



Governmental Affairs Policy Committee

**Wednesday, February 17, 2010
8:30 AM – 12:00 PM
Webster Hall, 212 Knott Building**

**Larry Cretul
Speaker**

**Robert C. "Rob" Schenck
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Governmental Affairs Policy Committee

Start Date and Time: Wednesday, February 17, 2010 08:30 am
End Date and Time: Wednesday, February 17, 2010 12:00 pm
Location: Webster Hall (212 Knott)
Duration: 3.50 hrs

Consideration of the following proposed committee bill(s):

PCB GAP 10-02 -- Governor's private secretary

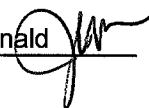

Workshop on the following:

HB 57 Early Voting by Gibbons
HB 131 Elections by Adams
HB 213 Congressional Vacancies by Kriseman
HB 339 Elections by Domino
HB 407 Student Voter Education by Brisé
HJR 493 Election of Members of Governing Boards Possessing Authority to Adopt Millage Rates by Domino
HB 625 Voter Information Cards by Gibson
HB 681 Challenging a Person Desiring to Vote by Thompson, G.
HB 835 Elections by Heller
HB 869 Political Advertisements by Eisnaugle, Rouson
Department of State's legislative package on elections
Discussion of other elections issues

NOTICE FINALIZED on 02/10/2010 15:50 by Ellinor.Martha

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GAP 10-02 Governor's private secretary
SPONSOR(S): Governmental Affairs Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Governmental Affairs Policy Committee		McDonald 	Williamson 
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill repeals statutory language enacted in 1845 that authorizes the Governor to appoint and commission a fit and proper person to hold office during the pleasure of the Governor and to serve as the Governor's private secretary and as clerk of the executive department. The language was amended in 1995 to refer to the secretary as "she or he" as part of the omnibus statutory revision of all laws to avoid gender bias.

Administrative services, personnel staff of the Executive Office of the Governor, and state personnel system staff of the Department of Management Services were not aware of the provisions of s. 14.03, F.S., relating to the private secretary of the Governor, nor of when the provision might have been used.

Staff of the Executive Office of the Governor are under the state personnel system with state-approved titles. Employees of the Executive Office of the Governor are exempt from the career service system and serve at the pleasure of the Governor. According to the Executive Office of the Governor, two staff provide services as private secretary to the Governor. The use of two staff has been the practice at least for the past three Governors.

The bill removes this archaic provision of law that is not used in the state personnel system governing the Executive Office of the Governor. The repeal also removes references to positions and departments that are not recognized or known by those names today.

The bill has no fiscal impact.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Enacted in 1845, s. 14.03, F.S., allows the Governor to appoint and commission a person to hold the office of private secretary for the Governor. This person is to serve at the pleasure of the Governor in that capacity and as "clerk for the executive department." The person is to work daily at the capitol during office hours and is to perform other duties as directed by the Governor. In order to qualify for the position, the person "must be fit and proper to hold office."

In 1995, the law was amended, as part of a larger bill, to remove gender bias references in the Florida Statutes.¹

Present Situation

The staff of the Executive Office of the Governor are under the state personnel system with state-approved titles. The Executive Office of the Governor is under what is known as Pay Plans 07, 08, and 09.² Employees of the Office of the Governor are exempt from the career service system and serve at the pleasure of the Governor. According to the Executive Office of the Governor, two staff provide services as private secretary to the Governor. One staff is in a select exempt service position and the other is in a senior management service position. The use of two staff has been the practice at least for the past three Governors.³

Administrative services, personnel staff of the Executive Office of the Governor, and state personnel system staff of the Department of Management Services were not aware of the provisions of s. 14.03, F.S., relating to the private secretary of the Governor, nor of when the provision might have been used.⁴

¹ See s. 35, Chapter 95-147, L.O.F.

² Information received from Mr. Phil Spooner, Workforce Design and Compensation Manager, Human Resources Management System, Department of Management Services, Division of State Group Insurance, on February 8, 2010.

³ Information received from Ms. Stephanie Cunha, Personnel Officer for the Executive Office of the Governor, on February 8, 2010, and confirmed by Ms. Dawn Hanson, Director of Administration, Executive Officer of the Governor.

⁴ Information received from Mr. Phil Spooner, Ms. Stephanie Cunha, and Ms. Dawn Hanson on February 8, 2010. Mr. Spooner stated he was not aware of the last time the provision in law had been used; but, that in the 30 years he has been involved in the state personnel system the provision has never been used.

Effect of Proposed Changes

The bill removes this archaic provision of law. It is not used in the state personnel system governing the Executive Office of the Governor. The repeal also removes references to positions and departments that are not recognized or known in those terms today.⁵

B. SECTION DIRECTORY:

Section 1. Repeals s. 14.03, F.S., relating to the Governor's appointment and commission of a person to be his or her private secretary and to serve as clerk for the executive department.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

⁵ The statute refers to the private secretary serving as "clerk for the executive department."

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

BILL

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the Governor's private secretary;
3 repealing s. 14.03, which allows the Governor to appoint
4 and commission a fit and proper person to serve as the
5 private secretary for the Governor; providing an effective
6 date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 14.03, Florida Statutes, is repealed.

11 Section 2. This act shall take effect July 1, 2010.

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A bill to be entitled
An act relating to early voting; amending s. 101.657,
F.S.; authorizing the supervisor of elections to establish
early voting hours; providing a daily minimum and a daily
maximum number of hours for early voting; providing an
effective date.

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

Section 1. Paragraph (d) of subsection (1) of section
101.657, Florida Statutes, is amended to read:

101.657 Early voting.--

(1)

(d) Early voting shall begin on the 15th day before an
election and end on the 2nd day before an election. For purposes
of a special election held pursuant to s. 100.101, early voting
shall begin on the 8th day before an election and end on the 2nd
day before an election. Early voting hours shall be established
by the supervisor of elections for each county. However, early
voting shall be provided for a period of not less than 8 hours
or more than 12 hours per day ~~per weekday and 8 hours in the~~
~~aggregate each weekend~~ at each site during the applicable
periods. Early voting sites shall open no sooner than 7 a.m. and
close no later than 7 p.m. on each applicable day.

Section 2. This act shall take effect October 1, 2010.

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Governmental Affairs Policy
2 Committee

3 Representative Gibbons offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (a) and (d) of subsection (1) of
8 section 101.657, Florida Statutes, are amended to read:

9 101.657 Early voting.—

10 (1) (a) As a convenience to the voter, the supervisor of
11 elections shall allow an elector to vote early in the main or
12 branch office of the supervisor. The supervisor shall mark,
13 code, indicate on, or otherwise track the voter's precinct for
14 each early voted ballot. ~~In order for a branch office to be used~~
15 ~~for early voting, it shall be a permanent facility of the~~
16 ~~supervisor and shall have been designated and used as such for~~
17 ~~at least 1 year prior to the election.~~ The supervisor may also
18 designate any city hall, public library facility, courthouse,
19 place of worship, civic center, convention center, community

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 57 (2010)

Amendment No.

20 center, county government center, conference center, community
21 college facility, university or college, fairgrounds, or any
22 other location designated by the supervisor as meeting the
23 requirements of this section ~~or permanent public library~~
24 ~~facility as early voting sites.~~ ~~however, if so designated, the~~
25 Early voting sites must be geographically located so as to
26 provide all voters in the county an equal opportunity to cast a
27 ballot, insofar as is practicable. Each county shall operate the
28 same total number of early voting sites that it used for the
29 2008 general election, or one early voting site plus one
30 additional early voting site for every complete set of 65,000
31 registered voters in the county as of July 1 of each general
32 election year, whichever is greater. The results or tabulation
33 of votes cast during early voting may not be made before the
34 close of the polls on election day. Results shall be reported by
35 precinct.

36 (d) Early voting shall begin on the 15th day before an
37 election and end on the 2nd day before an election. For purposes
38 of a special election held pursuant to s. 100.101, early voting
39 shall begin on the 8th day before an election and end on the 2nd
40 day before an election. Early voting shall be provided for 12 &
41 hours per weekday and at least 12 & hours in the aggregate each
42 weekend at each site during the applicable periods. Early voting
43 sites shall open no sooner than 7 a.m. and close no later than 7
44 p.m. on each applicable day.

45 Section 2. This act shall take effect July 1, 2010.
46
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Amendment No.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to early voting; amending s. 101.657,
F.S.; expanding the list of available sites at which early
voting may be held to include specified facilities or any
other location designated by a supervisor of elections as
meeting the requirements of state law; deleting a
requirement that an early voting site be designated and
used as such for at least 1 year before an election;
providing requirements for determining the number of early
voting sites each county must operate; expanding early
voting hours to 12 hours per weekday and at least 12 hours
in the aggregate each weekend at each site during the
applicable periods; providing an effective date.

1 A bill to be entitled
2 An act relating to elections; amending s. 101.6952, F.S.;
3 revising responsibilities of the supervisor of elections
4 when an overseas voter's request for an absentee ballot
5 includes an e-mail address; requiring the supervisor to
6 record the e-mail address in the absentee ballot record
7 and, via e-mail, confirm that the request was received,
8 inform the voter of the estimated date the ballot will be
9 sent, and notify the voter when the absentee ballot is
10 received; amending s. 101.697, F.S.; providing that an
11 overseas voter may request an absentee ballot and transmit
12 the voted ballot by facsimile or electronic mail;
13 providing that an overseas voter may request an absentee
14 ballot, vote, and return the ballot by other secured
15 transmission when certain criteria are met; requiring the
16 Department of State to adopt rules establishing the
17 process for accepting voted absentee ballots via
18 facsimile, e-mail, or other secure electronic means;
19 establishing minimum criteria; deleting existing
20 provisions relating to electronic transmission of election
21 materials to conform; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 101.6952, Florida Statutes, is amended
26 to read:
27 101.6952 Absentee ballots for overseas voters.--

28 (1) If an overseas voter's request for an absentee ballot
 29 includes an e-mail address, the supervisor of elections shall:

30 (a) Record the voter's e-mail address in the absentee
 31 ballot record;

32 (b) Confirm via e-mail that the absentee ballot request
 33 was received and include in that e-mail the estimated date the
 34 ballot will be sent to the voter;

35 (c) Inform the voter of the names of candidates who will
 36 be on the ballots via electronic transmission. The supervisor of
 37 elections shall e-mail to the voter the list of candidates for
 38 the primary and general election not later than 30 days before
 39 each election; and

40 (d) E-mail the voter when the voted absentee ballot is
 41 received by the supervisor of elections.

42 (2) For absentee ballots received from overseas voters,
 43 there is a presumption that the envelope was mailed on the date
 44 stated on the outside of the return envelope, regardless of the
 45 absence of a postmark on the mailed envelope or the existence of
 46 a postmark date that is later than the date of the election.

47 Section 2. Section 101.697, Florida Statutes, is amended
 48 to read:

49 101.697 Electronic transmission of election materials.--

50 (1) An overseas voter may request an absentee ballot and
 51 transmit a voted absentee ballot via facsimile or electronic
 52 mail to a supervisor of elections.

53 (2) An overseas voter may request an absentee ballot,
 54 vote, and return a voted absentee ballot by other secured
 55 transmission, provided the voting system process has been

HB 131

2010

56 approved by the Department of State. The department shall adopt
 57 rules for the submission and approval of the secured
 58 transmission process.

59 (3) The department shall adopt rules that provide the
 60 process for accepting the voted absentee ballot via facsimile,
 61 e-mail, or other secure electronic means. The rules must provide
 62 at a minimum, the process for verifying the voter, establishing
 63 the security of the transmission of the voted absentee ballot,
 64 and recording the voted absentee ballot once received. The
 65 ~~Department of State shall determine whether secure electronic~~
 66 ~~means can be established for receiving ballots from overseas~~
 67 ~~voters. If such security can be established, the department~~
 68 ~~shall adopt rules to authorize a supervisor of elections to~~
 69 ~~accept from an overseas voter a request for an absentee ballot~~
 70 ~~or a voted absentee ballot by secure facsimile machine~~
 71 ~~transmission or other secure electronic means. The rules must~~
 72 ~~provide that in order to accept a voted ballot, the verification~~
 73 ~~of the voter must be established, the security of the~~
 74 ~~transmission must be established, and each ballot received must~~
 75 ~~be recorded.~~

76 Section 3. This act shall take effect upon becoming a law.

1 A bill to be entitled
 2 An act relating to congressional vacancies; amending s.
 3 100.101, F.S.; providing that a special election or
 4 special primary election shall be held to fill a vacancy
 5 in the office of a member from Florida of the United
 6 States Senate; amending s. 100.111, F.S.; providing that
 7 the Governor is not required to call a special election to
 8 fill a vacancy in the office of a member from Florida of
 9 the United States Senate if a session of Congress is not
 10 scheduled during the unexpired portion of the term;
 11 repealing s. 100.161, F.S., relating to filling vacancies
 12 in the representation of Florida in the United States
 13 Senate; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsection (4) of section 100.101, Florida
 18 Statutes, is amended to read:

19 100.101 Special elections and special primary
 20 elections.--Except as provided in s. 100.111(2), a special
 21 election or special primary election shall be held in the
 22 following cases:

23 (4) If a vacancy occurs in the office of a member from
 24 Florida of the Senate or House of Representatives of Congress.

