or advertising campaign at issue; or

2132         3. Makes a payment for the dissemination, distribution, or  
2133 republication, in whole or in part, of any broadcast or any  
2134 written, graphic, or other form of campaign material prepared by  
2135 the candidate, the candidate's campaign, or an agent of the  
2136 candidate, including any pollster, media consultant, advertising  
2137 agency, vendor, advisor, or staff member; or

2138         4. Makes a payment based on information about the  
2139 candidate's plans, projects, or needs communicated to a member  
2140 of the committee or person by the candidate or an agent of the  
2141 candidate, provided the committee or person uses the information  
2142 in any way, in whole or in part, either directly or indirectly,  
2143 to design, prepare, or pay for the specific expenditure or  
2144 advertising campaign at issue; or

2145         5. After the last day of the qualifying period prescribed  
2146 for the candidate ~~for statewide or legislative office~~, consults  
2147 about the candidate's plans, projects, or needs in connection  
2148 with the candidate's pursuit of election to office and the  
2149 information is used in any way to plan, create, design, or  
2150 prepare an independent expenditure or advertising campaign,  
2151 with:

2152             a. Any officer, director, employee, or agent of a national,  
2153 state, or county executive committee of a political party that  
2154 has made or intends to make expenditures in connection with or  
2155 contributions to the candidate; or

2156             b. Any person whose professional services have been  
2157 retained by a national, state, or county executive committee of  
2158 a political party that has made or intends to make expenditures  
2159 in connection with or contributions to the candidate; or



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2160           6. After the last day of the qualifying period prescribed  
2161 for the candidate ~~for statewide or legislative office~~, retains  
2162 the professional services of any person also providing those  
2163 services to the candidate in connection with the candidate's  
2164 pursuit of election to office; or

2165           7. Arranges, coordinates, or directs the expenditure, in  
2166 any way, with the candidate or an agent of the candidate.

2167           (15) "Unopposed candidate" means a candidate for nomination  
2168 or election to an office who, after the last day on which any  
2169 person, including a write-in candidate, may qualify, is without  
2170 opposition in the election at which the office is to be filled  
2171 or who is without such opposition after such date as a result of  
2172 any primary election or of withdrawal by other candidates  
2173 seeking the same office. A candidate is not an unopposed  
2174 candidate if there is a vacancy to be filled under s. 100.111(3)  
2175 ~~s. 100.111(4)~~, if there is a legal proceeding pending regarding  
2176 the right to a ballot position for the office sought by the  
2177 candidate, or if the candidate is seeking retention as a justice  
2178 or judge.

2179           (16) "Candidate" means any person to whom any one or more  
2180 of the following apply:

2181           (c) Any person who receives contributions or makes  
2182 expenditures, or consents for any other person to receive  
2183 contributions or make expenditures, with a view to bring about  
2184 his or her nomination or election to, or retention in, public  
2185 office. Expenditures related to potential candidate polls as  
2186 provided in s. 106.17 are not contributions or expenditures for  
2187 purposes of this subsection.  
2188



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2189 However, this definition does not include any candidate for a  
2190 political party executive committee.

2191 Section 46. Section 106.012, Florida Statutes, is created  
2192 to read:

2193 106.012 Testing the waters.-

2194 (1) Funds received and spent solely for the purpose of  
2195 determining whether an individual should become a candidate are  
2196 not contributions and expenditures. Examples of activities  
2197 permissible under this exemption include, but are not limited  
2198 to, conducting a poll, telephone calls, and travel. Funds  
2199 permissible under this chapter may only be used for such  
2200 activities. The individual shall retain records of all such  
2201 funds received and spent. If the individual subsequently becomes  
2202 a candidate, the funds received are contributions and the funds  
2203 spent are expenditures subject to the reporting requirements of  
2204 this chapter. The contributions and expenditures must be  
2205 reported with the initial report required by s. 106.07,  
2206 regardless of the date the funds were received or spent.

2207 (2) The exemption provided in subsection (1) does not apply  
2208 to funds received or spent for activities indicating that an  
2209 individual has decided to become a candidate for a particular  
2210 office or for activities relevant to conducting a campaign.  
2211 Examples of activities that indicate that an individual has  
2212 decided to become a candidate include, but are not limited to:

2213 (a) The individual uses general political advertising to  
2214 publicize his or her intent to campaign for office.

2215 (b) The individual raises funds in excess of what could  
2216 reasonably be expected to be used for exploratory activities or  
2217 undertakes activities designed to amass campaign funds that



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2218 would be spent after he or she becomes a candidate.

2219 (c) The individual makes or authorizes written or oral  
2220 statements that refer to him or her as a candidate for office.

2221 (d) The individual conducts activities in close proximity  
2222 to the election or over a protracted period of time.

2223 (e) The individual takes action to qualify for office under  
2224 s. 99.061.

2225 (3) Individuals are limited to receiving up to \$10,000 for  
2226 determining whether to become a candidate for office under this  
2227 section. An individual may only determine whether to become a  
2228 candidate for a single office.

2229 Section 47. Subsection (3) of section 106.021, Florida  
2230 Statutes, is amended to read:

2231 106.021 Campaign treasurers; deputies; primary and  
2232 secondary depositories.—

2233 (3) No contribution or expenditure, including contributions  
2234 or expenditures of a candidate or of the candidate's family,  
2235 shall be directly or indirectly made or received in furtherance  
2236 of the candidacy of any person for nomination or election to  
2237 political office in the state or on behalf of any political  
2238 committee except through the duly appointed campaign treasurer  
2239 of the candidate or political committee, subject to the  
2240 following exceptions:

2241 (a) Independent expenditures;

2242 (b) Reimbursements to a candidate or any other individual  
2243 for expenses incurred in connection with the campaign or  
2244 activities of the political committee by a check drawn upon the  
2245 campaign account and reported pursuant to s. 106.07(4). ~~After~~  
2246 ~~July 1, 2004,~~ The full name ~~and address~~ of each person to whom



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2247 the candidate or other individual made payment for which  
2248 reimbursement was made by check drawn upon the campaign account  
2249 shall be reported pursuant to s. 106.07(4), together with the  
2250 purpose of such payment;

2251 (c) Expenditures made indirectly through a treasurer for  
2252 goods or services, such as communications media placement or  
2253 procurement services, campaign signs, insurance, or other  
2254 expenditures that include multiple integral components as part  
2255 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
2256 or

2257 (d) Expenditures made directly by any political committee  
2258 or political party regulated by chapter 103 for obtaining time,  
2259 space, or services in or by any communications medium for the  
2260 purpose of jointly endorsing three or more candidates, and any  
2261 such expenditure shall not be considered a contribution or  
2262 expenditure to or on behalf of any such candidates for the  
2263 purposes of this chapter.

2264 Section 48. Section 106.022, Florida Statutes, is amended  
2265 to read:

2266 106.022 Appointment of a registered agent; duties.—

2267 (1) Each political committee, committee of continuous  
2268 existence, or electioneering communications organization shall  
2269 have and continuously maintain in this state a registered office  
2270 and a registered agent and must file with the filing officer  
2271 ~~division~~ a statement of appointment for the registered office  
2272 and registered agent. The statement of appointment must:

2273 (a) Provide the name of the registered agent and the street  
2274 address and phone number for the registered office;

2275 (b) Identify the entity for whom the registered agent



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2276 serves;

2277 (c) Designate the address the registered agent wishes to  
2278 use to receive mail;

2279 (d) Include the entity's undertaking to inform the filing  
2280 officer ~~division~~ of any change in such designated address;

2281 (e) Provide for the registered agent's acceptance of the  
2282 appointment, which must confirm that the registered agent is  
2283 familiar with and accepts the obligations of the position as set  
2284 forth in this section; and

2285 (f) Contain the signature of the registered agent and the  
2286 entity engaging the registered agent.

2287 (2) An entity may change its appointment of registered  
2288 agent and registered office under this section by executing a  
2289 written statement of change and filing it with the filing  
2290 officer. The statement must satisfy ~~that identifies the former~~  
2291 ~~registered agent and registered address and also satisfies~~ all  
2292 of the requirements of subsection (1).

2293 (3) A registered agent may resign his or her appointment as  
2294 registered agent by executing a written statement of resignation  
2295 and filing it with the filing officer ~~division~~. An entity  
2296 without a registered agent may not make expenditures or accept  
2297 contributions until it files a written statement of change as  
2298 required in subsection (2).

2299 Section 49. Subsection (1) of section 106.023, Florida  
2300 Statutes, is amended to read:

2301 106.023 Statement of candidate.—

2302 (1) Each candidate must file a statement with the  
2303 qualifying officer within 10 days after filing the appointment  
2304 of campaign treasurer and designation of campaign depository,





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2305 stating that the candidate has read and understands the  
2306 requirements of this chapter. Such statement shall be provided  
2307 by the filing officer and shall be in substantially the  
2308 following form:

2309 STATEMENT OF CANDIDATE

2310 I, ....., candidate for the office of ....., have been  
2311 provided access to ~~received~~, read, and understand the  
2312 requirements of Chapter 106, Florida Statutes.

2313 ... (Signature of candidate) ... (Date) ...

2314 Willful failure to file this form is a violation of ss.  
2315 106.19(1)(c) and 106.25(3), F.S.

2316 Section 50. Paragraph (c) of subsection (1) of section  
2317 106.025, Florida Statutes, is amended to read:

2318 106.025 Campaign fund raisers.—

2319 (1)

2320 (c) Any tickets or advertising for such a campaign fund  
2321 raiser is exempt from the requirements of s. 106.143 ~~shall~~  
2322 ~~contain the following statement: "The purchase of a ticket for,~~  
2323 ~~or a contribution to, the campaign fund raiser is a contribution~~  
2324 ~~to the campaign of ... (name of the candidate for whose benefit~~  
2325 ~~the campaign fund raiser is held)...." Such tickets or~~  
2326 ~~advertising shall also comply with other provisions of this~~  
2327 ~~chapter relating to political advertising.~~

2328 Section 51. Subsection (1) of section 106.03, Florida  
2329 Statutes, is amended to read:

2330 106.03 Registration of political committees and  
2331 electioneering communications organizations.—

2332 (1)(a) Each political committee that receives ~~anticipates~~  
2333 ~~receiving~~ contributions or makes ~~making~~ expenditures during a



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2334 calendar year in an aggregate amount exceeding \$500 or that  
2335 seeks ~~is seeking~~ the signatures of registered electors in  
2336 support of an initiative shall file a statement of organization  
2337 as provided in subsection (3) within 10 days after its  
2338 organization ~~or, if later, within 10 days after the date on~~  
2339 ~~which it has information that causes the committee to anticipate~~  
2340 ~~that it will receive contributions or make expenditures in~~  
2341 ~~excess of \$500.~~ If a political committee is organized within 10  
2342 days of any election, it shall immediately file the statement of  
2343 organization required by this section.

2344 (b)1. Each group ~~electioneering communications organization~~  
2345 ~~that receives contributions or makes expenditures during a~~  
2346 ~~calendar year in an aggregate amount exceeding \$5,000~~ shall file  
2347 a statement of organization as an electioneering communications  
2348 organization ~~provided in subparagraph 2. by expedited delivery~~  
2349 ~~within 24 hours after its organization or, if later, within 24~~  
2350 ~~hours after the date on which it receives contributions or makes~~  
2351 ~~expenditures for an electioneering communication in excess of~~  
2352 \$5,000, if such expenditures are made within the timeframes  
2353 specified in s. 106.011(18)(a)2. If the group makes expenditures  
2354 for an electioneering communication in excess of \$5,000 before  
2355 the timeframes specified in s. 106.011(18)(a)2., it shall file  
2356 the statement of organization within 24 hours after the 30th day  
2357 before a primary or special primary election, or within 24 hours  
2358 after the 60th day before any other election, whichever is  
2359 applicable.

2360 2.a. In a statewide, legislative, or multicounty election,  
2361 an electioneering communications organization shall file a  
2362 statement of organization with the Division of Elections.



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2363           b. In a countywide election or any election held on less  
2364 than a countywide basis, except as described in sub-subparagraph  
2365 c., an electioneering communications organization shall file a  
2366 statement of organization with the supervisor of elections of  
2367 the county in which the election is being held.

2368           c. In a municipal election, an electioneering  
2369 communications organization shall file a statement of  
2370 organization with the officer before whom municipal candidates  
2371 qualify.

2372           d. Any electioneering communications organization that  
2373 would be required to file a statement of organization in two or  
2374 more locations by reason of the organization's intention to  
2375 support or oppose candidates at state or multicounty and local  
2376 levels of government need only file a statement of organization  
2377 with the Division of Elections.

2378           Section 52. Subsection (4) of section 106.04, Florida  
2379 Statutes, is amended, present subsections (7) and (8) are  
2380 amended and renumbered as subsections (8) and (9), respectively,  
2381 and a new subsection (7) is added to that section, to read:

2382           106.04 Committees of continuous existence.—

2383           (4) (a) Each committee of continuous existence shall file an  
2384 annual report with the Division of Elections during the month of  
2385 January. Such annual reports shall contain the same information  
2386 and shall be accompanied by the same materials as original  
2387 applications filed pursuant to subsection (2). However, the  
2388 charter or bylaws need not be filed if the annual report is  
2389 accompanied by a sworn statement by the chair that no changes  
2390 have been made to such charter or bylaws since the last filing.

2391           (b) 1. Each committee of continuous existence shall file



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2392 regular reports with the Division of Elections at the same times  
2393 and subject to the same filing conditions as are established by  
2394 s. 106.07(1) and (2) for candidates' reports.

2395 2. A committee of continuous existence that makes a  
2396 contribution to or an expenditure on behalf of a candidate in a  
2397 county or municipal election that is not being held at the same  
2398 time as a state or federal election must file campaign finance  
2399 reports with the county or municipal filing officer on the same  
2400 dates as county or municipal candidates or committees for that  
2401 election. The committee of continuous existence must also  
2402 include the contribution or expenditure in the next report filed  
2403 with the Division of Elections pursuant to this section after  
2404 the county or municipal election.

2405 3.2. Any committee of continuous existence failing to so  
2406 file a report with the Division of Elections or applicable  
2407 filing officer pursuant to this paragraph on the designated due  
2408 date shall be subject to a fine for late filing as provided by  
2409 this section.

2410 (c) All committees of continuous existence shall file their  
2411 reports with the Division of Elections. Reports shall be filed  
2412 in accordance with s. 106.0705 and shall contain the following  
2413 information:

2414 1. The full name, address, and occupation of each person  
2415 who has made one or more contributions, including contributions  
2416 that represent the payment of membership dues, to the committee  
2417 during the reporting period, together with the amounts and dates  
2418 of such contributions. For corporations, the report must provide  
2419 as clear a description as practicable of the principal type of  
2420 business conducted by the corporation. However, if the



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2421 contribution is \$100 or less, the occupation of the contributor  
2422 or principal type of business need not be listed. However, for  
2423 any contributions that represent the payment of dues by members  
2424 in a fixed amount aggregating no more than \$250 per calendar  
2425 year, pursuant to the schedule on file with the Division of  
2426 Elections, only the aggregate amount of such contributions need  
2427 be listed, together with the number of members paying such dues  
2428 and the amount of the membership dues.

