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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RS/2R

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05/05/2017 03:17 PM

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Senator Passidomo moved the following:

Senate Amendment (with title amendment)

Delete lines 131 - 459

and insert:

Section 3. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

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

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



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12 1. A money order or cashier's check ~~properly executed check~~
13 drawn upon funds in the candidate's campaign account payable to
14 the person or entity as prescribed by the filing officer in an
15 amount not less than the fee required by s. 99.092, unless the
16 candidate obtained the required number of signatures on
17 petitions pursuant to s. 99.095. The filing fee for a special
18 district candidate is not required to be drawn upon funds in the
19 candidate's campaign account. ~~If a candidate's check is returned~~
20 ~~by the bank for any reason, the filing officer shall immediately~~
21 ~~notify the candidate and the candidate shall have until the end~~
22 ~~of qualifying to pay the fee with a cashier's check purchased~~
23 ~~from funds of the campaign account. Failure to pay the fee as~~
24 ~~provided in this subparagraph shall disqualify the candidate.~~

25 2. The candidate's oath required by s. 99.021, which must
26 contain the name of the candidate as it is to appear on the
27 ballot; the office sought, including the district or group
28 number if applicable; and the signature of the candidate, which
29 must be verified under oath or affirmation pursuant to s.
30 92.525(1) (a).

31 3. If the office sought is partisan, the written statement
32 of political party affiliation required by s. 99.021(1) (b).

33 4. The completed form for the appointment of campaign
34 treasurer and designation of campaign depository, as required by
35 s. 106.021.

36 5. The full and public disclosure or statement of financial
37 interests required by subsection (5). A public officer who has
38 filed the full and public disclosure or statement of financial
39 interests with the Commission on Ethics or the supervisor of
40 elections prior to qualifying for office may file a copy of that



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41 disclosure at the time of qualifying.

42 Section 4. Present subsections (3) and (4) of section
43 100.011, Florida Statutes, are renumbered as subsections (4) and
44 (5), respectively, and a new subsection (3) is added to that
45 section to read:

46 100.011 Opening and closing of polls, all elections;
47 expenses.—

48 (3) A court may not extend the official time of closing of
49 the polls unless there is a specific showing or finding of fact
50 that extraordinary circumstances exist to justify the extension.
51 Extraordinary circumstances may include an act of God or any
52 other circumstance that materially impairs the physical
53 operation of the polling equipment.

54 Section 5. Effective July 1, 2020, section 100.3605,
55 Florida Statutes, is amended to read:

56 100.3605 Conduct of municipal elections.—

57 (1) The Florida Election Code, chapters 97-106, shall
58 govern the conduct of a municipality's election in the absence
59 of an applicable special act, charter, or ordinance provision.
60 No charter or ordinance provision shall be adopted which
61 conflicts with or exempts a municipality from any provision in
62 the Florida Election Code that expressly applies to
63 municipalities.

64 (2)(a) The governing body of a municipality shall determine
65 if an election for municipal office is held on one of the
66 following dates:

67 1. The same date as the general election;

68 2. The first Tuesday after the first Monday in November in
69 an odd-numbered year; or



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70 3. The third Tuesday in March except, in a presidential
71 election year, on the date of the presidential preference
72 primary.

73 (b) If a municipal charter or ordinance requires a runoff
74 election for municipal office, the governing body of a
75 municipality shall conduct its elections in one of the following
76 formats:

77 1. The initial election shall be held at the primary
78 election on the Tuesday 10 weeks before the general election and
79 the runoff election shall be held on the same date as the
80 general election.

81 2. The initial election shall be held at an election on the
82 Tuesday 10 weeks before the election held on the first Tuesday
83 after the first Monday in November in an odd-numbered year and
84 the runoff election shall be held at an election on the first
85 Tuesday after the first Monday in November in an odd-numbered
86 year.

