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# Appropriations Committee

Thursday, February 21, 2013  
8:00 AM – 11:00 AM  
212 Knott Building

Action Packet

**Will Weatherford**  
Speaker

**Seth McKeel**  
Chair

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

**Location:** Webster Hall (212 Knott)

### Summary:

#### Appropriations Committee

Thursday February 21, 2013 08:00 am

CS/HB 569	Favorable With Committee Substitute	Yeas: 15	Nays: 10
Amendment 212723	Adopted Without Objection		
Amendment 408285	Adopted Without Objection		
Amendment 412015	Failed to Adopt		
Amendment 485145	Adopted Without Objection		
Amendment 683067	Adopted Without Objection		
Amendment 866605	Withdrawn		
Amendment 913597	Failed to Adopt		
HB 7013	Favorable With Committee Substitute	Yeas: 25	Nays: 0
Amendment 152969	Failed to Adopt		
Amendment 197197	Adopted Without Objection		
Amendment 197557	Withdrawn		
Amendment 232309	Failed to Adopt		
Amendment 235807	Failed to Adopt		
Amendment 268683	Withdrawn		
Amendment 270281	Failed to Adopt		
Amendment 278821	Adopted Without Objection		
Amendment 374671	Failed to Adopt		
Amendment 413585	Withdrawn		
Amendment 415903	Failed to Adopt		
Amendment 608477	Failed to Adopt		
Amendment 696275	Failed to Adopt		
Amendment 776205	Adopted Without Objection		
Amendment 860761	Withdrawn		
Amendment 944649	Adopted		

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

Location: Webster Hall (212 Knott)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Seth McKeel (Chair)	X		
Ben Albritton	X		
Dennis Baxley	X		
Marti Coley	X		
Richard Corcoran			X
Steve Crisafulli	X		
Janet Cruz	X		
Erik Fresen	X		
Reggie Fullwood	X		
Joseph Gibbons	X		
Eduardo Gonzalez	X		
Ed Hooper	X		
Matt Hudson	X		
Clay Ingram	X		
Mia Jones	X		
Charles McBurney	X		
H. Marlene O'Toole	X		
Mark Pafford	X		
Jimmy Patronis	X		
Stephen Precourt	X		
Hazelle Rogers	X		
Darryl Rouson	X		
Cynthia Stafford	X		
W. Gregory Steube	X		
Perry Thurston, Jr.	X		
Alan Williams	X		
<b>Totals:</b>	<b>25</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 569 : Florida Election Code

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Dennis Baxley	X				
Marti Coley	X				
Richard Corcoran			X		
Steve Crisafulli	X				
Janet Cruz		X			
Erik Fresen	X				
Reggie Fullwood		X			
Joseph Gibbons		X			
Eduardo Gonzalez	X				
Ed Hooper	X				
Matt Hudson	X				
Clay Ingram	X				
Mia Jones		X			
Charles McBurney	X				
H. Marlene O'Toole	X				
Mark Pafford		X			
Jimmy Patronis	X				
Stephen Precourt	X				
Hazelle Rogers		X			
Darryl Rouson		X			
Cynthia Stafford		X			
W. Gregory Steube	X				
Perry Thurston, Jr.		X			
Alan Williams		X			
Seth McKeel (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 10</b>			

### CS/HB 569 Amendments

#### Amendment 212723

Adopted Without Objection

#### Amendment 408285

Adopted Without Objection

#### Amendment 412015

Failed to Adopt

#### Amendment 485145

Adopted Without Objection

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

**Location:** Webster Hall (212 Knott)

**CS/HB 569 : Florida Election Code (continued)**

### **Amendment 683067**

*Adopted Without Objection*

### **Amendment 866605**

*Withdrawn*

### **Amendment 913597**

*Failed to Adopt*

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Schenck offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 1245 and 1246, insert:

6 Section 30. (1) For Fiscal Year 2013-2014, one full-time  
7 equivalent position, with associated salary rate of 33,000 is  
8 authorized and \$42,900 in recurring funds from the Elections  
9 Commission Trust Fund within the Department of Legal Affairs is  
10 appropriated to the Florida Elections Commission to carry out  
11 the provisions of this act.

12 (2) For Fiscal Year 2013-2014, two full-time equivalent  
13 positions, with associated salary rate of 57,297 are authorized  
14 and \$85,000 in recurring funds from the General Revenue Fund is  
15 appropriated to the Division of Elections of the Department of  
16 State to carry out the provisions of this act.

17 (3) This section shall take effect July 1, 2013.  
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19  
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove line 40 and insert:  
providing appropriation; providing effective dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Schenck offered the following:

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**Amendment**

Between lines 57 and 58, insert:

(3) This section shall be effective upon this act becoming  
law.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Schenck offered the following:

3  
4 **Amendment**

5 Remove lines 1244-1245 and insert:  
6 system for all state and local campaign finance reports required  
7 by s. 106.07, s. 106.0703, or s. 106.29.  
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.4

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Schenck offered the following:

3  
4        **Amendment (with title amendment)**

5        Between lines 1245 and 1246, insert:

6        Section 30. Paragraph (c) of subsection (1) of section  
7 106.025, Florida Statutes, is amended to read:

8        106.025 Campaign fund raisers.—

9        (1)

10       (c) Any tickets or advertising for ~~such~~ a campaign fund  
11 raiser must comply with ~~is exempt from~~ the requirements of s.  
12 106.143.

13       Section 31. Section 106.05, Florida Statutes, is amended  
14 to read:

15       106.05 Deposit of contributions; statement of campaign  
16 treasurer.—All funds received by the campaign treasurer of any  
17 candidate or political committee shall, prior to the end of the  
18 5th business day following the receipt thereof, Saturdays,  
19 Sundays, and legal holidays excluded, be deposited in a campaign  
20 depository designated pursuant to s. 106.021, in an account that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.4

21 ~~contains the designated "... (name of the candidate or~~  
22 ~~committee.) ... Campaign Account."~~ Except for contributions to  
23 political committees made by payroll deduction, all deposits  
24 shall be accompanied by a bank deposit slip containing the name  
25 of each contributor and the amount contributed by each. If a  
26 contribution is deposited in a secondary campaign depository,  
27 the depository shall forward the full amount of the deposit,  
28 along with a copy of the deposit slip accompanying the deposit,  
29 to the primary campaign depository prior to the end of the 1st  
30 business day following the deposit.

31 Section 32. Paragraph (b) of subsection (1) and paragraph  
32 (a) of subsection (2) of section 106.11, Florida Statutes, are  
33 amended to read:

34 106.11 Expenses of and expenditures by candidates and  
35 political committees.—Each candidate and each political  
36 committee which designates a primary campaign depository  
37 pursuant to s. 106.021(1) shall make expenditures from funds on  
38 deposit in such primary campaign depository only in the  
39 following manner, with the exception of expenditures made from  
40 petty cash funds provided by s. 106.12:

41 (1)

42 (b) The checks for such account shall contain, as a  
43 minimum, the following information:

44 1. The ~~statement "... (name of the campaign account of the~~  
45 ~~candidate or political committee.) ... Campaign Account."~~

46 2. The account number and the name of the bank.

47 3. The exact amount of the expenditure.

48 4. The signature of the campaign treasurer or deputy

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.4

49 treasurer.

50 5. The exact purpose for which the expenditure is  
51 authorized.

52 6. The name of the payee.

53 (2) (a) For purposes of this section, debit cards are  
54 considered bank checks, if:

55 1. Debit cards are obtained from the same bank that has  
56 been designated as the candidate's or political committee's  
57 primary campaign depository.

58 2. Debit cards are issued in the name of the treasurer,  
59 deputy treasurer, or authorized user and contain the state  
60 "... (name of the campaign account of the candidate or political  
61 committee.) ... Campaign Account."

62 3. No more than three debit cards are requested and  
63 issued.

64 4. The person using the debit card does not receive cash  
65 as part of, or independent of, any transaction for goods or  
66 services.

67 5. All receipts for debit card transactions contain:

68 a. The last four digits of the debit card number.

69 b. The exact amount of the expenditure.

70 c. The name of the payee.

71 d. The signature of the campaign treasurer, deputy  
72 treasurer, or authorized user.

73 e. The exact purpose for which the expenditure is  
74 authorized.

75 Any information required by this subparagraph but not included  
76 on the debit card transaction receipt may be handwritten on, or

Amendment No.4

77 attached to, the receipt by the authorized user before  
78 submission to the treasurer.

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**T I T L E   A M E N D M E N T**

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Remove line 40 and insert:

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amending s. 106.025, F.S.; providing that tickets or advertising

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for a campaign fund raiser must comply with the requirements of

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political advertisements circulated before an election; amending

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s. 106.05, F.S.; revising the information that is required to

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appear on a bank account for deposit of funds; amending s.

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106.11, F.S.; revising the information that is required to

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appear on bank account checks of candidates or political

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committees; revising information used to determine when debit

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cards are considered bank checks; providing an effective date.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT   ✓   (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Pafford offered the following:

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4 **Amendment (with directory amendment)**

5 Between lines 542 and 543, insert:

6 (4) (a) Except as provided in paragraph (b), each report  
7 required by this section must contain:

8 1. The full name, address, and occupation, if any of each  
9 person who has made one or more contributions to or for such  
10 committee or candidate within the reporting period, together  
11 with the amount and date of such contributions. For  
12 corporations, the report must provide as clear a description as  
13 practicable of the principal type of business conducted by the  
14 corporation. However, if the contribution is \$100 or less or is  
15 from a relative, as defined in s. 112.312, provided that the  
16 relationship is reported, the occupation of the contributor or  
17 the principal type of business need not be listed.

18 2. The name and address of each political committee from  
19 which the reporting committee or the candidate received, or to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.5

20 which the reporting committee or candidate made, any transfer of  
21 funds, together with the amounts and dates of all transfers.

22 3. Each loan for campaign purposes to or from any person  
23 or political committee within the reporting period, together  
24 with the full names, addresses, and occupations, and principal  
25 places of business, if any, of the lender and endorsers, if any,  
26 and the date and amount of such loans.

27 4. A statement of each contribution, rebate, refund, or  
28 other receipt not otherwise listed under subparagraphs 1.  
29 through 3.

30 5. The total sums of all loans, in-kind contributions, and  
31 other receipts by or for such committee or candidate during the  
32 reporting period. The reporting forms shall be designed to  
33 elicit separate totals for in-kind contributions, loans, and  
34 other receipts.

35 6. The full name and address of each person to whom  
36 expenditures have been made by or on behalf of the committee or  
37 candidate within the reporting period; the amount, date, and  
38 purpose of each such expenditure; and the name and address of,  
39 and office sought by, each candidate on whose behalf such  
40 expenditure was made. However, expenditures made from the petty  
41 cash fund provided by s. 106.12 need not be reported  
42 individually.

43 7. The full name and address of each person to whom an  
44 expenditure for personal services, salary, or reimbursement for  
45 authorized expenses as provided in s. 106.021(3) has been made  
46 and which is not otherwise reported, including the amount, date,  
47 and purpose of such expenditure. However, expenditures made from

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.5

48 the petty cash fund provided for in s. 106.12 need not be  
49 reported individually. Receipts for reimbursement for authorized  
50 expenditures shall be retained by the treasurer along with the  
51 records for the campaign account.

52 8. The total amount withdrawn and the total amount spent  
53 for petty cash purposes pursuant to this chapter during the  
54 reporting period.

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

57 10. The amount and nature of debts and obligations owed by  
58 or to the committee or candidate, which relate to the conduct of  
59 any political campaign.

60 11. Transaction information for each credit card purchase.  
61 Receipts for each credit card purchase shall be retained by the  
62 treasurer with the records for the campaign account.

63 12. The amount and nature of any separate interest-bearing  
64 accounts or certificates of deposit and identification of the  
65 financial institution in which such accounts or certificates of  
66 deposit are located.

67 13. The primary purposes of an expenditure made indirectly  
68 through a campaign treasurer pursuant to s. 106.021(3) for goods  
69 and services such as communications media placement or  
70 procurement services, campaign signs, insurance, and other  
71 expenditures that include multiple components as part of the  
72 expenditure. The primary purpose of an expenditure shall be that  
73 purpose, including integral and directly related components,  
74 that comprises 80 percent of such expenditure.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.5

75       (b) Multiple uniform contributions of less than \$150 per  
76 calendar year collected by an organization that is the  
77 affiliated sponsor of a political committee may be reported by  
78 the political committee in an aggregate amount, listing the  
79 number of contributors together with the amount contributed by  
80 each and the total amount contributed during the reporting  
81 period. The identity of each person making a uniform  
82 contribution must be reported to the department in the same form  
83 as other contributors by July 1 of each calendar year or no  
84 later than the 60th day immediately preceding the primary  
85 election.

86       (c) The filing officer shall make available to any  
87 candidate or committee a reporting form which the candidate or  
88 committee may use to indicate contributions received by the  
89 candidate or committee but returned to the contributor before  
90 deposit.

