

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative Renner offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (5) of section
8 97.021, Florida Statutes, is amended to read:

9 97.021 Definitions.—For the purposes of this code, except
10 where the context clearly indicates otherwise, the term:

11 (5) "Ballot" or "official ballot" when used in reference
12 to:

13 (a) "Marksense ballot ~~ballots~~" means the ~~that~~ printed
14 sheet of paper, used in conjunction with an electronic or
15 electromechanical vote tabulation voting system, containing the
16 names of candidates, or a statement of proposed constitutional

Amendment No.

17 amendments or other questions or propositions submitted to the
18 electorate at an any election, or the selections made by the
19 elector of candidates or other questions or propositions at an
20 election, on which ~~sheet of paper~~ an elector casts his or her
21 vote either directly by using a marking device to designate his
22 or her ballot selections on the sheet of paper or indirectly
23 through the use of a voter interface device used to designate
24 his or her ballot selections on the sheet of paper.

25 Section 2. Subsections (4) through (7) of section 99.012,
26 Florida Statutes, are renumbered as subsections (5) through (8),
27 respectively, present subsection (7) is amended, and a new
28 subsection (4) is added to that section, to read:

29 99.012 Restrictions on individuals qualifying for public
30 office.-

31 (4) (a) Any officer who qualifies for federal public office
32 must resign from the office he or she presently holds if the
33 terms, or any part thereof, run concurrently.

34 (b) The resignation is irrevocable.

35 (c) The resignation must be submitted in writing no later
36 than the date upon which the officer qualifies for office.

37 (d) The written resignation must be effective no later
38 than the earlier of:

39 1. The date the officer would take office, if elected; or

40 2. The date the officer's successor is required to take
41 office.

Amendment No.

42 (e)1. An elected district, county, or municipal officer
43 must submit his or her resignation to the officer before whom he
44 or she qualified for the office he or she holds, and must submit
45 a copy of his or her resignation to the Governor and the
46 Department of State.

47 2. An appointed district, county, or municipal officer
48 must submit his or her resignation to the officer or authority
49 which appointed him or her to the office he or she holds, and
50 must submit a copy of his or her resignation to the Governor and
51 the Department of State.

52 3. Any other officer must submit his or her resignation to
53 the Governor, and must submit a copy of his or her resignation
54 to the Department of State.

55 (f)1. The failure of an officer who qualifies for federal
56 public office to submit a resignation pursuant to this
57 subsection constitutes an automatic irrevocable resignation,
58 effective immediately, from the office he or she presently
59 holds.

60 2. The Department of State shall send a notice of
61 automatic resignation to the Governor and, if the person is a
62 district, county, or municipal officer, shall send a copy of the
63 notice of automatic resignation to:

64 a. The officer before whom he or she qualified if he or
65 she held an elective office; or

Amendment No.

66 b. The officer or authority who appointed him or her if he
67 or she held an appointive office.

68 (g) Notwithstanding any special act to the contrary, an
69 elected officer's resignation creates a vacancy in office to be
70 filled by election, thereby authorizing persons to qualify as
71 candidates for nomination and election as if the officer's term
72 was otherwise scheduled to expire. An elected charter county
73 officer's or elected municipal officer's resignation creates a
74 vacancy in office to be filled for that portion of the officer's
75 unexpired term in a manner provided by the respective charter.
76 The office is deemed vacant on the effective date of the
77 resignation submitted by the officer in his or her written
78 resignation.

79 ~~(8)-(7)~~ Nothing contained in subsection (3) or subsection
80 (4) relates to persons holding any federal office ~~or seeking the~~
81 ~~office of President or Vice President.~~

82 Section 3. Subsection (1) of section 99.021, Florida
83 Statutes, is amended to read:

84 99.021 Form of candidate oath.—

85 (1)(a)1. Each candidate, whether a party candidate, a
86 candidate with no party affiliation, or a write-in candidate, in
87 order to qualify for nomination or election to any office other
88 than a judicial office as defined in chapter 105 or a federal
89 office, shall take and subscribe to an oath or affirmation in
90 writing. A copy of the oath or affirmation shall be made

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1325 (2017)

Amendment No.

