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# Appropriations Committee

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

Meeting Packet

**Will Weatherford**  
Speaker

**Seth McKeel**  
Chair



**The Florida House of Representatives**  
**Appropriations Committee**

**Will Weatherford**  
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**AGENDA**



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

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair McKeel
- III. Consideration of the following bills:  
  
**CS/HB 569** Florida Election Code by Ethics & Elections Subcommittee, Schenck  
  
**HB 7013** Florida Election Code by Ethics & Elections Subcommittee, Boyd
- IV. Closing Remarks and Adjournment



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 569 Florida Election Code  
**SPONSOR(S):** Ethics & Elections Subcommittee and Schenck  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Ethics & Elections Subcommittee	10 Y, 2 N, As CS	Davison	Marino
2) Appropriations Committee		Kramer 	Leznoff 
3) State Affairs Committee			

### SUMMARY ANALYSIS

Campaign finance activities in Florida are primarily governed by chapter 106, Florida Statutes, which is part of the Florida Election Code. Specifically, the chapter regulates the campaign finance activities of candidates for state and local office, committees of continuous existence (CCEs), political committees (PCs), electioneering communications organizations (ECOs), affiliated party committees (APCs), and political parties. As of December 2012, there were approximately 670 CCEs, 260 PCs, and 155 ECOs.

This bill changes several aspects of Florida's campaign finance laws, as follows:

Issue	Provisions in HB 569
Committees of Continuous Existence	<ul style="list-style-type: none"> <li>• Requires the Division of Elections to notify CCEs of new laws by 7/15/13.</li> <li>• Prohibits acceptance of contributions by CCEs after 8/1/13.</li> <li>• Revokes all CCE certifications effective 9/30/13.</li> <li>• Requires submission of any outstanding reports after revocation.</li> <li>• All CCE statutes are deleted on 11/1/13 (The laws stay in place until 11/1 to help ensure that CCEs submit final reports).</li> </ul>
Limits on Campaign Contributions to Candidates	Increases limit from \$500 to \$10,000 effective July 1, 2013.
Limits on Contributions to Political Committees	Removes current \$500 limit to allow unlimited contributions to political committees.
Retention of Surplus Funds	<ul style="list-style-type: none"> <li>• Allows a candidate to retain up to \$100,000 in surplus campaign funds for use in the next election for the <i>same</i> office.</li> <li>• If the candidate does not run for the same office in the next election, the funds must be disposed of as usual.</li> </ul>
Disclosures by Candidates, Political Committees, and ECOs that file with the Division of Elections	Requires submission of: <ul style="list-style-type: none"> <li>• Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends);</li> <li>• Weekly reports beginning on the 60th day before the primary, with the last weekly report due on the 11th day before the general election; and</li> <li>• Daily reports beginning on the 10th day before the general election, with the last report due on the day before the general election.</li> </ul>
Disclosures by Candidates, Political Committees, and ECOs that file with a Supervisor of Elections or a municipal clerk	Requires submission of: <ul style="list-style-type: none"> <li>• Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends); and</li> <li>• Weekly reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.</li> </ul>
Statewide Campaign Finance Database	Requires the Division of Elections to submit a proposal to the House and Senate by 12/1/13 for a mandatory statewide electronic filing system for all state and local campaign filings required by the Florida Election Code.

This bill may have a negative fiscal impact on the Department of State in the amount of \$85,000, for two FTEs to implement reporting requirements imposed by this bill. This bill may have a negative fiscal impact on the Florida Elections Commission in the amount of \$42,900, for one FTE to prepare additional cases as a result of the reporting requirements imposed by this bill.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### 1. *Committees of Continuous Existence (CCEs)*

###### *Current Situation*

A CCE is a group, organization, association, or other such entity that is involved in making contributions to candidates, PCs, ECOs, other CCEs, or political parties.<sup>1</sup> A CCE may not make electioneering communications or independent expenditures.

An "independent expenditure" is defined as "an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure."<sup>2</sup>

An electioneering communication is defined by Florida law as "any communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone" that:

- A. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- B. Is made within 30 days before a primary election or 60 days before a general election; and
- C. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.<sup>3</sup>

An organization that registers as a CCE may exist for purposes other than influencing the outcome of an election in Florida, and may make expenditures of funds for non-election related activities.<sup>4</sup> However, if an entity wishes to conduct political activities as a CCE, it must apply for and receive certification from the Division of Elections.<sup>5</sup>

CCEs are required to file periodic reports of contributions received and expenditures made.<sup>6</sup> CCEs are not required to provide a detailed list of members paying dues so long as each member pays no more than \$250 in dues per calendar year; rather, CCEs are only required to report the total amount of dues collected and the total number of dues-paying members.<sup>7</sup>

###### *Effect of Proposed Changes*

This bill establishes a process to eliminate CCEs. As of August 1, 2013, CCEs are not permitted to accept contributions as that term is defined in the Florida Election Code,<sup>8</sup> and on September 30, 2013, all CCE certifications are revoked. Before revocation, CCEs must disburse funds as currently authorized by law. In order to provide sufficient notice to CCEs in advance of revocation, the Division of Elections is required to notify CCEs of the new laws by July 15, 2013. Even though CCE certifications are revoked by operation of law on September 30, 2013, s. 106.04, F.S., which governs CCEs, remains effective until November 1, 2013. Therefore, a CCE whose certification is revoked on September 30, 2013, must

<sup>1</sup> § 106.04(1), F.S.

<sup>2</sup> § 106.011(5)(a), F.S.

<sup>3</sup> § 106.011(18), F.S.

<sup>4</sup> § 106.04(5), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Please see Section 4 of this analysis for a discussion of the frequency of campaign finance reporting.

<sup>7</sup> §§ 106.04(4)(b)1. and 106.04(4)(c)1., F.S.

<sup>8</sup> "Contribution" is defined in § 106.011(3), F.S., as: (a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication. (b) A transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or between any combination of these groups. (c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services. (d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate. Notwithstanding the foregoing meanings of "contribution," the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

file required campaign finance reports, including the report due in October 2013 for the third quarter of 2013, disclosing contributions received and expenditures made that have not been previously reported.

The following table describes the current law and the effect of the bill's proposed changes:

Committees of Continuous Existence		
	Current Law	Effect of Proposed Changes
Political Purpose	To make contributions to candidates, political committees, CCEs, <sup>9</sup> ECOs, or political parties. <sup>10</sup>	This bill eliminates CCEs.
Limits on Contributions to a CCE	There are no limits as long as the CCE maintains the following organizational requirements: <ul style="list-style-type: none"> <li>• Must be organized and operated under a written charter or bylaws specifying procedures for the election of officers and defining membership.<sup>11</sup></li> <li>• At least 25% of the income, excluding interest, of the organization must come from dues of members.<sup>12</sup></li> </ul>	
Limits on Contributions by a CCE	<ul style="list-style-type: none"> <li>• \$500 maximum to each candidate or political committee supporting candidates.<sup>13</sup></li> <li>• No limit on contributions to ECOs, CCEs, political committees, or political parties.</li> <li>• 25% of annual income to a political committee supporting or opposing issues.<sup>14</sup></li> </ul>	
Permissible and Prohibited Activities	<ul style="list-style-type: none"> <li>• May contribute to candidates, ECOs, CCEs, political committees, and political parties.</li> <li>• May not make electioneering communications or independent expenditures.<sup>15</sup></li> <li>• In order to directly support or oppose an issue, a CCE must register as a political committee.<sup>16</sup></li> </ul>	

## 2. Electioneering Communications Organizations (ECOs)

### Current Situation

At the federal level, ECOs were first extensively regulated by the Bipartisan Campaign Reform Act of 2002 (the McCain-Feingold Act).<sup>17</sup> After these provisions were upheld, Florida adopted similar standards for electioneering communications. Florida's initial attempt was struck down on First Amendment grounds in 2008,<sup>18</sup> but the revised version was upheld on appeal in 2012 and remains the current law.<sup>19</sup>

### Effect of Proposed Changes

The following table describes the current law and effect of the bill's proposed changes as they relate to ECOs:

Electioneering Communications Organizations		
	Current Law	Effect of Proposed Changes
Purpose	Any group, other than a political party, political committee, or CCE, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under chapter 106, F.S. <sup>20</sup>	No change.
Limits on Contributions to an ECO	No limit on any contributions to an ECO.	No change.
Limits on Contributions by an ECO	May NOT contribute to candidates, political parties, political committees, or CCEs. <sup>21</sup>	No change.
Permissible and Prohibited Activities	<ul style="list-style-type: none"> <li>• May make electioneering communications, but may not "expressly advocate" the election or defeat of a candidate.</li> <li>• May NOT make independent expenditures.</li> </ul>	No change.
Disclosure Requirements	Generally, except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter from the time the ECO registers, except if the 10th day is a Saturday, Sunday, or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday, or legal holiday. Following the last day of qualifying, the reports must be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election. <sup>22</sup>	Increases the frequency of campaign finance disclosure reporting. Please see discussion of reporting requirements under Section 4 of this analysis.

<sup>9</sup> DEO 76-31.

<sup>10</sup> § 106.04(1), F.S.

<sup>11</sup> § 106.04(1)(a), F.S.

<sup>12</sup> § 106.04(1)(b), F.S.

<sup>13</sup> § 106.08, F.S.

<sup>14</sup> § 106.04(5), F.S.

<sup>15</sup> § 106.04(5); DEO 04-09.

<sup>16</sup> § 106.04(5), F.S.

<sup>17</sup> 2 U.S.C.A. § 431.

<sup>18</sup> See *Broward Coalition of Condominiums v. Browning*, 2009 WL 1457972 (N.D. Fla. 2009).

<sup>19</sup> See *National Organization for Marriage, Inc. v. Secretary, State of Fla.*, 447 Fed. Appx. 584 (11th Cir. 2012).

<sup>20</sup> § 106.011(19).

<sup>21</sup> *Id.*

<sup>22</sup> § 106.0703(1)(a)-(b).

### 3. Political Committees (PCs)

#### Current Situation

A "political committee" is defined by Florida law as a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

- a) Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, affiliated party committee, or political party;
- b) Accepts contributions for the purpose of *expressly advocating* the election or defeat of a candidate or the passage or defeat of an issue;
- c) Makes expenditures that *expressly advocate* the election or defeat of a candidate or the passage or defeat of an issue; or
- d) Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, affiliated party committee, or political party.<sup>23</sup>

A "political advertisement" is "a paid expression in any communications media...which *expressly advocates* the election or defeat of a candidate or the approval or rejection of an issue."<sup>24</sup> "Express advocacy" is defined as "[c]ommunications that in express terms advocate the election or defeat of a clearly identified candidate."<sup>25</sup>

#### Effect of Proposed Changes

The following table describes the current law and effect of the bill's proposed changes with regard to political committees:

Political Committees		
	Current Law	Effect of Proposed Changes
Purpose	A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year, accepts contributions to support or oppose any candidate, issue, political committee, CCE, ECO, or political party. <sup>26</sup>	No change (other than the elimination of CCEs).
Limits on Contributions to a PC	<ul style="list-style-type: none"> <li>• No limit to a political committee supporting or opposing issues only.<sup>27</sup></li> <li>• \$500 per election limit to a political committee supporting or opposing one or more candidates.<sup>28</sup></li> <li>• \$500 per election limit to a political committee supporting or opposing both candidates and issues.<sup>29</sup></li> <li>• Limits do not apply to contributions from political parties.<sup>30</sup></li> </ul>	The bill allows unlimited contributions to any PC.
Limits on Contributions by a PC	<ul style="list-style-type: none"> <li>• To a candidate - \$500 per election.</li> <li>• In support of or in opposition to issues, or to a political party, CCE, or ECO - no limit.<sup>31</sup></li> </ul>	PCs may contribute up to \$10,000 to a candidate per election.
Permissible and Prohibited Activities	<ul style="list-style-type: none"> <li>• May contribute to candidates, ECOs, CCEs, PCs, APCs, and political parties.</li> <li>• May make independent expenditures and electioneering communications.<sup>32</sup></li> </ul>	No change (other than the elimination of CCEs).
Disclosure Requirements	Generally, except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter from the time the political committee registers, except if the 10th day is a Saturday, Sunday, or legal holiday, the report must be filed on the next business day that is not a Saturday, Sunday, or legal holiday. In an election year, reports must also be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election. <sup>33</sup>	Increases the frequency of campaign finance disclosure reporting. Please see discussion of reporting requirements under Section 4 of this analysis.

### 4. Frequency of Campaign Finance Reporting

#### Current Situation

In Florida, candidates, political committees, electioneering communications organizations, and committees of continuous existence<sup>34</sup> are required to file periodic reports of contributions received and expenditures made. CCEs are not required to provide a detailed list of members paying dues so long as each member pays no more than \$250 in dues per calendar year; rather, CCEs are only required to report the total amount of dues collected and the total number of dues-paying

<sup>23</sup> § 106.011(1), F.S.

<sup>24</sup> § 106.011(17), F.S.

<sup>25</sup> *Buckley v. Valeo*, 424 U.S. 1, 44 (1976).

<sup>26</sup> § 106.011(1)(a), F.S.

<sup>27</sup> § 106.08, F.S.