87 3. The initial election shall be held at an election on the
88 Tuesday 10 weeks before the third Tuesday in March and the
89 runoff election shall be held at an election on the third
90 Tuesday in March. However, in a presidential election year, the
91 initial election shall be held on the Tuesday 10 weeks before
92 the date of the presidential preference primary and the runoff
93 election shall be held on the date of the presidential
94 preference primary.

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

98 (d) Notwithstanding any general law, special law, local



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99 law, municipal charter, or municipal ordinance, this subsection
100 provides the exclusive method for establishing the dates of
101 elections for municipal office in this state. Any general law,
102 special law, local law, municipal charter, or municipal
103 ordinance that conflicts with this subsection is superseded to
104 the extent of the conflict.

105 (3) The governing body of a municipality may, by ordinance,
106 ~~change the dates for qualifying and for the election of members~~
107 ~~of the governing body of the municipality and~~ provide for the
108 orderly transition of office resulting from election ~~such~~ date
109 changes.

110 Section 6. Effective July 1, 2020, subsection (4) of
111 section 100.361, Florida Statutes, is amended to read:

112 100.361 Municipal recall.—

113 (4) RECALL ELECTION.—If the person designated in the
114 petition files with the clerk, within 5 days after the last-
115 mentioned notice, his or her written resignation, the clerk
116 shall at once notify the governing body of that fact, and the
117 resignation shall be irrevocable. The governing body shall then
118 proceed to fill the vacancy according to the provisions of the
119 appropriate law. In the absence of a resignation, the chief
120 judge of the judicial circuit in which the municipality is
121 located shall fix a day for holding a recall election for the
122 removal of those not resigning. Any such election shall be held
123 not less than 30 days or more than 60 days after the expiration
124 of the 5-day period last-mentioned and at the same time as any
125 other general, municipal, or special election held within the
126 period; but if no such election is to be held within that
127 period, the judge shall call a special recall election to be



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128 held within the period aforesaid.

129 Section 7. Subsection (3) of section 101.131, Florida
130 Statutes, is amended to read:

131 101.131 Watchers at polls.—

132 (3) Any elected official, ~~No~~ candidate, ~~or~~ sheriff, deputy
133 sheriff, police officer, or other law enforcement officer may
134 not be designated as a poll watcher.

135 Section 8. Subsection (10) is added to section 101.151,
136 Florida Statutes, to read:

137 101.151 Specifications for ballots.—

138 (10) With respect to any certified voting system that uses
139 a voter interface device to designate the elector's ballot
140 selections on a printed sheet of paper, this section, s.
141 101.161, and ss. 101.2512-101.254 that prescribe the ballot
142 layout apply only to the display of candidates and issues on the
143 voter interface device.

144 Section 9. Subsection (2) of section 101.20, Florida
145 Statutes, is amended to read:

146 101.20 Publication of ballot form; sample ballots.—

147 (2) Upon completion of the list of qualified candidates and
148 before the day of an election, a sample ballot shall be
149 published by the supervisor of elections in a newspaper of
150 general circulation in the county unless the supervisor mails a
151 sample ballot to each registered elector or to each household in
152 which there is a registered elector at least 7 days⁷ before the
153 day of an election. A supervisor may send a sample ballot to
154 each registered elector by e-mail at least 7 days before the day
155 of an election if an e-mail address has been provided and the
156 elector has opted to receive a sample ballot by electronic



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

162 Section 10. Subsection (5) of section 101.5603, Florida
163 Statutes, is amended to read:

164 101.5603 Definitions relating to Electronic Voting Systems
165 Act.—As used in this act, the term:

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

170 Section 11. Subsection (1) of section 101.56075, Florida
171 Statutes, is amended to read:

172 101.56075 Voting methods.—

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

176 Section 12. Effective July 1, 2020, section 101.75, Florida
177 Statutes, is repealed.

178 Section 13. Paragraph (a) of subsection (5) of section
179 105.031, Florida Statutes, is amended to read:

180 105.031 Qualification; filing fee; candidate's oath; items
181 required to be filed.—