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**D I R E C T O R Y   A M E N D M E N T**

Remove line 492 and insert:  
subsections (4) and (7), and paragraph (b) of subsection (8) of  
section

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

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**Amendment (with title amendment)**

Remove line 692 and insert:  
excess of \$500 to any candidate for election to or

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

Remove lines 26-27 and insert:  
amending s. 106.08, F.S.; conforming provisions and a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN ✓ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove lines 570-571 and insert:  
6 the late report. For reports required under s. 106.141(7), the  
7 fine is \$50 per day for each late day, not to

8  
9 Remove lines 794-999

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11 -----  
12 **T I T L E A M E N D M E N T**

13 Remove lines 30-34 and insert:  
14 amending ss. 106.147, 106.17, 106.23, 106.265

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

Location: Webster Hall (212 Knott)

HB 7013 : Florida Election Code

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Dennis Baxley	X				
Marti Coley	X				
Richard Corcoran			X		
Steve Crisafulli	X				
Janet Cruz	X				
Erik Fresen	X				
Reggie Fullwood	X				
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Ed Hooper	X				
Matt Hudson	X				
Clay Ingram	X				
Mia Jones	X				
Charles McBurney	X				
H. Marlene O'Toole	X				
Mark Pafford	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Hazelle Rogers	X				
Darryl Rouson	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Perry Thurston, Jr.	X				
Alan Williams	X				
Seth McKeel (Chair)	X				
<b>Total Yeas: 25</b>		<b>Total Nays: 0</b>			

### HB 7013 Amendments

#### Amendment 152969

Failed to Adopt

#### Amendment 197197

Adopted Without Objection

#### Amendment 197557

Withdrawn

#### Amendment 232309

Failed to Adopt

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

Location: Webster Hall (212 Knott)

HB 7013 : Florida Election Code (continued)

**Amendment 235807**

Failed to Adopt

**Amendment 268683**

Withdrawn

**Amendment 270281**

Failed to Adopt

**Amendment 278821**

Adopted Without Objection

**Amendment 374671**

Failed to Adopt

**Amendment 413585**

Withdrawn

**Amendment 415903**

Failed to Adopt

**Amendment 608477**

Failed to Adopt

**Amendment 696275**

Failed to Adopt

**Amendment 776205**

Adopted Without Objection

**Amendment 860761**

Withdrawn

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

# COMMITTEE MEETING REPORT

## Appropriations Committee

2/21/2013 8:00:00AM

**Location:** Webster Hall (212 Knott)

**HB 7013 : Florida Election Code (continued)**

### Amendment 944649

*Adopted*

### Appearances:

HB 7013--Florida Election Code - Amendment 12  
Labasky, Ronald (Lobbyist) - Waive In Support  
Florida State Association of Supervisors of Elections, Inc  
225 South Adams Street  
Tallahassee FL 32302  
Phone: (850) 222-7718

HB 7013--Florida Election Code - Amendment 13  
Corley, Brian - Information Only  
Supervisor of Elections-Pasco County  
PO Box 300 14236 6th Street, Suite 200  
Dade City FL 33526-0300  
Phone: 352-521-4323

HB 7013--Florida Election Code  
Kunkel, Stephanie (Lobbyist) - Information Only  
America Votes  
1143 Albritton Drive  
Tallahassee FL 32301  
Phone: (850) 320-4208

HB 7013--Florida Election Code  
Wilcox, Benjamin (Lobbyist) - Proponent  
League of Women Voters of Florida  
1719 Old Fort Drive  
Tallahassee FL 32301  
Phone: (850)544-4448

Committee meeting was reported out: Thursday, February 21, 2013 1:33:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Boyd offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 14 and 15, insert:

6 Section 1. Section 97.0555, Florida Statutes, is amended  
7 to read:

8 97.0555 Late registration.—An individual or accompanying  
9 family member who has been discharged, ~~or~~ separated, or returned  
10 from a military deployment or activation, from the uniformed  
11 services or the United States Merchant Marine, or from  
12 employment outside the territorial limits of the United States,  
13 after the book-closing date for an election pursuant to s.  
14 97.055 and who is otherwise qualified may register to vote in  
15 such election until 5 p.m. on the Friday before that election in  
16 the office of the supervisor of elections. Such persons must  
17 produce sufficient documentation showing evidence of qualifying  
18 for late registration pursuant to this section.

Amendment No.1

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**T I T L E   A M E N D M E N T**

Remove line 3 and insert:

s. 97.0555, F.S.; expanding the types of military personnel  
allowed to participate in late voter registration; amending s.  
101.161, F.S.; providing a limitation on the number



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	<u>  ✓  </u>	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Stafford offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove lines 15-77 and insert:

6 Section 1. Subsections (1) and (3) of section 101.161,  
7 Florida Statutes, are amended to read:

8 101.161 Referenda; ballots.-

9 (1) Whenever a constitutional amendment or other public  
10 measure is submitted to the vote of the people, a ballot summary  
11 of such amendment or other public measure shall be printed in  
12 clear and unambiguous language on the ballot after the list of  
13 candidates, followed by the word "yes" and also by the word  
14 "no," and shall be styled in such a manner that a "yes" vote  
15 will indicate approval of the proposal and a "no" vote will  
16 indicate rejection. The ballot summary of the amendment or other  
17 public measure and the ballot title to appear on the ballot  
18 shall be embodied in the constitutional revision commission  
19 proposal, constitutional convention proposal, taxation and

COMMITTEE/SUBCOMMITTEE AMENDMENT

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20 budget reform commission proposal, or enabling resolution or  
21 ordinance. The ballot summary of the amendment or other public  
22 measure shall be an explanatory statement, not exceeding 75  
23 words in length, of the chief purpose of the measure. In  
24 addition, for every amendment proposed by initiative, the ballot  
25 shall include, following the ballot summary, a separate  
26 financial impact statement concerning the measure prepared by  
27 the Financial Impact Estimating Conference in accordance with s.  
28 100.371(5). The ballot title shall consist of a caption, not  
29 exceeding 15 words in length, by which the measure is commonly  
30 referred to or spoken of. ~~This subsection does not apply to~~  
31 ~~constitutional amendments or revisions proposed by joint~~  
32 ~~resolution.~~

33 (3)(a) Each joint resolution that proposes a  
34 constitutional amendment or revision shall include one or more  
35 ballot statements set forth in order of priority. Each ballot  
36 statement shall consist of a ballot title, by which the measure  
37 is commonly referred to or spoken of, not exceeding 15 words in  
38 length, and ~~either~~ a ballot summary that describes the chief  
39 purpose of the amendment or revision in clear and unambiguous  
40 language, ~~or the full text of the amendment or revision.~~ The  
41 Department of State shall furnish a designating number pursuant  
42 to subsection (2) and the appropriate ballot statement to the  
43 supervisor of elections of each county. The ballot statement  
44 shall be printed on the ballot after the list of candidates,  
45 followed by the word "yes" and also by the word "no," and shall  
46 be styled in such a manner that a "yes" vote will indicate  
47 approval of the amendment or revision and a "no" vote will

Amendment No.2

48 indicate rejection.

49 (b)1. Any action for a judicial determination that one or  
50 more ballot statements embodied in a joint resolution are  
51 defective must be commenced by filing a complaint or petition  
52 with the appropriate court within 30 days after the joint  
53 resolution is filed with the Secretary of State. The complaint  
54 or petition shall assert all grounds for challenge to each  
55 ballot statement. Any ground not asserted within 30 days after  
56 the joint resolution is filed with the Secretary of State is  
57 waived.

58 2. The court, including any appellate court, shall accord  
59 an action described in subparagraph 1. priority over other  
60 pending cases and render a decision as expeditiously as  
61 possible. ~~If the court finds that all ballot statements embodied  
62 in a joint resolution are defective and further appeals are  
63 declined, abandoned, or exhausted, unless otherwise provided in  
64 the joint resolution, the Attorney General shall, within 10  
65 days, prepare and submit to the Department of State a revised  
66 ballot title or ballot summary that corrects the deficiencies  
67 identified by the court, and the Department of State shall  
68 furnish a designating number and the revised ballot title or  
69 ballot summary to the supervisor of elections of each county for  
70 placement on the ballot. The court shall retain jurisdiction  
71 over challenges to a revised ballot title or ballot summary  
72 prepared by the Attorney General, and any challenge to a revised  
73 ballot title or ballot summary must be filed within 10 days  
74 after a revised ballot title or ballot summary is submitted to  
75 the Department of State.~~

Amendment No.2

76 ~~3. A ballot statement that consists of the full text of an~~  
77 ~~amendment or revision shall be presumed to be a clear and~~  
78 ~~unambiguous statement of the substance and effect of the~~  
79 ~~amendment or revision, providing fair notice to the electors of~~  
80 ~~the content of the amendment or revision and sufficiently~~  
81 ~~advising electors of the issue upon which they are to vote.~~

82 -----  
83  
84 **T I T L E A M E N D M E N T**

85 Remove lines 3-8 and insert:

86 s. 101.161, F.S.; providing that limitations on the  
87 number of words of ballot summaries and ballot titles  
88 apply to constitutional amendments or revisions  
89 proposed by joint resolution; deleting a provision  
90 that permits placing the full text of an amendment or  
91 revision to the State Constitution on the ballot;  
92 deleting the authority of the Attorney General to  
93 prepare a revised ballot title or ballot summary when  
94 all ballot statements embodied in a joint resolution  
95 are defective and no further appeals will be made  
96 concerning the ballot statement; deleting the  
97 authority of the Department of State to furnish  
98 certain administrative duties related to the revised  
99 ballot title or summary; deleting judicial authority  
100 to retain jurisdiction over a revised ballot title or  
101 ballot summary prepared by the Attorney General;  
102 deleting certain legal presumptions pertaining to the  
103 provision of the full text of an amendment or revision

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104 | on a ballot; amending s. 101.657, F.S.; revising the  
105 | list

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT  (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Rouson offered the following:

3

4 **Amendment**

5 Remove line 91 and insert:

6 building, stadium, Florida College System institution facility,  
7 or convention center as early voting sites;

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>  ✓  </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Rouson offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

Section 3. Section 101.045, Florida Statutes, is amended  
to read:

101.045 Electors must be registered in precinct;  
provisions for change of residence or name.-

(1) A person is not permitted to vote in any election  
precinct or district other than the one in which the person has  
his or her legal residence and in which the person is  
registered. However, a person temporarily residing outside the  
county shall be registered in the precinct in which the main  
office of the supervisor, as designated by the supervisor, is  
located when the person has no permanent address in the county  
and it is the person's intention to remain a resident of Florida  
and of the county in which he or she is registered to vote. Such  
persons who are registered in the precinct in which the main

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20 office of the supervisor, as designated by the supervisor, is  
21 located and who are residing outside the county with no  
22 permanent address in the county shall not be registered electors  
23 of a municipality and therefore shall not be permitted to vote  
24 in any municipal election.

25 (2) (a) An elector who moves from the precinct in which the  
26 elector is registered may be permitted to vote in the precinct  
27 to which he or she has moved his or her legal residence, if the  
28 ~~change of residence is within the same county and the~~ elector  
29 completes an affirmation in substantially the following form:

30 Change of Legal Residence of Registered  
31 Voter

32 Under penalties for false swearing, I, ...(Name of voter)...,  
33 swear (or affirm) that the former address of my legal residence  
34 was ...(Address of legal residence)... in the municipality of  
35 ....., in .... County, Florida, and I was registered to vote in  
36 the .... precinct of .... County, Florida; that I have not voted  
37 in the precinct of my former registration in this election; that  
38 I now reside at ...(Address of legal residence)... in the  
39 Municipality of ....., in .... County, Florida, and am therefore  
40 eligible to vote in the .... precinct of .... County, Florida;  
41 and I further swear (or affirm) that I am otherwise legally  
42 registered and entitled to vote.

43 ...(Signature of voter whose address of legal residence has  
44 changed)...

45 ~~(b) Except for an active uniformed services voter or a~~  
46 ~~member of his or her family, an elector whose change of address~~  
47 ~~is from outside the county may not change his or her legal~~



Amendment No.4

48 ~~residence at the polling place and vote a regular ballot,~~  
49 ~~however, such elector is entitled to vote a provisional ballot.~~

50 (b)(e) An elector whose name changes because of marriage  
51 or other legal process may be permitted to vote, provided such  
52 elector completes an affirmation in substantially the following  
53 form:

54 Change of Name of Registered  
55 Voter

56 Under penalties for false swearing, I, ...(New name of  
57 voter)..., swear (or affirm) that my name has been changed  
58 because of marriage or other legal process. My former name and  
59 address of legal residence appear on the registration records of  
60 precinct .... as follows:

61 Name  
62 Address  
63 Municipality  
64 County  
65 Florida, Zip

66 My present name and address of legal residence are as follows:

67 Name  
68 Address  
69 Municipality  
70 County  
71 Florida, Zip

72 and I further swear (or affirm) that I am otherwise legally  
73 registered and entitled to vote.

74 ...(Signature of voter whose name has changed)...

Amendment No.4

75        ~~(c)(d)~~ Instead of the affirmation contained in paragraph  
76 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter  
77 registration application that indicates the change of name or  
78 change of address of legal residence.

79        ~~(d)(e)~~ Such affirmation or application, when completed and  
80 presented at the precinct in which such elector is entitled to  
81 vote, and upon verification of the elector's registration, shall  
82 entitle such elector to vote as provided in this subsection. If  
83 the elector's eligibility to vote cannot be determined, he or  
84 she shall be entitled to vote a provisional ballot, subject to  
85 the requirements and procedures in s. 101.048. Upon receipt of  
86 an affirmation or application certifying a change in address of  
87 legal residence or name, the supervisor shall as soon as  
88 practicable make the necessary changes in the statewide voter  
89 registration system to indicate the change in address of legal  
90 residence or name of such elector.

91

92

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

93

Remove line 11 and insert:

94

voting; amending s. 101.045, F.S.; authorizing an elector whose  
95 legal residence is outside the county to change legal residence  
96 at the polling place; providing an effective date.  
97

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Bill No. HB 7013 (2013)

Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Fullwood offered the following:

3  
4  
5  
6  
7

**Amendment**

Remove line 99 and insert:  
election that contains state or federal races and end on the 2nd  
~~3rd~~

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Amendment No.6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT   ✓   (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Fullwood offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

6 Section 1. Paragraph (b) of subsection (2) of section  
7 101.048, Florida Statutes, is amended to read:

8 101.048 Provisional ballots.-

9 (2)

10 (b)1. If it is determined that the person was registered  
11 and entitled to vote at the precinct where the person cast a  
12 vote in the election, the canvassing board shall compare the  
13 signature on the Provisional Ballot Voter's Certificate and  
14 Affirmation with the signature on the voter's registration and,  
15 if it matches, shall count the ballot.