<sup>28</sup> § 106.08(1)(a), F.S.

<sup>29</sup> § 106.08, F.S.

<sup>30</sup> *Id.*

<sup>31</sup> § 106.08, F.S.

<sup>32</sup> § 106.011, F.S.

<sup>33</sup> § 106.07, F.S.

<sup>34</sup> In addition to the reporting requirements applicable to all candidates, CCEs, PCs, and ECOs, CCEs are also required to file annual reports in January of each year.

members.<sup>35</sup> Except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of *each calendar quarter* from the time the campaign treasurer is appointed.<sup>36</sup> Quarterly reports must include all contributions received and expenditures made during the calendar quarter. In an election year, reports containing this information must also be filed every other week on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election. Any statewide candidate who has requested to receive contributions pursuant to the Florida Election Campaign Financing Act or any statewide candidate in a race with a candidate who has requested to receive contributions must also file weekly reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election. In addition, there are different filing requirements during special elections.<sup>37</sup>

Reports are filed either with the Division of Elections, a Supervisor of Elections, or a municipal clerk as follows:

- *Candidates*: Reports are filed with the officer before whom the candidate qualifies. Candidates filing reports with the Division of Elections are required to electronically file by means of the Electronic Filing System.
- *Political Committees*: Reports are electronically filed with the Division of Elections if the PC supports or opposes statewide, legislative, or multicounty candidates or issues; with the Supervisor of Elections if the PC supports or opposes candidates or issues in a countywide or less than a countywide election, except municipal; or with the municipal clerk if the PC supports or opposes only municipal candidates or issues.
- *Committees of Continuous Existence*: Reports are filed electronically with the Division of Elections.
- *Electioneering Communications Organizations*: Reports are electronically filed with the Division of Elections if the ECO relates to statewide, legislative, or multicounty candidates; with the Supervisor of Elections if the ECO relates to candidates in a countywide or less than a countywide election, except municipal; or with the municipal clerk if the ECO relates to only municipal candidates.<sup>38</sup>

While reports filed with the Division of Elections are submitted electronically, reports filed at the local level are frequently filed on paper forms rather than electronically.

#### *Effect of Proposed Changes*

The bill eliminates committees of continuous existence and all associated reporting requirements.

For candidates, political committees, and electioneering communications organizations that file campaign finance reports with the Division of Elections, the bill increases the frequency of reporting by requiring submission of:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends);
- Weekly reports beginning on the 60th day before the primary, with the last weekly report due on the 11th day before the general election;
- Daily reports beginning on the 10th day before the general election, with the last report due on the day before the general election.

If these reporting requirements had been in effect in 2012, a maximum of 36 reports would have been required rather than the current maximum of 9.

For candidates, political committees, and electioneering communications organizations that file reports with a Supervisor of Elections or a municipal clerk, the bill increases the frequency of reporting by requiring submission of:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends);
- Weekly reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.

If these reporting requirements had been in effect in 2012, a maximum of 27 reports would have been required rather than the current maximum of 9.

<sup>35</sup> §§ 106.04(4)(b)1. and 106.04(4)(c)1., F.S.

<sup>36</sup> §§ 106.07(1), 106.07(1)(a), 106.07(1)(b), and 106.0703, F.S. Quarterly reports are due on the 10th day after the quarter, unless the 10th day is a Saturday, Sunday, or legal holiday, in which case the report is due on the next business day.

<sup>37</sup> § 106.07, F.S.

<sup>38</sup> §§ 106.0705 and 106.07(2), F.S.



This bill also requires the Division of Elections to submit to the Florida Legislature, by December 1, 2013, a proposal for creating a mandatory electronic filing system for all state and local campaign filings required under the Florida Election Code.

## 5. Campaign Contribution Limits

### Current Situation

Most states place some sort of limit on contributions to candidates from various sources, and also on contributions to political committees and political parties.<sup>39</sup> Four states—Missouri, Oregon, Utah, and Virginia—place no limits on contributions. Seven states—Alabama, Indiana, Iowa, Mississippi, North Dakota, Pennsylvania, and Texas—place few limits on contributions. These seven states allow unlimited contributions from all sources, but prohibit contributions by corporations and unions to candidates. The remaining states typically limit contributions to candidates from individuals, political parties, political committees, corporations, and unions. Sometimes contributions are prohibited outright, particularly contributions from corporations and unions. Limitations are also commonly placed on cash contributions, contributions by minors, and contributions to political committees and political parties made during the legislative session.

In addition, there are limitations applicable to candidates for federal office. According to the Federal Elections Commission, the federal contribution limits for 2013-2014 are as follows.<sup>40</sup>

	To each candidate or candidate committee per election	To national party committee per calendar year	To state, district & local party committee per calendar year	To any other political committee per calendar year[1]	Special Limits
Individual may give	\$2,600*	\$32,400*	\$10,000 (combined limit)	\$5,000	\$123,200* overall biennial limit: • \$48,600* to all candidates • \$74,600* to all PACs and parties[2]
National Party Committee may give	\$5,000	No limit	No limit	\$5,000	\$45,400* to Senate candidate per campaign[3]
State, District & Local Party Committee may give	\$5,000 (combined limit)	No limit	No limit	\$5,000 (combined limit)	No limit
PAC (multicandidate)[4] may give	\$5,000	\$15,000	\$5,000 (combined limit)	\$5,000	No limit
PAC (not multicandidate) may give	\$2,600*	\$32,400*	\$10,000 (combined limit)	\$5,000	No limit
Authorized Campaign Committee may give	\$2,000[5]	No limit	No limit	\$5,000	No limit

\* These contribution limits are increased for inflation in odd-numbered years.

1. A contribution earmarked for a candidate through a political committee counts against the original contributor's limit for that candidate. In certain circumstances, the contribution may also count against the contributor's limit to the PAC. 11 CFR 110.6. See also 11 CFR 110.1(h).

2. No more than \$48,600 of this amount may be contributed to state and local party committees and PACs.

3. This limit is shared by the national committee and the Senate campaign committee.

4. A multicandidate committee is a political committee with more than 50 contributors which has been registered for at least 6 months and, with the exception of state party committees, has made contributions to 5 or more candidates for federal office. 11 CFR 100.5(e)(3).

5. A federal candidate's authorized committee(s) may contribute no more than \$2,000 per election to another federal candidate's authorized committee(s). 2 U.S.C. 432(e)(3)(B).

### Effect of Proposed Changes

The table below summarizes Florida's current campaign contribution limits and the effect of the bill's proposed changes:

CAMPAIGN CONTRIBUTION LIMITS IN FLORIDA <sup>41</sup>			
	Current Limit		Effect of Proposed Changes
Candidates	From any one person, PC, or CCE	\$500 per election	<ul style="list-style-type: none"> <li>Increases the limit to \$10,000 per election</li> <li>Contributions will no longer be available from CCEs because CCEs are eliminated by this bill.</li> </ul>
	From a PP or APC to a candidate for statewide office	\$250,000 per election, in the aggregate	No change.
	From a PP or APC to any other candidate	\$50,000 per election, in the aggregate	No change.
Political Committees (PCs)	To a PC supporting or opposing issues only	No limit	No change.

<sup>39</sup> Information in this paragraph was obtained in *Contribution Limits: An Overview*, National Conference of State Legislatures, Oct. 31, 2011, <http://www.ncsl.org/legislatures-elections/elections/campaign-contribution-limits-overview.aspx>.

<sup>40</sup> This table was obtained from the Federal Elections Commission website on February 6, 2013. *Contribution Limits 2013-2014*, <http://www.fec.gov/pages/brochures/contriblimits.shtml>.

<sup>41</sup> § 106.08, F.S.

Political Committees (PCs)	To a PC supporting or opposing one or more candidates	\$500 per election	Allows unlimited contributions to all PCs.
	To a PC supporting or opposing both candidates and issues	\$500 per election	Allows unlimited contributions to all PCs.
	Contributions from political parties	No limit	No change.
Electioneering Communications Organizations (ECOs)	No limit on any contributions to an ECO		No change.
Committees of Continuous Existence (CCEs)	No limit on any contributions to a CCE		This bill eliminates CCEs.
Political Parties (PPs)	No limit on any contributions to a PP		No change.
Affiliated Party Committees (APCs)	No limit on any contributions to an APC		No change.

## 6. Surplus Campaign Funds

### Current Situation

Section 106.141, F.S., governs the disposal of surplus campaign funds. That section requires a candidate to dispose of all funds remaining in his or her campaign account and file a report within 90 days after the candidate is elected or eliminated, becomes unopposed, or withdraws from the election. A candidate may dispose of surplus funds in any of the following methods, or any combination thereof:<sup>42</sup>

1. Return funds on a pro rata basis to each contributor.
2. Donate funds to s. 501(c)(3) charitable organizations.
3. Contribute funds to an affiliated party committee or the candidate's political party.
4. For statewide candidates, give funds to the state for use in the Election Campaign Financing Trust Fund or the General Revenue Fund.
5. For candidates for office in a political subdivision, give funds to the political subdivision for deposit in the general fund.
6. Transfer funds to an office account.<sup>43</sup>

Several states, including Delaware,<sup>44</sup> Maine,<sup>45</sup> South Carolina,<sup>46</sup> and Washington,<sup>47</sup> allow candidates to use remaining campaign funds for future elections. However, other states, such as Connecticut<sup>48</sup> and Montana,<sup>49</sup> expressly prohibit the use of remaining campaign funds for future elections.

Candidates for federal office are permitted to use surplus campaign funds for future federal elections.<sup>50</sup>

### Effect of Proposed Changes

In addition to the present permissible methods of disposing of surplus campaign funds described above, this bill allows a candidate to retain up to \$100,000 in the candidate's campaign account for use in the candidate's next campaign for the same office.

Candidates who do not qualify for the same office in the next election for that office are required to dispose of the retained funds within 90 days in one of the methods described above.

## B. SECTION DIRECTORY:

Section 1 repeals s. 106.04, F.S., relating to the certification and political activities of committees of continuous existence.

Section 2 creates an unnumbered section of law, prohibiting a committee of continuous existence from accepting a contribution after a certain date; providing for revocation of the certification of each committee of continuous existence

<sup>42</sup> § 106.141(4)(a), F.S.

<sup>43</sup> Section 106.141(5), F.S., permits a candidate elected to office to transfer surplus campaign funds to an office account, which may be used for "legitimate expenses in connection with the candidate's public office." The amount that may be transferred to an office account varies depending upon the office to which the candidate is elected.

<sup>44</sup> DEL. CODE ANN. § 8022.

<sup>45</sup> ME. REV. STAT. tit. 21-A, § 1017(8).

<sup>46</sup> S.C. CODE ANN. § 8-13-1370.

<sup>47</sup> WASH. REV. CODE § 42.17A.430.

<sup>48</sup> CONN. GEN. STAT. § 9-608(e)(A)(i).

<sup>49</sup> MONT. CODE ANN. § 13-37-240; MONT. ADMIN. R. 44-10-335.

<sup>50</sup> See 11 C.F.R. §§ 110.3(c)(4), 110.1(b)(3)(ii) and 116.2(c)(2); Federal Elections Commission Advisory Opinion 1980-30.

on a certain date; requiring the Division of Elections of the Department of State to provide certain notifications to committees of continuous existence.

Section 3 amends s. 101.62, F.S., conforming provision.

Section 4 amends s. 102.031, F.S., conforming provision.

Section 5 amends s. 111.075, F.S., conforming provision.

Section 6 amends and reorders s. 106.011, F.S., relating to definitions applicable to provisions governing campaign financing; deleting the definition of the term "committee of continuous existence," to conform; conforming provisions and cross-references.

Section 7 amends s. 106.022, F.S., conforming provision.

Section 8 amends s. 106.03, F.S., conforming cross-references.

Section 9 amends s. 106.07, F.S., revising reporting requirements for candidates and political committees; conforming provisions.

Section 10 amends s. 106.0703, F.S., revising reporting requirements for electioneering communications organizations.

Section 11 amends s. 106.0705, F.S., conforming provisions and cross-references.

Section 12 amends s. 106.08, F.S., revising limitations on campaign contributions; authorizing candidates to contribute to other candidates.

Section 13 amends s. 106.08, F.S., conforming provisions and cross-reference.

Section 14 amends s. 106.087, F.S., conforming provisions.

Section 15 amends s. 106.12, F.S., conforming provisions and cross-reference.

Section 16 amends s. 106.141, F.S., providing for retention of surplus campaign funds by a candidate for specified purposes; providing reporting requirements for surplus campaign funds; providing for disposition of the funds.

Section 17 amends s. 106.147, F.S., conforming provisions.

Section 18 amends s. 106.17, F.S., conforming provisions.

Section 19 amends s. 106.23, F.S., conforming provisions.

Section 20 amends s. 106.265, F.S., conforming provisions.

Section 21 amends s. 106.27, F.S., conforming provisions.

Section 22 amends s. 106.32, F.S., conforming cross-reference.

Section 23 amends s. 106.33, F.S., conforming cross-reference.

Section 24 amends s. 112.3148, F.S., conforming provisions.

Section 25 amends s. 112.3149, F.S., conforming provisions.

Section 26 amends s. 1004.28, F.S., conforming provision.

Section 27 amends s. 1004.70, F.S., conforming provision.

