

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harris offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 2726 and 2727, insert:

5 Section 50. Subsection (2) of section 106.23, Florida  
6 Statutes, is amended to read:

7 106.23 Powers of the Division of Elections.—

8 (2) The Division of Elections shall provide advisory  
9 opinions when requested by any supervisor of elections,  
10 candidate, local officer having election-related duties,  
11 political party, affiliated party committee, political  
12 committee, or other person or organization engaged in political  
13 activity, relating to any provisions or possible violations of

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14 Florida election laws with respect to actions such supervisor,  
15 candidate, local officer having election-related duties,  
16 political party, affiliated party committee, committee, person,  
17 or organization has taken or proposes to take. Requests for  
18 advisory opinions must be submitted in accordance with rules  
19 adopted by the Department of State. Within 90 days after a  
20 request, the division must provide an opinion or notify the  
21 requesting party that the division is not authorized to respond  
22 under this section. A written record of all such opinions issued  
23 by the division, sequentially numbered, dated, and indexed by  
24 subject matter, shall be retained. A copy shall be sent to said  
25 person or organization upon request. Any such person or  
26 organization, acting in good faith upon such an advisory  
27 opinion, shall not be subject to any criminal penalty provided  
28 for in this chapter, s. 104.011, or s. 104.15. The opinion,  
29 until amended or revoked, shall be binding on any person or  
30 organization who sought the opinion or with reference to whom  
31 the opinion was sought, unless material facts were omitted or  
32 misstated in the request for the advisory opinion.

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35 **T I T L E   A M E N D M E N T**

36 Between lines 320 and 321, insert:  
37 amending s. 106.23, F.S.; requiring that when the  
38 Division of Elections is requested to provide an

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39 | advisory opinion that within a specified time the  
40 | opinion must be provided or the requesting party must  
41 | be notified that the division is not authorized to  
42 | respond; expanding immunity from prosecution for  
43 | reliance on advisory opinion;

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