25 Section 2. Subsection (3) of section 100.111, Florida
 26 Statutes, is amended to read:

27 100.111 Filling vacancy.--

28 (3) Whenever there is a vacancy for which a special
 29 election is required pursuant to s. 100.101, the Governor, after
 30 consultation with the Secretary of State, shall fix the dates of
 31 a special primary election and a special election. Nominees of
 32 political parties shall be chosen under the primary laws of this
 33 state in the special primary election to become candidates in
 34 the special election. Prior to setting the special election
 35 dates, the Governor shall consider any upcoming elections in the
 36 jurisdiction where the special election will be held. The dates
 37 fixed by the Governor shall be specific days certain and shall
 38 not be established by the happening of a condition or stated in
 39 the alternative. The dates fixed shall provide a minimum of 2
 40 weeks between each election. In the event a vacancy occurs in
 41 the office of state senator or member of the House of
 42 Representatives when the Legislature is in regular legislative
 43 session, the minimum times prescribed by this subsection may be
 44 waived upon concurrence of the Governor, the Speaker of the
 45 House of Representatives, and the President of the Senate. If a
 46 vacancy occurs in the office of state senator and no session of
 47 the Legislature is scheduled to be held prior to the next
 48 general election, the Governor may fix the dates for the special
 49 primary election and for the special election to coincide with
 50 the dates of the primary election and general election. If a
 51 vacancy in office occurs in any district in the state Senate or
 52 House of Representatives, in the representation of this state in
 53 the Senate of the United States, or in any congressional
 54 district, and no session of the Legislature, or session of
 55 Congress, as applicable ~~if the vacancy is in a congressional~~

56 ~~district~~, is scheduled to be held during the unexpired portion
 57 of the term, the Governor is not required to call a special
 58 election to fill such vacancy.

59 (a) The dates for candidates to qualify in such special
 60 election or special primary election shall be fixed by the
 61 Department of State, and candidates shall qualify not later than
 62 noon of the last day so fixed. The dates fixed for qualifying
 63 shall allow a minimum of 14 days between the last day of
 64 qualifying and the special primary election.

65 (b) The filing of campaign expense statements by
 66 candidates in such special elections or special primaries and by
 67 committees making contributions or expenditures to influence the
 68 results of such special primaries or special elections shall be
 69 not later than such dates as shall be fixed by the Department of
 70 State, and in fixing such dates the Department of State shall
 71 take into consideration and be governed by the practical time
 72 limitations.

73 (c) The dates for a candidate to qualify by the petition
 74 process pursuant to s. 99.095 in such special primary or special
 75 election shall be fixed by the Department of State. In fixing
 76 such dates the Department of State shall take into consideration
 77 and be governed by the practical time limitations. Any candidate
 78 seeking to qualify by the petition process in a special primary
 79 election shall obtain 25 percent of the signatures required by
 80 s. 99.095.

81 (d) The qualifying fees and party assessments of such
 82 candidates as may qualify shall be the same as collected for the
 83 same office at the last previous primary for that office. The

HB 213

2010

84 party assessment shall be paid to the appropriate executive
 85 committee of the political party to which the candidate belongs.

86 (e) Each county canvassing board shall make as speedy a
 87 return of the result of such special primary elections and
 88 special elections as time will permit, and the Elections
 89 Canvassing Commission likewise shall make as speedy a canvass
 90 and declaration of the nominees as time will permit.

91 Section 3. Section 100.161, Florida Statutes, is repealed.

92 Section 4. This act shall take effect July 1, 2010.

1 A bill to be entitled
2 An act relating to elections; amending s. 97.052, F.S.;
3 requiring that the federal write-in absentee ballot be
4 accepted as an application for voter registration when it
5 contains information required by the constitution and laws
6 of the state; amending s. 101.6103, F.S.; requiring the
7 counting of absentee ballots cast by overseas voters in a
8 mail ballot election if received within 10 days after the
9 election and legal; amending s. 101.65, F.S.; revising the
10 printed instructions which accompany an absentee ballot;
11 amending s. 101.67, F.S.; conforming provisions relating
12 to when an absentee ballot must be received to be counted;
13 amending s. 101.6923, F.S.; revising the printed
14 instructions which accompany special absentee ballots for
15 certain first-time voters; amending s. 101.6925, F.S.;
16 requiring the counting of a special absentee ballot cast
17 by an overseas voter if received within 10 days after an
18 election and legal; amending s. 101.694, F.S.; providing
19 for the processing or mailing of an absentee ballot upon
20 receipt of a federal write-in absentee ballot; amending s.
21 101.6952, F.S.; permitting the use of the federal write-in
22 absentee ballot by overseas voters in any federal, state,
23 or local election; creating s. 101.6956, F.S.; requiring
24 the counting of absentee ballots cast by overseas voters
25 if received within 10 days after an election and legal;
26 amending s. 102.112, F.S.; revising the deadline for
27 submission of county returns for a primary election to the
28 Department of State; providing an effective date.

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

Section 1. Subsection (5) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.--

(5) The voter registration application form prescribed by the Election Assistance Commission pursuant to federal law, ~~or~~ the federal postcard application, or the federal write-in absentee ballot must be accepted as an application for registration in this state if the completed application, federal ~~or~~ postcard application, or federal write-in absentee ballot contains the information required by the constitution and laws of this state.

Section 2. Subsection (7) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.--

(7) With respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election. However, a ballot cast by an overseas voter shall be counted if the ballot is received within 10 days after the date of the election, is postmarked or signed and dated no later than the date of the election, and is legal.

57 Section 3. Section 101.65, Florida Statutes, is amended to
 58 read:

59 101.65 Instructions to absent electors.--The supervisor
 60 shall enclose with each absentee ballot separate printed
 61 instructions in substantially the following form:

62

63 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

64 1. VERY IMPORTANT. In order to ensure that your absentee
 65 ballot will be counted, it should be completed and returned as
 66 soon as possible so that it can reach the supervisor of
 67 elections of the county in which your precinct is located no
 68 later than 7 p.m. on the day of the election.

69 2. Mark your ballot in secret as instructed on the ballot.
 70 You must mark your own ballot unless you are unable to do so
 71 because of blindness, disability, or inability to read or write.

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

76 4. Place your marked ballot in the enclosed secrecy
 77 envelope.

78 5. Insert the secrecy envelope into the enclosed mailing
 79 envelope which is addressed to the supervisor.

80 6. Seal the mailing envelope and completely fill out the
 81 Voter's Certificate on the back of the mailing envelope.

82 7. VERY IMPORTANT. In order for your absentee ballot to be
 83 counted, you must sign your name on the line above (Voter's
 84 Signature).

85 8. VERY IMPORTANT. If you are an overseas voter, you must
 86 include the date you signed the Voter's Certificate on the line
 87 above (Date) or your ballot may not be counted. An absentee
 88 ballot cast by an overseas voter shall be counted if the ballot
 89 is received within 10 days after the date of the election, is
 90 postmarked or signed and dated no later than the date of the
 91 election, and is legal.

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

94 10. FELONY NOTICE. It is a felony under Florida law to
 95 accept any gift, payment, or gratuity in exchange for your vote
 96 for a candidate. It is also a felony under Florida law to vote
 97 in an election using a false identity or false address, or under
 98 any other circumstances making your ballot false or fraudulent.

99 Section 4. Section 101.67, Florida Statutes, is amended to
 100 read:

101 101.67 Safekeeping of mailed ballots; deadline for
 102 receiving absentee ballots.--

103 (1) The supervisor of elections shall safely keep in his
 104 or her office any envelopes received containing marked ballots
 105 of absent electors, and he or she shall, before the canvassing
 106 of the election returns, deliver the envelopes to the county
 107 canvassing board along with his or her file or list kept
 108 regarding such ~~said~~ ballots.

109 (2) Except as otherwise provided in s. 101.6956, all
 110 marked absent electors' ballots to be counted must be received
 111 by the supervisor by 7 p.m. the day of the election. All ballots
 112 received after the applicable deadline ~~thereafter~~ shall be

113 marked with the time and date of receipt and filed in the
 114 supervisor's office.

115 Section 5. Subsection (2) of section 101.6923, Florida
 116 Statutes, is amended to read:

117 101.6923 Special absentee ballot instructions for certain
 118 first-time voters.--

119 (2) A voter covered by this section shall be provided with
 120 printed instructions with his or her absentee ballot in
 121 substantially the following form:

122

123 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
 124 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
 125 TO COUNT.

126

127 1. In order to ensure that your absentee ballot will be
 128 counted, it should be completed and returned as soon as possible
 129 so that it can reach the supervisor of elections of the county
 130 in which your precinct is located no later than 7 p.m. on the
 131 date of the election.

132 2. Mark your ballot in secret as instructed on the ballot.
 133 You must mark your own ballot unless you are unable to do so
 134 because of blindness, disability, or inability to read or write.

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

139 4. Place your marked ballot in the enclosed secrecy
 140 envelope and seal the envelope.

141 5. Insert the secrecy envelope into the enclosed envelope
 142 bearing the Voter's Certificate. Seal the envelope and
 143 completely fill out the Voter's Certificate on the back of the
 144 envelope.

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

147 b. If you are an overseas voter, you must include the date
 148 you signed the Voter's Certificate on the line above (Date) or
 149 your ballot may not be counted. An absentee ballot cast by an
 150 overseas voter shall be counted if the ballot is received within
 151 10 days after the date of the election, is postmarked or signed
 152 and dated no later than the date of the election, and is legal.

153 6. Unless you meet one of the exemptions in Item 7., you
 154 must make a copy of one of the following forms of
 155 identification:

156 a. Identification which must include your name and
 157 photograph: United States passport; debit or credit card;
 158 military identification; student identification; retirement
 159 center identification; neighborhood association identification;
 160 or public assistance identification; or

161 b. Identification which shows your name and current
 162 residence address: current utility bill, bank statement,
 163 government check, paycheck, or government document (excluding
 164 voter identification card).

165 7. The identification requirements of Item 6. do not apply
 166 if you meet one of the following requirements:

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

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

169 c. You are a member of a uniformed service on active duty
 170 who, by reason of such active duty, will be absent from the
 171 county on election day.

172 d. You are a member of the Merchant Marine who, by reason
 173 of service in the Merchant Marine, will be absent from the
 174 county on election day.

175 e. You are the spouse or dependent of a member referred to
 176 in paragraph c. or paragraph d. who, by reason of the active
 177 duty or service of the member, will be absent from the county on
 178 election day.

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

180 8. Place the envelope bearing the Voter's Certificate into
 181 the mailing envelope addressed to the supervisor. Insert a copy
 182 of your identification in the mailing envelope. DO NOT PUT YOUR
 183 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 184 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 185 BALLOT WILL NOT COUNT.

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

188 10. FELONY NOTICE. It is a felony under Florida law to
 189 accept any gift, payment, or gratuity in exchange for your vote
 190 for a candidate. It is also a felony under Florida law to vote
 191 in an election using a false identity or false address, or under
 192 any other circumstances making your ballot false or fraudulent.

193 Section 6. Subsection (3) of section 101.6925, Florida
 194 Statutes, is amended to read:

195 101.6925 Canvassing special absentee ballots.--

196 (3) If the identification is not enclosed in the mailing
 197 envelope and the voter has not indicated that he or she is
 198 exempt from the identification requirements, the supervisor
 199 shall check the voter registration records to determine if the
 200 voter's identification was previously received or the voter had
 201 previously notified the supervisor that he or she was exempt.
 202 The envelope with the Voter's Certificate shall not be opened
 203 unless the identification has been received or the voter has
 204 indicated that he or she is exempt. The ballot shall be treated
 205 as a provisional ballot until 7 p.m. on election day and shall
 206 not be canvassed unless the supervisor has received the required
 207 identification or written indication of exemption by 7 p.m. on
 208 election day. However, an absentee ballot cast by an overseas
 209 voter shall be counted if the ballot is received within 10 days
 210 after the date of the election, is postmarked or signed and
 211 dated no later than the date of the election, and is legal.