2429         2. The name and address of each political committee or  
2430 committee of continuous existence from which the reporting  
2431 committee received, or the name and address of each political  
2432 committee, committee of continuous existence, or political party  
2433 to which it made, any transfer of funds, together with the  
2434 amounts and dates of all transfers.

2435         3. Any other receipt of funds not listed pursuant to  
2436 subparagraph 1. or subparagraph 2., including the sources and  
2437 amounts of all such funds.

2438         4. The name and address of, and office sought by, each  
2439 candidate to whom the committee has made a contribution during  
2440 the reporting period, together with the amount and date of each  
2441 contribution.

2442         5. The full name and address of each person to whom  
2443 expenditures have been made by or on behalf of the committee  
2444 within the reporting period; the amount, date, and purpose of  
2445 each such expenditure; and the name and address, and office  
2446 sought by, each candidate on whose behalf such expenditure was  
2447 made.

2448         6. The full name and address of each person to whom an  
2449 expenditure for personal services, salary, or reimbursement for



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2450 authorized expenses has been made, including the full name and  
2451 address of each entity to whom the person made payment for which  
2452 reimbursement was made by check drawn upon the committee  
2453 account, together with the amount and purpose of such payment.

2454 7. Transaction information from each credit card purchase  
2455 ~~statement that will be included in the next report following~~  
2456 ~~receipt thereof by the committee.~~ Receipts for each credit card  
2457 purchase shall be retained by the treasurer with the records for  
2458 the committee account.

2459 8. The total sum of expenditures made by the committee  
2460 during the reporting period.

2461 (d) The treasurer of each committee shall certify as to the  
2462 correctness of each report and shall bear the responsibility for  
2463 its accuracy and veracity. Any treasurer who willfully certifies  
2464 to the correctness of a report while knowing that such report is  
2465 incorrect, false, or incomplete commits a misdemeanor of the  
2466 first degree, punishable as provided in s. 775.082 or s.  
2467 775.083.

2468 (7) Any change in information previously submitted to the  
2469 division shall be reported within 10 days after the change.

2470 (8)-(7) If a committee of continuous existence ceases to  
2471 meet the criteria prescribed by subsection (1), the Division of  
2472 Elections shall revoke its certification ~~until such time as the~~  
2473 ~~criteria are again met.~~ The Division of Elections shall adopt  
2474 ~~promulgate~~ rules to prescribe the manner in which the such  
2475 certification of a committee of continuous existence shall be  
2476 revoked. Such rules shall, at a minimum, provide for:

2477 (a) Notice, which must ~~shall~~ contain the facts and conduct  
2478 that warrant the intended action.



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2479 (b) Adequate opportunity to respond.

2480 (c) Appeal of the decision to the Florida Elections  
2481 Commission. Such appeals are ~~shall be~~ exempt from the  
2482 confidentiality provisions of s. 106.25.

2483 ~~(9)(8)~~(a) Any committee of continuous existence failing to  
2484 file a report on the designated due date is ~~shall be~~ subject to  
2485 a fine. The fine shall be \$50 per day for the first 3 days late  
2486 and, thereafter, \$500 per day for each late day, not to exceed  
2487 25 percent of the total receipts or expenditures, whichever is  
2488 greater, for the period covered by the late report. However, for  
2489 the reports immediately before each primary and general  
2490 election, including a special primary election and a special  
2491 general election, the fine shall be \$500 per day for each late  
2492 day, not to exceed 25 percent of the total receipts or  
2493 expenditures, whichever is greater, for the period covered by  
2494 the late report. The fine shall be assessed by the filing  
2495 officer, and the moneys collected shall be deposited into:

2496 1. ~~In~~ The General Revenue Fund, in the case of fines  
2497 collected by the Division of Elections.

2498 2. The general revenue fund of the political subdivision,  
2499 in the case of fines collected by a county or municipal filing  
2500 officer.

2501

2502 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file  
2503 a copy of any report required by this section.

2504 (b) Upon determining that a report is late, the filing  
2505 officer shall immediately notify the treasurer of the committee  
2506 or the committee's registered agent as to the failure to file a  
2507 report by the designated due date and that a fine is being



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2508 assessed for each late day. Upon receipt of the report, the  
2509 filing officer shall determine the amount of fine which is due  
2510 and shall notify the treasurer of the committee. Notice is  
2511 deemed complete upon proof of delivery of written notice to the  
2512 mailing or street address on record with the filing officer. The  
2513 filing officer shall determine the amount of the fine due based  
2514 upon the earliest of the following:

- 2515 1. When the report is actually received by such officer.
- 2516 2. When the report is postmarked.
- 2517 3. When the certificate of mailing is dated.
- 2518 4. When the receipt from an established courier company is  
2519 dated.

2520  
2521 Such fine shall be paid to the filing officer within 20 days  
2522 after receipt of the notice of payment due, unless appeal is  
2523 made to the Florida Elections Commission pursuant to paragraph  
2524 (c). An officer or member of a committee is shall not be  
2525 personally liable for such fine.

2526 (c) Any treasurer of a committee may appeal or dispute the  
2527 fine, based upon unusual circumstances surrounding the failure  
2528 to file on the designated due date, and may request and is shall  
2529 be entitled to a hearing before the Florida Elections  
2530 Commission, which may shall have the authority to waive the fine  
2531 in whole or in part. Any such request must shall be made within  
2532 20 days after receipt of the notice of payment due. In such  
2533 case, the treasurer of The committee shall file a copy of the  
2534 appeal with, within the 20-day period, notify the filing officer  
2535 in writing of his or her intention to bring the matter before  
2536 the commission.





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2537 (d) The filing officer shall notify the Florida Elections  
2538 Commission of the repeated late filing by a committee of  
2539 continuous existence, the failure of a committee of continuous  
2540 existence to file a report after notice, or the failure to pay  
2541 the fine imposed.

2542 Section 53. Section 106.07, Florida Statutes, is amended to  
2543 read:

2544 106.07 Reports; certification and filing.—

2545 (1) Each campaign treasurer designated by a candidate or  
2546 political committee pursuant to s. 106.021 shall file regular  
2547 reports of all contributions received, and all expenditures  
2548 made, by or on behalf of such candidate or political committee.  
2549 Except for the third calendar quarter immediately before a  
2550 general election, reports shall be filed on the 10th day  
2551 following the end of each calendar quarter from the time the  
2552 campaign treasurer is appointed, except that, if the 10th day  
2553 following the end of a calendar quarter occurs on a Saturday,  
2554 Sunday, or legal holiday, the report shall be filed on the next  
2555 following day which is not a Saturday, Sunday, or legal holiday.  
2556 Quarterly reports shall include all contributions received and  
2557 expenditures made during the calendar quarter which have not  
2558 otherwise been reported pursuant to this section.

2559 (a) Except as provided in paragraph (b), ~~following the last~~  
2560 ~~day of qualifying for office,~~ the reports shall also be filed on  
2561 the 32nd, 18th, and 4th days immediately preceding the primary  
2562 and on the 46th, 32nd, 18th, and 4th days immediately preceding  
2563 the election, for a candidate who is opposed in seeking  
2564 nomination or election to any office, for a political committee,  
2565 or for a committee of continuous existence.



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2566 (b) ~~Following the last day of qualifying for office,~~ Any  
2567 statewide candidate who has requested to receive contributions  
2568 pursuant to ~~from~~ the Florida Election Campaign Financing Act  
2569 ~~Trust Fund~~ or any statewide candidate in a race with a candidate  
2570 who has requested to receive contributions pursuant to ~~from~~ the  
2571 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,  
2572 25th, and 32nd days prior to the primary election, and on the  
2573 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to  
2574 the general election.

2575 (c) Following the last day of qualifying for office, any  
2576 unopposed candidate need only file a report within 90 days after  
2577 the date such candidate became unopposed. Such report shall  
2578 contain all previously unreported contributions and expenditures  
2579 as required by this section and shall reflect disposition of  
2580 funds as required by s. 106.141.

2581 (d)1. When a special election is called to fill a vacancy  
2582 in office, all political committees ~~and committees of continuous~~  
2583 ~~existence~~ making contributions or expenditures to influence the  
2584 results of such special election or the preceding special  
2585 primary election shall file campaign treasurers' reports with  
2586 the filing officer on the dates set by the Department of State  
2587 pursuant to s. 100.111.

2588 2. When an election is called for an issue to appear on the  
2589 ballot at a time when no candidates are scheduled to appear on  
2590 the ballot, all political committees making contributions or  
2591 expenditures in support of or in opposition to such issue shall  
2592 file reports on the 18th and 4th days prior to such election.

2593 (e) The filing officer shall provide each candidate with a  
2594 schedule designating the beginning and end of reporting periods



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2595 as well as the corresponding designated due dates.

2596 (2)(a)1. All reports required of a candidate by this  
2597 section shall be filed with the officer before whom the  
2598 candidate is required by law to qualify. All candidates who file  
2599 with the Department of State shall file their reports pursuant  
2600 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
2601 be filed not later than 5 p.m. of the day designated; however,  
2602 any report postmarked by the United States Postal Service no  
2603 later than midnight of the day designated shall be deemed to  
2604 have been filed in a timely manner. Any report received by the  
2605 filing officer within 5 days after the designated due date that  
2606 was delivered by the United States Postal Service shall be  
2607 deemed timely filed unless it has a postmark that indicates that  
2608 the report was mailed after the designated due date. A  
2609 certificate of mailing obtained from and dated by the United  
2610 States Postal Service at the time of mailing, or a receipt from  
2611 an established courier company, which bears a date on or before  
2612 the date on which the report is due, shall be proof of mailing  
2613 in a timely manner. Reports shall contain information of all  
2614 previously unreported contributions received and expenditures  
2615 made as of the preceding Friday, except that the report filed on  
2616 the Friday immediately preceding the election shall contain  
2617 information of all previously unreported contributions received  
2618 and expenditures made as of the day preceding that designated  
2619 due date. All such reports shall be open to public inspection.

2620 2. This subsection does not prohibit the governing body of  
2621 a political subdivision, by ordinance or resolution, from  
2622 imposing upon its own officers and candidates electronic filing  
2623 requirements not in conflict with s. 106.0705. Expenditure of



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2624 public funds for such purpose is deemed to be for a valid public  
2625 purpose.

2626 (b)1. Any report that ~~which~~ is deemed to be incomplete by  
2627 the officer with whom the candidate qualifies shall be accepted  
2628 on a conditional basis. ~~and~~ The campaign treasurer shall be  
2629 notified by certified ~~registered~~ mail or by another method using  
2630 a common carrier that provides a proof of delivery of the notice  
2631 as to why the report is incomplete and within 7 ~~be given 3~~ days  
2632 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to  
2633 the report providing all information necessary to complete the  
2634 report in compliance with this section. Failure to file a  
2635 complete report after such notice constitutes a violation of  
2636 this chapter.

2637 2. Notice is deemed complete upon proof of delivery of a  
2638 written notice to the mailing or street address of the campaign  
2639 treasurer or registered agent of record with the filing officer.  
2640 ~~In lieu of the notice by registered mail as required in~~  
2641 ~~subparagraph 1., the qualifying officer may notify the campaign~~  
2642 ~~treasurer by telephone that the report is incomplete and request~~  
2643 ~~the information necessary to complete the report. If, however,~~  
2644 ~~such information is not received by the qualifying officer~~  
2645 ~~within 3 days after the telephone request therefor, notice shall~~  
2646 ~~be sent by registered mail as provided in subparagraph 1.~~

2647 (3) (a) Reports required of a political committee shall be  
2648 filed with the agency or officer before whom such committee  
2649 registers pursuant to s. 106.03(3) and shall be subject to the  
2650 same filing conditions as established for candidates' reports.  
2651 Incomplete reports by political committees shall be treated in  
2652 the manner provided for incomplete reports by candidates in



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2653 subsection (2).

2654 (b) In addition to the reports required under paragraph  
2655 (a), a political committee that is registered with the  
2656 Department of State and that makes a contribution to or an  
2657 expenditure on behalf of a candidate in a county or municipal  
2658 election that is not being held at the same time as a state or  
2659 federal election must file campaign finance reports with the  
2660 county or municipal filing officer on the same filing dates  
2661 required of a county or municipal candidate or committee for  
2662 that election. The political committee must also include such  
2663 contribution or expenditure in the next report filed with the  
2664 Division of Elections pursuant to this section after the county  
2665 or municipal election.

2666 (4) (a) Each report required by this section must ~~shall~~  
2667 contain:

2668 1. The full name, address, and occupation, if any of each  
2669 person who has made one or more contributions to or for such  
2670 committee or candidate within the reporting period, together  
2671 with the amount and date of such contributions. For  
2672 corporations, the report must provide as clear a description as  
2673 practicable of the principal type of business conducted by the  
2674 corporation. However, if the contribution is \$100 or less or is  
2675 from a relative, as defined in s. 112.312, provided that the  
2676 relationship is reported, the occupation of the contributor or  
2677 the principal type of business need not be listed.

2678 2. The name and address of each political committee from  
2679 which the reporting committee or the candidate received, or to  
2680 which the reporting committee or candidate made, any transfer of  
2681 funds, together with the amounts and dates of all transfers.



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2682           3. Each loan for campaign purposes to or from any person or  
2683 political committee within the reporting period, together with  
2684 the full names, addresses, and occupations, and principal places  
2685 of business, if any, of the lender and endorsers, if any, and  
2686 the date and amount of such loans.

2687           4. A statement of each contribution, rebate, refund, or  
2688 other receipt not otherwise listed under subparagraphs 1.  
2689 through 3.

2690           5. The total sums of all loans, in-kind contributions, and  
2691 other receipts by or for such committee or candidate during the  
2692 reporting period. The reporting forms shall be designed to  
2693 elicit separate totals for in-kind contributions, loans, and  
2694 other receipts.

2695           6. The full name and address of each person to whom  
2696 expenditures have been made by or on behalf of the committee or  
2697 candidate within the reporting period; the amount, date, and  
2698 purpose of each such expenditure; and the name and address of,  
2699 and office sought by, each candidate on whose behalf such  
2700 expenditure was made. However, expenditures made from the petty  
2701 cash fund provided by s. 106.12 need not be reported  
2702 individually.

