

FOR CONSIDERATION By the Committee on Ethics and Elections

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1                                   A bill to be entitled  
2       An act relating to elections; creating s. 97.0525,  
3       F.S.; requiring the Department of State to develop an  
4       online voter registration system; specifying  
5       application requirements for the system; requiring the  
6       Department of Highway Safety and Motor Vehicles to  
7       verify information submitted online; requiring the  
8       supervisor of elections to notify applicants under  
9       certain circumstances; requiring system compliance  
10      with federal accessibility provisions; prohibiting  
11      online registrants from initially voting by absentee  
12      ballot; providing exceptions; amending s. 101.20,  
13      F.S.; authorizing the supervisor of elections to  
14      choose the method of providing sample ballots to  
15      electors; amending s. 101.6103, F.S.; extending the  
16      time for canvassing and processing absentee ballots  
17      for a mail ballot election to 15 days before the  
18      election; amending s. 101.62, F.S.; providing that an  
19      absentee ballot request from a first-time online  
20      registrant is not valid unless certain conditions are  
21      met; amending s. 101.68, F.S.; revising instructions  
22      on the absentee ballot affidavit relating to the  
23      submission deadline for affidavits; amending s.  
24      101.69, F.S.; designating locations where the  
25      supervisor may accept or receive an elector's voted  
26      absentee ballot; creating s. 101.6931, F.S.;  
27      establishing requirements for the absentee ballot  
28      provided to certain first-time online registrant  
29      voters; specifying content of the voter's certificate

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30 for an absentee ballot provided to first-time online  
31 registrant voters; creating s. 101.6932, F.S.;  
32 specifying instructions required to be included with  
33 an absentee ballot sent to first-time online  
34 registrant absent electors; creating s. 101.6933,  
35 F.S.; establishing procedures for the canvassing of  
36 absentee ballots received from first-time online  
37 registrant voters; amending s. 105.071, F.S.; revising  
38 penalties relating to limitations on political  
39 activity by a candidate for judicial office; amending  
40 s. 106.07, F.S.; clarifying the reporting schedules of  
41 campaign finance reports filed by certain candidates  
42 and political committees; revising the schedule for  
43 assessment of fines for late-filed reports; amending  
44 s. 106.0703, F.S.; clarifying the reporting schedules  
45 of reports filed by certain electioneering  
46 communications organizations; revising the schedule  
47 for assessment of fines for late-filed reports;  
48 amending s. 106.25, F.S.; revising provisions relating  
49 to service of process of a respondent by the Florida  
50 Elections Commission; providing that a respondent may  
51 consent to receive documents from the commission  
52 electronically; clarifying and revising provisions  
53 relating to the commission's authority over certain  
54 violations by candidates for judicial office; amending  
55 s. 106.265, F.S.; specifying that an unpaid fine  
56 becomes a judgment 60 days after such fine is imposed;  
57 requiring the commission to attempt to determine  
58 whether an individual owing fines is a current public

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59 officer or public employee; authorizing the commission  
60 to notify the Chief Financial Officer or the governing  
61 body of a county, municipality, or special district of  
62 the total amount of any fine owed to the commission by  
63 such individuals; requiring that the Chief Financial  
64 Officer or the governing body begin withholding  
65 portions of any salary-related payment that would  
66 otherwise be paid to the current public officer or  
67 public employee; requiring that the withheld payments  
68 be remitted to the commission until the fine is  
69 satisfied or a specified amount is reached;  
70 authorizing the Chief Financial Officer or the  
71 governing body to retain a portion of payment for  
72 administrative costs; authorizing garnishment and  
73 collection methods for individuals who are no longer  
74 public officers or public employees; authorizing the  
75 commission to collect an unpaid fine within a  
76 specified period after issuance of the final order;  
77 clarifying and revising provisions relating to the  
78 commission's authority over certain violations by  
79 candidates for judicial office; providing an effective  
80 date.

81

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

83

84 Section 1. Section 97.0525, Florida Statutes, is created to  
85 read:

86 97.0525 Online voter registration.—87 (1) Beginning July 1, 2015, an applicant may submit an

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88 online voter registration application using the procedures set  
89 forth in this section.

90 (2) (a) The division shall establish a secure Internet  
91 website to permit an applicant to:

92 1. Submit a voter registration application, including  
93 first-time voter registration applications and updates to  
94 existing voter registration records.

95 2. Submit information necessary to establish an applicant's  
96 eligibility to vote, pursuant to s. 97.041, which must include  
97 the information required for the uniform statewide voter  
98 registration application pursuant to s. 97.052(2).

99 3. Swear to the oath required pursuant to s. 97.051.

100 (b) The website must conspicuously provide notice of the  
101 in-person voting requirements and absentee ballot exemptions in  
102 subsection (8). Each applicant who is not currently registered  
103 to vote must affirmatively acknowledge, by checkbox or  
104 otherwise, that he or she has read and understands this  
105 information before or contemporaneous with submitting the voter  
106 registration application.

107 (3) The division shall establish appropriate technological  
108 security measures, including use of a unique identifier for each  
109 applicant, to prevent unauthorized persons from altering a  
110 voter's registration information.

111 (4) (a) The online voter registration system shall compare  
112 the Florida driver license number or Florida identification  
113 number submitted pursuant to s. 97.052(2) (n), unless the  
114 applicant indicates pursuant to s. 97.052(2) (o) that he or she  
115 has not been issued a Florida driver license or Florida  
116 identification card, with information maintained by the

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117 Department of Highway Safety and Motor Vehicles, to confirm that  
118 the name and date of birth on the application are consistent  
119 with the records of the Department of Highway Safety and Motor  
120 Vehicles.

121 (b) If the applicant's name and date of birth are  
122 consistent with the records of the Department of Highway Safety  
123 and Motor Vehicles, the online voter registration system shall  
124 transmit, using the statewide voter registration system  
125 maintained pursuant to s. 98.035, the applicant's submission,  
126 along with the digital signature of the applicant on file with  
127 the Department of Highway Safety and Motor Vehicles, to the  
128 supervisor of elections of the county in which the applicant  
129 resides. The applicant's digital signature shall satisfy the  
130 signature requirement of s. 97.052(2)(q).

131 (c) If the applicant's name and date of birth cannot be  
132 verified by the records of the Department of Highway Safety and  
133 Motor Vehicles, or the applicant indicated that he or she has  
134 not been issued a Florida driver license or Florida  
135 identification card, but the applicant is otherwise eligible to  
136 vote, the online voter registration system shall issue a unique  
137 identification number and submit the application to the  
138 supervisor of elections for the county in which the voter  
139 resides, for disposition pursuant to s. 97.073.