212 Section 7. Section 101.694, Florida Statutes, is amended
 213 to read:

214 101.694 Mailing or processing of absentee ballots upon
 215 receipt of federal postcard application or federal write-in
 216 absentee ballot.--

217 (1) Upon receipt of a federal postcard application for an
 218 absentee ballot executed by a person whose registration is in
 219 order or whose application is sufficient to register or update
 220 the registration of that person, the supervisor shall mail to
 221 the applicant a ballot, if the ballots are available for
 222 mailing. The federal postcard application request for an

223 absentee ballot shall be effective for all elections through the
 224 next two regularly scheduled general elections.

225 (2) Upon receipt of a federal write-in absentee ballot
 226 executed by a person whose registration is in order or whose
 227 information on the form is sufficient to register or update the
 228 registration of that person, the supervisor shall consider the
 229 ballot as an absentee ballot request and, if voted, process the
 230 ballot pursuant to s. 101.67(1). If the federal write-in
 231 absentee ballot received isn't voted, the supervisor shall mail
 232 to the applicant an absentee ballot, if the ballots are
 233 available for mailing.

234 (3)~~(2)~~ Upon receipt of a federal postcard application for
 235 an absentee ballot or a federal write-in absentee ballot
 236 executed by a person whose registration is not in order and
 237 whose application is insufficient to register or update the
 238 registration of that person, the supervisor shall follow the
 239 procedure set forth in s. 97.073.

240 (4)~~(3)~~ Absentee envelopes printed for voters entitled to
 241 vote absentee under the Uniformed and Overseas Citizens Absentee
 242 Voting Act shall meet the specifications as determined by the
 243 Federal Voting Assistance Program of the United States
 244 Department of Defense and the United States Postal Service.

245 (5)~~(4)~~ Cognizance shall be taken of the fact that absentee
 246 ballots and other materials such as instructions and envelopes
 247 are to be carried via air mail, and, to the maximum extent
 248 possible, such ballots and materials shall be reduced in size
 249 and weight of paper. The same ballot shall be used, however, as
 250 is used by other absentee voters.

251 Section 8. Section 101.6952, Florida Statutes, is amended
 252 to read:

253 101.6952 Absentee ballots for overseas voters.--

254 (1) If an overseas voter's request for an absentee ballot
 255 includes an e-mail address, the supervisor of elections shall
 256 inform the voter of the names of candidates who will be on the
 257 ballots via electronic transmission. The supervisor of elections
 258 shall e-mail to the voter the list of candidates for the primary
 259 and general election not later than 30 days before each
 260 election.

261 (2) A voter entitled to vote absentee under the Uniformed
 262 and Overseas Citizens Absentee Voting Act may use the federal
 263 write-in absentee ballot in any federal, state, or local
 264 election for which the voter is entitled to vote.

265 ~~(3)(2)~~ For absentee ballots received from overseas voters,
 266 there is a presumption that the envelope was mailed on the date
 267 stated on the outside of the return envelope, regardless of the
 268 absence of a postmark on the mailed envelope or the existence of
 269 a postmark date that is later than the date of the election.

270 Section 9. Section 101.6956, Florida Statutes, is created
 271 to read:

272 101.6956 Receipt and counting of absentee ballots of
 273 overseas voters.--An absentee ballot cast by an overseas voter
 274 which is postmarked or signed and dated no later than the date
 275 of the applicable federal, state, or local election shall be
 276 counted if received within 10 days after the date of the
 277 election and legal.

HB 339

2010

278 Section 10. Subsection (2) of section 102.112, Florida
 279 Statutes, is amended to read:

280 102.112 Deadline for submission of county returns to the
 281 Department of State.--

282 (2) Returns must be filed by 5 p.m. on the 11th ~~7th~~ day
 283 following a primary election and by noon on the 12th day
 284 following the general election. However, the Department of State
 285 may correct typographical errors, including the transposition of
 286 numbers, in any returns submitted to the Department of State
 287 pursuant to s. 102.111(1).

288 Section 11. This act shall take effect July 1, 2010.

1 A bill to be entitled
 2 An act relating to student voter education; providing for
 3 a voter-education program; requiring that each district
 4 school board and county supervisor of elections jointly
 5 provide the program for high school students who are
 6 eligible to register or preregister to vote; requiring
 7 that such education consist of a mandatory presentation
 8 made by the supervisor of elections to public high school
 9 students who are eligible to register or preregister to
 10 vote; requiring that the presentation be made available to
 11 nonpublic high schools upon request; providing guidelines
 12 for the content of the program; requiring that the program
 13 be conducted during school hours and at least once each
 14 term of the school year; prohibiting the exclusion of any
 15 student who is eligible to register or preregister to
 16 vote; requiring that the voter-education program be
 17 provided to students enrolled in a magnet school;
 18 providing an effective date.

20 Be It Enacted by the Legislature of the State of Florida:

22 Section 1. (1) Each district school board and county
 23 supervisor of elections shall cooperate to provide voter
 24 education to high school students who are eligible to register
 25 or preregister to vote. The voter-education program shall
 26 consist of a mandatory presentation to the students and be made
 27 available to nonpublic high schools upon their request. Each
 28 supervisor of elections shall conduct the presentation.

29 (2) The presentation must include information concerning:

30 (a) How to register to vote and preregister.

31 (b) The operation of voting machines.

32 (c) When and where to vote.

33 (d) The process of voting, including voter identification
 34 requirements.

35 (e) The importance of voting.

36 (3) The voter-education program must provide students with
 37 sufficient information and time to complete and hand in to the
 38 supervisor of elections applications for voter registration.

39 (4) The voter-education program shall be conducted during
 40 school hours and at least once each term of the school year in
 41 order to reach a maximum number of students in the most
 42 effective and efficient manner.

43 (5) A student who is eligible to register or preregister
 44 to vote may not be excluded from the voter-education program.

45 (6) The voter-education program must be provided to
 46 students enrolled in a magnet school in accordance with this
 47 section.

48 Section 2. This act shall take effect July 1, 2010.

House Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to require the election of members of governing boards that have the authority to adopt millage rates and to provide for implementation thereof.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 28. Election of members of boards that adopt millage rates; implementation.-

(a) The members of any governing board that has the authority to adopt millage rates must be elected by a vote of the electors of the jurisdiction affected, subject to any phase-in schedule adopted by the legislature.

(b) In the next regular legislative session occurring after voter approval of this constitutional amendment, the legislature shall implement this section by general law effective July 1 of that year. Such legislation may provide a phase-in schedule to allow for the updating of special district charters.

HJR 493

2010

29 (c) The transition to elected governing boards required by
 30 this section shall be fully effectuated by January 1, 2013.

31 BE IT FURTHER RESOLVED that the following statement be
 32 placed on the ballot:

33 CONSTITUTIONAL AMENDMENT

34 ARTICLE X, SECTION 28

35 ELECTION OF MEMBERS OF GOVERNING BOARDS POSSESSING
 36 AUTHORITY TO ADOPT MILLAGE RATES.—Proposing an amendment to the
 37 State Constitution to require that members of any governing
 38 board that has the authority to adopt millage rates must be
 39 elected by a vote of the people of the jurisdiction affected,
 40 subject to any phase-in schedule adopted by the Legislature.
 41 This amendment also requires the Legislature to implement this
 42 provision by general law in the next regular legislative session
 43 after this amendment is approved by the voters. The legislation
 44 must take effect by July 1 of that year and may provide a phase-
 45 in schedule to allow for the updating of special district
 46 charters. The transition to elected governing boards required by
 47 this amendment must be completed by January 1, 2013.

1 A bill to be entitled
 2 An act relating to voter information cards; amending s.
 3 97.071, F.S.; requiring that voter information cards
 4 contain the address of the polling place of the registered
 5 voter; requiring a supervisor of elections to issue a new
 6 voter information card to a voter upon a change in a
 7 voter's address of legal residence or a change in a
 8 voter's polling place address; providing instructions for
 9 implementation by the supervisors of elections; providing
 10 an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:.

13
 14 Section 1. Section 97.071, Florida Statutes, is amended to
 15 read:

16 97.071 Voter information card.—

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

- 20 (a) Voter's registration number.
- 21 (b) Date of registration.
- 22 (c) Full name.
- 23 (d) Party affiliation.
- 24 (e) Date of birth.
- 25 (f) Address of legal residence.
- 26 (g) Precinct number.
- 27 (h) Polling place address.
- 28 (i) ~~(h)~~ Name of supervisor and contact information of

29 supervisor.

30 ~~(j)-(i)~~ Other information deemed necessary by the
 31 supervisor.

32 (2) A voter may receive a replacement voter information
 33 card by providing a signed, written request for a replacement
 34 card to a voter registration official. Upon verification of
 35 registration, the supervisor shall issue the voter a duplicate
 36 card without charge.

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

40 Section 2. The supervisor must meet the requirements of
 41 this act for any elector who is registered to vote on July 1,
 42 2010, no later than 30 days before the first election
 43 administered by the supervisor in which the elector is eligible
 44 to vote.

45 Section 3. This act shall take effect July 1, 2010.

1 A bill to be entitled
 2 An act relating to challenging a person desiring to vote;
 3 amending s. 101.111, F.S.; prohibiting an elector from
 4 being challenged on the basis of certain documents;
 5 prohibiting certain persons from submitting a formal
 6 challenge to an individual's eligibility to register to
 7 vote or to vote in any election under certain
 8 circumstances; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Present subsection (2) of section 101.111,
 13 Florida Statutes, is renumbered as subsection (4), and new
 14 subsections (2) and (3) are added to that section, to read:

15 101.111 Person desiring to vote may be challenged;
 16 challenger to execute oath; oath of person challenged;
 17 determination of challenge.—

18 (2) An elector may not be challenged on the basis of the
 19 following documents:

20 (a) An elector caging document, which is a nonforwardable
 21 document that is sent by a person other than a state or local
 22 election official and that is returned to the sender or a third
 23 party as undelivered or undeliverable despite an attempt to
 24 deliver such document to the address of a registered elector or
 25 an applicant for registration;

26 (b) A list of individuals compiled from elector caging
 27 documents; or

28 (c) A list produced by matching the information of

HB 681

2010

29 registered electors or applicants for voter registration to a
 30 list of individuals who are ineligible to vote by virtue of
 31 death, conviction, change of address, mental incompetence,
 32 foreign citizenship, age, or otherwise, unless one of the pieces
 33 of information matched includes a signature, photograph, or
 34 unique identifying number ensuring that the information from
 35 each source refers to the same individual.

36 (3) A person who is not a state or local election official
 37 may not submit a formal challenge to an individual's eligibility
 38 to register to vote or to vote in any election if the basis for
 39 such challenge is evidence consisting of an error or omission on
 40 any record or paper relating to any application, registration,
 41 or other act requisite to voting, and if such error or omission
 42 is not material to the individual's eligibility to vote as
 43 provided by law.

44 Section 2. This act shall take effect July 1, 2010.

1 A bill to be entitled
 2 An act relating to elections; amending s. 101.62, F.S.;
 3 authorizing an elector to attain status as a permanent
 4 absentee voter; specifying circumstances under which a
 5 request for an absentee ballot may be considered canceled;
 6 providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Paragraph (a) of subsection (1) of section
 11 101.62, Florida Statutes, is amended to read:

12 101.62 Request for absentee ballots.—

13 (1) (a) The supervisor may accept a request for an absentee
 14 ballot from an elector in person or in writing. Except as
 15 provided in s. 101.694, one request shall be deemed sufficient
 16 to receive an absentee ballot for all future elections ~~through~~
 17 ~~the next two regularly scheduled general elections~~, unless the
 18 elector or the elector's designee indicates at the time the
 19 request is made that the elections for which the elector desires
 20 to receive the an absentee ballot only for specific elections. ~~A~~
 21 ~~Such~~ request for an absentee ballot may be considered canceled
 22 when any first-class mail sent by the supervisor to the elector
 23 is returned as undeliverable or when the elector notifies the
 24 supervisor in person or in writing that he or she no longer
 25 wishes to receive an absentee ballot.

26 Section 2. This act shall take effect January 1, 2011.

1 A bill to be entitled
 2 An act relating to political advertisements; providing a
 3 short title; amending s. 106.143, F.S.; providing an
 4 alternative statement that may be used to identify a
 5 candidate as the sponsor of a political advertisement
 6 under certain circumstances; providing circumstances under
 7 which certain campaign messages and political
 8 advertisements are not required to state or display
 9 specific information regarding the identity of the
 10 candidate, his or her party affiliation, and the office
 11 sought in the message or advertisement; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. This act may be cited as the "Technology in
 17 Elections Act."