2703           7. The full name and address of each person to whom an  
2704 expenditure for personal services, salary, or reimbursement for  
2705 authorized expenses as provided in s. 106.021(3) has been made  
2706 and which is not otherwise reported, including the amount, date,  
2707 and purpose of such expenditure. However, expenditures made from  
2708 the petty cash fund provided for in s. 106.12 need not be  
2709 reported individually. Receipts for reimbursement for authorized  
2710 expenses shall be retained by the treasurer with the records for



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2711 the campaign account.

2712 8. The total amount withdrawn and the total amount spent  
2713 for petty cash purposes pursuant to this chapter during the  
2714 reporting period.

2715 9. The total sum of expenditures made by such committee or  
2716 candidate during the reporting period.

2717 10. The amount and nature of debts and obligations owed by  
2718 or to the committee or candidate, which relate to the conduct of  
2719 any political campaign.

2720 11. Transaction information for each credit card purchase.

2721 ~~A copy of each credit card statement which shall be included in~~  
2722 ~~the next report following receipt thereof by the candidate or~~  
2723 ~~political committee. Receipts for each credit card purchase~~  
2724 ~~shall be retained by the treasurer with the records for the~~  
2725 ~~campaign account.~~

2726 12. The amount and nature of any separate interest-bearing  
2727 accounts or certificates of deposit and identification of the  
2728 financial institution in which such accounts or certificates of  
2729 deposit are located.

2730 13. The primary purposes of an expenditure made indirectly  
2731 through a campaign treasurer pursuant to s. 106.021(3) for goods  
2732 and services such as communications media placement or  
2733 procurement services, campaign signs, insurance, and other  
2734 expenditures that include multiple components as part of the  
2735 expenditure. The primary purpose of an expenditure shall be that  
2736 purpose, including integral and directly related components,  
2737 that comprises 80 percent of such expenditure.

2738 (b) The filing officer shall make available to any  
2739 candidate or committee a reporting form which the candidate or



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2740 committee may use to indicate contributions received by the  
2741 candidate or committee but returned to the contributor before  
2742 deposit.

2743 (5) The candidate and his or her campaign treasurer, in the  
2744 case of a candidate, or the political committee chair and  
2745 campaign treasurer of the committee, in the case of a political  
2746 committee, shall certify as to the correctness of each report;  
2747 and each person so certifying shall bear the responsibility for  
2748 the accuracy and veracity of each report. Any campaign  
2749 treasurer, candidate, or political committee chair who willfully  
2750 certifies the correctness of any report while knowing that such  
2751 report is incorrect, false, or incomplete commits a misdemeanor  
2752 of the first degree, punishable as provided in s. 775.082 or s.  
2753 775.083.

2754 (6) ~~The campaign depository shall return all checks drawn~~  
2755 ~~on the account to the campaign treasurer who shall retain the~~  
2756 ~~records pursuant to s. 106.06.~~ The records maintained by the  
2757 campaign depository with respect to any campaign account  
2758 regulated by this chapter are such account shall be subject to  
2759 inspection by an agent of the Division of Elections or the  
2760 Florida Elections Commission at any time during normal banking  
2761 hours, and such depository shall furnish certified copies of any  
2762 of such records to the Division of Elections or Florida  
2763 Elections Commission upon request.

2764 (7) Notwithstanding any other provisions of this chapter,  
2765 in any reporting period during which a candidate, political  
2766 committee, or committee of continuous existence has not received  
2767 funds, made any contributions, or expended any reportable funds,  
2768 the filing of the required report for that period is waived.





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2769 However, the next report filed must specify that the report  
2770 covers the entire period between the last submitted report and  
2771 the report being filed, and any candidate, political committee,  
2772 or committee of continuous existence not reporting by virtue of  
2773 this subsection on dates prescribed elsewhere in this chapter  
2774 shall notify the filing officer in writing on the prescribed  
2775 reporting date that no report is being filed on that date.

2776 (8) (a) Any candidate or political committee failing to file  
2777 a report on the designated due date is ~~shall be~~ subject to a  
2778 fine as provided in paragraph (b) for each late day, and, in the  
2779 case of a candidate, such fine shall be paid only from personal  
2780 funds of the candidate. The fine shall be assessed by the filing  
2781 officer and the moneys collected shall be deposited:

2782 1. In the General Revenue Fund, in the case of a candidate  
2783 for state office or a political committee that registers with  
2784 the Division of Elections; or

2785 2. In the general revenue fund of the political  
2786 subdivision, in the case of a candidate for an office of a  
2787 political subdivision or a political committee that registers  
2788 with an officer of a political subdivision.

2789  
2790 A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to file  
2791 a copy of any report required by this section.

2792 (b) Upon determining that a report is late, the filing  
2793 officer shall immediately notify the candidate or chair of the  
2794 political committee as to the failure to file a report by the  
2795 designated due date and that a fine is being assessed for each  
2796 late day. The fine shall be \$50 per day for the first 3 days  
2797 late and, thereafter, \$500 per day for each late day, not to



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2798 exceed 25 percent of the total receipts or expenditures,  
2799 whichever is greater, for the period covered by the late report.  
2800 However, for the reports immediately preceding each special  
2801 primary election, special election, primary election, and  
2802 general election, the fine shall be \$500 per day for each late  
2803 day, not to exceed 25 percent of the total receipts or  
2804 expenditures, whichever is greater, for the period covered by  
2805 the late report. For reports required under s. 106.141(7), the  
2806 fine is \$50 per day for each late day, not to exceed 25 percent  
2807 of the total receipts or expenditures, whichever is greater, for  
2808 the period covered by the late report. Upon receipt of the  
2809 report, the filing officer shall determine the amount of the  
2810 fine which is due and shall notify the candidate or chair or  
2811 registered agent of the political committee. The filing officer  
2812 shall determine the amount of the fine due based upon the  
2813 earliest of the following:  
2814 1. When the report is actually received by such officer.  
2815 2. When the report is postmarked.  
2816 3. When the certificate of mailing is dated.  
2817 4. When the receipt from an established courier company is  
2818 dated.  
2819 5. When the electronic receipt issued pursuant to s.  
2820 106.0705 or other electronic filing system authorized in this  
2821 section is dated.  
2822  
2823 Such fine shall be paid to the filing officer within 20 days  
2824 after receipt of the notice of payment due, unless appeal is  
2825 made to the Florida Elections Commission pursuant to paragraph  
2826 (c). Notice is deemed complete upon proof of delivery of written



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2827 notice to the mailing or street address of record with the  
2828 filing officer. In the case of a candidate, such fine shall not  
2829 be an allowable campaign expenditure and shall be paid only from  
2830 personal funds of the candidate. An officer or member of a  
2831 political committee shall not be personally liable for such  
2832 fine.

2833 (c) Any candidate or chair of a political committee may  
2834 appeal or dispute the fine, based upon, but not limited to,  
2835 unusual circumstances surrounding the failure to file on the  
2836 designated due date, and may request and shall be entitled to a  
2837 hearing before the Florida Elections Commission, which shall  
2838 have the authority to waive the fine in whole or in part. The  
2839 Florida Elections Commission must consider the mitigating and  
2840 aggravating circumstances contained in s. 106.265~~(1)~~ when  
2841 determining the amount of a fine, if any, to be waived. Any such  
2842 request shall be made within 20 days after receipt of the notice  
2843 of payment due. In such case, the candidate or chair of the  
2844 political committee shall, within the 20-day period, notify the  
2845 filing officer in writing of his or her intention to bring the  
2846 matter before the commission.

2847 (d) The appropriate filing officer shall notify the Florida  
2848 Elections Commission of the repeated late filing by a candidate  
2849 or political committee, the failure of a candidate or political  
2850 committee to file a report after notice, or the failure to pay  
2851 the fine imposed. The commission shall investigate only those  
2852 alleged late filing violations specifically identified by the  
2853 filing officer and as set forth in the notification. Any other  
2854 alleged violations must be separately stated and reported by the  
2855 division to the commission under s. 106.25(2).



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2856 (9) The Department of State may prescribe by rule the  
2857 requirements for filing campaign treasurers' reports as set  
2858 forth in this chapter.

2859 Section 54. Paragraph (c) of subsection (7) and subsections  
2860 (8) and (9) of section 106.0703, Florida Statutes, are amended  
2861 to read:

2862 106.0703 Electioneering communications organizations;  
2863 reporting requirements; certification and filing; penalties.—

2864 (7)

2865 (c) The treasurer of an electioneering communications  
2866 organization may appeal or dispute the fine, based upon, but not  
2867 limited to, unusual circumstances surrounding the failure to  
2868 file on the designated due date, and may request and shall be  
2869 entitled to a hearing before the Florida Elections Commission,  
2870 which shall have the authority to waive the fine in whole or in  
2871 part. The Florida Elections Commission must consider the  
2872 mitigating and aggravating circumstances contained in s.

2873 106.265(4) when determining the amount of a fine, if any, to be  
2874 waived. Any such request shall be made within 20 days after  
2875 receipt of the notice of payment due. In such case, the  
2876 treasurer of the electioneering communications organization  
2877 shall, within the 20-day period, notify the filing officer in  
2878 writing of his or her intention to bring the matter before the  
2879 commission.

2880 ~~(8) An electioneering communications organization shall,~~  
2881 ~~within 2 days after receiving its initial password or secure~~  
2882 ~~sign-on from the Department of State allowing confidential~~  
2883 ~~access to the department's electronic campaign finance filing~~  
2884 ~~system, electronically file the periodic reports that would have~~



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2885 ~~been required pursuant to this section for reportable activities~~  
2886 ~~that occurred since the date of the last general election.~~

2887 ~~(8)~~(9) Electioneering communications organizations shall  
2888 not use credit cards.

2889 Section 55. Paragraphs (a) and (c) of subsection (2) and  
2890 subsections (3) and (7) of section 106.0705, Florida Statutes,  
2891 are amended to read:

2892 106.0705 Electronic filing of campaign treasurer's  
2893 reports.—

2894 (2) (a) Each individual ~~candidate~~ who is required to file  
2895 reports with the division pursuant to s. 106.07 or s. 106.141  
2896 ~~with the division~~ must file such reports ~~with the division~~ by  
2897 means of the division's electronic filing system.

2898 (c) Each person or organization that is required to file  
2899 reports with the division under s. 106.071 must file such  
2900 reports ~~with the division~~ by means of the division's electronic  
2901 filing system.

2902 (3) Reports filed pursuant to this section shall be  
2903 completed and filed through the electronic filing system not  
2904 later than midnight of the day designated. Reports not filed by  
2905 midnight of the day designated are late filed and are subject to  
2906 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.  
2907 106.0703(7), or s. 106.29(3), as applicable.

2908 ~~(7) Notwithstanding anything in law to the contrary, any~~  
2909 ~~report required to have been filed under this section for the~~  
2910 ~~period ended March 31, 2005, shall be deemed to have been timely~~  
2911 ~~filed if the report is filed under this section on or before~~  
2912 ~~June 1, 2005.~~

2913 Section 56. Subsections (1) and (2) of section 106.071,



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2914 Florida Statutes, are amended to read:

2915 106.071 Independent expenditures; electioneering  
2916 communications; reports; disclaimers.—

2917 (1) Each person who makes an independent expenditure with  
2918 respect to any candidate or issue, and each individual who makes  
2919 an expenditure for an electioneering communication which is not  
2920 otherwise reported pursuant to this chapter, which expenditure,  
2921 in the aggregate in a calendar year, is in the amount of \$5,000  
2922 or more, shall file periodic reports of such expenditures in the  
2923 same manner, at the same time, subject to the same penalties,  
2924 and with the same officer as a political committee supporting or  
2925 opposing such candidate or issue. The report shall contain the  
2926 full name and address of the person making the expenditure; the  
2927 full name and address of each person to whom and for whom each  
2928 such expenditure has been made; the amount, date, and purpose of  
2929 each such expenditure; a description of the services or goods  
2930 obtained by each such expenditure; the issue to which the  
2931 expenditure relates; and the name and address of, and office  
2932 sought by, each candidate on whose behalf such expenditure was  
2933 made.

2934 (2) A ~~Any~~ political advertisement paid for by an  
2935 independent expenditure, other than such an expenditure by an  
2936 individual in an aggregate amount of \$500, shall prominently  
2937 state "Paid political advertisement paid for by ... (Name and  
2938 address of person paying for advertisement)... independently of  
2939 any ... (candidate or committee)...." However, an independent  
2940 expenditure made by an individual must state "Paid political  
2941 advertisement independent of any ... (candidate or  
2942 committee)...."



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2943           Section 57. Paragraph (c) of subsection (3) and paragraph  
2944 (b) of subsection (6) of section 106.08, Florida Statutes, are  
2945 amended to read:

2946           106.08 Contributions; limitations on.-

2947           (3)

2948           ~~(c) With respect to any campaign for an office in which an~~  
2949 ~~independent or minor party candidate has filed as required in s.~~  
2950 ~~99.0955 or s. 99.096, but whose qualification is pending a~~  
2951 ~~determination by the Department of State or supervisor of~~  
2952 ~~elections as to whether or not the required number of petition~~  
2953 ~~signatures was obtained:~~

2954           ~~1. The department or supervisor shall, no later than 3 days~~  
2955 ~~after that determination has been made, notify in writing all~~  
2956 ~~other candidates for that office of that determination.~~

2957           ~~2. Any contribution received by a candidate or the campaign~~  
2958 ~~treasurer or deputy campaign treasurer of a candidate after the~~  
2959 ~~candidate has been notified in writing by the department or~~  
2960 ~~supervisor that he or she has become unopposed as a result of an~~  
2961 ~~independent or minor party candidate failing to obtain the~~  
2962 ~~required number of petition signatures shall be returned to the~~  
2963 ~~person, political committee, or committee of continuous~~  
2964 ~~existence contributing it and shall not be used or expended by~~  
2965 ~~or on behalf of the candidate.~~

2966           (6)

2967           (b)1. A political party may not accept any in-kind  
2968 contribution that fails to provide a direct benefit to the  
2969 political party. A "direct benefit" includes, but is not limited  
2970 to, fundraising or furthering the objectives of the political  
2971 party.



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2972           2.a. An in-kind contribution to a state political party may  
2973 be accepted only by the chairperson of the state political party  
2974 or by the chairperson's designee or designees whose names are on  
2975 file with the division in a form acceptable to the division  
2976 prior to the date of the written notice required in sub-  
2977 subparagraph b. An in-kind contribution to a county political  
2978 party may be accepted only by the chairperson of the county  
2979 political party or by the county chairperson's designee or  
2980 designees whose names are on file with the supervisor of  
2981 elections of the respective county prior to the date of the  
2982 written notice required in sub-subparagraph b.

2983           b. A person making an in-kind contribution to a state  
2984 political party or county political party must provide prior  
2985 written notice of the contribution to a person described in sub-  
2986 subparagraph a. The prior written notice must be signed and  
2987 dated and may be provided by an electronic or facsimile message.  
2988 However, prior written notice is not required for an in-kind  
2989 contribution that consists of food and beverage in an aggregate  
2990 amount not exceeding \$1,500 which is consumed at a single  
2991 sitting or event if such in-kind contribution is accepted in  
2992 advance by a person specified in sub-subparagraph a.