140 (d) If the applicant does not have a digital signature on  
141 file with the Department of Highway Safety and Motor Vehicles,  
142 the online voter registration system shall transmit the  
143 application as provided in paragraph (b), and the appropriate  
144 supervisor of elections shall send the applicant a notice  
145 pursuant to s. 97.073, informing the applicant that a signature

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146 is needed to complete the application. A notice provided under  
147 this paragraph shall consist of a form adopted by the division,  
148 delivered by postcard with postage prepaid. The form shall  
149 provide a space for the applicant to provide a signature and  
150 shall provide clear instructions to the applicant to return the  
151 card promptly to the supervisor of elections. The form shall  
152 contain a clear statement that, in order to complete the  
153 application, the signature must be supplied to the supervisor of  
154 elections by the registration deadline, and the deadline shall  
155 be included.

156 (5) Upon submission of a completed online voter  
157 registration application, the website shall generate an  
158 immediate electronic confirmation that the supervisor has  
159 received the application and shall provide instructions  
160 regarding the ability of a registrant to check the status of the  
161 application thereafter.

162 (6) Except as otherwise provided in this section, the  
163 supervisor of elections shall process the application pursuant  
164 to s. 97.053.

165 (7) The website shall comply with requirements of s. 508 of  
166 the Rehabilitation Act of 1973 and Title II of the Americans  
167 with Disabilities Act to ensure equal access to voters with  
168 disabilities. The division shall include accessibility experts  
169 in the development of the online voter registration system and  
170 website, and the system's accessibility shall be verified by an  
171 independent body with expertise on the matter.

172 (8) An elector who is not currently registered to vote and  
173 who registers pursuant to this section must cast his or her  
174 initial ballot immediately following registration at either an

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175 early voting site pursuant to s. 101.657, at a polling place on  
176 election day, or in connection with supervised voting pursuant  
177 to s. 101.655; however, the elector may vote by absentee ballot  
178 if the elector meets one of the following exemptions:

179 (a) Is 65 years of age or older;

180 (b) Has a temporary or permanent physical disability;

181 (c) Is a member of the uniformed services on active duty  
182 who, by reason of such active duty, will be absent from the  
183 county on election day;

184 (d) Is a member of the Merchant Marine who, by reason of  
185 service in the Merchant Marine, will be absent from the county  
186 on election day;

187 (e) Is the spouse or dependent of a member referred to in  
188 paragraph (c) or paragraph (d) who, by reason of the active duty  
189 or service of the member, will be absent from the county on  
190 election day; or

191 (f) Is currently residing outside of the United States and  
192 is eligible to vote in Florida.

193 Section 2. Subsection (2) of section 101.20, Florida  
194 Statutes, is amended to read:

195 101.20 Publication of ballot form; sample ballots.—

196 (2)(a) Upon completion of the list of qualified candidates,  
197 a sample ballot shall be published by the supervisor of  
198 elections in a newspaper of general circulation in the county,  
199 before the day of election.

200 (b) In lieu of publication, a supervisor may send a sample  
201 ballot to each registered elector by e-mail at least 7 days  
202 before an election if an e-mail address has been provided and  
203 the elector has opted to receive a sample ballot by electronic

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204 delivery. If an e-mail address has not been provided, or if the  
205 elector has not opted for electronic delivery, a sample ballot  
206 must ~~may~~ be mailed to each registered elector or to each  
207 household in which there is a registered elector at least 7 days  
208 before an election.

209 Section 3. Subsection (6) of section 101.6103, Florida  
210 Statutes, is amended to read:

211 101.6103 Mail ballot election procedure.—

212 (6) The canvassing board may begin the canvassing of mail  
213 ballots at 7 a.m. on the 15th ~~sixth~~ day before the election,  
214 including processing the ballots through the tabulating  
215 equipment. However, results may not be released until after 7  
216 p.m. on election day. Any canvassing board member or election  
217 employee who releases any result before 7 p.m. on election day  
218 commits a felony of the third degree, punishable as provided in  
219 s. 775.082, s. 775.083, or s. 775.084.

220 Section 4. Subsection (1) of section 101.62, Florida  
221 Statutes, is amended to read:

222 101.62 Request for absentee ballots.—

223 (1)(a) The supervisor shall accept a request for an  
224 absentee ballot from an elector in person or in writing. One  
225 request shall be deemed sufficient to receive an absentee ballot  
226 for all elections through the end of the calendar year of the  
227 second ensuing regularly scheduled general election, unless the  
228 elector or the elector's designee indicates at the time the  
229 request is made the elections for which the elector desires to  
230 receive an absentee ballot. Such request may be considered  
231 canceled when any first-class mail sent by the supervisor to the  
232 elector is returned as undeliverable.

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233 (b)1. The supervisor may accept a written or telephonic  
234 request for an absentee ballot to be mailed to an elector's  
235 address on file in the Florida Voter Registration System from  
236 the elector, or, if directly instructed by the elector, a member  
237 of the elector's immediate family, or the elector's legal  
238 guardian; if the ballot is requested to be mailed to an address  
239 other than the elector's address on file in the Florida Voter  
240 Registration System, the request must be made in writing and  
241 signed by the elector. However, an absent uniformed service  
242 voter or an overseas voter seeking an absentee ballot is not  
243 required to submit a signed, written request for an absentee  
244 ballot that is being mailed to an address other than the  
245 elector's address on file in the Florida Voter Registration  
246 System. For purposes of this section, the term "immediate  
247 family" has the same meaning as specified in paragraph (4)(c).  
248 The person making the request must disclose:

249 ~~a.1.~~ The name of the elector for whom the ballot is  
250 requested.

251 ~~b.2.~~ The elector's address.

252 ~~c.3.~~ The elector's date of birth.

253 ~~d.4.~~ The requester's name.

254 ~~e.5.~~ The requester's address.

255 ~~f.6.~~ The requester's driver's license number, if available.

256 ~~g.7.~~ The requester's relationship to the elector.

257 ~~h.8.~~ The requester's signature (written requests only).

258 2. If the elector was not registered to vote at the time of  
259 submitting a voter registration application online pursuant to  
260 s. 97.0525 and has not voted since registering, the absentee  
261 ballot request is not valid unless it includes an assertion by

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262 the elector that he or she meets one or more of the exemptions  
263 for casting an absentee ballot pursuant to s. 97.0525(8);  
264 notwithstanding, the supervisor must mail the elector an  
265 absentee ballot if the ballot is to be sent to an overseas  
266 address or the voter registration records indicate that the  
267 elector making such request is 65 years of age or older.

268 (c) Upon receiving a request for an absentee ballot from an  
269 absent voter, the supervisor of elections shall notify the voter  
270 of the free access system that has been designated by the  
271 department for determining the status of his or her absentee  
272 ballot.

273 Section 5. Paragraph (d) of subsection (4) of section  
274 101.68, Florida Statutes, is amended to read:

275 101.68 Canvassing of absentee ballot.-

276 (4)

277 (d) Instructions must accompany the absentee ballot  
278 affidavit in substantially the following form:

279

280 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
281 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
282 BALLOT NOT TO COUNT.