18 Section 2. Subsection (1) of section 106.143, Florida
 19 Statutes, is amended to read:

20 106.143 Political advertisements circulated prior to
 21 election; requirements.—

22 (1) (a) Any political advertisement that is paid for by a
 23 candidate and that is published, displayed, or circulated prior
 24 to, or on the day of, any election must prominently state:

25 1. Political advertisement paid for and approved by
 26 ...(name of candidate)..., ...(party affiliation)..., for
 27 ...(office sought)...."; or

28 2. "Paid by ...(name of candidate)..., ...(party

29 affiliation)..., for ...(office sought)...."

30 (b) Any other political advertisement published,
 31 displayed, or circulated prior to, or on the day of, any
 32 election must prominently:

33 1. Be marked "paid political advertisement" or with the
 34 abbreviation "pd. pol. adv."

35 2. State the name and address of the persons sponsoring
 36 the advertisement.

37 3.a.(I) State whether the advertisement and the cost of
 38 production is paid for or provided in kind by or at the expense
 39 of the entity publishing, displaying, broadcasting, or
 40 circulating the political advertisement; or

41 (II) State who provided or paid for the advertisement and
 42 cost of production, if different from the source of sponsorship.

43 b. This subparagraph does not apply if the source of the
 44 sponsorship is patently clear from the content or format of the
 45 political advertisement.

46 (c) Any political advertisement made pursuant to s.
 47 106.021(3)(d) must be marked "paid political advertisement" or
 48 with the abbreviation "pd. pol. adv." and must prominently
 49 state, "Paid for and sponsored by ...(name of person paying for
 50 political advertisement).... Approved by ...(names of persons,
 51 party affiliation, and offices sought in the political
 52 advertisement)...."

53 (d) This subsection does not apply to any campaign message
 54 or political advertisement ~~messages~~ used by a candidate and the
 55 candidate's supporters or by a political committee if the
 56 message or advertisement is ~~those messages are:~~

- 57 | 1. Designed to be worn by a person.
- 58 | 2. Placed as a paid link on an Internet website, provided
 59 | the message or advertisement is no more than 200 characters in
 60 | length and the link directs the user to another Internet website
 61 | that complies with paragraph (a), paragraph (b), or paragraph
 62 | (c).
- 63 | 3. Placed as a graphic or picture link on an Internet
 64 | website that directs the user to another Internet website that
 65 | complies with the requirements of this section; however, the
 66 | link must contain the language required in paragraph (a),
 67 | paragraph (b), or paragraph (c), which shall make up at least 5
 68 | percent of the total graphic or picture and may not otherwise be
 69 | illegible or concealed.
- 70 | 4. Placed at no cost on an Internet website for which
 71 | there is no cost to post content for public users.
- 72 | 5. Placed or distributed on an unpaid profile or account
 73 | which is available to the public without charge or on a social
 74 | networking Internet website, as long as the source of the
 75 | message or advertisement is patently clear from the content or
 76 | format of the message or advertisement.
- 77 | 6. Distributed as a text message or other message via
 78 | Short Message Service, provided the message is no more than 200
 79 | characters in length or requires the recipient to sign up or opt
 80 | in to receive it.
- 81 | 7. Connected with or included in any software application
 82 | or accompanying function, provided that the user signs up, opts
 83 | in, downloads, or otherwise accesses the application from or

84 through a website that complies with paragraph (a), paragraph
 85 (b), or paragraph (c).

86 8. Sent by a third-party user from or through a campaign
 87 or committee's website, provided the website complies with
 88 paragraph (a), paragraph (b), or paragraph (c).

89 9. Contained in or distributed through any other
 90 technology-related item, service, or device for which compliance
 91 with paragraph (a), paragraph (b), or paragraph (c) is not
 92 reasonably practical due to the size or nature of such item,
 93 service, or device as available, or the means of displaying the
 94 message or advertisement makes compliance with paragraph (a),
 95 paragraph (b), or paragraph (c) impracticable.

96 Section 3. This act shall take effect July 1, 2010.

1 A bill to be entitled
 2 An act relating to elections; creating s. 97.0115, F.S.;
 3 providing that chapters 97 through 105 shall govern all
 4 procedures and processes relating to national, state,
 5 county, and district elections within the state;
 6 specifying a governing statute for the conduct of
 7 municipal elections; prohibiting a county or district
 8 charter, ordinance, or regulation from conflicting with
 9 state election laws; amending s. 97.021, F.S.; defining
 10 the term "absent uniformed services voter"; revising the
 11 definition of the term "overseas voter"; amending s.
 12 98.0981, F.S.; conforming a cross-reference; amending s.
 13 101.111, F.S.; revising voter challenge oath requirements;
 14 providing circumstances under which a challenged voter may
 15 execute a change of legal residence, be directed to the
 16 proper precinct, or vote a provisional ballot; providing
 17 increased penalties for filing a frivolous voter
 18 challenge; amending s. 101.5612, F.S.; requiring the
 19 supervisor of elections to publish on his or her website a
 20 notice of testing of tabulating equipment; requiring the
 21 use of certain ballots and technology for preelection
 22 testing of tabulating equipment; amending s. 101.62, F.S.;
 23 revising the supervisor of elections' responsibilities for
 24 the request and transmittal of absentee ballots; revising
 25 the time an absentee ballot request is valid; authorizing
 26 the Department of State to prescribe rules for a ballot to
 27 be sent to uniformed services voters and overseas voters;
 28 amending s. 101.694, F.S.; requiring the supervisor of

29 elections to send an absentee ballot to certain electors
 30 within a specified time; deleting a requirement that an
 31 absentee ballot be mailed; deleting a provision
 32 establishing that a federal postcard application request
 33 is valid through two general election cycles; amending s.
 34 101.71, F.S.; requiring the supervisor of elections to
 35 ensure the provision of adequate supplies, equipment, and
 36 personnel when precincts are collocated; requiring the
 37 supervisor of elections to publish the relocation of a
 38 polling place on his or her website; amending s. 102.012,
 39 F.S.; allowing the supervisor of elections to appoint one
 40 election board for collocated precincts and requiring the
 41 appointment of adequate personnel for the collocated
 42 precincts; amending s. 102.111, F.S.; clarifying that the
 43 Governor and Cabinet members shall serve ex officio on the
 44 Elections Canvassing Commission; establishing meeting
 45 times for the commission; amending s. 102.112, F.S.;
 46 conforming a cross-reference; amending s. 102.141, F.S.;
 47 requiring the supervisor of elections to publish on his or
 48 her website notice of the time for canvassing absentee and
 49 provisional ballots; providing circumstances under which
 50 the Secretary of State, county canvassing board, or local
 51 board is responsible for ordering recounts in elections;
 52 specifying the time for filing returns for elections in
 53 which a recount was ordered; amending s. 102.166, F.S.;
 54 providing circumstances under which the Secretary of
 55 State, county canvassing board, or local board is
 56 responsible for ordering a manual recount of overvotes and

57 | undervotes; amending s. 106.03, F.S.; revising provisions
 58 | for the reporting of information changes by political
 59 | committees; requiring the Division of Elections to adopt
 60 | rules for the dissolution of certain political committees;
 61 | amending s. 106.04, F.S.; revising reporting requirements
 62 | for committees of continuous existence; revising
 63 | provisions relating to the assessment and deposition of
 64 | fines for committees of continuous existence; establishing
 65 | when notice is deemed sufficient; amending s. 106.07,
 66 | F.S.; revising reporting requirements for candidates and
 67 | political committees; providing additional methods for
 68 | establishing proof of delivery; increasing the time a
 69 | campaign treasurer is allowed to respond to inquiries
 70 | about reports; establishing when notice is deemed
 71 | sufficient; revising when political committees that make
 72 | contributions or expenditures in county or municipal races
 73 | must file campaign finance reports; requiring transaction
 74 | information for each credit card purchase; authorizing a
 75 | filing officer to notify the registered agent of a
 76 | political committee that fines are due; amending s.
 77 | 106.0705, F.S.; conforming a cross-reference; amending s.
 78 | 106.11, F.S.; establishing when a candidate may be
 79 | reimbursed for a loan to his or her campaign account;
 80 | amending s. 106.143, F.S.; authorizing specified
 81 | abbreviations in political advertisements; requiring the
 82 | exclusion of a candidate's political party affiliation in
 83 | political advertisements for a nonpartisan race; amending
 84 | s. 106.29, F.S.; establishing when notice is deemed

85 sufficient for late filed reports of contributions and
 86 expenditures by political parties; amending s. 379.352,
 87 F.S.; conforming a cross-reference; providing effective
 88 dates.

89

90 Be It Enacted by the Legislature of the State of Florida:

91

92 Section 1. Section 97.0115, Florida Statutes, is created
 93 to read:

94 97.0115 Elections procedures and processes; governing
 95 law.—

96 (1) Chapters 97-105 shall govern all procedures and
 97 processes relating to national, state, county, and district
 98 elections within the state, except as otherwise specifically
 99 authorized by federal or state law. The conduct of municipal
 100 elections shall be governed by s. 100.3605.

101 (2) A county or district charter, ordinance, or regulation
 102 may not conflict with the matters set forth in chapters 97-105.

103 Section 2. Effective upon this act becoming a law,
 104 subsections (2) through (43) of section 97.021, Florida
 105 Statutes, are renumbered as subsections (3) through (44),
 106 respectively, present subsection (22) of that section is
 107 amended, and a new subsection (2) is added to that section to
 108 read:

109 97.021 Definitions.—For the purposes of this code, except
 110 where the context clearly indicates otherwise, the term:

111 (2) "Absent uniformed services voter" means:

112 (a) A member of a uniformed service on active duty who, by

113 | reason of such active duty, is absent from the place of
 114 | residence where the member is otherwise qualified to vote;
 115 | (b) A member of the merchant marine who, by reason of
 116 | service in the merchant marine, is absent from the place of
 117 | residence where the member is otherwise qualified to vote; or
 118 | (c) A spouse or dependent of a member referred to in
 119 | paragraph (a) or paragraph (b) who, by reason of the active duty
 120 | or service of the member, is absent from the place of residence
 121 | where the spouse or dependent is otherwise qualified to vote.
 122 | (23)-(22) "Overseas voter" means:
 123 | (a) An absent uniformed services voter who, by reason of
 124 | active duty or service, is absent from the United States on the
 125 | date of the election involved ~~Members of the uniformed services~~
 126 | ~~while in the active service who are permanent residents of the~~
 127 | ~~state and are temporarily residing outside the territorial~~
 128 | ~~limits of the United States and the District of Columbia;~~
 129 | (b) A person who resides outside the United States and is
 130 | qualified to vote in the last place in which the person was
 131 | domiciled before leaving the United States ~~Members of the~~
 132 | ~~Merchant Marine of the United States who are permanent residents~~
 133 | ~~of the state and are temporarily residing outside the~~
 134 | ~~territorial limits of the United States and the District of~~
 135 | ~~Columbia; or and~~
 136 | (c) A person who resides outside the United States and,
 137 | but for such residence, would be qualified to vote in the last
 138 | place in which the person was domiciled before leaving the
 139 | United States ~~Other citizens of the United States who are~~
 140 | ~~permanent residents of the state and are temporarily residing~~

141 ~~outside the territorial limits of the United States and the~~
 142 ~~District of Columbia, who are qualified and registered to vote~~
 143 ~~as provided by law.~~

144 Section 3. Subsection (3) of section 98.0981, Florida
 145 Statutes, is amended to read:

146 98.0981 Reports; voting history; statewide voter
 147 registration system information; precinct-level election
 148 results; book closing statistics.-

149 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.-After the date
 150 of book closing but before the date of an election as defined in
 151 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,
 152 or district office, or to vote on a proposed constitutional
 153 amendment, the department shall compile the following precinct-
 154 level statistical data for each county:

- 155 (a) Precinct numbers.
- 156 (b) Total number of active registered voters by party for
- 157 each precinct.