16 2. If a supervisor of elections determines that a person  
17 voting by provisional ballot is not registered or entitled to  
18 vote at the precinct where the person cast a provisional ballot,  
19 the provisional ballot shall be counted for all races not unique

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20 to that particular precinct. Votes unique to that precinct shall  
21 not be counted. If it is determined that the person voting the  
22 provisional ballot was not registered or entitled to vote at the  
23 precinct where the person cast a vote in the election, the  
24 provisional ballot shall not be counted and the ballot shall  
25 remain in the envelope containing the Provisional Ballot Voter's  
26 Certificate and Affirmation and the envelope shall be marked  
27 "Rejected as Illegal."

28

29

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

30

31

Remove line 11 and insert:

32

voting; amending s. 101.048, F.S.; revising procedures for the

33

counting of provisional ballots; providing an effective date.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>  ✓  </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

3

4 **Amendment**

5 Remove lines 90-91 and insert:

6 fairground, civic center, stadium, convention center, or other  
7 government building as early voting sites;

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Amendment No.8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

3  
4 **Amendment**

5 Remove lines 101-105 and insert:  
6 8 6 hours and no more than 12 hours per day at each site during  
7 the applicable period. In addition, early voting may be offered,  
8 at the discretion of the supervisor of elections on the 15th,  
9 14th, 13th, 12th, 11th, or 2nd day before an election that  
10 contains state or federal races, for at least 8 hours but not

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Williams, A. offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

Section 3. Subsection (13) of section 97.012, Florida Statutes, is amended to read:

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

(13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and vote-by-mail ~~absentee~~ ballot procedures to absent uniformed services voters and overseas voters.

Section 4. Subsections (1) and (13) of section 97.021, Florida Statutes, are amended to read:

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



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20 (1) "Absent elector" means any registered and qualified  
21 voter who casts a vote-by-mail ~~an absentee~~ ballot.

22 (13) "Election costs" shall include, but not be limited  
23 to, expenditures for all paper supplies such as envelopes,  
24 instructions to voters, affidavits, reports, ballot cards,  
25 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,  
26 notices to voters; advertisements for registration book  
27 closings, testing of voting equipment, sample ballots, and  
28 polling places; forms used to qualify candidates; polling site  
29 rental and equipment delivery and pickup; data processing time  
30 and supplies; election records retention; and labor costs,  
31 including those costs uniquely associated with vote-by-mail  
32 ~~absentee~~ ballot preparation, poll workers, and election night  
33 canvass.

34 Section 5. Section 97.026, Florida Statutes, is amended to  
35 read:

36 97.026 Forms to be available in alternative formats and  
37 via the Internet.—It is the intent of the Legislature that all  
38 forms required to be used in chapters 97-106 shall be made  
39 available upon request, in alternative formats. Such forms shall  
40 include vote-by-mail ~~absentee~~ ballots as alternative formats for  
41 such ballots become available and the Division of Elections is  
42 able to certify systems that provide them. Whenever possible,  
43 such forms, with the exception of vote-by-mail ~~absentee~~ ballots,  
44 shall be made available by the Department of State via the  
45 Internet. Sections that contain such forms include, but are not  
46 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,  
47 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,

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48 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,  
49 101.657, 105.031, 106.023, and 106.087.

50 Section 6. Paragraph (c) of subsection (4) of section  
51 98.065, Florida Statutes, is amended to read:

52 98.065 Registration list maintenance programs.—

53 (4)

54 (c) The supervisor must designate as inactive all voters  
55 who have been sent an address confirmation final notice and who  
56 have not returned the postage prepaid, preaddressed return form  
57 within 30 days or for which the final notice has been returned  
58 as undeliverable. Names on the inactive list may not be used to  
59 calculate the number of signatures needed on any petition. A  
60 voter on the inactive list may be restored to the active list of  
61 voters upon the voter updating his or her registration,  
62 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to  
63 vote. However, if the voter does not update his or her voter  
64 registration information, request a vote-by-mail ~~an absentee~~  
65 ballot, or vote by the second general election after being  
66 placed on the inactive list, the voter's name shall be removed  
67 from the statewide voter registration system and the voter shall  
68 be required to reregister to have his or her name restored to  
69 the statewide voter registration system.

70 Section 7. Subsection (4) of section 98.077, Florida  
71 Statutes, is amended to read:

72 98.077 Update of voter signature.—

73 (4) All signature updates for use in verifying vote-by-  
74 mail ~~absentee~~ and provisional ballots must be received by the  
75 appropriate supervisor of elections no later than the start of

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76 the canvassing of vote-by-mail absentee ballots by the  
77 canvassing board. The signature on file at the start of the  
78 canvass of the vote-by-mail absentee ballots is the signature  
79 that shall be used in verifying the signature on the vote-by-  
80 mail absentee and provisional ballot certificates.

81 Section 8. Paragraphs (b) and (d) of subsection (1) and  
82 paragraph (a) of subsection (2) of section 98.0981, Florida  
83 Statutes, are amended to read:

84 98.0981 Reports; voting history; statewide voter  
85 registration system information; precinct-level election  
86 results; book closing statistics.—

87 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM  
88 INFORMATION.—

89 (b) After receipt of the information in paragraph (a), the  
90 department shall prepare a report in electronic format which  
91 contains the following information, separately compiled for the  
92 primary and general election for all voters qualified to vote in  
93 either election:

- 94 1. The unique identifier assigned to each qualified voter  
95 within the statewide voter registration system;
- 96 2. All information provided by each qualified voter on his  
97 or her voter registration application pursuant to s. 97.052(2),  
98 except that which is confidential or exempt from public records  
99 requirements;
- 100 3. Each qualified voter's date of registration;
- 101 4. Each qualified voter's current state representative  
102 district, state senatorial district, and congressional district,  
103 assigned by the supervisor of elections;

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104 5. Each qualified voter's current precinct; and  
105 6. Voting history as transmitted under paragraph (a) to  
106 include whether the qualified voter voted at a precinct  
107 location, voted during the early voting period, voted by vote-  
108 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail  
109 ~~absentee~~ ballot that was not counted, attempted to vote by  
110 provisional ballot that was not counted, or did not vote.

111 (d) File specifications are as follows:

112 1. The file shall contain records designated by the  
113 categories below for all qualified voters who, regardless of the  
114 voter's county of residence or active or inactive registration  
115 status at the book closing for the corresponding election that  
116 the file is being created for:

- 117 a. Voted a regular ballot at a precinct location.  
118 b. Voted at a precinct location using a provisional ballot  
119 that was subsequently counted.  
120 c. Voted a regular ballot during the early voting period.  
121 d. Voted during the early voting period using a  
122 provisional ballot that was subsequently counted.  
123 e. Voted by vote-by-mail ~~absentee~~ ballot.  
124 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but  
125 the ballot was not counted.  
126 g. Attempted to vote by provisional ballot, but the ballot  
127 was not counted in that election.

128 2. Each file shall be created or converted into a tab-  
129 delimited format.

130 3. File names shall adhere to the following convention:

- 131 a. Three-character county identifier as established by the

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132 department followed by an underscore.

133 b. Followed by four-character file type identifier of  
134 'VH03' followed by an underscore.

135 c. Followed by FVRS election ID followed by an underscore.

136 d. Followed by Date Created followed by an underscore.

137 e. Date format is YYYYMMDD.

138 f. Followed by Time Created - HHMMSS.

139 g. Followed by ".txt".

140 4. Each record shall contain the following columns: Record  
141 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote  
142 Date, Vote History Code, Precinct, Congressional District, House  
143 District, Senate District, County Commission District, and  
144 School Board District.

145 (2) PRECINCT-LEVEL ELECTION RESULTS.-

146 (a) Within 30 days after certification by the Elections  
147 Canvassing Commission of a presidential preference primary  
148 election, special election, primary election, or general  
149 election, the supervisors of elections shall collect and submit  
150 to the department precinct-level election results for the  
151 election in a uniform electronic format specified by paragraph  
152 (c). The precinct-level election results shall be compiled  
153 separately for the primary or special primary election that  
154 preceded the general or special general election, respectively.  
155 The results shall specifically include for each precinct the  
156 total of all ballots cast for each candidate or nominee to fill  
157 a national, state, county, or district office or proposed  
158 constitutional amendment, with subtotals for each candidate and  
159 ballot type, unless fewer than 10 voters voted a ballot type.

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160 "All ballots cast" means ballots cast by voters who cast a  
161 ballot whether at a precinct location, by vote-by-mail ~~absentee~~  
162 ballot including overseas vote-by-mail ~~absentee~~ ballots, during  
163 the early voting period, or by provisional ballot.

164 Section 9. Subsection (3) of section 101.051, Florida  
165 Statutes, is amended to read:

166 101.051 Electors seeking assistance in casting ballots;  
167 oath to be executed; forms to be furnished.-

168 (3) Any elector applying to cast a vote-by-mail ~~an~~  
169 ~~absentee~~ ballot in the office of the supervisor, in any  
170 election, who requires assistance to vote by reason of  
171 blindness, disability, or inability to read or write may request  
172 the assistance of some person of his or her own choice, other  
173 than the elector's employer, an agent of the employer, or an  
174 officer or agent of his or her union, in casting his or her  
175 vote-by-mail ~~absentee~~ ballot.

176 Section 10. Subsection (3) of section 101.5612, Florida  
177 Statutes, is amended to read:

178 101.5612 Testing of tabulating equipment.-

179 (3) For electronic or electromechanical voting systems  
180 configured to tabulate vote-by-mail ~~absentee~~ ballots at a  
181 central or regional site, the public testing shall be conducted  
182 by processing a preaudited group of ballots so produced as to  
183 record a predetermined number of valid votes for each candidate  
184 and on each measure and to include one or more ballots for each  
185 office which have activated voting positions in excess of the  
186 number allowed by law in order to test the ability of the  
187 automatic tabulating equipment to reject such votes. If any

## Amendment No.9

188 error is detected, the cause therefor shall be corrected and an  
189 errorless count shall be made before the automatic tabulating  
190 equipment is approved. The test shall be repeated and errorless  
191 results achieved immediately before the start of the official  
192 count of the ballots and again after the completion of the  
193 official count. The programs and ballots used for testing shall  
194 be sealed and retained under the custody of the county  
195 canvassing board.

196 Section 11. Subsections (5) and (7) of section 101.5614,  
197 Florida Statutes, are amended to read:

198 101.5614 Canvass of returns.-

199 (5)(a) If any vote-by-mail ~~absentee~~ ballot is physically  
200 damaged so that it cannot properly be counted by the automatic  
201 tabulating equipment, a true duplicate copy shall be made of the  
202 damaged ballot in the presence of witnesses and substituted for  
203 the damaged ballot. Likewise, a duplicate ballot shall be made  
204 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted  
205 race or a marked vote-by-mail ~~absentee~~ ballot in which every  
206 race is undervoted which shall include all valid votes as  
207 determined by the canvassing board based on rules adopted by the  
208 division pursuant to s. 102.166(4). All duplicate ballots shall  
209 be clearly labeled "duplicate," bear a serial number which shall  
210 be recorded on the defective ballot, and be counted in lieu of  
211 the defective ballot. After a ballot has been duplicated, the  
212 defective ballot shall be placed in an envelope provided for  
213 that purpose, and the duplicate ballot shall be tallied with the  
214 other ballots for that precinct.

215 (b) A true duplicate copy shall be made of each federal

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216 write-in absentee ballot in the presence of witnesses and  
217 substituted for the federal write-in absentee ballot. The  
218 duplicate ballot must include all valid votes as determined by  
219 the canvassing board based on rules adopted by the division  
220 pursuant to s. 102.166(4). All duplicate ballots shall be  
221 clearly labeled "duplicate," bear a serial number that shall be  
222 recorded on the federal write-in absentee ballot, and be counted  
223 in lieu of the federal write-in absentee ballot. After a ballot  
224 has been duplicated, the federal write-in absentee ballot shall  
225 be placed in an envelope provided for that purpose, and the  
226 duplicate ballot shall be tallied with other ballots for that  
227 precinct.

228 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by  
229 automatic tabulating equipment if they have been marked in a  
230 manner which will enable them to be properly counted by such  
231 equipment.

232 Section 12. Section 101.572, Florida Statutes, is amended  
233 to read:

234 101.572 Public inspection of ballots.—The official ballots  
235 and ballot cards received from election boards and removed from  
236 vote-by-mail ~~absentee~~ ballot mailing envelopes shall be open for  
237 public inspection or examination while in the custody of the  
238 supervisor of elections or the county canvassing board at any  
239 reasonable time, under reasonable conditions; however, no  
240 persons other than the supervisor of elections or his or her  
241 employees or the county canvassing board shall handle any  
242 official ballot or ballot card. If the ballots are being  
243 examined prior to the end of the contest period in s. 102.168,



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244 the supervisor of elections shall make a reasonable effort to  
245 notify all candidates whose names appear on such ballots or  
246 ballot cards by telephone or otherwise of the time and place of  
247 the inspection or examination. All such candidates, or their  
248 representatives, shall be allowed to be present during the  
249 inspection or examination.

250 Section 13. Section 101.6105, Florida Statutes, is amended  
251 to read:

252 101.6105 Vote-by-mail ~~Absentee~~ voting.—The provisions of  
253 the election code relating to vote-by-mail ~~absentee~~ voting and  
254 vote-by-mail ~~absentee~~ ballots shall apply to elections under ss.  
255 101.6101-101.6107 only insofar as they do not conflict with the  
256 provisions of ss. 101.6101-101.6107.