2993           c. A person described in sub-subparagraph a. may accept an  
2994 in-kind contribution requiring prior written notice only in a  
2995 writing that is ~~signed and~~ dated before the in-kind contribution  
2996 is made. Failure to obtain the required written acceptance of an  
2997 in-kind contribution to a state or county political party  
2998 constitutes a refusal of the contribution.

2999           d. A copy of each prior written acceptance required under  
3000 sub-subparagraph c. must be filed ~~with the division~~ at the time





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3001 the regular reports of contributions and expenditures required  
3002 under s. 106.29 are filed by the state executive committee and  
3003 county executive committee. A state executive committee and an  
3004 affiliated party committee must file with the division. A county  
3005 executive committee must file with the county's supervisor of  
3006 elections.

3007 e. An in-kind contribution may not be given to a state or  
3008 county political party unless the in-kind contribution is made  
3009 as provided in this subparagraph.

3010 Section 58. Section 106.09, Florida Statutes, is amended to  
3011 read:

3012 106.09 Cash contributions and contribution by cashier's  
3013 checks.—

3014 (1) (a) A person may not make an aggregate ~~or accept~~ a cash  
3015 contribution or contribution by means of a cashier's check to  
3016 the same candidate or committee in excess of \$50 per election.

3017 (b) A person may not accept an aggregate cash contribution  
3018 or contribution by means of a cashier's check from the same  
3019 contributor in excess of \$50 per election.

3020 (2) (a) Any person who makes or accepts a contribution in  
3021 ~~excess of \$50 in violation of subsection (1) this section~~  
3022 commits a misdemeanor of the first degree, punishable as  
3023 provided in s. 775.082 or s. 775.083.

3024 (b) Any person who knowingly and willfully makes or accepts  
3025 a contribution in excess of \$5,000 in violation of subsection  
3026 (1) this section commits a felony of the third degree,  
3027 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3028 Section 59. Paragraph (b) of subsection (1) and paragraph  
3029 (a) of subsection (2) of section 106.11, Florida Statutes, are



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3030 amended, and subsection (6) is added to that section, to read:

3031 106.11 Expenses of and expenditures by candidates and  
3032 political committees.—Each candidate and each political  
3033 committee which designates a primary campaign depository  
3034 pursuant to s. 106.021(1) shall make expenditures from funds on  
3035 deposit in such primary campaign depository only in the  
3036 following manner, with the exception of expenditures made from  
3037 petty cash funds provided by s. 106.12:

3038 (1)

3039 (b) The checks for such account shall contain, as a  
3040 minimum, the following information:

3041 1. The statement ~~"Campaign Account of ... (name of candidate~~  
3042 ~~or political committee) Campaign Account...."~~

3043 2. The account number and the name of the bank.

3044 3. The exact amount of the expenditure.

3045 4. The signature of the campaign treasurer or deputy  
3046 treasurer.

3047 5. The exact purpose for which the expenditure is  
3048 authorized.

3049 6. The name of the payee.

3050 (2)(a) For purposes of this section, debit cards are  
3051 considered bank checks, if:

3052 1. Debit cards are obtained from the same bank that has  
3053 been designated as the candidate's or political committee's  
3054 primary campaign depository.

3055 2. Debit cards are issued in the name of the treasurer,  
3056 deputy treasurer, or authorized user and state ~~"Campaign Account~~  
3057 ~~of ... (name of candidate or political committee) Campaign~~  
3058 ~~Account...."~~



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3059 3. No more than three debit cards are requested and issued.

3060 ~~4. Before a debit card is used, a list of all persons~~  
3061 ~~authorized to use the card is filed with the division.~~

3062 ~~5. All debit cards issued to a candidate's campaign or a~~  
3063 ~~political committee expire no later than midnight of the last~~  
3064 ~~day of the month of the general election.~~

3065 ~~4.6.~~ The person using the debit card does not receive cash  
3066 as part of, or independent of, any transaction for goods or  
3067 services.

3068 ~~5.7.~~ All receipts for debit card transactions contain:

3069 a. The last four digits of the debit card number.

3070 b. The exact amount of the expenditure.

3071 c. The name of the payee.

3072 d. The signature of the campaign treasurer, deputy  
3073 treasurer, or authorized user.

3074 e. The exact purpose for which the expenditure is  
3075 authorized.

3076  
3077 Any information required by this subparagraph but not included  
3078 on the debit card transaction receipt may be handwritten on, or  
3079 attached to, the receipt by the authorized user before  
3080 submission to the treasurer.

3081 (6) A candidate who made a loan to his or her campaign and  
3082 reported the loan as required by s. 106.07 may be reimbursed for  
3083 the loan at any time the campaign account has sufficient funds  
3084 to repay the loan and satisfy its other obligations.

3085 Section 60. Subsection (4) of section 106.141, Florida  
3086 Statutes, is amended to read:

3087 106.141 Disposition of surplus funds by candidates.—



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3088 (4) (a) Except as provided in paragraph (b), any candidate  
3089 required to dispose of funds pursuant to this section shall, at  
3090 the option of the candidate, dispose of such funds by any of the  
3091 following means, or any combination thereof:

3092 1. Return pro rata to each contributor the funds that have  
3093 not been spent or obligated.

3094 2. Donate the funds that have not been spent or obligated  
3095 to a charitable organization or organizations that meet the  
3096 qualifications of s. 501(c)(3) of the Internal Revenue Code.

3097 3. Give ~~not more than \$10,000 of~~ the funds that have not  
3098 been spent or obligated to the political party of which such  
3099 candidate is a member, ~~except that a candidate for the Florida~~  
3100 ~~Senate may give not more than \$30,000 of such funds to the~~  
3101 ~~political party of which the candidate is a member.~~

3102 4. Give the funds that have not been spent or obligated:

3103 a. In the case of a candidate for state office, to the  
3104 state, to be deposited in either the Election Campaign Financing  
3105 Trust Fund or the General Revenue Fund, as designated by the  
3106 candidate; or

3107 b. In the case of a candidate for an office of a political  
3108 subdivision, to such political subdivision, to be deposited in  
3109 the general fund thereof.

3110 (b) Any candidate required to dispose of funds pursuant to  
3111 this section who has received contributions pursuant to the  
3112 Florida Election Campaign Financing Act ~~from the Election~~  
3113 ~~Campaign Financing Trust Fund~~ shall, after all monetary  
3114 commitments pursuant to s. 106.11(5)(b) and (c) have been met,  
3115 return all surplus campaign funds to the General Revenue Fund  
3116 ~~Election Campaign Financing Trust Fund.~~



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3117 Section 61. Section 106.143, Florida Statutes, is amended  
3118 to read:

3119 106.143 Political advertisements circulated prior to  
3120 election; requirements.—

3121 (1) (a) Any political advertisement that is paid for by a  
3122 candidate, other than a write-in candidate, and that is  
3123 published, displayed, or circulated before, or on the day of,  
3124 any election must prominently state:

3125 1. "Political advertisement paid for and approved by  
3126 ...(name of candidate)..., ...(party affiliation)..., for  
3127 ...(office sought)..."; or

3128 2. "Paid by ...(name of candidate)..., ...(party  
3129 affiliation)..., for ...(office sought)...."

3130 (b) Any political advertisement that is paid for by a  
3131 write-in candidate and that is published, displayed, or  
3132 circulated before, or on the day of, any election must  
3133 prominently state:

3134 1. "Political advertisement paid for and approved by  
3135 ...(name of candidate)..., write-in candidate, for ...(office  
3136 sought)..."; or

3137 2. "Paid by ..(name of candidate)...., write-in candidate,  
3138 for ...(office sought)...."

3139 (c) ~~(b)~~ Any other political advertisement published,  
3140 displayed, or circulated before, or on the day of, any election  
3141 must prominently:

3142 1. Be marked "paid political advertisement" or with the  
3143 abbreviation "pd. pol. adv."

3144 2. State the name and address of the persons paying for  
3145 sponsoring the advertisement.



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3146           3.a.~~(I)~~ State whether the advertisement and the cost of  
3147 production is paid for or provided in kind by or at the expense  
3148 of the entity publishing, displaying, broadcasting, or  
3149 circulating the political advertisement; ~~or~~

3150           ~~(II) State who provided or paid for the advertisement and~~  
3151 ~~cost of production, if different from the source of sponsorship.~~

3152           ~~b. This subparagraph does not apply if the source of the~~  
3153 ~~sponsorship is patently clear from the content or format of the~~  
3154 ~~political advertisement.~~

3155           ~~(d)(e)~~ Any political advertisement made pursuant to s.  
3156 106.021(3)(d) must ~~be marked "paid political advertisement" or~~  
3157 ~~with the abbreviation "pd. pol. adv." and must prominently state~~  
3158 ~~the name and address of the political party paying for the~~  
3159 ~~advertisement., "Paid for and sponsored by ... (name of person~~  
3160 ~~paying for political advertisement).... Approved by ... (names of~~  
3161 ~~persons, party affiliation, and offices sought in the political~~  
3162 ~~advertisement)...."~~

3163           (2) Political advertisements made as in-kind contributions  
3164 from a political party must prominently state: "Paid political  
3165 advertisement paid for in-kind by ... (name of political  
3166 party).... Approved by ... (name of person, party affiliation,  
3167 and office sought in the political advertisement)...."

3168           (3)(2) Any political advertisement of a candidate running  
3169 for partisan office shall express the name of the political  
3170 party of which the candidate is seeking nomination or is the  
3171 nominee. If the candidate for partisan office is running as a  
3172 candidate with no party affiliation, any political advertisement  
3173 of the candidate must state that the candidate has no party  
3174 affiliation. A candidate for nonpartisan office is prohibited



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3175 from campaigning based on party affiliation.

3176 (4)~~(3)~~ It is unlawful for any candidate or person on behalf  
3177 of a candidate to represent that any person or organization  
3178 supports such candidate, unless the person or organization so  
3179 represented has given specific approval in writing to the  
3180 candidate to make such representation. However, this subsection  
3181 does not apply to:

3182 (a) Editorial endorsement by any newspaper, radio or  
3183 television station, or other recognized news medium.

3184 (b) Publication by a party committee advocating the  
3185 candidacy of its nominees.

3186 (5)~~(4)~~ (a) Any political advertisement not paid for by a  
3187 candidate, including those paid for by a political party, other  
3188 than an independent expenditure, offered ~~by or~~ on behalf of a  
3189 candidate must be approved in advance by the candidate. Such  
3190 political advertisement must expressly state that the content of  
3191 the advertisement was approved by the candidate, unless the  
3192 political advertisement is published, displayed, or circulated  
3193 in compliance with subparagraph (1) (a)2., and must state who  
3194 paid for the advertisement. The candidate shall provide a  
3195 written statement of authorization to the newspaper, radio  
3196 station, television station, or other medium for each such  
3197 advertisement submitted for publication, display, broadcast, or  
3198 other distribution.

3199 (b) Any person who makes an independent expenditure for a  
3200 political advertisement shall provide a written statement that  
3201 no candidate has approved the advertisement to the newspaper,  
3202 radio station, television station, or other medium for each such  
3203 advertisement submitted for publication, display, broadcast, or



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3204 other distribution. The advertisement must also contain a  
3205 statement that no candidate has approved the advertisement.

3206 ~~(c) This subsection does not apply to campaign messages~~  
3207 ~~used by a candidate and his or her supporters if those messages~~  
3208 ~~are designed to be worn by a person.~~

3209 (6) ~~(5)~~ No political advertisement of a candidate who is not  
3210 an incumbent of the office for which the candidate is running  
3211 shall use the word "re-elect." Additionally, such advertisement  
3212 must include the word "for" between the candidate's name and the  
3213 office for which the candidate is running, in order that  
3214 incumbency is not implied. This subsection does not apply to  
3215 bumper stickers or items designed to be worn by a person.

3216 (7) Political advertisements paid for by a political party  
3217 or an affiliated party committee may use names and abbreviations  
3218 as registered under s. 103.081 in the disclaimer.

3219 (8) ~~(6)~~ This section does not apply to novelty items having  
3220 a retail value of \$10 or less which support, but do not oppose,  
3221 a candidate or issue.

3222 (9) ~~(7)~~ Any political advertisement which is published,  
3223 displayed, or produced in a language other than English may  
3224 provide the information required by this section in the language  
3225 used in the advertisement.

3226 (10) ~~(8)~~ This section does not apply to any campaign message  
3227 or political advertisement used by a candidate and the  
3228 candidate's supporters or by a political committee if the  
3229 message or advertisement is:

3230 (a) Designed to be worn by a person.

3231 (b) Placed as a paid link on an Internet website, provided  
3232 the message or advertisement is no more than 200 characters in





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3233 length and the link directs the user to another Internet website  
3234 that complies with subsection (1).

3235 (c) Placed as a graphic or picture link where compliance  
3236 with the requirements of this section is not reasonably  
3237 practical due to the size of the graphic or picture link and the  
3238 link directs the user to another Internet website that complies  
3239 with subsection (1).

3240 (d) Placed at no cost on an Internet website for which  
3241 there is no cost to post content for public users.

3242 (e) Placed or distributed on an unpaid profile or account  
3243 which is available to the public without charge or on a social  
3244 networking Internet website, as long as the source of the  
3245 message or advertisement is patently clear from the content or  
3246 format of the message or advertisement. A candidate or political  
3247 committee may prominently display a statement indicating that  
3248 the website or account is an official website or account of the  
3249 candidate or political committee and is approved by the  
3250 candidate or political committee. A website or account may not  
3251 be marked as official without prior approval by the candidate or  
3252 political committee.

3253 (f) Distributed as a text message or other message via  
3254 Short Message Service, provided the message is no more than 200  
3255 characters in length or requires the recipient to sign up or opt  
3256 in to receive it.

3257 (g) Connected with or included in any software application  
3258 or accompanying function, provided that the user signs up, opts  
3259 in, downloads, or otherwise accesses the application from or  
3260 through a website that complies with subsection (1).

3261 (h) Sent by a third-party user from or through a campaign



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3262 or committee's website, provided the website complies with  
3263 subsection (1).

3264 (i) Contained in or distributed through any other  
3265 technology-related item, service, or device for which compliance  
3266 with subsection (1) is not reasonably practical due to the size  
3267 or nature of such item, service, or device as available, or the  
3268 means of displaying the message or advertisement makes  
3269 compliance with subsection (1) impracticable.

3270 ~~(11)~~~~(9)~~ Any person who willfully violates any provision of  
3271 this section is subject to the civil penalties prescribed in s.  
3272 106.265.