158 Section 4. Section 101.111, Florida Statutes, is amended
 159 to read:

160 101.111 Voter challenges ~~Person desiring to vote may be~~
 161 ~~challenged; challenger to execute oath; oath of person~~
 162 ~~challenged; determination of challenge.-~~

163 (1) (a) Any registered elector or poll watcher of a county
 164 may challenge the right of a person to vote in that county. The
 165 challenge must be in writing and contain the following oath,
 166 which shall be delivered to the clerk or inspector:

167 OATH OF PERSON ENTERING CHALLENGE

168 State of Florida

HB 1019

2010

169 County of _____
 170 I do solemnly swear or affirm that my name is _____; ~~that I am a~~
 171 ~~member of the _____ Party;~~ that I am a registered voter or
 172 pollwatcher; that my residence address is _____, ~~in the~~
 173 ~~municipality of _____;~~ and that I have reason to believe that
 174 _____ is attempting to vote illegally and the reasons for my
 175 belief are set forth herein to wit:

176 _____
 177 _____
 178 _____

179 ... (Signature of person challenging voter) ...

180 Sworn and subscribed to before me this _____ day of _____,
 181 ... (year)

182 ... (Clerk of election) ...

183 (b) 1. The clerk or inspector shall immediately deliver to
 184 the challenged person a copy of the oath of the person entering
 185 the challenge, and the challenged voter shall be allowed to cast
 186 a provisional ballot in accordance with s. 101.048, except as
 187 provided in subparagraph 2.

188 2. If the basis for the challenge is that the person's
 189 legal residence is not in that precinct, the person shall first
 190 be given the opportunity to execute a change of legal residence
 191 in order to be able to vote a regular ballot in accordance with
 192 s. 101.045(2). If the change of legal residence is such that the
 193 person is then properly registered for that precinct, the person
 194 shall be allowed to vote a regular ballot. If the change of
 195 legal residence places the person in another precinct, the
 196 person shall be directed to the proper precinct to vote. If such

197 person insists that he or she is currently in the proper
 198 precinct, the person shall be allowed to vote a provisional
 199 ballot in accordance with s. 101.048.

200 (c) Alternatively, a challenge in accordance with this
 201 section may be filed in advance with the supervisor of elections
 202 no sooner than 30 days before an election. The supervisor shall
 203 promptly provide the election board in the challenged voter's
 204 precinct with a copy of the oath of the person entering the
 205 challenge. The challenged voter shall be allowed to cast a
 206 provisional ballot in accordance with s. 101.048, subject to the
 207 provisions of subparagraph (b)2.

208 (2) Any elector or poll watcher filing a frivolous
 209 challenge of any person's right to vote commits a felony
 210 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
 211 s. 775.082, ~~or~~ s. 775.083, or s. 775.084; however, electors or
 212 poll watchers shall not be subject to liability for any action
 213 taken in good faith and in furtherance of any activity or duty
 214 permitted of such electors or poll watchers by law. Each
 215 instance where any elector or poll watcher files a frivolous
 216 challenge of any person's right to vote constitutes a separate
 217 offense.

218 Section 5. Effective upon this act becoming a law,
 219 subsections (2) and (5) of section 101.5612, Florida Statutes,
 220 are amended to read:

221 101.5612 Testing of tabulating equipment.—

222 (2) On any day not more than 10 days prior to the
 223 commencement of early voting as provided in s. 101.657, the
 224 supervisor of elections shall have the automatic tabulating

225 | equipment publicly tested to ascertain that the equipment will
 226 | correctly count the votes cast for all offices and on all
 227 | measures. If the ballots to be used at the polling place on
 228 | election day are not available at the time of the testing, the
 229 | supervisor may conduct an additional test not more than 10 days
 230 | before election day. Public notice of the time and place of the
 231 | test shall be given at least 48 hours prior thereto by
 232 | publication on the supervisor of elections' website and once in
 233 | one or more newspapers of general circulation in the county or,
 234 | if there is no newspaper of general circulation in the county,
 235 | by posting the notice in at least four conspicuous places in the
 236 | county. The supervisor or the municipal elections official may,
 237 | at the time of qualifying, give written notice of the time and
 238 | location of the public preelection test to each candidate
 239 | qualifying with that office and obtain a signed receipt that the
 240 | notice has been given. The Department of State shall give
 241 | written notice to each statewide candidate at the time of
 242 | qualifying, or immediately at the end of qualifying, that the
 243 | voting equipment will be tested and advise each candidate to
 244 | contact the county supervisor of elections as to the time and
 245 | location of the public preelection test. The supervisor or the
 246 | municipal elections official shall, at least 15 days prior to
 247 | the commencement of early voting as provided in s. 101.657, send
 248 | written notice by certified mail to the county party chair of
 249 | each political party and to all candidates for other than
 250 | statewide office whose names appear on the ballot in the county
 251 | and who did not receive written notification from the supervisor
 252 | or municipal elections official at the time of qualifying,

253 stating the time and location of the public preelection test of
 254 the automatic tabulating equipment. The canvassing board shall
 255 convene, and each member of the canvassing board shall certify
 256 to the accuracy of the test. For the test, the canvassing board
 257 may designate one member to represent it. The test shall be open
 258 to representatives of the political parties, the press, and the
 259 public. Each political party may designate one person with
 260 expertise in the computer field who shall be allowed in the
 261 central counting room when all tests are being conducted and
 262 when the official votes are being counted. The designee shall
 263 not interfere with the normal operation of the canvassing board.

264 (5) Any tests involving marksense ballots pursuant to this
 265 section shall employ test preprinted ballots created by the
 266 supervisor of elections using actual ballots that have been
 267 printed for the election. ~~If preprinted ballots will be used in~~
 268 ~~the election, and~~ ballot-on-demand ballots will be used in the
 269 election, the supervisor shall also create test ballots using
 270 the, if ballot-on-demand technology that will be used to produce
 271 ballots in the election, using the same paper stock as will be
 272 used for ballots in the election ~~or both.~~

273 Section 6. Effective upon this act becoming a law,
 274 subsections (1), (3), (4), and (5) of section 101.62, Florida
 275 Statutes, are amended to read:

276 101.62 Request for absentee ballots.—

277 (1) (a) The supervisor shall ~~may~~ accept a request for an
 278 absentee ballot from an elector in person or in writing. ~~Except~~
 279 ~~as provided in s. 101.694,~~ One request shall be deemed
 280 sufficient to receive an absentee ballot for all elections

281 through the next ~~two~~ regularly scheduled general election
 282 ~~elections~~, unless the elector or the elector's designee
 283 indicates at the time the request is made the elections for
 284 which the elector desires to receive an absentee ballot. Such
 285 request may be considered canceled when any first-class mail
 286 sent by the supervisor to the elector is returned as
 287 undeliverable.

288 (b) The supervisor shall ~~may~~ accept a ~~written or~~
 289 ~~telephonic~~ request for an absentee ballot from the elector, or,
 290 if directly instructed by the elector, a member of the elector's
 291 immediate family, or the elector's legal guardian. For purposes
 292 of this section, the term "immediate family" has the same
 293 meaning as specified in paragraph (4) (b). The person making the
 294 request must disclose:

- 295 1. The name of the elector for whom the ballot is
- 296 requested. †
- 297 2. The elector's address. †
- 298 3. The elector's date of birth. †
- 299 4. The requester's name. †
- 300 5. The requester's address. †
- 301 ~~6. The requester's driver's license number, if available;~~
- 302 6.7. The requester's relationship to the elector. † ~~and~~
- 303 ~~8. The requester's signature (written requests only).~~

304 (c) Upon receiving a request for an absentee ballot, the
 305 supervisor of elections shall notify the voter of the free
 306 access system that has been designated by the department for
 307 determining the status of his or her absentee ballot.

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

309 supervisor shall record the date the request was made, the date
 310 the absentee ballot was delivered to the voter or the voter's
 311 designee or the date the absentee ballot was delivered to the
 312 post office or other carrier, the date the ballot was received
 313 by the supervisor, and such other information he or she may deem
 314 necessary. This information shall be provided in electronic
 315 format as provided by rule adopted by the division. The
 316 information shall be updated and made available no later than
 317 noon of each day beginning the date the first absentee ballots
 318 are mailed for the election and shall be contemporaneously
 319 provided to the division. This information shall be confidential
 320 and exempt from the provisions of s. 119.07(1) and shall be made
 321 available to or reproduced only for the voter requesting the
 322 ballot, a canvassing board, an election official, a political
 323 party or official thereof, a candidate who has filed
 324 qualification papers and is opposed in an upcoming election, and
 325 registered political committees or registered committees of
 326 continuous existence, for political purposes only.

327 (4) (a) No later than 45 days before each election, the
 328 supervisor of elections shall send an absentee ballot to each
 329 absent uniformed services voter and to each overseas voter as
 330 provided in subparagraph (b)3. ~~To each absent qualified elector~~
 331 ~~overseas who has requested an absentee ballot, the supervisor of~~
 332 ~~elections shall mail an absentee ballot not less than 35 days~~
 333 ~~before the primary election and not less than 45 days before the~~
 334 ~~general election.~~

335 (b) The supervisor shall provide an absentee ballot to
 336 each elector by whom a request for that ballot has been made by

337 one of the following means:

338 1. By nonforwardable, return-if-undeliverable mail to the
 339 elector's current mailing address on file with the supervisor, ~~7~~
 340 unless the elector specifies in the request that:

341 2. By nonforwardable, return-if-undeliverable mail to any
 342 address requested by an elector if the request specifies that:

343 a. The elector is absent from the county and does not plan
 344 to return before the day of the election;

345 b. The elector is temporarily unable to occupy the
 346 residence because of hurricane, tornado, flood, fire, or other
 347 emergency or natural disaster; or

348 c. The elector is in a hospital, assisted living facility,
 349 nursing home, short-term medical or rehabilitation facility, or
 350 correctional facility ~~7~~

351
 352 ~~in which case the supervisor shall mail the ballot by~~
 353 ~~nonforwardable, return-if-undeliverable mail to any other~~
 354 ~~address the elector specifies in the request.~~

355 3.2. By forwardable mail, e-mail, or facsimile machine
 356 transmission to absent uniformed services voters and overseas
 357 voters who are entitled to vote by absentee ballot under the
 358 Uniformed and Overseas Citizens Absentee Voting Act. The absent
 359 uniformed services voter or overseas voter may designate in the
 360 request the preferred method of transmission. If the voter does
 361 not designate the method of transmission, the ballot shall be
 362 mailed.

363 4.3. By personal delivery before 7 p.m. on election day to
 364 the elector, upon presentation of the identification required in

365 s. 101.043.

366 5.4. By delivery to a designee on election day or up to 5
 367 days prior to the day of an election. Any elector may designate
 368 in writing a person to pick up the ballot for the elector;
 369 however, the person designated may not pick up more than two
 370 absentee ballots per election, other than the designee's own
 371 ballot, except that additional ballots may be picked up for
 372 members of the designee's immediate family. For purposes of this
 373 section, "immediate family" means the designee's spouse or the
 374 parent, child, grandparent, or sibling of the designee or of the
 375 designee's spouse. The designee shall provide to the supervisor
 376 the written authorization by the elector and a picture
 377 identification of the designee and must complete an affidavit.
 378 The designee shall state in the affidavit that the designee is
 379 authorized by the elector to pick up that ballot and shall
 380 indicate if the elector is a member of the designee's immediate
 381 family and, if so, the relationship. The department shall
 382 prescribe the form of the affidavit. If the supervisor is
 383 satisfied that the designee is authorized to pick up the ballot
 384 and that the signature of the elector on the written
 385 authorization matches the signature of the elector on file, the
 386 supervisor shall give the ballot to that designee for delivery
 387 to the elector.

388 (5) In the event that the department ~~Elections Canvassing~~
 389 ~~Commission~~ is unable to certify candidates for ~~the results of~~ an
 390 election ~~for a state office~~ in time for the supervisors to
 391 comply with paragraph (4) (a) ~~subsection (4)~~, the Department of
 392 State is authorized to prescribe rules for a ballot to be sent

HB 1019

2010

393 | to absent uniformed services voters and ~~electors~~ overseas
 394 | voters.

