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LEGISLATIVE ACTION

Senate . House

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Floor: 1a/RE/3R

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Senator Latvala moved the following:

1           **Senate Amendment to Amendment (166182) (with title**  
2 **amendment)**

3  
4           Delete lines 26 - 174

5 and insert:

6           Section 3. Section 98.025, Florida Statutes, is created to  
7 read:

8           98.025 Supervisors of elections; noncompliant status.-

9           (1) The Secretary of State may place a supervisor of  
10 elections in noncompliant status whenever that supervisor does  
11 not perform one or more of the following:

12           (a) Timely file any report required by the Florida Election  
13 Code.



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14           (b) Ensure that ballots are distributed, collected,  
15 counted, and reported in accordance with applicable law.

16           (c) Safeguard and account for voted ballots.

17           (d) Follow any statute that imposes a duty or  
18 responsibility on a supervisor of elections.

19           (e) Follow rules adopted by the Department of State  
20 concerning the implementation of any provision of the Florida  
21 Election Code.

22           (2) The Secretary of State shall submit the written  
23 decision to place or remove a supervisor of elections in  
24 noncompliant status to the affected supervisor and provide a  
25 copy of the decision to the Governor and the chair of the board  
26 of county commissioners in the supervisor's county.

27           (3) While a supervisor of elections is in noncompliant  
28 status, the supervisor is not entitled to receive the special  
29 qualification salary available pursuant to s. 145.09. When  
30 removed from noncompliant status, if otherwise eligible to  
31 receive the special qualification salary, the supervisor is  
32 entitled to a pro rata share of the special qualification salary  
33 based on the remaining period of the year.

34           (4) The Secretary of State may remove a supervisor from  
35 noncompliant status after 1 year of being placed in such status,  
36 provided that:

37           (a) The supervisor has complied with any of the duties  
38 identified in subsection (1) while in a noncompliant status;

39           (b) The supervisor has completed during each year while in  
40 noncompliant status a course of continuing education pursuant to  
41 s. 145.09 as prescribed by the Division of Elections; and

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



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43 noncompliant status a grade of 90 percent or greater on a  
44 uniform statewide open-book examination testing the supervisor's  
45 knowledge of the Florida Election Code. The Florida State  
46 Association of Supervisors of Elections shall annually develop  
47 the examination, but the examination shall be approved and  
48 administered by the Division of Elections.

49 (5) If a supervisor has been in noncompliant status for 3  
50 consecutive years, the Secretary of State shall provide written  
51 notice of such event to the Governor for consideration of  
52 exercising the Governor's authority to suspend the supervisor  
53 pursuant to s. 7, Art. IV of the State Constitution.

54 (6) The decision of the Secretary of State to place a  
55 supervisor of elections in noncompliant status or remove a  
56 supervisor of elections from noncompliant status is exempt from  
57 the provisions of chapter 120.

58 (7) This section is in addition to, and not exclusive of,  
59 the authority of the Governor to suspend and remove a supervisor  
60 of elections pursuant to s. 7, Art. IV of the State  
61 Constitution.

62 Section 4. Section 100.061, Florida Statutes, is amended to  
63 read:

64 100.061 Primary election.—In each year in which a general  
65 election is held, a primary election for nomination of  
66 candidates of political parties shall be held on the Tuesday 10  
67 ~~12~~ weeks prior to the general election. The candidate receiving  
68 the highest number of votes cast in each contest in the primary  
69 election shall be declared nominated for such office. If two or  
70 more candidates receive an equal and highest number of votes for  
71 the same office, such candidates shall draw lots to determine



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72 which candidate is nominated.

73 Section 5. Paragraphs (a) and (b) of subsection (2) of  
74 section 101.045, Florida Statutes, are amended to read:

75 101.045 Electors must be registered in precinct; provisions  
76 for change of residence or name.-

77 (2) (a) An elector who moves from the precinct in which the  
78 elector is registered may ~~be permitted to~~ vote in the precinct  
79 to which he or she has moved his or her legal residence, if the  
80 change of residence is within the same county or the precinct to  
81 which the elector has moved his or her legal residence is within  
82 a county that uses an electronic database as a precinct register  
83 at the polling place, and the elector completes an affirmation  
84 in substantially the following form:

85  
86 Change of Legal Residence of Registered  
87 Voter  
88

89 Under penalties for false swearing, I, ...(Name of voter)...,  
90 swear (or affirm) that the former address of my legal residence  
91 was ...(Address of legal residence)... in the municipality of  
92 ....., in .... County, Florida, and I was registered to vote in  
93 the .... precinct of .... County, Florida; that I have not voted  
94 in the precinct of my former registration in this election; that  
95 I now reside at ...(Address of legal residence)... in the  
96 Municipality of ....., in .... County, Florida, and am therefore  
97 eligible to vote in the .... precinct of .... County, Florida;  
98 and I further swear (or affirm) that I am otherwise legally  
99 registered and entitled to vote.





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130 primary election and a general election; amending s.  
131 101.045, F.S.; authorizing an elector to vote at the  
132 polling place in the precinct to which he or she has  
133 moved if such county uses an electronic database as a  
134 precinct register; amending s. 101.161, F.S.;  
135 providing a