3273 Section 62. Subsection (4) of section 106.15, Florida  
3274 Statutes, is amended to read:

3275 106.15 Certain acts prohibited.—

3276 (4) (a) No person shall make and no person shall solicit or  
3277 knowingly accept any political contribution in a government-  
3278 occupied room or building space ~~building owned by a governmental~~  
3279 ~~entity.~~

3280 (b) For purposes of this subsection, the term: ~~7~~

3281 1. "Accept" means to receive a contribution by personal  
3282 hand delivery from a contributor or the contributor's agent.

3283 2. "Government-occupied room or building space" means the  
3284 building, or in the case of a partial occupancy that portion of  
3285 a building, owned or leased and being used by a governmental  
3286 entity. However, in the case of a partial occupancy where other  
3287 tenants or owners simultaneously occupy a different portion of  
3288 the building, the term excludes common areas not under the  
3289 exclusive control of the governmental entity, including, but not  
3290 limited to, break rooms, hallways, elevators, stairwells, and



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3291 conference rooms.

3292 (c) This subsection does shall not apply when a government-  
3293 occupied room or building space government-owned building or any  
3294 portion thereof is rented for the specific purpose of holding a  
3295 campaign fund raiser.

3296 Section 63. Section 106.17, Florida Statutes, is amended to  
3297 read:

3298 106.17 Polls and surveys relating to candidacies.—Any  
3299 candidate, political committee, committee of continuous  
3300 existence, electioneering communication organization, ~~or~~ state  
3301 or county executive committee of a political party, or an  
3302 affiliated party committee may authorize or conduct a political  
3303 poll, survey, index, or measurement of any kind relating to  
3304 candidacy for public office so long as the candidate, political  
3305 committee, committee of continuous existence, electioneering  
3306 communication organization, affiliated party committee, or  
3307 political party maintains complete jurisdiction over the poll in  
3308 all its aspects. State and county executive committees of a  
3309 political party or an affiliated party committee may authorize  
3310 and conduct political polls for the purpose of determining the  
3311 viability of potential candidates. Such poll results may be  
3312 shared with potential candidates and expenditures incurred by  
3313 state and county executive committees or an affiliated party  
3314 committee for potential candidate polls are not contributions to  
3315 the potential candidates.

3316 Section 64. Subsection (4) is added to section 106.19,  
3317 Florida Statutes, to read:

3318 106.19 Violations by candidates, persons connected with  
3319 campaigns, and political committees.—



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3320           (4) Except as otherwise expressly stated, the failure by a  
3321 candidate to comply with the requirements of this chapter has no  
3322 effect upon whether the candidate has qualified for the office  
3323 the candidate is seeking.

3324           Section 65. Subsections (2) and (3), paragraph (i) of  
3325 subsection (4), and subsection (5) of section 106.25, Florida  
3326 Statutes, are amended to read:

3327           106.25 Reports of alleged violations to Florida Elections  
3328 Commission; disposition of findings.—

3329           (2) The commission shall investigate all violations of this  
3330 chapter and chapter 104, but only after having received either a  
3331 sworn complaint or information reported to it under this  
3332 subsection by the Division of Elections. Such sworn complaint  
3333 must be based upon personal information or information other  
3334 than hearsay. Any person, other than the division, having  
3335 information of any violation of this chapter or chapter 104  
3336 shall file a sworn complaint with the commission. The commission  
3337 shall investigate only those alleged violations specifically  
3338 contained within the sworn complaint. If any complainant fails  
3339 to allege all violations that arise from the facts or  
3340 allegations alleged in a complaint, the commission shall be  
3341 barred from investigating a subsequent complaint from such  
3342 complainant that is based upon such facts or allegations that  
3343 were raised or could have been raised in the first complaint. If  
3344 the complaint includes allegations of violations relating to  
3345 expense items reimbursed by a candidate, committee, or  
3346 organization to the campaign account before a sworn complaint is  
3347 filed, the commission shall be barred from investigating such  
3348 allegations. Such sworn complaint shall state whether a



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3349 complaint of the same violation has been made to any state  
3350 attorney. Within 5 days after receipt of a sworn complaint, the  
3351 commission shall transmit a copy of the complaint to the alleged  
3352 violator. The respondent shall have 14 days after receipt of the  
3353 complainant to file an initial response prior to the executive  
3354 director's determination of legal sufficiency. If the executive  
3355 director finds that the complaint is legally sufficient, the  
3356 respondent shall be notified of such finding by letter, which  
3357 sets forth the statutory provisions alleged to have been  
3358 violated and the alleged factual basis that supports the  
3359 finding. All sworn complaints alleging violations of the Florida  
3360 Election Code over which the commission has jurisdiction shall  
3361 be filed with the commission within 2 years after the alleged  
3362 violations. The period of limitations is tolled on the day a  
3363 sworn complaint is filed with the commission. The complainant  
3364 may withdraw the sworn complaint at any time prior to a probable  
3365 cause hearing if good cause is shown. Withdrawal shall be  
3366 requested in writing, signed by the complainant, and witnessed  
3367 by a notary public, stating the facts and circumstances  
3368 constituting good cause. The executive director shall prepare a  
3369 written recommendation regarding disposition of the request  
3370 which shall be given to the commission together with the  
3371 request. "Good cause" shall be determined based upon the legal  
3372 sufficiency or insufficiency of the complaint to allege a  
3373 violation and the reasons given by the complainant for wishing  
3374 to withdraw the complaint. If withdrawal is permitted, the  
3375 commission must close the investigation and the case. No further  
3376 action may be taken. The complaint will become a public record  
3377 at the time of withdrawal.



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3378           (3) For the purposes of commission jurisdiction, a  
3379 violation shall mean the willful performance of an act  
3380 prohibited by this chapter or chapter 104 or the willful failure  
3381 to perform an act required by this chapter or chapter 104. The  
3382 commission may not by rule determine what constitutes  
3383 willfulness or further define the term as provided in this  
3384 chapter or chapter 104. Willfulness is a determination of fact;  
3385 however, at the request of the respondent at any time after  
3386 probable cause is found, willfulness may be considered and  
3387 determined in an informal hearing before the commission.

3388           (4) The commission shall undertake a preliminary  
3389 investigation to determine if the facts alleged in a sworn  
3390 complaint or a matter initiated by the division constitute  
3391 probable cause to believe that a violation has occurred.

3392           (i)1. Upon a commission finding of probable cause, the  
3393 counsel for the commission shall attempt to reach a consent  
3394 agreement with the respondent. At any time, the commission may  
3395 enter into a consent order with a respondent without requiring  
3396 the respondent to admit to having violated a section for which  
3397 the commission has jurisdiction.

3398           2. A consent agreement is not binding upon either party  
3399 unless and until it is signed by the respondent and by counsel  
3400 for the commission upon approval by the commission.

3401           3. Nothing herein shall be construed to prevent the  
3402 commission from entering into a consent agreement with a  
3403 respondent prior to a commission finding of probable cause if a  
3404 respondent indicates in writing a desire to enter into  
3405 negotiations directed towards reaching such a consent agreement.  
3406 Any consent agreement reached under this subparagraph is subject



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3407 to the provisions of subparagraph 2. and shall have the same  
3408 force and effect as a consent agreement reached after the  
3409 commission finding of probable cause.

3410  
3411 In a case where probable cause is found, the commission shall  
3412 make a preliminary determination to consider the matter or to  
3413 refer the matter to the state attorney for the judicial circuit  
3414 in which the alleged violation occurred. Notwithstanding any  
3415 other provisions of this section, the commission may, at its  
3416 discretion, dismiss any complaint at any stage of disposition if  
3417 it determines that the public interest would not be served by  
3418 proceeding further, in which case the commission shall issue a  
3419 public report stating with particularity its reasons for the  
3420 dismissal.

3421 (5) ~~Unless~~ A person alleged by the Elections Commission to  
3422 have committed a violation of this chapter or chapter 104 may  
3423 elect, as a matter of right elects, within 30 days after the  
3424 date of the filing of the commission's allegations, to have a  
3425 formal administrative hearing conducted by an administrative law  
3426 judge in the Division of Administrative Hearings. The  
3427 administrative law judge in such proceedings shall enter a final  
3428 order, which may include the imposition of civil penalties, and  
3429 ~~the formal or informal hearing conducted before the commission,~~  
3430 ~~or elects to resolve the complaint by consent order, such person~~  
3431 ~~shall be entitled to a formal administrative hearing conducted~~  
3432 ~~by an administrative law judge in the Division of Administrative~~  
3433 ~~Hearings. The administrative law judge in such proceedings shall~~  
3434 ~~enter a final order~~ is subject to appeal as provided in s.  
3435 120.68.



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3436           Section 66. Subsection (1) of section 106.26, Florida  
3437 Statutes, is amended to read:  
3438           106.26 Powers of commission; rights and responsibilities of  
3439 parties; findings by commission.-  
3440           (1) The commission shall, pursuant to rules adopted and  
3441 published in accordance with chapter 120, consider all sworn  
3442 complaints filed with it and all matters reported to it by the  
3443 Division of Elections. In order to carry out the  
3444 responsibilities prescribed by this chapter, the commission is  
3445 empowered to subpoena and bring before it, or its duly  
3446 authorized representatives, any person in the state, or any  
3447 person doing business in the state, or any person who has filed  
3448 or is required to have filed any application, document, papers,  
3449 or other information with an office or agency of this state or a  
3450 political subdivision thereof and to require the production of  
3451 any papers, books, or other records relevant to any  
3452 investigation, including the records and accounts of any bank or  
3453 trust company doing business in this state. Duly authorized  
3454 representatives of the commission are empowered to administer  
3455 all oaths and affirmations in the manner prescribed by law to  
3456 witnesses who shall appear before them concerning any relevant  
3457 matter. Should any witness fail to respond to the lawful  
3458 subpoena of the commission or, having responded, fail to answer  
3459 all lawful inquiries or to turn over evidence that has been  
3460 subpoenaed, the commission may file a complaint in the ~~before~~  
3461 ~~any~~ circuit court where the witness resides ~~of the state~~ setting  
3462 up such failure on the part of the witness. On the filing of  
3463 such complaint, the court shall take jurisdiction of the witness  
3464 and the subject matter of said complaint and shall direct the





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3465 witness to respond to all lawful questions and to produce all  
3466 documentary evidence in the witness's possession which is  
3467 lawfully demanded. The failure of any witness to comply with  
3468 such order of the court shall constitute a direct and criminal  
3469 contempt of court, and the court shall punish said witness  
3470 accordingly. However, the refusal by a witness to answer  
3471 inquiries or turn over evidence on the basis that such testimony  
3472 or material will tend to incriminate such witness shall not be  
3473 deemed refusal to comply with the provisions of this chapter.  
3474 The sheriffs in the several counties shall make such service and  
3475 execute all process or orders when required by the commission.  
3476 Sheriffs shall be paid for these services by the commission as  
3477 provided for in s. 30.231. Any person who is served with a  
3478 subpoena to attend a hearing of the commission also shall be  
3479 served with a general statement informing him or her of the  
3480 subject matter of the commission's investigation or inquiry and  
3481 a notice that he or she may be accompanied at the hearing by  
3482 counsel of his or her own choosing.

3483 Section 67. Section 106.265, Florida Statutes, is amended  
3484 to read:

3485 106.265 Civil penalties.—

3486 (1) The commission or, in cases referred to the Division of  
3487 Administrative Hearings pursuant to s. 106.25(5), an  
3488 administrative law judge is authorized upon the finding of a  
3489 violation of this chapter or chapter 104 to impose civil  
3490 penalties in the form of fines not to exceed \$1,000 per count  
3491 or, if applicable, to impose a civil penalty as provided in s.  
3492 106.19.

3493 (2) In determining the amount of such civil penalties, the



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3494 commission or the administrative law judge shall consider, among  
3495 other mitigating and aggravating circumstances:

3496 (a) The gravity of the act or omission;

3497 (b) Any previous history of similar acts or omissions;

3498 (c) The appropriateness of such penalty to the financial  
3499 resources of the person, political committee, committee of  
3500 continuous existence, electioneering communications  
3501 organization, or political party; and

3502 (d) Whether the person, political committee, committee of  
3503 continuous existence, electioneering communications  
3504 organization, or political party has shown good faith in  
3505 attempting to comply with the provisions of this chapter or  
3506 chapter 104.

3507 (3)~~(2)~~ If any person, political committee, committee of  
3508 continuous existence, electioneering communications  
3509 organization, or political party fails or refuses to pay to the  
3510 commission any civil penalties assessed pursuant to the  
3511 provisions of this section, the commission shall be responsible  
3512 for collecting the civil penalties resulting from such action.

3513 (4)~~(3)~~ Any civil penalty collected pursuant to the  
3514 provisions of this section shall be deposited into the General  
3515 Revenue Fund ~~Election Campaign Financing Trust Fund~~.

3516 (5)~~(4)~~ ~~Notwithstanding any other provisions of this~~  
3517 ~~chapter,~~ Any fine assessed pursuant to the provisions of this  
3518 chapter shall, ~~which fine is designated to be deposited or which~~  
3519 ~~would otherwise~~ be deposited into the General Revenue Fund ~~of~~  
3520 ~~the state,~~ shall be deposited into the Election Campaign  
3521 Financing Trust Fund.

3522 (6)~~(5)~~ In any case in which the commission determines that



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3523 a person has filed a complaint against another person with a  
3524 malicious intent to injure the reputation of the person  
3525 complained against by filing the complaint with knowledge that  
3526 the complaint contains one or more false allegations or with  
3527 reckless disregard for whether the complaint contains false  
3528 allegations of fact material to a violation of this chapter or  
3529 chapter 104, the complainant shall be liable for costs and  
3530 reasonable attorney's fees incurred in the defense of the person  
3531 complained against, including the costs and reasonable  
3532 attorney's fees incurred in proving entitlement to and the  
3533 amount of costs and fees. If the complainant fails to pay such  
3534 costs and fees voluntarily within 30 days following such finding  
3535 by the commission, the commission shall forward such information  
3536 to the Department of Legal Affairs, which shall bring a civil  
3537 action in a court of competent jurisdiction to recover the  
3538 amount of such costs and fees awarded by the commission.