283

284 1. In order to ensure that your absentee ballot will be  
285 counted, your affidavit should be completed and returned as soon  
286 as possible so that it can reach the supervisor of elections of  
287 the county in which your precinct is located no later than 5  
288 p.m. on the ~~2nd~~ day before the election.

289 2. You must sign your name on the line above (Voter's  
290 Signature).

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291 3. You must make a copy of one of the following forms of  
292 identification:

293 a. Identification that includes your name and photograph:  
294 United States passport; debit or credit card; military  
295 identification; student identification; retirement center  
296 identification; neighborhood association identification; or  
297 public assistance identification; or

298 b. Identification that shows your name and current  
299 residence address: current utility bill, bank statement,  
300 government check, paycheck, or government document (excluding  
301 voter identification card).

302 4. Place the envelope bearing the affidavit into a mailing  
303 envelope addressed to the supervisor. Insert a copy of your  
304 identification in the mailing envelope. Mail, deliver, or have  
305 delivered the completed affidavit along with the copy of your  
306 identification to your county supervisor of elections. Be sure  
307 there is sufficient postage if mailed and that the supervisor's  
308 address is correct.

309 5. Alternatively, you may fax or e-mail your completed  
310 affidavit and a copy of your identification to the supervisor of  
311 elections. If e-mailing, please provide these documents as  
312 attachments.

313 Section 6. Section 101.69, Florida Statutes, is amended to  
314 read:

315 101.69 Locations for receipt of absentee ballot; voting in  
316 person after requesting an; ~~return of~~ absentee ballot.-

317 (1) (a) Except as provided in subsection (2), the supervisor  
318 of elections shall only accept or receive an elector's voted  
319 absentee ballot that is returned to any of the following

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320 locations:

- 321 1. In the main or branch office of the supervisor;  
322 2. In a polling room at an early voting site; or  
323 3. To the supervisor's post office box within a United  
324 States Postal Service facility.

325 (b) For purposes of this section, the branch office must be  
326 a permanent facility of the supervisor and staffed by one or  
327 more permanent, full-time employees of the supervisor.

328 (2) The provisions of this code shall not be construed to  
329 prohibit any elector from voting in person at the elector's  
330 precinct on the day of an election or at an early voting site,  
331 notwithstanding that the elector has requested an absentee  
332 ballot for that election. An elector who has returned a voted  
333 absentee ballot to the supervisor, however, is deemed to have  
334 cast his or her ballot and is not entitled to vote another  
335 ballot or to have a provisional ballot counted by the county  
336 canvassing board. An elector who has received an absentee ballot  
337 and has not returned the voted ballot to the supervisor, but  
338 desires to vote in person, shall return the ballot, whether  
339 voted or not, to the election board in the elector's precinct or  
340 to an early voting site. The returned ballot shall be marked  
341 "canceled" by the board and placed with other canceled ballots.  
342 However, if the elector does not return the ballot and the  
343 election official:

344 (a)~~(1)~~ Confirms that the supervisor has received the  
345 elector's absentee ballot, the elector shall not be allowed to  
346 vote in person. If the elector maintains that he or she has not  
347 returned the absentee ballot or remains eligible to vote, the  
348 elector shall be provided a provisional ballot as provided in s.

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349 101.048.

350 (b)~~(2)~~ Confirms that the supervisor has not received the  
351 elector's absentee ballot, the elector shall be allowed to vote  
352 in person as provided in this code. The elector's absentee  
353 ballot, if subsequently received, shall not be counted and shall  
354 remain in the mailing envelope, and the envelope shall be marked  
355 "Rejected as Illegal."

356 (c)~~(3)~~ Cannot determine whether the supervisor has received  
357 the elector's absentee ballot, the elector may vote a  
358 provisional ballot as provided in s. 101.048.

359 Section 7. Section 101.6931, Florida Statutes, is created  
360 to read:

361 101.6931 Delivery of special absentee ballot to certain  
362 first-time online registrant voters.-

363 (1) This section applies to voters who are subject to s.  
364 97.0525(8).

365 (2) The supervisor shall enclose with each absentee ballot  
366 two envelopes: a secrecy envelope, into which the absent elector  
367 shall enclose his or her marked ballot; and a mailing envelope,  
368 into which the absent elector shall then place the secrecy  
369 envelope, which shall be addressed to the supervisor and also  
370 bear on the back side a certificate in substantially the  
371 following form:

372  
373 Note: Please Read Instructions Carefully Before Marking Ballot  
374 and Completing Voter's Certificate.

375

376

377

VOTER'S CERTIFICATE

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378 I, . . . ., do solemnly swear or affirm that I am a qualified  
 379 and registered voter of . . . . County, Florida, and that I have  
 380 not and will not vote more than one ballot in this election. I  
 381 understand that if I commit or attempt to commit any fraud in  
 382 connection with voting, vote a fraudulent ballot, or vote more  
 383 than once in an election, I can be convicted of a felony of the  
 384 third degree and fined up to \$5,000 and/or imprisoned for up to  
 385 5 years. I also understand that failure to sign this certificate  
 386 will invalidate my ballot.

387 I further certify that I am exempt from the prohibition  
 388 against voting by absentee ballot in my first election after  
 389 registering to vote online because of one or more of the  
 390 following (check all that apply):

391  I am 65 years of age or older.

392  I have a permanent or temporary physical disability.

393  I am a member of a uniformed service on active duty who,  
 394 by reason of such active duty, will be absent from the county on  
 395 election day.

396  I am a member of the Merchant Marine who, by reason of  
 397 service in the Merchant Marine, will be absent from the county  
 398 on election day.

399  I am the spouse or dependent of a member of the uniformed  
 400 service or Merchant Marine who, by reason of the active duty or  
 401 service of the member, will be absent from the county on  
 402 election day.

403  I am currently residing outside the United States.

404  
 405 ... (Date) ... ...Voter's Signature...

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407 (3) The certificate shall be arranged on the back of the  
408 mailing envelope so that the line for the signature of the  
409 absent elector is across the seal of the envelope; however, no  
410 statement may appear on the envelope which indicates that a  
411 signature of the voter must cross the seal of the envelope. The  
412 absent elector shall execute the certificate on the envelope.

413 (4) The supervisor shall mark, code, indicate on, or  
414 otherwise track the precinct of the absent elector for each  
415 absentee ballot.

416 Section 8. Section 101.6932, Florida Statutes, is created  
417 to read:

418 101.6932 Instructions to certain first-time online  
419 registrant absent electors.-

420 (1) This section applies to voters who are subject to s.  
421 97.0525(8).

422 (2) The supervisor shall enclose with each absentee ballot  
423 separate printed instructions in substantially the following  
424 form:

425  
426 READ THESE INSTRUCTIONS CAREFULLY  
427 BEFORE MARKING BALLOT.

