

PCS for HB 1355

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to elections; amending s. 97.012, F.S.;
 3 expanding the list of responsibilities of the Secretary of
 4 State when acting in his or her capacity as chief election
 5 officer; amending s. 97.021, F.S.; revising the definition
 6 of minor political party; amending s. 97.025, F.S.;
 7 revising methods of publication and distribution of the
 8 Florida Election Code pamphlet to each candidate
 9 qualifying with the Department of State; amending s.
 10 97.0575, F.S.; requiring that third-party voter
 11 registration organizations register with the division;
 12 requiring such organizations provide the division with
 13 certain information; requiring that the Division of
 14 Elections of the Department of State or a supervisor of
 15 elections make voter registration forms available to
 16 third-party voter registration organizations; requiring
 17 that such forms contain certain information; requiring
 18 that the division and supervisors of elections maintain a
 19 database of certain information; requiring that such
 20 information be provided in electronic format; requiring
 21 that such information be updated and made public daily at
 22 a certain time; providing that a third-party voter
 23 registration organization that collects voter registration
 24 applications serves as a fiduciary to the applicant;
 25 specifying duties of such an organization; specifying an
 26 affirmative defense to certain violations of state law;
 27 providing penalties for violations of certain provisions
 28 of state law; providing circumstances under which a third-

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29 party voter registration organization is subject to
 30 specified civil penalties; providing for the referral of
 31 violations to the Attorney General; authorizing the
 32 Attorney General to initiate a civil action; providing
 33 that an action for relief may include a permanent or
 34 temporary injunction, a restraining order, or any other
 35 appropriate order; requiring that the division adopt rules
 36 for specified purposes; amending s. 97.071, F.S.;
 37 requiring that voter information cards contain the address
 38 of the polling place of the registered voter; requiring a
 39 supervisor of elections to issue a new voter information
 40 card to a voter upon a change in a voter's address of
 41 legal residence or a change in a voter's polling place
 42 address; providing instructions for implementation by the
 43 supervisors of elections; amending s. 97.073, F.S.;
 44 imposing a 5-day timeframe for applicants to be notified
 45 regarding disposition of their voter registration
 46 applications; amending s. 97.1031, F.S.; providing a voter
 47 with various option for providing address updates;
 48 amending s. 98.075, F.S.; authorizing removal of
 49 registered voters who have been identified as deceased;
 50 amending 98.093, F.S.; updating the section to reflect the
 51 need for and specific manner in which data is obtained
 52 from the Department of Correction regarding convicted
 53 felons who are registered voters in the voter registration
 54 system; amending s. 98.0981, F.S.; providing timeframes
 55 and formats for voting history information to be sent by
 56 the supervisors of elections to the department; providing

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57 | for imposition of fines on a supervisor of elections for
 58 | failure to comply in a timely manner; providing for
 59 | deposit of fines in the General Revenue Fund; providing
 60 | timeframes and formats for voting history information to
 61 | be sent by the department to the President of the Senate,
 62 | Speaker of the House of Representatives, and their
 63 | respective Minority Leaders; requiring submission of
 64 | precinct-level information in a certain format by a time
 65 | certain; providing for imposition of a fine on a
 66 | supervisor of elections for failure to comply and for
 67 | depositing of the fine into the General Revenue Fund;
 68 | amending s. 99.012, F.S.; providing that a person not
 69 | complying with section is not qualified as a candidate and
 70 | name shall not appear on ballot; amending s. 99.021, F.S.;
 71 | revising the candidate oath requirement for person seeking
 72 | to qualify for nomination for a political party; removing
 73 | requirement for qualifying officer to give printed copy of
 74 | candidate oath; providing availability through
 75 | downloading; removing requirement for taking public
 76 | employee oath; correcting references for other oaths;
 77 | amending s. 99.061, F.S.; revising timeframe for candidate
 78 | to pay qualifying fee under certain circumstances;
 79 | requiring checks to be payable as prescribed by filing
 80 | officer; requiring notarized signature on certain oaths;
 81 | removing requirement for public employee oath; requiring
 82 | filing of an original financial disclosure; clarifying
 83 | time for qualifying papers to be received; providing that
 84 | qualifying officer performs ministerial duty only;

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85 | exempting qualifying officer decision from Administrative
 86 | Procedures Act; amending s. 99.063, F.S.; removing
 87 | candidate requirement to swear to public employee loyalty
 88 | oath; amending s. 99.093, F.S.,; remitting assessments
 89 | directly to the Florida Elections Commissions rather than
 90 | passing through the department; amending s. 99.097, F.S.;
 91 | clarifying that supervisor of elections checks more than
 92 | signatures on petition forms; clarifying rulemaking
 93 | authority of the department relating to petitions;
 94 | prohibiting random sampling method of petition
 95 | verification for constitutional amendments petitions;
 96 | providing for invalidity of undue burden oaths under
 97 | specified circumstances; providing for certain funds to be
 98 | used to reimburse a supervisor of elections for signature
 99 | verification fees not paid due to invalidity of certain
 100 | undue burden oaths; amending s. 100.111, F.S.; providing
 101 | notification requirements and procedures for filling a
 102 | vacancy in nomination for certain offices; deleting the
 103 | definition of the term "district political party executive
 104 | committee"; providing that a vacancy in nomination is not
 105 | created if a nominee did not properly qualify or does not
 106 | meet the necessary qualifications to hold the office
 107 | sought; amending s. 100.371, F.S.; providing that
 108 | signatures on an initiative petition are valid for 2 years
 109 | instead of 4 years; requiring that petition signer must be
 110 | a registered voter at time of signing and verification;
 111 | requiring the supervisor of elections to notify petition
 112 | sponsor of misfiled petition under certain circumstances;

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113 | amending s. 101.001, F.S.; requiring the supervisors of
 114 | elections to provide the department with a precinct
 115 | database including specified information; requiring the
 116 | department to maintain a searchable database containing
 117 | certain precinct and census block information; requiring
 118 | supervisors of elections to notify the department of
 119 | precinct changes within a specified time; deleting a
 120 | waiver; amending s. 101.043, F.S.; providing that photo
 121 | identification used at polls cannot be used for address
 122 | verification; amending s. 101.045, F.S.; retaining
 123 | language prohibiting a person to vote in a precinct or
 124 | district other than the one in which the person is
 125 | registered and has legal residence; retaining language
 126 | regarding elector's voting provisional ballot if
 127 | eligibility cannot be determined; removing language
 128 | permitting person temporarily residing out of county with
 129 | no permanent residence in county to vote through the
 130 | supervisor of elections office for all but municipal
 131 | races; removing language permitting an elector to present
 132 | an affirmation or application for change of residence or
 133 | name at the precinct; amending s. 101.131, F.S.; revising
 134 | procedures for the designation of poll watchers; requiring
 135 | that the Division of Elections prescribe a form for the
 136 | designation of poll watchers; providing conditions under
 137 | which poll watchers are authorized to enter polling areas
 138 | and watch polls; requiring that a supervisor of elections
 139 | provide identification to poll watchers by a specified
 140 | period before early voting begins; requiring that poll

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141 | watchers display such identification while in a polling
 142 | place; amending s. 101.151, F.S.; providing changes in
 143 | appearance ballot; reducing length and appearance of
 144 | ballot and redundancy; expanding use of ballot on demand
 145 | technology; amending s. 101.5605, F.S.; clarifying that
 146 | testing of voting equipment be done in accordance with
 147 | state-adopted voting system standards;; amending s.
 148 | 101.5606, F.S.; removing references to obsolete forms of
 149 | voting; amending s. 101.5612, F.S.; revising the number or
 150 | percentage of touchscreen systems that must be tested;
 151 | amending s. 101.5614, F.S.; conforming law to current
 152 | technological practices in canvassing of certain returns;
 153 | amending s. 101.62, F.S.; extending absentee ballot
 154 | request for 2 regularly scheduled general elections;
 155 | providing timeframe for absentee ballots to be sent to in-
 156 | state voters voting an absentee ballot; clarifying
 157 | provisions relating to military and overseas voters;
 158 | requiring the supervisors of elections to update absentee
 159 | ballot information and make available by a time certain;
 160 | amending s. 101.65, F.S.; expanding absentee ballot
 161 | instructions to notify a voter that signatures on ballot
 162 | and on record must match; informing of when signatures
 163 | must be updated; amending s. 101.6923, F.S.; expanding
 164 | special absentee ballot instructions for certain first-
 165 | time voters to notify voters that signatures on ballot
 166 | and on record must match; informing of when signatures
 167 | must be updated; amending s. 101.75, F.S.; eliminating
 168 | state mandate for a municipal election to have a 14-day

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169 candidate qualifying period when it moves its election to
 170 coincide with state or county election; s. 102.031, F.S.;
 171 prohibiting solicitation of voters standing in line to
 172 enter any polling place or early voting site; expanding
 173 the definitions of the terms "solicit" or "solicitation";
 174 amending s. 102.168, F.S.; clarifying when canvassing
 175 boards are an indispensable party to an election contest;
 176 clarifying evidence a circuit court may consider in
 177 certain election contests; providing a standard of review;
 178 amending s. 103.095, F.S.; establishing the process and
 179 requirements for becoming a minor political party;
 180 providing for cancellation of minor political party status
 181 under certain circumstances; providing for appeal;
 182 providing for retroactive effectiveness; amending s.
 183 103.101, F.S.; eliminating the Presidential Candidate
 184 Selection Committee for the Presidential Preference
 185 Primary Election; providing for lists of candidates to be
 186 provided by political parties to the Secretary of State;
 187 providing for candidate notification of placement of the
 188 ballot; amending s. 103.141, F.S.; deleting language
 189 providing for the removal of certain county executive
 190 committee members pursuant to a separate provision of law;
 191 amending s. 104.29, F.S.; clarifying when it is an offense
 192 for an inspector or other election official to deny a
 193 person to observe ballot accounting at the polls; amending
 194 s. 106.011, F.S.; revising the definitions of "candidate",
 195 "contribution" and "expenditure", excluding funds received
 196 or spent for certain potential candidate polls; revising

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197 | the definition of "independent expenditure" clarifying the
 198 | qualifying period for the candidate; creating s. 106.012,
 199 | F.S.; providing that funds spent or received are not
 200 | contributions or expenditures if solely for determining
 201 | candidate viability; providing examples of permissible
 202 | activities; providing for retention of records; providing
 203 | funds become contributions and expenditures upon candidacy
 204 | of person; requiring reporting of funds regardless of date
 205 | received or spent; providing examples of ineligible
 206 | activities for fund use; delineating activities indicating
 207 | intention to become a candidate; limiting amount of funds
 208 | that may be received; amending s. 106.021, F.S.; deleting
 209 | a requirement for certain information to be included in
 210 | campaign reports for reimbursement; amending s. 106.022,
 211 | F.S.; requiring a political committee, committee of
 212 | continuous existence, or electioneering communications
 213 | organization to file a statement of appointment with the
 214 | filing officer rather than with the Division of Elections;
 215 | authorizing an entity to change its appointment of
 216 | registered agent or registered office by filing a written
 217 | statement with the filing officer; requiring a registered
 218 | agent who resigns to execute a written statement of
 219 | resignation and file it with the filing officer; amending
 220 | s. 106.023, F.S.; revising the form of the statement of
 221 | candidate to require a candidate to acknowledge that he or
 222 | she has been provided access to and understands the
 223 | requirements of ch. 106, F.S.; amending s. 106.025, F.S.;
 224 | revising the information required on tickets for a

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225 | campaign fundraiser; amending s. 106.04, F.S.; requiring a
 226 | committee of continuous existence that makes a
 227 | contribution or expenditure in connection with certain
 228 | county or municipal elections to file specified reports;
 229 | subjecting a committee of continuous existence that fails
 230 | to file a report or to timely file a report with the
 231 | Division of Elections or a county or municipal filing
 232 | officer to a fine; requiring a committee of continuous
 233 | existence to include transaction information from credit
 234 | card purchases in a report filed with the Division of
 235 | Elections; requiring a committee of continuous existence
 236 | to report changes in information previously reported to
 237 | the Division of Elections within 10 days after the change;
 238 | requiring the Division of Elections to revoke the
 239 | certification of a committee of continuous existence that
 240 | fails to file or report certain information; requiring the
 241 | division to adopt rules to prescribe the manner in which
 242 | the certification is revoked; increasing the amount of a
 243 | fine to be levied on a committee of continuous existence
 244 | that fails to timely file certain reports; providing for
 245 | the deposit of the proceeds of the fines; including the
 246 | registered agent of a committee of continuous existence as
 247 | a person whom the filing officer may notify that a report
 248 | has not been filed; providing criteria for deeming
 249 | delivery complete of a notice of fine; requiring a
 250 | committee of continuous existence that appeals a fine to
 251 | file a copy of the appeal with the filing officer;
 252 | defining the term "repeated late filing"; requiring the

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253 | Elections Commission to treat the late filings addressed
 254 | in a single notice of repeated late filings as a single
 255 | violation; amending s. 106.07, F.S.; correcting a cross
 256 | reference; creating an exception for reports due in the
 257 | third calendar quarter immediately preceding a general
 258 | election from a requirement that the campaign treasurer
 259 | report contributions received and expenditures made on the
 260 | 10th day following the end of each calendar quarter;
 261 | revising reporting requirements for a statewide candidate
 262 | who receives funding under the Florida Election Campaign
 263 | Financing Act and candidates in a race with a candidate
 264 | who has requested funding under that act; deleting a
 265 | requirement for a committee of continuous existence to
 266 | file a campaign treasurer's report relating to
 267 | contributions or expenditures to influence the results of
 268 | a special election; revising the methods by which a
 269 | campaign treasurer may be notified of the determination
 270 | that a report is incomplete to include certified mail and
 271 | other methods using a common carrier that provides proof
 272 | of delivery of the notice; extending the time the campaign
 273 | treasurer has to file an addendum to the report after
 274 | receipt of notice of why the report is incomplete;
 275 | providing criteria for deeming delivery complete of a
 276 | notice of incomplete report; deleting a provision allowing
 277 | for notification by telephone of an incomplete report;
 278 | requiring political committees that make a contribution or
 279 | expenditure in connection with certain county or municipal
 280 | elections to file campaign finance reports with the county

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281 | or municipal filing officer and to include its
 282 | contributions and expenditures in a report to the Division
 283 | of Elections; revising the information that must be
 284 | included in a report to include transaction information
 285 | for credit card purchases; deleting a requirement for a
 286 | campaign depository to return checks drawn on the account
 287 | to the campaign treasurer; deleting a provision providing
 288 | that the failure to file a copy of a report is not subject
 289 | to a separate fine; specifying the amount of a fine for
 290 | the failure to timely file reports after a special primary
 291 | election or special election; specifying that the
 292 | registered agent of a political committee is a person whom
 293 | a filing officer may notify of the amount of the fine for
 294 | filing a late report; providing criteria for deeming
 295 | delivery complete of a notice of late report and resulting
 296 | fine; defining the term "repeated late filing"; requiring
 297 | the Elections Commission to treat the late filings
 298 | addressed in a single notice of repeated late filings as a
 299 | single violation; amending s. 106.0703, F.S.; correcting a
 300 | cross reference; deleting a requirement for a
 301 | electioneering communications organization to provide
 302 | certain information to the Department of State on
 303 | activities occurring since the last general election;
 304 | defining the term "repeated late filing"; requiring the
 305 | Elections Commission to treat the late filings addressed
 306 | in a single notice of repeated late filings as a single
 307 | violation; amending s. 106.0705, F.S.; requiring certain
 308 | individuals to electronically file certain reports with

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309 | the Division of Elections; conforming a cross-reference to
 310 | changes made by the act; deleting an obsolete provision;
 311 | amending s. 106.071, F.S.; conforming provisions relating
 312 | to expenditures in the aggregate; clarifying the
 313 | independent expenditure disclaimer for paid political
 314 | advertisement by an individual; amending s. 106.08, F.S.;
 315 | deleting a requirement for the Department of State to
 316 | notify candidates as to whether an independent or minor
 317 | party candidate has obtained the required number of
 318 | petition signatures; deleting a requirement for certain
 319 | unopposed candidates to return contributions; specifying
 320 | the entities with which a political party's state
 321 | executive committee and county executive committees must
 322 | file a written acceptance of an in-kind contribution;
 323 | amending s. 106.09, F.S.; specifying that the limitations
 324 | on contributions by cash or cashier's check apply to the
 325 | aggregate amount of contributions to a candidate or
 326 | committee per election; amending s. 106.11, F.S.; revising
 327 | the statement that must be contained on checks from a
 328 | campaign account; deleting requirements relating to the
 329 | use of debit cards; authorizing a campaign for a candidate
 330 | to reimburse the candidate's loan to the campaign when the
 331 | campaign account has sufficient funds; amending s.
 332 | 106.141, F.S.; removing certain limitations on expenditure
 333 | of surplus funds; requiring candidates receiving public
 334 | financing to return all surplus funds to the General
 335 | Revenue Fund after paying certain monetary obligations and
 336 | expenses; amending s. 106.143, F.S.; revising disclosure

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337 requirements for certain political advertisements;
 338 specifying disclosure requirements for political
 339 advertisements paid for by in-kind contributions;
 340 authorizes political advertisements paid by a political
 341 party to use names and abbreviations as registered in ch.
 342 103 in the disclaimer; specifying disclosure statements
 343 that must be included in political advertisements paid for
 344 by a write-in candidate; prohibiting the inclusion of a
 345 person's political affiliation in advertisements for a
 346 nonpartisan office; clarifying the type of political
 347 advertisements that must be approved in advance by a
 348 candidate; deleting a duplicative exemption from the
 349 requirement to obtain a candidate's approval for messages
 350 designed to be worn; amending s. 106.15, F.S.; ;creating
 351 s. 106.17; authorizing state and county executive
 352 committees to conduct political polls to determine
 353 viability of potential candidates; allowing sharing of
 354 results; provides that such expenditures are not
 355 contributions for potential candidates; amending s.
 356 106.18, F.S.; deleting a provision providing that a
 357 candidate will not be prevented from receiving a
 358 certificate of election for failing to file a report;
 359 amending s. 106.19, F.S.; providing that a candidate's
 360 failure to comply with ch. 106, F.S., has no effect on
 361 whether the candidate has qualified for office; amending
 362 s. 106.25, F.S.; allowing a respondent who is alleged by
 363 the Elections Commission to have violated the election
 364 code or campaign financing laws to elect as a matter of

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365 right a formal hearing before the Division of
 366 Administrative Hearings; authorizing an administrative law
 367 judge to assess civil penalties upon the finding of a
 368 violation; amending s. 106.265, F.S.; authorizing an
 369 administrative law judge to assess civil penalties upon a
 370 finding of a violation of the election code or campaign
 371 financing laws; providing for civil penalties to be
 372 assessed against an electioneering communications
 373 organization; removing reference to the expired Election
 374 Campaign Financing Trust Fund; directing that moneys from
 375 penalties and fines be deposited into the General Revenue
 376 Fund; amending s. 106.29, F.S.; requiring state and county
 377 executive committees that make contributions or
 378 expenditures to influence the results of a special
 379 election or special primary election to file campaign
 380 treasurer's reports; amending campaign finance reporting
 381 dates, to conform; deleting a requirement that each state
 382 executive committee file the original and one copy of its
 383 reports with the Division of Elections; deleting a
 384 provision prohibiting the assessment of a separate fine
 385 for failing to file a copy of a report, to conform;
 386 revising the due date for filing a report; providing
 387 criteria for deeming delivery complete of a notice of
 388 fine; defining the term "repeated late filing"; requiring
 389 the Elections Commission to treat the late filings
 390 addressed in a single notice of repeated late filings as a
 391 single violation; amending s. 106.35, F.S.; deleting a
 392 requirement that the Division of Election adopt rules

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393 relating to the format and filing of certain printed
 394 campaign treasurer's reports; amending s. 106.355, F.S.;
 395 eliminating the duty of the department to provide funds
 396 from the Election Campaign Financing Trust Fund when
 397 certain expenditure limits are exceeded; amending s.
 398 876.05, F.S.; removing the requirement for a candidate to
 399 file the public employee's oath; repealing s. 103.161,
 400 F.S., relating to the removal or suspension of officers of
 401 state executive committee or county executive committee;
 402 amending s. 11.045, F.S.; excluding funds received or
 403 spent under s. 106.012, F.S., from definition of
 404 "expenditure"; amending s. 112.312, F.S.; excluding funds
 405 received or spent under s. 106.012, F.S., from the
 406 definition of "gift"; amending s. 876.05, F.S.; deleting
 407 requirement for candidates to take a public employee oath;
 408 repealing s. 876.07, F.S.; relating to a candidate taking
 409 a public employee oath to conform; providing an effective
 410 date.

411
 412 Be It Enacted by the Legislature of the State of Florida:

413
 414 Section 1. Subsection (16) is added to section 97.012,
 415 Florida Statutes, to read:

416 97.012 Secretary of State as chief election officer.—The
 417 Secretary of State is the chief election officer of the state,
 418 and it is his or her responsibility to:

419 (16) Provide direction and opinions to the supervisors of
 420 elections on the performance of their official duties with

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421 respect to the Florida Election Code or rules adopted by the
 422 Department of State.

423 Section 2. Subsection (18) of section 97.021, Florida
 424 Statutes, is amended to read:

425 97.021 Definitions.—For the purposes of this code, except
 426 where the context clearly indicates otherwise, the term:

427 (18) "Minor political party" is any group as specified in
 428 s. 103.095 ~~defined in this subsection~~ which on January 1
 429 preceding a primary election does not have registered as members
 430 5 percent of the total registered electors of the state. ~~Any~~
 431 ~~group of citizens organized for the general purposes of electing~~
 432 ~~to office qualified persons and determining public issues under~~
 433 ~~the democratic processes of the United States may become a minor~~
 434 ~~political party of this state by filing with the department a~~
 435 ~~certificate showing the name of the organization, the names of~~
 436 ~~its current officers, including the members of its executive~~
 437 ~~committee, and a copy of its constitution or bylaws. It shall be~~
 438 ~~the duty of the minor political party to notify the department~~
 439 ~~of any changes in the filing certificate within 5 days of such~~
 440 ~~changes.~~

441 Section 3. Section 97.025, Florida Statutes, is amended to
 442 read:

443 97.025 Election Code; copies thereof.—A pamphlet of a
 444 reprint of the Election Code, adequately indexed, shall be
 445 prepared by the Department of State. The pamphlet shall be made
 446 available ~~It shall have a sufficient number of these pamphlets~~
 447 ~~printed so that one may be given, upon request, to each~~
 448 ~~candidate who qualifies with the department. The pamphlet shall~~

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449 be made available ~~A sufficient number may be sent~~ to each
 450 supervisor, prior to the first day of qualifying, so that ~~for~~
 451 ~~distribution, upon request,~~ to each candidate who qualifies with
 452 the supervisor and ~~to~~ each clerk of elections has access to the
 453 pamphlet. The cost of making ~~printing~~ the pamphlets available
 454 shall be paid out of funds appropriated for conducting
 455 elections.