395 | Section 7. Effective upon this act becoming a law,
 396 | subsection (1) of section 101.694, Florida Statutes, is amended
 397 | to read:

398 | 101.694 Mailing of ballots upon receipt of federal
 399 | postcard application.-

400 | (1) Upon receipt of a federal postcard application for an
 401 | absentee ballot executed by a person whose registration is in
 402 | order or whose application is sufficient to register or update
 403 | the registration of that person, the supervisor shall send the
 404 | ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
 405 | ~~ballot, if the ballots are available for mailing. The federal~~
 406 | ~~postcard application request for an absentee ballot shall be~~
 407 | ~~effective for all elections through the next two regularly~~
 408 | ~~scheduled general elections.~~

409 | Section 8. Effective upon this act becoming a law,
 410 | subsection (2) of section 101.71, Florida Statutes, is amended
 411 | to read:

412 | 101.71 Polling place.-

413 | (2) Notwithstanding the provisions of subsection (1),
 414 | whenever the supervisor of elections of any county determines
 415 | that the accommodations for holding any election at a polling
 416 | place designated for any precinct in the county are unavailable,
 417 | are inadequate for the expeditious and efficient housing and
 418 | handling of voting and voting paraphernalia, or do not comply
 419 | with the requirements of s. 101.715, the supervisor shall, not
 420 | less than 30 days prior to the holding of an election, provide

421 for the voting place for such precinct to be moved to another
 422 site that is accessible to the public on election day in said
 423 precinct or, if such is not available, to another site that is
 424 accessible to the public on election day in a contiguous
 425 precinct. If such action of the supervisor results in the voting
 426 place for two or more precincts being located for the purposes
 427 of an election in one building, the supervisor of elections
 428 shall ensure that adequate supplies, equipment, and personnel
 429 are available to accommodate the voters for the precincts that
 430 are collocated ~~voting places for the several precincts involved~~
 431 ~~shall be established and maintained separate from each other in~~
 432 ~~said building.~~ When any supervisor moves any polling place
 433 pursuant to this subsection, the supervisor shall, not more than
 434 30 days or fewer than 7 days prior to the holding of an
 435 election, give notice of the change of the polling place for the
 436 precinct involved, with clear description of the voting place to
 437 which changed, at least once in a newspaper of general
 438 circulation in the said county and on the supervisor of
 439 elections' website. A notice of the change of the polling place
 440 involved shall be mailed, at least 14 days prior to an election,
 441 to each registered elector or to each household in which there
 442 is a registered elector.

443 Section 9. Effective upon this act becoming a law,
 444 subsection (1) of section 102.012, Florida Statutes, is amended
 445 to read:

446 102.012 Inspectors and clerks to conduct elections.—
 447 (1) (a) The supervisor of elections of each county, at
 448 least 20 days prior to the holding of any election, shall

HB 1019

2010

449 appoint an election board comprised of poll workers who serve as
 450 clerks or inspectors for each precinct in the county. The clerk
 451 shall be in charge of, and responsible for, seeing that the
 452 election board carries out its duties and responsibilities. Each
 453 inspector and each clerk shall take and subscribe to an oath or
 454 affirmation, which shall be written or printed, to the effect
 455 that he or she will perform the duties of inspector or clerk of
 456 election, respectively, according to law and will endeavor to
 457 prevent all fraud, deceit, or abuse in conducting the election.
 458 The oath may be taken before an officer authorized to administer
 459 oaths or before any of the persons who are to act as inspectors,
 460 one of them to swear the others, and one of the others sworn
 461 thus, in turn, to administer the oath to the one who has not
 462 been sworn. The oaths shall be returned with the poll list and
 463 the returns of the election to the supervisor. In all questions
 464 that may arise before the members of an election board, the
 465 decision of a majority of them shall decide the question. The
 466 supervisor of elections of each county shall be responsible for
 467 the attendance and diligent performance of his or her duties by
 468 each clerk and inspector.

469 (b) If two or more precincts share the same building and
 470 voting place, the supervisor of elections may appoint one
 471 election board for the collocated precincts. The supervisor
 472 shall ensure that a sufficient number of poll workers are
 473 appointed to adequately handle the processing of the voters in
 474 the collocated precincts.

475 Section 10. Effective upon this act becoming a law,
 476 section 102.111, Florida Statutes, is amended to read:

477 102.111 Elections Canvassing Commission.—

478 (1) The Elections Canvassing Commission shall consist of
 479 the Governor and two members of the Cabinet selected by the
 480 Governor, all of whom shall serve ex officio. If a member of the
 481 ~~Elections Canvassing~~ commission is unable to serve for any
 482 reason, the Governor shall appoint a remaining member of the
 483 Cabinet. If there is a further vacancy, the remaining members of
 484 the commission shall agree on another elected official to fill
 485 the vacancy.

486 (2) The Elections Canvassing Commission shall meet at 9
 487 a.m. on the 9th day after a primary election and at 9 a.m. on
 488 the 14th day after a general election to, ~~as soon as the~~
 489 ~~official results are compiled from all counties,~~ certify the
 490 returns of the election ~~and determine and declare who has been~~
 491 ~~elected~~ for each federal, state, and multicounty office. If a
 492 member of a county canvassing board that was constituted
 493 pursuant to s. 102.141 determines, within 5 days after the
 494 certification by the Elections Canvassing Commission, that a
 495 typographical error occurred in the official returns of the
 496 county, the correction of which could result in a change in the
 497 outcome of an election, the county canvassing board must certify
 498 corrected returns to the Department of State within 24 hours,
 499 and the Elections Canvassing Commission must correct and
 500 recertify the election returns as soon as practicable.

501 (3) ~~(2)~~ The Division of Elections shall provide the staff
 502 services required by the Elections Canvassing Commission.

503 Section 11. Effective upon this act becoming a law,
 504 subsection (2) of section 102.112, Florida Statutes, is amended
 505 to read:

506 102.112 Deadline for submission of county returns to the
 507 Department of State.—

508 (2) Returns must be filed by 5 p.m. on the 7th day
 509 following a primary election and by noon on the 12th day
 510 following the general election. However, the Department of State
 511 may correct typographical errors, including the transposition of
 512 numbers, in any returns submitted to the Department of State
 513 pursuant to s. 102.111(2) ~~s. 102.111(1)~~.

514 Section 12. Effective upon this act becoming a law,
 515 subsections (2) and (7) of section 102.141, Florida Statutes,
 516 are amended to read:

517 102.141 County canvassing board; duties.—

518 (2) The county canvassing board shall meet in a building
 519 accessible to the public in the county where the election
 520 occurred at a time and place to be designated by the supervisor
 521 of elections to publicly canvass the absentee electors' ballots
 522 as provided for in s. 101.68 and provisional ballots as provided
 523 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
 524 pursuant to s. 101.049 shall be canvassed in a manner that votes
 525 for candidates and issues on those ballots can be segregated
 526 from other votes. Public notice of the time and place at which
 527 the county canvassing board shall meet to canvass the absentee
 528 electors' ballots and provisional ballots shall be given at
 529 least 48 hours prior thereto by publication on the supervisor of
 530 elections' website and once in one or more newspapers of general

531 | circulation in the county or, if there is no newspaper of
 532 | general circulation in the county, by posting such notice in at
 533 | least four conspicuous places in the county. As soon as the
 534 | absentee electors' ballots and the provisional ballots are
 535 | canvassed, the board shall proceed to publicly canvass the vote
 536 | given each candidate, nominee, constitutional amendment, or
 537 | other measure submitted to the electorate of the county, as
 538 | shown by the returns then on file in the office of the
 539 | supervisor of elections ~~and the office of the county court~~
 540 | ~~judge.~~

541 | (7) If the unofficial returns reflect that a candidate for
 542 | any office was defeated or eliminated by one-half of a percent
 543 | or less of the votes cast for such office, that a candidate for
 544 | retention to a judicial office was retained or not retained by
 545 | one-half of a percent or less of the votes cast on the question
 546 | of retention, or that a measure appearing on the ballot was
 547 | approved or rejected by one-half of a percent or less of the
 548 | votes cast on such measure, ~~the board responsible for certifying~~
 549 | ~~the results of the vote on such race or measure shall order a~~
 550 | recount shall be ordered of the votes cast with respect to such
 551 | office or measure. The Secretary of State Elections Canvassing
 552 | Commission is ~~the board~~ responsible for ordering recounts in
 553 | federal, state, and multicounty races ~~recounts~~. The county
 554 | canvassing board or the local board responsible for certifying
 555 | the election is responsible for ordering recounts in all other
 556 | races. A recount need not be ordered with respect to the returns
 557 | for any office, however, if the candidate or candidates defeated
 558 | or eliminated from contention for such office by one-half of a

559 | percent or less of the votes cast for such office request in
 560 | writing that a recount not be made.

561 | (a) Each canvassing board responsible for conducting a
 562 | recount shall put each marksense ballot through automatic
 563 | tabulating equipment and determine whether the returns correctly
 564 | reflect the votes cast. If any marksense ballot is physically
 565 | damaged so that it cannot be properly counted by the automatic
 566 | tabulating equipment during the recount, a true duplicate shall
 567 | be made of the damaged ballot pursuant to the procedures in s.
 568 | 101.5614(5). Immediately before the start of the recount, a test
 569 | of the tabulating equipment shall be conducted as provided in s.
 570 | 101.5612. If the test indicates no error, the recount tabulation
 571 | of the ballots cast shall be presumed correct and such votes
 572 | shall be canvassed accordingly. If an error is detected, the
 573 | cause therefor shall be ascertained and corrected and the
 574 | recount repeated, as necessary. The canvassing board shall
 575 | immediately report the error, along with the cause of the error
 576 | and the corrective measures being taken, to the Department of
 577 | State. No later than 11 days after the election, the canvassing
 578 | board shall file a separate incident report with the Department
 579 | of State, detailing the resolution of the matter and identifying
 580 | any measures that will avoid a future recurrence of the error.

581 | (b) Each canvassing board responsible for conducting a
 582 | recount where touchscreen ballots were used shall examine the
 583 | counters on the precinct tabulators to ensure that the total of
 584 | the returns on the precinct tabulators equals the overall
 585 | election return. If there is a discrepancy between the overall
 586 | election return and the counters of the precinct tabulators, the

587 counters of the precinct tabulators shall be presumed correct
 588 and such votes shall be canvassed accordingly.

589 (c) The canvassing board shall submit on forms or in
 590 formats provided by the division a second set of unofficial
 591 returns to the Department of State for each federal, statewide,
 592 state, or multicounty office or ballot measure. The returns
 593 shall be filed no later than 3 p.m. on the 5th ~~5th~~ day after
 594 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
 595 day after any general election in which a recount was ordered by
 596 the Secretary of State ~~conducted pursuant to this subsection~~. If
 597 the canvassing board is unable to complete the recount
 598 prescribed in this subsection by the deadline, the second set of
 599 unofficial returns submitted by the canvassing board shall be
 600 identical to the initial unofficial returns and the submission
 601 shall also include a detailed explanation of why it was unable
 602 to timely complete the recount. However, the canvassing board
 603 shall complete the recount prescribed in this subsection, along
 604 with any manual recount prescribed in s. 102.166, and certify
 605 election returns in accordance with the requirements of this
 606 chapter.

607 (d) The Department of State shall adopt detailed rules
 608 prescribing additional recount procedures for each certified
 609 voting system, which shall be uniform to the extent practicable.

610 Section 13. Effective upon this act becoming a law,
 611 subsection (1) of section 102.166, Florida Statutes, is amended
 612 to read:

613 102.166 Manual recounts of overvotes and undervotes.—

614 (1) If the second set of unofficial returns pursuant to s.

615 102.141 indicates that a candidate for any office was defeated
 616 or eliminated by one-quarter of a percent or less of the votes
 617 cast for such office, that a candidate for retention to a
 618 judicial office was retained or not retained by one-quarter of a
 619 percent or less of the votes cast on the question of retention,
 620 or that a measure appearing on the ballot was approved or
 621 rejected by one-quarter of a percent or less of the votes cast
 622 on such measure, ~~the board responsible for certifying the~~
 623 ~~results of the vote on such race or measure shall order~~ a manual
 624 recount of the overvotes and undervotes cast in the entire
 625 geographic jurisdiction of such office or ballot measure shall
 626 be ordered unless: ~~A manual recount may not be ordered,~~
 627 ~~however, if~~

628 (a) The candidate or candidates defeated or eliminated
 629 from contention by one-quarter of 1 percent or less of the votes
 630 cast for such office request in writing that a recount not be
 631 made; or

632 (b) The number of overvotes and, undervotes, and
 633 ~~provisional ballots~~ is fewer than the number of votes needed to
 634 change the outcome of the election.

635
 636 The Secretary of State is responsible for ordering a manual
 637 recount for federal, state, and multicounty races. The county
 638 canvassing board or local board responsible for certifying the
 639 election is responsible for ordering a manual recount for all
 640 other races.

641 Section 14. Subsections (4) and (7) of section 106.03,
 642 Florida Statutes, are amended to read:

643 106.03 Registration of political committees.-

644 (4) Any change in information previously submitted ~~in a~~
 645 ~~statement of organization shall be reported~~ to the agency or
 646 officer with whom the political ~~such~~ committee is registered
 647 shall be reported ~~required to register pursuant to subsection~~
 648 ~~(3)~~, within 10 days after ~~following~~ the change.

