

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WITHDRAWN	_____	(Y/N)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: State Affairs Committee
 2 Representative Bartleman offered the following:

Amendment (with title amendment)

Remove lines 998-1218 and insert:

6 (c) An elector's designee designated under s. 104.0616 may
 7 also return the elector's ballot to a drop box.

8 (d) A person returning a ballot by use of a drop box
 9 monitored by an elections employee must present his or her
 10 Florida driver license or Florida identification card to the
 11 employee monitoring the drop box. The employee must ensure that
 12 the name on the identification provided matches the printed name
 13 on the mailing envelope. If an elector returning the elector's
 14 own ballot is not in possession of his or her Florida driver
 15 license or Florida identification card, the elector must
 16 complete a signed attestation stating that the elector did not

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17 have a Florida driver license or Florida identification card on
18 his or her person when returning his or her own ballot. If the
19 name on the license or identification card does not match the
20 name printed on the mailing envelope because the ballot is being
21 returned by an elector's designee, the designee must complete a
22 signed attestation attesting to the integrity of the ballot. Any
23 attestation must be affixed to the return mailing envelope and
24 the ballot shall be deposited into the drop box. A copy of the
25 attestation must be maintained with other election records.

26 (e) The Division of Elections may prescribe by rule the
27 form of the attestations described in paragraph (d) which shall
28 include notice that making false attestation is a felony of the
29 third degree under s. 104.032. The division and each supervisor
30 shall ensure that copies of the attestations described in
31 paragraph (d) are available online, at each supervisor's office,
32 and at each drop box location.

33 (3) If any drop box at an early voting site is left
34 accessible for ballot receipt when early voting is not underway,
35 the supervisor is subject to a civil penalty of \$25,000. The
36 Division of Elections is authorized to enforce this provision.

37 Section 23. Paragraphs (a), (b), and (e) of subsection (4)
38 of section 102.031, Florida Statutes, are amended to read:

39 102.031 Maintenance of good order at polls; authorities;
40 persons allowed in polling rooms and early voting areas;
41 unlawful solicitation of voters.-

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42 (4) (a) No person, political committee, or other group or
43 organization may solicit voters inside the polling place or
44 within 150 feet of a drop box or the entrance to any polling
45 place, a polling room where the polling place is also a polling
46 room, an early voting site, or an office of the supervisor where
47 vote-by-mail ballots are requested and printed on demand for the
48 convenience of electors who appear in person to request them.
49 Before the opening of the polling place or early voting site,
50 the clerk or supervisor shall designate the no-solicitation zone
51 and mark the boundaries.

52 (b) For the purpose of this subsection, the terms
53 "solicit" or "solicitation" shall include, but not be limited
54 to, seeking or attempting to seek any vote, fact, opinion, or
55 contribution; distributing or attempting to distribute any
56 political or campaign material, leaflet, or handout; conducting
57 a poll except as specified in this paragraph; seeking or
58 attempting to seek a signature on any petition; ~~and~~ selling or
59 attempting to sell any item; and engaging in any activity with
60 the intent to influence or effect of influencing a voter. The
61 terms "solicit" or "solicitation" may not be construed to
62 prohibit exit polling.

63 (e) The owner, operator, or lessee of the property on
64 which a polling place or an early voting site is located, or an
65 agent or employee thereof, may not prohibit the solicitation of
66 voters by a candidate or a candidate's designee outside of the

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67 no-solicitation zone during polling hours.

68 Section 24. Section 102.07, Florida Statutes, is created
69 to read:

70 102.07 Vote-by-mail count reporting.—Beginning at 7:00
71 p.m. the day before election day, the supervisor must, at least
72 once every hour while actively counting, post on his or her
73 website the number of vote-by-mail ballots have been received
74 and the number of vote-by-mail ballots that remain uncounted.

75 Section 25. Subsection (1) and paragraph (b) of subsection
76 (2) of section 102.141, Florida Statutes, are amended to read:

77 102.141 County canvassing board; duties.—

78 (1) The county canvassing board shall be composed of the
79 supervisor of elections; a county court judge, who shall act as
80 chair; and the chair of the board of county commissioners. The
81 names of the canvassing board members must be published on the
82 supervisor's website before any vote-by-mail ballot is
83 distributed. Alternate canvassing board members must be
84 appointed pursuant to paragraph (e). In the event any member of
85 the county canvassing board is unable to serve, is a candidate
86 who has opposition in the election being canvassed, or is an
87 active participant in the campaign or candidacy of any candidate
88 who has opposition in the election being canvassed, such member
89 shall be replaced as follows:

90 (a) If no county court judge is able to serve or if all
91 are disqualified, the chief judge of the judicial circuit in

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92 | which the county is located shall appoint as a substitute member
93 | a qualified elector of the county who is not a candidate with
94 | opposition in the election being canvassed and who is not an
95 | active participant in the campaign or candidacy of any candidate
96 | with opposition in the election being canvassed. In such event,
97 | the members of the county canvassing board shall meet and elect
98 | a chair.

99 | (b) If the supervisor of elections is unable to serve or
100 | is disqualified, the chair of the board of county commissioners
101 | shall appoint as a substitute member a member of the board of
102 | county commissioners who is not a candidate with opposition in
103 | the election being canvassed and who is not an active
104 | participant in the campaign or candidacy of any candidate with
105 | opposition in the election being canvassed. The supervisor,
106 | however, shall act in an advisory capacity to the canvassing
107 | board.