257 Section 14. Section 101.62, Florida Statutes, is amended  
258 to read:

259 101.62 Request for vote-by-mail ~~absentee~~ ballots.—

260 (1)(a) The supervisor shall accept a request for a vote-  
261 by-mail ~~an absentee~~ ballot from an elector in person or in  
262 writing. One request shall be deemed sufficient to receive a  
263 vote-by-mail ~~an absentee~~ ballot for all elections through the  
264 end of the calendar year of the second ensuing regularly  
265 scheduled general election, unless the elector or the elector's  
266 designee indicates at the time the request is made the elections  
267 for which the elector desires to receive a vote-by-mail ~~an~~  
268 ~~absentee~~ ballot. Such request may be considered canceled when  
269 any first-class mail sent by the supervisor to the elector is  
270 returned as undeliverable.

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

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272 request for a vote-by-mail ~~an absentee~~ ballot from the elector,  
273 or, if directly instructed by the elector, a member of the  
274 elector's immediate family, or the elector's legal guardian. For  
275 purposes of this section, the term "immediate family" has the  
276 same meaning as specified in paragraph (4)(c). The person making  
277 the request must disclose:

- 278 1. The name of the elector for whom the ballot is  
279 requested.
- 280 2. The elector's address.
- 281 3. The elector's date of birth.
- 282 4. The requester's name.
- 283 5. The requester's address.
- 284 6. The requester's driver's license number, if available.
- 285 7. The requester's relationship to the elector.
- 286 8. The requester's signature (written requests only).

287 (c) Upon receiving a request for a vote-by-mail ~~an~~  
288 ~~absentee~~ ballot from an absent voter, the supervisor of  
289 elections shall notify the voter of the free access system that  
290 has been designated by the department for determining the status  
291 of his or her vote-by-mail ~~absentee~~ ballot.

292 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be  
293 mailed to a voter must be received no later than 5 p.m. on the  
294 sixth day before the election by the supervisor of elections.  
295 The supervisor of elections shall mail vote-by-mail ~~absentee~~  
296 ballots to voters requesting ballots by such deadline no later  
297 than 4 days before the election.

298 (3) For each request for a vote-by-mail ~~an absentee~~ ballot  
299 received, the supervisor shall record the date the request was

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300 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to  
301 the voter or the voter's designee or the date the vote-by-mail  
302 ~~absentee~~ ballot was delivered to the post office or other  
303 carrier, the date the ballot was received by the supervisor, and  
304 such other information he or she may deem necessary. This  
305 information shall be provided in electronic format as provided  
306 by rule adopted by the division. The information shall be  
307 updated and made available no later than 8 a.m. of each day,  
308 including weekends, beginning 60 days before the primary until  
309 15 days after the general election and shall be  
310 contemporaneously provided to the division. This information  
311 shall be confidential and exempt from the provisions of s.  
312 119.07(1) and shall be made available to or reproduced only for  
313 the voter requesting the ballot, a canvassing board, an election  
314 official, a political party or official thereof, a candidate who  
315 has filed qualification papers and is opposed in an upcoming  
316 election, and registered political committees or registered  
317 committees of continuous existence, for political purposes only.

318 (4) (a) No later than 45 days before each presidential  
319 preference primary election, primary election, and general  
320 election, the supervisor of elections shall send a vote-by-mail  
321 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each  
322 absent uniformed services voter and to each overseas voter who  
323 has requested a vote-by-mail ~~an absentee~~ ballot.

324 (b) The supervisor of elections shall mail a vote-by-mail  
325 ~~an absentee~~ ballot to each absent qualified voter, other than  
326 those listed in paragraph (a), who has requested such a ballot,  
327 between the 35th and 28th days before the presidential

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328 preference primary election, primary election, and general  
329 election. Except as otherwise provided in subsection (2) and  
330 after the period described in this paragraph, the supervisor  
331 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days  
332 after receiving a request for such a ballot.

333 (c) The supervisor shall provide a vote-by-mail ~~an~~  
334 ~~absentee~~ ballot to each elector by whom a request for that  
335 ballot has been made by one of the following means:

336 1. By nonforwardable, return-if-undeliverable mail to the  
337 elector's current mailing address on file with the supervisor or  
338 any other address the elector specifies in the request.

339 2. By forwardable mail, e-mail, or facsimile machine  
340 transmission to absent uniformed services voters and overseas  
341 voters. The absent uniformed services voter or overseas voter  
342 may designate in the vote-by-mail ~~absentee~~ ballot request the  
343 preferred method of transmission. If the voter does not  
344 designate the method of transmission, the vote-by-mail ~~absentee~~  
345 ballot shall be mailed.

346 3. By personal delivery before 7 p.m. on election day to  
347 the elector, upon presentation of the identification required in  
348 s. 101.043.

349 4. By delivery to a designee on election day or up to 5  
350 days prior to the day of an election. Any elector may designate  
351 in writing a person to pick up the ballot for the elector;  
352 however, the person designated may not pick up more than two  
353 vote-by-mail ~~absentee~~ ballots per election, other than the  
354 designee's own ballot, except that additional ballots may be  
355 picked up for members of the designee's immediate family. For

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356 purposes of this section, "immediate family" means the  
357 designee's spouse or the parent, child, grandparent, or sibling  
358 of the designee or of the designee's spouse. The designee shall  
359 provide to the supervisor the written authorization by the  
360 elector and a picture identification of the designee and must  
361 complete an affidavit. The designee shall state in the affidavit  
362 that the designee is authorized by the elector to pick up that  
363 ballot and shall indicate if the elector is a member of the  
364 designee's immediate family and, if so, the relationship. The  
365 department shall prescribe the form of the affidavit. If the  
366 supervisor is satisfied that the designee is authorized to pick  
367 up the ballot and that the signature of the elector on the  
368 written authorization matches the signature of the elector on  
369 file, the supervisor shall give the ballot to that designee for  
370 delivery to the elector.

371 (5) If the department is unable to certify candidates for  
372 an election in time to comply with paragraph (4)(a), the  
373 Department of State is authorized to prescribe rules for a  
374 ballot to be sent to absent uniformed services voters and  
375 overseas voters.

376 (6) Nothing other than the materials necessary to vote by  
377 mail absentee shall be mailed or delivered with any vote-by-mail  
378 absentee ballot.

379 Section 15. Subsections (1) and (4) of section 101.64,  
380 Florida Statutes, are amended to read:

381 101.64 Delivery of vote-by-mail absentee ballots;  
382 envelopes; form.-

383 (1) The supervisor shall enclose with each vote-by-mail

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384 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which  
385 the absent elector shall enclose his or her marked ballot; and a  
386 mailing envelope, into which the absent elector shall then place  
387 the secrecy envelope, which shall be addressed to the supervisor  
388 and also bear on the back side a certificate in substantially  
389 the following form:

390 Note: Please Read Instructions Carefully Before  
391 Marking Ballot and Completing Voter's Certificate.

392 VOTER'S CERTIFICATE

393 I, ....., do solemnly swear or affirm that I am a qualified  
394 and registered voter of .... County, Florida, and that I have  
395 not and will not vote more than one ballot in this election. I  
396 understand that if I commit or attempt to commit any fraud in  
397 connection with voting, vote a fraudulent ballot, or vote more  
398 than once in an election, I can be convicted of a felony of the  
399 third degree and fined up to \$5,000 and/or imprisoned for up to  
400 5 years. I also understand that failure to sign this certificate  
401 will invalidate my ballot.

402 ... (Date)...

... (Voter's Signature)...

403 (4) The supervisor shall mark, code, indicate on, or  
404 otherwise track the precinct of the absent elector for each  
405 vote-by-mail ~~absentee~~ ballot.

406 Section 16. Section 101.65, Florida Statutes, is amended  
407 to read:

408 101.65 Instructions to absent electors.—The supervisor  
409 shall enclose with each vote-by-mail ~~absentee~~ ballot separate  
410 printed instructions in substantially the following form:

411 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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412 1. VERY IMPORTANT. In order to ensure that your vote-by-  
413 mail absentee ballot will be counted, it should be completed and  
414 returned as soon as possible so that it can reach the supervisor  
415 of elections of the county in which your precinct is located no  
416 later than 7 p.m. on the day of the election.

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

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

424 4. Place your marked ballot in the enclosed secrecy  
425 envelope.

426 5. Insert the secrecy envelope into the enclosed mailing  
427 envelope which is addressed to the supervisor.

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

430 7. VERY IMPORTANT. In order for your vote-by-mail absentee  
431 ballot to be counted, you must sign your name on the line above  
432 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be  
433 considered illegal and not be counted if the signature on the  
434 voter's certificate does not match the signature on record. The  
435 signature on file at the start of the canvass of the vote-by-  
436 mail absentee ballots is the signature that will be used to  
437 verify your signature on the voter's certificate. If you need to  
438 update your signature for this election, send your signature  
439 update on a voter registration application to your supervisor of

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440 elections so that it is received no later than the start of the  
441 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
442 earlier than the 15th day before election day.

443 8. VERY IMPORTANT. If you are an overseas voter, you must  
444 include the date you signed the Voter's Certificate on the line  
445 above (Date) or your ballot may not be counted.

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

448 10. FELONY NOTICE. It is a felony under Florida law to  
449 accept any gift, payment, or gratuity in exchange for your vote  
450 for a candidate. It is also a felony under Florida law to vote  
451 in an election using a false identity or false address, or under  
452 any other circumstances making your ballot false or fraudulent.

453 Section 17. Subsection (2) of section 101.655, Florida  
454 Statutes, is amended to read:

455 101.655 Supervised voting by absent electors in certain  
456 facilities.-

457 (2) The supervisor of elections may, in the absence of a  
458 request from the administrator of a facility, provide for  
459 supervised voting in the facility for those persons who have  
460 requested vote-by-mail ~~absentee~~ ballots. The supervisor of  
461 elections shall notify the administrator of the facility that  
462 supervised voting will occur.

463 Section 18. Section 101.661, Florida Statutes, is amended  
464 to read:

465 101.661 Vote-by-mail ~~Voting~~ ~~absentee~~ ballots.-All electors  
466 must personally mark or designate their choices on the vote-by-  
467 mail ~~absentee~~ ballot, except:



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468 (1) Electors who require assistance to vote because of  
469 blindness, disability, or inability to read or write, who may  
470 have some person of the elector's choice, other than the  
471 elector's employer, an agent of the employer, or an officer or  
472 agent of the elector's union, mark the elector's choices or  
473 assist the elector in marking his or her choices on the ballot.

474 (2) As otherwise provided in s. 101.051 or s. 101.655.

475 Section 19. Section 101.662, Florida Statutes, is amended  
476 to read:

477 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.-It  
478 is the intent of the Legislature that voting by vote-by-mail  
479 ~~absentee~~ ballot be by methods that are fully accessible to all  
480 voters, including voters having a disability. The Department of  
481 State shall work with the supervisors of elections and the  
482 disability community to develop and implement procedures and  
483 technologies, as possible, which will include procedures for  
484 providing vote-by-mail ~~absentee~~ ballots, upon request, in  
485 alternative formats that will allow all voters to cast a secret,  
486 independent, and verifiable vote-by-mail ~~absentee~~ ballot without  
487 the assistance of another person.

488 Section 20. Section 101.67, Florida Statutes, is amended  
489 to read:

490 101.67 Safekeeping of mailed ballots; deadline for  
491 receiving vote-by-mail ~~absentee~~ ballots.-

492 (1) The supervisor of elections shall safely keep in his  
493 or her office any envelopes received containing marked ballots  
494 of absent electors, and he or she shall, before the canvassing  
495 of the election returns, deliver the envelopes to the county

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496 canvassing board along with his or her file or list kept  
497 regarding said ballots.

498 (2) All marked absent electors' ballots to be counted must  
499 be received by the supervisor by 7 p.m. the day of the election.  
500 All ballots received thereafter shall be marked with the time  
501 and date of receipt and filed in the supervisor's office.

502 Section 21. Section 101.68, Florida Statutes, is amended  
503 to read:

504 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.-

505 (1) The supervisor of the county where the absent elector  
506 resides shall receive the voted ballot, at which time the  
507 supervisor shall compare the signature of the elector on the  
508 voter's certificate with the signature of the elector in the  
509 registration books to determine whether the elector is duly  
510 registered in the county and may record on the elector's  
511 registration certificate that the elector has voted. However,  
512 effective July 1, 2005, an elector who dies after casting a  
513 vote-by-mail ~~an absentee~~ ballot but on or before election day  
514 shall remain listed in the registration books until the results  
515 have been certified for the election in which the ballot was  
516 cast. The supervisor shall safely keep the ballot unopened in  
517 his or her office until the county canvassing board canvasses  
518 the vote. After a vote-by-mail ~~an absentee~~ ballot is received by  
519 the supervisor, the ballot is deemed to have been cast, and  
520 changes or additions may not be made to the voter's certificate.

521 (2) (a) The county canvassing board may begin the  
522 canvassing of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the  
523 15th day before the election, but not later than noon on the day

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524 following the election. In addition, for any county using  
525 electronic tabulating equipment, the processing of vote-by-mail  
526 ~~absentee~~ ballots through such tabulating equipment may begin at  
527 7 a.m. on the 15th day before the election. However,  
528 notwithstanding any such authorization to begin canvassing or  
529 otherwise processing vote-by-mail ~~absentee~~ ballots early, no  
530 result shall be released until after the closing of the polls in  
531 that county on election day. Any supervisor of elections, deputy  
532 supervisor of elections, canvassing board member, election board  
533 member, or election employee who releases the results of a  
534 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior  
535 to the closing of the polls in that county on election day  
536 commits a felony of the third degree, punishable as provided in  
537 s. 775.082, s. 775.083, or s. 775.084.

