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LEGISLATIVE ACTION

Senate	.	House
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04/16/2013 10:04 AM	.	
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Senator Diaz de la Portilla moved the following:

1   **Senate Amendment (with title amendment)**
2
3   Delete lines 114 - 157
4   and insert:
5   Section 1. Subsection (17) is added to section 97.012,
6   Florida Statutes, to read:
7   97.012 Secretary of State as chief election officer.—The
8   Secretary of State is the chief election officer of the state,
9   and it is his or her responsibility to:
10   (17) When warranted, place a supervisor of elections in
11   noncompliant status pursuant to s. 98.025.
12   Section 2. Section 97.0555, Florida Statutes, is amended to
13   read:

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14   97.0555 Late registration.—An individual or accompanying
15 family member who has been discharged or separated from the
16 uniformed services or the United States Merchant Marine, has
17 returned from a combat zone or forward-deployed area, or has
18 separated from employment outside the territorial limits of the
19 United States, after the book-closing date for an election
20 pursuant to s. 97.055 and who is otherwise qualified may
21 register to vote in such election until 5 p.m. on the Friday
22 before that election in the office of the supervisor of
23 elections. Such persons must produce sufficient documentation
24 showing evidence of qualifying for late registration pursuant to
25 this section.

26   Section 3. Subsection (3) of section 97.061, Florida
27 Statutes, is amended to read:

28   97.061 Special registration for electors requiring
29 assistance.—

30   (3) The precinct register generated by the supervisor shall
31 contain a notation that such person is eligible for assistance
32 in voting, and the supervisor may make a notation on the voter
33 information card that such person is eligible for assistance in
34 voting. Such person shall be entitled to receive the assistance
35 of two election officials or some other person of his or her own
36 choice, other than the person's employer, an ~~the~~ agent of the
37 person's employer, or an officer or agent of the person's union,
38 without the necessity of executing the "Declaration to Secure
39 Assistance" prescribed in s. 101.051, so long as the person is
40 known to the elector before election day. Such person shall
41 notify the supervisor of any change in his or her condition
42 which makes it unnecessary for him or her to receive assistance

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43 in voting. An individual may not provide assistance to more than
44 10 electors during any election.
45   Section 4. Section 98.025, Florida Statutes, is created to
46 read:
47   98.025 Supervisors of elections; noncompliant status.—
48   (1) The Secretary of State may place a supervisor of
49 elections in noncompliant status whenever that supervisor does
50 not perform one or more of the following:
51   (a) Timely file any report required by the Florida Election
52 Code.
53   (b) Ensure that ballots are distributed, collected,
54 counted, and reported in accordance with applicable law.
55   (c) Safeguard and account for voted ballots.
56   (d) Follow any statute that imposes a duty or
57 responsibility on a supervisor of elections.
58   (e) Follow rules adopted by the Department of State
59 concerning the implementation of any provision of the Florida
60 Election Code.
61   (2) The Secretary of State shall submit the written
62 decision to place or remove a supervisor of elections in
63 noncompliant status to the affected supervisor and provide a
64 copy of the decision to the Governor and the chair of the board
65 of county commissioners in the supervisor's county.
66   (3) While a supervisor of elections is in noncompliant
67 status, the supervisor is not entitled to receive the special
68 qualification salary available pursuant to s. 145.09. When
69 removed from noncompliant status, if otherwise eligible to
70 receive the special qualification salary, the supervisor is
71 entitled to a pro rata share of the special qualification salary

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72 based on the remaining period of the year.

73   (4) The Secretary of State may remove a supervisor from

74 noncompliant status after 1 year of being placed in such status,

75 provided that:

76   (a) The supervisor has complied with any of the duties

77 identified in subsection (1) while in a noncompliant status.

78   (b) The supervisor has completed during each year while in

79 noncompliant status a course of continuing education pursuant to

80 s. 145.09 as prescribed by the Division of Elections; and

81   (c) The supervisor has taken and received while in

82 noncompliant status a grade of 90 percent or greater on a

83 uniform statewide open-book examination testing the supervisor's

84 knowledge of the Florida Election Code. The Florida State

85 Association of Supervisors of Elections shall annually develop

86 the examination, but the examination shall be approved and

87 administered by the Division of Elections.

88   (5) If a supervisor has been in noncompliant status for 3

89 consecutive years, the Secretary of State shall provide written

90 notice of such event to the Governor for consideration of

91 exercising the Governor's authority to suspend the supervisor

92 pursuant to s. 7, Art. IV of the State Constitution.

93   (6) The decision of the Secretary of State to place a

94 supervisor of elections in noncompliant status or remove a

95 supervisor of elections from noncompliant status is exempt from

96 the provisions of chapter 120.

97   (7) This section is in addition to, and not exclusive of,

98 the authority of the Governor to suspend and remove a supervisor

99 of elections pursuant to s. 7, Art. IV of the State

100 Constitution.

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101
102   ================= T I T L E   A M E N D M E N T =================
103   And the title is amended as follows:
104   Delete lines 2 - 11
105   and insert:
106   An act relating to elections; amending s. 97.012,
107   F.S.; expanding the list of responsibilities of the
108   Secretary of State when acting in his or her capacity
109   as chief election officer; amending s. 97.055, F.S.;
110   revising qualifications for late voter registration;
111   amending s. 97.061, F.S.; revising restrictions
112   relating to electors requiring assistance; prohibiting
113   an individual from providing assistance to more than
114   10 electors during any election; creating s. 98.025,
115   F.S.; authorizing the Secretary of State to place a
116   supervisor of elections in noncompliant status under
117   specified conditions; requiring the secretary to
118   submit a written decision of placing or removing a
119   supervisor in noncompliant status with specified
120   persons; providing that a supervisor in noncompliant
121   status is not entitled to receive the special
122   qualification salary; providing requirements to remove
123   a supervisor from noncompliant status; requiring the
124   secretary to provide written notice to the Governor if
125   a supervisor has been in noncompliant status for 3
126   consecutive years;