Section 28 amends s. 1004.71, F.S., conforming provision.

Section 29 creates an unnumbered section of law, directing the Division of Elections to submit a proposal to the Legislature for a mandatory statewide electronic filing system.

Section 30 provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues: None.

2. Expenditures: According to the Department of State, the increase in the number of campaign finance reports filed with the Division of Elections will increase their workload, requiring two FTEs and a recurring fiscal impact of \$85,000. The Department asserts that, "[t]he increase in reports would cause an increase in fail to file letters, fine letters, incomplete report letters and Election Commission referrals. All of these documents must be scanned and posted to the web. One entry level FTE would be required to handle incomplete letters and Election Commission referrals. One additional FTE would be required to handle fail to file letters, scanning and posting the letters to the web and to handle the increased traffic on the help desk answering phone calls. In total if you take an average salary of \$30,000 for each FTE plus benefits would total \$85,000."

The Department of State intends to produce the report on the feasibility of a statewide database using current resources, so production of the report should not have a fiscal impact on the department.

According to the Florida Elections Commission (Commission), the increase in campaign finance reports filed will increase the number of cases against candidates, political committees, and electioneering communications organizations that fail to file reports. The Commission also expects the increase in reports will increase the number of cases appealing fines imposed for late filing of reports. According to the Commission, investigating and preparing these cases for presentation to the Commission requires one additional FTE at a salary of \$33,000, plus benefits for a total cost of \$42,900.

Currently, the bill does not provide funding to the Department of State or the Florida Elections Commission for the additional workload required by this bill.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None.
2. Expenditures: The Supervisors of Elections and municipal clerks will receive and process more campaign finance reports, but the fiscal impact is indeterminate at this time.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The increased frequency of reporting may result in increased preparation costs for candidates seeking public office and private entities operating as political committees or electioneering communications organizations.

#### **D. FISCAL COMMENTS:**

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: The mandates provision does not apply to this bill because subsection 18(d) of Article VII, Fla. Const., explicitly exempts election laws from the provision.
2. Other: None.

#### **B. RULE-MAKING AUTHORITY:**

This bill does not appear to require rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On February 11, 2013, the Ethics & Elections Subcommittee adopted two amendments, the effect of which was to eliminate language authorizing a candidate to use campaign funds to make a campaign contribution to another candidate.

1                   A bill to be entitled  
 2           An act relating to the Florida Election Code;  
 3           repealing s. 106.04, F.S., relating to the  
 4           certification and political activities of committees  
 5           of continuous existence; prohibiting a committee of  
 6           continuous existence from accepting a contribution  
 7           after a certain date; providing for revocation of the  
 8           certification of each committee of continuous  
 9           existence on a certain date; requiring the Division of  
 10          Elections of the Department of State to provide  
 11          certain notifications to committees of continuous  
 12          existence; amending ss. 101.62, 102.031, and 111.075,  
 13          F.S.; conforming provisions; amending and reordering  
 14          s. 106.011, F.S., relating to definitions applicable  
 15          to provisions governing campaign financing; deleting  
 16          the definition of the term "committee of continuous  
 17          existence," to conform; conforming provisions and  
 18          cross-references; amending ss. 106.022 and 106.03,  
 19          F.S.; conforming provisions and cross-references;  
 20          amending s. 106.07, F.S.; revising reporting  
 21          requirements for candidates and political committees;  
 22          conforming provisions; amending s. 106.0703, F.S.;  
 23          revising reporting requirements for electioneering  
 24          communications organizations; amending s. 106.0705,  
 25          F.S.; conforming provisions and cross-references;  
 26          amending s. 106.08, F.S.; revising limitations on  
 27          campaign contributions; conforming provisions and a  
 28          cross-reference; amending ss. 106.087 and 106.12,

29 F.S.; conforming provisions and a cross-reference;  
 30 amending s. 106.141, F.S.; providing for retention of  
 31 surplus campaign funds by a candidate for specified  
 32 purposes; providing reporting requirements for surplus  
 33 campaign funds; providing for disposition of the  
 34 funds; amending ss. 106.147, 106.17, 106.23, 106.265,  
 35 106.27, 106.32, 106.33, 112.3148, 112.3149, 1004.28,  
 36 1004.70, and 1004.71, F.S.; conforming provisions and  
 37 cross-references; directing the Division of Elections  
 38 to submit a proposal to the Legislature for a  
 39 mandatory statewide electronic filing system;  
 40 providing effective dates.

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

Section 1. Section 106.04, Florida Statutes, is repealed.

Section 2. (1) Effective August 1, 2013, a committee of continuous existence may not accept a contribution as defined in s. 106.011, Florida Statutes. By July 15, 2013, the Division of Elections of the Department of State shall notify each committee of continuous existence of the prohibition on accepting such a contribution as provided in this subsection.

(2) Effective September 30, 2013, the certification of each committee of continuous existence is revoked. By July 15, 2013, the Division of Elections of the Department of State shall notify each committee of continuous existence of the revocation of its certification pursuant to this subsection. Following such revocation of certification, each committee of continuous

57 existence shall file any outstanding report as required by law.

58 Section 3. Subsection (3) of section 101.62, Florida  
59 Statutes, is amended to read:

60 101.62 Request for absentee ballots.—

61 (3) For each request for an absentee ballot received, the  
62 supervisor shall record the date the request was made, the date  
63 the absentee ballot was delivered to the voter or the voter's  
64 designee or the date the absentee ballot was delivered to the  
65 post office or other carrier, the date the ballot was received  
66 by the supervisor, and such other information he or she may deem  
67 necessary. This information shall be provided in electronic  
68 format as provided by rule adopted by the division. The  
69 information shall be updated and made available no later than 8  
70 a.m. of each day, including weekends, beginning 60 days before  
71 the primary until 15 days after the general election and shall  
72 be contemporaneously provided to the division. This information  
73 shall be confidential and exempt from the provisions of s.  
74 119.07(1) and shall be made available to or reproduced only for  
75 the voter requesting the ballot, a canvassing board, an election  
76 official, a political party or official thereof, a candidate who  
77 has filed qualification papers and is opposed in an upcoming  
78 election, and registered political committees ~~or registered~~  
79 ~~committees of continuous existence~~, for political purposes only.

80 Section 4. Paragraph (a) of subsection (4) of section  
81 102.031, Florida Statutes, is amended to read:

82 102.031 Maintenance of good order at polls; authorities;  
83 persons allowed in polling rooms and early voting areas;  
84 unlawful solicitation of voters.—



85 (4) (a) No person, political committee, ~~committee of~~  
 86 ~~continuous existence~~, or other group or organization may solicit  
 87 voters inside the polling place or within 100 feet of the  
 88 entrance to any polling place, or polling room where the polling  
 89 place is also a polling room, or early voting site. Before the  
 90 opening of the polling place or early voting site, the clerk or  
 91 supervisor shall designate the no-solicitation zone and mark the  
 92 boundaries.

93 Section 5. Section 111.075, Florida Statutes, is amended  
 94 to read:

95 111.075 Elected officials; prohibition concerning certain  
 96 committees.—Elected officials are prohibited from being employed  
 97 by, or acting as a consultant for compensation to, a political  
 98 committee ~~or committee of continuous existence~~.

99 Section 6. Section 106.011, Florida Statutes, is reordered  
 100 and amended to read:

101 106.011 Definitions.—As used in this chapter, the  
 102 following terms have the following meanings unless the context  
 103 clearly indicates otherwise:

104 (1)~~(11)~~ "Campaign fund raiser" means any affair held to  
 105 raise funds to be used in a campaign for public office.

106 (2)~~(9)~~ "Campaign treasurer" means an individual appointed  
 107 by a candidate or political committee as provided in this  
 108 chapter.

109 (3)~~(16)~~ "Candidate" means any person to whom any one or  
 110 more of the following apply:

111 (a) Any person who seeks to qualify for nomination or  
 112 election by means of the petitioning process.

113 (b) Any person who seeks to qualify for election as a  
 114 write-in candidate.

115 (c) Any person who receives contributions or makes  
 116 expenditures, or consents for any other person to receive  
 117 contributions or make expenditures, with a view to bring about  
 118 his or her nomination or election to, or retention in, public  
 119 office.

120 (d) Any person who appoints a treasurer and designates a  
 121 primary depository.

122 (e) Any person who files qualification papers and  
 123 subscribes to a candidate's oath as required by law.  
 124

125 However, this definition does not include any candidate for a  
 126 political party executive committee. Expenditures related to  
 127 potential candidate polls as provided in s. 106.17 are not  
 128 contributions or expenditures for purposes of this subsection.

129 ~~(2) "Committee of continuous existence" means any group,~~  
 130 ~~organization, association, or other such entity which is~~  
 131 ~~certified pursuant to the provisions of s. 106.04.~~

132 (4)~~(13)~~ "Communications media" means broadcasting  
 133 stations, newspapers, magazines, outdoor advertising facilities,  
 134 printers, direct mail, advertising agencies, the Internet, and  
 135 telephone companies; but with respect to telephones, an  
 136 expenditure shall be deemed to be an expenditure for the use of  
 137 communications media only if made for the costs of telephones,  
 138 paid telephonists, or automatic telephone equipment to be used  
 139 by a candidate or a political committee to communicate with  
 140 potential voters but excluding any costs of telephones incurred

141 | by a volunteer for use of telephones by such volunteer; however,  
 142 | with respect to the Internet, an expenditure shall be deemed an  
 143 | expenditure for use of communications media only if made for the  
 144 | cost of creating or disseminating a message on a computer  
 145 | information system accessible by more than one person but  
 146 | excluding internal communications of a campaign or of any group.

147 | (5)~~(3)~~ "Contribution" means:

148 | (a) A gift, subscription, conveyance, deposit, loan,  
 149 | payment, or distribution of money or anything of value,  
 150 | including contributions in kind having an attributable monetary  
 151 | value in any form, made for the purpose of influencing the  
 152 | results of an election or making an electioneering  
 153 | communication.

154 | (b) A transfer of funds between political committees,  
 155 | ~~between committees of continuous existence,~~ between  
 156 | electioneering communications organizations, or between any  
 157 | combination of these groups.

158 | (c) The payment, by any person other than a candidate or  
 159 | political committee, of compensation for the personal services  
 160 | of another person which are rendered to a candidate or political  
 161 | committee without charge to the candidate or committee for such  
 162 | services.

163 | (d) The transfer of funds by a campaign treasurer or  
 164 | deputy campaign treasurer between a primary depository and a  
 165 | separate interest-bearing account or certificate of deposit, and  
 166 | the term includes any interest earned on such account or  
 167 | certificate.

168 |

169 Notwithstanding the foregoing meanings of "contribution," the  
 170 term may not be construed to include services, including, but  
 171 not limited to, legal and accounting services, provided without  
 172 compensation by individuals volunteering a portion or all of  
 173 their time on behalf of a candidate or political committee or  
 174 editorial endorsements.

175 (6)~~(12)~~ "Division" means the Division of Elections of the  
 176 Department of State.

177 (7)~~(6)~~ "Election" means any primary election, special  
 178 primary election, general election, special election, or  
 179 municipal election held in this state for the purpose of  
 180 nominating or electing candidates to public office, choosing  
 181 delegates to the national nominating conventions of political  
 182 parties, or submitting an issue to the electors for their  
 183 approval or rejection.

184 (8)~~(18)~~(a) "Electioneering communication" means any  
 185 communication that is publicly distributed by a television  
 186 station, radio station, cable television system, satellite  
 187 system, newspaper, magazine, direct mail, or telephone and that:

188 1. Refers to or depicts a clearly identified candidate for  
 189 office without expressly advocating the election or defeat of a  
 190 candidate but that is susceptible of no reasonable  
 191 interpretation other than an appeal to vote for or against a  
 192 specific candidate;

193 2. Is made within 30 days before a primary or special  
 194 primary election or 60 days before any other election for the  
 195 office sought by the candidate; and

196 3. Is targeted to the relevant electorate in the

197 geographic area the candidate would represent if elected.

198 (b) The term "electioneering communication" does not  
 199 include:

200 1. A communication disseminated through a means of  
 201 communication other than a television station, radio station,  
 202 cable television system, satellite system, newspaper, magazine,  
 203 direct mail, telephone, or statement or depiction by an  
 204 organization, in existence prior to the time during which a  
 205 candidate named or depicted qualifies for that election, made in  
 206 that organization's newsletter, which newsletter is distributed  
 207 only to members of that organization.

208 2. A communication in a news story, commentary, or  
 209 editorial distributed through the facilities of any radio  
 210 station, television station, cable television system, or  
 211 satellite system, unless the facilities are owned or controlled  
 212 by any political party, political committee, or candidate. A  
 213 news story distributed through the facilities owned or  
 214 controlled by any political party, political committee, or  
 215 candidate may nevertheless be exempt if it represents a bona  
 216 fide news account communicated through a licensed broadcasting  
 217 facility and the communication is part of a general pattern of  
 218 campaign-related news accounts that give reasonably equal  
 219 coverage to all opposing candidates in the area.