538 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be  
539 counted by the canvassing board are accounted for, the  
540 canvassing board shall compare the number of ballots in its  
541 possession with the number of requests for ballots received to  
542 be counted according to the supervisor's file or list.

543 (c)1. The canvassing board shall, if the supervisor has  
544 not already done so, compare the signature of the elector on the  
545 voter's certificate with the signature of the elector in the  
546 registration books to see that the elector is duly registered in  
547 the county and to determine the legality of that vote-by-mail  
548 ~~absentee~~ ballot. The ballot of an elector who casts a vote-by-  
549 mail ~~an absentee~~ ballot shall be counted even if the elector  
550 dies on or before election day, as long as, prior to the death  
551 of the voter, the ballot was postmarked by the United States

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552 Postal Service, date-stamped with a verifiable tracking number  
553 by common carrier, or already in the possession of the  
554 supervisor of elections. A vote-by-mail ~~An absentee~~ ballot shall  
555 be considered illegal if it does not include the signature of  
556 the elector, as shown by the registration records. However, a  
557 vote-by-mail ~~an absentee~~ ballot shall not be considered illegal  
558 if the signature of the elector does not cross the seal of the  
559 mailing envelope. If the canvassing board determines that any  
560 ballot is illegal, a member of the board shall, without opening  
561 the envelope, mark across the face of the envelope: "rejected as  
562 illegal." The envelope and the ballot contained therein shall be  
563 preserved in the manner that official ballots voted are  
564 preserved.

565 2. If any elector or candidate present believes that a  
566 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect  
567 apparent on the voter's certificate, he or she may, at any time  
568 before the ballot is removed from the envelope, file with the  
569 canvassing board a protest against the canvass of that ballot,  
570 specifying the precinct, the ballot, and the reason he or she  
571 believes the ballot to be illegal. A challenge based upon a  
572 defect in the voter's certificate may not be accepted after the  
573 ballot has been removed from the mailing envelope.

574 (d) The canvassing board shall record the ballot upon the  
575 proper record, unless the ballot has been previously recorded by  
576 the supervisor. The mailing envelopes shall be opened and the  
577 secrecy envelopes shall be mixed so as to make it impossible to  
578 determine which secrecy envelope came out of which signed  
579 mailing envelope; however, in any county in which an electronic

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580 or electromechanical voting system is used, the ballots may be  
581 sorted by ballot styles and the mailing envelopes may be opened  
582 and the secrecy envelopes mixed separately for each ballot  
583 style. The votes on vote-by-mail absentee ballots shall be  
584 included in the total vote of the county.

585 (3) The supervisor or the chair of the county canvassing  
586 board shall, after the board convenes, have custody of the vote-  
587 by-mail absentee ballots until a final proclamation is made as  
588 to the total vote received by each candidate.

589 (4) The supervisor of elections shall, on behalf of the  
590 county canvassing board, notify each elector whose ballot was  
591 rejected as illegal because of a difference between the  
592 elector's signature on the ballot and that on the elector's  
593 voter registration record. The supervisor shall mail a voter  
594 registration application to the elector to be completed  
595 indicating the elector's current signature. This section does  
596 not prohibit the supervisor from providing additional methods  
597 for updating an elector's signature.

598 Section 22. Section 101.69, Florida Statutes, is amended  
599 to read:

600 101.69 Voting in person; return of vote-by-mail absentee  
601 ballot.—The provisions of this code shall not be construed to  
602 prohibit any elector from voting in person at the elector's  
603 precinct on the day of an election or at an early voting site,  
604 notwithstanding that the elector has requested a vote-by-mail an  
605 absentee ballot for that election. An elector who has returned a  
606 voted vote-by-mail absentee ballot to the supervisor, however,  
607 is deemed to have cast his or her ballot and is not entitled to

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608 | vote another ballot or to have a provisional ballot counted by  
609 | the county canvassing board. An elector who has received a vote-  
610 | by-mail ~~an absentee~~ ballot and has not returned the voted ballot  
611 | to the supervisor, but desires to vote in person, shall return  
612 | the ballot, whether voted or not, to the election board in the  
613 | elector's precinct or to an early voting site. The returned  
614 | ballot shall be marked "canceled" by the board and placed with  
615 | other canceled ballots. However, if the elector does not return  
616 | the ballot and the election official:

617 |       (1) Confirms that the supervisor has received the  
618 | elector's vote-by-mail ~~absentee~~ ballot, the elector shall not be  
619 | allowed to vote in person. If the elector maintains that he or  
620 | she has not returned the vote-by-mail ~~absentee~~ ballot or remains  
621 | eligible to vote, the elector shall be provided a provisional  
622 | ballot as provided in s. 101.048.

623 |       (2) Confirms that the supervisor has not received the  
624 | elector's vote-by-mail ~~absentee~~ ballot, the elector shall be  
625 | allowed to vote in person as provided in this code. The  
626 | elector's vote-by-mail ~~absentee~~ ballot, if subsequently  
627 | received, shall not be counted and shall remain in the mailing  
628 | envelope, and the envelope shall be marked "Rejected as  
629 | Illegal."

630 |       (3) Cannot determine whether the supervisor has received  
631 | the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote  
632 | a provisional ballot as provided in s. 101.048.

633 |       Section 23. Subsections (1) and (2) of section 101.6921,  
634 | Florida Statutes, are amended to read:

635 |       101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot

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636 to certain first-time voters.-

637 (1) The provisions of this section apply to voters who are  
638 subject to the provisions of s. 97.0535 and who have not  
639 provided the identification or certification required by s.  
640 97.0535 by the time the vote-by-mail absentee ballot is mailed.

641 (2) The supervisor shall enclose with each vote-by-mail  
642 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which  
643 the absent elector will enclose his or her marked ballot; an  
644 envelope containing the Voter's Certificate, into which the  
645 absent elector shall place the secrecy envelope; and a mailing  
646 envelope, which shall be addressed to the supervisor and into  
647 which the absent elector will place the envelope containing the  
648 Voter's Certificate and a copy of the required identification.

649 Section 24. Section 101.6923, Florida Statutes, is amended  
650 to read:

651 101.6923 Special vote-by-mail absentee ballot instructions  
652 for certain first-time voters.-

653 (1) The provisions of this section apply to voters who are  
654 subject to the provisions of s. 97.0535 and who have not  
655 provided the identification or information required by s.  
656 97.0535 by the time the vote-by-mail absentee ballot is mailed.

657 (2) A voter covered by this section shall be provided with  
658 printed instructions with his or her vote-by-mail absentee  
659 ballot in substantially the following form:

660 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.  
661 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT  
662 TO COUNT.

663 1. In order to ensure that your vote-by-mail absentee

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664 ballot will be counted, it should be completed and returned as  
665 soon as possible so that it can reach the supervisor of  
666 elections of the county in which your precinct is located no  
667 later than 7 p.m. on the date of the election.

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

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

675 4. Place your marked ballot in the enclosed secrecy  
676 envelope and seal the envelope.

677 5. Insert the secrecy envelope into the enclosed envelope  
678 bearing the Voter's Certificate. Seal the envelope and  
679 completely fill out the Voter's Certificate on the back of the  
680 envelope.

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

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

686 c. A vote-by-mail ~~An absentee~~ ballot will be considered  
687 illegal and will not be counted if the signature on the Voter's  
688 Certificate does not match the signature on record. The  
689 signature on file at the start of the canvass of the vote-by-  
690 mail ~~absentee~~ ballots is the signature that will be used to  
691 verify your signature on the Voter's Certificate. If you need to



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692 update your signature for this election, send your signature  
693 update on a voter registration application to your supervisor of  
694 elections so that it is received no later than the start of  
695 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no  
696 earlier than the 15th day before election day.

697 6. Unless you meet one of the exemptions in Item 7., you  
698 must make a copy of one of the following forms of  
699 identification:

700 a. Identification which must include your name and  
701 photograph: United States passport; debit or credit card;  
702 military identification; student identification; retirement  
703 center identification; neighborhood association identification;  
704 or public assistance identification; or

705 b. Identification which shows your name and current  
706 residence address: current utility bill, bank statement,  
707 government check, paycheck, or government document (excluding  
708 voter identification card).

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

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

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

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

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

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

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720 in paragraph c. or paragraph d. who, by reason of the active  
721 duty or service of the member, will be absent from the county on  
722 election day.

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

724 8. Place the envelope bearing the Voter's Certificate into  
725 the mailing envelope addressed to the supervisor. Insert a copy  
726 of your identification in the mailing envelope. DO NOT PUT YOUR  
727 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
728 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
729 BALLOT WILL NOT COUNT.

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

732 10. FELONY NOTICE. It is a felony under Florida law to  
733 accept any gift, payment, or gratuity in exchange for your vote  
734 for a candidate. It is also a felony under Florida law to vote  
735 in an election using a false identity or false address, or under  
736 any other circumstances making your ballot false or fraudulent.

737 Section 25. Section 101.6925, Florida Statutes, is amended  
738 to read:

739 101.6925 Canvassing special vote-by-mail ~~absentee~~  
740 ballots.-

741 (1) The supervisor of the county where the absent elector  
742 resides shall receive the voted special vote-by-mail ~~absentee~~  
743 ballot, at which time the mailing envelope shall be opened to  
744 determine if the voter has enclosed the identification required  
745 or has indicated on the Voter's Certificate that he or she is  
746 exempt from the identification requirements.

747 (2) If the identification is enclosed or the voter has

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748 indicated that he or she is exempt from the identification  
749 requirements, the supervisor shall make the note on the  
750 registration records of the voter and proceed to canvass the  
751 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

752 (3) If the identification is not enclosed in the mailing  
753 envelope and the voter has not indicated that he or she is  
754 exempt from the identification requirements, the supervisor  
755 shall check the voter registration records to determine if the  
756 voter's identification was previously received or the voter had  
757 previously notified the supervisor that he or she was exempt.  
758 The envelope with the Voter's Certificate shall not be opened  
759 unless the identification has been received or the voter has  
760 indicated that he or she is exempt. The ballot shall be treated  
761 as a provisional ballot until 7 p.m. on election day and shall  
762 not be canvassed unless the supervisor has received the required  
763 identification or written indication of exemption by 7 p.m. on  
764 election day.

765 Section 26. Section 101.694, Florida Statutes, is amended  
766 to read:

767 101.694 Mailing of ballots upon receipt of federal  
768 postcard application.-

769 (1) Upon receipt of a federal postcard application for a  
770 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
771 registration is in order or whose application is sufficient to  
772 register or update the registration of that person, the  
773 supervisor shall send the ballot in accordance with s.  
774 101.62 (4).

775 (2) Upon receipt of a federal postcard application for a a

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776 vote-by-mail ~~an absentee~~ ballot executed by a person whose  
777 registration is not in order and whose application is  
778 insufficient to register or update the registration of that  
779 person, the supervisor shall follow the procedure set forth in  
780 s. 97.073.

781 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters  
782 entitled to vote by mail ~~absentee~~ under the Uniformed and  
783 Overseas Citizens Absentee Voting Act shall meet the  
784 specifications as determined by the Federal Voting Assistance  
785 Program of the United States Department of Defense and the  
786 United States Postal Service.

787 (4) Cognizance shall be taken of the fact that vote-by-  
788 mail ~~absentee~~ ballots and other materials such as instructions  
789 and envelopes are to be carried via air mail, and, to the  
790 maximum extent possible, such ballots and materials shall be  
791 reduced in size and weight of paper. The same ballot shall be  
792 used, however, as is used by other vote-by-mail ~~absentee~~ voters.

793 Section 27. Subsection (1) of section 101.6951, Florida  
794 Statutes, is amended to read:

795 101.6951 State write-in ballot.-

796 (1) An overseas voter may request, not earlier than 180  
797 days before a general election, a state write-in vote-by-mail  
798 ~~absentee~~ ballot from the supervisor of elections in the county  
799 of registration. In order to receive a state write-in ballot,  
800 the voter shall state that due to military or other  
801 contingencies that preclude normal mail delivery, the voter  
802 cannot vote by mail ~~an absentee~~ ballot during the normal vote-  
803 by-mail ~~absentee~~ voting period. State write-in vote-by-mail

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804 ~~absentee~~ ballots shall be made available to voters 90 to 180  
805 days prior to a general election. The Department of State shall  
806 prescribe by rule the form of the state write-in ballot.

807 Section 28. Section 101.6952, Florida Statutes, is amended  
808 to read:

809 101.6952 Absentee ballots for absent uniformed services  
810 and overseas voters.-

811 (1) If an absent uniformed services voter's or an overseas  
812 voter's request for an official vote-by-mail ~~absentee~~ ballot  
813 pursuant to s. 101.62 includes an e-mail address, the supervisor  
814 of elections shall:

815 (a) Record the voter's e-mail address in the vote-by-mail  
816 ~~absentee~~ ballot record;

817 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~  
818 ballot request was received and include in that e-mail the  
819 estimated date the vote-by-mail ~~absentee~~ ballot will be sent to  
820 the voter; and

821 (c) Notify the voter by e-mail when the voted vote-by-mail  
822 ~~absentee~~ ballot is received by the supervisor of elections.

823 (2)(a) An absent uniformed services voter or an overseas  
824 voter who makes timely application for but does not receive an  
825 official vote-by-mail ~~absentee~~ ballot may use the federal write-  
826 in absentee ballot to vote in any federal election and any state  
827 or local election involving two or more candidates.

828 (b)1. In an election for federal office, an elector may  
829 designate a candidate by writing the name of a candidate on the  
830 ballot. Except for a primary or special primary election, the  
831 elector may alternatively designate a candidate by writing the

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832 name of a political party on the ballot. A written designation  
833 of the political party shall be counted as a vote for the  
834 candidate of that party if there is such a party candidate in  
835 the race.