456 Section 4. Section 97.0575, Florida Statutes, is amended
 457 to read:

458 97.0575 Third-party voter registrations.—

459 (1) Prior to engaging in any voter registration
 460 activities, a third-party voter registration organization shall
 461 register and provide to the division, in an electronic format,
 462 the following information:

463 (a) The names of the officers of the organization and the
 464 name and permanent address of the organization;

465 (b) The name and address of the organization's registered
 466 agent in the state;

467 (c) The names, permanent addresses, temporary addresses,
 468 if any, and dates of birth of each registration agent
 469 registering persons to vote in this state on behalf of the
 470 organization; and

471 (c) A sworn statement from each registration agent
 472 employed by or volunteering for the organization stating that
 473 the agent will obey all state laws and rules regarding the
 474 registration of voters. Such statement must be on a form
 475 containing notice of applicable criminal penalties for false
 476 registration.

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477 (2) The division or the supervisor of elections shall make
 478 voter registration forms available to third-party voter
 479 registration organizations. All such forms must contain
 480 information identifying the organization to which the forms are
 481 provided. The division and each supervisor of elections shall
 482 maintain a database of all third-party registration
 483 organizations and the voter registration forms assigned to the
 484 third-party registration organizations. Such information must be
 485 provided in electronic format as provided by division rule. By
 486 noon of each day, such information must also be updated, made
 487 publicly available, and, with respect to records in the each
 488 supervisor's database, contemporaneously provided to the
 489 division.

490 (3) (a) A third-party voter registration organization that
 491 collects voter registration applications serves as a fiduciary
 492 to the applicant, ensuring that any voter registration
 493 application entrusted to the organization, irrespective of party
 494 affiliation, race, ethnicity, or gender, shall be promptly
 495 delivered to the division or the supervisor of elections within
 496 48 hours after the applicant completes it or the next business
 497 day if the appropriate office is closed for that 48-hour period.
 498 If a voter registration application collected by any third party
 499 voter registration organization is not promptly delivered to the
 500 division or supervisor of elections, the third party voter
 501 registration organization shall be liable for the following
 502 finer:

503 (a) A fine in the amount of \$50 for each application
 504 received by the division or the supervisor of elections more

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505 than 10 days after the applicant delivered the completed voter
 506 registration application to the third-party voter registration
 507 organization or any person, entity, or agent acting on its
 508 behalf. A fine in the amount of \$250 for each application
 509 received if the third-party registration organization or person,
 510 entity, or agency acting on its behalf acted willfully.

511 (b) A fine in the amount of \$100 for each application
 512 collected by a third-party voter registration organization or
 513 any person, entity, or agent acting on its behalf, prior to book
 514 closing for any given election for federal or state office and
 515 received by the division or the supervisor of elections after
 516 the book closing deadline for such election. A fine in the
 517 amount of \$500 for each application received if the third-party
 518 registration organization or person, entity, or agency acting on
 519 its behalf acted willfully.

520 (c) A fine in the amount of \$500 for each application
 521 collected by a third-party voter registration organization or
 522 any person, entity, or agent acting on its behalf, which is not
 523 submitted to the division or supervisor of elections. A fine in
 524 the amount of \$1,000 for any application not submitted if the
 525 third-party registration organization or person, entity, or
 526 agency acting on its behalf acted willfully.

527
 528 The aggregate fine pursuant to this subsection which may be
 529 assessed against a third-party voter registration organization,
 530 including affiliate organizations, for violations committed in a
 531 calendar year shall be \$1,000. The fines provided in this
 532 subsection shall be reduced by three-fourths in cases in which

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533 the third-party voter registration organization has complied
 534 with subsection (1). ~~The secretary shall waive the fines~~
 535 ~~described in this subsection upon a showing that the failure to~~
 536 ~~deliver the voter registration application promptly is based~~
 537 ~~upon force majeure or impossibility of performance.~~

538 (b) A showing by the organization that the failure to
 539 deliver the voter registration application within the required
 540 timeframe is based upon force majeure or impossibility of
 541 performance shall be an affirmative defense to a violation of
 542 this subsection. The secretary may waive the fines described in
 543 this subsection upon a showing that the failure to deliver the
 544 voter registration application promptly is based upon force
 545 majeure or impossibility of performance.

546 (5) If the Secretary of State reasonably believes that a
 547 person has committed a violation of any provision of this
 548 section, the secretary shall refer the matter to the Attorney
 549 General for enforcement. The Attorney General may institute a
 550 civil action for a violation of the provisions of this section
 551 or to prevent a violation of the provisions of this section. An
 552 action for relief may include a permanent or temporary
 553 injunction, a restraining order, or any other appropriate order.

554 ~~(1) Prior to engaging in any voter registration~~
 555 ~~activities, a third party voter registration organization shall~~
 556 ~~name a registered agent in the state and submit to the division,~~
 557 ~~in a form adopted by the division, the name of the registered~~
 558 ~~agent and the name of those individuals responsible for the day-~~
 559 ~~to-day operation of the third party voter registration~~
 560 ~~organization, including, if applicable, the names of the~~

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561 ~~entity's board of directors, president, vice president, managing~~
 562 ~~partner, or such other individuals engaged in similar duties or~~
 563 ~~functions. On or before the 15th day after the end of each~~
 564 ~~calendar quarter, each third-party voter registration~~
 565 ~~organization shall submit to the division a report providing the~~
 566 ~~date and location of any organized voter registration drives~~
 567 ~~conducted by the organization in the prior calendar quarter.~~

568 ~~(2) The failure to submit the information required by~~
 569 ~~subsection (1) does not subject the third-party voter~~
 570 ~~registration organization to any civil or criminal penalties for~~
 571 ~~such failure, and the failure to submit such information is not~~
 572 ~~a basis for denying such third-party voter registration~~
 573 ~~organization with copies of voter registration application~~
 574 ~~forms.~~

575 ~~(3) A third-party voter registration organization that~~
 576 ~~collects voter registration applications serves as a fiduciary~~
 577 ~~to the applicant, ensuring that any voter registration~~
 578 ~~application entrusted to the third-party voter registration~~
 579 ~~organization, irrespective of party affiliation, race,~~
 580 ~~ethnicity, or gender shall be promptly delivered to the division~~
 581 ~~or the supervisor of elections. If a voter registration~~
 582 ~~application collected by any third-party voter registration~~
 583 ~~organization is not promptly delivered to the division or~~
 584 ~~supervisor of elections, the third-party voter registration~~
 585 ~~organization shall be liable for the following fines:~~

586 ~~(a) A fine in the amount of \$50 for each application~~
 587 ~~received by the division or the supervisor of elections more~~
 588 ~~than 10 days after the applicant delivered the completed voter~~

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589 ~~registration application to the third-party voter registration~~
 590 ~~organization or any person, entity, or agent acting on its~~
 591 ~~behalf. A fine in the amount of \$250 for each application~~
 592 ~~received if the third-party registration organization or person,~~
 593 ~~entity, or agency acting on its behalf acted willfully.~~

594 ~~(b) A fine in the amount of \$100 for each application~~
 595 ~~collected by a third-party voter registration organization or~~
 596 ~~any person, entity, or agent acting on its behalf, prior to book~~
 597 ~~closing for any given election for federal or state office and~~
 598 ~~received by the division or the supervisor of elections after~~
 599 ~~the book closing deadline for such election. A fine in the~~
 600 ~~amount of \$500 for each application received if the third-party~~
 601 ~~registration organization or person, entity, or agency acting on~~
 602 ~~its behalf acted willfully.~~

603 ~~(c) A fine in the amount of \$500 for each application~~
 604 ~~collected by a third-party voter registration organization or~~
 605 ~~any person, entity, or agent acting on its behalf, which is not~~
 606 ~~submitted to the division or supervisor of elections. A fine in~~
 607 ~~the amount of \$1,000 for any application not submitted if the~~
 608 ~~third-party registration organization or person, entity, or~~
 609 ~~agency acting on its behalf acted willfully.~~

610
 611 ~~The aggregate fine pursuant to this subsection which may be~~
 612 ~~assessed against a third-party voter registration organization,~~
 613 ~~including affiliate organizations, for violations committed in a~~
 614 ~~calendar year shall be \$1,000. The fines provided in this~~
 615 ~~subsection shall be reduced by three-fourths in cases in which~~
 616 ~~the third-party voter registration organization has complied~~

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617 ~~with subsection (1). The secretary shall waive the fines~~
 618 ~~described in this subsection upon a showing that the failure to~~
 619 ~~deliver the voter registration application promptly is based~~
 620 ~~upon force majeure or impossibility of performance.~~

621 (6)(4)(a) The division shall adopt by rule a form to
 622 elicit specific information concerning the facts and
 623 circumstances from a person who claims to have been registered
 624 to vote by a third-party voter registration organization but who
 625 does not appear as an active voter on the voter registration
 626 rolls. The division shall also adopt rules to ensure the
 627 integrity of the registration process, including rules requiring
 628 that third-party voter registration organizations account for
 629 all state and federal registration forms used by their
 630 registration agents.

631 ~~(b) The division may investigate any violation of this~~
 632 ~~section. Civil fines shall be assessed by the division and~~
 633 ~~enforced through any appropriate legal proceedings.~~

634 ~~(5) The date on which an applicant signs a voter~~
 635 ~~registration application is presumed to be the date on which the~~
 636 ~~third-party voter registration organization received or~~
 637 ~~collected the voter registration application.~~

638 (7)(6) The civil fines provided in this section are in
 639 addition to any applicable criminal penalties.

640 ~~(7) Fines collected pursuant to this section shall be~~
 641 ~~annually appropriated by the Legislature to the department for~~
 642 ~~enforcement of this section and for voter education.~~

643 ~~(8) The division may adopt rules to administer this~~
 644 ~~section.~~

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645 Section 5. Effective September 1, 2011, section 97.071,
646 Florida Statutes, is amended to read:

647 97.071 Voter information card.—

648 (1) A voter information card shall be furnished by the
649 supervisor to all registered voters residing in the supervisor's
650 county. The card must contain:

651 (a) Voter's registration number.

652 (b) Date of registration.

653 (c) Full name.

654 (d) Party affiliation.

655 (e) Date of birth.

656 (f) Address of legal residence.

657 (g) Precinct number.

658 (h) Polling place address.

659 (i)~~(h)~~ Name of supervisor and contact information of
660 supervisor.

661 (j)~~(i)~~ Other information deemed necessary by the
662 supervisor.

663 (2) A voter may receive a replacement voter information
664 card by providing a signed, written request for a replacement
665 card to a voter registration official. Upon verification of
666 registration, the supervisor shall issue the voter a duplicate
667 card without charge.

668 (3) In the case of a change of name, address of legal
669 residence, polling place address, or party affiliation, the
670 supervisor shall issue the voter a new voter information card.

671 (4) The supervisor must meet the requirements of this
672 section for any elector who registers to vote or who is issued a

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673 new voter information card pursuant to subsection (2) or (3) on
 674 or after September 1, 2011.

675 Section 6. Subsection (1) of section 97.073, Florida
 676 Statutes, is amended to read:

677 97.073 Disposition of voter registration applications;
 678 cancellation notice.—

679 (1) The supervisor must notify each applicant of the
 680 disposition of the applicant's voter registration application
 681 within 5 business days after voter registration information is
 682 entered into the statewide voter registration system as follows:

683 (a) If an application is approved, the supervisor shall
 684 mail a voter information card. A voter information card sent to
 685 an applicant constitutes a notice of registration.

686 (b) If an application is incomplete for failure to provide
 687 any of the information required by s. 97.053(5), the supervisor
 688 shall mail notice requesting the missing information.

689 (c) If an application is a duplicate of a current
 690 registration record, the supervisor shall process the
 691 application as if it were an update, including a signature
 692 update, to the record and send a new voter information card.

693 ~~(d) If an application is denied, the supervisor shall~~
 694 ~~mail. The notice must inform the applicant that the application~~
 695 ~~has been approved, is incomplete, has been denied, or is a~~
 696 ~~duplicate of a current registration. A voter information card~~
 697 ~~sent to an applicant constitutes notice of approval of~~
 698 ~~registration. If the application is incomplete, the supervisor~~
 699 ~~must request that the applicant supply the missing information~~
 700 ~~using a voter registration application signed by the applicant.~~

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701 a notice of denial that must inform the applicant of the reason
 702 the application was denied.

703 Section 7. Subsections (1), (2) and (3) of section
 704 97.1031, Florida Statutes, are amended to read:

705 97.1031 Notice of change of residence, change of name, or
 706 change of party affiliation.

707 (1) (a) When an elector changes his or her residence
 708 address, the elector must notify the supervisor of elections.
 709 Except as provided in paragraph (b), an address change must be
 710 submitted using a voter registration application.

711 (b) If the address change is within the state and notice
 712 is provided to the supervisor of elections of the county where
 713 the elector has moved, the elector may do so by:

714 1. Contacting the supervisor of elections by telephone or
 715 electronic means; or

716 2. Submitting the change on a voter registration
 717 application or other signed written notice.

718 ~~moves from the address named on that person's voter registration~~
 719 ~~record to another address within the same county, the elector~~
 720 ~~must provide notification of such move to the supervisor of~~
 721 ~~elections of that county. The elector may provide the supervisor~~
 722 ~~a signed, written notice or may notify the supervisor by~~
 723 ~~telephone or electronic means. However, notification of such~~
 724 ~~move other than by signed, written notice must include the~~
 725 ~~elector's date of birth. An elector may also provide~~
 726 ~~notification to other voter registration officials as provided~~
 727 ~~in subsection (2). A voter information card reflecting the new~~
 728 ~~information shall be issued to the elector as provided in~~

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729 ~~subsection (3).~~
 730 (2) When an elector ~~moves from the address named on that~~
 731 ~~person's voter registration record to another address in a~~
 732 ~~different county but within the state, the elector seeks to~~
 733 change party affiliation, or the elector changes his or her name
 734 ~~of an elector is changed~~ by marriage or other legal process, the
 735 elector shall notify his or her supervisor of elections or other
 736 ~~provide notice of such change to a voter registration official~~
 737 by using a voter registration application signed by the elector.
 738 ~~A voter information card reflecting the new information shall be~~
 739 ~~issued to the elector as provided in subsection (3).~~

740 Section 8. Subsections (3) and (6) of section 98.075,
 741 Florida Statutes, are amended to read:

742 98.075 Registration records maintenance activities;
 743 ineligibility determinations.—

744 (3) DECEASED PERSONS.—

745 (a)1. The department shall identify those registered voters
 746 who are deceased by comparing information ~~on the lists of~~
 747 ~~deceased persons~~ received from either:

748 a. The Department of Health as provided in s. 98.093; or—

749 b. The United States Social Security Administration,
 750 including, but not limited to, any master death file or index
 751 that the administration compiles.

752 2. Within 7 days after ~~Upon~~ receipt of such information
 753 through the statewide voter registration system, the supervisor
 754 shall remove the name of the registered voter.

755 (b) The supervisor shall remove the name of a deceased
 756 registered voter from the statewide voter registration system

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757 upon receipt of a copy of a death certificate issued by a
 758 governmental agency authorized to issue death certificates.

759 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
 760 supervisor receives information ~~other than~~ from the sources
 761 other than those identified in subsections (2)-(5) that a
 762 registered voter is ineligible because he or she is deceased,
 763 adjudicated a convicted felon without having had his or her
 764 civil rights restored, adjudicated mentally incapacitated
 765 without having had his or her voting rights restored, does not
 766 meet the age requirement pursuant to s. 97.041, is not a United
 767 States citizen, is a fictitious person, or has listed a
 768 residence that is not his or her legal residence, the supervisor
 769 shall adhere to the procedures set forth in subsection (7) prior
 770 to the removal of a registered voter's name from the statewide
 771 voter registration system.

772 Section 9. Subsection (1) and paragraphs (e) and (f) of
 773 subsection (2) of section 98.093, Florida Statutes, are amended
 774 to read:

775 98.093 Duty of officials to furnish information relating
 776 to ~~lists of~~ deceased persons, persons adjudicated mentally
 777 incapacitated, and persons convicted of a felony.—

778 (1) In order to identify ineligible registered voters and
 779 to maintain ~~ensure the maintenance of~~ accurate and current voter
 780 registration records in the statewide voter registration system
 781 pursuant to procedures in ss. 98.065 or 98.075, it is necessary
 782 for the department and supervisors of elections to receive or
 783 access certain information from state and federal officials and
 784 entities in the format prescribed. ~~The department and~~

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785 ~~supervisors of elections shall use the information provided from~~
 786 ~~the sources in subsection (2) to maintain the voter registration~~
 787 ~~records.~~

788 (2) To the maximum extent feasible, state and local
 789 government agencies shall facilitate provision of information
 790 and access to data to the department, including, but not limited
 791 to, databases that contain reliable criminal records and records
 792 of deceased persons. State and local government agencies that
 793 provide such data shall do so without charge if the direct cost
 794 incurred by those agencies is not significant.

795 (e) The Florida Parole Commission ~~Board of Executive~~
 796 ~~Clemency~~ shall furnish at least bi-monthly ~~monthly~~ to the
 797 department data including a list of those persons granted
 798 clemency in the preceding month or any updates to prior records
 799 which have occurred in the preceding month. The data list shall
 800 contain the commission's ~~Board of Executive Clemency~~ case
 801 number, name, address, date of birth, race, gender ~~sex~~, Florida
 802 driver's license number, Florida identification card number or
 803 the last four digits of the social security number, if
 804 available, and references to record identifiers assigned by the
 805 Department of Corrections and the Department of Law Enforcement,
 806 a unique identifier of each clemency case, and the effective
 807 date of clemency of each person.

808 (f) The Department of Corrections shall make available, in
 809 the format prescribed, ~~furnish monthly~~ to the department and its
 810 designees real-time electronic access to make an identification
 811 match of a convicted felon who is incarcerated or on probation
 812 based on the first and last name, date of birth, and either the

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813 Florida driver's license number, Florida identification card
 814 number or last four digits of the social security number, if
 815 available. The program must allow for return data to include,
 816 but not be limited to, first and last ~~a list of those persons~~
 817 ~~transferred to the Department of Corrections in the preceding~~
 818 ~~month or any updates to prior records which have occurred in the~~
 819 ~~preceding month. The list shall contain the name, address, date~~
 820 ~~of birth, the Florida driver's license number or last four~~
 821 ~~digits of the race, sex, social security number, the Department~~
 822 ~~of Corrections record identification number, and the status of~~
 823 the convicted felon as whether incarcerated, on probation with
 824 clemency, or on probation without clemency ~~associated Department~~
 825 ~~of Law Enforcement felony conviction record number of each~~
 826 ~~person.~~

827 Section 10. Effective July 1, 2012, subsections (1) and
 828 (2) of section 98.0981, Florida Statutes, are amended to read:

829 98.0981 Reports; voting history; statewide voter
 830 registration system information; precinct-level election
 831 results; book closing statistics.-

832 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
 833 INFORMATION.-

834 (a) Within 30 ~~45~~ days after certification by the election
 835 canvassing commission of a ~~after~~ presidential preference
 836 primary, special election, a primary election, or a general
 837 election, supervisors of elections shall transmit to the
 838 department, in a uniform electronic format specified in
 839 paragraph (d) ~~by the department~~, completely updated voting
 840 history information for each qualified voter who voted.

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841 (b) After receipt of the information in paragraph (a), the
 842 department shall prepare a report in electronic format which
 843 contains the following information, separately compiled for the
 844 primary and general election for all voters qualified to vote in
 845 either election:

846 1. The unique identifier assigned to each qualified voter
 847 within the statewide voter registration system;

848 2. All information provided by each qualified voter on his
 849 or her voter registration application pursuant to s. 97.052(2),
 850 except that which is confidential or exempt from public records
 851 requirements;

852 3. Each qualified voter's date of registration;

853 4. Each qualified voter's current state representative
 854 district, state senatorial district, and congressional district,
 855 assigned by the supervisor of elections;

856 5. Each qualified voter's current precinct; and

857 6. Voting history as transmitted under paragraph (a) to
 858 include whether the qualified voter voted at a precinct
 859 location, voted during the early voting period, voted by
 860 absentee ballot, attempted to vote by absentee ballot that was
 861 not counted, attempted to vote by provisional ballot that was
 862 not counted, or did not vote.

863 (c) Within 15 ~~60~~ days after certification by the elections
 864 canvassing commission of a presidential preference primary,
 865 special election, a primary election or a general election, the
 866 department shall send to the President of the Senate, the
 867 Speaker of the House of Representatives, the Senate Minority
 868 Leader, and the House Minority Leader a report in electronic

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869 | format that includes all information set forth in paragraph (b).

870 | (d) File specifications are as follows:

871 | 1. The file shall contain records designated by the
 872 | categories below for all qualified voters who, regardless of the
 873 | voter's county of residence or active or inactive registration
 874 | status at book close for the corresponding election that the
 875 | file is being created for:

876 | a. Voted a regular ballot at a precinct location.

877 | b. Voted at a precinct location using a provisional ballot
 878 | that was subsequently counted.

879 | c. Voted a regular ballot during the early voting period.

880 | d. Voted during the early voting period using a
 881 | provisional ballot that was subsequently counted.

882 | e. Voted by absentee ballot.

883 | f. Attempted to vote by absentee ballot but the ballot was
 884 | not counted.

885 | g. Attempted to vote by provisional ballot but the ballot
 886 | was not counted in that election.

887 | 2. Each file shall be created or converted into a tab-
 888 | delimited format.

889 | 3. File names shall adhere to the following convention:

890 | a. Three character county identifier as established by the
 891 | department followed by underscore.

892 | b. Followed by four character file type identifier of
 893 | 'VH03' followed by an underscore.

894 | c. Followed by FVRS election ID followed by an underscore.

895 | d. Followed by Date Created followed by an underscore.

896 | e. Date format is YYYYMMDD.

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897 f. Followed by Time Created - HHMMSS.
 898 g. followed by '.txt'.
 899 4. Each record shall contain the following columns: Record
 900 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
 901 Date, Vote History Code, Precinct, Congressional District, House
 902 District, Senate District, County Commission District, and
 903 School Board District.

904 (e) Each supervisor of elections shall reconcile within 25
 905 days after a presidential preference primary, special election,
 906 a primary election, or a general election to compare the
 907 aggregate total of ballots cast in each precinct as reported in
 908 the precinct-level election results to the aggregate total
 909 number of voters with voter history for the election for each
 910 district.

911 (f) Each supervisor of elections shall submit the results
 912 of the data reconciliation as described in paragraph (e) to the
 913 department in an electronic format and give a written
 914 explanation for any precincts where the reconciliation as
 915 described in paragraph (e) results in a discrepancy between the
 916 voter history and election results.

917 (g) A supervisor of elections shall be required to pay \$50
 918 a day for each day the required reports are late or not
 919 complete. Fines must be paid from a supervisor of elections
 920 personal funds. Fines shall be remitted to the department which
 921 shall transmit the remitted fines for deposit into the General
 922 Revenue Fund.