220 3. A communication that constitutes a public debate or  
 221 forum that includes at least two opposing candidates for an  
 222 office or one advocate and one opponent of an issue, or that  
 223 solely promotes such a debate or forum and is made by or on  
 224 behalf of the person sponsoring the debate or forum, provided

225 that:

226 a. The staging organization is either:

227 (I) A charitable organization that does not make other  
 228 electioneering communications and does not otherwise support or  
 229 oppose any political candidate or political party; or

230 (II) A newspaper, radio station, television station, or  
 231 other recognized news medium; and

232 b. The staging organization does not structure the debate  
 233 to promote or advance one candidate or issue position over  
 234 another.

235 (c) For purposes of this chapter, an expenditure made for,  
 236 or in furtherance of, an electioneering communication shall not  
 237 be considered a contribution to or on behalf of any candidate.

238 (d) For purposes of this chapter, an electioneering  
 239 communication shall not constitute an independent expenditure  
 240 nor be subject to the limitations applicable to independent  
 241 expenditures.

242 (9)~~(19)~~ "Electioneering communications organization" means  
 243 any group, other than a political party, affiliated party  
 244 committee, or political committee, ~~or committee of continuous~~  
 245 ~~existence~~, whose election-related activities are limited to  
 246 making expenditures for electioneering communications or  
 247 accepting contributions for the purpose of making electioneering  
 248 communications and whose activities would not otherwise require  
 249 the group to register as a political party or, political  
 250 committee, ~~or committee of continuous existence~~ under this  
 251 chapter.

252 (10)~~(4)~~(a) "Expenditure" means a purchase, payment,

253 distribution, loan, advance, transfer of funds by a campaign  
 254 treasurer or deputy campaign treasurer between a primary  
 255 depository and a separate interest-bearing account or  
 256 certificate of deposit, or gift of money or anything of value  
 257 made for the purpose of influencing the results of an election  
 258 or making an electioneering communication. However,  
 259 "expenditure" does not include a purchase, payment,  
 260 distribution, loan, advance, or gift of money or anything of  
 261 value made for the purpose of influencing the results of an  
 262 election when made by an organization, in existence prior to the  
 263 time during which a candidate qualifies or an issue is placed on  
 264 the ballot for that election, for the purpose of printing or  
 265 distributing such organization's newsletter, containing a  
 266 statement by such organization in support of or opposition to a  
 267 candidate or issue, which newsletter is distributed only to  
 268 members of such organization.

269 (b) As used in this chapter, an "expenditure" for an  
 270 electioneering communication is made when the earliest of the  
 271 following occurs:

272 1. A person enters into a contract for applicable goods or  
 273 services;

274 2. A person makes payment, in whole or in part, for the  
 275 production or public dissemination of applicable goods or  
 276 services; or

277 3. The electioneering communication is publicly  
 278 disseminated.

279 ~~(11)-(14)~~ "Filing officer" means the person before whom a  
 280 candidate qualifies or the agency or officer with whom a

281 political committee or an electioneering communications  
 282 organization registers, ~~or the agency by whom a committee of~~  
 283 ~~continuous existence is certified.~~

284 (12)~~(5)~~(a) "Independent expenditure" means an expenditure  
 285 by a person for the purpose of expressly advocating the election  
 286 or defeat of a candidate or the approval or rejection of an  
 287 issue, which expenditure is not controlled by, coordinated with,  
 288 or made upon consultation with, any candidate, political  
 289 committee, or agent of such candidate or committee. An  
 290 expenditure for such purpose by a person having a contract with  
 291 the candidate, political committee, or agent of such candidate  
 292 or committee in a given election period shall not be deemed an  
 293 independent expenditure.

294 (b) An expenditure for the purpose of expressly advocating  
 295 the election or defeat of a candidate which is made by the  
 296 national, state, or county executive committee of a political  
 297 party, including any subordinate committee of the political  
 298 party, an affiliated party committee, a political committee, a  
 299 ~~committee of continuous existence,~~ or any other person shall not  
 300 be considered an independent expenditure if the committee or  
 301 person:

302 1. Communicates with the candidate, the candidate's  
 303 campaign, or an agent of the candidate acting on behalf of the  
 304 candidate, including any pollster, media consultant, advertising  
 305 agency, vendor, advisor, or staff member, concerning the  
 306 preparation of, use of, or payment for, the specific expenditure  
 307 or advertising campaign at issue; or

308 2. Makes a payment in cooperation, consultation, or



309 concert with, at the request or suggestion of, or pursuant to  
 310 any general or particular understanding with the candidate, the  
 311 candidate's campaign, a political committee supporting the  
 312 candidate, or an agent of the candidate relating to the specific  
 313 expenditure or advertising campaign at issue; or

314 3. Makes a payment for the dissemination, distribution, or  
 315 republication, in whole or in part, of any broadcast or any  
 316 written, graphic, or other form of campaign material prepared by  
 317 the candidate, the candidate's campaign, or an agent of the  
 318 candidate, including any pollster, media consultant, advertising  
 319 agency, vendor, advisor, or staff member; or

320 4. Makes a payment based on information about the  
 321 candidate's plans, projects, or needs communicated to a member  
 322 of the committee or person by the candidate or an agent of the  
 323 candidate, provided the committee or person uses the information  
 324 in any way, in whole or in part, either directly or indirectly,  
 325 to design, prepare, or pay for the specific expenditure or  
 326 advertising campaign at issue; or

327 5. After the last day of the qualifying period prescribed  
 328 for the candidate, consults about the candidate's plans,  
 329 projects, or needs in connection with the candidate's pursuit of  
 330 election to office and the information is used in any way to  
 331 plan, create, design, or prepare an independent expenditure or  
 332 advertising campaign, with:

333 a. Any officer, director, employee, or agent of a  
 334 national, state, or county executive committee of a political  
 335 party or an affiliated party committee that has made or intends  
 336 to make expenditures in connection with or contributions to the

337 candidate; or

338 b. Any person whose professional services have been  
 339 retained by a national, state, or county executive committee of  
 340 a political party or an affiliated party committee that has made  
 341 or intends to make expenditures in connection with or  
 342 contributions to the candidate; or

343 6. After the last day of the qualifying period prescribed  
 344 for the candidate, retains the professional services of any  
 345 person also providing those services to the candidate in  
 346 connection with the candidate's pursuit of election to office;  
 347 or

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

350 (13)~~(7)~~ "Issue" means any proposition which is required by  
 351 the State Constitution, by law or resolution of the Legislature,  
 352 or by the charter, ordinance, or resolution of any political  
 353 subdivision of this state to be submitted to the electors for  
 354 their approval or rejection at an election, or any proposition  
 355 for which a petition is circulated in order to have such  
 356 proposition placed on the ballot at any election.

357 (14)~~(8)~~ "Person" means an individual or a corporation,  
 358 association, firm, partnership, joint venture, joint stock  
 359 company, club, organization, estate, trust, business trust,  
 360 syndicate, or other combination of individuals having collective  
 361 capacity. The term includes a political party, affiliated party  
 362 committee, or political committee, ~~or committee of continuous~~  
 363 ~~existence.~~

364 (15)~~(17)~~ "Political advertisement" means a paid expression

365 in any communications media prescribed in subsection (4) ~~(13)~~,  
 366 whether radio, television, newspaper, magazine, periodical,  
 367 campaign literature, direct mail, or display or by means other  
 368 than the spoken word in direct conversation, which expressly  
 369 advocates the election or defeat of a candidate or the approval  
 370 or rejection of an issue. However, political advertisement does  
 371 not include:

372 (a) A statement by an organization, in existence prior to  
 373 the time during which a candidate qualifies or an issue is  
 374 placed on the ballot for that election, in support of or  
 375 opposition to a candidate or issue, in that organization's  
 376 newsletter, which newsletter is distributed only to the members  
 377 of that organization.

378 (b) Editorial endorsements by any newspaper, radio or  
 379 television station, or other recognized news medium.

380 (16)~~(1)~~(a) "Political committee" means:

381 1. A combination of two or more individuals, or a person  
 382 other than an individual, that, in an aggregate amount in excess  
 383 of \$500 during a single calendar year:

384 a. Accepts contributions for the purpose of making  
 385 contributions to any candidate, political committee, ~~committee~~  
 386 ~~of continuous existence~~, affiliated party committee, or  
 387 political party;

388 b. Accepts contributions for the purpose of expressly  
 389 advocating the election or defeat of a candidate or the passage  
 390 or defeat of an issue;

391 c. Makes expenditures that expressly advocate the election  
 392 or defeat of a candidate or the passage or defeat of an issue;

393 or

394 d. Makes contributions to a common fund, other than a  
 395 joint checking account between spouses, from which contributions  
 396 are made to any candidate, political committee, ~~committee of~~  
 397 ~~continuous existence~~, affiliated party committee, or political  
 398 party;

399 2. The sponsor of a proposed constitutional amendment by  
 400 initiative who intends to seek the signatures of registered  
 401 electors.

402 (b) Notwithstanding paragraph (a), the following entities  
 403 are not considered political committees for purposes of this  
 404 chapter:

405 1. ~~Organizations which are certified by the Department of~~  
 406 ~~State as committees of continuous existence pursuant to s.~~  
 407 ~~106.04~~, National political parties, the state and county  
 408 executive committees of political parties, and affiliated party  
 409 committees regulated by chapter 103.

410 2. Corporations regulated by chapter 607 or chapter 617 or  
 411 other business entities formed for purposes other than to  
 412 support or oppose issues or candidates, if their political  
 413 activities are limited to contributions to candidates, political  
 414 parties, affiliated party committees, or political committees or  
 415 expenditures in support of or opposition to an issue from  
 416 corporate or business funds and if no contributions are received  
 417 by such corporations or business entities.

418 3. Electioneering communications organizations as defined  
 419 in subsection (9) ~~(19)~~.

420 ~~(17)~~ ~~(10)~~ "Public office" means any state, county,

421 municipal, or school or other district office or position which  
 422 is filled by vote of the electors.

423 (18)~~(15)~~ "Unopposed candidate" means a candidate for  
 424 nomination or election to an office who, after the last day on  
 425 which any person, including a write-in candidate, may qualify,  
 426 is without opposition in the election at which the office is to  
 427 be filled or who is without such opposition after such date as a  
 428 result of any primary election or of withdrawal by other  
 429 candidates seeking the same office. A candidate is not an  
 430 unopposed candidate if there is a vacancy to be filled under s.  
 431 100.111(3), if there is a legal proceeding pending regarding the  
 432 right to a ballot position for the office sought by the  
 433 candidate, or if the candidate is seeking retention as a justice  
 434 or judge.

435 Section 7. Subsection (1) of section 106.022, Florida  
 436 Statutes, is amended to read:

437 106.022 Appointment of a registered agent; duties.-

438 (1) Each political committee, ~~committee of continuous~~  
 439 ~~existence~~, or electioneering communications organization shall  
 440 have and continuously maintain in this state a registered office  
 441 and a registered agent and must file with the filing officer a  
 442 statement of appointment for the registered office and  
 443 registered agent. The statement of appointment must:

444 (a) Provide the name of the registered agent and the  
 445 street address and phone number for the registered office;

446 (b) Identify the entity for whom the registered agent  
 447 serves;

448 (c) Designate the address the registered agent wishes to

449 use to receive mail;

450 (d) Include the entity's undertaking to inform the filing  
451 officer of any change in such designated address;

452 (e) Provide for the registered agent's acceptance of the  
453 appointment, which must confirm that the registered agent is  
454 familiar with and accepts the obligations of the position as set  
455 forth in this section; and.

456 (f) Contain the signature of the registered agent and the  
457 entity engaging the registered agent.

458 Section 8. Paragraph (b) of subsection (1) of section  
459 106.03, Florida Statutes, is amended to read:

460 106.03 Registration of political committees and  
461 electioneering communications organizations.—

462 (1)

463 (b)1. Each group shall file a statement of organization as  
464 an electioneering communications organization within 24 hours  
465 after the date on which it makes expenditures for an  
466 electioneering communication in excess of \$5,000, if such  
467 expenditures are made within the timeframes specified in s.

468 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes  
469 expenditures for an electioneering communication in excess of  
470 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.  
471 ~~106.011(18)(a)2.~~, it shall file the statement of organization  
472 within 24 hours after the 30th day before a primary or special  
473 primary election, or within 24 hours after the 60th day before  
474 any other election, whichever is applicable.

475 2.a. In a statewide, legislative, or multicounty election,  
476 an electioneering communications organization shall file a

477 statement of organization with the Division of Elections.

478       b. In a countywide election or any election held on less  
479 than a countywide basis, except as described in sub-subparagraph  
480 c., an electioneering communications organization shall file a  
481 statement of organization with the supervisor of elections of  
482 the county in which the election is being held.

483       c. In a municipal election, an electioneering  
484 communications organization shall file a statement of  
485 organization with the officer before whom municipal candidates  
486 qualify.

487       d. Any electioneering communications organization that  
488 would be required to file a statement of organization in two or  
489 more locations need only file a statement of organization with  
490 the Division of Elections.