649 (7) The Division of Elections shall adopt ~~promulgate~~ rules
 650 to prescribe the manner in which ~~inactive~~ committees that fail
 651 to file a report or information required pursuant to this
 652 chapter or that fail to meet the criteria prescribed in s.
 653 106.011 may be dissolved and have their registration canceled.
 654 Such rules shall, at a minimum, provide for:

655 (a) Notice which shall contain the facts and conduct which
 656 warrant the intended action, including but not limited to
 657 failure to file reports and limited activity.

658 (b) Adequate opportunity to respond.

659 (c) Appeal of the decision to the Florida Elections
 660 Commission. Such appeals shall be exempt from the
 661 confidentiality provisions of s. 106.25.

662 Section 15. Subsection (4) of section 106.04, Florida
 663 Statutes, is amended, present subsections (7) and (8) of that
 664 section are amended and renumbered as subsections (8) and (9),
 665 respectively, and a new subsection (7) is added to that section,
 666 to read:

667 106.04 Committees of continuous existence.-

668 (4)(a) Each committee of continuous existence shall file
 669 an annual report with the Division of Elections during the month
 670 of January. Such annual reports shall contain the same

671 information and shall be accompanied by the same materials as
 672 original applications filed pursuant to subsection (2). However,
 673 the charter or bylaws need not be filed if the annual report is
 674 accompanied by a sworn statement by the chair that no changes
 675 have been made to such charter or bylaws since the last filing.

676 (b)1. Each committee of continuous existence shall file
 677 regular reports with the Division of Elections pursuant to s.
 678 106.0705 at the same times and subject to the same filing
 679 conditions as are established by s. 106.07(1) and (2) for
 680 candidates' reports. In addition, when a special election is
 681 called to fill a vacancy in office, all committees of continuous
 682 existence making contributions or expenditures to influence the
 683 results of the special election or the preceding special primary
 684 election must file campaign treasurers' reports with the filing
 685 officer on the dates set by the Department of State pursuant to
 686 s. 100.111.

687 2. A committee of continuous existence that makes a
 688 contribution or an expenditure in connection with a county or
 689 municipal election that is not being held at the same time as a
 690 state or federal election must also file campaign finance
 691 reports with the county or municipal filing officer on the same
 692 dates as county or municipal candidates or committees for that
 693 election. The committee of continuous existence must include the
 694 contribution or expenditure in the next report filed with the
 695 Division of Elections pursuant to this section after the county
 696 or municipal election.

697 3.2- Any committee of continuous existence failing to so
 698 file a report with the Division of Elections or applicable

699 filing officer pursuant to this paragraph on the designated due
 700 date shall be subject to a fine for late filing as provided by
 701 this section.

702 (c) ~~All committees of continuous existence shall file~~
 703 ~~their reports with the Division of Elections. Reports~~ filed
 704 pursuant to paragraph (b) must ~~shall be filed in accordance with~~
 705 ~~s. 106.0705 and shall~~ contain the following information:

706 1. The full name, address, and occupation of each person
 707 who has made one or more contributions, including contributions
 708 that represent the payment of membership dues, to the committee
 709 during the reporting period, together with the amounts and dates
 710 of such contributions. For corporations, the report must provide
 711 as clear a description as practicable of the principal type of
 712 business conducted by the corporation. However, if the
 713 contribution is \$100 or less, the occupation of the contributor
 714 or principal type of business need not be listed. However, for
 715 any contributions that represent the payment of dues by members
 716 in a fixed amount aggregating no more than \$250 per calendar
 717 year, pursuant to the schedule on file with the Division of
 718 Elections, only the aggregate amount of such contributions need
 719 be listed, together with the number of members paying such dues
 720 and the amount of the membership dues.

721 2. The name and address of each political committee or
 722 committee of continuous existence from which the reporting
 723 committee received, or the name and address of each political
 724 committee, committee of continuous existence, or political party
 725 to which it made, any transfer of funds, together with the
 726 amounts and dates of all transfers.

727 3. Any other receipt of funds not listed pursuant to
 728 subparagraph 1. or subparagraph 2., including the sources and
 729 amounts of all such funds.

730 4. The name and address of, and office sought by, each
 731 candidate to whom the committee has made a contribution during
 732 the reporting period, together with the amount and date of each
 733 contribution.

734 5. The full name and address of each person to whom
 735 expenditures have been made by or on behalf of the committee
 736 within the reporting period; the amount, date, and purpose of
 737 each such expenditure; and the name and address, and office
 738 sought by, each candidate on whose behalf such expenditure was
 739 made.

740 6. The full name and address of each person to whom an
 741 expenditure for personal services, salary, or reimbursement for
 742 authorized expenses has been made, including the full name and
 743 address of each entity to whom the person made payment for which
 744 reimbursement was made by check drawn upon the committee
 745 account, together with the amount and purpose of such payment.

746 7. Transaction information from each credit card purchase
 747 ~~statement that will be included in the next report following~~
 748 ~~receipt thereof by the committee.~~ Receipts for each credit card
 749 purchase shall be retained by the treasurer with the records for
 750 the committee account.

751 8. The total sum of expenditures made by the committee
 752 during the reporting period.

753 (d) The treasurer of each committee shall certify as to
 754 the correctness of each report and shall bear the responsibility

755 for its accuracy and veracity. Any treasurer who willfully
 756 certifies to the correctness of a report while knowing that such
 757 report is incorrect, false, or incomplete commits a misdemeanor
 758 of the first degree, punishable as provided in s. 775.082 or s.
 759 775.083.

760 (7) Any change in information previously submitted to the
 761 division must be reported within 10 days after the change.

762 (8)~~(7)~~ If a committee of continuous existence ceases to
 763 meet the criteria prescribed by subsection (1) or fails to file
 764 a report or information required pursuant to this chapter, the
 765 Division of Elections shall revoke its certification ~~until such~~
 766 ~~time as the criteria are again met.~~ The Division of Elections
 767 shall adopt ~~promulgate~~ rules to prescribe the manner in which
 768 the such certification of a committee of continuous existence
 769 shall be revoked. Such rules shall, at a minimum, provide for:

770 (a) Notice, which must ~~shall~~ contain the facts and conduct
 771 that warrant the intended action.

772 (b) Adequate opportunity to respond.

773 (c) Appeal of the decision to the Florida Elections
 774 Commission. Such appeals are ~~shall be~~ exempt from the
 775 confidentiality provisions of s. 106.25.

776 (9)~~(8)~~(a) Any committee of continuous existence failing to
 777 file a report on the designated due date is ~~shall be~~ subject to
 778 a fine. The fine shall be \$50 per day for the first 3 days late
 779 and, thereafter, \$500 per day for each late day, not to exceed
 780 25 percent of the total receipts or expenditures, whichever is
 781 greater, for the period covered by the late report. However, for
 782 the reports immediately preceding each primary and general

783 election, including a special primary election and a special
 784 general election, the fine shall be \$500 per day for each late
 785 day, not to exceed 25 percent of the total receipts or
 786 expenditures, whichever is greater, for the period covered by
 787 the late report. The fine shall be assessed by the filing
 788 officer, and the moneys collected shall be deposited:

789 1. In the General Revenue Fund, in the case of fines
 790 collected by the Division of Elections.

791 2. In the general revenue fund of the political
 792 subdivision, in the case of fines collected by a county or
 793 municipal filing officer ~~No separate fine shall be assessed for~~
 794 ~~failure to file a copy of any report required by this section.~~

795 (b) Upon determining that a report is late, the filing
 796 officer shall immediately notify the treasurer of the committee
 797 or the committee's registered agent as to the failure to file a
 798 report by the designated due date and that a fine is being
 799 assessed for each late day. Upon receipt of the report, the
 800 filing officer shall determine the amount of fine which is due
 801 and shall notify the treasurer of the committee. Notice is
 802 deemed sufficient upon proof of delivery of written notice to
 803 the mailing or street address on record with the filing officer.

804 The filing officer shall determine the amount of the fine due
 805 based upon the earliest of the following:

- 806 1. When the report is actually received by such officer.
- 807 2. When the report is postmarked.
- 808 3. When the certificate of mailing is dated.
- 809 4. When the receipt from an established courier company is
- 810 dated.

811
 812 Such fine shall be paid to the filing officer within 20 days
 813 after receipt of the notice of payment due, unless appeal is
 814 made to the Florida Elections Commission pursuant to paragraph
 815 (c). An officer or member of a committee is ~~shall~~ not be
 816 personally liable for such fine.

817 (c) Any treasurer of a committee may appeal or dispute the
 818 fine, based upon unusual circumstances surrounding the failure
 819 to file on the designated due date, and may request and is ~~shall~~
 820 be entitled to a hearing before the Florida Elections
 821 Commission, which may ~~shall~~ have the authority to waive the fine
 822 in whole or in part. Any such request must ~~shall~~ be made within
 823 20 days after receipt of the notice of payment due. ~~In such~~
 824 ~~case, the treasurer of~~ The committee shall file a copy of the
 825 appeal with, ~~within the 20-day period,~~ notify the filing officer
 826 ~~in writing of his or her intention to bring the matter before~~
 827 ~~the commission.~~

828 (d) The filing officer shall notify the Florida Elections
 829 Commission of the repeated late filing by a committee of
 830 continuous existence, the failure of a committee of continuous
 831 existence to file a report after notice, or the failure to pay
 832 the fine imposed.

833 Section 16. Paragraph (b) of subsection (2), subsections
 834 (3) and (4), and paragraph (b) of subsection (8) of section
 835 106.07, Florida Statutes, are amended to read:

836 106.07 Reports; certification and filing.—

837 (2)

838 (b)1. Any report which is deemed to be incomplete by the

839 officer with whom the candidate qualifies shall be accepted on a
 840 conditional basis. ~~and~~ The campaign treasurer shall be notified
 841 by certified registered mail, or other common carrier that can
 842 establish proof of delivery for the notice, as to why the report
 843 is incomplete. and Within 7 ~~be given 3~~ days after ~~from~~ receipt
 844 of such notice, the campaign treasurer must ~~to~~ file an addendum
 845 to the report providing all information necessary to complete
 846 the report in compliance with this section. Failure to file a
 847 complete report after such notice constitutes a violation of
 848 this chapter.

849 2. Notice is deemed sufficient upon proof of delivery of
 850 written notice to the mailing or street address of the campaign
 851 treasurer or registered agent on record with the filing officer.
 852 ~~In lieu of the notice by registered mail as required in~~
 853 ~~subparagraph 1., the qualifying officer may notify the campaign~~
 854 ~~treasurer by telephone that the report is incomplete and request~~
 855 ~~the information necessary to complete the report. If, however,~~
 856 ~~such information is not received by the qualifying officer~~
 857 ~~within 3 days after the telephone request therefor, notice shall~~
 858 ~~be sent by registered mail as provided in subparagraph 1.~~

859 (3) (a) Reports required of a political committee shall be
 860 filed with the agency or officer before whom such committee
 861 registers pursuant to s. 106.03(3) and shall be subject to the
 862 same filing conditions as established for candidates' reports.
 863 Incomplete reports by political committees shall be treated in
 864 the manner provided for incomplete reports by candidates in
 865 subsection (2).

866 (b) In addition to the reports required by paragraph (a),
 867 a political committee that is registered with the Department of
 868 State and that makes a contribution or expenditure in connection
 869 with a county or municipal election that is not being held at
 870 the same time as a state or federal election must file campaign
 871 finance reports with the county or municipal filing officer on
 872 the same dates as county or municipal candidates or committees
 873 for that election. The political committee must also include the
 874 contribution or expenditure in the next report filed with the
 875 Division of Elections pursuant to this section following the
 876 county or municipal election.

877 (4) (a) Each report required by this section must ~~shall~~
 878 contain:

879 1. The full name, address, and occupation, if any of each
 880 person who has made one or more contributions to or for such
 881 committee or candidate within the reporting period, together
 882 with the amount and date of such contributions. For
 883 corporations, the report must provide as clear a description as
 884 practicable of the principal type of business conducted by the
 885 corporation. However, if the contribution is \$100 or less or is
 886 from a relative, as defined in s. 112.312, provided that the
 887 relationship is reported, the occupation of the contributor or
 888 the principal type of business need not be listed.

889 2. The name and address of each political committee from
 890 which the reporting committee or the candidate received, or to
 891 which the reporting committee or candidate made, any transfer of
 892 funds, together with the amounts and dates of all transfers.