91 available to the candidate by the officer before whom such
92 candidate seeks to qualify and shall be substantially in the
93 following form:

94 State of Florida

95 County of....

96 Before me, an officer authorized to administer oaths,
97 personally appeared ...(please print name as you wish it to
98 appear on the ballot)..., to me well known, who, being sworn,
99 says that he or she is a candidate for the office of; that
100 he or she is a qualified elector of County, Florida; that
101 he or she is qualified under the Constitution and the laws of
102 Florida to hold the office to which he or she desires to be
103 nominated or elected; that he or she has qualified for no other
104 public office in the state, the term of which office or any part
105 thereof runs concurrent with that of the office he or she seeks;
106 that he or she has resigned from any office from which he or she
107 is required to resign pursuant to s. 99.012, Florida Statutes;
108 and that he or she will support the Constitution of the United
109 States and the Constitution of the State of Florida.

110 ...(Signature of candidate)...

111 ...(Address)...

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

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

Amendment No.

115 2. Each candidate for federal office, whether a party
116 candidate, a candidate with no party affiliation, or a write-in
117 candidate, in order to qualify for nomination or election to
118 office shall take and subscribe to an oath or affirmation in
119 writing. A copy of the oath or affirmation shall be made
120 available to the candidate by the officer before whom such
121 candidate seeks to qualify and shall be substantially in the
122 following form:

123 State of Florida

124 County of

125 Before me, an officer authorized to administer oaths,
126 personally appeared ... (please print name as you wish it to
127 appear on the ballot) ..., to me well known, who, being sworn,
128 says that he or she is a candidate for the office of; that
129 he or she is qualified under the Constitution and laws of the
130 United States to hold the office to which he or she desires to
131 be nominated or elected; that he or she has qualified for no
132 other public office in the state, the term of which office or
133 any part thereof runs concurrent with that of the office he or
134 she seeks; and that he or she will support the Constitution of
135 the United States.

136 ...(Signature of candidate)...

137 ...(Address)...

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

Amendment No.

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

141 (b) ~~In addition,~~ Any person seeking to qualify for
142 nomination as a candidate of any political party shall, at the
143 time of subscribing to the oath or affirmation, state in
144 writing:

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

146 2. That the person has not been a registered member of any
147 other political party for 365 days before the beginning of
148 qualifying preceding the general election for which the person
149 seeks to qualify.

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

153 (c) Any person seeking to qualify for election as a
154 candidate with no party affiliation shall, at the time of
155 subscribing to the oath or affirmation, state in writing that he
156 or she is registered without party affiliation.

157 (d)(e) The officer before whom such person qualifies shall
158 certify the name of such person to the supervisor of elections
159 in each county affected by such candidacy so that the name of
160 such person may be printed on the ballot. Each person seeking
161 election as a write-in candidate shall subscribe to the oath
162 prescribed in this section in order to be entitled to have
163 write-in ballots cast for him or her counted.

Amendment No.

164 Section 4. Paragraph (a) of subsection (7) of section
165 99.061, Florida Statutes, is amended to read:

166 99.061 Method of qualifying for nomination or election to
167 federal, state, county, or district office.—

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

171 1. A properly executed check or certified check drawn upon
172 the candidate's campaign account payable to the person or entity
173 as prescribed by the filing officer in an amount not less than
174 the fee required by s. 99.092, unless the candidate obtained the
175 required number of signatures on petitions pursuant to s.
176 99.095. The filing fee for a special district candidate is not
177 required to be drawn upon the candidate's campaign account. If a
178 candidate's check is returned by the bank for any reason, the
179 filing officer shall immediately notify the candidate and the
180 candidate shall have until the end of qualifying to pay the fee
181 with a cashier's check purchased from funds of the campaign
182 account. Failure to pay the fee as provided in this subparagraph
183 shall disqualify the candidate.

184 2. The candidate's oath required by s. 99.021, which must
185 contain the name of the candidate as it is to appear on the
186 ballot; the office sought, including the district or group
187 number if applicable; and the signature of the candidate, which

Amendment No.

188 must be verified under oath or affirmation pursuant to s.
189 92.525(1) (a).

190 3. If the office sought is partisan, the written statement
191 of political party affiliation required by s. 99.021(1) (b) or,
192 if a person is seeking to qualify for election as a candidate
193 with no party affiliation, the written statement required by s.
194 99.021(1) (c).

195 4. The completed form for the appointment of campaign
196 treasurer and designation of campaign depository, as required by
197 s. 106.021.

198 5. The full and public disclosure or statement of
199 financial interests required by subsection (5). A public officer
200 who has filed the full and public disclosure or statement of
201 financial interests with the Commission on Ethics or the
202 supervisor of elections prior to qualifying for office may file
203 a copy of that disclosure at the time of qualifying.