428 1. PROHIBITION FOR CERTAIN FIRST-TIME VOTERS WHO REGISTERED  
429 ONLINE. If you registered to vote online and if this is the  
430 first ballot you will be voting since registering, it is a  
431 felony to sign the Voter's Certificate and return this absentee  
432 ballot to the supervisor of elections, unless one or more of the  
433 following exemptions apply:

434 (a) You are 65 years of age or older;

435 (b) You have a temporary or permanent physical disability;

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436 (c) You are a member of the uniformed services on active  
437 duty who, by reason of such active duty, will be absent from the  
438 county on election day;

439 (d) You are a member of the Merchant Marine who, by reason  
440 of service in the Merchant Marine, will be absent from the  
441 county on election day;

442 (e) You are the spouse or dependent of a member of the  
443 uniformed service or Merchant Marine who, by reason of the  
444 active duty or service of the member, will be absent from the  
445 county on election day; or

446 (f) You are currently residing outside the United States  
447 and are eligible to vote in Florida.

448  
449 If you qualify for one of these exemptions, you MAY CAST this  
450 absentee ballot, but you MUST indicate on the Voter's  
451 Certificate which exemption applies. Otherwise, your ballot may  
452 not count.

453 2. VERY IMPORTANT. In order to ensure that your absentee  
454 ballot will be counted, it should be completed and returned as  
455 soon as possible so that it can reach the supervisor of  
456 elections of the county in which your precinct is located no  
457 later than 7 p.m. on the day of the election. However, if you  
458 are an overseas voter casting a ballot in a presidential  
459 preference primary or general election, your absentee ballot  
460 must be postmarked or dated no later than the date of the  
461 election and received by the supervisor of elections of the  
462 county in which you are registered to vote no later than 10 days  
463 after the date of the election.

464 3. Mark your ballot in secret as instructed on the ballot.

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465 You must mark your own ballot unless you are unable to do so  
466 because of blindness, disability, or inability to read or write.

467 4. Mark only the number of candidate or issue choices for a  
468 race as indicated on the ballot. If you are allowed to "Vote for  
469 One" candidate and you vote for more than one candidate, your  
470 vote in that race will not be counted.

471 5. Place your marked ballot in the enclosed secrecy  
472 envelope.

473 6. Insert the secrecy envelope into the enclosed mailing  
474 envelope which is addressed to the supervisor.

475 7. Seal the mailing envelope and completely fill out the  
476 voter's certificate on the back of the mailing envelope.

477 8. VERY IMPORTANT. In order for your absentee ballot to be  
478 counted, you must sign your name on the line above (Voter's  
479 Signature). An absentee ballot will be considered illegal and  
480 not be counted if the signature on the voter's certificate does  
481 not match the signature on record. The signature on file at the  
482 start of the canvass of the absentee ballots is the signature  
483 that will be used to verify your signature on the voter's  
484 certificate. If you need to update your signature for this  
485 election, send your signature update on a voter registration  
486 application to your supervisor of elections so that it is  
487 received no later than the start of the canvassing of absentee  
488 ballots, which occurs no earlier than the 15th day before  
489 election day.

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

493 10. Mail, deliver, or have delivered the completed mailing

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494 envelope. Be sure there is sufficient postage if mailed.

495 11. FELONY NOTICE. It is a felony under Florida law to  
496 accept any gift, payment, or gratuity in exchange for your vote  
497 for a candidate. It is also a felony under Florida law to vote  
498 in an election using a false identity or false address, or under  
499 any other circumstances making your ballot false or fraudulent.

500 Section 9. Section 101.6933, Florida Statutes, is created  
501 to read:

502 101.6933 Canvassing first-time online registrant absentee  
503 ballots.-

504 (1) The supervisor of the county where the absent elector  
505 resides shall receive the voted absentee ballot. The mailing  
506 envelope shall be examined to determine if the voter has  
507 indicated on the Voter's Certificate that he or she is exempt  
508 from the prohibition of first-time online registrants voting an  
509 absentee ballot under s. 97.0525(8).

510 (2) If the voter has indicated on the Voter's Certificate  
511 that he or she is exempt from the prohibition in s. 97.0525(8),  
512 the supervisor shall make the note on the registration records  
513 of the voter and the canvassing board shall proceed to canvass  
514 the absentee ballot as provided in s. 101.68.

515 (3) If the voter has not indicated on the Voter's  
516 Certificate that he or she is exempt, the supervisor shall check  
517 the voter registration records to determine if the absentee  
518 ballot request received was in writing or if the voter had  
519 previously notified the supervisor in writing that he or she is  
520 exempt. The envelope may not be opened unless the voter has  
521 previously indicated to the supervisor in writing that he or she  
522 is exempt. The ballot shall be treated as a provisional ballot

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523 until 7 p.m. on election day and may not be canvassed unless the  
524 supervisor has received a written indication of the exemption by  
525 7 p.m. on election day.

526 Section 10. Section 105.071, Florida Statutes, is amended  
527 to read:

528 105.071 Candidates for judicial office; limitations on  
529 political activity.—A candidate for judicial office may ~~shall~~  
530 not:

531 (1) Participate in any partisan political party activities,  
532 except that such candidate may register to vote as a member of  
533 any political party and may vote in any party primary for  
534 candidates for nomination of the party in which she or he is  
535 registered to vote.

536 (2) Campaign as a member of any political party.

537 (3) Publicly represent or advertise herself or himself as a  
538 member of any political party.

539 (4) Endorse any candidate.

540 (5) Make political speeches other than in the candidate's  
541 own behalf.

542 (6) Make contributions to political party funds.

543 (7) Accept contributions from any political party.

544 (8) Solicit contributions for any political party.

545 (9) Accept or retain a place on any political party  
546 committee.

547 (10) Make any contribution to any person, group, or  
548 organization for its endorsement to judicial office.

549 (11) Agree to pay all or any part of any advertisement  
550 sponsored by any person, group, or organization wherein the  
551 candidate may be endorsed for judicial office by any such

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552 person, group, or organization.

553

554 A candidate for judicial office or retention therein who  
555 violates ~~the provisions of~~ this section is liable for a civil  
556 fine not to exceed of up to \$1,000 per count pursuant to s.  
557 106.265 ~~to be determined by the Florida Elections Commission.~~

558 Section 11. Paragraph (b) of subsection (1) and paragraph  
559 (b) of subsection (8) of section 106.07, Florida Statutes, are  
560 amended to read:

561 106.07 Reports; certification and filing.-

562 (1) Each campaign treasurer designated by a candidate or  
563 political committee pursuant to s. 106.021 shall file regular  
564 reports of all contributions received, and all expenditures  
565 made, by or on behalf of such candidate or political committee.  
566 Except as provided in paragraphs (a) and (b), reports shall be  
567 filed on the 10th day following the end of each calendar month  
568 from the time the campaign treasurer is appointed, except that,  
569 if the 10th day following the end of a calendar month occurs on  
570 a Saturday, Sunday, or legal holiday, the report shall be filed  
571 on the next following day that is not a Saturday, Sunday, or  
572 legal holiday. Monthly reports shall include all contributions  
573 received and expenditures made during the calendar month which  
574 have not otherwise been reported pursuant to this section.