836 2. In an election for a state or local office, an elector  
837 may vote in the section of the federal write-in absentee ballot  
838 designated for nonfederal races by writing on the ballot the  
839 title of each office and by writing on the ballot the name of  
840 the candidate for whom the elector is voting. Except for a  
841 primary, special primary, or nonpartisan election, the elector  
842 may alternatively designate a candidate by writing the name of a  
843 political party on the ballot. A written designation of the  
844 political party shall be counted as a vote for the candidate of  
845 that party if there is such a party candidate in the race.

846 (c) In the case of a joint candidacy, such as for the  
847 offices of President/Vice President or Governor/Lieutenant  
848 Governor, a valid vote for one or both qualified candidates on  
849 the same ticket shall constitute a vote for the joint candidacy.

850 (d) For purposes of this subsection and except where the  
851 context clearly indicates otherwise, such as where a candidate  
852 in the election is affiliated with a political party whose name  
853 includes the word "Independent," "Independence," or similar  
854 term, a voter designation of "No Party Affiliation" or  
855 "Independent," or any minor variation, misspelling, or  
856 abbreviation thereof, shall be considered a designation for the  
857 candidate, other than a write-in candidate, who qualified to run  
858 in the race with no party affiliation. If more than one  
859 candidate qualifies to run as a candidate with no party

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860 affiliation, the designation shall not count for any candidate  
861 unless there is a valid, additional designation of the  
862 candidate's name.

863 (e) Any abbreviation, misspelling, or other minor  
864 variation in the form of the name of an office, the name of a  
865 candidate, or the name of a political party must be disregarded  
866 in determining the validity of the ballot.

867 (3)(a) An absent uniformed services voter or an overseas  
868 voter who submits a federal write-in absentee ballot and later  
869 receives an official vote-by-mail ~~absentee~~ ballot may submit the  
870 official vote-by-mail ~~absentee~~ ballot. An elector who submits a  
871 federal write-in absentee ballot and later receives and submits  
872 an official vote-by-mail ~~absentee~~ ballot should make every  
873 reasonable effort to inform the appropriate supervisor of  
874 elections that the elector has submitted more than one ballot.

875 (b) A federal write-in absentee ballot may not be  
876 canvassed until 7 p.m. on the day of the election. Each federal  
877 write-in absentee ballot received by 7 p.m. on the day of the  
878 election shall be canvassed pursuant to ss. 101.5614(5) and  
879 101.68, unless the elector's official vote-by-mail ~~absentee~~  
880 ballot is received by 7 p.m. on election day. If the elector's  
881 official vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on  
882 election day, the federal write-in absentee ballot is invalid  
883 and the official vote-by-mail ~~absentee~~ ballot shall be  
884 canvassed. The time shall be regulated by the customary time in  
885 standard use in the county seat of the locality.

886 (4) For vote-by-mail ~~absentee~~ ballots received from absent  
887 uniformed services voters or overseas voters, there is a

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888 presumption that the envelope was mailed on the date stated on  
889 the outside of the return envelope, regardless of the absence of  
890 a postmark on the mailed envelope or the existence of a postmark  
891 date that is later than the date of the election.

892 Section 29. Section 101.697, Florida Statutes, is amended  
893 to read:

894 101.697 Electronic transmission of election materials.—The  
895 Department of State shall determine whether secure electronic  
896 means can be established for receiving ballots from overseas  
897 voters. If such security can be established, the department  
898 shall adopt rules to authorize a supervisor of elections to  
899 accept from an overseas voter a request for a vote-by-mail an  
900 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by  
901 secure facsimile machine transmission or other secure electronic  
902 means. The rules must provide that in order to accept a voted  
903 ballot, the verification of the voter must be established, the  
904 security of the transmission must be established, and each  
905 ballot received must be recorded.

906 Section 30. Subsection (4) of section 102.166, Florida  
907 Statutes, is amended to read:

908 102.166 Manual recounts of overvotes and undervotes.—

909 (4)(a) A vote for a candidate or ballot measure shall be  
910 counted if there is a clear indication on the ballot that the  
911 voter has made a definite choice.

912 (b) The Department of State shall adopt specific rules for  
913 the federal write-in absentee ballot and for each certified  
914 voting system prescribing what constitutes a "clear indication  
915 on the ballot that the voter has made a definite choice." The



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916 rules shall be consistent, to the extent practicable, and may  
917 not:

918 1. Exclusively provide that the voter must properly mark  
919 or designate his or her choice on the ballot; or

920 2. Contain a catch-all provision that fails to identify  
921 specific standards, such as "any other mark or indication  
922 clearly indicating that the voter has made a definite choice."

923 (c) The rule for the federal write-in absentee ballot must  
924 address, at a minimum, the following issues:

925 1. The appropriate lines or spaces for designating a  
926 candidate choice and, for state and local races, the office to  
927 be voted, including the proximity of each to the other and the  
928 effect of intervening blank lines.

929 2. The sufficiency of designating a candidate's first or  
930 last name when no other candidate in the race has the same or a  
931 similar name.

932 3. The sufficiency of designating a candidate's first or  
933 last name when an opposing candidate has the same or a similar  
934 name, notwithstanding generational suffixes and titles such as  
935 "Jr.," "Sr.," or "III." The rule should contemplate the  
936 sufficiency of additional first names and first initials, middle  
937 names and middle initials, generational suffixes and titles,  
938 nicknames, and, in general elections, the name or abbreviation  
939 of a political party.

940 4. Candidate designations containing both a qualified  
941 candidate's name and a political party, including where the  
942 party designated is the candidate's party, is not the  
943 candidate's party, has an opposing candidate in the race, or

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944 does not have an opposing candidate in the race.

945 5. Situations where the abbreviation or name of a  
946 candidate is the same as the abbreviation or name of a political  
947 party to which the candidate does not belong, including where  
948 the party designated has another candidate in the race or does  
949 not have a candidate in the race.

950 6. The use of marks, symbols, or language, such as arrows,  
951 quotation marks, or the word "same" or "ditto," to indicate that  
952 the same political party designation applies to all listed  
953 offices.

954 7. Situations where an elector designates the name of a  
955 qualified candidate for an incorrect office.

956 8. Situations where an elector designates an otherwise  
957 correct office name that includes an incorrect district number.

958 Section 31. Subsection (8) of section 102.168, Florida  
959 Statutes, is amended to read:

960 102.168 Contest of election.—

961 (8) In any contest that requires a review of the  
962 canvassing board's decision on the legality of a vote-by-mail an  
963 ~~absentee~~ ballot pursuant to s. 101.68 based upon a comparison of  
964 the signature on the voter's certificate and the signature of  
965 the elector in the registration records, the circuit court may  
966 not review or consider any evidence other than the signature on  
967 the voter's certificate and the signature of the elector in the  
968 registration records. The court's review of such issue shall be  
969 to determine only if the canvassing board abused its discretion  
970 in making its decision.

971 Section 32. Subsection (1) of section 104.047, Florida

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972 Statutes, is amended to read:

973 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;  
974 violations.-

975 (1) Except as provided in s. 101.62 or s. 101.655, any  
976 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf  
977 of an elector is guilty of a felony of the third degree,  
978 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

979 Section 33. Subsection (2) of section 104.0515, Florida  
980 Statutes, is amended to read:

981 104.0515 Voting rights; deprivation of, or interference  
982 with, prohibited; penalty.-

983 (2) No person acting under color of law shall:

984 (a) In determining whether any individual is qualified  
985 under law to vote in any election, apply any standard, practice,  
986 or procedure different from the standards, practices, or  
987 procedures applied under law to other individuals within the  
988 same political subdivision who have been found to be qualified  
989 to vote; or

990 (b) Deny the right of any individual to vote in any  
991 election because of an error or omission on any record or paper  
992 relating to any application, registration, or other act  
993 requisite to voting, if such error or omission is not material  
994 in determining whether such individual is qualified under law to  
995 vote in such election. This paragraph shall apply to vote-by-  
996 mail ~~absentee~~ ballots only if there is a pattern or history of  
997 discrimination on the basis of race, color, or previous  
998 condition of servitude in regard to vote-by-mail ~~absentee~~  
999 ballots.

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1000 Section 34. Section 104.0616, Florida Statutes, is amended  
1001 to read:

1002 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;  
1003 violations.--Any person who provides or offers to provide, and  
1004 any person who accepts, a pecuniary or other benefit in exchange  
1005 for distributing, ordering, requesting, collecting, delivering,  
1006 or otherwise physically possessing vote-by-mail ~~absentee~~  
1007 ballots, with intent to alter, change, modify, or erase any vote  
1008 on the vote-by-mail ~~absentee~~ ballot, except as provided in ss.  
1009 101.6105-101.695, commits a felony of the third degree,  
1010 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1011 Section 35. Section 104.17, Florida Statutes, is amended  
1012 to read:

1013 104.17 Voting in person after casting vote-by-mail  
1014 ~~absentee~~ ballot.--Any person who willfully votes or attempts to  
1015 vote both in person and by vote-by-mail ~~absentee~~ ballot at any  
1016 election is guilty of a felony of the third degree, punishable  
1017 as provided in s. 775.082, s. 775.083, or s. 775.084.

1018 Section 36. Subsection (2) of section 117.05, Florida  
1019 Statutes, is amended to read:

1020 117.05 Use of notary commission; unlawful use; notary fee;  
1021 seal; duties; employer liability; name change; advertising;  
1022 photocopies; penalties.--

1023 (2) (a) The fee of a notary public may not exceed \$10 for  
1024 any one notarial act, except as provided in s. 117.045.

1025 (b) A notary public may not charge a fee for witnessing a  
1026 vote-by-mail ~~an absentee~~ ballot in an election, and must witness  
1027 such a ballot upon the request of an elector, provided the

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1028 notarial act is in accordance with the provisions of this  
1029 chapter.

1030 Section 37. Subsection (7) of section 394.459, Florida  
1031 Statutes, is amended to read:

1032 394.459 Rights of patients.—

1033 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible  
1034 to vote according to the laws of the state has the right to vote  
1035 in the primary and general elections. The department shall  
1036 establish rules to enable patients to obtain voter registration  
1037 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-  
1038 by-mail ~~absentee~~ ballots.

1039 Section 38. Section 741.406, Florida Statutes, is amended  
1040 to read:

1041 741.406 Voting by program participant; use of designated  
1042 address by supervisor of elections.—A program participant who is  
1043 otherwise qualified to vote may request a vote-by-mail ~~an~~  
1044 ~~absentee~~ ballot pursuant to s. 101.62. The program participant  
1045 shall automatically receive vote-by-mail ~~absentee~~ ballots for  
1046 all elections in the jurisdictions in which that individual  
1047 resides in the same manner as vote-by-mail ~~absentee~~ voters. The  
1048 supervisor of elections shall transmit the vote-by-mail ~~absentee~~  
1049 ballot to the program participant at the address designated by  
1050 the participant in his or her application as a vote-by-mail ~~an~~  
1051 ~~absentee~~ voter. The name, address, and telephone number of a  
1052 program participant may not be included in any list of  
1053 registered voters available to the public.

1054 Section 39. Subsection (7) of section 916.107, Florida  
1055 Statutes, is amended to read:

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1056 916.107 Rights of forensic clients.-  
1057 (7) VOTING IN PUBLIC ELECTIONS.-A forensic client who is  
1058 eligible to vote according to the laws of the state has the  
1059 right to vote in the primary and general elections. The  
1060 department and agency shall establish rules to enable clients to  
1061 obtain voter registration forms, applications for vote-by-mail  
1062 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.

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

1065  
1066 Remove line 11 and insert:  
1067 voting; amending ss. 97.012, 97.021, 97.026, 98.065,  
1068 98.077, 98.0981, 101.051, 101.5612, 101.5614, 101.572,  
1069 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661,  
1070 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923,  
1071 101.6925, 101.694, 101.6951, 101.6952, 101.697,  
1072 102.166, 102.168, 104.047, 104.0515, 104.0616, 104.17,  
1073 117.05, 394.459, 741.406, 916.107, F.S.; changing the  
1074 term "absentee ballot" to "vote-by-mail ballot";  
1075 conforming terminology; providing an effective date.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN ✓ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

6 Section 3. Subsection (1) of section 110.117, Florida  
7 Statutes, is amended to read:

8 110.117 Paid holidays.—

9 (1) The following holidays shall be paid holidays observed  
10 by all state branches and agencies:

11 (a) New Year's Day.

12 (b) Birthday of Martin Luther King, Jr., third Monday in  
13 January.

14 (c) Memorial Day.

15 (d) Independence Day.

16 (e) Labor Day.

17 (f) Florida Democracy Day, the day of a general election  
18 as defined in s. 97.021(15).

19 (g) ~~(f)~~ Veterans' Day, November 11.

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- 20        ~~(h)(g)~~ Thanksgiving Day.  
21        ~~(i)(h)~~ Friday after Thanksgiving.  
22        ~~(j)(i)~~ Christmas Day.  
23        ~~(k)(j)~~ If any of these holidays falls on Saturday, the  
24 preceding Friday shall be observed as a holiday. If any of these  
25 holidays falls on Sunday, the following Monday shall be observed  
26 as a holiday.

27        Section 4. For the purpose of incorporating the amendment  
28 made by this act to section 110.117, Florida Statutes, in a  
29 reference thereto, paragraph (c) of subsection (5) of section  
30 110.219, Florida Statutes, is reenacted to read:

31        110.219 Attendance and leave; general policies.—

32        (5) Rules shall be adopted by the department in  
33 cooperation and consultation with the agencies to implement the  
34 provisions of this section; however, such rules must be approved  
35 by the Administration Commission prior to their adoption. Such  
36 rules must provide for, but need not be limited to:

37        (c) Holidays as provided in s. 110.117.