3539 Section 68. Subsection (1) and paragraph (b) of subsection  
3540 (3) of section 106.29, Florida Statutes, are amended to read:

3541 106.29 Reports by political parties; restrictions on  
3542 contributions and expenditures; penalties.—

3543 (1) The state executive committee and each county executive  
3544 committee of each political party regulated by chapter 103 shall  
3545 file regular reports of all contributions received and all  
3546 expenditures made by such committee. In addition, when a special  
3547 election is called to fill a vacancy in office, each state  
3548 executive committee, each affiliated party committee, and each  
3549 county executive committee making contributions or expenditures  
3550 to influence the results of the special election or the  
3551 preceding special primary election must file a campaign



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3552 treasurer's report on the dates set by the Department of State  
3553 pursuant to s. 100.111. Such reports shall contain the same  
3554 information as do reports required of candidates by s. 106.07  
3555 and shall be filed on the 10th day following the end of each  
3556 calendar quarter, except that, during the period from the last  
3557 day for candidate qualifying until the general election, such  
3558 reports shall be filed on the Friday immediately preceding each  
3559 special primary election, special election, and both the primary  
3560 election and the general election. In addition to the reports  
3561 filed under this section, the state executive committee and each  
3562 county executive committee shall file a copy of each prior  
3563 written acceptance of an in-kind contribution given by the  
3564 committee during the preceding calendar quarter as required  
3565 under s. 106.08(6). Each state executive committee shall file  
3566 ~~the original and one copy of~~ its reports with the Division of  
3567 Elections. Each county executive committee shall file its  
3568 reports with the supervisor of elections in the county in which  
3569 such committee exists. Any state or county executive committee  
3570 failing to file a report on the designated due date shall be  
3571 subject to a fine as provided in subsection (3). A ~~No~~ separate  
3572 fine may not ~~shall~~ be assessed for failure to file a copy of any  
3573 report required by this section.

3574 (3)

3575 (b) Upon determining that a report is late, the filing  
3576 officer shall immediately notify the chair of the executive  
3577 committee as to the failure to file a report by the designated  
3578 due date and that a fine is being assessed for each late day.  
3579 The fine shall be \$1,000 for a state executive committee, and  
3580 \$50 for a county executive committee, per day for each late day,



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3581 not to exceed 25 percent of the total receipts or expenditures,  
3582 whichever is greater, for the period covered by the late report.  
3583 However, if an executive committee fails to file a report on the  
3584 Friday immediately preceding the special election or general  
3585 election, the fine shall be \$10,000 per day for each day a state  
3586 executive committee is late and \$500 per day for each day a  
3587 county executive committee is late. Upon receipt of the report,  
3588 the filing officer shall determine the amount of the fine which  
3589 is due and shall notify the chair. Notice is deemed sufficient  
3590 upon proof of delivery of written notice to the mailing or  
3591 street address on record with the filing officer. The filing  
3592 officer shall determine the amount of the fine due based upon  
3593 the earliest of the following:

- 3594 1. When the report is actually received by such officer.
- 3595 2. When the report is postmarked.
- 3596 3. When the certificate of mailing is dated.
- 3597 4. When the receipt from an established courier company is  
3598 dated.
- 3599 5. When the electronic receipt issued pursuant to s.  
3600 106.0705 is dated.

3601  
3602 Such fine shall be paid to the filing officer within 20 days  
3603 after receipt of the notice of payment due, unless appeal is  
3604 made to the Florida Elections Commission pursuant to paragraph  
3605 (c). An officer or member of an executive committee shall not be  
3606 personally liable for such fine.

3607 Section 69. Subsection (5) of section 106.35, Florida  
3608 Statutes, is amended to read:

3609 106.35 Distribution of funds.—



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3610 (5) The division shall adopt rules providing for the weekly  
3611 reports and certification and distribution of funds pursuant  
3612 thereto required by this section. Such rules shall, at a  
3613 minimum, provide for:

3614 ~~(a) Specifications for printed campaign treasurer's reports~~  
3615 ~~outlining the format for such reports, including size of paper,~~  
3616 ~~typeface, color of print, and placement of required information~~  
3617 ~~on the form.~~

3618 ~~(b)1.~~ specifications for electronically transmitted  
3619 campaign treasurer's reports outlining communication parameters  
3620 and protocol, data record formats, and provisions for ensuring  
3621 security of data and transmission.

3622 ~~2. All electronically transmitted campaign treasurer's~~  
3623 ~~reports must also be filed in printed format. Printed format~~  
3624 ~~shall not include campaign treasurer's reports submitted by~~  
3625 ~~electronic facsimile transmission.~~

3626 Section 70. Section 106.355, Florida Statutes, is amended  
3627 to read:

3628 106.355 Nonparticipating candidate exceeding limits.-  
3629 Whenever a candidate for the office of Governor or member of the  
3630 Cabinet who has elected not to participate in election campaign  
3631 financing under the provisions of ss. 106.30-106.36 exceeds the  
3632 applicable expenditure limit provided in s. 106.34, all opposing  
3633 candidates participating in such election campaign financing  
3634 are, notwithstanding the provisions of s. 106.33 or any other  
3635 provision requiring adherence to such limit, released from such  
3636 expenditure limit to the extent the nonparticipating candidate  
3637 exceeded the limit, are still eligible for matching  
3638 contributions up to such limit, and shall not be required to



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3639 reimburse any matching funds provided pursuant thereto. ~~In~~  
3640 ~~addition, the Department of State shall, within 7 days after a~~  
3641 ~~request by a participating candidate, provide such candidate~~  
3642 ~~with funds from the Election Campaign Financing Trust Fund equal~~  
3643 ~~to the amount by which the nonparticipating candidate exceeded~~  
3644 ~~the expenditure limit, not to exceed twice the amount of the~~  
3645 ~~maximum expenditure limits specified in s. 106.34(1)(a) and (b),~~  
3646 ~~which funds shall not be considered matching funds.~~

3647 Section 71. Paragraph (d) of subsection (1) of section  
3648 11.045, Florida Statutes, is amended to read:

3649 11.045 Lobbying before the Legislature; registration and  
3650 reporting; exemptions; penalties.—

3651 (1) As used in this section, unless the context otherwise  
3652 requires:

3653 (d) "Expenditure" means a payment, distribution, loan,  
3654 advance, reimbursement, deposit, or anything of value made by a  
3655 lobbyist or principal for the purpose of lobbying. The term  
3656 "expenditure" does not include contributions or expenditures  
3657 reported pursuant to chapter 106 or federal election law, funds  
3658 received or spent under s. 106.012, campaign-related personal  
3659 services provided without compensation by individuals  
3660 volunteering their time, any other contribution or expenditure  
3661 made by or to a political party, or any other contribution or  
3662 expenditure made by an organization that is exempt from taxation  
3663 under 26 U.S.C. s. 527 or s. 501(c)(4).

3664 Section 72. Paragraph (b) of subsection (12) of section  
3665 112.312, Florida Statutes, is amended to read:

3666 112.312 Definitions.—As used in this part and for purposes  
3667 of the provisions of s. 8, Art. II of the State Constitution,



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3668 unless the context otherwise requires:

3669 (12)

3670 (b) "Gift" does not include:

3671 1. Salary, benefits, services, fees, commissions, gifts, or  
3672 expenses associated primarily with the donee's employment,  
3673 business, or service as an officer or director of a corporation  
3674 or organization.

3675 2. Contributions or expenditures reported pursuant to  
3676 chapter 106, funds received or spent under s. 106.012,  
3677 contributions or expenditures reported pursuant to federal  
3678 election law, campaign-related personal services provided  
3679 without compensation by individuals volunteering their time, or  
3680 any other contribution or expenditure by a political party.

3681 3. An honorarium or an expense related to an honorarium  
3682 event paid to a person or the person's spouse.

3683 4. An award, plaque, certificate, or similar personalized  
3684 item given in recognition of the donee's public, civic,  
3685 charitable, or professional service.

3686 5. An honorary membership in a service or fraternal  
3687 organization presented merely as a courtesy by such  
3688 organization.

3689 6. The use of a public facility or public property, made  
3690 available by a governmental agency, for a public purpose.

3691 7. Transportation provided to a public officer or employee  
3692 by an agency in relation to officially approved governmental  
3693 business.

3694 8. Gifts provided directly or indirectly by a state,  
3695 regional, or national organization which promotes the exchange  
3696 of ideas between, or the professional development of,





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3697 governmental officials or employees, and whose membership is  
3698 primarily composed of elected or appointed public officials or  
3699 staff, to members of that organization or officials or staff of  
3700 a governmental agency that is a member of that organization.

3701 Section 73. Paragraph (d) of subsection (1) of section  
3702 112.3215, Florida Statutes, is amended to read:

3703 112.3215 Lobbying before the executive branch or the  
3704 Constitution Revision Commission; registration and reporting;  
3705 investigation by commission.—

3706 (1) For the purposes of this section:

3707 (d) "Expenditure" means a payment, distribution, loan,  
3708 advance, reimbursement, deposit, or anything of value made by a  
3709 lobbyist or principal for the purpose of lobbying. The term  
3710 "expenditure" does not include contributions or expenditures  
3711 reported pursuant to chapter 106, funds received or spent under  
3712 s. 106.012, or contributions or expenditures reported pursuant  
3713 to federal election law, campaign-related personal services  
3714 provided without compensation by individuals volunteering their  
3715 time, any other contribution or expenditure made by or to a  
3716 political party, or any other contribution or expenditure made  
3717 by an organization that is exempt from taxation under 26 U.S.C.  
3718 s. 527 or s. 501(c) (4).

3719 Section 74. Subsection (1) of section 876.05, Florida  
3720 Statutes, is amended to read:

3721 876.05 Public employees; oath.—

3722 (1) All persons who now or hereafter are employed by or who  
3723 now or hereafter are on the payroll of the state, or any of its  
3724 departments and agencies, subdivisions, counties, cities, school  
3725 boards and districts of the free public school system of the



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3726 state or counties, or institutions of higher learning, ~~and all~~  
3727 ~~candidates for public office,~~ except candidates for federal  
3728 office, are required to take an oath before any person duly  
3729 authorized to take acknowledgments of instruments for public  
3730 record in the state in the following form:

3731 I, . . . ., a citizen of the State of Florida and of the  
3732 United States of America, and being employed by or an officer of  
3733 . . . . and a recipient of public funds as such employee or  
3734 officer, do hereby solemnly swear or affirm that I will support  
3735 the Constitution of the United States and of the State of  
3736 Florida.

3737 Section 75. Section 100.101, Florida Statutes, is amended  
3738 to read:

3739 100.101 Special elections and special primary elections.—  
3740 ~~Except as provided in s. 100.111(2),~~ A special election or  
3741 special primary election shall be held in the following cases:

3742 (1) If no person has been elected at a general election to  
3743 fill an office which was required to be filled by election at  
3744 such general election.

3745 (2) If a vacancy occurs in the office of state senator or  
3746 member of the state house of representatives.

3747 (3) If it is necessary to elect presidential electors, by  
3748 reason of the offices of President and Vice President both  
3749 having become vacant.

3750 (4) If a vacancy occurs in the office of member from  
3751 Florida of the House of Representatives of Congress.

3752 Section 76. Section 103.161, Florida Statutes, is repealed.

3753 Section 77. Section 876.07, Florida Statutes, is repealed.

3754 Section 78. Effective upon this act becoming a law,



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3755 subsections (1) and (2) of section 101.161, Florida Statutes,  
3756 are amended, and subsection (4) is added to that section, to  
3757 read:

3758 101.161 Referenda; ballots.—

3759 (1) Whenever a constitutional amendment or other public  
3760 measure is submitted to the vote of the people, a ballot summary  
3761 ~~the substance~~ of such amendment or other public measure shall be  
3762 printed in clear and unambiguous language on the ballot after  
3763 the list of candidates, followed by the word "yes" and also by  
3764 the word "no," and shall be styled in such a manner that a "yes"  
3765 vote will indicate approval of the proposal and a "no" vote will  
3766 indicate rejection. The ballot summary ~~wording of the substance~~  
3767 of the amendment or other public measure and the ballot title to  
3768 appear on the ballot shall be embodied in the ~~joint resolution,~~  
3769 constitutional revision commission proposal, constitutional  
3770 convention proposal, taxation and budget reform commission  
3771 proposal, or enabling resolution or ordinance. ~~Except for~~  
3772 ~~amendments and ballot language proposed by joint resolution,~~ The  
3773 ballot summary ~~substance~~ of the amendment or other public  
3774 measure shall be an explanatory statement, not exceeding 75  
3775 words in length, of the chief purpose of the measure. In  
3776 addition, for every amendment proposed by initiative, the ballot  
3777 shall include, following the ballot summary, a separate  
3778 financial impact statement concerning the measure prepared by  
3779 the Financial Impact Estimating Conference in accordance with s.  
3780 100.371(5). The ballot title shall consist of a caption, not  
3781 exceeding 15 words in length, by which the measure is commonly  
3782 referred to or spoken of. This subsection does not apply to  
3783 constitutional amendments or revisions proposed by joint



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3784 resolution.

3785       (2) The ballot summary substance and ballot title of a  
3786 constitutional amendment proposed by initiative shall be  
3787 prepared by the sponsor and approved by the Secretary of State  
3788 in accordance with rules adopted pursuant to s. 120.54. The  
3789 Department of State shall give each proposed constitutional  
3790 amendment a designating number for convenient reference. This  
3791 number designation shall appear on the ballot. Designating  
3792 numbers shall be assigned in the order of filing or  
3793 certification and in accordance with rules adopted by the  
3794 Department of State. The Department of State shall furnish the  
3795 designating number, the ballot title, and the ballot summary  
3796 substance of each amendment, unless otherwise specified in a  
3797 joint resolution, to the supervisor of elections of each county  
3798 in which such amendment is to be voted on.

3799       (4) (a) Whenever a constitutional amendment or revision is  
3800 proposed by joint resolution, the joint resolution shall include  
3801 a ballot title consisting of a caption, not exceeding 15 words  
3802 in length, by which the measure is commonly referred to or  
3803 spoken of. The joint resolution may include a ballot summary or  
3804 alternate ballot summaries, listed in order of preference,  
3805 describing the chief purpose of the amendment or revision in  
3806 clear and unambiguous language. The joint resolution shall  
3807 specify placement on the ballot of a ballot title and either a  
3808 ballot summary embodied in the joint resolution or the full text  
3809 of the proposed amendment or revision. As specified by the joint  
3810 resolution, the ballot title and ballot summary, or the ballot  
3811 title and the full text of the proposed amendment or revision,  
3812 shall be printed on the ballot, with a designating number



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3813 assigned by the Secretary of State pursuant to subsection (2),  
3814 after the list of candidates, followed by the word "yes" and  
3815 also by the word "no," and shall be styled in such a manner that  
3816 a "yes" vote will indicate approval of the proposal and a "no"  
3817 vote will indicate rejection. The Department of State shall  
3818 furnish the designating number and, as specified by the joint  
3819 resolution proposing an amendment or revision, the ballot title  
3820 and a ballot summary or the full text of the amendment or  
3821 revision to the supervisor of elections of each county.