491       Section 9. Paragraphs (a) and (b) of subsection (1),  
492 subsection (7), and paragraph (b) of subsection (8) of section  
493 106.07, Florida Statutes, are amended to read:

494       106.07 Reports; certification and filing.—

495       (1) Each campaign treasurer designated by a candidate or  
496 political committee pursuant to s. 106.021 shall file regular  
497 reports of all contributions received, and all expenditures  
498 made, by or on behalf of such candidate or political committee.  
499 Except as provided in paragraphs (a) and (b) ~~Except for the~~  
500 ~~third calendar quarter immediately preceding a general election,~~  
501 reports shall be filed on the 10th day following the end of each  
502 calendar month ~~quarter~~ from the time the campaign treasurer is  
503 appointed, except that, if the 10th day following the end of a  
504 month ~~calendar quarter~~ occurs on a Saturday, Sunday, or legal

505 holiday, the report shall be filed on the next following day  
 506 which is not a Saturday, Sunday, or legal holiday. Monthly  
 507 ~~Quarterly~~ reports shall include all contributions received and  
 508 expenditures made during the calendar month ~~quarter~~ which have  
 509 not otherwise been reported pursuant to this section.

510 (a) For a candidate who is opposed in seeking nomination  
 511 or election to an office or for a political committee, the  
 512 following reports shall also be filed if the candidate or  
 513 political committee is required by law to file reports with the  
 514 division:

515 1. On the 60th day immediately preceding the primary  
 516 election, and each week thereafter, with the last weekly report  
 517 being filed on the 11th day immediately preceding the general  
 518 election.

519 2. On the 10th day immediately preceding the general  
 520 election, and each day thereafter, with the last daily report  
 521 being filed the day before the general election ~~Except as~~  
 522 ~~provided in paragraph (b), the reports shall also be filed on~~  
 523 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~  
 524 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~  
 525 ~~the election, for a candidate who is opposed in seeking~~  
 526 ~~nomination or election to any office, for a political committee,~~  
 527 ~~or for a committee of continuous existence.~~

528 (b) For a candidate who is opposed in seeking nomination  
 529 or election to an office or for a political committee, reports  
 530 shall also be filed on the 60th day immediately preceding the  
 531 primary election, and each week thereafter, with the last weekly  
 532 report being filed on the 4th day immediately preceding the



533 | general election, if the candidate or political committee is  
 534 | required by law to file reports with a supervisor of elections  
 535 | or municipal officer ~~Any statewide candidate who has requested~~  
 536 | ~~to receive contributions pursuant to the Florida Election~~  
 537 | ~~Campaign Financing Act or any statewide candidate in a race with~~  
 538 | ~~a candidate who has requested to receive contributions pursuant~~  
 539 | ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~  
 540 | ~~and 32nd days prior to the primary election, and on the 4th,~~  
 541 | ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~  
 542 | ~~general election.~~

543 |       (7) Notwithstanding any other provisions of this chapter,  
 544 | in any reporting period during which a candidate or political  
 545 | committee, ~~or committee of continuous existence~~ has not received  
 546 | funds, made any contributions, or expended any reportable funds,  
 547 | the filing of the required report for that period is waived.  
 548 | However, the next report filed must specify that the report  
 549 | covers the entire period between the last submitted report and  
 550 | the report being filed, and any candidate or political  
 551 | committee, ~~or committee of continuous existence~~ not reporting by  
 552 | virtue of this subsection on dates prescribed elsewhere in this  
 553 | chapter shall notify the filing officer in writing on the  
 554 | prescribed reporting date that no report is being filed on that  
 555 | date.

556 |       (8)  
 557 |       (b) Upon determining that a report is late, the filing  
 558 | officer shall immediately notify the candidate or chair of the  
 559 | political committee as to the failure to file a report by the  
 560 | designated due date and that a fine is being assessed for each

561 late day. The fine shall be \$50 per day for the first 3 days  
 562 late and, thereafter, \$500 per day for each late day, not to  
 563 exceed 25 percent of the total receipts or expenditures,  
 564 whichever is greater, for the period covered by the late report.  
 565 However, for the reports immediately preceding each special  
 566 primary election, special election, primary election, and  
 567 general election, the fine shall be \$500 per day for each late  
 568 day, not to exceed 25 percent of the total receipts or  
 569 expenditures, whichever is greater, for the period covered by  
 570 the late report. For reports required under s. 106.141(8)  
 571 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to  
 572 exceed 25 percent of the total receipts or expenditures,  
 573 whichever is greater, for the period covered by the late report.  
 574 Upon receipt of the report, the filing officer shall determine  
 575 the amount of the fine which is due and shall notify the  
 576 candidate or chair or registered agent of the political  
 577 committee. The filing officer shall determine the amount of the  
 578 fine due based upon the earliest of the following:

- 579 1. When the report is actually received by such officer.
- 580 2. When the report is postmarked.
- 581 3. When the certificate of mailing is dated.
- 582 4. When the receipt from an established courier company is  
 583 dated.
- 584 5. When the electronic receipt issued pursuant to s.  
 585 106.0705 or other electronic filing system authorized in this  
 586 section is dated.

587  
 588 Such fine shall be paid to the filing officer within 20 days

589 after receipt of the notice of payment due, unless appeal is  
 590 made to the Florida Elections Commission pursuant to paragraph  
 591 (c). Notice is deemed complete upon proof of delivery of written  
 592 notice to the mailing or street address on record with the  
 593 filing officer. In the case of a candidate, such fine shall not  
 594 be an allowable campaign expenditure and shall be paid only from  
 595 personal funds of the candidate. An officer or member of a  
 596 political committee shall not be personally liable for such  
 597 fine.

598 Section 10. Subsection (1) of section 106.0703, Florida  
 599 Statutes, is amended to read:

600 106.0703 Electioneering communications organizations;  
 601 reporting requirements; certification and filing; penalties.—

602 (1)(a) Each electioneering communications organization  
 603 shall file regular reports of all contributions received and all  
 604 expenditures made by or on behalf of the organization. Except as  
 605 provided in paragraphs (b) and (c), reports shall be filed on  
 606 the 10th day following the end of each calendar month ~~quarter~~  
 607 from the time the organization is registered. However, if the  
 608 10th day following the end of a calendar month ~~quarter~~ occurs on  
 609 a Saturday, Sunday, or legal holiday, the report shall be filed  
 610 on the next following day that is not a Saturday, Sunday, or  
 611 legal holiday. Monthly ~~Quarterly~~ reports shall include all  
 612 contributions received and expenditures made during the calendar  
 613 month ~~quarter~~ that have not otherwise been reported pursuant to  
 614 this section.

615 (b) For an electioneering communications organization  
 616 required by law to file reports with the division, reports shall

617 also be filed:

618 1. On the 60th day immediately preceding the primary  
 619 election, and each week thereafter, with the last weekly report  
 620 being filed on the 11th day immediately preceding the general  
 621 election.

622 2. On the 10th day immediately preceding the general  
 623 election, and every day thereafter, with the last daily report  
 624 being filed the day before the general election ~~Following the~~  
 625 ~~last day of candidates qualifying for office, the reports shall~~  
 626 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~  
 627 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~  
 628 ~~immediately preceding the general election.~~

629 (c) For an electioneering communications organization  
 630 required by law to file reports with a supervisor of elections  
 631 or municipal officer, reports shall also be filed on the 60th  
 632 day immediately preceding the primary election, and each week  
 633 thereafter, with the last weekly report being filed on the 4th  
 634 day immediately preceding the general election.

635 (d) When a special election is called to fill a vacancy in  
 636 office, all electioneering communications organizations making  
 637 contributions or expenditures to influence the results of the  
 638 special election shall file reports with the filing officer on  
 639 the dates set by the Department of State pursuant to s. 100.111.

640 (e) ~~(d)~~ In addition to the reports required by paragraph  
 641 (a), an electioneering communications organization that is  
 642 registered with the Department of State and that makes a  
 643 contribution or expenditure to influence the results of a county  
 644 or municipal election that is not being held at the same time as

645 a state or federal election must file reports with the county or  
 646 municipal filing officer on the same dates as county or  
 647 municipal candidates or committees for that election. The  
 648 electioneering communications organization must also include the  
 649 expenditure in the next report filed with the Division of  
 650 Elections pursuant to this section following the county or  
 651 municipal election.

652 (f)~~(e)~~ The filing officer shall make available to each  
 653 electioneering communications organization a schedule  
 654 designating the beginning and end of reporting periods as well  
 655 as the corresponding designated due dates.

656 Section 11. Paragraph (b) of subsection (2) and  
 657 subsections (3) and (4) of section 106.0705, Florida Statutes,  
 658 are amended to read:

659 106.0705 Electronic filing of campaign treasurer's  
 660 reports.-

661 (2)(b) Each political committee, ~~committee of continuous~~  
 662 ~~existence~~, electioneering communications organization,  
 663 affiliated party committee, or state executive committee that is  
 664 required to file reports with the division under ~~s. 106.04~~, s.  
 665 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
 666 reports with the division by means of the division's electronic  
 667 filing system.

668 (3) Reports filed pursuant to this section shall be  
 669 completed and filed through the electronic filing system not  
 670 later than midnight of the day designated. Reports not filed by  
 671 midnight of the day designated are late filed and are subject to  
 672 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),

673 or s. 106.29(3), as applicable.

674 (4) Each report filed pursuant to this section is  
 675 considered to be under oath by the candidate and treasurer, the  
 676 chair and treasurer, the treasurer under s. 106.0703, or the  
 677 leader and treasurer under s. 103.092, whichever is applicable,  
 678 and such persons are subject to the provisions of ~~s.~~  
 679 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as  
 680 applicable. Persons given a secure sign-on to the electronic  
 681 filing system are responsible for protecting such from  
 682 disclosure and are responsible for all filings using such  
 683 credentials, unless they have notified the division that their  
 684 credentials have been compromised.

685 Section 12. Effective July 1, 2013, paragraph (a) of  
 686 subsection (1) of section 106.08, Florida Statutes, is amended  
 687 to read:

688 106.08 Contributions; limitations on.-

689 (1)(a) Except for political parties or affiliated party  
 690 committees, no person or, ~~political committee, or committee of~~  
 691 ~~continuous existence~~ may, in any election, make contributions in  
 692 excess of \$10,000 ~~\$500~~ to any candidate for election to or  
 693 retention in office ~~or to any political committee supporting or~~  
 694 ~~opposing one or more candidates~~. Candidates for the offices of  
 695 Governor and Lieutenant Governor on the same ticket are  
 696 considered a single candidate for the purpose of this section.

697 Section 13. Paragraph (c) of subsection (1) and  
 698 subsections (7) and (10) of section 106.08, Florida Statutes,  
 699 are amended to read:

700 106.08 Contributions; limitations on.-

701 (1)  
 702 (c) The contribution limits of this subsection apply to  
 703 each election. For purposes of this subsection, the primary  
 704 election and general election are separate elections so long as  
 705 the candidate is not an unopposed candidate as defined in s.  
 706 106.011 ~~106.011(15)~~. However, for the purpose of contribution  
 707 limits with respect to candidates for retention as a justice or  
 708 judge, there is only one election, which is the general  
 709 election.

710 (7)(a) Any person who knowingly and willfully makes or  
 711 accepts no more than one contribution in violation of subsection  
 712 (1) or subsection (5), or any person who knowingly and willfully  
 713 fails or refuses to return any contribution as required in  
 714 subsection (3), commits a misdemeanor of the first degree,  
 715 punishable as provided in s. 775.082 or s. 775.083. If any  
 716 corporation, partnership, or other business entity or any  
 717 political party, affiliated party committee, political  
 718 committee, ~~committee of continuous existence~~, or electioneering  
 719 communications organization is convicted of knowingly and  
 720 willfully violating any provision punishable under this  
 721 paragraph, it shall be fined not less than \$1,000 and not more  
 722 than \$10,000. If it is a domestic entity, it may be ordered  
 723 dissolved by a court of competent jurisdiction; if it is a  
 724 foreign or nonresident business entity, its right to do business  
 725 in this state may be forfeited. Any officer, partner, agent,  
 726 attorney, or other representative of a corporation, partnership,  
 727 or other business entity, or of a political party, affiliated  
 728 party committee, political committee, ~~committee of continuous~~

729 ~~existence,~~ electioneering communications organization, or  
 730 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 731 of the Internal Revenue Code, who aids, abets, advises, or  
 732 participates in a violation of any provision punishable under  
 733 this paragraph commits a misdemeanor of the first degree,  
 734 punishable as provided in s. 775.082 or s. 775.083.

735 (b) Any person who knowingly and willfully makes or  
 736 accepts two or more contributions in violation of subsection (1)  
 737 or subsection (5) commits a felony of the third degree,  
 738 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 739 If any corporation, partnership, or other business entity or any  
 740 political party, affiliated party committee, political  
 741 committee, ~~committee of continuous existence,~~ or electioneering  
 742 communications organization is convicted of knowingly and  
 743 willfully violating any provision punishable under this  
 744 paragraph, it shall be fined not less than \$10,000 and not more  
 745 than \$50,000. If it is a domestic entity, it may be ordered  
 746 dissolved by a court of competent jurisdiction; if it is a  
 747 foreign or nonresident business entity, its right to do business  
 748 in this state may be forfeited. Any officer, partner, agent,  
 749 attorney, or other representative of a corporation, partnership,  
 750 or other business entity, or of a political committee, ~~committee~~  
 751 ~~of continuous existence,~~ political party, affiliated party  
 752 committee, or electioneering communications organization, or  
 753 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 754 of the Internal Revenue Code, who aids, abets, advises, or  
 755 participates in a violation of any provision punishable under  
 756 this paragraph commits a felony of the third degree, punishable



757 as provided in s. 775.082, s. 775.083, or s. 775.084.