38        Section 5. For the purpose of incorporating the amendment  
39 made by this act to section 110.117, Florida Statutes, in a  
40 reference thereto, section 551.116, Florida Statutes, is  
41 reenacted to read:

42        551.116 Days and hours of operation.—Slot machine gaming  
43 areas may be open daily throughout the year. The slot machine  
44 gaming areas may be open a cumulative amount of 18 hours per day  
45 on Monday through Friday and 24 hours per day on Saturday and  
46 Sunday and on those holidays specified in s. 110.117(1).



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47 Section 6. For the purpose of incorporating the amendment  
48 made by this act to section 110.117, Florida Statutes, in a  
49 reference thereto, paragraph (b) of subsection (7) of section  
50 849.086, Florida Statutes, is reenacted to read:

51 849.086 Cardrooms authorized.—

52 (7) CONDITIONS FOR OPERATING A CARDROOM.—

53 (b) Any cardroom operator may operate a cardroom at the  
54 pari-mutuel facility daily throughout the year, if the  
55 permitholder meets the requirements under paragraph (5)(b). The  
56 cardroom may be open a cumulative amount of 18 hours per day on  
57 Monday through Friday and 24 hours per day on Saturday and  
58 Sunday and on the holidays specified in s. 110.117(1).

59

60

61

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

62

Remove line 11 and insert:

63

voting; amending s. 110.117, F.S.; providing that the

64

day of a general election is a paid holiday observed

65

by all state branches and agencies; naming the holiday

66

"Florida Democracy Day"; reenacting ss. 110.219(5)(c),

67

551.116, and 849.086(7)(b), F.S., relating to state

68

employee attendance and leave and days and hours of

69

operation of slot machine gaming areas and cardrooms,

70

respectively, to incorporate the amendment to s.

71

110.117, F.S., in references thereto; providing an

72

effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.11

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Williams, A. offered the following:

3  
4  
5  
6  
7

**Amendment**

Remove line 105 and insert:  
contains state or federal races, for at least 8 hours but not

Amendment No.12

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Pafford offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

6 Section 3. The state shall purchase and distribute to each  
 7 county two electronic poll books for each precinct that operated  
 8 during the 2012 general election.

12 -----  
 13 **T I T L E A M E N D M E N T**

14 Remove line 11 and insert:  
 15 voting; providing for the purchase and distribution of  
 16 electronic poll books for each precinct that operated during the  
 17 2012 general election; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.13

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Cruz offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

Section 3. Paragraphs (c) and (d) of subsection (2) and subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.-

(2)

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. The ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day, as long as, prior to the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped

## Amendment No.13

20 with a verifiable tracking number by common carrier, or already  
21 in the possession of the supervisor of elections. An absentee  
22 ballot shall be considered illegal if it does not include the  
23 signature of the elector, as shown by the registration records.  
24 However, an absentee ballot shall not be considered illegal if  
25 the signature of the elector does not cross the seal of the  
26 mailing envelope or if the supervisor has received a completed  
27 and verified affidavit prescribed by subsection (4) from an  
28 elector who did not sign the voter's certificate. If the  
29 canvassing board determines that any ballot is illegal, a member  
30 of the board shall, without opening the envelope, mark across  
31 the face of the envelope: "rejected as illegal." The envelope  
32 and the ballot contained therein shall be preserved in the  
33 manner that official ballots voted are preserved.

34 2. If any elector or candidate present believes that an  
35 absentee ballot is illegal due to a defect apparent on the  
36 voter's certificate, he or she may, at any time before the  
37 ballot is removed from the envelope, file with the canvassing  
38 board a protest against the canvass of that ballot, specifying  
39 the precinct, the ballot, and the reason he or she believes the  
40 ballot to be illegal. A challenge based upon a defect in the  
41 voter's certificate may not be accepted after the ballot has  
42 been removed from the mailing envelope.

43 (d) The canvassing board shall record the ballot upon the  
44 proper record, unless the ballot has been previously recorded by  
45 the supervisor. The mailing envelopes shall be opened and the  
46 secrecy envelopes, if used by the supervisor, shall be mixed so  
47 as to make it impossible to determine which secrecy envelope

Amendment No.13

48 | came out of which signed mailing envelope; however, in any  
49 | county in which an electronic or electromechanical voting system  
50 | is used, the ballots may be sorted by ballot styles and the  
51 | mailing envelopes may be opened and the secrecy envelopes, if  
52 | used by the supervisor, mixed separately for each ballot style.  
53 | The votes on absentee ballots shall be included in the total  
54 | vote of the county.

55 |       (4) (a) The supervisor of elections shall, on behalf of the  
56 | county canvassing board, notify each elector whose ballot was  
57 | rejected as illegal because of a difference between the  
58 | elector's signature on the ballot and that on the elector's  
59 | voter registration record. The supervisor shall mail a voter  
60 | registration application to the elector to be completed  
61 | indicating the elector's current signature. This section does  
62 | not prohibit the supervisor from providing additional methods  
63 | for updating an elector's signature.

64 |       (b) If the canvassing board has not begun the canvassing  
65 | of absentee ballots pursuant to subsection (2), the supervisor  
66 | shall allow an elector who has returned an absentee ballot that  
67 | does not include the elector's signature to complete an  
68 | affidavit in order to cure the unsigned absentee ballot.

69 |       (c) The elector shall provide identification to the  
70 | supervisor and must complete an Absentee Ballot Affidavit in  
71 | substantially the following form:

72 |  
73 |                                   ABSENTEE BALLOT AFFIDAVIT  
74 |

75 | I, . . . ., am a qualified voter in this election and registered

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.13

76 voter of .... County, Florida. I do solemnly swear or affirm  
77 that I requested, voted, and returned the absentee ballot and  
78 that I have not and will not vote more than one ballot in this  
79 election. I understand that if I commit or attempt any fraud in  
80 connection with voting, vote a fraudulent ballot, or vote more  
81 than once in an election, I can be convicted of a felony of the  
82 third degree and fined up to \$5,000 and imprisoned for up to 5  
83 years. I understand that my failure to sign this affidavit means  
84 that my absentee ballot will be invalidated.

85

86 ...(Voter's Signature)...

87

88 ...(Address)...

89

90 ...(City/State)...

91

92 (d) Upon the elector's completion of the affidavit and  
93 verification by the supervisor, the supervisor shall reissue an  
94 absentee ballot to the elector.

95

96

97

**T I T L E   A M E N D M E N T**

98

Remove line 11 and insert:

99

voting; amending s. 101.68, F.S.; requiring the

100

supervisor of elections to notify an elector whose

101

absentee ballot is returned without a signature or

102

with another defect that an absentee ballot may be

103

reissued upon completion of an affidavit; revising

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.13

104 | what a canvassing board may consider an illegal  
105 | absentee ballot; providing form for the affidavit;  
106 | providing procedures for such reissuance of an  
107 | absentee ballot; providing an effective date.



Amendment No.14

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>  ✓  </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Rogers offered the following:

**Amendment (with title amendment)**

Between lines 111 and 112, insert:

Section 3. Subsections (1) and (2) of section 97.057, Florida Statutes, are amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall automatically ~~provide the opportunity to~~ register to vote or ~~to~~ update a voter registration record of ~~to~~ each individual who contacts the department either in person at ~~comes to~~ an office of that department or through the department's website to:

(a) Apply for or renew a driver ~~driver's~~ license;

(b) Apply for or renew an identification card pursuant to chapter 322; or

(c) Change an address on an existing driver ~~driver's~~

## Amendment No.14

20 license or identification card.

21 (2) The Department of Highway Safety and Motor Vehicles  
22 shall:

23 (a) Notify each individual, orally or in writing, that:

24 1. Information gathered for the completion of a driver  
25 ~~driver's~~ license or identification card application, renewal, or  
26 change of address will ~~can~~ be automatically transferred to a  
27 voter registration application;

28 2. If additional information and a signature are provided,  
29 or if during any electronic transaction the individual  
30 authorizes the department to use the electronic signature on  
31 file, the voter registration application will be completed and  
32 sent to the proper election authority;

33 3. Information provided will ~~can~~ also be used to update a  
34 voter registration record;

35 4. All declinations will remain confidential and may be  
36 used only for voter registration purposes; and

37 5. The particular driver license office in which the  
38 person applies to register to vote or updates a voter  
39 registration record will remain confidential and may be used  
40 only for voter registration purposes.

41 (b) Require a driver ~~driver's~~ license examiner to notify  
42 ~~inquire~~ orally or, if the applicant is hearing impaired, notify  
43 ~~inquire~~ in writing that by applying for or renewing a driver  
44 license, by applying for or renewing an identification card  
45 pursuant to chapter 322, or by changing an address on an  
46 existing driver license or identification card, the qualified  
47 applicant is consenting to register to vote or to update his or

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48 her voter registration record. However, the applicant may revoke  
49 consent by notifying the driver license examiner orally or, if  
50 the applicant is hearing impaired, in writing that he or she  
51 chooses not to automatically register to vote or update his or  
52 her voter registration record ~~whether the applicant wishes to~~  
53 ~~register to vote or update a voter registration record during~~  
54 ~~the completion of a driver's license or identification card~~  
55 ~~application, renewal, or change of address. Any transaction~~  
56 conducted online pursuant to subsection (1) must contain an  
57 identical prompt in clear and unambiguous text requiring an  
58 affirmative response whether the individual would like to  
59 decline the opportunity to register to vote or update his or her  
60 voter registration record.

61 1. If the applicant does not revoke consent to  
62 automatically ~~chooses to~~ register to vote or ~~to~~ update a voter  
63 registration record:

64 a. All applicable information received by the Department  
65 of Highway Safety and Motor Vehicles in the course of filling  
66 out the forms necessary under subsection (1) must be transferred  
67 to a voter registration application.

68 b. The additional necessary information must be obtained  
69 by the driver ~~driver's~~ license examiner and must not duplicate  
70 any information already obtained while completing the forms  
71 required under subsection (1).

72 c. A voter registration application with all of the  
73 applicant's voter registration information required to establish  
74 the applicant's eligibility pursuant to s. 97.041 must be  
75 presented to the applicant to review and verify the voter

Amendment No.14

76 registration information received and provide an electronic  
77 signature affirming the accuracy of the information provided.

78 d. A qualified applicant who is automatically registered  
79 to vote under this section and who fails to designate party  
80 affiliation must be registered without party affiliation  
81 pursuant to s. 97.053(5)(b).

82 2. If the applicant revokes consent to automatically  
83 ~~declines to~~ register to vote, update the applicant's voter  
84 registration record, or change the applicant's address by either  
85 orally or in writing declining or by failing to sign the voter  
86 registration application, the Department of Highway Safety and  
87 Motor Vehicles must note such declination on its records and  
88 shall forward the declination to the statewide voter  
89 registration system.

90 -----  
91  
92 **T I T L E A M E N D M E N T**

93 Remove line 11 and insert:

94 voting; amending s. 97.057, F.S.; authorizing the  
95 Department of Highway Safety and Motor Vehicles to  
96 automatically register to vote or update a voter  
97 registration record of an eligible individual;  
98 requiring the department to notify the individual that  
99 certain information gathered for the completion of a  
100 driver license or identification card application,  
101 renewal, or change of address is automatically  
102 transferred to a voter registration application or  
103 used to update a voter registration record; requiring

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Bill No. HB 7013 (2013)

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104 a driver license examiner to notify an applicant that,  
105 by applying for, renewing, or updating a driver  
106 license or identification card, the applicant is  
107 consenting to automatically register to vote or update  
108 his or her voter registration record; authorizing an  
109 applicant to revoke consent to automatically register  
110 to vote or update a voter registration record;  
111 requiring that an applicant who fails to designate  
112 party affiliation be registered without party  
113 affiliation; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.15

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Edwards offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

6 Section 3. Subsections (1) and (4) of section 102.141,  
7 Florida Statutes, are amended to read:

8 102.141 County canvassing board; duties.—

9 (1) The county canvassing board shall be composed of the  
10 supervisor of elections; a county court judge, who shall act as  
11 chair; and the chair of the board of county commissioners. The  
12 chief judge of the judicial circuit in which the county is  
13 located shall appoint a county court judge as an alternate  
14 member of the county canvassing board or, if each county court  
15 judge is unable to serve or is disqualified, shall appoint an  
16 alternate member who is qualified to serve as a substitute  
17 member under paragraph (a). The chair of the board of county  
18 commissioners shall appoint a member of the board of county  
19 commissioners as an alternate member of the county canvassing  
20 board or, if each member of the board of county commissioners is

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21 unable to serve or is disqualified, shall appoint an alternate  
22 member who is qualified to serve as a substitute member under  
23 paragraph (d). If a member of the county canvassing board is  
24 unable to participate in a meeting of the board, the chair of  
25 the county canvassing board or his or her designee shall  
26 designate which alternate member will serve as a member of the  
27 board in the place of the member who is unable to participate at  
28 that meeting. Two of the three members or alternate members  
29 serving as the county canvassing board must agree on any  
30 decision or determination. If not serving as one of the three  
31 members of the county canvassing board, an alternate member may  
32 be present, observe, and communicate with the three members  
33 constituting the county canvassing board, but may not vote in  
34 the board's decisions or determinations. In the event any  
35 member or alternate member of the county canvassing board is  
36 unable to serve, is a candidate who has opposition in the  
37 election being canvassed, or is an active participant in the  
38 campaign or candidacy of any candidate who has opposition in the  
39 election being canvassed, such member shall be replaced as  
40 follows:

41 (a) If no county court judge is able to serve or if all  
42 are disqualified, the chief judge of the judicial circuit in  
43 which the county is located shall appoint as a substitute member  
44 or alternate member a qualified elector of the county who is not  
45 a candidate with opposition in the election being canvassed and  
46 who is not an active participant in the campaign or candidacy of  
47 any candidate with opposition in the election being canvassed.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.15

48 In such event, the members of the county canvassing board shall  
49 meet and elect a chair.

50 (b) If the supervisor of elections is unable to serve or  
51 is disqualified, the chair of the board of county commissioners  
52 shall appoint as a substitute member a member of the board of  
53 county commissioners who is not a candidate with opposition in  
54 the election being canvassed and who is not an active  
55 participant in the campaign or candidacy of any candidate with  
56 opposition in the election being canvassed. The supervisor,  
57 however, shall act in an advisory capacity to the canvassing  
58 board.