3822 (b) If the court determines that each ballot summary  
3823 embodied in a joint resolution is defective, the full text of  
3824 the proposed amendment or revision shall appear on the ballot in  
3825 lieu of a ballot summary unless the Secretary of State certifies  
3826 to the court that placement of the full text on the ballot is  
3827 incompatible with voting systems that must be utilized during  
3828 the election at which the proposed amendment will be presented  
3829 to voters and that no other available accommodation will enable  
3830 persons with disabilities to vote on the proposed amendment or  
3831 revision. If the Secretary of State submits such certification  
3832 or the court determines that all ballot summaries in the joint  
3833 resolution are deficient and that the full text of a proposed  
3834 amendment or revision may not be placed on the ballot, and  
3835 further appeals are declined, abandoned, or exhausted, unless  
3836 otherwise provided in the joint resolution, the Attorney General  
3837 shall prepare and submit within 10 days to the Secretary of  
3838 State and the court a revised ballot summary that corrects  
3839 ballot summary deficiencies identified by the court. That court  
3840 shall retain jurisdiction over challenges to any revised ballot  
3841 summary submitted by the Attorney General, and any challenge to



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3842 a revised ballot summary shall be filed within 10 days after the  
3843 revised ballot summary is submitted to the court by the Attorney  
3844 General.

3845 (c)1. If the full text of a proposed amendment or revision  
3846 delineates existing text in the State Constitution that will be  
3847 removed or replaced if approved by the electors, the full text  
3848 shall be presumed to be a clear and unambiguous statement of the  
3849 substance and effect of the amendment or revision, providing  
3850 fair notice to the electors of the content of the proposal and  
3851 sufficiently advising electors of the issue upon which they are  
3852 voting.

3853 2. In determining whether a ballot summary, the ballot  
3854 title, or the full text of a proposed amendment or revision is  
3855 legally sufficient, the court shall use the same rules of  
3856 construction to interpret language in a proposed constitutional  
3857 amendment as it does when interpreting existing constitutional  
3858 provisions.

3859 (d)1. Any legal action challenging placement on the ballot  
3860 of a ballot title, any ballot summary, or the full text of a  
3861 proposed amendment or revision embodied in a joint resolution on  
3862 constitutional, statutory, or other grounds must be commenced by  
3863 filing a complaint or petition with the appropriate court within  
3864 30 days after the joint resolution is filed with the Secretary  
3865 of State. Furthermore, in any legal action challenging placement  
3866 on the ballot of any ballot summary embodied in a joint  
3867 resolution, the complaint or petition shall assert all grounds  
3868 for challenging the ballot title, each ballot summary embodied  
3869 in the joint resolution, and the full text of the proposed  
3870 amendment or revision. Any such grounds not asserted within 30



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3871 days after the joint resolution is filed with the Secretary of  
3872 State shall be deemed waived.

3873 2. If a court finds the ballot title, a ballot summary, or  
3874 the full text of a proposed amendment defective for purposes of  
3875 placement on the ballot, the court shall, in its written order  
3876 or judgment, describe each deficiency with specificity in order  
3877 to facilitate the Attorney General's preparation of a revised  
3878 ballot summary.

3879 (e) Legal actions challenging ballot language specified by  
3880 a joint resolution proposing an amendment or revision to the  
3881 State Constitution shall be accorded priority over other pending  
3882 cases by the courts, including any appellate court, and the  
3883 courts shall render decisions in such actions as expeditiously  
3884 as possible.

3885 Section 79. The amendment of section 101.161, Florida  
3886 Statutes, by this act applies retroactively to all joint  
3887 resolutions adopted by the Legislature during the 2011 Regular  
3888 Session, except that any legal action challenging a ballot title  
3889 or ballot summary embodied in such joint resolution or  
3890 challenging placement on the ballot of the full text of the  
3891 proposed amendment or revision to the State Constitution as  
3892 specified in such joint resolution must be commenced within 30  
3893 days after the effective date of the amendment of section  
3894 101.161, Florida Statutes, by this act or within 30 days after  
3895 the joint resolution to which a challenge relates is filed with  
3896 the Secretary of State, whichever occurs later.

3897 Section 80. Except as otherwise expressly provided in this  
3898 act and except for this section, which shall take effect upon  
3899 this act becoming a law, this act shall take effect July 1,



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3900 2011.

3901

3902 ===== T I T L E A M E N D M E N T =====

3903 And the title is amended as follows:

3904 Delete everything before the enacting clause

3905 and insert:

3906 A bill to be entitled

3907 An act relating to elections; amending s. 97.012,  
3908 F.S.; expanding the list of responsibilities of the  
3909 Secretary of State when acting in his or her capacity  
3910 as chief election officer; amending s. 97.021, F.S.;  
3911 revising the definition of "minor political party";  
3912 amending s. 97.025, F.S.; revising methods of  
3913 publication and distribution of the Florida Election  
3914 Code pamphlet to candidates qualifying with the  
3915 Department of State; amending s. 97.0575, F.S.;  
3916 requiring that third-party voter registration  
3917 organizations register with the Division of Elections  
3918 and provide the division with certain information;  
3919 requiring that the division or a supervisor of  
3920 elections make voter registration forms available to  
3921 third-party voter registration organizations;  
3922 requiring that such forms contain certain information;  
3923 requiring that the division maintain a database of  
3924 certain information; requiring supervisors of  
3925 elections to provide specified information to the  
3926 division in a format and at times required by the  
3927 division; requiring that such information be updated  
3928 and made public daily at a specified time; requiring





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3929 third-party voter registration organizations to  
3930 deliver collected voter registration applications  
3931 within a specified period; revising penalty provisions  
3932 to conform; specifying grounds for an affirmative  
3933 defense to a violation of timely submission  
3934 requirements; providing for the referral of violations  
3935 to the Attorney General; authorizing the Attorney  
3936 General to initiate a civil action; providing that an  
3937 action for relief may include a permanent or temporary  
3938 injunction, a restraining order, or any other  
3939 appropriate order; requiring that the division adopt  
3940 rules for specified purposes; providing for  
3941 retroactive effectiveness; amending s. 97.071, F.S.;  
3942 requiring that voter information cards contain the  
3943 address of the polling place of the registered voter;  
3944 requiring a supervisor of elections to issue a new  
3945 voter information card to a voter upon a change in a  
3946 voter's address of legal residence or a change in a  
3947 voter's polling place address; amending s. 97.073,  
3948 F.S.; requiring a supervisor to notify an applicant  
3949 within 5 business days regarding disposition of the  
3950 voter registration applications; amending s. 97.1031,  
3951 F.S.; requiring an elector to notify the supervisor of  
3952 elections when he or she changes his or her residence  
3953 address; providing a voter with various options for  
3954 providing address updates; revising notice  
3955 requirements for any change in party affiliation;  
3956 amending s. 98.075, F.S.; requiring a supervisor of  
3957 elections to remove a registered voter from the



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3958 statewide voter registration system upon certain  
3959 notice; providing bases for ineligibility; amending  
3960 98.093, F.S.; requiring the Florida Parole Commission  
3961 and the Department of Corrections to provide specified  
3962 data for the updating of the statewide voter  
3963 registration system regarding convicted felons;  
3964 amending s. 98.0981, F.S.; providing timeframes and  
3965 formats for voting history information to be sent by  
3966 the supervisors of elections to the department;  
3967 providing timeframes and formats for voting history  
3968 information to be sent by the department to the  
3969 President of the Senate, the Speaker of the House of  
3970 Representatives, and the respective minority leaders;  
3971 requiring submission of precinct-level information in  
3972 a certain format by a time certain; amending s.  
3973 99.012, F.S., relating to restrictions on individuals  
3974 qualifying for public office; providing that if a  
3975 final court order determines that a person did not  
3976 comply with specific provisions of the section the  
3977 person is not qualified as a candidate and his or her  
3978 name may not appear on ballot; providing for  
3979 nonapplicability to presidential and vice presidential  
3980 candidates; amending s. 99.021, F.S.; revising the  
3981 candidate oath requirement for a person seeking to  
3982 qualify for nomination or election or as a candidate  
3983 of a political party; removing requirement for  
3984 qualifying officer to give printed copy of candidate  
3985 oath; removing requirement for taking public employee  
3986 oath; providing exceptions for certain candidates



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3987 taking other oaths; amending s. 99.061, F.S.; revising  
3988 timeframe for candidate to pay qualifying fee under  
3989 certain circumstances; requiring checks to be payable  
3990 as prescribed by filing officer; requiring notarized  
3991 signature on certain oaths; removing requirement for  
3992 public employee oath; requiring filing of a notarized  
3993 financial disclosure; clarifying time for qualifying  
3994 papers to be received; providing that qualifying  
3995 officer performs ministerial duty only; exempting  
3996 qualifying officer decision from Administrative  
3997 Procedures Act; amending s. 99.063, F.S.; removing the  
3998 requirement that a candidate swear a public employee  
3999 loyalty oath; amending s. 99.093, F.S.; remitting  
4000 assessments directly to the Florida Elections  
4001 Commissions rather than passing through the  
4002 department; amending s. 99.095, F.S.; allowing certain  
4003 individuals seeking county or district office in a  
4004 year of apportionment to obtain signatures countywide;  
4005 amending s. 99.097, F.S.; clarifying that the  
4006 supervisor of elections checks more than signatures on  
4007 petition forms; clarifying rulemaking authority of the  
4008 department relating to petitions; prohibiting certain  
4009 random sampling method of petition verification for  
4010 constitutional amendments petitions; providing for  
4011 invalidity of undue burden oaths under specified  
4012 circumstances; providing for certain funds to be used  
4013 to reimburse a supervisor of elections for signature  
4014 verification fees not previously paid when an undue  
4015 burden oath is held invalid; amending s. 100.061,



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4016 F.S.; revising the primary election date; amending s.  
4017 100.111, F.S.; providing notification requirements and  
4018 procedures for filling a vacancy in nomination for  
4019 certain offices; deleting the definition of the term  
4020 "district political party executive committee";  
4021 providing that a vacancy in nomination is not created  
4022 if an order of a court that has become final  
4023 determines the nominee did not properly qualify or  
4024 does not meet the necessary qualifications to hold the  
4025 office sought; amending s. 100.371, F.S.; providing  
4026 that signatures on an initiative petition are valid  
4027 for 2 years instead of 4 years; requiring that a  
4028 petition signer must be a registered elector at time  
4029 of signing for a supervisor to verify his or her  
4030 signature as valid; requiring the supervisor of  
4031 elections to notify petition sponsor of misfiled  
4032 petition under certain circumstances; deleting certain  
4033 petition revocation provisions; amending s. 101.001,  
4034 F.S.; requiring the supervisors of elections to  
4035 provide the department with precinct data including  
4036 specified information; requiring the department to  
4037 maintain a searchable database containing certain  
4038 precinct and census block information; requiring  
4039 supervisors of elections to notify the department of  
4040 precinct changes within a specified time; deleting a  
4041 waiver; amending s. 101.043, F.S.; providing that the  
4042 address appearing on the photo identification used at  
4043 polls cannot be used to confirm or challenge an  
4044 elector's legal residence for address verification;



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4045 amending s. 101.045, F.S.; permitting a change of  
4046 residence at the polling place for a person changing  
4047 residence within a county; providing that a person  
4048 whose change of address is from outside the county may  
4049 not change his or her legal residence at the polling  
4050 place or vote a regular ballot but may vote a  
4051 provisional ballot; amending s. 101.131, F.S.;

4052 revising procedures for the designation of poll  
4053 watchers; requiring that the division prescribe a form  
4054 for the designation of poll watchers; providing  
4055 conditions under which poll watchers are authorized to  
4056 enter polling areas and watch polls; requiring that a  
4057 supervisor of elections provide identification to poll  
4058 watchers by a specified period before early voting  
4059 begins; requiring that poll watchers display such  
4060 identification while in a polling place; amending s.  
4061 101.151, F.S.; providing changes in ballot appearance;  
4062 reducing length and appearance of ballot and  
4063 redundancy; expanding use of ballot on demand  
4064 technology; amending s. 101.5605, F.S.; clarifying  
4065 that testing of voting equipment be done in accordance  
4066 with state-adopted voting system standards; amending  
4067 s. 101.5606, F.S.; removing references to obsolete  
4068 forms of voting; amending s. 101.56075, F.S.;

4069 providing that all voting systems utilized after a  
4070 certain time shall permit placement on the ballot of  
4071 the full text of a constitutional amendment; amending  
4072 s. 101.5612, F.S.; revising the number or percentage  
4073 of systems that must be tested; amending s. 101.5614,



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4074 F.S.; conforming law to current technological  
4075 practices in canvassing of certain returns; amending  
4076 s. 101.591, F.S.; providing that a manual recount is  
4077 not required under certain circumstances; amending s.  
4078 101.62, F.S.; extending absentee ballot request  
4079 through the end of the calendar year of the next two  
4080 regularly scheduled general elections; providing  
4081 timeframes for absentee ballots to be sent to voters  
4082 voting an absentee ballot; clarifying provisions  
4083 relating to military and overseas voters; requiring  
4084 the supervisors of elections to update absentee ballot  
4085 information and make available by a time certain;  
4086 revising reasons for voting absentee; amending s.  
4087 101.65, F.S.; expanding absentee ballot instructions  
4088 to notify a voter that signatures on ballot and on  
4089 record must match; informing voter when signature must  
4090 be updated; amending s. 101.68, F.S.; allowing the  
4091 county canvassing boards to begin canvassing of  
4092 absentee ballots at a time certain; amending s.  
4093 101.6923, F.S.; expanding special absentee ballot  
4094 instructions for certain first-time voters to notify  
4095 voters that signatures on the ballot and on record  
4096 must match; informing voter when signature must be  
4097 updated; amending s. 101.75, F.S.; eliminating state  
4098 mandate for a municipal election to have a 14-day  
4099 candidate qualifying period when it moves its election  
4100 to coincide with state or county election; amending s.  
4101 102.031, F.S.; prohibiting solicitation of voters who  
4102 are entering or in line to enter any polling place,



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4103 polling room, or early voting site; requiring the  
4104 posting of a sign; expanding the definitions of the  
4105 terms "solicit" and "solicitation"; amending s.  
4106 102.141, F.S.; requiring the canvassing board to  
4107 report all early voting and all tabulated absentee  
4108 results to the department by a time certain; requiring  
4109 periodic updates; amending s. 102.168, F.S.;  
4110 clarifying when canvassing boards are an indispensable  
4111 party to an election contest; clarifying evidence a  
4112 circuit court may consider in certain election  
4113 contests; providing a standard of review; amending s.  
4114 103.021; F.S.; revising the definition of the term  
4115 "national party"; revising requirements for a minor  
4116 political party to have candidates for President and  
4117 Vice President placed on the general election ballot;  
4118 creating s. 103.095, F.S.; providing a procedure for  
4119 the registration of a minor political party; requiring  
4120 the Division of Elections to adopt rules to prescribe  
4121 the manner in which political parties may have their  
4122 filings canceled; amending s. 103.101, F.S.; creating  
4123 a Presidential Preference Primary Date Selection  
4124 Committee; providing membership; requiring for the  
4125 committee to meet by a date certain and to set a date  
4126 for the presidential preference primary; amending s.  
4127 103.141, F.S.; deleting language providing for the  
4128 removal of certain county executive committee members  
4129 pursuant to a separate provision of law; amending s.  
4130 104.29, F.S.; clarifying when it is an offense for an  
4131 inspector or other election official to deny a person