575 (b) Any other candidate, or a political committee required  
576 to file reports with a filing officer other than the division,  
577 must file reports on the 60th, 46th, 32nd, 25th, 18th, 11th, and  
578 4th days ~~day~~ immediately preceding both the primary election,  
579 ~~and biweekly on each Friday thereafter through and including the~~  
580 ~~4th day immediately preceding the general election, with~~

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581 ~~additional reports due on the 25th and 11th days before the~~  
582 ~~primary election~~ and the general election.

583 (8)

584 (b) Upon determining that a report is late, the filing  
585 officer shall immediately notify the candidate or chair of the  
586 political committee as to the failure to file a report by the  
587 designated due date and that a fine is being assessed for each  
588 late day. The fine is \$50 per day for the first 7 ~~3~~ days late  
589 and, thereafter, \$500 per day for each late day, not to exceed  
590 25 percent of the total receipts or expenditures, whichever is  
591 greater, for the period covered by the late report. However, for  
592 the reports immediately preceding each special primary election,  
593 special election, primary election, and general election, the  
594 fine is \$500 per day for each late day, not to exceed 25 percent  
595 of the total receipts or expenditures, whichever is greater, for  
596 the period covered by the late report. For reports required  
597 under s. 106.141(8), the fine is \$50 per day for each late day,  
598 not to exceed 25 percent of the total receipts or expenditures,  
599 whichever is greater, for the period covered by the late report.  
600 Upon receipt of the report, the filing officer shall determine  
601 the amount of the fine which is due and shall notify the  
602 candidate or chair or registered agent of the political  
603 committee. The filing officer shall determine the amount of the  
604 fine due based upon the earliest of the following:

- 605 1. When the report is actually received by such officer.
- 606 2. When the report is postmarked.
- 607 3. When the certificate of mailing is dated.
- 608 4. When the receipt from an established courier company is  
609 dated.

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610           5. When the electronic receipt issued pursuant to s.  
611 106.0705 or other electronic filing system authorized in this  
612 section is dated.

613  
614 Such fine shall be paid to the filing officer within 20 days  
615 after receipt of the notice of payment due, unless appeal is  
616 made to the Florida Elections Commission pursuant to paragraph  
617 (c). Notice is deemed complete upon proof of delivery of written  
618 notice to the mailing or street address on record with the  
619 filing officer. In the case of a candidate, such fine is not an  
620 allowable campaign expenditure and shall be paid only from  
621 personal funds of the candidate. An officer or member of a  
622 political committee is not personally liable for such fine.

623           Section 12. Paragraph (c) of subsection (1) and paragraph  
624 (b) of subsection (7) of section 106.0703, Florida Statutes, are  
625 amended to read:

626           106.0703 Electioneering communications organizations;  
627 reporting requirements; certification and filing; penalties.-

628           (1)

629           (c) For an electioneering communications organization  
630 required to file reports with a filing officer other than the  
631 division, reports must be filed on the 60th, 46th, 32nd, 25th,  
632 18th, 11th, and 4th days ~~day~~ immediately preceding both the  
633 primary election, ~~and biweekly on each Friday thereafter through~~  
634 ~~and including the 4th day immediately preceding the general~~  
635 ~~election, with additional reports due on the 25th and 11th days~~  
636 ~~before the primary election and the general election.~~

637           (7)

638           (b) Upon determining that a report is late, the filing

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639 officer shall immediately notify the electioneering  
640 communications organization as to the failure to file a report  
641 by the designated due date and that a fine is being assessed for  
642 each late day. The fine shall be \$50 per day for the first 7 ~~3~~  
643 days late and, thereafter, \$500 per day for each late day, not  
644 to exceed 25 percent of the total receipts or expenditures,  
645 whichever is greater, for the period covered by the late report.  
646 However, for the reports immediately preceding each primary and  
647 general election, the fine shall be \$500 per day for each late  
648 day, not to exceed 25 percent of the total receipts or  
649 expenditures, whichever is greater, for the period covered by  
650 the late report. Upon receipt of the report, the filing officer  
651 shall determine the amount of the fine which is due and shall  
652 notify the electioneering communications organization. The  
653 filing officer shall determine the amount of the fine due based  
654 upon the earliest of the following:

- 655 1. When the report is actually received by such officer.
- 656 2. When the report is postmarked.
- 657 3. When the certificate of mailing is dated.
- 658 4. When the receipt from an established courier company is  
659 dated.
- 660 5. When the electronic receipt issued pursuant to s.  
661 106.0705 or other electronic filing system authorized in this  
662 section is dated.

663  
664 Such fine shall be paid to the filing officer within 20 days  
665 after receipt of the notice of payment due, unless appeal is  
666 made to the Florida Elections Commission pursuant to paragraph  
667 (c). Notice is deemed sufficient upon proof of delivery of

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668 written notice to the mailing or street address on record with  
669 the filing officer. An officer or member of an electioneering  
670 communications organization shall not be personally liable for  
671 such fine.

672 Section 13. Section 106.25, Florida Statutes, is amended to  
673 read:

674 106.25 Reports of alleged violations to Florida Elections  
675 Commission; disposition of findings.—

676 (1) Jurisdiction to investigate and determine violations of  
677 s. 105.071, this chapter, or ~~and~~ chapter 104 is vested in the  
678 Florida Elections Commission; however, nothing in this section  
679 limits the jurisdiction of any other officers or agencies of  
680 government empowered by law to investigate, act upon, or dispose  
681 of alleged violations of this code.