758 (10) Contributions to a political committee ~~or committee~~  
 759 ~~of continuous existence~~ may be received by an affiliated  
 760 organization and transferred to the bank account of the  
 761 political committee ~~or committee of continuous existence~~ via  
 762 check written from the affiliated organization if such  
 763 contributions are specifically identified as intended to be  
 764 contributed to the political committee ~~or committee of~~  
 765 ~~continuous existence~~. All contributions received in this manner  
 766 shall be reported pursuant to s. 106.07 by the political  
 767 committee ~~or committee of continuous existence~~ as having been  
 768 made by the original contributor.

769 Section 14. Subsection (2) of section 106.087, Florida  
 770 Statutes, is amended to read:

771 106.087 Independent expenditures; contribution limits;  
 772 restrictions on political parties and political committees, ~~and~~  
 773 ~~committees of continuous existence.~~

774 (2)(a) Any political committee ~~or committee of continuous~~  
 775 ~~existence~~ that accepts the use of public funds, equipment,  
 776 personnel, or other resources to collect dues from its members  
 777 agrees not to make independent expenditures in support of or  
 778 opposition to a candidate or elected public official. However,  
 779 expenditures may be made for the sole purpose of jointly  
 780 endorsing three or more candidates.

781 (b) Any political committee ~~or committee of continuous~~  
 782 ~~existence~~ that violates this subsection is liable for a civil  
 783 fine of up to \$5,000 to be determined by the Florida Elections  
 784 Commission or the entire amount of the expenditures, whichever

785 is greater.

786 Section 15. Subsection (3) of section 106.12, Florida  
787 Statutes, is amended to read:

788 106.12 Petty cash funds allowed.—

789 (3) The petty cash fund so provided shall be spent only in  
790 amounts less than \$100 and only for office supplies,  
791 transportation expenses, and other necessities. Petty cash shall  
792 not be used for the purchase of time, space, or services from  
793 communications media as defined in s. 106.011 ~~106.011(13)~~.

794 Section 16. Section 106.141, Florida Statutes, is amended  
795 to read:

796 106.141 Disposition of surplus funds by candidates.—

797 (1) Except as provided in subsection (6), each candidate  
798 who withdraws his or her candidacy, becomes an unopposed  
799 candidate, or is eliminated as a candidate or elected to office  
800 shall, within 90 days, dispose of the funds on deposit in his or  
801 her campaign account and file a report reflecting the  
802 disposition of all remaining funds. Such candidate shall not  
803 accept any contributions, nor shall any person accept  
804 contributions on behalf of such candidate, after the candidate  
805 withdraws his or her candidacy, becomes unopposed, or is  
806 eliminated or elected. However, if a candidate receives a refund  
807 check after all surplus funds have been disposed of, the check  
808 may be endorsed by the candidate and the refund disposed of  
809 under this section. An amended report must be filed showing the  
810 refund and subsequent disposition.

811 (2) Any candidate required to dispose of funds pursuant to  
812 this section may, prior to such disposition, be reimbursed by

813 the campaign, in full or in part, for any reported contributions  
 814 by the candidate to the campaign.

815 (3) The campaign treasurer of a candidate who withdraws  
 816 his or her candidacy, becomes unopposed, or is eliminated as a  
 817 candidate or elected to office and who has funds on deposit in a  
 818 separate interest-bearing account or certificate of deposit  
 819 shall, within 7 days after the date of becoming unopposed or the  
 820 date of such withdrawal, elimination, or election, transfer such  
 821 funds and the accumulated interest earned thereon to the  
 822 campaign account of the candidate for disposal under this  
 823 section. However, if the funds are in an account in which  
 824 penalties will apply for withdrawal within the 7-day period, the  
 825 campaign treasurer shall transfer such funds and the accumulated  
 826 interest earned thereon as soon as the funds can be withdrawn  
 827 without penalty, or within 90 days after the candidate becomes  
 828 unopposed, withdraws his or her candidacy, or is eliminated or  
 829 elected, whichever comes first.

830 (4) (a) Except as provided in paragraph (b), any candidate  
 831 required to dispose of funds pursuant to this section shall, at  
 832 the option of the candidate, dispose of such funds by any of the  
 833 following means, or any combination thereof:

834 1. Return pro rata to each contributor the funds that have  
 835 not been spent or obligated.

836 2. Donate the funds that have not been spent or obligated  
 837 to a charitable organization or organizations that meet the  
 838 qualifications of s. 501(c)(3) of the Internal Revenue Code.

839 3. Give the funds that have not been spent or obligated to  
 840 the affiliated party committee or political party of which such

841 candidate is a member.

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

843 a. In the case of a candidate for state office, to the  
 844 state, to be deposited in either the Election Campaign Financing  
 845 Trust Fund or the General Revenue Fund, as designated by the  
 846 candidate; or

847 b. In the case of a candidate for an office of a political  
 848 subdivision, to such political subdivision, to be deposited in  
 849 the general fund thereof.

850 (b) Any candidate required to dispose of funds pursuant to  
 851 this section who has received contributions pursuant to the  
 852 Florida Election Campaign Financing Act shall, after all  
 853 monetary commitments pursuant to s. 106.11(5)(b) and (c) have  
 854 been met, return all surplus campaign funds to the General  
 855 Revenue Fund.

856 (5) A candidate elected to office or a candidate who will  
 857 be elected to office by virtue of his or her being unopposed  
 858 may, in addition to the disposition methods provided in  
 859 subsection (4), transfer from the campaign account to an office  
 860 account any amount of the funds on deposit in such campaign  
 861 account up to:

862 (a) Twenty thousand dollars, for a candidate for statewide  
 863 office. The Governor and Lieutenant Governor shall be considered  
 864 separate candidates for the purpose of this section.

865 (b) Five thousand dollars, for a candidate for multicounty  
 866 office.

867 (c) Five thousand dollars multiplied by the number of  
 868 years in the term of office for which elected, for a candidate

869 for legislative office.

870 (d) Two thousand five hundred dollars multiplied by the  
 871 number of years in the term of office for which elected, for a  
 872 candidate for county office or for a candidate in any election  
 873 conducted on less than a countywide basis.

874 (e) Six thousand dollars, for a candidate for retention as  
 875 a justice of the Supreme Court.

876 (f) Three thousand dollars, for a candidate for retention  
 877 as a judge of a district court of appeal.

878 (g) One thousand five hundred dollars, for a candidate for  
 879 county court judge or circuit judge.

880

881 The office account established pursuant to this subsection shall  
 882 be separate from any personal or other account. Any funds so  
 883 transferred by a candidate shall be used only for legitimate  
 884 expenses in connection with the candidate's public office. Such  
 885 expenses may include travel expenses incurred by the officer or  
 886 a staff member, personal taxes payable on office account funds  
 887 by the candidate or elected public official, or expenses  
 888 incurred in the operation of his or her office, including the  
 889 employment of additional staff. The funds may be deposited in a  
 890 savings account; however, all deposits, withdrawals, and  
 891 interest earned thereon shall be reported at the appropriate  
 892 reporting period. If a candidate is reelected to office or  
 893 elected to another office and has funds remaining in his or her  
 894 office account, he or she may transfer surplus campaign funds to  
 895 the office account. At no time may the funds in the office  
 896 account exceed the limitation imposed by this subsection. Upon

897 leaving public office, any person who has funds in an office  
 898 account pursuant to this subsection remaining on deposit shall  
 899 give such funds to a charitable organization or organizations  
 900 which meet the requirements of s. 501(c)(3) of the Internal  
 901 Revenue Code or, in the case of a state officer, to the state to  
 902 be deposited in the General Revenue Fund or, in the case of an  
 903 officer of a political subdivision, to the political subdivision  
 904 to be deposited in the general fund thereof.

905 (6) (a) A candidate elected to state office or a candidate  
 906 who will be elected to state office by virtue of his or her  
 907 being unopposed may, in addition to the disposition methods  
 908 provided in subsections (4) and (5), retain up to \$100,000 in  
 909 his or her campaign account, or in an interest-bearing account  
 910 or certificate of deposit, for use in his or her next campaign  
 911 for the same office. All requirements applicable to candidate  
 912 campaign accounts under this chapter, including disclosure  
 913 requirements applicable to candidate campaign accounts,  
 914 limitations on expenditures, and limitations on contributions,  
 915 shall apply to any retained funds.

916 (b) If a candidate who retained funds under this  
 917 subsection does not qualify as a candidate for the same office  
 918 when the office is next on the ballot, all retained funds shall  
 919 be disposed of as otherwise required by this section within 90  
 920 days after the last day of qualifying for that office.  
 921 Requirements in this section applicable to the disposal of  
 922 surplus funds, including reporting requirements, are applicable  
 923 to the disposal of retained funds.

924 (7) (6) Prior to disposing of funds pursuant to subsection

925 (4) or transferring funds into an office account pursuant to  
 926 subsection (5), any candidate who filed an oath stating that he  
 927 or she was unable to pay the election assessment or fee for  
 928 verification of petition signatures without imposing an undue  
 929 burden on his or her personal resources or on resources  
 930 otherwise available to him or her, or who filed both such oaths,  
 931 or who qualified by the petition process and was not required to  
 932 pay an election assessment, shall reimburse the state or local  
 933 governmental entity, whichever is applicable, for such waived  
 934 assessment or fee or both. Such reimbursement shall be made  
 935 first for the cost of petition verification and then, if funds  
 936 are remaining, for the amount of the election assessment. If  
 937 there are insufficient funds in the account to pay the full  
 938 amount of either the assessment or the fee or both, the  
 939 remaining funds shall be disbursed in the above manner until no  
 940 funds remain. All funds disbursed pursuant to this subsection  
 941 shall be remitted to the qualifying officer. Any reimbursement  
 942 for petition verification costs which are reimbursable by the  
 943 state shall be forwarded by the qualifying officer to the state  
 944 for deposit in the General Revenue Fund. All reimbursements for  
 945 the amount of the election assessment shall be forwarded by the  
 946 qualifying officer to the Department of State for deposit in the  
 947 General Revenue Fund.

948 (8)~~(7)~~(a) Any candidate required to dispose of campaign  
 949 funds pursuant to this section shall do so within the time  
 950 required by this section and shall, on or before the date by  
 951 which such disposition is to have been made, file with the  
 952 officer with whom reports are required to be filed pursuant to

953 s. 106.07 a form prescribed by the Division of Elections  
 954 listing:

955 1. The name and address of each person or unit of  
 956 government to whom any of the funds were distributed and the  
 957 amounts thereof;

958 2. The name and address of each person to whom an  
 959 expenditure was made, together with the amount thereof and  
 960 purpose therefor; ~~and~~

961 3. The amount of such funds transferred to an office  
 962 account by the candidate, together with the name and address of  
 963 the bank in which the office account is located; and

964 4. The amount of such funds retained pursuant to  
 965 subsection (6).

966  
 967 Such report shall be signed by the candidate and the campaign  
 968 treasurer and certified as true and correct pursuant to s.  
 969 106.07.

970 (b) The filing officer shall notify each candidate at  
 971 least 14 days before the date the report is due.

972 (c) Any candidate failing to file a report on the  
 973 designated due date shall be subject to a fine as provided in s.  
 974 106.07 for submitting late termination reports.

975 (9) ~~(8)~~ Any candidate elected to office who transfers  
 976 surplus campaign funds into an office account pursuant to  
 977 subsection (5) shall file a report on the 10th day following the  
 978 end of each calendar quarter until the account is closed. Such  
 979 reports shall contain the name and address of each person to  
 980 whom any disbursement of funds was made, together with the



981 amount thereof and the purpose therefor, and the name and  
 982 address of any person from whom the elected candidate received  
 983 any refund or reimbursement and the amount thereof. Such reports  
 984 shall be on forms prescribed by the Division of Elections,  
 985 signed by the elected candidate, certified as true and correct,  
 986 and filed with the officer with whom campaign reports were filed  
 987 pursuant to s. 106.07(2).

988 (10)~~(9)~~ Any candidate, or any person on behalf of a  
 989 candidate, who accepts contributions after such candidate has  
 990 withdrawn his or her candidacy, after the candidate has become  
 991 an unopposed candidate, or after the candidate has been  
 992 eliminated as a candidate or elected to office commits a  
 993 misdemeanor of the first degree, punishable as provided in s.  
 994 775.082 or s. 775.083.

995 (11)~~(10)~~ Any candidate who is required by the provisions  
 996 of this section to dispose of funds in his or her campaign  
 997 account and who fails to dispose of the funds in the manner  
 998 provided in this section commits a misdemeanor of the first  
 999 degree, punishable as provided in s. 775.082 or s. 775.083.