204 Section 5. Paragraph (b) of subsection (2) of section
205 99.063, Florida Statutes, is amended to read:

206 99.063 Candidates for Governor and Lieutenant Governor.—

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

210 (b) If the office sought is partisan, the written
211 statement of political party affiliation required by s.
212 99.021(1) (b) or, if a person is seeking to qualify for election

Amendment No.

213 as a candidate with no party affiliation, the written statement
214 required by s. 99.021(1)(c).

215 Section 6. Subsection (1) of section 99.0955, Florida
216 Statutes, is amended to read:

217 99.0955 Candidates with no party affiliation; name on
218 general election ballot.—

219 (1) Each person seeking to qualify for election as a
220 candidate with no party affiliation shall file his or her
221 qualifying papers and pay the qualifying fee or qualify by the
222 petition process pursuant to s. 99.095 with the officer and
223 during the times and under the circumstances prescribed in s.
224 99.061. A person seeking to qualify for election as a candidate
225 with no party affiliation must be registered without party
226 affiliation at the time of qualification. Upon qualifying, the
227 candidate is entitled to have his or her name placed on the
228 general election ballot.

229 Section 7. Subsections (3) and (4) of section 100.011,
230 Florida Statutes, are renumbered as subsections (4) and (5),
231 respectively, and a new subsection (3) is added to that section
232 to read:

233 100.011 Opening and closing of polls, all elections;
234 expenses.—

235 (3) A court may not extend the official time of closing of
236 the polls unless there is a specific showing or finding of fact
237 that extraordinary circumstances exist to justify the extension.

Amendment No.

238 Extraordinary circumstances may include an act of God or any
239 other circumstance that materially impairs the physical
240 operation of the polling equipment.

241 Section 8. Effective July 1, 2020, section 100.3605,
242 Florida Statutes, is amended to read:

243 100.3605 Conduct of municipal elections.—

244 (1) The Florida Election Code, chapters 97-106, shall
245 govern the conduct of a municipality's election in the absence
246 of an applicable special act, charter, or ordinance provision.
247 No charter or ordinance provision shall be adopted which
248 conflicts with or exempts a municipality from any provision in
249 the Florida Election Code that expressly applies to
250 municipalities.

251 (2)(a) The governing body of a municipality shall
252 determine if an election for municipal office is held on the
253 same date as the general election, the first Tuesday after the
254 first Monday in November in an odd-numbered year, or the first
255 Tuesday after the first Monday in April in an odd-numbered or
256 even-numbered year.

257 (b) If a municipal charter or ordinance requires a runoff
258 election for municipal office, the governing body of a
259 municipality shall conduct its elections in one of the following
260 formats:

261 1. The initial election shall be held at the primary
262 election on the Tuesday 10 weeks before the general election and

Amendment No.

263 the runoff election shall be held on the same date as the
264 general election.

265 2. The initial election shall be held at an election on
266 the Tuesday 10 weeks before the election held on the first
267 Tuesday after the first Monday in November in an odd-numbered
268 year and the runoff election shall be held at an election on the
269 first Tuesday after the first Monday in November in an odd-
270 numbered year.

271 3. The initial election shall be held at an election on
272 the Tuesday 10 weeks before the first Tuesday after the first
273 Monday in April and the runoff election shall be held at an
274 election on the first Tuesday after the first Monday in April.

275 (c) This subsection does not affect the manner in which
276 vacancies in municipal office are filled or recall elections for
277 municipal officers are conducted.

278 (d) Notwithstanding any general law, special law, local
279 law, municipal charter, or municipal ordinance, this subsection
280 provides the exclusive method for establishing the dates of
281 elections for municipal office in this state. Any general law,
282 special law, local law, municipal charter, or municipal
283 ordinance that conflicts with this subsection is superseded to
284 the extent of the conflict.

285 (3) The governing body of a municipality may, by
286 ordinance, ~~change the dates for qualifying and for the election~~
287 ~~of members of the governing body of the municipality and provide~~

Amendment No.

288 for the orderly transition of office resulting from election
289 ~~such~~ date changes.

290 Section 9. Subsection (4) of section 100.361, Florida
291 Statutes, is amended to read:

292 100.361 Municipal recall.—

293 (4) RECALL ELECTION.—If the person designated in the
294 petition files with the clerk, within 5 days after the last-
295 mentioned notice, his or her written resignation, the clerk
296 shall at once notify the governing body of that fact, and the
297 resignation shall be irrevocable. The governing body shall then
298 proceed to fill the vacancy according to the provisions of the
299 appropriate law. In the absence of a resignation, the chief
300 judge of the judicial circuit in which the municipality is
301 located shall fix a day for holding a recall election for the
302 removal of those not resigning. Any such election shall be held
303 not less than 30 days or more than 60 days after the expiration
304 of the 5-day period last-mentioned and at the same time as any
305 other general, municipal, or special election held within the
306 period; but if no such election is to be held within that
307 period, the judge shall call a special recall election to be
308 held within the period aforesaid.