923 (2) (a) PRECINCT-LEVEL ELECTION RESULTS.—Within ~~25~~ 45 days
 924 after the date of a presidential preference primary election, a

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925 special election, a primary election, or a general election, the
 926 supervisors of elections shall collect and submit to the
 927 department precinct-level election results for the election in a
 928 uniform electronic format specified by paragraph (c) ~~the~~
 929 ~~department~~. The precinct-level election results shall be
 930 compiled separately for the primary or special primary election
 931 that preceded the general or special general election,
 932 respectively. The results shall specifically include for each
 933 precinct the ~~aggregate~~ total of all ballots cast, with subtotals
 934 for each candidate and ballot type, for each candidate or
 935 nominee to fill a national, state, county, or district office or
 936 proposed constitutional amendment. "All ballots cast" means
 937 ballots cast by voters who cast a ballot whether at a precinct
 938 location, by absentee ballot including overseas absentee
 939 ballots, during the early voting period, or by provisional
 940 ballot.

941 (b) The department shall make such information available
 942 on a searchable, sortable and downloadable database via its web
 943 site that also includes the file layout and codes. The database
 944 shall be searchable and sortable by county, precinct, and
 945 candidate. The database shall be downloadable in a tab-delimited
 946 format. The database shall be available for download county-by-
 947 county and also as a statewide file. Such report shall also be
 948 made available upon request.

949 (c) The files containing the precinct-level election
 950 results shall be created in accordance with the applicable file
 951 specification:

952 1. The precinct level results file shall be created or

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953 converted into a tab-delimited text file.

954 2. The row immediately before the first data record shall
 955 contain the column names of the data elements that make up the
 956 data records. There shall be one header record followed by
 957 multiple data records.

958 3. The data records shall include the following columns:
 959 County Name, Election Number, Election Date, Unique Precinct
 960 Identifier, Precinct Polling Location, Total Registered Voters,
 961 Total Registered Republicans, Total Registered Democrats, Total
 962 Registered All Other Parties, Contest Name,
 963 Candidate/Retention/Issue Name, Candidate Ethnicity, Division of
 964 Elections Unique Candidate Identifying Number, Candidate Party,
 965 District, Undervote Total, Overvote Total, Write-in Total, and
 966 Vote Total.

967 (d) A supervisor of elections shall be required to pay \$50
 968 a day for each day the required reports are late or not
 969 complete. Fines must be paid from a supervisor of elections
 970 personal funds. Fines shall be remitted to the department which
 971 shall transmit the remitted fines for deposit into the General
 972 Revenue Fund.

973 Section 11. Subsections (5) and (7) of section 99.012,
 974 Florida Statutes, are amended to read:

975 99.012 Restrictions on individuals qualifying for public
 976 office.—

977 (5) Any person not complying with this section shall not
 978 be qualified as a candidate for election and shall not appear on
 979 the ballot. The name of any person who does not comply with this
 980 section may be removed from every ballot on which it appears

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981 ~~when ordered by a circuit court upon the petition of an elector~~
 982 ~~or the Department of State.~~

983 (7) Nothing contained in subsection (3) relates to persons
 984 holding any federal office or seeking the office of President or
 985 Vice President.

986 Section 12. Paragraphs (a) and (b) of subsection (1) of
 987 section 99.021, Florida Statutes, are amended and subsection (3)
 988 is added to said section to read:

989 99.021 Form of candidate oath.—

990 (1)(a)1. Each candidate, whether a party candidate, a
 991 candidate with no party affiliation, or a write-in candidate, in
 992 order to qualify for nomination or election to any office other
 993 than a judicial office as defined in chapter 105 or a federal
 994 office, shall take and subscribe to an oath or affirmation in
 995 writing. A ~~printed~~ copy of the oath or affirmation shall be made
 996 available furnished to the candidate by the officer before whom
 997 such candidate seeks to qualify and shall be substantially in
 998 the following form:

999 State of Florida
 1000 County of....

1001 Before me, an officer authorized to administer oaths,
 1002 personally appeared ... (please print name as you wish it to
 1003 appear on the ballot) ..., to me well known, who, being sworn,
 1004 says that he or she is a candidate for the office of; that
 1005 he or she is a qualified elector of County, Florida; that
 1006 he or she is qualified under the Constitution and the laws of
 1007 Florida to hold the office to which he or she desires to be

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1008 | nominated or elected; ~~that he or she has taken the oath required~~
 1009 | ~~by ss. 876.05-876.10, Florida Statutes;~~ that he or she has
 1010 | qualified for no other public office in the state, the term of
 1011 | which office or any part thereof runs concurrent with that of
 1012 | the office he or she seeks; and that he or she has resigned from
 1013 | any office from which he or she is required to resign pursuant
 1014 | to s. 99.012, Florida Statutes; and that he or she will support
 1015 | the Constitution of the United States and the Constitution of
 1016 | the State of Florida.

1017 | ...(Signature of candidate)...
 1018 | ...(Address)...

1019 | Sworn to and subscribed before me this day of,
 1020 | ...(year)..., at County, Florida.
 1021 | ...(Signature and title of officer administering oath)...

1022 | 2. Each candidate for federal office, whether a party
 1023 | candidate, a candidate with no party affiliation, or a write-in
 1024 | candidate, in order to qualify for nomination or election to
 1025 | office shall take and subscribe to an oath or affirmation in
 1026 | writing. A ~~printed~~ copy of the oath or affirmation shall be made
 1027 | available ~~furnished~~ to the candidate by the officer before whom
 1028 | such candidate seeks to qualify and shall be substantially in
 1029 | the following form:

1030 | State of Florida
 1031 | County of

1032 | Before me, an officer authorized to administer oaths,
 1033 | personally appeared ...(please print name as you wish it to

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1034 appear on the ballot)..., to me well known, who, being sworn,
 1035 says that he or she is a candidate for the office of; that
 1036 he or she is qualified under the Constitution and laws of the
 1037 United States to hold the office to which he or she desires to
 1038 be nominated or elected; ~~and~~ that he or she has qualified for no
 1039 other public office in the state, the term of which office or
 1040 any part thereof runs concurrent with that of the office he or
 1041 she seeks; and that he or she will support the Constitution of
 1042 the United States.

1043 ... (Signature of candidate)...

1044 ... (Address)...

1045 Sworn to and subscribed before me this day of,
 1046 ... (year)...., at County, Florida.

1047 ... (Signature and title of officer administering oath)...

1048 (b) In addition, any person seeking to qualify for
 1049 nomination as a candidate of any political party shall, at the
 1050 time of subscribing to the oath or affirmation, state in
 1051 writing:

1052 1. The party of which the person is a member.

1053 2. That the person ~~is not a registered member of any other~~
 1054 ~~political party and~~ has not been a registered member of
 1055 ~~candidate for nomination for~~ any other political party in the
 1056 calendar year leading up to the general election for a period of
 1057 ~~6 months preceding the general election~~ for which the person
 1058 seeks to qualify.

1059 3. That the person has paid the assessment levied against
 1060 him or her, if any, as a candidate for said office by the

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1061 executive committee of the party of which he or she is a member.

1062 (3) The requirements set forth in this section do not
 1063 apply to persons who seek to qualify for election pursuant to
 1064 the provisions of ss. 103.021 and 103.101.

1065 Section 13. Subsections (5) and (7) of section 99.061,
 1066 Florida Statutes, are amended, and subsection (11) is added to
 1067 that section, to read:

1068 99.061 Method of qualifying for nomination or election to
 1069 federal, state, county, or district office.—

1070 (5) At the time of qualifying for office, each candidate
 1071 for a constitutional office shall file a full and public
 1072 disclosure of financial interests pursuant to s. 8, Art. II of
 1073 the State Constitution, duly notarized pursuant to s. 117.05,
 1074 and a candidate for any other office, including local elective
 1075 office, shall file a statement of financial interests pursuant
 1076 to s. 112.3145.

1077 (7)(a) In order for a candidate to be qualified, the
 1078 following items must be received by the filing officer by the
 1079 end of the qualifying period:

1080 1. A properly executed check drawn upon the candidate's
 1081 campaign account payable to the person or entity as prescribed
 1082 by the filing officer in an amount not less than the fee
 1083 required by s. 99.092, unless the candidate obtained the
 1084 required number of signatures on petitions ~~or, in lieu thereof,~~
 1085 ~~as applicable, the copy of the notice of obtaining ballot~~
 1086 ~~position~~ pursuant to s. 99.095. The filing fee for a special
 1087 district candidate is not required to be drawn upon the
 1088 candidate's campaign account. If a candidate's check is returned

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1089 | by the bank for any reason, the filing officer shall immediately
 1090 | notify the candidate and the candidate shall have until the end
 1091 | of qualifying ~~notwithstanding, have 48 hours from the time such~~
 1092 | ~~notification is received, excluding Saturdays, Sundays, and~~
 1093 | ~~legal holidays,~~ to pay the fee with a cashier's check purchased
 1094 | from funds of the campaign account. Failure to pay the fee as
 1095 | provided in this subparagraph shall disqualify the candidate.

1096 | 2. The candidate's oath required by s. 99.021, which must
 1097 | contain the name of the candidate as it is to appear on the
 1098 | ballot; the office sought, including the district or group
 1099 | number if applicable; and the signature of the candidate, duly
 1100 | notarized pursuant to s. 117.05 ~~acknowledged.~~

1101 | ~~3. The loyalty oath required by s. 876.05, signed by the~~
 1102 | ~~candidate and duly acknowledged.~~

1103 | ~~3.4.~~ If the office sought is partisan, the written
 1104 | statement of political party affiliation required by s.
 1105 | 99.021(1)(b).

1106 | ~~4.5.~~ The completed form for the appointment of campaign
 1107 | treasurer and designation of campaign depository, as required by
 1108 | s. 106.021.

1109 | ~~5.6.~~ The full and public disclosure or statement of
 1110 | financial interests required by subsection (5). A public officer
 1111 | who has filed the full and public disclosure or statement of
 1112 | financial interests with the Commission on Ethics or the
 1113 | supervisor of elections prior to qualifying for office may file
 1114 | a copy of that disclosure at the time of qualifying.

1115 | (b) If the filing officer receives qualifying papers
 1116 | during the qualifying period prescribed in this section that do

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1117 | not include all items as required by paragraph (a) prior to the
 1118 | last day of qualifying, the filing officer shall make a
 1119 | reasonable effort to notify the candidate of the missing or
 1120 | incomplete items and shall inform the candidate that all
 1121 | required items must be received by the close of qualifying. A
 1122 | candidate's name as it is to appear on the ballot may not be
 1123 | changed after the end of qualifying.

1124 | (c) The filing officer performs a ministerial function in
 1125 | reviewing qualifying papers. In determining whether a candidate
 1126 | is qualified, the filing officer shall review the qualifying
 1127 | papers to determine whether all items required by paragraph (a)
 1128 | have been properly filed and whether each item is complete on
 1129 | its face, including whether items requiring notarizations are
 1130 | properly notarized as required by s. 117.05. The filing officer
 1131 | may not determine whether the contents of the qualifying papers
 1132 | are accurate.

1133 | (11) The decision of the filing officer concerning whether
 1134 | a candidate is qualified is exempt from the provisions of
 1135 | chapter 120.

1136 | Section 14. Subsection (2) of section 99.063, Florida
 1137 | Statutes, is amended to read:

1138 | 99.063 Candidates for Governor and Lieutenant Governor.—

1139 | (2) No later than 5 p.m. of the 9th day following the
 1140 | primary election, each designated candidate for Lieutenant
 1141 | Governor shall file with the Department of State:

1142 | (a) The candidate's oath required by s. 99.021, which must
 1143 | contain the name of the candidate as it is to appear on the
 1144 | ballot; the office sought; and the signature of the candidate,

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1145 | duly acknowledged.

1146 | ~~(b) The loyalty oath required by s. 876.05, signed by the~~

1147 | ~~candidate and duly acknowledged.~~

1148 | (b)~~(e)~~ If the office sought is partisan, the written

1149 | statement of political party affiliation required by s.

1150 | 99.021(1)(b).

1151 | (c)~~(d)~~ The full and public disclosure of financial

1152 | interests pursuant to s. 8, Art. II of the State Constitution. A

1153 | public officer who has filed the full and public disclosure with

1154 | the Commission on Ethics prior to qualifying for office may file

1155 | a copy of that disclosure at the time of qualifying.

1156 | Section 15. Subsection (1) of section 99.093, Florida

1157 | Statutes, is amended to read:

1158 | 99.093 Municipal candidates; election assessment.—

1159 | (1) Each person seeking to qualify for nomination or

1160 | election to a municipal office shall pay, at the time of

1161 | qualifying for office, an election assessment. The election

1162 | assessment shall be an amount equal to 1 percent of the annual

1163 | salary of the office sought. Within 30 days after the close of

1164 | qualifying, the qualifying officer shall forward all assessments

1165 | collected pursuant to this section to the Florida Elections

1166 | Commission ~~Department of State~~ for transfer to the Elections

1167 | Commission Trust Fund within the Department of Legal Affairs.

1168 | Section 16. Subsections (1), (3), and (5) of section

1169 | 99.097, Florida Statutes, are amended, and subsection (6) is

1170 | added to that section, to read:

1171 | 99.097 Verification of signatures on petitions.—

1172 | (1) (a) As determined by each supervisor, based upon local

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1173 conditions, the checking of names on petitions may be based on
 1174 the most inexpensive and administratively feasible of either of
 1175 the following methods of verification:

1176 1.(a) ~~A name-by-name, signature-by-signature check of each~~
 1177 ~~petition the number of authorized signatures on the petitions;~~
 1178 or

1179 2.(b) A check of a random sample, as provided by the
 1180 Department of State, of ~~names and signatures on~~ the petitions.
 1181 The sample must be such that a determination can be made as to
 1182 whether or not the required number of signatures has ~~have~~ been
 1183 obtained with a reliability of at least 99.5 percent.

1184 (b) Rules and guidelines for ~~this method of~~ petition
 1185 verification shall be adopted ~~promulgated~~ by the Department of
 1186 State. Rules and guidelines for a random sample method of
 1187 verification, ~~which~~ may include a requirement that petitions
 1188 bear an additional number of names and signatures, not to exceed
 1189 15 percent of the names and signatures otherwise required. If
 1190 the petitions do not meet such criteria or if the petitions are
 1191 prescribed by s. 100.371, then the use of the random sample
 1192 method of verification ~~method described in this paragraph~~ shall
 1193 not be available to supervisors.

1194 (3) (a) If all other requirements for the petition are met,
 1195 a signature on a petition shall be verified and counted as valid
 1196 for a registered voter if after comparing the signature on the
 1197 petition and the signature of the registered voter in the voter
 1198 registration system, the supervisor is able to determine that
 1199 the petition signer is the same as the registered voter, even if
 1200 the name on the petition is not in substantially the same form

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1201 as in the voter registration system. ~~A name on a petition, which~~
 1202 ~~name is not in substantially the same form as a name on the~~
 1203 ~~voter registration books, shall be counted as a valid signature~~
 1204 ~~if, after comparing the signature on the petition with the~~
 1205 ~~signature of the alleged signer as shown on the registration~~
 1206 ~~books, the supervisor determines that the person signing the~~
 1207 ~~petition and the person who registered to vote are one and the~~
 1208 ~~same.~~

1209 (b) In any situation in which this code requires the form
 1210 of the petition to be prescribed by the division, no signature
 1211 shall be counted toward the number of signatures required unless
 1212 it is on a petition form prescribed by the division.

1213 (c) ~~(b)~~ If a voter signs a petition and lists an address
 1214 other than the legal residence where the voter is registered,
 1215 the supervisor shall treat the signature as if the voter had
 1216 listed the address where the voter is registered.

1217 (5) The results of a verification pursuant to subparagraph
 1218 (1)(a)2. ~~paragraph (1)(b)~~ may be contested in the circuit court
 1219 by the candidate; an announced opponent; a representative of a
 1220 designated political committee; or a person, party, or other
 1221 organization submitting the petition. The contestant shall file
 1222 a complaint, together with the fees prescribed in chapter 28,
 1223 with the clerk of the circuit court in the county in which the
 1224 petition is certified or in Leon County if the petition covers
 1225 more than one county within 10 days after midnight of the date
 1226 the petition is certified; and the complaint shall set forth the
 1227 grounds on which the contestant intends to establish his or her
 1228 right to require a complete check of the petition names ~~and~~

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1229 ~~signatures~~ pursuant to subparagraph (1)(a)1. ~~paragraph (1)(a).~~
 1230 In the event the court orders a complete check of the petition
 1231 and the result is not changed as to the success or lack of
 1232 success of the petitioner in obtaining the requisite number of
 1233 valid signatures, then such candidate, unless the candidate has
 1234 filed the oath stating that he or she is unable to pay such
 1235 charges; announced opponent; representative of a designated
 1236 political committee; or party, person, or organization
 1237 submitting the petition, unless such person or organization has
 1238 filed the oath stating inability to pay such charges, shall pay
 1239 to the supervisor of elections of each affected county for the
 1240 complete check an amount calculated at the rate of 10 cents for
 1241 each additional signature checked or the actual cost of checking
 1242 such additional signatures, whichever is less.

1243 (6)(a) If any person is paid to solicit signatures on a
 1244 petition, an undue burden oath may not subsequently be filed in
 1245 lieu of paying the fee to have signatures verified for that
 1246 petition.

1247 (b) If an undue burden oath has been filed and payment is
 1248 subsequently made to any person to solicit signatures on a
 1249 petition, then the undue burden oath is no longer valid and a
 1250 fee for all signatures previously submitted to the supervisor of
 1251 elections and for any that are submitted thereafter shall be
 1252 paid by the candidate, person, or organization that submitted
 1253 the undue burden oath. If contributions as defined in s. 106.011
 1254 are received, any monetary contributions shall first be used to
 1255 reimburse the supervisor of elections for any signature
 1256 verification fees not paid because of an undue burden oath being

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1257 | filed.
 1258 | Section 17. Subsection (2) of section 100.111, Florida
 1259 | Statutes, is repealed, present subsection (3) is renumbered as
 1260 | subsection (2), present subsection (4) is amended and renumbered
 1261 | as subsection (3), and a new subsection (4) is added to that
 1262 | section to read:
 1263 | 100.111 Filling vacancy.—
 1264 | ~~(2) (a) If, in any state or county office required to be~~
 1265 | ~~filled by election, a vacancy occurs during an election year by~~
 1266 | ~~reason of the incumbent having qualified as a candidate for~~
 1267 | ~~federal office pursuant to s. 99.061, no special election is~~
 1268 | ~~required. Any person seeking nomination or election to the~~
 1269 | ~~office so vacated shall qualify within the time prescribed by s.~~
 1270 | ~~99.061 for qualifying for state or county offices to be filled~~
 1271 | ~~by election.~~
 1272 | ~~(b) If such a vacancy occurs in an election year other~~
 1273 | ~~than the one immediately preceding expiration of the present~~
 1274 | ~~term, the Secretary of State shall notify the supervisor of~~
 1275 | ~~elections in each county served by the office that a vacancy has~~
 1276 | ~~been created. Such notice shall be provided to the supervisor of~~
 1277 | ~~elections not later than the close of the first day set for~~
 1278 | ~~qualifying for state or county office. The supervisor shall~~
 1279 | ~~provide public notice of the vacancy in any manner the Secretary~~
 1280 | ~~of State deems appropriate.~~
 1281 | (2)(3) Whenever there is a vacancy for which a special
 1282 | election is required pursuant to s. 100.101, the Governor, after
 1283 | consultation with the Secretary of State, shall fix the dates of
 1284 | a special primary election and a special election. Nominees of

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1285 political parties shall be chosen under the primary laws of this
 1286 state in the special primary election to become candidates in
 1287 the special election. Prior to setting the special election
 1288 dates, the Governor shall consider any upcoming elections in the
 1289 jurisdiction where the special election will be held. The dates
 1290 fixed by the Governor shall be specific days certain and shall
 1291 not be established by the happening of a condition or stated in
 1292 the alternative. The dates fixed shall provide a minimum of 2
 1293 weeks between each election. In the event a vacancy occurs in
 1294 the office of state senator or member of the House of
 1295 Representatives when the Legislature is in regular legislative
 1296 session, the minimum times prescribed by this subsection may be
 1297 waived upon concurrence of the Governor, the Speaker of the
 1298 House of Representatives, and the President of the Senate. If a
 1299 vacancy occurs in the office of state senator and no session of
 1300 the Legislature is scheduled to be held prior to the next
 1301 general election, the Governor may fix the dates for the special
 1302 primary election and for the special election to coincide with
 1303 the dates of the primary election and general election. If a
 1304 vacancy in office occurs in any district in the state Senate or
 1305 House of Representatives or in any congressional district, and
 1306 no session of the Legislature, or session of Congress if the
 1307 vacancy is in a congressional district, is scheduled to be held
 1308 during the unexpired portion of the term, the Governor is not
 1309 required to call a special election to fill such vacancy.

1310 (a) The dates for candidates to qualify in such special
 1311 election or special primary election shall be fixed by the
 1312 Department of State, and candidates shall qualify not later than

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1313 noon of the last day so fixed. The dates fixed for qualifying
 1314 shall allow a minimum of 14 days between the last day of
 1315 qualifying and the special primary election.

1316 (b) The filing of campaign expense statements by
 1317 candidates in such special elections or special primaries and by
 1318 committees making contributions or expenditures to influence the
 1319 results of such special primaries or special elections shall be
 1320 not later than such dates as shall be fixed by the Department of
 1321 State, and in fixing such dates the Department of State shall
 1322 take into consideration and be governed by the practical time
 1323 limitations.

1324 (c) The dates for a candidate to qualify by the petition
 1325 process pursuant to s. 99.095 in such special primary or special
 1326 election shall be fixed by the Department of State. In fixing
 1327 such dates the Department of State shall take into consideration
 1328 and be governed by the practical time limitations. Any candidate
 1329 seeking to qualify by the petition process in a special primary
 1330 election shall obtain 25 percent of the signatures required by
 1331 s. 99.095.

1332 (d) The qualifying fees and party assessments of such
 1333 candidates as may qualify shall be the same as collected for the
 1334 same office at the last previous primary for that office. The
 1335 party assessment shall be paid to the appropriate executive
 1336 committee of the political party to which the candidate belongs.