682 (2) The commission shall investigate all violations of s.  
683 105.071, this chapter, and chapter 104, but only after having  
684 received either a sworn complaint or information reported to it  
685 under this subsection by the Division of Elections. Such sworn  
686 complaint must be based upon personal information or information  
687 other than hearsay. Any person, other than the division, having  
688 information of any violation of s. 105.071, this chapter, or  
689 chapter 104 shall file a sworn complaint with the commission.  
690 The commission shall investigate only those alleged violations  
691 specifically contained within the sworn complaint. If a ~~any~~  
692 complainant fails to allege all violations that arise from the  
693 facts or allegations alleged in a complaint, the commission  
694 shall be barred from investigating a subsequent complaint from  
695 such complainant which ~~that~~ is based upon such facts or  
696 allegations that were raised or could have been raised in the

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697 first complaint. If the complaint includes allegations of  
698 violations relating to expense items reimbursed by a candidate,  
699 committee, or organization to the campaign account before a  
700 sworn complaint is filed, the commission shall be barred from  
701 investigating such allegations. Such sworn complaint must ~~shall~~  
702 state whether a complaint of the same violation has been made to  
703 any state attorney. Within 5 days after receipt of a sworn  
704 complaint, the commission must mail ~~shall transmit~~ a copy of the  
705 complaint to the alleged violator at the last address of record  
706 on file with his or her filing officer, or such other mailing  
707 address known to the commission. If the executive director finds  
708 that the complaint is legally insufficient, the commission must  
709 mail a letter containing the finding to the alleged violator at  
710 the last address of record on file with his or her filing  
711 officer, or such other mailing address known to the commission.  
712 ~~The respondent shall have 14 days after receipt of the complaint~~  
713 ~~to file an initial response, and the executive director may not~~  
714 ~~determine the legal sufficiency of the complaint during that~~  
715 ~~time period.~~ If the executive director finds that the complaint  
716 is legally sufficient, the respondent shall be notified of such  
717 finding by letter, which sets forth the statutory provisions  
718 alleged to have been violated and the alleged factual basis that  
719 supports the finding. The letter and a copy of the complaint  
720 shall be served on the respondent as provided by law, or by  
721 certified mail, return receipt signed by the respondent or by an  
722 individual authorized to receive mail at the residence or  
723 principal place of business of the respondent. The respondent  
724 may file an initial response within 14 days after service,  
725 during which time the commission may not commence an

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726 investigation. The executive director must reexamine the  
727 determination of legal sufficiency upon receipt of a timely-  
728 filed response, and may modify or reverse the original finding  
729 of legal sufficiency as warranted by the new information. If the  
730 executive director modifies or reverses the determination of  
731 legal sufficiency, the commission must serve the amended finding  
732 on the respondent in the same manner as the original letter of  
733 legal sufficiency. All sworn complaints alleging violations of  
734 the Florida Election Code over which the commission has  
735 jurisdiction shall be filed with the commission within 2 years  
736 after the alleged violations. The period of limitations is  
737 tolled on the day a sworn complaint is filed with the  
738 commission. The complainant may withdraw the sworn complaint at  
739 any time before ~~prior to~~ a probable cause hearing if good cause  
740 is shown. Withdrawal shall be requested in writing, signed by  
741 the complainant, and witnessed by a notary public, stating the  
742 facts and circumstances constituting good cause. The executive  
743 director shall prepare a written recommendation regarding  
744 disposition of the request, which shall be given to the  
745 commission together with the request. The term "good cause"  
746 shall be determined based upon the legal sufficiency or  
747 insufficiency of the complaint to allege a violation and the  
748 reasons given by the complainant for wishing to withdraw the  
749 complaint. If withdrawal is permitted, the commission must close  
750 the investigation and the case. No further action may be taken.  
751 The complaint becomes ~~will become~~ a public record at the time of  
752 withdrawal.

753 (3) For the purposes of commission jurisdiction, a  
754 violation means ~~shall mean~~ the willful performance of an act

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755 prohibited by s. 105.071, this chapter, or chapter 104 or the  
756 willful failure to perform an act required by this chapter or  
757 chapter 104. The commission may not by rule determine what  
758 constitutes willfulness or further define the term "willful" for  
759 purposes of s. 105.071, this chapter, or chapter 104.  
760 Willfulness is a determination of fact; however, at the request  
761 of the respondent at any time after probable cause is found,  
762 willfulness may be considered and determined in an informal  
763 hearing before the commission.

764 (4) The commission shall undertake a preliminary  
765 investigation to determine if the facts alleged in a sworn  
766 complaint or a matter initiated by the division constitute  
767 probable cause to believe that a violation has occurred. Upon  
768 commencement of an investigation, the respondent shall provide a  
769 current mailing address and, if available, a valid e-mail  
770 address. If the respondent provides an e-mail address, and  
771 consents in writing to receive documents electronically, any  
772 subsequent document sent or served by the commission pursuant to  
773 this chapter may be transmitted electronically rather than by  
774 regular or certified mail. Failure to notify the commission in  
775 writing within 10 days after a change of mailing address, or a  
776 change of e-mail address after consenting to receive documents  
777 electronically, during the pendency of a case, constitutes a  
778 violation of this chapter. Notwithstanding s. 106.25(2), a  
779 complaint may be amended by the commission at any time during  
780 the pendency of a case to include such violation.

781 (a) When the investigator's report is completed, the  
782 executive director shall notify the respondent that the report  
783 is completed and shall send to the respondent a copy of the

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784 investigator's report. Notice is deemed complete upon mailing of  
785 the report to the mailing address on record with the commission,  
786 or to the e-mail address if the respondent has consented to  
787 receive documents electronically. The investigatory file and  
788 main complaint file must ~~shall~~ be open for inspection by the  
789 respondent and the respondent's counsel at that time, and copies  
790 may be obtained at no more than cost.

791 (b) The respondent shall be given at least ~~not less than~~ 14  
792 days from the date of mailing of the investigator's report to  
793 file with the commission a written response to the  
794 investigator's report. This time period may be shortened with  
795 the consent of the respondent, or without the consent of the  
796 respondent when the passage of time could reasonably be expected  
797 to render moot the ultimate disposition of the matter by the  
798 commission so long as reasonable notice under the circumstances  
799 is given.

800 (c) Counsel for the commission shall review the  
801 investigator's report and shall make a written recommendation to  
802 the commission for the disposition of the complaint. If the  
803 counsel for the commission recommends that the commission find  
804 probable cause, the recommendation shall include a statement of  
805 what charges shall be at issue. A copy of the recommendation  
806 shall be furnished to the respondent. Notice is deemed complete  
807 upon mailing of the recommendation to the mailing address on  
808 record with the commission or to the e-mail address if the  
809 respondent has consented to receive documents electronically.  
810 The respondent shall be given at least ~~not less than~~ 14 days  
811 from the date of mailing of the recommendation of counsel for  
812 the commission to file with the commission a written response to

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813 the recommendation. This time period may be shortened with the  
814 consent of the respondent, or without the consent of the  
815 respondent when the passage of time could reasonably be expected  
816 to render moot the ultimate disposition of the matter by the  
817 commission, so long as the recommendation is furnished to the  
818 respondent within a reasonable period of time under the  
819 circumstances.

820 (d) The respondent and each complainant, their counsel, and  
821 the counsel for the commission shall be permitted to attend the  
822 hearing at which the probable cause determination is made.  
823 Notice of the hearing shall be sent to the respondent, each  
824 complainant, and counsel for the commission at least 14 days  
825 before the hearing. This time period may be shortened with the  
826 consent of the respondent, or without the consent of the  
827 respondent when the passage of time could reasonably be expected  
828 to render moot the ultimate disposition of the matter by the  
829 commission, so long as the notice is furnished within a  
830 reasonable period of time under the circumstances.