1000 Section 17. Paragraph (b) of subsection (3) of section  
 1001 106.147, Florida Statutes, is amended to read:

1002 106.147 Telephone solicitation; disclosure requirements;  
 1003 prohibitions; exemptions; penalties.-

1004 (3)(b) For purposes of paragraph (a), the term "person"  
 1005 includes any candidate; any officer of any political committee,  
 1006 ~~committee of continuous existence,~~ affiliated party committee,  
 1007 or political party executive committee; any officer, partner,  
 1008 attorney, or other representative of a corporation, partnership,

1009 or other business entity; and any agent or other person acting  
 1010 on behalf of any candidate, political committee, ~~committee of~~  
 1011 ~~continuous existence~~, affiliated party committee, political  
 1012 party executive committee, or corporation, partnership, or other  
 1013 business entity.

1014 Section 18. Section 106.17, Florida Statutes, is amended  
 1015 to read:

1016 106.17 Polls and surveys relating to candidacies.—Any  
 1017 candidate, political committee, ~~committee of continuous~~  
 1018 ~~existence~~, electioneering communication organization, affiliated  
 1019 party committee, or state or county executive committee of a  
 1020 political party may authorize or conduct a political poll,  
 1021 survey, index, or measurement of any kind relating to candidacy  
 1022 for public office so long as the candidate, political committee,  
 1023 ~~committee of continuous existence~~, electioneering communication  
 1024 organization, affiliated party committee, or political party  
 1025 maintains complete jurisdiction over the poll in all its  
 1026 aspects. State and county executive committees of a political  
 1027 party or an affiliated party committee may authorize and conduct  
 1028 political polls for the purpose of determining the viability of  
 1029 potential candidates. Such poll results may be shared with  
 1030 potential candidates, and expenditures incurred by state and  
 1031 county executive committees or an affiliated party committee for  
 1032 potential candidate polls are not contributions to the potential  
 1033 candidates.

1034 Section 19. Subsection (2) of section 106.23, Florida  
 1035 Statutes, is amended to read:

1036 106.23 Powers of the Division of Elections.—

1037 (2) The Division of Elections shall provide advisory  
 1038 opinions when requested by any supervisor of elections,  
 1039 candidate, local officer having election-related duties,  
 1040 political party, affiliated party committee, political  
 1041 committee, ~~committee of continuous existence~~, or other person or  
 1042 organization engaged in political activity, relating to any  
 1043 provisions or possible violations of Florida election laws with  
 1044 respect to actions such supervisor, candidate, local officer  
 1045 having election-related duties, political party, affiliated  
 1046 party committee, committee, person, or organization has taken or  
 1047 proposes to take. Requests for advisory opinions must be  
 1048 submitted in accordance with rules adopted by the Department of  
 1049 State. A written record of all such opinions issued by the  
 1050 division, sequentially numbered, dated, and indexed by subject  
 1051 matter, shall be retained. A copy shall be sent to said person  
 1052 or organization upon request. Any such person or organization,  
 1053 acting in good faith upon such an advisory opinion, shall not be  
 1054 subject to any criminal penalty provided for in this chapter.  
 1055 The opinion, until amended or revoked, shall be binding on any  
 1056 person or organization who sought the opinion or with reference  
 1057 to whom the opinion was sought, unless material facts were  
 1058 omitted or misstated in the request for the advisory opinion.

1059 Section 20. Subsections (2) and (3) of section 106.265,  
 1060 Florida Statutes, are amended to read:

1061 106.265 Civil penalties.—

1062 (2) In determining the amount of such civil penalties, the  
 1063 commission or administrative law judge shall consider, among  
 1064 other mitigating and aggravating circumstances:

- 1065 (a) The gravity of the act or omission;  
 1066 (b) Any previous history of similar acts or omissions;  
 1067 (c) The appropriateness of such penalty to the financial  
 1068 resources of the person, political committee, ~~committee of~~  
 1069 ~~continuous existence~~, affiliated party committee, electioneering  
 1070 communications organization, or political party; and  
 1071 (d) Whether the person, political committee, ~~committee of~~  
 1072 ~~continuous existence~~, affiliated party committee, electioneering  
 1073 communications organization, or political party has shown good  
 1074 faith in attempting to comply with the provisions of this  
 1075 chapter or chapter 104.

1076 (3) If any person, political committee, ~~committee of~~  
 1077 ~~continuous existence~~, affiliated party committee, electioneering  
 1078 communications organization, or political party fails or refuses  
 1079 to pay to the commission any civil penalties assessed pursuant  
 1080 to the provisions of this section, the commission shall be  
 1081 responsible for collecting the civil penalties resulting from  
 1082 such action.

1083 Section 21. Subsection (2) of section 106.27, Florida  
 1084 Statutes, is amended to read:

1085 106.27 Determinations by commission; legal disposition.—

1086 (2) Civil actions may be brought by the commission for  
 1087 relief, including permanent or temporary injunctions,  
 1088 restraining orders, or any other appropriate order for the  
 1089 imposition of civil penalties provided by this chapter. Such  
 1090 civil actions shall be brought by the commission in the  
 1091 appropriate court of competent jurisdiction, and the venue shall  
 1092 be in the county in which the alleged violation occurred or in

1093 | which the alleged violator or violators are found, reside, or  
 1094 | transact business. Upon a proper showing that such person,  
 1095 | political committee, ~~committee of continuous existence,~~  
 1096 | affiliated party committee, or political party has engaged, or  
 1097 | is about to engage, in prohibited acts or practices, a permanent  
 1098 | or temporary injunction, restraining order, or other order shall  
 1099 | be granted without bond by such court, and the civil fines  
 1100 | provided by this chapter may be imposed.

1101 |         Section 22. Subsection (3) of section 106.32, Florida  
 1102 | Statutes, is amended to read:

1103 |             106.32 Election Campaign Financing Trust Fund.—

1104 |             (3) Proceeds from assessments pursuant to ss. ~~106.04,~~  
 1105 | 106.07~~7~~ and 106.29 shall be deposited into the Election Campaign  
 1106 | Financing Trust Fund as designated in those sections.

1107 |         Section 23. Section 106.33, Florida Statutes, is amended  
 1108 | to read:

1109 |             106.33 Election campaign financing; eligibility.—Each  
 1110 | candidate for the office of Governor or member of the Cabinet  
 1111 | who desires to receive contributions from the Election Campaign  
 1112 | Financing Trust Fund shall, upon qualifying for office, file a  
 1113 | request for such contributions with the filing officer on forms  
 1114 | provided by the Division of Elections. If a candidate requesting  
 1115 | contributions from the fund desires to have such funds  
 1116 | distributed by electronic fund transfers, the request shall  
 1117 | include information necessary to implement that procedure. For  
 1118 | the purposes of ss. 106.30-106.36, candidates for Governor and  
 1119 | Lieutenant Governor on the same ticket shall be considered as a  
 1120 | single candidate. To be eligible to receive contributions from

1121 the fund, a candidate may not be an unopposed candidate as  
 1122 defined in s. 106.011 ~~106.011(15)~~ and must:

1123 (1) Agree to abide by the expenditure limits provided in  
 1124 s. 106.34.

1125 (2)(a) Raise contributions as follows:

1126 1. One hundred fifty thousand dollars for a candidate for  
 1127 Governor.

1128 2. One hundred thousand dollars for a candidate for  
 1129 Cabinet office.

1130 (b) Contributions from individuals who at the time of  
 1131 contributing are not state residents may not be used to meet the  
 1132 threshold amounts in paragraph (a). For purposes of this  
 1133 paragraph, any person validly registered to vote in this state  
 1134 shall be considered a state resident.

1135 (3) Limit loans or contributions from the candidate's  
 1136 personal funds to \$25,000 and contributions from national,  
 1137 state, and county executive committees of a political party to  
 1138 \$250,000 in the aggregate, which loans or contributions shall  
 1139 not qualify for meeting the threshold amounts in subsection (2).

1140 (4) Submit to a postelection audit of the campaign account  
 1141 by the division.

1142 Section 24. Subsections (3) and (4) and paragraph (a) of  
 1143 subsection (5) of section 112.3148, Florida Statutes, are  
 1144 amended to read:

1145 112.3148 Reporting and prohibited receipt of gifts by  
 1146 individuals filing full or limited public disclosure of  
 1147 financial interests and by procurement employees.-

1148 (3) A reporting individual or procurement employee is

1149 prohibited from soliciting any gift from a political committee  
 1150 ~~or committee of continuous existence~~, as defined in s. 106.011,  
 1151 or from a lobbyist who lobbies the reporting individual's or  
 1152 procurement employee's agency, or the partner, firm, employer,  
 1153 or principal of such lobbyist, where such gift is for the  
 1154 personal benefit of the reporting individual or procurement  
 1155 employee, another reporting individual or procurement employee,  
 1156 or any member of the immediate family of a reporting individual  
 1157 or procurement employee.

1158 (4) A reporting individual or procurement employee or any  
 1159 other person on his or her behalf is prohibited from knowingly  
 1160 accepting, directly or indirectly, a gift from a political  
 1161 committee ~~or committee of continuous existence~~, as defined in s.  
 1162 106.011, or from a lobbyist who lobbies the reporting  
 1163 individual's or procurement employee's agency, or directly or  
 1164 indirectly on behalf of the partner, firm, employer, or  
 1165 principal of a lobbyist, if he or she knows or reasonably  
 1166 believes that the gift has a value in excess of \$100; however,  
 1167 such a gift may be accepted by such person on behalf of a  
 1168 governmental entity or a charitable organization. If the gift is  
 1169 accepted on behalf of a governmental entity or charitable  
 1170 organization, the person receiving the gift shall not maintain  
 1171 custody of the gift for any period of time beyond that  
 1172 reasonably necessary to arrange for the transfer of custody and  
 1173 ownership of the gift.

1174 (5) (a) A political committee ~~or a committee of continuous~~  
 1175 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a  
 1176 reporting individual's or procurement employee's agency; the

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1177 partner, firm, employer, or principal of a lobbyist; or another  
 1178 on behalf of the lobbyist or partner, firm, principal, or  
 1179 employer of the lobbyist is prohibited from giving, either  
 1180 directly or indirectly, a gift that has a value in excess of  
 1181 \$100 to the reporting individual or procurement employee or any  
 1182 other person on his or her behalf; however, such person may give  
 1183 a gift having a value in excess of \$100 to a reporting  
 1184 individual or procurement employee if the gift is intended to be  
 1185 transferred to a governmental entity or a charitable  
 1186 organization.

1187 Section 25. Subsections (3) and (4) of section 112.3149,  
 1188 Florida Statutes, are amended to read:

1189 112.3149 Solicitation and disclosure of honoraria.—

1190 (3) A reporting individual or procurement employee is  
 1191 prohibited from knowingly accepting an honorarium from a  
 1192 political committee ~~or committee of continuous existence~~, as  
 1193 defined in s. 106.011, from a lobbyist who lobbies the reporting  
 1194 individual's or procurement employee's agency, or from the  
 1195 employer, principal, partner, or firm of such a lobbyist.

1196 (4) A political committee ~~or committee of continuous~~  
 1197 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a  
 1198 reporting individual's or procurement employee's agency, or the  
 1199 employer, principal, partner, or firm of such a lobbyist is  
 1200 prohibited from giving an honorarium to a reporting individual  
 1201 or procurement employee.

1202 Section 26. Subsection (4) of section 1004.28, Florida  
 1203 Statutes, is amended to read:

1204 1004.28 Direct-support organizations; use of property;



1205 board of directors; activities; audit; facilities.-

1206 (4) ACTIVITIES; RESTRICTION.-A university direct-support  
 1207 organization is prohibited from giving, either directly or  
 1208 indirectly, any gift to a political committee ~~or committee of~~  
 1209 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1210 other than those certified by a majority roll call vote of the  
 1211 governing board of the direct-support organization at a  
 1212 regularly scheduled meeting as being directly related to the  
 1213 educational mission of the university.

1214 Section 27. Paragraph (d) of subsection (4) of section  
 1215 1004.70, Florida Statutes, is amended to read:

1216 1004.70 Florida College System institution direct-support  
 1217 organizations.-

1218 (4) ACTIVITIES; RESTRICTIONS.-

1219 (d) A Florida College System institution direct-support  
 1220 organization is prohibited from giving, either directly or  
 1221 indirectly, any gift to a political committee ~~or committee of~~  
 1222 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1223 other than those certified by a majority roll call vote of the  
 1224 governing board of the direct-support organization at a  
 1225 regularly scheduled meeting as being directly related to the  
 1226 educational mission of the Florida College System institution.

1227 Section 28. Paragraph (c) of subsection (4) of section  
 1228 1004.71, Florida Statutes, is amended to read:

1229 1004.71 Statewide Florida College System institution  
 1230 direct-support organizations.-

1231 (4) RESTRICTIONS.-

1232 (c) A statewide Florida College System institution direct-

1233 support organization is prohibited from giving, either directly  
 1234 or indirectly, any gift to a political committee ~~or committee of~~  
 1235 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1236 other than those certified by a majority roll call vote of the  
 1237 governing board of the direct-support organization at a  
 1238 regularly scheduled meeting as being directly related to the  
 1239 educational mission of the State Board of Education.

1240       Section 29. By December 1, 2013, the Division of Elections  
 1241 of the Department of State shall submit a proposal to the  
 1242 President of the Senate and the Speaker of the House of  
 1243 Representatives for a mandatory statewide electronic filing  
 1244 system for all state and local campaign filings required by the  
 1245 Florida Election Code.