1337 (e) Each county canvassing board shall make as speedy a
 1338 return of the result of such special primary elections and
 1339 special elections as time will permit, and the Elections
 1340 Canvassing Commission likewise shall make as speedy a canvass

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1341 and declaration of the nominees as time will permit.
 1342 (3)~~(4)~~(a) In the event that death, resignation,
 1343 withdrawal, removal, or any other cause or event should cause a
 1344 party to have a vacancy in nomination which leaves no candidate
 1345 for an office from such party, the filing officer before whom
 1346 the candidate qualified ~~Department of State~~ shall notify the
 1347 chair of the ~~appropriate state, district, or county~~ political
 1348 party executive committee of such party; and,
 1349 1. If the vacancy in nomination for statewide office, the
 1350 state party chair shall, within 5 days, ~~the chair shall~~ call a
 1351 meeting of his or her executive board ~~committee~~ to consider
 1352 designation of a nominee to fill the vacancy.
 1353 2. If the vacancy in nomination is for a legislative or
 1354 multicounty office, the state party chair shall notify the
 1355 appropriate county chair or chairs and, within 5 days, the
 1356 appropriate county chair or chairs shall call a meeting of the
 1357 members of the executive committee in the affected county or
 1358 counties to consider designation of a nominee to fill the
 1359 vacancy.
 1360 3. If the vacancy in nomination is for a county office,
 1361 the state party chair shall notify the appropriate county chair
 1362 and, within 5 days, the appropriate county chair shall call a
 1363 meeting of his or her executive committee to consider
 1364 designation of a nominee to fill the vacancy.
 1365
 1366 The name of any person so designated shall be submitted to the
 1367 filing officer before whom the candidate qualified ~~Department of~~
 1368 ~~State~~ within 7 days after notice to the chair in order that the

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1369 person designated may have his or her name on the ballot of the
 1370 ensuing general election. If the name of the new nominee is
 1371 submitted after the certification of results of the preceding
 1372 primary election, however, the ballots shall not be changed and
 1373 the former party nominee's name will appear on the ballot. Any
 1374 ballots cast for the former party nominee will be counted for
 1375 the person designated by the political party to replace the
 1376 former party nominee. If there is no opposition to the party
 1377 nominee, the person designated by the political party to replace
 1378 the former party nominee will be elected to office at the
 1379 general election. ~~For purposes of this paragraph, the term~~
 1380 ~~"district political party executive committee" means the members~~
 1381 ~~of the state executive committee of a political party from those~~
 1382 ~~counties comprising the area involving a district office.~~

1383 (b) When, under the circumstances set forth in the
 1384 preceding paragraph, vacancies in nomination are required to be
 1385 filled by committee nominations, such vacancies shall be filled
 1386 by party rule. In any instance in which a nominee is selected by
 1387 a committee to fill a vacancy in nomination, such nominee shall
 1388 pay the same filing fee and take the same oath as the nominee
 1389 would have taken had he or she regularly qualified for election
 1390 to such office.

1391 (c) Any person who, at the close of qualifying as
 1392 prescribed in ss. 99.061 and 105.031, was qualified for
 1393 nomination or election to or retention in a public office to be
 1394 filled at the ensuing general election or who attempted to
 1395 qualify and failed to qualify is prohibited from qualifying as a
 1396 candidate to fill a vacancy in nomination for any other office

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1397 to be filled at that general election, even if such person has
 1398 withdrawn or been eliminated as a candidate for the original
 1399 office sought. However, this paragraph does not apply to a
 1400 candidate for the office of Lieutenant Governor who applies to
 1401 fill a vacancy in nomination for the office of Governor on the
 1402 same ticket or to a person who has withdrawn or been eliminated
 1403 as a candidate and who is subsequently designated as a candidate
 1404 for Lieutenant Governor under s. 99.063.

1405 (5) A vacancy in nomination is not created if an order of
 1406 a court that has become final determines that a nominee did not
 1407 properly qualify or does not meet the necessary qualifications
 1408 to hold the office for which he or she sought to qualify.

1409 ~~(6)-(5)~~ In the event of unforeseeable circumstances not
 1410 contemplated in these general election laws concerning the
 1411 calling and holding of special primary elections and special
 1412 elections resulting from court order or other unpredictable
 1413 circumstances, the Department of State shall have the authority
 1414 to provide for the conduct of orderly elections.

1415 Section 18. Subsections (1), (3), (6), and (7) of section
 1416 100.371, Florida Statutes, are amended to read:

1417 100.371 Initiatives; procedure for placement on ballot.—

1418 (1) Constitutional amendments proposed by initiative shall
 1419 be placed on the ballot for the general election, provided the
 1420 initiative petition has been filed with the Secretary of State
 1421 no later than February 1 of the year the general election is
 1422 held. A petition shall be deemed to be filed with the Secretary
 1423 of State upon the date the secretary determines that valid and
 1424 verified petition forms have been signed by the constitutionally

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1425 required number and distribution of electors under this code,
 1426 ~~subject to the right of revocation established in this section.~~
 1427 (3) An initiative petition form circulated for signature
 1428 may not be bundled with or attached to any other petition. Each
 1429 signature shall be dated when made and shall be valid for a
 1430 period of 2 ~~4~~ years following such date, provided all other
 1431 requirements of law are met. The sponsor shall submit signed and
 1432 dated forms to the ~~appropriate~~ supervisor of elections for
 1433 verification as to the number of registered electors whose valid
 1434 signatures appear thereon. If the signer is a registered voter
 1435 of another county, the supervisor shall notify the petition
 1436 sponsor of the misfiled petition. The supervisor shall promptly
 1437 verify the signatures within 30 days after ~~of~~ receipt of the
 1438 petition forms and payment of the fee required by s. 99.097. The
 1439 supervisor shall promptly record, in the manner prescribed by
 1440 the Secretary of State, the date each form is received by the
 1441 supervisor, and the date the signature on the form is verified
 1442 as valid. The supervisor may verify that the signature on a form
 1443 is valid only if:
 1444 (a) The form contains the original signature of the
 1445 purported elector.
 1446 (b) The purported elector has accurately recorded on the
 1447 form the date on which he or she signed the form.
 1448 (c) The form ~~accurately~~ sets forth the purported elector's
 1449 name, ~~street~~ address, city, county, and voter registration
 1450 number or date of birth.
 1451 (d) The purported elector is, at the time he or she signs
 1452 the form and at the time the form is verified, a duly qualified

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1453 and registered elector ~~authorized to vote~~ in the state county in
 1454 ~~which his or her signature is submitted.~~

1455
 1456 The supervisor shall retain the signature forms for at least 1
 1457 year following the election in which the issue appeared on the
 1458 ballot or until the Division of Elections notifies the
 1459 supervisors of elections that the committee that ~~which~~
 1460 circulated the petition is no longer seeking to obtain ballot
 1461 position.

1462 ~~(6) (a) An elector's signature on a petition form may be~~
 1463 ~~revoked within 150 days of the date on which he or she signed~~
 1464 ~~the petition form by submitting to the appropriate supervisor of~~
 1465 ~~elections a signed petition-revocation form.~~

1466 ~~(b) The petition-revocation form and the manner in which~~
 1467 ~~signatures are obtained, submitted, and verified shall be~~
 1468 ~~subject to the same relevant requirements and timeframes as the~~
 1469 ~~corresponding petition form and processes under this code and~~
 1470 ~~shall be approved by the Secretary of State before any signature~~
 1471 ~~on a petition-revocation form is obtained.~~

1472 ~~(c) In those circumstances in which a petition-revocation~~
 1473 ~~form for a corresponding initiative petition has not been~~
 1474 ~~submitted and approved, an elector may complete and submit a~~
 1475 ~~standard petition-revocation form directly to the supervisor of~~
 1476 ~~elections. All other requirements and processes apply for the~~
 1477 ~~submission and verification of the signatures as for initiative~~
 1478 ~~petitions.~~

1479 ~~(d) Supervisors of elections shall provide petition-~~
 1480 ~~revocation forms to the public at all main and branch offices.~~

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1481 ~~(e) The petition revocation form shall be filed with the~~
 1482 ~~supervisor of elections by February 1 preceding the next general~~
 1483 ~~election or, if the initiative amendment is not certified for~~
 1484 ~~ballot position in that election, by February 1 preceding the~~
 1485 ~~next successive general election. The supervisor of elections~~
 1486 ~~shall promptly verify the signature on the petition revocation~~
 1487 ~~form and process such revocation upon payment, in advance, of a~~
 1488 ~~fee of 10 cents or the actual cost of verifying such signature,~~
 1489 ~~whichever is less. The supervisor shall promptly record each~~
 1490 ~~valid and verified signature on a petition revocation form in~~
 1491 ~~the manner prescribed by the Secretary of State.~~

1492 ~~(f) The division shall adopt by rule the petition-~~
 1493 ~~revocation forms to be used under this subsection.~~

1494 (6)~~(7)~~ The Department of State may adopt rules in
 1495 accordance with s. 120.54 to carry out the provisions of
 1496 subsections (1)-(6).

1497 Section 19. Effective July 1, 2012, subsections (3) and
 1498 (4) of section 101.001, Florida Statutes, are amended to read:

1499 101.001 Precincts and polling places; boundaries.—

1500 (3) (a) Each supervisor of elections shall maintain a
 1501 suitable map drawn to a scale no smaller than 3 miles to the
 1502 inch and clearly delineating all major observable features such
 1503 as roads, streams, and railway lines and showing the current
 1504 geographical boundaries of each precinct, representative
 1505 district, and senatorial district, and other type of district in
 1506 the county subject to the elections process in this code.

1507 (b) The supervisor shall provide to the department a
 1508 database of all precincts in the county associated with the most

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1509 recent decennial census within each precinct.

1510 (c) The department shall maintain a searchable database
 1511 that contains the precincts and the corresponding most recent
 1512 decennial census blocks within the precincts for each county
 1513 including a historical file that allows the census blocks to be
 1514 traced through the prior decade.

1515 (d) The department shall charge the office of the
 1516 supervisor of elections of each county the cost of processing
 1517 the data received from the county and inserting it into the
 1518 searchable database format. The cost of the searchable database
 1519 will be financed proportionally by each county supervisor based
 1520 on the number of registered voters in each county on January 1
 1521 of each year.

1522 (e)~~(b)~~ The supervisor of elections shall notify the
 1523 Secretary of State in writing within 10 ~~30~~ days after any
 1524 reorganization of precincts and shall furnish a copy of the map
 1525 showing the current geographical boundaries and designation of
 1526 each new precinct. However, if precincts are composed of whole
 1527 census blocks, the supervisor may furnish, in lieu of a copy of
 1528 the map, a list, in an electronic format prescribed by the
 1529 Department of State, associating each census block in the county
 1530 with its precinct.

1531 (f)~~(e)~~ Any precinct established or altered under the
 1532 provisions of this section shall consist of areas bounded on all
 1533 sides only by census block boundaries from the most recent
 1534 United States Census. If the census block boundaries split or
 1535 conflict with another political boundary listed below, that
 1536 boundary may be used:

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1537 ~~1. Census block boundaries from the most recent United~~
 1538 ~~States Census;~~

1539 1.2. Governmental unit boundaries reported in the most
 1540 recent Boundary and Annexation Survey published by the United
 1541 States Census Bureau;

1542 2.3. Visible features that are readily distinguishable
 1543 upon the ground, such as streets, railroads, tracks, streams,
 1544 and lakes, and that are indicated upon current census maps,
 1545 official Department of Transportation maps, official municipal
 1546 maps, official county maps, or a combination of such maps;

1547 3.4. Boundaries of public parks, public school grounds, or
 1548 churches; or

1549 4.5. Boundaries of counties, incorporated municipalities,
 1550 or other political subdivisions that meet criteria established
 1551 by the United States Census Bureau for block boundaries.

1552 ~~(d) Until July 1, 2012, a supervisor may apply for and~~
 1553 ~~obtain from the Secretary of State a waiver of the requirement~~
 1554 ~~in paragraph (c).~~

1555 (4) (a) Within 10 days after there is any change in the
 1556 division, number, or boundaries of the precincts, or the
 1557 location of the polling places, the supervisor of elections
 1558 shall make in writing an accurate description of any new or
 1559 altered precincts, setting forth the boundary lines and shall
 1560 identify the location of each new or altered polling place. A
 1561 copy of the document describing such changes shall be posted at
 1562 the supervisor's office.

1563 (b) Any changes to the county precinct database shall be
 1564 provided to the department within 10 days of a change.

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1565 (c) A precinct database shall include all precincts for
 1566 which precinct level election results and voting history results
 1567 are reported

1568 Section 20. Subsection (1) of section 101.043, Florida
 1569 Statutes, is amended to read:

1570 101.043 Identification required at polls.-

1571 (1) The precinct register, as prescribed in s. 98.461,
 1572 shall be used at the polls for the purpose of identifying the
 1573 elector at the polls prior to allowing him or her to vote. The
 1574 clerk or inspector shall require each elector, upon entering the
 1575 polling place, to present one of the following current and valid
 1576 picture identifications:

- 1577 (a) Florida driver's license.
- 1578 (b) Florida identification card issued by the Department
 1579 of Highway Safety and Motor Vehicles.
- 1580 (c) United States passport.
- 1581 (d) Debit or credit card.
- 1582 (e) Military identification.
- 1583 (f) Student identification.
- 1584 (g) Retirement center identification.
- 1585 (h) Neighborhood association identification.
- 1586 (i) Public assistance identification.

1587
 1588 If the picture identification does not contain the signature of
 1589 the voter, an additional identification that provides the
 1590 elector's ~~voter's~~ signature shall be required. The address
 1591 appearing on the identification presented by the elector is not
 1592 to be used as the basis to confirm an elector's legal residence

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1593 or otherwise challenge an elector's legal residence. The elector
 1594 shall sign his or her name in the space provided on the precinct
 1595 register or on an electronic device provided for recording the
 1596 elector's ~~voter's~~ signature. The clerk or inspector shall
 1597 compare the signature with that on the identification provided
 1598 by the elector and enter his or her initials in the space
 1599 provided on the precinct register or on an electronic device
 1600 provided for that purpose and allow the elector to vote if the
 1601 clerk or inspector is satisfied as to the identity of the
 1602 elector.

1603 Section 21. Section 101.045, Florida Statutes, is amended
 1604 to read:

1605 (Substantial rewording of section. See
 1606 s. 101.045, F.S., for present text.)

1607 101.045 Electors must be registered in precinct.-

1608 (1) A person is not permitted to vote in any election
 1609 precinct or district other than the one in which the person has
 1610 his or her legal residence and in which the person is
 1611 registered. However, a person temporarily residing outside the
 1612 county shall be registered in the precinct in which the main
 1613 office of the supervisor, as designated by the supervisor, is
 1614 located when the person has no permanent address in the county
 1615 and it is the person's intention to remain a resident of Florida
 1616 and of the county in which he or she is registered to vote. Such
 1617 persons who are registered in the precinct in which the main
 1618 office of the supervisor, as designated by the supervisor, is
 1619 located and who are residing outside the county with no
 1620 permanent address in the county may not be registered electors

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1621 of a municipality and therefore shall not be permitted to vote
 1622 in any municipal election.

1623 (2) If the elector's eligibility to vote cannot be
 1624 determined, he or she shall be entitled to vote a provisional
 1625 ballot, subject to the requirements and procedures in s.
 1626 101.048.

1627 Section 22. Subsection (2) of section 101.131, Florida
 1628 Statutes, is amended, and subsections (4) and (5) are added to
 1629 that section, to read:

1630 101.131 Watchers at polls.—

1631 (2) Each party, each political committee, and each
 1632 candidate requesting to have poll watchers shall designate, in
 1633 writing to the supervisors of elections, on a form prescribed by
 1634 the division, before ~~prior to~~ noon of the second Tuesday
 1635 preceding the election poll watchers for each polling room on
 1636 election day. Designations of poll watchers for early voting
 1637 areas shall be submitted in writing to the supervisor of
 1638 elections, on a form prescribed by the division, before noon at
 1639 least 14 days before early voting begins. The poll watchers for
 1640 each polling rooms ~~room~~ shall be approved by the supervisor of
 1641 elections on or before the Tuesday before the election. Poll
 1642 watchers for early voting areas shall be approved by the
 1643 supervisor of elections no later than 7 days before early voting
 1644 begins. The supervisor shall furnish to each election board a
 1645 list of the poll watchers designated and approved for such
 1646 polling rooms ~~room~~ or early voting areas ~~area~~. Designation of
 1647 poll watchers shall be made by the chair of the county executive
 1648 committee of a political party, the chair of a political

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1649 committee, or the candidate requesting to have poll watchers.

1650 (4) All poll watchers shall be allowed to enter and watch
 1651 polls in all polling rooms and early voting areas within the
 1652 county in which they have been designated if the number of poll
 1653 watchers at any particular polling place does not exceed the
 1654 number provided in this section.

1655 (5) The supervisor of elections shall provide to each
 1656 designated poll watcher, no later than 7 days before early
 1657 voting begins, a poll watcher identification badge that
 1658 identifies the poll watcher by name. Each poll watcher shall
 1659 wear his or her identification badge while in the polling room
 1660 or early voting area.

1661 Section 23. Subsections (1), (2), and (3) of section
 1662 101.151, Florida Statutes, are amended to read:

1663 101.151 Specifications for ballots.—

1664 (1) (a) Marksense ballots shall be printed on paper of such
 1665 thickness that the printing cannot be distinguished from the
 1666 back and shall meet the specifications of the voting system that
 1667 will be used to tabulate the ballots.

1668 (b) Early voting sites may employ a ballot-on-demand
 1669 production system to print individual marksense ballots,
 1670 including provisional ballots, for eligible electors pursuant to
 1671 s. 101.657. ~~Ballot-on-demand technology may be used to produce~~
 1672 ~~marksense absentee and election-day ballots. Not later than 30~~
 1673 ~~days before an election, the Secretary of State may also~~
 1674 ~~authorize in writing the use of ballot-on-demand technology for~~
 1675 ~~the production of election-day ballots.~~

1676 (2) (a) The ballot shall have the following office titles

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1677 ~~headings~~ under which shall appear ~~the names of the offices and~~
 1678 the names of the candidates for the respective offices in the
 1679 following order:

1680 1. The office titles of heading "President and Vice
 1681 President of the United States" and thereunder the names of the
 1682 candidates for President and Vice President of the United States
 1683 nominated by the political party that received the highest vote
 1684 for Governor in the last general election of the Governor in
 1685 this state. Then shall appear the names of other candidates for
 1686 President and Vice President of the United States who have been
 1687 properly nominated.

1688 2. The office titles ~~Then shall follow the heading~~
 1689 ~~"Congressional" and thereunder the offices~~ of United States
 1690 Senator and Representative in Congress.

1691 3. The office titles ~~then the heading "State" and~~
 1692 ~~thereunder the offices~~ of Governor and Lieutenant Governor,
 1693 Attorney General, Chief Financial Officer, Commissioner of
 1694 Agriculture, State Attorney, with the applicable judicial
 1695 circuit printed beneath the office, and Public Defender, with
 1696 the applicable judicial circuit printed beneath the office.
 1697 ~~together with the names of the candidates for each office and~~
 1698 ~~the title of the office which they seek; then the heading~~
 1699 ~~"Legislative" and thereunder~~

1700 4. The office titles ~~offices~~ of State Senator and State
 1701 Representative with the applicable district for the office
 1702 printed beneath; ~~then the heading "County" and thereunder~~

1703 5. The office titles of County Clerk of the Circuit Court,
 1704 or Clerk of the Circuit Court and Comptroller (whichever is

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1705 applicable and when authorized by law), Clerk of the County
 1706 Court (when authorized by law), County Sheriff, County Property
 1707 Appraiser, County Tax Collector, District Superintendent of
 1708 Schools, and County Supervisor of Elections.

1709 6. The office titles ~~Thereafter follows:~~ members of the
 1710 Board of County Commissioners with the applicable district
 1711 printed beneath each office, and such other county and district
 1712 offices as are involved in the election, in the order fixed by
 1713 the Department of State, followed, in the year of their
 1714 election, by "Party Offices," and thereunder the offices of
 1715 state and county party executive committee members.

1716 (b) In a general election, in addition to the names
 1717 printed on the ballot, a blank space shall be provided under
 1718 each ~~heading for an~~ office for which a write-in candidate has
 1719 qualified. With respect to write-in candidates, if two or more
 1720 candidates are seeking election to one office, only one blank
 1721 space shall be provided.

1722 (c) ~~(b)~~ When more than one candidate is nominated for
 1723 office, the candidates for such office shall qualify and run in
 1724 a group or district, and the group or district number shall be
 1725 printed beneath the name of the office. Each nominee of a
 1726 political party chosen in a primary shall appear on the general
 1727 election ballot in the same numbered group or district as on the
 1728 primary election ballot.

1729 (d) ~~(e)~~ If in any election all the offices as set forth in
 1730 paragraph (a) are not involved, those offices not to be filled
 1731 shall be omitted and the remaining offices shall be arranged on
 1732 the ballot in the order named.

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1733 (3) (a) The names of the candidates of the party that
 1734 received the highest number of votes for Governor in the last
 1735 election in which a Governor was elected shall be placed first
 1736 ~~under the heading~~ for each office on the general election
 1737 ballot, together with an appropriate abbreviation of the party
 1738 name; the names of the candidates of the party that received the
 1739 second highest vote for Governor shall be placed second ~~under~~
 1740 ~~the heading~~ for each office, together with an appropriate
 1741 abbreviation of the party name.

1742 (b) Minor political party candidates ~~and candidates with~~
 1743 ~~no party affiliation~~ shall have their names appear on the
 1744 general election ballot following the names of recognized
 1745 political parties, in the same order as they were qualified
 1746 followed by the names of candidates with no party affiliation,
 1747 in the order as they were qualified ~~certified~~.

1748 Section 24. Paragraph (a) of subsection (2) of section
 1749 101.5605, Florida Statutes, is amended to read:

1750 101.5605 Examination and approval of equipment.—

1751 (2) (a) Any person owning or interested in an electronic or
 1752 electromechanical voting system may submit it to the Department
 1753 of State for examination. The vote counting segment shall be
 1754 certified after a satisfactory evaluation testing has been
 1755 performed according to section 101.015(1) ~~electronic industry~~
 1756 ~~standards~~. This testing shall include, but is not limited to,
 1757 testing of all software required for the voting system's
 1758 operation; the ballot reader; the rote processor, especially in
 1759 its logic and memory components; the digital printer; the fail-
 1760 safe operations; the counting center environmental requirements;

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1761 and the equipment reliability estimate. For the purpose of
 1762 assisting in examining the system, the department shall employ
 1763 or contract for services of at least one individual who is
 1764 expert in one or more fields of data processing, mechanical
 1765 engineering, and public administration and shall require from
 1766 the individual a written report of his or her examination.

1767 Section 25. Subsection (11) of section 101.5606, Florida
 1768 Statutes, is amended to read:

1769 101.5606 Requirements for approval of systems.—No
 1770 electronic or electromechanical voting system shall be approved
 1771 by the Department of State unless it is so constructed that:

1772 (11) It is capable of automatically producing precinct
 1773 totals in printed, ~~marked, or punched form, or a combination~~
 1774 ~~thereof.~~

1775 Section 26. Paragraph (a) of subsection (4) of section
 1776 101.5612, Florida Statutes, is amended to read:

1777 101.5612 Testing of tabulating equipment.—

1778 (4) (a) 1. For electronic or electromechanical voting
 1779 systems configured to include electronic or electromechanical
 1780 tabulation devices which are distributed to the precincts, all
 1781 or a sample of the devices to be used in the election shall be
 1782 publicly tested. If a sample is to be tested, the sample shall
 1783 consist of a random selection of at least 5 percent or 10 of the
 1784 devices for an optical scan system ~~or 2 percent of the devices~~
 1785 ~~for a touchscreen system or 10 of the devices for either system,~~
 1786 ~~as applicable,~~ whichever is greater. For touchscreen systems
 1787 used for voters with disabilities, a sample of at least 2
 1788 percent of the devices must be tested. The test shall be

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1789 | conducted by processing a group of ballots, causing the device
 1790 | to output results for the ballots processed, and comparing the
 1791 | output of results to the results expected for the ballots
 1792 | processed. The group of ballots shall be produced so as to
 1793 | record a predetermined number of valid votes for each candidate
 1794 | and on each measure and to include for each office one or more
 1795 | ballots which have activated voting positions in excess of the
 1796 | number allowed by law in order to test the ability of the
 1797 | tabulating device to reject such votes.