309 Section 10. Subsection (3) of section 101.131, Florida
310 Statutes, is amended to read:

Amendment No.

311 (3) Any elected official, No candidate, or sheriff, deputy
312 sheriff, police officer, or other law enforcement officer may
313 not be designated as a poll watcher.

314 Section 11. Subsection (10) is added to section 101.151,
315 Florida Statutes, to read:

316 101.151 Specifications for ballots.-

317 (10) With respect to any certified voting system that uses
318 a voter interface device to designate the elector's ballot
319 selections on a printed sheet of paper, this section, s.
320 101.161, and ss. 101.2512-101.254 that prescribe the ballot
321 layout apply only to the display of candidates and issues on the
322 voter interface device.

323 Section 12. Subsection (2) of section 101.20, Florida
324 Statutes, is amended to read:

325 101.20 Publication of ballot form; sample ballots.-

326 (2) Upon completion of the list of qualified candidates
327 and before the day of an election, a sample ballot shall be
328 published by the supervisor of elections in a newspaper of
329 general circulation in the county unless the supervisor mails a
330 sample ballot to each registered elector or to each household in
331 which there is a registered elector at least 7 days, before the
332 day of an election. A supervisor may send a sample ballot to
333 each registered elector by e-mail at least 7 days before the day
334 of an election if an e-mail address has been provided and the
335 elector has opted to receive a sample ballot by electronic

Amendment No.

336 ~~delivery. If an e-mail address has not been provided, or if the~~
337 ~~elector has not opted for electronic delivery, a sample ballot~~
338 ~~may be mailed to each registered elector or to each household in~~
339 ~~which there is a registered elector at least 7 days before an~~
340 ~~election.~~

341 Section 13. Subsection (5) of section 101.5603, Florida
342 Statutes, is amended to read:

343 101.5603 Definitions relating to Electronic Voting Systems
344 Act.—As used in this act, the term:

345 (5) "Marking device" means any approved device for marking
346 a ballot with ink or other substance, including through a voter
347 interface device, which will enable the ballot to be tabulated
348 by means of automatic tabulating equipment.

349 Section 14. Subsection (1) of section 101.56075, Florida
350 Statutes, is amended to read:

351 101.56075 Voting methods.—

352 (1) Except as provided in subsection (2), all voting shall
353 be by marksense ballot using ~~utilizing~~ a marking device for the
354 purpose of designating ballot selections.

355 Section 15. Section 101.75, Florida Statutes, is repealed.

356 Section 16. Paragraph (a) of subsection (5) of section
357 105.031, Florida Statutes, is amended to read:

358 105.031 Qualification; filing fee; candidate's oath; items
359 required to be filed.—

360 (5) ITEMS REQUIRED TO BE FILED.—

Amendment No.

361 (a) In order for a candidate for judicial office or the
362 office of school board member to be qualified, the following
363 items must be received by the filing officer by the end of the
364 qualifying period:

365 1. Except for candidates for retention to judicial office,
366 a properly executed check or certified check drawn upon the
367 candidate's campaign account in an amount not less than the fee
368 required by subsection (3) or, in lieu thereof, the copy of the
369 notice of obtaining ballot position pursuant to s. 105.035. If a
370 candidate's check is returned by the bank for any reason, the
371 filing officer shall immediately notify the candidate and the
372 candidate shall, the end of qualifying notwithstanding, have 48
373 hours from the time such notification is received, excluding
374 Saturdays, Sundays, and legal holidays, to pay the fee with a
375 cashier's check purchased from funds of the campaign account.
376 Failure to pay the fee as provided in this subparagraph shall
377 disqualify the candidate.

378 2. The candidate's oath required by subsection (4), which
379 must contain the name of the candidate as it is to appear on the
380 ballot; the office sought, including the district or group
381 number if applicable; and the signature of the candidate, duly
382 acknowledged.

383 3. The loyalty oath required by s. 876.05, signed by the
384 candidate and duly acknowledged.

Amendment No.