59 (c) If the chair of the board of county commissioners is  
60 unable to serve or is disqualified, the board of county  
61 commissioners shall appoint as a substitute member one of its  
62 members who is not a candidate with opposition in the election  
63 being canvassed and who is not an active participant in the  
64 campaign or candidacy of any candidate with opposition in the  
65 election being canvassed.

66 (d) If a substitute member or alternate member cannot be  
67 appointed as provided elsewhere in this subsection, the chief  
68 judge of the judicial circuit in which the county is located  
69 shall appoint as a substitute member or alternate member a  
70 qualified elector of the county who is not a candidate with  
71 opposition in the election being canvassed and who is not an  
72 active participant in the campaign or candidacy of any candidate  
73 with opposition in the election being canvassed.

74 (4) (a) The supervisor of elections shall upload into the  
75 county's election management system by 7 p.m. of the day before



Amendment No.15

76 the election the results of all early voting and absentee  
77 ballots that have been canvassed and tabulated by the end of the  
78 early voting period. Pursuant to ss. 101.5614(9), 101.657, and  
79 101.68(2), the tabulation of votes cast or the results of such  
80 uploads shall not be made public before the close of the polls  
81 on election day.

82 (b) The canvassing board shall report all early voting and  
83 all tabulated absentee results to the Department of State within  
84 30 minutes after the polls close. Thereafter, the canvassing  
85 board shall report, with the exception of provisional ballot  
86 results, updated precinct election results to the department at  
87 least every 45 minutes until all results are completely  
88 reported. The supervisor of elections shall notify the  
89 department immediately of any circumstances that do not permit  
90 periodic updates as required. Results shall be submitted in a  
91 format prescribed by the department.

92

93

94

95

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

98

Remove line 11 and insert:

99 voting; amending s. 102.141, F.S.; revising methods of selecting  
100 canvassing board members; providing an effective date.

101

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

Amendment No.16

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Edwards offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

6 Section 3. Subsection (3) of section 101.5605, Florida  
7 Statutes, is amended to read:

8 101.5605 Examination and approval of equipment.-

9 (3) (a) Before the Department of State approves the  
10 electronic or electromechanical voting system, the person who  
11 submitted it for examination shall provide the department the  
12 name, mailing address, and telephone number of a registered  
13 agent in this state, which agent must have and continuously  
14 maintain an office in this state. Any change in the name,  
15 address, or telephone number of the registered agent shall  
16 promptly be made known to the department.

17 (b) Before entering into a contract for the sale or lease  
18 of a voting system approved under this section to any county,  
19 the person entering into such contract with a county shall  
20 provide the department the name, mailing address, and telephone

COMMITTEE/SUBCOMMITTEE AMENDMENT

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21 number of a registered agent in this state, which agent must  
22 have and continuously maintain an office in this state. Any  
23 change in the name, address, or telephone number of the  
24 registered agent shall promptly be made known to the department.

25 (c) The department's proof of delivery or attempted  
26 delivery to the last mailing address of the registered agent on  
27 file with the department at the time of delivery or attempted  
28 delivery shall be valid for all notice purposes.

29 (d) ~~(a)~~ Within 30 days after completing the examination and  
30 upon approval of any electronic or electromechanical voting  
31 system, the Department of State shall make and maintain a report  
32 on the system, together with a written or printed description  
33 and drawings and photographs clearly identifying the system and  
34 the operation thereof. As soon as practicable after such filing,  
35 the department shall send a notice of certification and, upon  
36 request, a copy of the report to the governing bodies of the  
37 respective counties of the state. Any voting system that does  
38 not receive the approval of the department shall not be adopted  
39 for or used at any election.

40 (e) ~~(b)~~ After a voting system has been approved by the  
41 Department of State, any change or improvement in the system is  
42 required to be approved by the department prior to the adoption  
43 of such change or improvement by any county. If any such change  
44 or improvement does not comply with the requirements of this  
45 act, the department shall suspend all sales of the equipment or  
46 system in the state until the equipment or system complies with  
47 the requirements of this act.

Amendment No.16

48 Section 4. Section 101.56065, Florida Statutes, is created  
49 to read:

50 101.56065 Disclosure of voting systems defects;  
51 investigations for voter systems defects; penalties.--

52 (1) For purposes of this section "defect" means any  
53 failure, fault, or flaw in an electronic or electromechanical  
54 voting system approved pursuant to s. 101.5605 and s. 101.5606  
55 that results in nonconformance to the standards under which the  
56 voting system was approved. "Defect" further includes the  
57 voting system manufacturer or vendor's failure to make available  
58 hardware or software to the counties who have purchased the  
59 approved voting system to permit the voting system to function  
60 in the manner as approved by the Department of State.

61 (2) (a) Any person who has submitted a voting system for  
62 approval by the Department of State in accordance with s.  
63 101.5605 prior to July 1, 2013, and any person who has sold or  
64 leased to a county any voting system approved by the Department  
65 of State prior to July 1, 2013, shall file with the Department a  
66 disclosure of any defect in the voting system. If there are no  
67 defects in the voting system, the person shall state in the  
68 disclosure that no defects exist in the voting system.

69 (b) Each person required to file a disclosure under  
70 paragraph (a) shall file a disclosure no later than October 1,  
71 2013, and thereafter shall file a disclosure no later than July  
72 1 of every odd-numbered year.

73 (c) If at any time a person who has submitted a voting  
74 system for approval by the Department of State in accordance  
75 with s. 101.5605 or any person who has sold or leased to a

Amendment No.16

76 county any voting system approved by the Department of State  
77 becomes aware of the existence of a defect in a system that  
78 person has submitted for approval or sold or leased to a county,  
79 that person shall file with the Department a disclosure of the  
80 defect within 30 days of the discovery of the defect.

81 (d) If a person discloses to the department that a defect  
82 exists in a voting system, the department may suspend all sales  
83 or leases of the equipment or system in the state and may  
84 suspend the use of the system in any elections in the state.  
85 The Secretary shall provide written notice of any such  
86 suspension to the Supervisor of Elections in each county in  
87 which use of the voting system is suspended. If the Secretary  
88 at any time determines that defects no longer exist in the  
89 voting system, the Secretary may lift the suspension. The  
90 Secretary shall provide written notice that the suspension has  
91 been lifted to the Supervisor of Elections in each county in  
92 which use of the voting system was suspended.

93 (e) If no person files a required disclosure for a voting  
94 system previously approved by the department, that system shall  
95 no longer be approved for sale or lease in the state or for use  
96 at elections in the state. The Secretary shall provide written  
97 notice to all Supervisor of Elections that the system is no  
98 longer approved. After approval of a system has been withdrawn  
99 pursuant to this paragraph, no such system may be sold, leased  
100 or used in the state until it has been submitted for examination  
101 and approval and adopted for use pursuant to section 101.5605.

102 (3) (a) When the Secretary of State has reasonable cause to  
103 believe an electronic or electromechanical voting system

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Bill No. HB 7013 (2013)

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104 approved pursuant to s. 101.5605 contains a defect either  
105 before, during, or after an election, which defect has not been  
106 disclosed pursuant to subsection (2), the Secretary of State may  
107 investigate whether the voting system has a defect.

108 (b) The Secretary of State may initiate the investigation  
109 in paragraph (a) on his or her own initiative or upon the  
110 written request of the supervisor of elections of a county in  
111 which a defect allegedly exists or existed.

112 (c) Upon initiating an investigation, the Secretary shall  
113 provide written notice to any person who submitted the voting  
114 system for approval by the Department of State in accordance  
115 with s. 101.5605, any person who has entered into a contract for  
116 the sale or lease of the voting system to any county, and all  
117 the supervisors of elections.

118 (d) In order to carry out the responsibilities prescribed  
119 by this section, the Department of State is empowered to  
120 subpoena and bring before its duly authorized representatives  
121 any person in the state, or any person doing business in the  
122 state, or any person who has filed or is required to have filed  
123 any application, document, papers, or other information with an  
124 office or agency of this state or a political subdivision  
125 thereof and to require the production of any papers, books, or  
126 other records relevant to any investigation. Duly authorized  
127 representatives of the department are empowered to administer  
128 all oaths and affirmations in the manner prescribed by law to  
129 witnesses who shall appear before them concerning any relevant  
130 matter of the investigation. Should any witness fail to respond  
131 to the lawful subpoena of the department or, having responded,

Amendment No.16

132 fail to answer all lawful inquiries or to turn over evidence  
133 that has been subpoenaed, the department may file a complaint  
134 before any circuit court of the state, upon the filing of which  
135 the court shall take jurisdiction of the witness and the subject  
136 matter of said complaint and shall direct the witness to respond  
137 to all lawful questions and to produce all documentary evidence  
138 in the witness's possession which is lawfully demanded. The  
139 failure of any witness to comply with such order of the court  
140 shall constitute a direct and criminal contempt of court, and  
141 the court shall punish said witness accordingly.

142 (e) The Secretary of State shall prepare a written report  
143 of any investigation conducted pursuant to this section.

144 (4) During an investigation pursuant to subsection (2), the  
145 Secretary may suspend the use of the voting system which is the  
146 subject of the investigation, and any upgrade to such voting  
147 system, in any election in the state. The Secretary shall  
148 provide written notice of the suspension to the Supervisor of  
149 Elections in each county in which use of the voting system is  
150 suspended.

151 (5) (a) If the Secretary of State determines by clear and  
152 convincing evidence that a defect exists in the voting system,  
153 the Secretary of State shall provide written notice to any  
154 person who submitted the voting system for approval by the  
155 Department of State in accordance with s. 101.5605 and any  
156 person who entered into a contract for the sale or lease of the  
157 voting system to any county in which the defect existed.

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158 (b) Any person entitled to receive notice pursuant to  
159 paragraph (a) shall, within 10 days, file a written response to  
160 the department

161 1. Denying that the alleged defect exists, setting forth  
162 the reasons for such denial; or

163 2. Admitting that the defect exists or existed as alleged  
164 by the department.

165 i. If the defect has been cured, the person shall provide  
166 an explanation of how the defect was cured.

167 ii. If the defect has not been cured, the person shall  
168 inform the department whether the defect can be cured and may  
169 provide to the department a plan for curing the defect within 10  
170 days from the time of service of the response.

171 (6) If, after receiving a response from a person entitled  
172 to notice, the department determines that a defect does not  
173 exist, or that a defect that did exist has been cured within 10  
174 days of a timely filed response, the department shall take no  
175 further action.

176 (7) If the department determines that a defect exists, and  
177 a person entitled to notice has not filed a written response or  
178 a person entitled to notice has failed to cure a defect or the  
179 defect cannot be cured, the Secretary shall impose a civil  
180 penalty of \$25,000 for each defect plus an amount equal to the  
181 actual costs incurred by the department in conducting the  
182 investigation against:

183 (a) Any person who submitted the voting system for  
184 approval by the Department of State in accordance with s.  
185 101.5605; and



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186 (b) Any person who entered into a contract with any county  
187 for the sale or lease of the voting system to any county in  
188 which the defect existed.

189 (8) If the Secretary of State finds that a defect existed:

190 (a) The Secretary may prohibit the use of the voting system  
191 which is the subject of the investigation, and any upgrade to  
192 such system, in any election in the state. The Secretary shall  
193 provide written notice of the suspension to the Supervisor of  
194 Elections in each county in which use of the voting system is  
195 suspended.

196 (b) If the Secretary determines that defects no longer  
197 exist in a voting system, the use of which has been suspended  
198 pursuant to paragraph (a), the Secretary may lift the suspension  
199 and authorize the use of the voting system in any elections in  
200 the state. The Secretary shall provide written notice that the  
201 suspension has been lifted and the voting system is authorized  
202 for use in elections to the Supervisor of Elections in each  
203 county in which use of the voting system was suspended.

204 (c) If the defect cannot be cured, the Secretary of State  
205 may disapprove the voting system, and any upgrades to such  
206 voting system, for use at elections in the state. The Secretary  
207 shall provide written notice to all Supervisor of Elections that  
208 the system is no longer approved. After approval of a system  
209 has been withdrawn pursuant to this paragraph, no such system  
210 may be sold, leased or used in the state until it has been  
211 submitted for examination and approval and adopted for use  
212 pursuant to section 101.5605.

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213 (d) Any person against whom a civil penalty was imposed  
214 under this section may not enter into a contract for sale or  
215 lease of a voting system in the state until the civil penalties  
216 have been paid and the department provides written confirmation  
217 to the supervisors of elections of the payment.

218 (9) The Secretary of State's authority under this section  
219 is in addition to, and not exclusive of, any other authority  
220 provided by law.

221 (10) All proceedings under this section are exempt from  
222 chapter 120.

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**T I T L E   A M E N D M E N T**

229

Remove line 11 and insert:

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voting; amending s. 101.5605, F.S., relating to examination and

231

approval of equipment; creating s. 101.56065, F.S., relating to

232

disclosure of voting systems defects; providing penalties;

233

providing an effective date.

234