1798 | 2. If any tested tabulating device is found to have an
 1799 | error in tabulation, it shall be deemed unsatisfactory. For each
 1800 | device deemed unsatisfactory, the canvassing board shall take
 1801 | steps to determine the cause of the error, shall attempt to
 1802 | identify and test other devices that could reasonably be
 1803 | expected to have the same error, and shall test a number of
 1804 | additional devices sufficient to determine that all devices are
 1805 | satisfactory. Upon deeming any device unsatisfactory, the
 1806 | canvassing board may require all devices to be tested or may
 1807 | declare that all devices are unsatisfactory.

1808 | 3. If the operation or output of any tested tabulation
 1809 | device, such as spelling or the order of candidates on a report,
 1810 | is in error, such problem shall be reported to the canvassing
 1811 | board. The canvassing board shall then determine if the reported
 1812 | problem warrants its deeming the device unsatisfactory.

1813 | Section 27. Subsection (4) of section 101.5614, Florida
 1814 | Statutes, is amended to read:

1815 | 101.5614 Canvass of returns.—

1816 | (4) ~~If ballot cards are used, and separate write-in~~

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1817 ~~ballots or envelopes for casting write-in votes are used, write-~~
 1818 ~~in ballots or the envelopes on which write-in ballots have been~~
 1819 ~~cast shall be serially numbered, starting with the number one,~~
 1820 ~~and the same number shall be placed on the ballot card of the~~
 1821 ~~voter. This process may be completed at either the precinct by~~
 1822 ~~the election board or at the central counting location. For each~~
 1823 ballot or ballot image ~~and ballot envelope~~ on which write-in
 1824 votes have been cast, the canvassing board shall compare the
 1825 write-in votes with the votes cast on the ballot card; if the
 1826 total number of votes for any office exceeds the number allowed
 1827 by law, ~~a notation to that effect, specifying the office~~
 1828 ~~involved, shall be entered on the back of the ballot card or in~~
 1829 ~~a margin if voting areas are printed on both sides of the ballot~~
 1830 ~~card.~~ such votes shall not be counted. All valid votes shall be
 1831 tallied by the canvassing board.

1832 Section 28. Paragraphs (a) and (b) of subsection (1), and
 1833 subsections (3) and (4) of section 101.62, Florida Statutes, are
 1834 amended to read:

1835 101.62 Request for absentee ballots.-

1836 (1) (a) The supervisor shall accept a request for an
 1837 absentee ballot from an elector in person or in writing. One
 1838 request shall be deemed sufficient to receive an absentee ballot
 1839 for all elections through the next two regularly scheduled
 1840 general elections ~~election~~, unless the elector or the elector's
 1841 designee indicates at the time the request is made the elections
 1842 for which the elector desires to receive an absentee ballot.
 1843 Such request may be considered canceled when any first-class
 1844 mail sent by the supervisor to the elector is returned as

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1845 undeliverable.

1846 (b) The supervisor may accept a written or telephonic

1847 request for an absentee ballot from the elector, or, if directly

1848 instructed by the elector, a member of the elector's immediate

1849 family, or the elector's legal guardian. For purposes of this

1850 section, the term "immediate family" has the same meaning as

1851 specified in paragraph (4) (c) ~~(4) (b)~~. The person making the

1852 request must disclose:

- 1853 1. The name of the elector for whom the ballot is
- 1854 requested.
- 1855 2. The elector's address.
- 1856 3. The elector's date of birth.
- 1857 4. The requester's name.
- 1858 5. The requester's address.
- 1859 6. The requester's driver's license number, if available.
- 1860 7. The requester's relationship to the elector.
- 1861 8. The requester's signature (written requests only).

1862 (3) For each request for an absentee ballot received, the

1863 supervisor shall record the date the request was made, the date

1864 the absentee ballot was delivered to the voter or the voter's

1865 designee or the date the absentee ballot was delivered to the

1866 post office or other carrier, the date the ballot was received

1867 by the supervisor, and such other information he or she may deem

1868 necessary. This information shall be provided in electronic

1869 format as provided by rule adopted by the division. The

1870 information shall be updated and made available no later than 8

1871 a.m. noon of each day, including weekends, beginning 60 days

1872 before the primary until 15 days after the general election and

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1873 shall be contemporaneously provided to the division. This
 1874 information shall be confidential and exempt from the provisions
 1875 of s. 119.07(1) and shall be made available to or reproduced
 1876 only for the voter requesting the ballot, a canvassing board, an
 1877 election official, a political party or official thereof, a
 1878 candidate who has filed qualification papers and is opposed in
 1879 an upcoming election, and registered political committees or
 1880 registered committees of continuous existence, for political
 1881 purposes only.

1882 (4) (a) No later than 45 days before each presidential
 1883 preference primary election, special election, primary election,
 1884 and general election, the supervisor of elections shall send an
 1885 absentee ballot as provided in subparagraph (c)2. ~~(b)2.~~ to each
 1886 absent uniformed services voter and to each overseas voter who
 1887 has requested an absentee ballot.

1888 (b) The supervisor shall begin mailing absentee ballots
 1889 between the 35th and 30th day before presidential preference
 1890 primary election, special election, primary election, and
 1891 general election to each absent qualified voter, other than
 1892 those listed in paragraph (a), who has requested such a ballot.
 1893 Except as otherwise provided in subsection (2) and after the
 1894 period described in this paragraph, the supervisor shall mail
 1895 absentee ballots within 48 hours after receiving a request for
 1896 such a ballot.

1897 (c) ~~(b)~~ The supervisor shall provide an absentee ballot to
 1898 each elector by whom a request for that ballot has been made by
 1899 one of the following means:

1900 1. By nonforwardable, return-if-undeliverable mail to the

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1901 | elector's current mailing address on file with the supervisor,
 1902 | unless the elector specifies in the request that:
 1903 | a. The elector is absent from the county and does not plan
 1904 | to return before the day of the election;
 1905 | b. The elector is temporarily unable to occupy the
 1906 | residence because of hurricane, tornado, flood, fire, or other
 1907 | emergency or natural disaster; or
 1908 | c. The elector is in a hospital, assisted living facility,
 1909 | nursing home, short-term medical or rehabilitation facility, or
 1910 | correctional facility,
 1911 |
 1912 | in which case the supervisor shall mail the ballot by
 1913 | nonforwardable, return-if-undeliverable mail to any other
 1914 | address the elector specifies in the request.
 1915 | 2. By forwardable mail, e-mail, or facsimile machine
 1916 | transmission to absent uniformed services voters and overseas
 1917 | voters. The absent uniformed services voter or overseas voter
 1918 | may designate in the absentee ballot request the preferred
 1919 | method of transmission. If the voter does not designate the
 1920 | method of transmission, the absentee ballot shall be mailed.
 1921 | 3. By personal delivery before 7 p.m. on election day to
 1922 | the elector, upon presentation of the identification required in
 1923 | s. 101.043.
 1924 | 4. By delivery to a designee on election day or up to 5
 1925 | days prior to the day of an election. Any elector may designate
 1926 | in writing a person to pick up the ballot for the elector;
 1927 | however, the person designated may not pick up more than two
 1928 | absentee ballots per election, other than the designee's own

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1929 ballot, except that additional ballots may be picked up for
 1930 members of the designee's immediate family. For purposes of this
 1931 section, "immediate family" means the designee's spouse or the
 1932 parent, child, grandparent, or sibling of the designee or of the
 1933 designee's spouse. The designee shall provide to the supervisor
 1934 the written authorization by the elector and a picture
 1935 identification of the designee and must complete an affidavit.
 1936 The designee shall state in the affidavit that the designee is
 1937 authorized by the elector to pick up that ballot and shall
 1938 indicate if the elector is a member of the designee's immediate
 1939 family and, if so, the relationship. The department shall
 1940 prescribe the form of the affidavit. If the supervisor is
 1941 satisfied that the designee is authorized to pick up the ballot
 1942 and that the signature of the elector on the written
 1943 authorization matches the signature of the elector on file, the
 1944 supervisor shall give the ballot to that designee for delivery
 1945 to the elector.

1946 Section 29. Section 101.65, Florida Statutes, is amended
 1947 to read:

1948 101.65 Instructions to absent electors.—The supervisor
 1949 shall enclose with each absentee ballot separate printed
 1950 instructions in substantially the following form:

1951 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1952 1. VERY IMPORTANT. In order to ensure that your absentee
 1953 ballot will be counted, it should be completed and returned as
 1954 soon as possible so that it can reach the supervisor of
 1955 elections of the county in which your precinct is located no

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- 1956 later than 7 p.m. on the day of the election.
- 1957 2. Mark your ballot in secret as instructed on the ballot.
- 1958 You must mark your own ballot unless you are unable to do so
- 1959 because of blindness, disability, or inability to read or write.
- 1960 3. Mark only the number of candidates or issue choices for
- 1961 a race as indicated on the ballot. If you are allowed to "Vote
- 1962 for One" candidate and you vote for more than one candidate,
- 1963 your vote in that race will not be counted.
- 1964 4. Place your marked ballot in the enclosed secrecy
- 1965 envelope.
- 1966 5. Insert the secrecy envelope into the enclosed mailing
- 1967 envelope which is addressed to the supervisor.
- 1968 6. Seal the mailing envelope and completely fill out the
- 1969 Voter's Certificate on the back of the mailing envelope.
- 1970 7. VERY IMPORTANT. In order for your absentee ballot to be
- 1971 counted, you must sign your name on the line above (Voter's
- 1972 Signature). An absentee ballot will be considered illegal and
- 1973 not be counted if the signature on the Voter's Certificate does
- 1974 not match the signature on record. The signature on file at the
- 1975 start of the canvass of the absentee ballots is the signature
- 1976 that will be used to verify your signature on the Voter's
- 1977 Certificate. If you need to update your signature for this
- 1978 election, send your signature update on a voter registration
- 1979 application to your supervisor of elections so that it is
- 1980 received no later than the start of the canvassing of absentee
- 1981 ballots, which occurs no earlier than the Wednesday before
- 1982 election day.
- 1983 8. VERY IMPORTANT. If you are an overseas voter, you must

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1984 include the date you signed the Voter's Certificate on the line
 1985 above (Date) or your ballot may not be counted.
 1986 9. Mail, deliver, or have delivered the completed mailing
 1987 envelope. Be sure there is sufficient postage if mailed.
 1988 10. FELONY NOTICE. It is a felony under Florida law to
 1989 accept any gift, payment, or gratuity in exchange for your vote
 1990 for a candidate. It is also a felony under Florida law to vote
 1991 in an election using a false identity or false address, or under
 1992 any other circumstances making your ballot false or fraudulent.
 1993 Section 30. Subsection (2) of section 101.6923, Florida
 1994 Statutes, is amended to read:
 1995 101.6923 Special absentee ballot instructions for certain
 1996 first-time voters.—
 1997 (2) A voter covered by this section shall be provided with
 1998 printed instructions with his or her absentee ballot in
 1999 substantially the following form:
 2000 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 2001 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 2002 TO COUNT.
 2003 1. In order to ensure that your absentee ballot will be
 2004 counted, it should be completed and returned as soon as possible
 2005 so that it can reach the supervisor of elections of the county
 2006 in which your precinct is located no later than 7 p.m. on the
 2007 date of the election.
 2008 2. Mark your ballot in secret as instructed on the ballot.
 2009 You must mark your own ballot unless you are unable to do so
 2010 because of blindness, disability, or inability to read or write.

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2011 3. Mark only the number of candidates or issue choices for
 2012 a race as indicated on the ballot. If you are allowed to "Vote
 2013 for One" candidate and you vote for more than one, your vote in
 2014 that race will not be counted.

2015 4. Place your marked ballot in the enclosed secrecy
 2016 envelope and seal the envelope.

2017 5. Insert the secrecy envelope into the enclosed envelope
 2018 bearing the Voter's Certificate. Seal the envelope and
 2019 completely fill out the Voter's Certificate on the back of the
 2020 envelope.

2021 a. You must sign your name on the line above (Voter's
 2022 Signature).

2023 b. If you are an overseas voter, you must include the date
 2024 you signed the Voter's Certificate on the line above (Date) or
 2025 your ballot may not be counted.

2026 c. An absentee ballot will be considered illegal and will
 2027 not be counted if the signature on the Voter's Certificate does
 2028 not match the signature on record. The signature on file at the
 2029 start of the canvass of the absentee ballots is the signature
 2030 that will be used to verify your signature on the Voter's
 2031 Certificate. If you need to update your signature for this
 2032 election, send your signature update on a voter registration
 2033 application to your supervisor of elections so that it is
 2034 received no later than the start of canvassing of absentee
 2035 ballots, which occurs no earlier than the Wednesday before
 2036 election day.

2037 6. Unless you meet one of the exemptions in Item 7., you
 2038 must make a copy of one of the following forms of

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2039 identification:

2040 a. Identification which must include your name and

2041 photograph: United States passport; debit or credit card;

2042 military identification; student identification; retirement

2043 center identification; neighborhood association identification;

2044 or public assistance identification; or

2045 b. Identification which shows your name and current

2046 residence address: current utility bill, bank statement,

2047 government check, paycheck, or government document (excluding

2048 voter identification card).

2049 7. The identification requirements of Item 6. do not apply

2050 if you meet one of the following requirements:

2051 a. You are 65 years of age or older.

2052 b. You have a temporary or permanent physical disability.

2053 c. You are a member of a uniformed service on active duty

2054 who, by reason of such active duty, will be absent from the

2055 county on election day.

2056 d. You are a member of the Merchant Marine who, by reason

2057 of service in the Merchant Marine, will be absent from the

2058 county on election day.

2059 e. You are the spouse or dependent of a member referred to

2060 in paragraph c. or paragraph d. who, by reason of the active

2061 duty or service of the member, will be absent from the county on

2062 election day.

2063 f. You are currently residing outside the United States.

2064 8. Place the envelope bearing the Voter's Certificate into

2065 the mailing envelope addressed to the supervisor. Insert a copy

2066 of your identification in the mailing envelope. DO NOT PUT YOUR

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2067 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2068 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2069 BALLOT WILL NOT COUNT.

2070 9. Mail, deliver, or have delivered the completed mailing
 2071 envelope. Be sure there is sufficient postage if mailed.

2072 10. FELONY NOTICE. It is a felony under Florida law to
 2073 accept any gift, payment, or gratuity in exchange for your vote
 2074 for a candidate. It is also a felony under Florida law to vote
 2075 in an election using a false identity or false address, or under
 2076 any other circumstances making your ballot false or fraudulent.

2077 Section 31. Subsection (3) of section 101.75, Florida
 2078 Statutes, is amended to read:

2079 101.75 Municipal elections; change of dates for cause.—

2080 (3) Notwithstanding any provision of local law or
 2081 municipal charter, the governing body of a municipality may, by
 2082 ordinance, move the date of any municipal election to a date
 2083 concurrent with any statewide or countywide election. The dates
 2084 for qualifying for the election moved by the passage of such
 2085 ordinance shall be specifically provided for in the ordinance
 2086 ~~and shall run for no less than 14 days.~~ The term of office for
 2087 any elected municipal official shall commence as provided by the
 2088 relevant municipal charter or ordinance.

2089 Section 32. Subsection (4) of section 102.031, Florida
 2090 Statutes, is amended to read:

2091 102.031 Maintenance of good order at polls; authorities;
 2092 persons allowed in polling rooms and early voting areas;
 2093 unlawful solicitation of voters.—

2094 (4) (a) A ~~No~~ person, political committee, committee of

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2095 continuous existence, or other group or organization may not
 2096 solicit voters inside the polling place or within 100 feet of:

2097 1. The entrance to any polling place; ~~or~~

2098 2. The entrance to any polling room, where the polling
 2099 place is also a polling room; ~~or~~

2100 3. The entrance to any early voting site; or

2101 4. The line in which voters are standing to enter any
 2102 polling place or early voting site.

2103
 2104 Before the opening of the polling place or early voting site,
 2105 the clerk or supervisor shall designate the no-solicitation zone
 2106 and mark the boundaries.

2107 (b) For the purpose of this subsection, whether in person
 2108 or by means of audio or visual equipment, the terms "solicit" or
 2109 "solicitation" shall include, but not be limited to, seeking or
 2110 attempting to seek any vote, fact, opinion, or contribution;
 2111 distributing or attempting to distribute any political or
 2112 campaign material, leaflet, or handout; conducting a poll except
 2113 as specified in this paragraph; seeking or attempting to seek a
 2114 signature on any petition; offering voting or legal advice
 2115 regarding voting or ballots; and selling or attempting to sell
 2116 any item. The terms "solicit" or "solicitation" shall not be
 2117 construed to prohibit exit polling.

2118 Section 33. Subsection (4) of section 102.168, Florida
 2119 Statutes, is amended, and subsection (8) is added to that
 2120 section to read:

2121 102.168 Contest of election.—

2122 (4) The ~~county~~ canvassing board responsible for canvassing

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2123 the election is an indispensable ~~and proper~~ party defendant in
 2124 county and local elections.~~†~~ The Elections Canvassing Commission
 2125 is an indispensable ~~and proper~~ party defendant in federal,
 2126 state, and multicounty elections and in elections for justice of
 2127 the Supreme Court, judge of a district court of appeal, and
 2128 judge of a circuit court. races; and The successful candidate is
 2129 an indispensable party to any action brought to contest the
 2130 election or nomination of a candidate.

2131 (8) In any contest which requires a review of a canvassing
 2132 board's decision whether an absentee ballot is illegal as
 2133 provided under the provisions of s. 101.68 based upon the
 2134 signature of the elector on the voter's certificate not being
 2135 the signature of the elector in the registration records, the
 2136 circuit court may not look or consider any evidence beyond the
 2137 elector's signature on the voter's certificate and in the
 2138 registration records. The court's review of such issue shall be
 2139 to determine only if the canvassing board abused its discretion
 2140 in making its decision.

2141 Section 34. Section 103.095, Florida Statutes, is created
 2142 to read:

2143 103.095 Minor political parties.--

2144 (1) Any group of citizens organized for the general
 2145 purposes of electing to office qualified persons and determining
 2146 public issues under the democratic processes of the United
 2147 States may become a minor political party of this state by
 2148 filing with the department a certificate showing the name of the
 2149 organization, the names and addresses of its current officers,
 2150 including the members of its executive committee, accompanied by

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2151 a completed uniform statewide voter registration application as
 2152 specified in s. 97.052 for each of its current officers and
 2153 members of its executive committee that reflect their
 2154 affiliation with the proposed minor political party, and a copy
 2155 of its constitution, bylaws, and rules and regulations.

2156 (2) The members of the executive committee shall include a
 2157 chair, vice chair, secretary, and treasurer, all of whom shall
 2158 be members of the minor political party and no member may hold
 2159 more than one office, except that one person may hold the
 2160 offices of secretary and treasurer.

2161 (3) Upon approval of the minor political party's filing,
 2162 the department shall process the voter registration applications
 2163 submitted by the minor political party's officers and members of
 2164 its executive committee. It shall be the duty of the minor
 2165 political party to notify the department of any changes in the
 2166 filing certificate within 5 days of such changes.

2167 (4) The Division of Elections shall adopt rules to
 2168 prescribe the manner in which political parties, to include
 2169 minor political parties, may have their filings with the
 2170 Department of State canceled. Such rules shall, at a minimum,
 2171 provide for:

2172 (a) Notice which shall contain the facts and conduct which
 2173 warrant the intended action, including, but not limited to, the
 2174 failure to notify the department of replacement officers, and
 2175 the failure to file campaign finance reports and limited
 2176 activity.

2177 (b) Adequate opportunity to respond.

2178 (c) Appeal of the decision to the Florida Elections

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2179 Commission. Such appeals are exempt from the confidentiality
 2180 provisions of s. 106.25.

2181 (5) The requirements of this section are retroactive for
 2182 any minor political party registered with the department on the
 2183 effective date of this section and must be complied with within
 2184 180 days of the department providing notice to the minor
 2185 political party of the requirements contained in this section.
 2186 Failure of the minor political party to comply with the
 2187 requirements within 180 days of the notice shall automatically
 2188 result in the cancellation of the minor political party's
 2189 registration.

2190 Section 35. Subsections (1) and (2) of section 103.101,
 2191 Florida Statutes, are amended to read:

2192 103.101 Presidential preference primary.—

2193 (1) Each political party other than a minor political
 2194 party shall, on the last Tuesday in January in each year the
 2195 number of which is a multiple of 4, elect one person to be the
 2196 candidate for nomination of such party for President of the
 2197 United States or select delegates to the national nominating
 2198 convention, ~~as provided by party rule.~~

2199 ~~(2) (a) There shall be a Presidential Candidate Selection~~
 2200 ~~Committee composed of the Secretary of State, who shall be a~~
 2201 ~~nonvoting chair; the Speaker of the House of Representatives;~~
 2202 ~~the President of the Senate; the minority leader of each house~~
 2203 ~~of the Legislature; and the chair of each political party~~
 2204 ~~required to have a presidential preference primary under this~~
 2205 ~~section.~~

2206 ~~(b)~~ By October 31 of the year preceding the presidential

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2207 preference primary, each political party shall submit to the
 2208 Secretary of State a list of its presidential candidates to be
 2209 placed on the presidential preference primary ballot or
 2210 candidates entitled to have delegates appear on the presidential
 2211 preference primary ballot. The Secretary of State shall prepare
 2212 and publish a list of the names of the presidential candidates
 2213 submitted not later than on the first Tuesday after the first
 2214 Monday in November of the year preceding the presidential
 2215 preference primary. ~~The Secretary of State shall submit such~~
 2216 ~~list of names of presidential candidates to the selection~~
 2217 ~~committee on the first Tuesday after the first Monday in~~
 2218 ~~November of the year preceding the presidential preference~~
 2219 ~~primary. Each person designated as a presidential candidate~~
 2220 ~~shall have his or her name appear, or have his or her delegates'~~
 2221 ~~names appear, on the presidential preference primary ballot~~
 2222 ~~unless all committee members of the same political party as the~~
 2223 ~~candidate agree to delete such candidate's name from the ballot.~~
 2224 ~~(c) The selection committee shall meet in Tallahassee on~~
 2225 ~~the first Tuesday after the first Monday in November of the year~~
 2226 ~~preceding the presidential preference primary. The selection~~
 2227 ~~committee shall publicly announce and submit to the Department~~
 2228 ~~of State no later than 5 p.m. on the following day the names of~~
 2229 ~~presidential candidates who shall have their names appear, or~~
 2230 ~~who are entitled to have their delegates' names appear, on the~~
 2231 ~~presidential preference primary ballot. The Department of State~~
 2232 ~~shall immediately notify each presidential candidate listed~~
 2233 ~~designated by the Secretary of State ~~committee~~. Such~~
 2234 notification shall be in writing, by registered mail, with

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2235 return receipt requested.