831 (e) The probable cause determination is the conclusion of  
832 the preliminary investigation. The respondent and the counsel  
833 for the commission shall be permitted to make brief oral  
834 statements in the nature of oral argument to the commission,  
835 based on the investigator's report, before the probable cause  
836 determination. The commission's determination shall be based  
837 upon the investigator's report, the recommendation of counsel  
838 for the commission, the complaint, and staff recommendations, as  
839 well as any written statements submitted by the respondent and  
840 any oral statements made at the hearing. ~~No~~ Testimony or other  
841 evidence may not ~~will~~ be accepted at the hearing.

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842 (f) At its meeting to determine probable cause, the  
843 commission may continue its determination to allow further  
844 investigation; may order the issuance of a public report of its  
845 investigation if it finds no probable cause to believe that  
846 there has been a violation of s. 105.071, this chapter, or  
847 chapter 104, concluding the matter before it; may order a final,  
848 public hearing of the complaint if it finds probable cause to  
849 believe that there has been a violation of s. 105.071, this  
850 chapter, or chapter 104; or may take such other action as it  
851 deems necessary to resolve the complaint, consistent with due  
852 process of law. In making its determination, the commission may  
853 consider:

- 854 1. The sufficiency of the evidence against the respondent,  
855 as contained in the investigator's report;
- 856 2. The admissions and other stipulations of the respondent,  
857 if any;
- 858 3. The nature and circumstances of the respondent's  
859 actions;
- 860 4. The expense of further proceedings; and
- 861 5. Such other factors as it deems material to its decision.

862  
863 If the commission finds probable cause, the commission shall  
864 determine what charges shall be at issue.

865 (g) If no probable cause is found, the commission shall  
866 dismiss the case, and the case becomes ~~shall become~~ a matter of  
867 public record, except as otherwise provided in this section,  
868 together with a written statement of the findings of the  
869 preliminary investigation and a summary of the facts which the  
870 commission shall send to the complainant and the alleged

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871 violator. A finding of no probable cause by the commission is a  
872 full adjudication of all such matters. The commission may not  
873 charge a respondent in a subsequent complaint alleging  
874 violations based upon the same actions, nonactions, or  
875 circumstances in which ~~wherein~~ the commission found no probable  
876 cause.

877 (h) If probable cause is found, the commission shall so  
878 notify the complainant and the alleged violator in writing.  
879 Notice is deemed complete upon mailing of the order to the  
880 mailing address on record with the commission or to the e-mail  
881 address if the respondent has consented to receive documents  
882 electronically. All documents made or received in the  
883 disposition of the complaint ~~shall~~ become public records upon a  
884 finding by the commission.

885 (i)1. Upon a commission finding of probable cause, the  
886 counsel for the commission shall attempt to reach a consent  
887 agreement with the respondent. At any time, the commission may  
888 enter into a consent order with a respondent without requiring  
889 the respondent to admit to a violation of law within the  
890 jurisdiction of the commission.

891 2. A consent agreement is not binding upon either party  
892 unless and until it is signed by the respondent and by counsel  
893 for the commission upon approval by the commission.

894 3. Nothing herein shall be construed to prevent the  
895 commission from entering into a consent agreement with a  
896 respondent before ~~prior to~~ a commission finding of probable  
897 cause if a respondent indicates in writing a desire to enter  
898 into negotiations directed towards reaching such a consent  
899 agreement. Any consent agreement reached under this subparagraph

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900 is subject to the provisions of subparagraph 2. and shall have  
901 the same force and effect as a consent agreement reached after  
902 the commission finding of probable cause.

903 (j) If a consent agreement is reached between the  
904 commission and the respondent, counsel for the commission shall  
905 send a copy of the signed agreement to both complainant and  
906 respondent.

907

908 In a case where probable cause is found, the commission shall  
909 make a preliminary determination to consider the matter or to  
910 refer the matter to the state attorney for the judicial circuit  
911 in which the alleged violation occurred. Notwithstanding any  
912 other provisions of this section, the commission may, at its  
913 discretion, dismiss any complaint at any stage of disposition if  
914 it determines that the public interest would not be served by  
915 proceeding further, in which case the commission shall issue a  
916 public report stating with particularity its reasons for the  
917 dismissal.

918 (5) A person alleged by the ~~Elections~~ commission to have  
919 committed a violation of s. 105.071, this chapter, or chapter  
920 104 may elect, as a matter of right, within 30 days after the  
921 date of the filing of the commission's allegations, to have a  
922 formal administrative hearing conducted by an administrative law  
923 judge in the Division of Administrative Hearings. The  
924 administrative law judge in such proceedings shall enter a final  
925 order, which may include the imposition of civil penalties,  
926 subject to appeal as provided in s. 120.68. If the person does  
927 not elect to have a hearing by an administrative law judge and  
928 does not elect to resolve the complaint by a consent order, the

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929 person is entitled to a formal or informal hearing conducted  
930 before the commission.

931 (6) Upon determining whether the respondent committed a  
932 violation of s. 105.071, this chapter, or chapter 104, the  
933 commission shall notify the respondent of its decision. Notice  
934 is deemed complete upon mailing of the order to the mailing  
935 address on record with the commission or to the respondent's e-  
936 mail address if the respondent has consented to receive  
937 documents electronically.

938 (7)-(6) It is the duty of A state attorney receiving a  
939 complaint referred by the commission shall ~~to~~ investigate the  
940 complaint promptly and thoroughly; to undertake such criminal or  
941 civil actions as are justified by law; and to report to the  
942 commission the results of such investigation, the action taken,  
943 and the disposition thereof. The failure or refusal of a state  
944 attorney to prosecute or to initiate action upon a complaint or  
945 a referral by the commission may ~~shall~~ not bar further action by  
946 the commission under this chapter.

947 (8)-(7) Every sworn complaint filed pursuant to this chapter  
948 with the commission, every investigation and investigative  
949 report or other paper of the commission with respect to a  
950 violation of this chapter or chapter 104, and every proceeding  
951 of the commission with respect to a violation of this chapter or  
952 chapter 104 is confidential, is exempt from the provisions of  
953 ss. 119.07(1) and 286.011, and is exempt from publication in the  
954 Florida Administrative Register of any notice or agenda with  
955 respect to any proceeding relating to such violation, except  
956 under the following circumstances:

957 (a) As provided in subsection (7)-(6);

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958 (b) Upon a determination of probable cause or no probable  
959 cause by the commission; or

960 (c) For proceedings conducted with respect to appeals of  
961 fines levied by filing officers for the late filing of reports  
962 required by this chapter.