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4132 the opportunity to observe whether ballots are being  
4133 correctly reconciled; amending s. 106.011, F.S.;

4134 revising the definitions of "candidate",  
4135 "contribution," and "expenditure" to exclude funds  
4136 received or spent for certain potential candidate  
4137 polls; clarifying and conforming the definition of  
4138 "independent expenditure" to the candidate's specific  
4139 qualifying period; clarifying the qualifying period  
4140 for the candidate; correcting a cross-reference;  
4141 creating s. 106.012, F.S.; providing that funds spent  
4142 or received are not contributions or expenditures if  
4143 used solely for determining candidate viability;  
4144 providing examples of permissible activities;  
4145 providing for retention of records; providing that  
4146 funds become contributions and expenditures upon the  
4147 candidacy of a person; requiring reporting of funds  
4148 regardless of date received or spent; providing  
4149 examples of ineligible activities for fund use;  
4150 delineating activities indicating intention to become  
4151 a candidate; limiting the amount of funds that may be  
4152 received; amending s. 106.021, F.S.; deleting a  
4153 requirement that certain information be included in  
4154 campaign reports for reimbursement; amending s.  
4155 106.022, F.S.; requiring a political committee,  
4156 committee of continuous existence, or electioneering  
4157 communications organization to file a statement of  
4158 appointment with the filing officer rather than with  
4159 the division; authorizing an entity to change its  
4160 appointment of registered agent or registered office





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4161 by filing a written statement with the filing officer;  
4162 requiring a registered agent who resigns to execute a  
4163 written statement of resignation and file it with the  
4164 filing officer; amending s. 106.023, F.S.; revising  
4165 the form of the statement of a candidate to require a  
4166 candidate to acknowledge that he or she has been  
4167 provided access to and understands the requirements of  
4168 ch. 106, F.S.; amending s. 106.025, F.S.; exempting  
4169 tickets or advertising for a campaign fundraiser from  
4170 requirements of s. 106.143, F.S.; amending s. 106.03,  
4171 F.S.; providing when a political committee must file a  
4172 statement of organization; providing when a group must  
4173 register as an electioneering communications  
4174 organization; amending s. 106.04, F.S.; requiring a  
4175 committee of continuous existence that makes a  
4176 contribution or expenditure in connection with certain  
4177 county or municipal elections to file specified  
4178 reports; subjecting a committee of continuous  
4179 existence that fails to file a report or to timely  
4180 file a report with the division or a county or  
4181 municipal filing officer to a fine; requiring a  
4182 committee of continuous existence to include  
4183 transaction information from credit card purchases in  
4184 a report filed with the division; requiring a  
4185 committee of continuous existence to report changes in  
4186 information previously reported to the division within  
4187 10 days after the change; requiring the division to  
4188 revoke the certification of a committee of continuous  
4189 existence under certain circumstances; requiring the



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4190 division to adopt rules to prescribe the manner in  
4191 which the certification is revoked; increasing the  
4192 amount of a fine to be levied on a committee of  
4193 continuous existence that fails to timely file certain  
4194 reports; providing for the deposit of the proceeds of  
4195 the fines; including the registered agent of a  
4196 committee of continuous existence as an alternate  
4197 person whom the filing officer shall notify that a  
4198 report has not been filed; providing criteria for  
4199 deeming delivery of a notice of fine complete;  
4200 requiring a committee of continuous existence that  
4201 appeals a fine to file a copy of the appeal with the  
4202 commission; amending s. 106.07, F.S.; correcting a  
4203 cross-reference; revising the dates that certain  
4204 contribution and expenditure reports must be filed;  
4205 revising reporting requirements for a statewide  
4206 candidate who receives funding under the Florida  
4207 Election Campaign Financing Act and candidates in a  
4208 race with a candidate who has requested funding under  
4209 that act; deleting a requirement for a committee of  
4210 continuous existence to file a campaign treasurer's  
4211 report relating to contributions or expenditures to  
4212 influence the results of a special election; revising  
4213 the methods by which a campaign treasurer may be  
4214 notified of the determination that a report is  
4215 incomplete to include certified mail and other methods  
4216 using a common carrier that provides proof of delivery  
4217 of the notice; extending the time the campaign  
4218 treasurer has to file an addendum to the report after



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4219 receipt of notice of why the report is incomplete;  
4220 providing criteria for deeming delivery complete of a  
4221 notice of incomplete report; deleting a provision  
4222 allowing for notification by telephone of an  
4223 incomplete report; requiring political committees that  
4224 make a contribution or expenditure in connection with  
4225 certain county or municipal elections to file campaign  
4226 finance reports with the county or municipal filing  
4227 officer and to include its contributions and  
4228 expenditures in a report to the division; revising the  
4229 information that must be included in a report to  
4230 include transaction information for credit card  
4231 purchases; deleting a requirement that a campaign  
4232 depository to return checks drawn on the account to  
4233 the campaign treasurer; specifying the amount of a  
4234 fine for the failure to timely file reports after a  
4235 special primary election or special election;  
4236 specifying that the registered agent of a political  
4237 committee is a person whom a filing officer may notify  
4238 of the amount of the fine for filing a late report;  
4239 providing criteria for deeming delivery of a notice of  
4240 late report and resulting fine complete; amending s.  
4241 106.0703, F.S.; correcting a cross-reference; deleting  
4242 a requirement for an electioneering communications  
4243 organization to provide certain information to the  
4244 department on activities occurring since the last  
4245 general election; amending s. 106.0705, F.S.;

4246 requiring certain individuals to electronically file  
4247 certain reports with the division; conforming a cross-



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4248 reference to changes made by the act; deleting an  
4249 obsolete provision; amending s. 106.071, F.S.;

4250 conforming provisions relating to expenditures in the  
4251 aggregate; clarifying the independent expenditure  
4252 disclaimer for paid political advertisement by an  
4253 individual; amending s. 106.08, F.S.; deleting a  
4254 requirement for the department to notify candidates as  
4255 to whether an independent or minor party candidate has  
4256 obtained the required number of petition signatures;  
4257 deleting a requirement for certain unopposed  
4258 candidates to return contributions; specifying the  
4259 entities with which a political party's state  
4260 executive committee, an affiliated party committee,  
4261 and county executive committees must file a written  
4262 acceptance of an in-kind contribution; amending s.  
4263 106.09, F.S.; specifying that the limitations on  
4264 contributions by cash or cashier's check apply to the  
4265 aggregate amount of contributions to a candidate or  
4266 committee per election; clarifying that a violation of  
4267 a certain subsection, and not a section, of the law is  
4268 a misdemeanor of the first degree; amending s. 106.11,  
4269 F.S.; revising the statement that must be contained on  
4270 checks from a campaign account; deleting requirements  
4271 relating to the use of debit cards; authorizing a  
4272 campaign for a candidate to reimburse the candidate's  
4273 loan to the campaign when the campaign account has  
4274 sufficient funds; amending s. 106.141, F.S.; removing  
4275 certain limitations on expenditure of surplus funds;  
4276 requiring candidates receiving public financing to



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4277 return all surplus funds to the General Revenue Fund  
4278 after paying certain monetary obligations and  
4279 expenses; amending s. 106.143, F.S.; revising  
4280 disclosure requirements for certain political  
4281 advertisements; specifying disclosure statements that  
4282 must be included in political advertisements paid for  
4283 by a write-in candidate; specifying disclosure  
4284 requirements for political advertisements paid for by  
4285 in-kind contributions; prohibiting the inclusion of a  
4286 person's political affiliation in advertisements for a  
4287 nonpartisan office; clarifying the type of political  
4288 advertisements that must be approved in advance by a  
4289 candidate; deleting a duplicative exemption from the  
4290 requirement to obtain a candidate's approval for  
4291 messages designed to be worn; providing that political  
4292 advertisements paid for by a political party or an  
4293 affiliated party committee may use certain registered  
4294 names and abbreviations; clarifying that a political  
4295 advertisement that is paid for by a candidate and  
4296 complies with statutory disclosure requirements is not  
4297 required to additionally state that it is approved by  
4298 the candidate; amending s. 106.15, F.S.; prohibiting  
4299 the making, soliciting, or accepting of any political  
4300 contribution in a government-occupied room or building  
4301 space; defining "government-occupied room or building  
4302 space"; providing an exception; amending s. 106.17,  
4303 F.S.; authorizing state and county executive  
4304 committees and affiliated party committees to conduct  
4305 political polls to determine viability of potential



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4306 candidates; allowing sharing of results; providing  
4307 that such expenditures are not contributions to the  
4308 potential candidates; amending s. 106.19, F.S.;  
4309 providing that a candidate's failure to comply with  
4310 ch. 106, F.S., has no effect on whether the candidate  
4311 has qualified for office; amending s. 106.25, F.S.,  
4312 relating to reports of alleged violations to Florida  
4313 Elections Commission; providing a deadline for the  
4314 filing of a response by a respondent; prohibiting the  
4315 commission from defining willfulness by rule, or  
4316 further defining the term as provided in ch. 106 or  
4317 ch. 104, F.S.; providing for entering into a consent  
4318 order under certain circumstances; allowing a  
4319 respondent who is alleged by the commission to have  
4320 violated the election code or campaign financing laws  
4321 to elect as a matter of right a formal hearing before  
4322 the Division of Administrative Hearings; authorizing  
4323 an administrative law judge to assess civil penalties  
4324 upon the finding of a violation; amending s. 106.26,  
4325 F.S.; authorizing the commission to file a complaint  
4326 in the circuit court where the witness resides;  
4327 amending s. 106.265, F.S.; authorizing an  
4328 administrative law judge to assess a civil penalty  
4329 upon a finding of a violation of the election code or  
4330 campaign financing laws; providing for civil penalties  
4331 to be assessed against an electioneering  
4332 communications organization; removing reference to the  
4333 expired Election Campaign Financing Trust Fund;  
4334 directing that moneys from penalties and fines be



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4335 deposited into the General Revenue Fund; amending s.  
4336 106.29, F.S.; requiring specified committees that make  
4337 contributions or expenditures to influence the results  
4338 of a special election or special primary election to  
4339 file campaign treasurer's reports by certain dates;  
4340 providing for applicable campaign finance reporting  
4341 dates, to conform; deleting a requirement that each  
4342 state executive committee file the original and one  
4343 copy of its reports with the division; revising  
4344 provisions relating to penalties for late filing, to  
4345 conform and to provide requirements for sufficiency of  
4346 notice; amending s. 106.35, F.S.; deleting a  
4347 requirement that the division adopt rules relating to  
4348 the format and filing of certain printed campaign  
4349 treasurer's reports under the Florida Election  
4350 Campaign Financing Act; amending s. 106.355, F.S.;  
4351 eliminating the duty of the department to provide  
4352 funds from the Election Campaign Financing Trust Fund  
4353 when certain expenditure limits are exceeded; amending  
4354 s. 11.045, F.S.; excluding funds received or spent  
4355 under s. 106.012, F.S., from the definition of  
4356 "expenditure"; amending s. 112.312, F.S.; excluding  
4357 funds received or spent under s. 106.012, F.S., or  
4358 contributions or expenditures reported pursuant to  
4359 federal election law from the definition of "gift";  
4360 amending s. 112.3215, F.S.; excluding funds received  
4361 or spent under s. 106.012, F.S., or contributions or  
4362 expenditures reported pursuant to federal election law  
4363 from the definition of "expenditure"; amending s.



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4364 876.05, F.S.; deleting the requirement that candidates  
4365 for public office take a public employee oath;  
4366 amending s. 100.101, F.S.; to conform to changes made  
4367 by the act; repealing s. 103.161, F.S., relating to  
4368 the removal or suspension of officers or members of  
4369 state executive committees or county executive  
4370 committees; repealing s. 876.07, F.S., relating to the  
4371 requirement that a candidate take a public employee  
4372 oath as a prerequisite to qualifying for public  
4373 office, to conform; amending s. 101.161, F.S.;  
4374 revising terminology; transferring to a new subsection  
4375 requirements applicable to joint resolutions;  
4376 providing that a joint resolution may include a ballot  
4377 summary and alternate ballot summaries; providing that  
4378 a joint resolution may include a ballot summary or  
4379 alternate ballot summaries, listed in order of  
4380 preference, describing the chief purpose of the  
4381 amendment or revision in clear and unambiguous  
4382 language; requiring a joint resolution to specify  
4383 placement on the ballot of a ballot title and either a  
4384 ballot summary embodied in the joint resolution or the  
4385 full text of the proposed amendment or revision;  
4386 requiring placement on the ballot of the ballot title  
4387 and ballot summary, or the ballot title and the full  
4388 text of the proposed amendment or revision, as  
4389 specified by a joint resolution; requiring placement  
4390 on the ballot of the full text of an amendment or  
4391 revision if the court determines that each ballot  
4392 summary embodied in a joint resolution is defective





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4393 unless the Secretary of State certifies to the court  
4394 that placement of the full text on the ballot is  
4395 incompatible with voting systems that must be utilized  
4396 during the election at which the proposed amendment  
4397 will be presented to voters and that no other  
4398 available accommodation will enable persons with  
4399 disabilities to vote on the proposed amendment or  
4400 revision; requiring the Attorney General to revise a  
4401 ballot summary under certain circumstances; requiring  
4402 the court to retain jurisdiction over challenges to  
4403 any revised ballot summary submitted by the Attorney  
4404 General; requiring challenges to revised ballot  
4405 summaries to be filed within 10 days after the revised  
4406 ballot summary is submitted to the court by the  
4407 Attorney General; creating a presumption that the full  
4408 text of an amendment or revision must be considered a  
4409 clear and unambiguous statement of the substance and  
4410 effect of an amendment or revision proposed by joint  
4411 resolution and sufficient notice to electors under  
4412 certain circumstances; establishing rules of  
4413 construction for construing proposed ballot titles,  
4414 ballot summaries, or the full text of proposed  
4415 amendments or revisions; requiring legal challenges to  
4416 ballot language to be filed within certain time  
4417 periods; requiring complaints or petitions challenging  
4418 ballot language to assert all grounds for such  
4419 challenges; providing that any grounds not asserted  
4420 are waived; requiring the courts to describe with  
4421 specificity each deficiency in a ballot title,



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4422 summary, or full text of a proposed amendment or  
4423 revision; requiring the courts to accord actions  
4424 challenging ballot language specified by a joint  
4425 resolution priority over other pending cases and issue  
4426 orders as expeditiously as possible; providing  
4427 retroactive applicability to joint resolutions passed  
4428 during the 2011 regular session; providing effective  
4429 dates.