2236 Section 36. Section 103.141, Florida Statutes, is amended
2237 to read:

2238 103.141 Removal of county executive committee member for
2239 violation of oath.—

2240 ~~(1) If~~ Where the county executive committee by at least a
2241 two-thirds majority vote of the members of the committee,
2242 attending a meeting held after due notice has been given and at
2243 which meeting a quorum is present, determines an incumbent
2244 county executive committee member is ~~to be~~ guilty of an offense
2245 involving a violation of the member's oath of office, the said
2246 ~~member so violating his or her oath~~ shall be removed from office
2247 and the office shall be deemed vacant. ~~Provided,~~ However, if the
2248 county committee wrongfully removes a county committee member
2249 and the committee member ~~so~~ wrongfully removed files suit in the
2250 circuit court alleging his or her removal was wrongful and wins
2251 the said suit, the committee member shall be restored to office
2252 and the county committee shall pay the costs incurred by the
2253 wrongfully removed committee member in bringing the suit,
2254 including reasonable attorney's fees.

2255 ~~(2) Any officer, county committeeman, county~~
2256 ~~committeewoman, precinct committeeman, precinct committeewoman,~~
2257 ~~or member of a county executive committee may be removed from~~
2258 ~~office pursuant to s. 103.161.~~

2259 Section 37. Section 104.29, Florida Statutes, is amended
2260 to read:

2261 104.29 Inspectors refusing to allow watchers while ballots
2262 are counted.—The inspectors or other election officials at the

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2263 polling place shall, after the polls close ~~at all times while~~
 2264 ~~the ballots are being counted~~, allow as many as three persons
 2265 near to them to see whether the ballots are being reconciled
 2266 correctly. ~~read and called and the votes correctly tallied, and~~
 2267 Any official who denies this privilege or interferes therewith
 2268 commits ~~is guilty of~~ a misdemeanor of the first degree,
 2269 punishable as provided in s. 775.082 or s. 775.083.

2270 Section 38. Subsection (3), paragraph (a) of subsection
 2271 (4), paragraph (b) of subsection (5), and paragraph (c) of
 2272 subsection (16) of section 106.011, Florida Statutes, are
 2273 amended to read:

2274 106.011 Definitions.—As used in this chapter, the
 2275 following terms have the following meanings unless the context
 2276 clearly indicates otherwise:

2277 (3) "Contribution" means:

2278 (a) A gift, subscription, conveyance, deposit, loan,
 2279 payment, or distribution of money or anything of value,
 2280 including contributions in kind having an attributable monetary
 2281 value in any form, made for the purpose of influencing the
 2282 results of an election or making an electioneering
 2283 communication.

2284 (b) A transfer of funds between political committees,
 2285 between committees of continuous existence, between
 2286 electioneering communications organizations, or between any
 2287 combination of these groups.

2288 (c) The payment, by any person other than a candidate or
 2289 political committee, of compensation for the personal services
 2290 of another person which are rendered to a candidate or political

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2291 | committee without charge to the candidate or committee for such
 2292 | services.

2293 | (d) The transfer of funds by a campaign treasurer or
 2294 | deputy campaign treasurer between a primary depository and a
 2295 | separate interest-bearing account or certificate of deposit, and
 2296 | the term includes any interest earned on such account or
 2297 | certificate.

2298 |
 2299 | Notwithstanding the foregoing meanings of "contribution," the
 2300 | word shall not be construed to include services, including, but
 2301 | not limited to, legal and accounting services, provided without
 2302 | compensation by individuals volunteering a portion or all of
 2303 | their time on behalf of a candidate or political committee,
 2304 | funds received under s. 106.012, or. ~~This definition shall not~~
 2305 | ~~be construed to include~~ editorial endorsements.

2306 | (4) (a) "Expenditure" means a purchase, payment,
 2307 | distribution, loan, advance, transfer of funds by a campaign
 2308 | treasurer or deputy campaign treasurer between a primary
 2309 | depository and a separate interest-bearing account or
 2310 | certificate of deposit, or gift of money or anything of value
 2311 | made for the purpose of influencing the results of an election
 2312 | or making an electioneering communication. However,
 2313 | "expenditure" does not include funds spent under s. 106.012 or a
 2314 | purchase, payment, distribution, loan, advance, or gift of money
 2315 | or anything of value made for the purpose of influencing the
 2316 | results of an election when made by an organization, in
 2317 | existence prior to the time during which a candidate qualifies
 2318 | or an issue is placed on the ballot for that election, for the

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2319 | purpose of printing or distributing such organization's
 2320 | newsletter, containing a statement by such organization in
 2321 | support of or opposition to a candidate or issue, which
 2322 | newsletter is distributed only to members of such organization.

2323 | (5)

2324 | (b) An expenditure for the purpose of expressly advocating
 2325 | the election or defeat of a candidate which is made by the
 2326 | national, state, or county executive committee of a political
 2327 | party, including any subordinate committee of a national, state,
 2328 | or county committee of a political party, or by any political
 2329 | committee or committee of continuous existence, or any other
 2330 | person, shall not be considered an independent expenditure if
 2331 | the committee or person:

2332 | 1. Communicates with the candidate, the candidate's
 2333 | campaign, or an agent of the candidate acting on behalf of the
 2334 | candidate, including any pollster, media consultant, advertising
 2335 | agency, vendor, advisor, or staff member, concerning the
 2336 | preparation of, use of, or payment for, the specific expenditure
 2337 | or advertising campaign at issue; or

2338 | 2. Makes a payment in cooperation, consultation, or
 2339 | concert with, at the request or suggestion of, or pursuant to
 2340 | any general or particular understanding with the candidate, the
 2341 | candidate's campaign, a political committee supporting the
 2342 | candidate, or an agent of the candidate relating to the specific
 2343 | expenditure or advertising campaign at issue; or

2344 | 3. Makes a payment for the dissemination, distribution, or
 2345 | republication, in whole or in part, of any broadcast or any
 2346 | written, graphic, or other form of campaign material prepared by

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2347 | the candidate, the candidate's campaign, or an agent of the
 2348 | candidate, including any pollster, media consultant, advertising
 2349 | agency, vendor, advisor, or staff member; or

2350 | 4. Makes a payment based on information about the
 2351 | candidate's plans, projects, or needs communicated to a member
 2352 | of the committee or person by the candidate or an agent of the
 2353 | candidate, provided the committee or person uses the information
 2354 | in any way, in whole or in part, either directly or indirectly,
 2355 | to design, prepare, or pay for the specific expenditure or
 2356 | advertising campaign at issue; or

2357 | 5. After the last day of the qualifying period prescribed
 2358 | for the candidate ~~for statewide or legislative office~~, consults
 2359 | about the candidate's plans, projects, or needs in connection
 2360 | with the candidate's pursuit of election to office and the
 2361 | information is used in any way to plan, create, design, or
 2362 | prepare an independent expenditure or advertising campaign,
 2363 | with:

2364 | a. Any officer, director, employee, or agent of a
 2365 | national, state, or county executive committee of a political
 2366 | party that has made or intends to make expenditures in
 2367 | connection with or contributions to the candidate; or

2368 | b. Any person whose professional services have been
 2369 | retained by a national, state, or county executive committee of
 2370 | a political party that has made or intends to make expenditures
 2371 | in connection with or contributions to the candidate; or

2372 | 6. After the last day of the qualifying period prescribed
 2373 | for the candidate ~~for statewide or legislative office~~, retains
 2374 | the professional services of any person also providing those

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2375 services to the candidate in connection with the candidate's
 2376 pursuit of election to office; or

2377 7. Arranges, coordinates, or directs the expenditure, in
 2378 any way, with the candidate or an agent of the candidate.

2379 (16) "Candidate" means any person to whom any one or more
 2380 of the following apply:

2381 (c) Any person who receives contributions or makes
 2382 expenditures, or consents for any other person to receive
 2383 contributions or make expenditures, with a view to bring about
 2384 his or her nomination or election to, or retention in, public
 2385 office. Expenditures related to potential candidate polls as
 2386 provided in s. 106.17 are not contributions or expenditures for
 2387 purposes of this subsection.

2388 Section 39. Section 106.012, Florida Statutes, is created
 2389 to read:

2390 106.012 Testing the waters.--

2391 (1) Funds received and spent solely for the purpose of
 2392 determining whether an individual should become a candidate are
 2393 not contributions and expenditures. Examples of activities
 2394 permissible under this exemption include, but are not limited
 2395 to, conducting a poll, telephone calls, and travel. Only funds
 2396 permissible under this chapter may be used for such activities.
 2397 The individual shall retain records of all such funds received
 2398 and spent. If the individual subsequently becomes a candidate,
 2399 the funds received are contributions and the funds spent are
 2400 expenditures subject to the reporting requirements of this
 2401 chapter. Such contributions and expenditures must be reported
 2402 with the initial report required by s. 106.07, regardless of the

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2403 date the funds were received or spent.

2404 (2) This exemption does not apply to funds received or

2405 spent for activities indicating that an individual has decided

2406 to become a candidate for a particular office or for activities

2407 relevant to conducting a campaign. Examples of activities that

2408 indicate that an individual has decided to become a candidate

2409 include, but are not limited to:

2410 (a) The individual uses general political advertising to

2411 publicize his or her intention to campaign for office.

2412 (b) The individual raises funds in excess of what could

2413 reasonably be expected to be used for exploratory activities or

2414 undertakes activities designed to amass campaign funds that

2415 would be spent after he or she becomes a candidate.

2416 (c) The individual makes or authorizes written or oral

2417 statements that refer to him or her as a candidate for office.

2418 (d) The individual conducts activities in close proximity

2419 to the election or over a protracted period of time.

2420 (e) The individual conducts activities in close proximity

2421 to the election or over a protracted period of time.

2422 (e) The individual takes action to qualify for office

2423 under s. 99.061.

2424 (3) Individuals are limited to receiving up to \$10,000 for

2425 determining whether to become a candidate for office under this

2426 section. An individual may only determine whether to become a

2427 candidate for a single office.

2428 Section 40. Paragraph (b) of subsection (3) of section

2429 106.021, Florida Statutes, is amended to read:

2430 106.021 Campaign treasurers; deputies; primary and

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2431 secondary depositories.-

2432 (3) No contribution or expenditure, including
 2433 contributions or expenditures of a candidate or of the
 2434 candidate's family, shall be directly or indirectly made or
 2435 received in furtherance of the candidacy of any person for
 2436 nomination or election to political office in the state or on
 2437 behalf of any political committee except through the duly
 2438 appointed campaign treasurer of the candidate or political
 2439 committee, subject to the following exceptions:

2440 (b) Reimbursements to a candidate or any other individual
 2441 for expenses incurred in connection with the campaign or
 2442 activities of the political committee by a check drawn upon the
 2443 campaign account and reported pursuant to s. 106.07(4). The
 2444 ~~After July 1, 2004, the full name and address~~ of each person to
 2445 whom the candidate or other individual made payment for which
 2446 reimbursement was made by check drawn upon the campaign account
 2447 shall be reported pursuant to s. 106.07(4), together with the
 2448 purpose of such payment;

2449 Section 41. Section 106.022, Florida Statutes, is amended
 2450 to read:

2451 106.022 Appointment of a registered agent; duties.-

2452 (1) Each political committee, committee of continuous
 2453 existence, or electioneering communications organization shall
 2454 have and continuously maintain in this state a registered office
 2455 and a registered agent and must file with the filing officer
 2456 ~~division~~ a statement of appointment for the registered office
 2457 and registered agent. The statement of appointment must:

2458 (a) Provide the name of the registered agent and the

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2459 street address and phone number for the registered office;
 2460 (b) Identify the entity for whom the registered agent
 2461 serves;
 2462 (c) Designate the address the registered agent wishes to
 2463 use to receive mail;
 2464 (d) Include the entity's undertaking to inform the filing
 2465 officer ~~division~~ of any change in such designated address;
 2466 (e) Provide for the registered agent's acceptance of the
 2467 appointment, which must confirm that the registered agent is
 2468 familiar with and accepts the obligations of the position as set
 2469 forth in this section; and
 2470 (f) Contain the signature of the registered agent and the
 2471 entity engaging the registered agent.
 2472 (2) An entity may change its appointment of registered
 2473 agent and registered office under this section by executing a
 2474 written statement of change and filing it with the filing
 2475 officer. The statement must satisfy ~~that identifies the former~~
 2476 ~~registered agent and registered address and also satisfies~~ all
 2477 of the requirements of subsection (1).
 2478 (3) A registered agent may resign his or her appointment
 2479 as registered agent by executing a written statement of
 2480 resignation and filing it with the filing officer ~~division~~. An
 2481 entity without a registered agent may not make expenditures or
 2482 accept contributions until it files a written statement of
 2483 change as required in subsection (2).
 2484 Section 42. Subsection (1) of section 106.023, Florida
 2485 Statutes, is amended to read:
 2486 106.023 Statement of candidate.-

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2487 (1) Each candidate must file a statement with the
 2488 qualifying officer within 10 days after filing the appointment
 2489 of campaign treasurer and designation of campaign depository,
 2490 stating that the candidate has read and understands the
 2491 requirements of this chapter. Such statement shall be provided
 2492 by the filing officer and shall be in substantially the
 2493 following form:

2494 STATEMENT OF CANDIDATE

2495 I,, candidate for the office of, have been
 2496 provided access to ~~received~~, read, and understand the
 2497 requirements of Chapter 106, Florida Statutes.

2498 ... (Signature of candidate) ... (Date) ...

2499 Willful failure to file this form is a violation of ss.
 2500 106.19(1)(c) and 106.25(3), F.S.

2501 Section 43. Paragraph (c) of subsection (1) of section
 2502 106.025, Florida Statutes, is amended to read:

2503 106.025 Campaign fund raisers.—

2504 (1)

2505 (c) Any tickets or advertising for such a campaign fund
 2506 raiser shall contain the following statement: "The purchase of a
 2507 ticket for, or a contribution to, the campaign fund raiser is a
 2508 contribution to the campaign of ...(name of the candidate for
 2509 whose benefit the campaign fund raiser is held)...." However,
 2510 this paragraph shall not apply to any campaign message or
 2511 political advertisement that satisfies the requirements of s.

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2512 106.143(8). Such tickets or advertising shall also comply with
 2513 other provisions of this chapter relating to political
 2514 advertising.

2515 Section 44. Subsection (4) of section 106.04, Florida
 2516 Statutes, is amended, present subsections (7) and (8) of that
 2517 section are amended and renumbered as subsections (8) and (9),
 2518 respectively, and a new subsection (7) is added to that section,
 2519 to read:

2520 106.04 Committees of continuous existence.—

2521 (4) (a) Each committee of continuous existence shall file
 2522 an annual report with the Division of Elections during the month
 2523 of January. Such annual reports shall contain the same
 2524 information and shall be accompanied by the same materials as
 2525 original applications filed pursuant to subsection (2). However,
 2526 the charter or bylaws need not be filed if the annual report is
 2527 accompanied by a sworn statement by the chair that no changes
 2528 have been made to such charter or bylaws since the last filing.

2529 (b)1. Each committee of continuous existence shall file
 2530 regular reports with the Division of Elections at the same times
 2531 and subject to the same filing conditions as are established by
 2532 s. 106.07(1) and (2) for candidates' reports.

2533 2. A committee of continuous existence that makes a
 2534 contribution or an expenditure in connection with a county or
 2535 municipal election that is not being held at the same time as a
 2536 state or federal election must file campaign finance reports
 2537 with the county or municipal filing officer on the same dates as
 2538 county or municipal candidates or committees for that election.
 2539 The committee of continuous existence must also include the

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2540 contribution or expenditure in the next report filed with the
 2541 Division of Elections pursuant to this section following the
 2542 county or municipal election.

2543 ~~3.2.~~ Any committee of continuous existence failing to so
 2544 file a report with the Division of Elections or applicable
 2545 filing officer pursuant to this paragraph on the designated due
 2546 date shall be subject to a fine for late filing as provided by
 2547 this section.

2548 (c) All committees of continuous existence shall file
 2549 their reports with the Division of Elections. Reports shall be
 2550 filed in accordance with s. 106.0705 and shall contain the
 2551 following information:

2552 1. The full name, address, and occupation of each person
 2553 who has made one or more contributions, including contributions
 2554 that represent the payment of membership dues, to the committee
 2555 during the reporting period, together with the amounts and dates
 2556 of such contributions. For corporations, the report must provide
 2557 as clear a description as practicable of the principal type of
 2558 business conducted by the corporation. However, if the
 2559 contribution is \$100 or less, the occupation of the contributor
 2560 or principal type of business need not be listed. However, for
 2561 any contributions that represent the payment of dues by members
 2562 in a fixed amount aggregating no more than \$250 per calendar
 2563 year, pursuant to the schedule on file with the Division of
 2564 Elections, only the aggregate amount of such contributions need
 2565 be listed, together with the number of members paying such dues
 2566 and the amount of the membership dues.

2567 2. The name and address of each political committee or

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2568 | committee of continuous existence from which the reporting
 2569 | committee received, or the name and address of each political
 2570 | committee, committee of continuous existence, or political party
 2571 | to which it made, any transfer of funds, together with the
 2572 | amounts and dates of all transfers.

2573 | 3. Any other receipt of funds not listed pursuant to
 2574 | subparagraph 1. or subparagraph 2., including the sources and
 2575 | amounts of all such funds.

2576 | 4. The name and address of, and office sought by, each
 2577 | candidate to whom the committee has made a contribution during
 2578 | the reporting period, together with the amount and date of each
 2579 | contribution.

2580 | 5. The full name and address of each person to whom
 2581 | expenditures have been made by or on behalf of the committee
 2582 | within the reporting period; the amount, date, and purpose of
 2583 | each such expenditure; and the name and address, and office
 2584 | sought by, each candidate on whose behalf such expenditure was
 2585 | made.

2586 | 6. The full name and address of each person to whom an
 2587 | expenditure for personal services, salary, or reimbursement for
 2588 | authorized expenses has been made, including the full name and
 2589 | address of each entity to whom the person made payment for which
 2590 | reimbursement was made by check drawn upon the committee
 2591 | account, together with the amount and purpose of such payment.

2592 | 7. Transaction information from each credit card purchase
 2593 | ~~statement that will be included in the next report following~~
 2594 | ~~receipt thereof by the committee.~~ Receipts for each credit card
 2595 | purchase shall be retained by the treasurer with the records for

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2596 | the committee account.

2597 | 8. The total sum of expenditures made by the committee
2598 | during the reporting period.

2599 | (d) The treasurer of each committee shall certify as to
2600 | the correctness of each report and shall bear the responsibility
2601 | for its accuracy and veracity. Any treasurer who willfully
2602 | certifies to the correctness of a report while knowing that such
2603 | report is incorrect, false, or incomplete commits a misdemeanor
2604 | of the first degree, punishable as provided in s. 775.082 or s.
2605 | 775.083.

2606 | (7) Any change in information previously submitted to the
2607 | division shall be reported within 10 days following the change.

2608 | ~~(8)-(7)~~ If a committee of continuous existence ceases to
2609 | meet the criteria prescribed by subsection (1) or fails to file
2610 | a report or information required pursuant to this chapter, the
2611 | Division of Elections shall revoke its certification ~~until such~~
2612 | ~~time as the criteria are again met~~. The Division of Elections
2613 | shall adopt promulgate rules to prescribe the manner in which
2614 | the such certification of a committee of continuous existence
2615 | shall be revoked. Such rules shall, at a minimum, provide for:

2616 | (a) Notice, which must ~~shall~~ contain the facts and conduct
2617 | that warrant the intended action.

2618 | (b) Adequate opportunity to respond.

2619 | (c) Appeal of the decision to the Florida Elections
2620 | Commission. Such appeals are ~~shall be~~ exempt from the
2621 | confidentiality provisions of s. 106.25.

2622 | ~~(9)-(8)~~(a) Any committee of continuous existence failing to
2623 | file a report on the designated due date is ~~shall be~~ subject to

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2624 a fine. The fine shall be \$50 per day for the first 3 days late
 2625 and, thereafter, \$500 per day for each late day, not to exceed
 2626 25 percent of the total receipts or expenditures, whichever is
 2627 greater, for the period covered by the late report. However, for
 2628 the reports immediately preceding each primary and general
 2629 election, including a special primary election and a special
 2630 general election, the fine shall be \$500 per day for each late
 2631 day, not to exceed 25 percent of the total receipts or
 2632 expenditures, whichever is greater, for the period covered by
 2633 the late report. The fine shall be assessed by the filing
 2634 officer, and the moneys collected shall be deposited into:
 2635 1. The ~~In~~ General Revenue Fund, in the case of fines
 2636 collected by the Division of Elections.
 2637 2. The general revenue fund of the political subdivision,
 2638 in the case of fines collected by a county or municipal filing
 2639 officer. ~~No separate fine shall be assessed for failure to file~~
 2640 ~~a copy of any report required by this section.~~
 2641 (b) Upon determining that a report is late, the filing
 2642 officer shall immediately notify the treasurer of the committee
 2643 or the committee's registered agent as to the failure to file a
 2644 report by the designated due date and that a fine is being
 2645 assessed for each late day. Upon receipt of the report, the
 2646 filing officer shall determine the amount of fine which is due
 2647 and shall notify the treasurer of the committee. Notice is
 2648 deemed complete upon proof of delivery of written notice to the
 2649 mailing or street address on record with the filing officer. The
 2650 filing officer shall determine the amount of the fine due based
 2651 upon the earliest of the following:

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- 2652 1. When the report is actually received by such officer.
- 2653 2. When the report is postmarked.
- 2654 3. When the certificate of mailing is dated.
- 2655 4. When the receipt from an established courier company is
- 2656 dated.

2657
 2658 Such fine shall be paid to the filing officer within 20 days
 2659 after receipt of the notice of payment due, unless appeal is
 2660 made to the Florida Elections Commission pursuant to paragraph
 2661 (c). An officer or member of a committee is ~~shall~~ not be
 2662 personally liable for such fine.

2663 (c) Any treasurer of a committee may appeal or dispute the
 2664 fine, based upon unusual circumstances surrounding the failure
 2665 to file on the designated due date, and may request and is ~~shall~~
 2666 ~~be~~ entitled to a hearing before the Florida Elections
 2667 Commission, which may ~~shall~~ have the authority to waive the fine
 2668 in whole or in part. Any such request must ~~shall~~ be made within
 2669 20 days after receipt of the notice of payment due. ~~In such~~
 2670 ~~ease, the treasurer of~~ The committee shall file a copy of the
 2671 appeal with, ~~within the 20-day period,~~ ~~notify the filing officer~~
 2672 ~~in writing of his or her intention to bring the matter before~~
 2673 the commission.

2674 (d) The filing officer shall notify the Florida Elections
 2675 Commission of the repeated late filing by a committee of
 2676 continuous existence, the failure of a committee of continuous
 2677 existence to file a report after notice, or the failure to pay
 2678 the fine imposed. "Repeated late filing" as used in this section
 2679 is defined as at least three late filings occurring within any

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2680 two-year period. The commission shall treat notification of each
 2681 repeated late filing as a separate violation of this section.