108 | (c) If the chair of the board of county commissioners is
109 | unable to serve or is disqualified, the board of county
110 | commissioners shall appoint as a substitute member one of its
111 | members who is not a candidate with opposition in the election
112 | being canvassed and who is not an active participant in the
113 | campaign or candidacy of any candidate with opposition in the
114 | election being canvassed.

115 | (d) If a substitute member or alternate member cannot be
116 | appointed as provided elsewhere in this subsection, or in the

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117 event of a vacancy in such office, the chief judge of the
118 judicial circuit in which the county is located shall appoint as
119 a substitute member or alternate member a qualified elector of
120 the county who is not a candidate with opposition in the
121 election being canvassed and who is not an active participant in
122 the campaign or candidacy of any candidate with opposition in
123 the election being canvassed.

124 (e)1. The chief judge of the judicial circuit in which the
125 county is located shall appoint a county court judge as an
126 alternate member of the county canvassing board or, if each
127 county court judge is unable to serve or is disqualified, shall
128 appoint an alternate member who is qualified to serve as a
129 substitute member under paragraph (a).

130 2. The chair of the board of county commissioners shall
131 appoint a member of the board of county commissioners as an
132 alternate member of the county canvassing board or, if each
133 member of the board of county commissioners is unable to serve
134 or is disqualified, shall appoint an alternate member who is
135 qualified to serve as a substitute member under paragraph (d).

136 3. If a member of the county canvassing board is unable to
137 participate in a meeting of the board, the chair of the county
138 canvassing board or his or her designee shall designate which
139 alternate member will serve as a member of the board in the
140 place of the member who is unable to participate at that
141 meeting.

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142 4. If not serving as one of the three members of the
143 county canvassing board, an alternate member may be present,
144 observe, and communicate with the three members constituting the
145 county canvassing board, but may not vote in the board's
146 decisions or determinations.

147 (2)

148 (b) Public notice of the canvassing board members,
149 alternates, time, and place at which the county canvassing board
150 shall meet to canvass the absent electors' ballots and
151 provisional ballots must be given at least 48 hours prior
152 thereto by publication on the supervisor's website and published
153 in one or more newspapers of general circulation in the county
154 or, if there is no newspaper of general circulation in the
155 county, by posting such notice in at least four conspicuous
156 places in the county. The time given in the notice as to the
157 convening of the meeting of the county canvassing board must be
158 specific and may not be a time period during which the board may
159 meet.

160 Section 26. Section 104.032, Florida Statutes, is created
161 to read:

162 104.032 False attestation regarding vote-by-mail ballots.-
163 Any person who makes a false attestation under s. 101.69(2)(d)
164 is guilty of a felony of the third degree, punishable as
165 provided in s. 775.082, s. 775.083, or s. 775.084.

166 Section 27. Section 104.0616, Florida Statutes, is amended

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167 to read:

168 104.0616 Vote-by-mail ballots and voting; violations.—

169 (1) For purposes of this section, the term "immediate
170 family" means a person's spouse or the parent, child,
171 grandparent, grandchild, or sibling of the person or the
172 person's spouse.

173 (2) Any person who distributes, orders, requests,
174 collects, delivers, ~~provides or offers to provide, and any~~
175 ~~person who accepts, a pecuniary or other benefit in exchange for~~
176 ~~distributing, ordering, requesting, collecting, delivering, or~~
177 ~~otherwise physically possesses a vote-by-mail ballot of another~~
178 ~~person, except for a designee as provided in subsection (3) or~~
179 ~~possessing more than two vote-by-mail ballots per election in~~
180 ~~addition to his or her own ballot or a ballot belonging to an~~
181 ~~immediate family member, except as authorized provided in s.~~
182 ~~101.62 or s. 101.655 ss. 101.6105-101.694,~~ commits a misdemeanor
183 of the first degree, punishable as provided in s. 775.082, s.
184 775.083, or s. 775.084.

185 (3) A person may distribute, order, request, collect,
186 deliver, or possess the vote-by-mail ballot of another person if
187 designated to do so, for:

188 (a) An immediate family member.

189 (b) Two other voters in an election.

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

Remove lines 88-116 and insert:
certain attestation with certain vote-by-mail ballots
that are returned to a drop box; requiring that copies
of such attestations be made available in a certain
manner; providing that a supervisor of elections is
subject to a civil penalty in certain circumstances;
amending s. 102.031, F.S.; prohibiting the
solicitation of voters within a certain distance of a
drop box; revising the definition of the terms
"solicit" and "solicitation"; prohibiting certain
persons from prohibiting the solicitation of voters by
a candidate or a candidate's designee outside of a no-
solicitation zone; creating s. 102.07, F.S.; requiring
the supervisor of elections to post and update on his
or her website certain information at specified
intervals; amending s. 102.141, F.S.; requiring that
certain information be published on the supervisor of
election's website; requiring additional information
to be made available for public notices of county
canvassing board meetings; creating s. 104.032, F.S.;
prohibiting the making of a false attestation for
certain purposes; providing criminal penalties;
amending s. 104.0616, F.S.; revising the definition of
the term "immediate family"; revising the acts that

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Bill No. CS/HB 7041 (2021)

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217 result in a misdemeanor relating to vote-by-mail
218 ballots; authorizing a person to distribute, order,
219 request, collect, deliver, or possess the vote-by-mail
220 ballot of another person in certain circumstances;