963

964 However, a complainant is not bound by the confidentiality  
965 provisions of this section. In addition, confidentiality may be  
966 waived in writing by the person against whom the complaint has  
967 been filed or the investigation has been initiated. If a finding  
968 of probable cause in a case is entered within 30 days before  
969 ~~prior to~~ the date of the election with respect to which the  
970 alleged violation occurred, such finding and the proceedings and  
971 records relating to such case may ~~shall~~ not become public until  
972 noon of the day following such election. When two or more  
973 persons are being investigated by the commission with respect to  
974 an alleged violation of this chapter or chapter 104, the  
975 commission may not publicly enter a finding of probable cause or  
976 no probable cause in the case until a finding of probable cause  
977 or no probable cause for the entire case has been determined.  
978 However, once the confidentiality of any case has been breached,  
979 the person or persons under investigation have the right to  
980 waive the confidentiality of the case, thereby opening up the  
981 proceedings and records to the public. Any person who discloses  
982 any information or matter made confidential by the provisions of  
983 this subsection commits a misdemeanor of the first degree,  
984 punishable as provided in s. 775.082 or s. 775.083.

985 (9) ~~(8)~~ A ~~Any~~ person who files a complaint pursuant to this  
986 section while knowing that the allegations contained in such

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987 complaint are false or without merit commits a misdemeanor of  
988 the first degree, punishable as provided in s. 775.082 or s.  
989 775.083.

990 (10)~~(9)~~ The commission shall maintain a database of all  
991 final orders and agency actions. Such database shall be  
992 available to the public and shall be maintained in such a manner  
993 as to be searchable, at a minimum, by issue, statutes,  
994 individuals, or entities referenced.

995 Section 14. Section 106.265, Florida Statutes, is amended  
996 to read:

997 106.265 Civil penalties.—

998 (1) The commission or, in cases referred to the Division of  
999 Administrative Hearings pursuant to s. 106.25(5), the  
1000 administrative law judge is authorized upon the finding of a  
1001 violation of s. 105.071, this chapter, or chapter 104 to impose  
1002 civil penalties in the form of fines not to exceed \$1,000 per  
1003 count, or, if applicable, to impose a civil penalty as provided  
1004 in s. 104.271 or s. 106.19.

1005 (2) In determining the amount of such civil penalties, the  
1006 commission or administrative law judge shall consider, among  
1007 other mitigating and aggravating circumstances:

1008 (a) The gravity of the act or omission;

1009 (b) Any previous history of similar acts or omissions;

1010 (c) The appropriateness of such penalty to the financial  
1011 resources of the person, political committee, affiliated party  
1012 committee, electioneering communications organization, or  
1013 political party; and

1014 (d) Whether the person, political committee, affiliated  
1015 party committee, electioneering communications organization, or

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1016 political party has shown good faith in attempting to comply  
1017 with the provisions of s. 105.071, this chapter, or chapter 104.

1018 (3) If a any person, political committee, affiliated party  
1019 committee, electioneering communications organization, or  
1020 political party fails or refuses to pay to the commission any  
1021 civil penalties assessed pursuant to the provisions of this  
1022 section, the commission shall be responsible for collecting the  
1023 civil penalties resulting from such action. Notwithstanding any  
1024 provision of chapter 120, any fine imposed under this section  
1025 which remains unpaid more than 60 days after the order imposing  
1026 the fine has been mailed to the respondent shall be deemed a  
1027 judgment for purposes of this section.

1028 (4) Once an order imposing a fine has been deemed a  
1029 judgment pursuant to subsection (3), the commission shall  
1030 attempt to determine whether the individual owing such a fine is  
1031 a current public officer or current public employee. If so, the  
1032 commission may notify the Chief Financial Officer or the  
1033 governing body of the appropriate county, municipality, or  
1034 special district of the total amount of any fine owed to the  
1035 commission by such individual.

1036 (a) After receipt and verification of the notice from the  
1037 commission, the Chief Financial Officer or the governing body of  
1038 the county, municipality, or special district shall begin  
1039 withholding the lesser of 10 percent or the maximum amount  
1040 allowed under federal law from any salary-related payment, up to  
1041 a maximum of \$2,000 in the aggregate. The withheld payments  
1042 shall be remitted to the commission until the fine is satisfied  
1043 or the maximum \$2,000 is remitted.

1044 (b) The Chief Financial Officer or the governing body of

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1045 the county, municipality, or special district may retain an  
1046 amount of each withheld payment, as provided in s. 77.0305, to  
1047 cover the administrative costs incurred under this subsection.

1048 (5) If the commission determines that the individual  
1049 against whom a judgment has been rendered is not a public  
1050 officer or public employee, or it is unable to determine whether  
1051 the individual is a current public officer or public employee,  
1052 the commission may seek garnishment of the individual's wages up  
1053 to a maximum of \$2,000 in the aggregate, pursuant to chapter 77.

1054 (6) If any fine imposed under subsection (3) is not fully  
1055 satisfied pursuant to subsection (4) or subsection (5), the  
1056 commission may seek enforcement of the order imposing the fine  
1057 or the remaining portion thereof in circuit court as provided in  
1058 s. 120.69 and may use any means authorized by law to enforce the  
1059 judgment. Within 120 days after recordation of the judgment in  
1060 circuit court, the commission shall report the unpaid fines, or  
1061 any portion thereof, as an accounts receivable to the  
1062 appropriate collection agency, as directed by the Chief  
1063 Financial Officer, to utilize any collection methods provided by  
1064 law.

1065 (7) Action may be taken to collect any unpaid fine imposed  
1066 by this section within 20 years after the date the final order  
1067 is rendered.

1068 (8)-(4) Any civil penalty collected pursuant to the  
1069 provisions of this section shall be deposited into the General  
1070 Revenue Fund.

1071 (9)-(5) Any fine assessed pursuant to this chapter shall be  
1072 deposited into the General Revenue Fund.

1073 (10)-(6) In any case in which the commission determines that

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1074 a person has filed a complaint against another person with a  
1075 malicious intent to injure the reputation of the person  
1076 complained against by filing the complaint with knowledge that  
1077 the complaint contains one or more false allegations or with  
1078 reckless disregard for whether the complaint contains false  
1079 allegations of fact material to a violation of s. 105.071, this  
1080 chapter, or chapter 104, the complainant shall be liable for  
1081 costs and reasonable attorney ~~attorney's~~ fees incurred in the  
1082 defense of the person complained against, including the costs  
1083 and reasonable attorney ~~attorney's~~ fees incurred in proving  
1084 entitlement to and the amount of costs and fees. If the  
1085 complainant fails to pay such costs and fees voluntarily within  
1086 30 days following such finding by the commission, the commission  
1087 shall forward such information to the Department of Legal  
1088 Affairs, which shall bring a civil action ~~in a court of~~  
1089 ~~competent jurisdiction~~ to recover the amount of such costs and  
1090 fees awarded by the commission.

1091 Section 15. This act shall take effect upon becoming a law.