2682 Section 45. Subsections (1) through (6), and (8) of
 2683 section 106.07, Florida Statutes, are amended to read:

2684 106.07 Reports; certification and filing.—

2685 (1) Each campaign treasurer designated by a candidate or
 2686 political committee pursuant to s. 106.021 shall file regular
 2687 reports of all contributions received, and all expenditures
 2688 made, by or on behalf of such candidate or political committee.
 2689 Except for the third calendar quarter immediately preceding a
 2690 general election, reports shall be filed on the 10th day
 2691 following the end of each calendar quarter from the time the
 2692 campaign treasurer is appointed, except that, if the 10th day
 2693 following the end of a calendar quarter occurs on a Saturday,
 2694 Sunday, or legal holiday, the report shall be filed on the next
 2695 following day which is not a Saturday, Sunday, or legal holiday.
 2696 Quarterly reports shall include all contributions received and
 2697 expenditures made during the calendar quarter which have not
 2698 otherwise been reported pursuant to this section.

2699 (a) Except as provided in paragraph (b), ~~following the~~
 2700 ~~last day of qualifying for office,~~ the reports shall also be
 2701 filed on the 32nd, 18th, and 4th days immediately preceding the
 2702 primary and on the 46th, 32nd, 18th, and 4th days immediately
 2703 preceding the election, for a candidate who is opposed in
 2704 seeking nomination or election to any office, for a political
 2705 committee, or for a committee of continuous existence.

2706 (b) ~~Following the last day of qualifying for office,~~ Any
 2707 statewide candidate who has requested to receive contributions

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2708 pursuant to ~~from~~ the Florida Election Campaign Financing Act
 2709 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
 2710 who has requested to receive contributions pursuant to ~~from~~ the
 2711 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,
 2712 25th, and 32nd days prior to the primary election, and on the
 2713 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
 2714 the general election.

2715 (c) Following the last day of qualifying for office, any
 2716 unopposed candidate need only file a report within 90 days after
 2717 the date such candidate became unopposed. Such report shall
 2718 contain all previously unreported contributions and expenditures
 2719 as required by this section and shall reflect disposition of
 2720 funds as required by s. 106.141.

2721 (d)1. When a special election is called to fill a vacancy
 2722 in office, all political committees ~~and committees of continuous~~
 2723 ~~existence~~ making contributions or expenditures to influence the
 2724 results of such special election or the preceding special
 2725 primary election shall file campaign treasurers' reports with
 2726 the filing officer on the dates set by the Department of State
 2727 pursuant to s. 100.111.

2728 2. When an election is called for an issue to appear on
 2729 the ballot at a time when no candidates are scheduled to appear
 2730 on the ballot, all political committees making contributions or
 2731 expenditures in support of or in opposition to such issue shall
 2732 file reports on the 18th and 4th days prior to such election.

2733 (e) The filing officer shall provide each candidate with a
 2734 schedule designating the beginning and end of reporting periods
 2735 as well as the corresponding designated due dates.

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2736 (2) (a)1. All reports required of a candidate by this
 2737 section shall be filed with the officer before whom the
 2738 candidate is required by law to qualify. All candidates who file
 2739 with the Department of State shall file their reports pursuant
 2740 to s. 106.0705. Except as provided in s. 106.0705, reports shall
 2741 be filed not later than 5 p.m. of the day designated; however,
 2742 any report postmarked by the United States Postal Service no
 2743 later than midnight of the day designated shall be deemed to
 2744 have been filed in a timely manner. Any report received by the
 2745 filing officer within 5 days after the designated due date that
 2746 was delivered by the United States Postal Service shall be
 2747 deemed timely filed unless it has a postmark that indicates that
 2748 the report was mailed after the designated due date. A
 2749 certificate of mailing obtained from and dated by the United
 2750 States Postal Service at the time of mailing, or a receipt from
 2751 an established courier company, which bears a date on or before
 2752 the date on which the report is due, shall be proof of mailing
 2753 in a timely manner. Reports shall contain information of all
 2754 previously unreported contributions received and expenditures
 2755 made as of the preceding Friday, except that the report filed on
 2756 the Friday immediately preceding the election shall contain
 2757 information of all previously unreported contributions received
 2758 and expenditures made as of the day preceding that designated
 2759 due date. All such reports shall be open to public inspection.

2760 2. This subsection does not prohibit the governing body of
 2761 a political subdivision, by ordinance or resolution, from
 2762 imposing upon its own officers and candidates electronic filing
 2763 requirements not in conflict with s. 106.0705. Expenditure of

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2764 public funds for such purpose is deemed to be for a valid public
 2765 purpose.

2766 (b)1. Any report ~~that~~ which is deemed to be incomplete by
 2767 the officer with whom the candidate qualifies shall be accepted
 2768 on a conditional basis. ~~and~~ The campaign treasurer shall be
 2769 notified by certified ~~registered~~ mail or by another method using
 2770 a common carrier that provides a proof of delivery of the notice
 2771 as to why the report is incomplete and within 7 ~~be given 3~~ days
 2772 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
 2773 the report providing all information necessary to complete the
 2774 report in compliance with this section. Failure to file a
 2775 complete report after such notice constitutes a violation of
 2776 this chapter.

2777 2. Notice is deemed complete upon proof of delivery of a
 2778 written notice to the mailing or street address of the campaign
 2779 treasurer or registered agent of record with the filing officer.
 2780 ~~In lieu of the notice by registered mail as required in~~
 2781 ~~subparagraph 1., the qualifying officer may notify the campaign~~
 2782 ~~treasurer by telephone that the report is incomplete and request~~
 2783 ~~the information necessary to complete the report. If, however,~~
 2784 ~~such information is not received by the qualifying officer~~
 2785 ~~within 3 days after the telephone request therefor, notice shall~~
 2786 ~~be sent by registered mail as provided in subparagraph 1.~~

2787 (3) (a) Reports required of a political committee shall be
 2788 filed with the agency or officer before whom such committee
 2789 registers pursuant to s. 106.03(3) and shall be subject to the
 2790 same filing conditions as established for candidates' reports.
 2791 Incomplete reports by political committees shall be treated in

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2792 | the manner provided for incomplete reports by candidates in
 2793 | subsection (2).

2794 | (b) In addition to the reports required by paragraph (a),
 2795 | a political committee that is registered with the Department of
 2796 | State and that makes a contribution or expenditure in connection
 2797 | with a county or municipal election that is not being held at
 2798 | the same time as a state or federal election must file campaign
 2799 | finance reports with the county or municipal filing officer on
 2800 | the same dates as county or municipal candidates or committees
 2801 | for that election. The political committee must also include
 2802 | such contribution or expenditure in the next report filed with
 2803 | the Division of Elections pursuant to this section following the
 2804 | county or municipal election.

2805 | (4) (a) Each report required by this section must ~~shall~~
 2806 | contain:

2807 | 1. The full name, address, and occupation, if any of each
 2808 | person who has made one or more contributions to or for such
 2809 | committee or candidate within the reporting period, together
 2810 | with the amount and date of such contributions. For
 2811 | corporations, the report must provide as clear a description as
 2812 | practicable of the principal type of business conducted by the
 2813 | corporation. However, if the contribution is \$100 or less or is
 2814 | from a relative, as defined in s. 112.312, provided that the
 2815 | relationship is reported, the occupation of the contributor or
 2816 | the principal type of business need not be listed.

2817 | 2. The name and address of each political committee from
 2818 | which the reporting committee or the candidate received, or to
 2819 | which the reporting committee or candidate made, any transfer of

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2820 funds, together with the amounts and dates of all transfers.
 2821 3. Each loan for campaign purposes to or from any person
 2822 or political committee within the reporting period, together
 2823 with the full names, addresses, and occupations, and principal
 2824 places of business, if any, of the lender and endorsers, if any,
 2825 and the date and amount of such loans.
 2826 4. A statement of each contribution, rebate, refund, or
 2827 other receipt not otherwise listed under subparagraphs 1.
 2828 through 3.
 2829 5. The total sums of all loans, in-kind contributions, and
 2830 other receipts by or for such committee or candidate during the
 2831 reporting period. The reporting forms shall be designed to
 2832 elicit separate totals for in-kind contributions, loans, and
 2833 other receipts.
 2834 6. The full name and address of each person to whom
 2835 expenditures have been made by or on behalf of the committee or
 2836 candidate within the reporting period; the amount, date, and
 2837 purpose of each such expenditure; and the name and address of,
 2838 and office sought by, each candidate on whose behalf such
 2839 expenditure was made. However, expenditures made from the petty
 2840 cash fund provided by s. 106.12 need not be reported
 2841 individually.
 2842 7. The full name and address of each person to whom an
 2843 expenditure for personal services, salary, or reimbursement for
 2844 authorized expenses as provided in s. 106.021(3) has been made
 2845 and which is not otherwise reported, including the amount, date,
 2846 and purpose of such expenditure. However, expenditures made from
 2847 the petty cash fund provided for in s. 106.12 need not be

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2848 | reported individually. Receipts for reimbursement for authorized
 2849 | expenses shall be retained by the treasurer with the records for
 2850 | the campaign account.

2851 | 8. The total amount withdrawn and the total amount spent
 2852 | for petty cash purposes pursuant to this chapter during the
 2853 | reporting period.

2854 | 9. The total sum of expenditures made by such committee or
 2855 | candidate during the reporting period.

2856 | 10. The amount and nature of debts and obligations owed by
 2857 | or to the committee or candidate, which relate to the conduct of
 2858 | any political campaign.

2859 | 11. Transaction information for each credit card purchase.
 2860 | ~~A copy of each credit card statement which shall be included in~~
 2861 | ~~the next report following receipt thereof by the candidate or~~
 2862 | ~~political committee. Receipts for each credit card purchase~~
 2863 | ~~shall be retained by the treasurer with the records for the~~
 2864 | ~~campaign account.~~

2865 | 12. The amount and nature of any separate interest-bearing
 2866 | accounts or certificates of deposit and identification of the
 2867 | financial institution in which such accounts or certificates of
 2868 | deposit are located.

2869 | 13. The primary purposes of an expenditure made indirectly
 2870 | through a campaign treasurer pursuant to s. 106.021(3) for goods
 2871 | and services such as communications media placement or
 2872 | procurement services, campaign signs, insurance, and other
 2873 | expenditures that include multiple components as part of the
 2874 | expenditure. The primary purpose of an expenditure shall be that
 2875 | purpose, including integral and directly related components,

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2876 | that comprises 80 percent of such expenditure.

2877 | (b) The filing officer shall make available to any
2878 | candidate or committee a reporting form which the candidate or
2879 | committee may use to indicate contributions received by the
2880 | candidate or committee but returned to the contributor before
2881 | deposit.

2882 | (6) ~~The campaign depository shall return all checks drawn~~
2883 | ~~on the account to the campaign treasurer who shall retain the~~
2884 | ~~records pursuant to s. 106.06.~~ The records maintained by the
2885 | campaign depository with respect to any campaign account
2886 | regulated by this chapter are ~~such account shall be~~ subject to
2887 | inspection by an agent of the Division of Elections or the
2888 | Florida Elections Commission at any time during normal banking
2889 | hours, and such depository shall furnish certified copies of any
2890 | of such records to the Division of Elections or Florida
2891 | Elections Commission upon request.

2892 | (8) (a) Any candidate or political committee failing to
2893 | file a report on the designated due date is ~~shall be~~ subject to
2894 | a fine as provided in paragraph (b) for each late day, and, in
2895 | the case of a candidate, such fine shall be paid only from
2896 | personal funds of the candidate. The fine shall be assessed by
2897 | the filing officer and the moneys collected shall be deposited:

2898 | 1. In the General Revenue Fund, in the case of a candidate
2899 | for state office or a political committee that registers with
2900 | the Division of Elections; or

2901 | 2. In the general revenue fund of the political
2902 | subdivision, in the case of a candidate for an office of a
2903 | political subdivision or a political committee that registers

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2904 with an officer of a political subdivision.

2905

2906 ~~No separate fine shall be assessed for failure to file a copy of~~
 2907 ~~any report required by this section.~~

2908 (b) Upon determining that a report is late, the filing
 2909 officer shall immediately notify the candidate or chair of the
 2910 political committee as to the failure to file a report by the
 2911 designated due date and that a fine is being assessed for each
 2912 late day. The fine shall be \$50 per day for the first 3 days
 2913 late and, thereafter, \$500 per day for each late day, not to
 2914 exceed 25 percent of the total receipts or expenditures,
 2915 whichever is greater, for the period covered by the late report.
 2916 However, for the reports immediately preceding each special
 2917 primary election, special election, primary election, and
 2918 general election, the fine shall be \$500 per day for each late
 2919 day, not to exceed 25 percent of the total receipts or
 2920 expenditures, whichever is greater, for the period covered by
 2921 the late report. For reports required under s. 106.141(7), the
 2922 fine is \$50 per day for each late day, not to exceed 25 percent
 2923 of the total receipts or expenditures, whichever is greater, for
 2924 the period covered by the late report. Upon receipt of the
 2925 report, the filing officer shall determine the amount of the
 2926 fine which is due and shall notify the candidate or chair or
 2927 registered agent of the political committee. The filing officer
 2928 shall determine the amount of the fine due based upon the
 2929 earliest of the following:

- 2930 1. When the report is actually received by such officer.
- 2931 2. When the report is postmarked.

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2932 3. When the certificate of mailing is dated.

2933 4. When the receipt from an established courier company is

2934 dated.

2935 5. When the electronic receipt issued pursuant to s.

2936 106.0705 or other electronic filing system authorized in this

2937 section is dated.

2938

2939 Such fine shall be paid to the filing officer within 20 days

2940 after receipt of the notice of payment due, unless appeal is

2941 made to the Florida Elections Commission pursuant to paragraph

2942 (c). Notice is deemed complete upon proof of delivery of written

2943 notice to the mailing or street address of record with the

2944 filing officer. In the case of a candidate, such fine shall not

2945 be an allowable campaign expenditure and shall be paid only from

2946 personal funds of the candidate. An officer or member of a

2947 political committee shall not be personally liable for such

2948 fine.

2949 (c) Any candidate or chair of a political committee may

2950 appeal or dispute the fine, based upon, but not limited to,

2951 unusual circumstances surrounding the failure to file on the

2952 designated due date, and may request and shall be entitled to a

2953 hearing before the Florida Elections Commission, which shall

2954 have the authority to waive the fine in whole or in part. The

2955 Florida Elections Commission must consider the mitigating and

2956 aggravating circumstances contained in s. 106.265(1) when

2957 determining the amount of a fine, if any, to be waived. Any such

2958 request shall be made within 20 days after receipt of the notice

2959 of payment due. In such case, the candidate or chair of the

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2960 political committee shall, within the 20-day period, notify the
 2961 filing officer in writing of his or her intention to bring the
 2962 matter before the commission.

2963 (d) The appropriate filing officer shall notify the
 2964 Florida Elections Commission of the repeated late filing by a
 2965 candidate or political committee, the failure of a candidate or
 2966 political committee to file a report after notice, or the
 2967 failure to pay the fine imposed. The commission shall
 2968 investigate only those alleged late filing violations
 2969 specifically identified by the filing officer and as set forth
 2970 in the notification. Any other alleged violations must be
 2971 separately stated and reported by the division to the commission
 2972 under s. 106.25(2). As used in this paragraph, the term
 2973 "repeated late filing" means at least three late filings
 2974 occurring within any 2-year period. The commission shall treat
 2975 notification of each repeated late filing as a separate
 2976 violation of this section.

2977 Section 46. Paragraphs (c) and (d) of subsection (7) and
 2978 subsection (8) of section 106.0703, Florida Statutes, are
 2979 amended to read:

2980 106.0703 Electioneering communications organizations;
 2981 reporting requirements; certification and filing; penalties.—

2982 (7)

2983 (c) The treasurer of an electioneering communications
 2984 organization may appeal or dispute the fine, based upon, but not
 2985 limited to, unusual circumstances surrounding the failure to
 2986 file on the designated due date, and may request and shall be
 2987 entitled to a hearing before the Florida Elections Commission,

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2988 | which shall have the authority to waive the fine in whole or in
 2989 | part. The Florida Elections Commission must consider the
 2990 | mitigating and aggravating circumstances contained in s.
 2991 | 106.265~~(1)~~ when determining the amount of a fine, if any, to be
 2992 | waived. Any such request shall be made within 20 days after
 2993 | receipt of the notice of payment due. In such case, the
 2994 | treasurer of the electioneering communications organization
 2995 | shall, within the 20-day period, notify the filing officer in
 2996 | writing of his or her intention to bring the matter before the
 2997 | commission.

2998 | (d) The appropriate filing officer shall notify the
 2999 | Florida Elections Commission of the repeated late filing by an
 3000 | electioneering communications organization, the failure of an
 3001 | electioneering communications organization to file a report
 3002 | after notice, or the failure to pay the fine imposed. The
 3003 | commission shall investigate only those alleged late filing
 3004 | violations specifically identified by the filing officer and as
 3005 | set forth in the notification. Any other alleged violations must
 3006 | be stated separately and reported by the division to the
 3007 | commission under s. 106.25(2). As used in this paragraph, the
 3008 | term "repeated late filing" means at least three late filings
 3009 | occurring within any 2-year period. The commission shall treat
 3010 | notification of each repeated late filing as a separate
 3011 | violation of this section.

3012 | (8) An electioneering communications organization shall,
 3013 | within 2 days after receiving its initial password or secure
 3014 | sign-on from the Department of State allowing confidential
 3015 | access to the department's electronic campaign finance filing

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3016 system, electronically file ~~the~~ periodic reports ~~that would have~~
 3017 ~~been required pursuant to this section for reportable activities~~
 3018 ~~that occurred since the date of the last general election.~~

3019 Section 47. Paragraphs (a) and (c) of subsection (2) and
 3020 subsections (3) and (7) of section 106.0705, Florida Statutes,
 3021 are amended to read:

3022 106.0705 Electronic filing of campaign treasurer's
 3023 reports.—

3024 (2) (a) Each individual candidate who is required to file
 3025 reports with the division pursuant to s. 106.07 or s. 106.141
 3026 ~~with the division~~ must file such reports ~~with the division~~ by
 3027 means of the division's electronic filing system.

3028 (c) Each person or organization that is required to file
 3029 reports with the division under s. 106.071 must file such
 3030 reports ~~with the division~~ by means of the division's electronic
 3031 filing system.

3032 (3) Reports filed pursuant to this section shall be
 3033 completed and filed through the electronic filing system not
 3034 later than midnight of the day designated. Reports not filed by
 3035 midnight of the day designated are late filed and are subject to
 3036 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
 3037 106.0703(7), or s. 106.29(3), as applicable.

3038 ~~(7) Notwithstanding anything in law to the contrary, any~~
 3039 ~~report required to have been filed under this section for the~~
 3040 ~~period ended March 31, 2005, shall be deemed to have been timely~~
 3041 ~~filed if the report is filed under this section on or before~~
 3042 ~~June 1, 2005.~~

3043 Section 48. Subsections (1) and (2) of section 106.071,

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3044 Florida Statutes, are amended to read:
 3045 106.071 Independent expenditures; electioneering
 3046 communications; reports; disclaimers.-
 3047 (1) Each person who makes an independent expenditure with
 3048 respect to any candidate or issue, and each individual who makes
 3049 an expenditure for an electioneering communication which is not
 3050 otherwise reported pursuant to this chapter, which expenditure,
 3051 in the aggregate in a calendar year, is in the amount of \$5,000
 3052 or more, shall file periodic reports of such expenditures in the
 3053 same manner, at the same time, subject to the same penalties,
 3054 and with the same officer as a political committee supporting or
 3055 opposing such candidate or issue. The report shall contain the
 3056 full name and address of the person making the expenditure; the
 3057 full name and address of each person to whom and for whom each
 3058 such expenditure has been made; the amount, date, and purpose of
 3059 each such expenditure; a description of the services or goods
 3060 obtained by each such expenditure; the issue to which the
 3061 expenditure relates; and the name and address of, and office
 3062 sought by, each candidate on whose behalf such expenditure was
 3063 made.
 3064 (2) A ~~Any~~ political advertisement paid for by an
 3065 independent expenditure, other than such expenditure by an
 3066 individual in an aggregate amount of \$500, shall prominently
 3067 state "Paid political advertisement paid for by ...(Name and
 3068 address of person paying for advertisement)... independently of
 3069 any ...(candidate or committee)...." However, an independent
 3070 expenditure made by an individual must state "Paid political
 3071 advertisement independent of any (candidate or committee)."

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3072 Section 49. Paragraph (c) of subsection (3) and paragraph
 3073 (b) of subsection (6) of section 106.08, Florida Statutes, are
 3074 amended to read:

3075 106.08 Contributions; limitations on.—

3076 (3)

3077 ~~(c) With respect to any campaign for an office in which an~~
 3078 ~~independent or minor party candidate has filed as required in s.~~
 3079 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
 3080 ~~determination by the Department of State or supervisor of~~
 3081 ~~elections as to whether or not the required number of petition~~
 3082 ~~signatures was obtained:~~

3083 1. ~~The department or supervisor shall, no later than 3~~
 3084 ~~days after that determination has been made, notify in writing~~
 3085 ~~all other candidates for that office of that determination.~~

3086 2. ~~Any contribution received by a candidate or the~~
 3087 ~~campaign treasurer or deputy campaign treasurer of a candidate~~
 3088 ~~after the candidate has been notified in writing by the~~
 3089 ~~department or supervisor that he or she has become unopposed as~~
 3090 ~~a result of an independent or minor party candidate failing to~~
 3091 ~~obtain the required number of petition signatures shall be~~
 3092 ~~returned to the person, political committee, or committee of~~
 3093 ~~continuous existence contributing it and shall not be used or~~
 3094 ~~expended by or on behalf of the candidate.~~

3095 (6)

3096 (b)1. A political party may not accept any in-kind
 3097 contribution that fails to provide a direct benefit to the
 3098 political party. A "direct benefit" includes, but is not limited
 3099 to, fundraising or furthering the objectives of the political

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3100 party.

3101 2.a. An in-kind contribution to a state political party

3102 may be accepted only by the chairperson of the state political

3103 party or by the chairperson's designee or designees whose names

3104 are on file with the division in a form acceptable to the

3105 division prior to the date of the written notice required in

3106 sub-subparagraph b. An in-kind contribution to a county

3107 political party may be accepted only by the chairperson of the

3108 county political party or by the county chairperson's designee

3109 or designees whose names are on file with the supervisor of

3110 elections of the respective county prior to the date of the

3111 written notice required in sub-subparagraph b.

3112 b. A person making an in-kind contribution to a state

3113 political party or county political party must provide prior

3114 written notice of the contribution to a person described in sub-

3115 subparagraph a. The prior written notice must be signed and

3116 dated and may be provided by an electronic or facsimile message.

3117 However, prior written notice is not required for an in-kind

3118 contribution that consists of food and beverage in an aggregate

3119 amount not exceeding \$1,500 which is consumed at a single

3120 sitting or event if such in-kind contribution is accepted in

3121 advance by a person specified in sub-subparagraph a.

3122 c. A person described in sub-subparagraph a. may accept an

3123 in-kind contribution requiring prior written notice only in a

3124 writing that is ~~signed and~~ dated before the in-kind contribution

3125 is made. Failure to obtain the required written acceptance of an

3126 in-kind contribution to a state or county political party

3127 constitutes a refusal of the contribution.