385 4. The completed form for the appointment of campaign
386 treasurer and designation of campaign depository, as required by
387 s. 106.021. In addition, each candidate for judicial office,
388 including an incumbent judge, shall file a statement with the
389 qualifying officer, within 10 days after filing the appointment
390 of campaign treasurer and designation of campaign depository,
391 stating that the candidate has read and understands the
392 requirements of the Florida Code of Judicial Conduct. Such
393 statement shall be in substantially the following form:

394
395 Statement of Candidate for Judicial Office

396
397 I, ...(name of candidate)..., a judicial candidate, have
398 received, read, and understand the requirements of the Florida
399 Code of Judicial Conduct.

400 ...(Signature of candidate)...

401 ...(Date)...

402
403 5. The full and public disclosure of financial interests
404 required by s. 8, Art. II of the State Constitution or the
405 statement of financial interests required by s. 112.3145,
406 whichever is applicable. A public officer who has filed the full
407 and public disclosure or statement of financial interests with
408 the Commission on Ethics or the supervisor of elections prior to

Amendment No.

409 | qualifying for office may file a copy of that disclosure at the
410 | time of qualifying.

411 | Section 17. Subsection (2) of section 121.121, Florida
412 | Statutes, is amended to read:

413 | 121.121 Authorized leaves of absence.—

414 | (2) A member who is required to resign his or her office
415 | as a subordinate officer, deputy sheriff, or police officer
416 | because he or she is a candidate for a public office which is
417 | currently held by his or her superior officer who is also a
418 | candidate for reelection to the same office, in accordance with
419 | s. 99.012(5) ~~99.012(4)~~, shall, upon return to covered
420 | employment, be eligible to purchase retirement credit for the
421 | period between his or her date of resignation and the beginning
422 | of the term of office for which he or she was a candidate as a
423 | leave of absence without pay, as provided in subsection (1).

424 | Section 18. To provide for an orderly transition of
425 | office, the terms of incumbent elected municipal officers are
426 | extended until the next municipal election held in accordance
427 | with this act.

428 | Section 19. Except as otherwise expressly provided in this
429 | act, this act shall take effect July 1, 2017.

430 |

431 | -----

432 | **T I T L E A M E N D M E N T**

433 | Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1325 (2017)

Amendment No.

434 An act relating to elections; amending s. 97.021, F.S.; revising
435 the definition of the term "marksense ballots" for purposes of
436 the Florida Election Code; amending s. 99.012, F.S.; requiring
437 an officer who qualifies for federal office to resign from the
438 office he or she presently holds if the terms, or any part
439 thereof, run concurrently; providing requirements for
440 resignation; providing for automatic irrevocable resignation in
441 the event of noncompliance; specifying that a resignation
442 creates a vacancy in office and providing requirements therefor;
443 revising an exemption; amending s. 99.021, F.S.; providing
444 requirements for persons seeking to qualify for election as a
445 candidate with no party affiliation; amending s. 99.061, F.S.;
446 providing an additional means by which a candidate may pay his
447 or her qualifying fee; conforming provisions to changes made by
448 the act; amending s. 99.063, F.S.; conforming provisions to
449 changes made by the act; amending s. 99.0955, F.S.; providing
450 requirements for persons seeking to qualify as a candidate with
451 no party affiliation; amending s. 100.011, F.S.; prohibiting a
452 court from extending the official time of closing of the polls
453 except under certain circumstances; amending s. 100.3605, F.S.;
454 requiring the governing body of a municipality to determine the
455 date on which initial and runoff elections for municipal office
456 are held and providing options therefor; preempting the state
457 the authority to establish election dates for municipal
458 elections; providing construction; amending s. 100.361, F.S.;

319661 - HB 1325 Strike All Amendment by Renner.docx

Published On: 4/18/2017 4:44:35 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1325 (2017)

Amendment No.

459 requiring municipal recall elections to be held concurrently
460 with municipal elections under certain conditions; amending s.
461 101.131, F.S.; prohibiting an elected official from being
462 designated as a poll watcher; amending s. 101.151, F.S.;
463 providing applicability of specified ballot requirements to a
464 voter interface device; amending s. 101.20, F.S.; providing an
465 exception to the requirement that a sample ballot be published
466 by the supervisor of elections in a newspaper of general
467 circulation in the county; amending ss. 101.5603 and 101.56075,
468 F.S.; conforming provisions to changes made by the act;
469 repealing s. 101.75, F.S.; relating to change of dates for cause
470 in municipal elections; amending s. 105.031, F.S.; providing an
471 additional means by which certain nonpartisan candidates may pay
472 their qualification fees; amending s. 121.121, F.S.; revising a
473 cross-reference to conform to changes made by the act; extending
474 the terms of incumbent elected municipal officers until the next
475 municipal election; providing effective dates.