893 3. Each loan for campaign purposes to or from any person

894 or political committee within the reporting period, together
 895 with the full names, addresses, and occupations, and principal
 896 places of business, if any, of the lender and endorsers, if any,
 897 and the date and amount of such loans.

898 4. A statement of each contribution, rebate, refund, or
 899 other receipt not otherwise listed under subparagraphs 1.
 900 through 3.

901 5. The total sums of all loans, in-kind contributions, and
 902 other receipts by or for such committee or candidate during the
 903 reporting period. The reporting forms shall be designed to
 904 elicit separate totals for in-kind contributions, loans, and
 905 other receipts.

906 6. The full name and address of each person to whom
 907 expenditures have been made by or on behalf of the committee or
 908 candidate within the reporting period; the amount, date, and
 909 purpose of each such expenditure; and the name and address of,
 910 and office sought by, each candidate on whose behalf such
 911 expenditure was made. However, expenditures made from the petty
 912 cash fund provided by s. 106.12 need not be reported
 913 individually.

914 7. The full name and address of each person to whom an
 915 expenditure for personal services, salary, or reimbursement for
 916 authorized expenses as provided in s. 106.021(3) has been made
 917 and which is not otherwise reported, including the amount, date,
 918 and purpose of such expenditure. However, expenditures made from
 919 the petty cash fund provided for in s. 106.12 need not be
 920 reported individually.

921 8. The total amount withdrawn and the total amount spent

922 for petty cash purposes pursuant to this chapter during the
 923 reporting period.

924 9. The total sum of expenditures made by such committee or
 925 candidate during the reporting period.

926 10. The amount and nature of debts and obligations owed by
 927 or to the committee or candidate, which relate to the conduct of
 928 any political campaign.

929 11. Transaction information for each credit card purchase.
 930 ~~A copy of each credit card statement which shall be included in~~
 931 ~~the next report following receipt thereof by the candidate or~~
 932 ~~political committee.~~ Receipts for each credit card purchase
 933 shall be retained by the treasurer with the records for the
 934 campaign account.

935 12. The amount and nature of any separate interest-bearing
 936 accounts or certificates of deposit and identification of the
 937 financial institution in which such accounts or certificates of
 938 deposit are located.

939 13. The primary purposes of an expenditure made indirectly
 940 through a campaign treasurer pursuant to s. 106.021(3) for goods
 941 and services such as communications media placement or
 942 procurement services, campaign signs, insurance, and other
 943 expenditures that include multiple components as part of the
 944 expenditure. The primary purpose of an expenditure shall be that
 945 purpose, including integral and directly related components,
 946 that comprises 80 percent of such expenditure.

947 (b) The filing officer shall make available to any
 948 candidate or committee a reporting form which the candidate or
 949 committee may use to indicate contributions received by the

950 candidate or committee but returned to the contributor before
 951 deposit.

952 (8)

953 (b) Upon determining that a report is late, the filing
 954 officer shall immediately notify the candidate or chair of the
 955 political committee as to the failure to file a report by the
 956 designated due date and that a fine is being assessed for each
 957 late day. The fine shall be \$50 per day for the first 3 days
 958 late and, thereafter, \$500 per day for each late day, not to
 959 exceed 25 percent of the total receipts or expenditures,
 960 whichever is greater, for the period covered by the late report.
 961 However, for the reports immediately preceding each primary and
 962 general election, the fine shall be \$500 per day for each late
 963 day, not to exceed 25 percent of the total receipts or
 964 expenditures, whichever is greater, for the period covered by
 965 the late report. For reports required under s. 106.141(7), the
 966 fine is \$50 per day for each late day, not to exceed 25 percent
 967 of the total receipts or expenditures, whichever is greater, for
 968 the period covered by the late report. Upon receipt of the
 969 report, the filing officer shall determine the amount of the
 970 fine which is due and shall notify the candidate or chair or
 971 registered agent of the political committee. The filing officer
 972 shall determine the amount of the fine due based upon the
 973 earliest of the following:

- 974 1. When the report is actually received by such officer.
- 975 2. When the report is postmarked.
- 976 3. When the certificate of mailing is dated.
- 977 4. When the receipt from an established courier company is

HB 1019

2010

978 | dated.

979 | 5. When the electronic receipt issued pursuant to s.
980 | 106.0705 or other electronic filing system authorized in this
981 | section is dated.

982 |

983 | Such fine shall be paid to the filing officer within 20 days
984 | after receipt of the notice of payment due, unless appeal is
985 | made to the Florida Elections Commission pursuant to paragraph
986 | (c). Notice is deemed sufficient upon proof of delivery of
987 | written notice to the mailing or street address on record with
988 | the filing officer. In the case of a candidate, such fine shall
989 | not be an allowable campaign expenditure and shall be paid only
990 | from personal funds of the candidate. An officer or member of a
991 | political committee shall not be personally liable for such
992 | fine.

993 | Section 17. Subsection (3) of section 106.0705, Florida
994 | Statutes, is amended to read:

995 | 106.0705 Electronic filing of campaign treasurer's
996 | reports.—

997 | (3) Reports filed pursuant to this section shall be
998 | completed and filed through the electronic filing system not
999 | later than midnight of the day designated. Reports not filed by
1000 | midnight of the day designated are late filed and are subject to
1001 | the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), or
1002 | s. 106.29(3), as applicable.

1003 | Section 18. Subsection (6) is added to section 106.11,
1004 | Florida Statutes, to read:

1005 | 106.11 Expenses of and expenditures by candidates and

HB 1019

2010

1006 political committees.—Each candidate and each political
 1007 committee which designates a primary campaign depository
 1008 pursuant to s. 106.021(1) shall make expenditures from funds on
 1009 deposit in such primary campaign depository only in the
 1010 following manner, with the exception of expenditures made from
 1011 petty cash funds provided by s. 106.12:

1012 (6) A candidate who made a loan to his or her campaign and
 1013 reported the loan as required by s. 106.07 may be reimbursed for
 1014 the loan at any time the campaign account has sufficient funds
 1015 to repay the loan and satisfy its other obligations.

1016 Section 19. Subsections (1) and (2) of section 106.143,
 1017 Florida Statutes, are amended to read:

1018 106.143 Political advertisements circulated prior to
 1019 election; requirements.—

1020 (1)(a) Any political advertisement that is paid for by a
 1021 candidate and that is published, displayed, or circulated prior
 1022 to, or on the day of, any election must prominently state:

1023 "Political advertisement paid for and approved by ... (name of
 1024 candidate)...., ... (party affiliation)...., for ... (office
 1025 sought)...." or "Pol. adv. pd. for and approved by ... (name of
 1026 candidate)...., ... (party affiliation)...., for ... (office
 1027 sought)...." A candidate seeking nonpartisan office shall omit
 1028 the reference to party affiliation in all disclaimers.

1029 (b) Any other political advertisement published,
 1030 displayed, or circulated prior to, or on the day of, any
 1031 election must prominently:

1032 1. Be marked "paid political advertisement" or with the
 1033 abbreviation "pd. pol. adv."

HB 1019

2010

1034 2. State the name and address of the persons sponsoring
1035 the advertisement.

1036 3.a.(I) State whether the advertisement and the cost of
1037 production is paid for or provided in kind by or at the expense
1038 of the entity publishing, displaying, broadcasting, or
1039 circulating the political advertisement; or

1040 (II) State who provided or paid for the advertisement and
1041 cost of production, if different from the source of sponsorship.

1042 b. This subparagraph does not apply if the source of the
1043 sponsorship is patently clear from the content or format of the
1044 political advertisement.

1045 (c) Any political advertisement made pursuant to s.
1046 106.021(3)(d) must be marked "paid political advertisement" or
1047 with the abbreviation "pd. pol. adv." and must prominently
1048 state, "Paid for and sponsored by ...(name of person paying for
1049 political advertisement).... Approved by ...(names of persons,
1050 party affiliation, and offices sought in the political
1051 advertisement)...."

1052

1053 This subsection does not apply to campaign messages used by a
1054 candidate and the candidate's supporters if those messages are
1055 designed to be worn by a person.

1056 (2) Any political advertisement of a candidate running for
1057 partisan office shall express the name of the political party of
1058 which the candidate is seeking nomination or is the nominee. If
1059 the candidate for partisan office is running as a candidate with
1060 no party affiliation, any political advertisement of the
1061 candidate must state that the candidate has no party

1062 affiliation. A candidate running for a nonpartisan office must
 1063 exclude the candidate's political party affiliation from any
 1064 political advertisement.

1065 Section 20. Paragraph (b) of subsection (3) of section
 1066 106.29, Florida Statutes, is amended to read:

1067 106.29 Reports by political parties; restrictions on
 1068 contributions and expenditures; penalties.—

1069 (3)

1070 (b) Upon determining that a report is late, the filing
 1071 officer shall immediately notify the chair of the executive
 1072 committee as to the failure to file a report by the designated
 1073 due date and that a fine is being assessed for each late day.
 1074 The fine shall be \$1,000 for a state executive committee, and
 1075 \$50 for a county executive committee, per day for each late day,
 1076 not to exceed 25 percent of the total receipts or expenditures,
 1077 whichever is greater, for the period covered by the late report.
 1078 However, if an executive committee fails to file a report on the
 1079 Friday immediately preceding the general election, the fine
 1080 shall be \$10,000 per day for each day a state executive
 1081 committee is late and \$500 per day for each day a county
 1082 executive committee is late. Upon receipt of the report, the
 1083 filing officer shall determine the amount of the fine which is
 1084 due and shall notify the chair. Notice is deemed sufficient upon
 1085 proof of delivery of written notice to the mailing or street
 1086 address on record with the filing officer. The filing officer
 1087 shall determine the amount of the fine due based upon the
 1088 earliest of the following:

1089 1. When the report is actually received by such officer.

- 1090 2. When the report is postmarked.
 1091 3. When the certificate of mailing is dated.
 1092 4. When the receipt from an established courier company is
 1093 dated.
 1094 5. When the electronic receipt issued pursuant to s.
 1095 106.0705 is dated.

1096
 1097 Such fine shall be paid to the filing officer within 20 days
 1098 after receipt of the notice of payment due, unless appeal is
 1099 made to the Florida Elections Commission pursuant to paragraph
 1100 (c). An officer or member of an executive committee shall not be
 1101 personally liable for such fine.

1102 Section 21. Subsection (11) of section 379.352, Florida
 1103 Statutes, is amended to read:

1104 379.352 Recreational licenses, permits, and authorization
 1105 numbers to take wild animal life, freshwater aquatic life, and
 1106 marine life; issuance; costs; reporting.-

1107 (11) When acting in its official capacity pursuant to this
 1108 section, neither the commission nor a subagent is deemed a
 1109 third-party registration organization, as defined in s.
 1110 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as
 1111 defined in s. 97.021(41) ~~97.021(40)~~, and is not authorized to
 1112 solicit, accept, or collect voter registration applications or
 1113 provide voter registration services.

1114 Section 22. Except as otherwise expressly provided in this
 1115 act and except for this section, which shall take effect upon
 1116 this act becoming a law, this act shall take effect January 1,
 1117 2011.

By Senator Bennett

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A bill to be entitled
An act relating to campaign finance; amending s.
106.113, F.S.; deleting the definition of "public
funds"; prohibiting a local government, or a person
acting on behalf of a local government, from making a
specific appropriation or designated expenditure of
moneys under the jurisdiction or control of the local
government; prohibiting certain persons or groups from
accepting such moneys for the purpose of certain
political advertisements; deleting an exception for
certain electioneering communications; clarifying that
certain provisions of state law do not preclude
certain officials from expressing an opinion on an
issue at any time; providing an effective date.

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

Section 1. Section 106.113, Florida Statutes, is amended to
read:

106.113 Expenditures by local governments.—

(1) As used in this section, the term:

~~(a)~~ "local government" means:

(a)1. A county, municipality, school district, or other
political subdivision in this state; and

(b)2. Any department, agency, board, bureau, district,
commission, authority, or similar body of a county,
municipality, school district, or other political subdivision of
this state.

~~(b) "Public funds" means all moneys under the jurisdiction~~

21-01289A-10

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~~or control of the local government.~~

(2) A local government or a person acting on behalf of local government may not make a specific appropriation or designated expenditure of moneys under the jurisdiction or control of the local government ~~expend or authorize the expenditure of~~, and a person or group may not accept such moneys, public funds for the purpose of a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. ~~This subsection does not apply to an electioneering communication from a local government or a person acting on behalf of a local government which is limited to factual information.~~

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an ~~elected~~ official of the local government from expressing an opinion on any issue at any time.

Section 2. This act shall take effect July 1, 2010.