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3128 d. A copy of each prior written acceptance required under
 3129 sub-subparagraph c. must be filed ~~with the division~~ at the time
 3130 the regular reports of contributions and expenditures required
 3131 under s. 106.29 are filed by the state executive committee and
 3132 county executive committee. A state executive committee must
 3133 file with the division. A county executive committee must file
 3134 with the county's supervisor of elections.

3135 e. An in-kind contribution may not be given to a state or
 3136 county political party unless the in-kind contribution is made
 3137 as provided in this subparagraph.

3138 Section 50. Section 106.09, Florida Statutes, is amended
 3139 to read:

3140 106.09 Cash contributions and contribution by cashier's
 3141 checks.—

3142 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
 3143 contribution or contribution by means of a cashier's check to
 3144 the same candidate or committee in excess of \$50 per election.

3145 (b) A person may not accept an aggregate cash contribution
 3146 or contribution by means of a cashier's check from the same
 3147 contributor in excess of \$50 per election.

3148 (2) (a) Any person who makes or accepts a contribution in
 3149 ~~excess of \$50 in violation of subsection (1) this section~~
 3150 commits a misdemeanor of the first degree, punishable as
 3151 provided in s. 775.082 or s. 775.083.

3152 (b) Any person who knowingly and willfully makes or
 3153 accepts a contribution in excess of \$5,000 in violation of
 3154 subsection (1) this section commits a felony of the third
 3155 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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3156 775.084.

3157 Section 51. Subsection (4) of section 106.141, Florida

3158 Statutes, is amended to read:

3159 106.141 Disposition of surplus funds by candidates.—

3160 (4) (a) Except as provided in paragraph (b), any candidate

3161 required to dispose of funds pursuant to this section shall, at

3162 the option of the candidate, dispose of such funds by any of the

3163 following means, or any combination thereof:

3164 1. Return pro rata to each contributor the funds that have

3165 not been spent or obligated.

3166 2. Donate the funds that have not been spent or obligated

3167 to a charitable organization or organizations that meet the

3168 qualifications of s. 501(c) (3) of the Internal Revenue Code.

3169 3. Give ~~not more than \$10,000 of~~ the funds that have not

3170 been spent or obligated to the political party of which such

3171 candidate is a member, ~~except that a candidate for the Florida~~

3172 ~~Senate may give not more than \$30,000 of such funds to the~~

3173 ~~political party of which the candidate is a member.~~

3174 4. Give the funds that have not been spent or obligated:

3175 a. In the case of a candidate for state office, to the

3176 state, to be deposited in either the Election Campaign Financing

3177 Trust Fund or the General Revenue Fund, as designated by the

3178 candidate; or

3179 b. In the case of a candidate for an office of a political

3180 subdivision, to such political subdivision, to be deposited in

3181 the general fund thereof.

3182 (b) Any candidate required to dispose of funds pursuant to

3183 this section who has received contributions pursuant to the

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3184 Florida Election Campaign Financing Act ~~from the Election~~
 3185 ~~Campaign Financing Trust Fund~~ shall, after all monetary
 3186 commitments pursuant to s. 106.11(5)(b) and (c) have been met,
 3187 return all surplus campaign funds to the General Revenue Fund
 3188 ~~Election Campaign Financing Trust Fund.~~

3189 Section 52. Section 106.143, Florida Statutes, is amended
 3190 to read:

3191 106.143 Political advertisements circulated prior to
 3192 election; requirements.—

3193 (1)(a) Any political advertisement that is paid for by a
 3194 candidate and that is published, displayed, or circulated
 3195 before, or on the day of, any election must prominently state:

3196 1. "Political advertisement paid for and approved by
 3197 ...(name of candidate)..., ...(party affiliation)..., for
 3198 ...(office sought)..."; or

3199 2. "Paid by ...(name of candidate)..., ...(party
 3200 affiliation)..., for ...(office sought)...."

3201 (b) However, any political advertisement that is paid for
 3202 by a write-in candidate and that is published, displayed, or
 3203 circulated before, or on the day of, any election must
 3204 prominently state:

3205 1. "Political advertisement paid for and approved by (name
 3206 of candidate), write-in candidate, for (office sought)"; or

3207 2. "Paid by (name of candidate), write-in candidate, for
 3208 (office sought)."

3209 (c) ~~(b)~~ Any other political advertisement published,
 3210 displayed, or circulated before, or on the day of, any election
 3211 must prominently:

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3212 1. Be marked "paid political advertisement" or with the
 3213 abbreviation "pd. pol. adv."
 3214 2. State the name and address of the persons paying for
 3215 ~~sponsoring~~ the advertisement.
 3216 3.a. ~~(I)~~ State whether the advertisement and the cost of
 3217 production is paid for or provided in kind by or at the expense
 3218 of the entity publishing, displaying, broadcasting, or
 3219 circulating the political advertisement; ~~or~~
 3220 ~~(II) State who provided or paid for the advertisement and~~
 3221 ~~cost of production, if different from the source of sponsorship.~~
 3222 ~~b. This subparagraph does not apply if the source of the~~
 3223 ~~sponsorship is patently clear from the content or format of the~~
 3224 ~~political advertisement.~~
 3225 ~~(d)~~ ~~(e)~~ Any political advertisement made pursuant to s.
 3226 106.021(3)(d) must be marked "paid political advertisement" or
 3227 with the abbreviation "pd. pol. adv." and must prominently state
 3228 the name and address of the political party paying for the
 3229 advertisement, if applicable, the names of the persons approving
 3230 the advertisement, and the **names, party affiliations, and**
 3231 offices sought by the persons in the advertisement. ~~, "Paid for~~
 3232 ~~and sponsored by ... (name of person paying for political~~
 3233 ~~advertisement).... Approved by ... (names of persons, party~~
 3234 ~~affiliation, and offices sought in the political~~
 3235 ~~advertisement)...."~~
 3236 (2) Political advertisements made as in-kind contributions
 3237 from a political party must prominently state: "Paid political
 3238 advertisement paid for in-kind by (name of political party).
 3239 Approved by (name of person, party affiliation, and office

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3240 sought in the political advertisement)."

3241 (3)~~(2)~~ Any political advertisement of a candidate running
 3242 for partisan office shall express the name of the political
 3243 party of which the candidate is seeking nomination or is the
 3244 nominee. If the candidate for partisan office is running as a
 3245 candidate with no party affiliation, any political advertisement
 3246 of the candidate must state that the candidate has no party
 3247 affiliation. Any political advertisement of a candidate running
 3248 for nonpartisan office may not state the candidate's political
 3249 party affiliation. A candidate for nonpartisan office is
 3250 prohibited from campaigning based on party affiliation.

3251 (4)~~(3)~~ It is unlawful for any candidate or person on
 3252 behalf of a candidate to represent that any person or
 3253 organization supports such candidate, unless the person or
 3254 organization so represented has given specific approval in
 3255 writing to the candidate to make such representation. However,
 3256 this subsection does not apply to:

3257 (a) Editorial endorsement by any newspaper, radio or
 3258 television station, or other recognized news medium.

3259 (b) Publication by a party committee advocating the
 3260 candidacy of its nominees.

3261 (5)~~(4)~~(a) Any political advertisement not paid by a
 3262 candidate, including those paid for by a political party, other
 3263 than an independent expenditure, offered ~~by or~~ on behalf of a
 3264 candidate must be approved in advance by the candidate. Such
 3265 political advertisement must expressly state that the content of
 3266 the advertisement was approved by the candidate and must state
 3267 who paid for the advertisement. The candidate shall provide a

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3268 written statement of authorization to the newspaper, radio
 3269 station, television station, or other medium for each such
 3270 advertisement submitted for publication, display, broadcast, or
 3271 other distribution.

3272 (b) Any person who makes an independent expenditure for a
 3273 political advertisement shall provide a written statement that
 3274 no candidate has approved the advertisement to the newspaper,
 3275 radio station, television station, or other medium for each such
 3276 advertisement submitted for publication, display, broadcast, or
 3277 other distribution. The advertisement must also contain a
 3278 statement that no candidate has approved the advertisement.

3279 ~~(c) This subsection does not apply to campaign messages~~
 3280 ~~used by a candidate and his or her supporters if those messages~~
 3281 ~~are designed to be worn by a person.~~

3282 (6)~~(5)~~ No political advertisement of a candidate who is
 3283 not an incumbent of the office for which the candidate is
 3284 running shall use the word "re-elect." Additionally, such
 3285 advertisement must include the word "for" between the
 3286 candidate's name and the office for which the candidate is
 3287 running, in order that incumbency is not implied. This
 3288 subsection does not apply to bumper stickers or items designed
 3289 to be worn by a person.

3290 (7)~~(6)~~ This section does not apply to novelty items having
 3291 a retail value of \$10 or less which support, but do not oppose,
 3292 a candidate or issue.

3293 (8)~~(7)~~ Any political advertisement which is published,
 3294 displayed, or produced in a language other than English may
 3295 provide the information required by this section in the language

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3296 used in the advertisement.

3297 (9)~~(8)~~ This section does not apply to any campaign message
 3298 or political advertisement used by a candidate and the
 3299 candidate's supporters or by a political committee if the
 3300 message or advertisement is:

3301 (a) Designed to be worn by a person.

3302 (b) Placed as a paid link on an Internet website, provided
 3303 the message or advertisement is no more than 200 characters in
 3304 length and the link directs the user to another Internet website
 3305 that complies with subsection (1).

3306 (c) Placed as a graphic or picture link where compliance
 3307 with the requirements of this section is not reasonably
 3308 practical due to the size of the graphic or picture link and the
 3309 link directs the user to another Internet website that complies
 3310 with subsection (1).

3311 (d) Placed at no cost on an Internet website for which
 3312 there is no cost to post content for public users.

3313 (e) Placed or distributed on an unpaid profile or account
 3314 which is available to the public without charge or on a social
 3315 networking Internet website, as long as the source of the
 3316 message or advertisement is patently clear from the content or
 3317 format of the message or advertisement. A candidate or political
 3318 committee may prominently display a statement indicating that
 3319 the website or account is an official website or account of the
 3320 candidate or political committee and is approved by the
 3321 candidate or political committee. A website or account may not
 3322 be marked as official without prior approval by the candidate or
 3323 political committee.

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3324 (f) Distributed as a text message or other message via
 3325 Short Message Service, provided the message is no more than 200
 3326 characters in length or requires the recipient to sign up or opt
 3327 in to receive it.

3328 (g) Connected with or included in any software application
 3329 or accompanying function, provided that the user signs up, opts
 3330 in, downloads, or otherwise accesses the application from or
 3331 through a website that complies with subsection (1).

3332 (h) Sent by a third-party user from or through a campaign
 3333 or committee's website, provided the website complies with
 3334 subsection (1).

3335 (i) Contained in or distributed through any other
 3336 technology-related item, service, or device for which compliance
 3337 with subsection (1) is not reasonably practical due to the size
 3338 or nature of such item, service, or device as available, or the
 3339 means of displaying the message or advertisement makes
 3340 compliance with subsection (1) impracticable.

3341 (10) ~~(9)~~ Any person who willfully violates any provision of
 3342 this section is subject to the civil penalties prescribed in s.
 3343 106.265.

3344 Section 53. Subsection (4) of section 106.15, Florida
 3345 Statutes, is amended to read:

3346 106.15 Certain acts prohibited.-

3347 (4) (a) No person shall make and no person shall solicit or
 3348 knowingly accept any political contribution in a government-
 3349 occupied room or building space ~~building owned by a governmental~~
 3350 ~~entity.~~

3351 (b) For purposes of this subsection, "accept" means to

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3352 receive a contribution by personal hand delivery from a
 3353 contributor or the contributor's agent. For purposes of this
 3354 subsection, "government-occupied room or building space" means
 3355 the building, or in the case of a partial occupancy, that
 3356 portion of a building, owned or leased and being used by a
 3357 government entity; however, in the case of a partial occupancy
 3358 where other tenants or owners simultaneously occupy a different
 3359 portion of the building, the term shall exclude common areas not
 3360 under the exclusive control of the governmental entity,
 3361 including but not limited to break rooms, hallways, elevators,
 3362 stairwells, and conference rooms.

3363 (c) This subsection shall not apply when a government-
 3364 occupied room or building space ~~government-owned building~~ or any
 3365 portion thereof is rented for the specific purpose of holding a
 3366 campaign fund raiser.

3367 Section 54. Section 106.17, Florida Statutes, is amended
 3368 to read:

3369 106.17 Polls and surveys relating to candidacies.—Any
 3370 candidate, political committee, committee of continuous
 3371 existence, electioneering communication organization, or state
 3372 or county executive committee of a political party may authorize
 3373 or conduct a political poll, survey, index, or measurement of
 3374 any kind relating to candidacy for public office so long as the
 3375 candidate, political committee, committee of continuous
 3376 existence, electioneering communication organization, or
 3377 political party maintains complete jurisdiction over the poll in
 3378 all its aspects. State and county executive committees of a
 3379 political party or an affiliated party committee may authorize

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3380 and conduct political polls for the purpose of determining the
 3381 viability of potential candidates. Such poll results may be
 3382 shared with potential candidates and expenditures incurred by
 3383 state and county executive committees for potential candidate
 3384 polls are not contributions to the potential candidates.

3385 Section 55. Subsection (3) of section 106.18, Florida
 3386 Statutes, is amended to read:

3387 106.18 When a candidate's name to be omitted from ballot.-

3388 (3) No certificate of election shall be granted to any
 3389 candidate until all preelection reports required by s. 106.07
 3390 have been filed in accordance with the provisions of such
 3391 section. ~~However, no candidate shall be prevented from receiving~~
 3392 ~~a certificate of election for failure to file any copy of a~~
 3393 ~~report required by this chapter.~~

3394 Section 56. Subsection (4) is added to section 106.19,
 3395 Florida Statutes, to read:

3396 106.19 Violations by candidates, persons connected with
 3397 campaigns, and political committees.-

3398 (4) Except as otherwise expressly stated, the failure by a
 3399 candidate to comply with the requirements of this chapter has no
 3400 effect upon whether the candidate has qualified for the office
 3401 the candidate is seeking.

3402 Section 57. Subsection (5) of section 106.25, Florida
 3403 Statutes, is amended to read:

3404 106.25 Reports of alleged violations to Florida Elections
 3405 Commission; disposition of findings.-

3406 (5) ~~Unless~~ A person alleged by the Elections Commission to
 3407 have committed a violation of this chapter or chapter 104 may

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3408 elect, as a matter of right ~~elects,~~ within 30 days after the
 3409 date of the filing of the commission's allegations, to have a
 3410 formal administrative hearing conducted by an administrative law
 3411 judge in the Division of Administrative Hearings. The
 3412 administrative law judge in such proceedings shall enter a final
 3413 order, which may include the imposition of civil penalties, and
 3414 the formal or informal hearing conducted before the commission,
 3415 ~~or elects to resolve the complaint by consent order, such person~~
 3416 ~~shall be entitled to a formal administrative hearing conducted~~
 3417 ~~by an administrative law judge in the Division of Administrative~~
 3418 ~~Hearings. The administrative law judge in such proceedings shall~~
 3419 ~~enter a final order~~ is subject to appeal as provided in s.
 3420 120.68.

3421 Section 58. Section 106.265, Florida Statutes, is amended
 3422 to read:

3423 106.265 Civil penalties.—

3424 (1) The commission, or in cases referred to the Division
 3425 of Administrative Hearings pursuant to s. 106.25(5), the
 3426 administrative law judge, is authorized upon the finding of a
 3427 violation of this chapter or chapter 104 to impose civil
 3428 penalties in the form of fines not to exceed \$1,000 per count
 3429 or, if applicable, to impose a civil penalty as provided in s.
 3430 106.19.

3431 (2) In determining the amount of such civil penalties, the
 3432 commission or the administrative law judge shall consider, among
 3433 other mitigating and aggravating circumstances:

3434 (a) The gravity of the act or omission;

3435 (b) Any previous history of similar acts or omissions;

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3436 (c) The appropriateness of such penalty to the financial
 3437 resources of the person, political committee, committee of
 3438 continuous existence, electioneering communications
 3439 organization, or political party; and

3440 (d) Whether the person, political committee, committee of
 3441 continuous existence, electioneering communications
 3442 organization, or political party has shown good faith in
 3443 attempting to comply with the provisions of this chapter or
 3444 chapter 104.

3445 ~~(3)(2)~~ If any person, political committee, committee of
 3446 continuous existence, electioneering communications
 3447 organization, or political party fails or refuses to pay to the
 3448 commission any civil penalties assessed pursuant to the
 3449 provisions of this section, the commission shall be responsible
 3450 for collecting the civil penalties resulting from such action.

3451 ~~(4)(3)~~ Any civil penalty collected pursuant to the
 3452 provisions of this section shall be deposited into the General
 3453 Revenue Fund ~~Election Campaign Financing Trust Fund~~.

3454 ~~(5)(4)~~ ~~Notwithstanding any other provisions of this~~
 3455 ~~chapter,~~ any fine assessed pursuant to the provisions of this
 3456 chapter shall, ~~which fine is designated to be deposited or which~~
 3457 ~~would otherwise be deposited into the General Revenue Fund of~~
 3458 ~~the state, shall be deposited into the Election Campaign~~
 3459 ~~Financing Trust Fund~~.

3460 ~~(6)(5)~~ In any case in which the commission determines that
 3461 a person has filed a complaint against another person with a
 3462 malicious intent to injure the reputation of the person
 3463 complained against by filing the complaint with knowledge that

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3464 the complaint contains one or more false allegations or with
 3465 reckless disregard for whether the complaint contains false
 3466 allegations of fact material to a violation of this chapter or
 3467 chapter 104, the complainant shall be liable for costs and
 3468 reasonable attorney's fees incurred in the defense of the person
 3469 complained against, including the costs and reasonable
 3470 attorney's fees incurred in proving entitlement to and the
 3471 amount of costs and fees. If the complainant fails to pay such
 3472 costs and fees voluntarily within 30 days following such finding
 3473 by the commission, the commission shall forward such information
 3474 to the Department of Legal Affairs, which shall bring a civil
 3475 action in a court of competent jurisdiction to recover the
 3476 amount of such costs and fees awarded by the commission.

3477 Section 59. Section 106.355, Florida Statutes, is amended
 3478 to read:

3479 106.355 Nonparticipating candidate exceeding limits.—
 3480 Whenever a candidate for the office of Governor or member of the
 3481 Cabinet who has elected not to participate in election campaign
 3482 financing under the provisions of ss. 106.30-106.36 exceeds the
 3483 applicable expenditure limit provided in s. 106.34, all opposing
 3484 candidates participating in such election campaign financing
 3485 are, notwithstanding the provisions of s. 106.33 or any other
 3486 provision requiring adherence to such limit, released from such
 3487 expenditure limit to the extent the nonparticipating candidate
 3488 exceeded the limit, are still eligible for matching
 3489 contributions up to such limit, and shall not be required to
 3490 reimburse any matching funds provided pursuant thereto. ~~In~~
 3491 ~~addition, the Department of State shall, within 7 days after a~~

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3492 ~~request by a participating candidate, provide such candidate~~
 3493 ~~with funds from the Election Campaign Financing Trust Fund equal~~
 3494 ~~to the amount by which the nonparticipating candidate exceeded~~
 3495 ~~the expenditure limit, not to exceed twice the amount of the~~
 3496 ~~maximum expenditure limits specified in s. 106.34(1)(a) and (b),~~
 3497 ~~which funds shall not be considered matching funds.~~

3498 Section 60. Paragraph (d) of subsection (1) of section
 3499 11.045, Florida Statutes, is amended to read:

3500 11.045 Lobbying before the Legislature; registration and
 3501 reporting; exemptions; penalties.—

3502 (1) As used in this section, unless the context otherwise
 3503 requires:

3504 (d) "Expenditure" means a payment, distribution, loan,
 3505 advance, reimbursement, deposit, or anything of value made by a
 3506 lobbyist or principal for the purpose of lobbying. The term
 3507 "expenditure" does not include contributions or expenditures
 3508 reported pursuant to chapter 106 or federal election law, funds
 3509 received or spent under section 106.012, campaign-related
 3510 personal services provided without compensation by individuals
 3511 volunteering their time, any other contribution or expenditure
 3512 made by or to a political party, or any other contribution or
 3513 expenditure made by an organization that is exempt from taxation
 3514 under 26 U.S.C. s. 527 or s. 501(c)(4).

3515 Section 61. Paragraph (b) of subsection (12) of section
 3516 112.312, Florida Statutes, are amended to read:

3517 112.312 Definitions.—As used in this part and for purposes
 3518 of the provisions of s. 8, Art. II of the State Constitution,
 3519 unless the context otherwise requires:

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- 3520 (12)
- 3521 (b) "Gift" does not include:
- 3522 1. Salary, benefits, services, fees, commissions, gifts,
 3523 or expenses associated primarily with the donee's employment,
 3524 business, or service as an officer or director of a corporation
 3525 or organization.
- 3526 2. Contributions or expenditures reported pursuant to
 3527 chapter 106, funds received or spent under section 106.012,
 3528 campaign-related personal services provided without compensation
 3529 by individuals volunteering their time, or any other
 3530 contribution or expenditure by a political party.
- 3531 3. An honorarium or an expense related to an honorarium
 3532 event paid to a person or the person's spouse.
- 3533 4. An award, plaque, certificate, or similar personalized
 3534 item given in recognition of the donee's public, civic,
 3535 charitable, or professional service.
- 3536 5. An honorary membership in a service or fraternal
 3537 organization presented merely as a courtesy by such
 3538 organization.
- 3539 6. The use of a public facility or public property, made
 3540 available by a governmental agency, for a public purpose.
- 3541 7. Transportation provided to a public officer or employee
 3542 by an agency in relation to officially approved governmental
 3543 business.
- 3544 8. Gifts provided directly or indirectly by a state,
 3545 regional, or national organization which promotes the exchange
 3546 of ideas between, or the professional development of,
 3547 governmental officials or employees, and whose membership is

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3548 primarily composed of elected or appointed public officials or
 3549 staff, to members of that organization or officials or staff of
 3550 a governmental agency that is a member of that organization.

3551 Section 62. Subsection (1) of section 876.05, Florida
 3552 Statutes, is amended to read:

3553 876.05 Public employees; oath.-

3554 (1) All persons who now or hereafter are employed by or
 3555 who now or hereafter are on the payroll of the state, or any of
 3556 its departments and agencies, subdivisions, counties, cities,
 3557 school boards and districts of the free public school system of
 3558 the state or counties, or institutions of higher learning,~~and~~
 3559 ~~all candidates for public office,~~ except candidates for federal
 3560 office, are required to take an oath before any person duly
 3561 authorized to take acknowledgments of instruments for public
 3562 record in the state in the following form:

3563 I,, a citizen of the State of Florida and of the
 3564 United States of America, and being employed by or an officer of
 3565 and a recipient of public funds as such employee or
 3566 officer, do hereby solemnly swear or affirm that I will support
 3567 the Constitution of the United States and of the State of
 3568 Florida.

3569 Section 63. Section 876.07, Florida Statutes, is repealed.

3570 Section 64. Unless otherwise specifically provided, this
 3571 act shall take effect July 1, 2011.