182 (5) ITEMS REQUIRED TO BE FILED.—

183 (a) In order for a candidate for judicial office or the
184 office of school board member to be qualified, the following
185 items must be received by the filing officer by the end of the



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186 qualifying period:

187 1. Except for candidates for retention to judicial office,
188 a money order or cashier's check ~~properly executed check~~ drawn
189 upon funds in the candidate's campaign account in an amount not
190 less than the fee required by subsection (3) or, in lieu
191 thereof, the copy of the notice of obtaining ballot position
192 pursuant to s. 105.035. ~~If a candidate's check is returned by~~
193 ~~the bank for any reason, the filing officer shall immediately~~
194 ~~notify the candidate and the candidate shall, the end of~~
195 ~~qualifying notwithstanding, have 48 hours from the time such~~
196 ~~notification is received, excluding Saturdays, Sundays, and~~
197 ~~legal holidays, to pay the fee with a cashier's check purchased~~
198 ~~from funds of the campaign account. Failure to pay the fee as~~
199 ~~provided in this subparagraph shall disqualify the candidate.~~

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

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

207 4. The completed form for the appointment of campaign
208 treasurer and designation of campaign depository, as required by
209 s. 106.021. In addition, each candidate for judicial office,
210 including an incumbent judge, shall file a statement with the
211 qualifying officer, within 10 days after filing the appointment
212 of campaign treasurer and designation of campaign depository,
213 stating that the candidate has read and understands the
214 requirements of the Florida Code of Judicial Conduct. Such



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215 statement shall be in substantially the following form:

216

217 Statement of Candidate for Judicial Office

218

219 I, ...(name of candidate)..., a judicial candidate, have
220 received, read, and understand the requirements of the Florida
221 Code of Judicial Conduct.

222 ... (Signature of candidate) ...

223 ... (Date) ...

224

225 5. The full and public disclosure of financial interests
226 required by s. 8, Art. II of the State Constitution or the
227 statement of financial interests required by s. 112.3145,
228 whichever is applicable. A public officer who has filed the full
229 and public disclosure or statement of financial interests with
230 the Commission on Ethics or the supervisor of elections prior to
231 qualifying for office may file a copy of that disclosure at the
232 time of qualifying.

233

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

235 And the title is amended as follows:

236 Delete lines 13 - 48

237 and insert:

238 exemption; amending s. 99.061, F.S.; requiring a
239 candidate to provide a money order or cashier's check
240 drawn upon his or her campaign account to the filing
241 officer to pay his or her qualifying fee; deleting
242 provisions regarding returned checks, to conform;
243 amending s. 100.011, F.S.; prohibiting a court from



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244 extending the official time of closing of the polls
245 except under certain circumstances; amending s.
246 100.3605, F.S.; requiring the governing body of a
247 municipality to determine the date on which initial
248 and runoff elections for municipal office are held and
249 providing options therefor; preempting the state the
250 authority to establish election dates for municipal
251 elections; providing construction; amending s.
252 100.361, F.S.; requiring municipal recall elections to
253 be held concurrently with municipal elections under
254 certain conditions; amending s. 101.131, F.S.;
255 prohibiting an elected official from being designated
256 as a poll watcher; amending s. 101.151, F.S.;
257 providing applicability of specified ballot
258 requirements to a voter interface device; amending s.
259 101.20, F.S.; providing an exception to the
260 requirement that a sample ballot be published by the
261 supervisor of elections in a newspaper of general
262 circulation in the county; amending ss. 101.5603 and
263 101.56075, F.S.; conforming provisions to changes made
264 by the act; repealing s. 101.75, F.S., relating to
265 change of dates for cause in municipal elections;
266 amending s. 105.031, F.S.; requiring certain
267 nonpartisan candidates to provide a money order or
268 cashier's check drawn upon his or her campaign account
269 to the filing officer to pay his or her qualifying
270 fee; deleting provisions regarding returned checks, to
271 conform; amending s. 121.121, F.S.;