1246       Section 30. Except as otherwise expressly provided in this  
 1247 act and except for this section, which shall take effect upon  
 1248 this act becoming a law, this act shall take effect November 1,  
 1249 2013.

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.  
18  
19  
20

Amendment No. 1

21  
22  
23  
24  
25

-----

**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	___	(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**

5 Between lines 57 and 58, insert:

6 (3) This section shall be effective upon this act becoming  
7 law.  
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.3

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**

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

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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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 569 (2013)

Amendment No.4

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

79

80

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

85

Remove line 40 and insert:

86

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

87

for a campaign fund raiser must comply with the requirements of

88

political advertisements circulated before an election; amending

89

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

90

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

91

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

92

appear on bank account checks of candidates or political

93

committees; revising information used to determine when debit

94

cards are considered bank checks; providing an effective date.

95

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:

3  
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

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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.

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

7  
8 -----  
9 **T I T L E A M E N D M E N T**

10 Remove lines 26-27 and insert:  
11 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

10  
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





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7013 (PCB EES 13-01) Florida Election Code  
**SPONSOR(S):** Ethics & Elections Subcommittee, Boyd  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Ethics & Elections Subcommittee	12 Y, 0 N	Davison	Marino
1) Appropriations Committee		Kramer <i>JK</i>	Leznoff <i>JW</i>
2) State Affairs Committee			

**SUMMARY ANALYSIS**

Section 101.657, F.S., governs early voting during elections in Florida, and s. 101.161, F.S., governs the manner in which the Legislature proposes amendments to the Florida Constitution. The table below summarizes the current law regarding early voting requirements and legislatively proposed ballot summaries, as well as the effects of the proposed changes in the PCB:

ISSUE	CURRENT LAW	EFFECTS OF PROPOSED CHANGES
<b>EARLY VOTING DAYS</b> §101.657	<ul style="list-style-type: none"> <li>• 8 days required</li> <li>• Begins on the 10th day before and ends on the 3rd day before an election</li> <li>• Early voting not permitted on the Sunday before the general election</li> </ul>	<ul style="list-style-type: none"> <li>• 8 days minimum, 14 days maximum</li> <li>• Begins on the 15th day before and ends on the 2nd day before an election</li> <li>• Early voting optional at the supervisor of elections' discretion on the Sunday before the general election</li> </ul>
<b>EARLY VOTING HOURS</b> §101.657	<ul style="list-style-type: none"> <li>• 48 hours minimum, 96 hours maximum</li> <li>• At least 6 but no more than 12 hours per day</li> <li>• No 7 a.m. to 7 p.m. restriction</li> <li>• No requirement that all sites in a county be open on the same days or for the same amount of time</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours minimum, 168 hours maximum (72 more hours than under current law)</li> <li>• At least 6 but no more than 12 hours per day</li> <li>• No 7 a.m. to 7 p.m. restriction</li> <li>• No requirement that all sites in a county be open on the same days or for the same amount of time</li> </ul>
<b>EARLY VOTING SITES</b> §101.657	<p>Early voting may be offered at the following locations:</p> <ul style="list-style-type: none"> <li>• City halls</li> <li>• Public libraries</li> <li>• Main or permanent branch offices of supervisors of elections</li> </ul>	<p>Expands currently authorized sites to include fairgrounds, civic centers, courthouses, county commission buildings, stadiums, and convention centers</p>
<b>LEGISLATIVE BALLOT SUMMARIES</b> §101.161	<ul style="list-style-type: none"> <li>• No word limit on summaries</li> <li>• Allows multiple summaries in a joint resolution</li> <li>• Allows full text of an amendment to be placed on the ballot instead of a summary</li> <li>• Attorney General authorized to rewrite a summary if a court invalidates the legislature's summaries</li> </ul>	<ul style="list-style-type: none"> <li>• Applies a 75-word limit to the first of multiple summaries in a joint resolution, while any remaining summaries would not be subject to a 75 word limit</li> <li>• Applies a 75-word limit to joint resolutions containing only one summary</li> <li>• Does not apply a 75-word limit to summaries rewritten by the Attorney General</li> </ul>

This PCB does not appear to have a direct fiscal impact on state government, local governments, or private parties.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### ***Early Voting***

###### A. *Early Voting Days*

###### *Current Situation*

Prior to the enactment of CS/CS/HB 1355 in 2011, counties were required to offer between 12 and 14 days of early voting in an election that contained a state or federal race, beginning on the 15th day before an election and ending on the 2nd day before the election.<sup>1</sup> Early voting on the Sunday before the general election was optional at the discretion of the supervisor of elections.

Current law requires 8 days of early voting in an election that contained a state or federal race, beginning on the 10th day before the election and ending on the 3rd day before the election.<sup>2</sup> Thus, early voting is not allowed on the Sunday before the general election.

###### *Effect of Proposed Changes*

This PCB increases the number of days available for early voting by requiring a minimum of 8 days and allowing up to a maximum of 14 days, beginning on the 15th day before an election that contains state or federal races and ending on the 2nd day before the election. Early voting *must* be offered each day from the 10th day before an election that contains state or federal races through the 3rd day before the election. Early voting *may* be offered, at the discretion of each county's supervisor of elections, on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election that contains state or federal races. As such, early voting on the Sunday before the general election may be offered at the discretion of each county's supervisor of elections, but is not required.

###### B. *Early Voting Hours*

###### *Current Situation*

Prior to the enactment of CS/CS/HB 1355 in 2011, the law required counties to offer 96 hours of early voting, including 8 hours on each weekday and a total of 8 hours on each weekend during the authorized early voting period.<sup>3</sup> Early voting was allowed only between 7 a.m. and 7 p.m., and all early voting sites in a county had to be open on the same days during the same hours.<sup>4</sup>

Currently, early voting must be offered for no less than 6 hours and no more than 12 hours per day, which means that 48 hours of early voting is required but up to 96 hours is allowed at the discretion of each county's supervisor of elections.<sup>5</sup> The law does not require early voting during specified hours or require all early voting sites in a county to be open on the same days for the same hours.

###### *Effect of Proposed Changes*

This PCB increases the number of hours available for early voting by requiring counties to offer early voting for a minimum of 48 hours and allowing early voting for a maximum of 168 hours during the early voting period. Consistent with current law, early voting must be offered for no less than 6 hours and no more than 12 hours per day at each site during the early voting period. However, the PCB does not require early voting during specified hours or require all early voting sites in a county to be open on the same days for the same hours.

---

<sup>1</sup> § 101.657(1)(d), F.S. (2010).

<sup>2</sup> § 101.657(1)(d), F.S.

<sup>3</sup> § 101.657(1)(d), F.S. (2010).

<sup>4</sup> *Id.*; § 101.657(1)(c), F.S. (2010).

<sup>5</sup> § 101.657(1)(d), F.S.

## C. Early Voting Sites

### *Current Situation*

Counties are allowed to have early voting at city halls, public libraries, and main or permanent branch offices of supervisors of elections.<sup>6</sup> In order for a county to utilize a permanent branch office of a supervisor of elections as an early voting site, the office must have been used for at least a year prior to the election as a permanent facility of the supervisor.<sup>7</sup> These were also the permissible early voting sites before the enactment of CS/CS/HB 1355 in 2011.<sup>8</sup>

### *Effect of Proposed Changes*

This PCB expands the types of sites at which early voting may be held by adding fairgrounds, civic centers, courthouses, county commission buildings, stadiums, and convention centers to the currently permissible early voting sites.

## **Legislative Ballot Summaries**

### *Current Situation*

#### Florida Constitution

Article XI of the Florida Constitution provides the following methods for amending the State Constitution:

- 1) Joint resolution passed by 3/5 of the membership of each house of the Legislature;
- 2) Initiative petition;
- 3) Proposal by the Constitution Revision Commission;
- 4) Proposal by the Taxation and Budget Reform Commission; or
- 5) Proposal by a constitutional convention.

A proposed amendment to or revision<sup>9</sup> of the constitution, or any part of it, must be submitted to the electors at the next general election held more than 90 days after the joint resolution or the report of the revision commission, constitutional convention, or taxation and budget reform commission proposing it is filed with the Secretary of State, unless, pursuant to law enacted by 3/4 of the membership of each house of the Legislature and limited to a single amendment, it is submitted at an earlier special election held more than 90 days after such filing.<sup>10</sup>

Once during the tenth week, and once during the sixth week immediately preceding the week in which the election is held, each proposed amendment, with notice of the date of the election at which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published.<sup>11</sup> The Department of State ensures compliance with this constitutional requirement by overseeing publication of the ballot title, ballot summary, and amendment text in newspapers throughout the state.

Unless otherwise specifically provided for elsewhere in the constitution, if the proposed amendment is approved by a vote of at least 60% of the electors voting on the measure, it is effective as an amendment to the constitution on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.<sup>12</sup>

With respect to joint resolutions of the Legislature proposing an amendment or revision, the constitution does not:

- 1) Contain explicit requirements governing the form or manner in which amendments or revisions proposed by joint resolution appear on the ballot. Specifically, the constitution does not require a joint resolution proposing an amendment or revision to contain a title or ballot summary or limit the length of either, nor does the

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<sup>6</sup> § 101.657(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Ch. 2011-40, Laws of Fla.

<sup>9</sup> An "amendment" amends one section of the constitution, while a "revision" amends one or more articles of the constitution. Art. XI, s. 1, Fla. Const.; "The function of a section amendment is to alter, modify or change the substance of a single section of the Constitution containing particularized statements of organic law....The function of an article revision is to restructure an entire class of governmental powers or rights, such as legislative powers, taxation powers, or individual rights." *Smathers v. Smith*, 338 So. 2d 825, 829 (Fla. 1976).

<sup>10</sup> Art. XI, s. 5(a), Fla. Const.

<sup>11</sup> Art. XI, s. 5(d), Fla. Const.

<sup>12</sup> Art. XI, s. 5(e), Fla. Const.

constitution contain an explicit requirement regarding the accuracy or content of ballot titles, summaries, or the text of proposed amendments;

- 2) Limit the number of proposed amendments or revisions the Legislature may place on a ballot;
- 3) Limit proposed amendments or revisions to a single subject; or
- 4) Otherwise limit the subject matter of a proposed amendment or revision.

### Statutory Requirements

Section 101.161, F.S., establishes requirements regarding the form and manner in which amendments or revisions to the Florida Constitution appear on the ballot. That section requires each joint resolution that proposes a constitutional amendment or revision to include one or more ballot statements in order of priority. Each ballot statement must consist of a ballot title, by which the measure is commonly referred to, not exceeding 15 words in length, and either a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language, or the full text of the amendment or revision. In 2000, after the court invalidated a legislative ballot summary that had been approved by the voters,<sup>13</sup> the Legislature exempted legislatively proposed ballot summaries from the statutory 75-word limit that currently applies to ballot summaries of constitutional amendments proposed by other methods.<sup>14</sup>

Legal challenges to one or more ballot statements in a joint resolution must be filed within 30 days after the joint resolution is filed with the Secretary of State. Unless otherwise provided in the joint resolution, if a court finds that all ballot statements are defective and further appeals are declined, abandoned, or exhausted, the Attorney General must, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court. Any legal challenge to a revised ballot title or ballot summary must be filed within 10 days after the revised ballot title or ballot summary is submitted to the Department of State.

A ballot statement that consists of the full text of an amendment or revision must be presumed by a court to be a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote.

By December 31, 2013, state voting systems must allow for the placement on ballots of the full text of constitutional amendments.<sup>15</sup>

### *Effect of Proposed Changes*

The PCB applies a 75-word limit to the first of multiple summaries in a joint resolution, while any remaining summaries are not subject to a 75-word limit. If the joint resolution contains only one ballot summary, that ballot summary is subject to a 75-word limit. The PCB specifies that the 75-word limitation does not apply to any ballot summary revised by the Attorney General to correct deficiencies identified by a court.

### B. SECTION DIRECTORY:

Section 1 amends s. 101.161, F.S., specifying the length of certain ballot summaries in joint resolutions of the legislature; specifying that the length of a ballot summary revised by the Attorney General is not limited.

Section 2 amends s. 101.657, F.S., revising the list of permissible sites for early voting; revising the number of days and hours for early voting.

Section 3 provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None

2. Expenditures: None

<sup>13</sup> *Armstrong v. Harris*, 773 So. 2d 7 (Fla. 2000) (invalidating the amendment after approval by voters).

<sup>14</sup> Ch. 2000-361, Laws of Fla.

<sup>15</sup> § 101.56075, F.S.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None

2. Expenditures: None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None**

**D. FISCAL COMMENTS: None**

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: The mandates provision does not apply to this bill because subsection 18(d) of Article VII, Fla. Const., explicitly exempts election laws from the provision.

2. Other: None

**B. RULE-MAKING AUTHORITY: None**

**C. DRAFTING ISSUES OR OTHER COMMENTS: None**

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1                                   A bill to be entitled  
 2           An act relating to the Florida Election Code; amending  
 3           s. 101.161, F.S.; providing a limitation on the number  
 4           of words for certain ballot summaries in joint  
 5           resolutions proposed by the Legislature; specifying  
 6           that the limitation on the number of words does not  
 7           apply to a ballot summary revised by the Attorney  
 8           General; amending s. 101.657, F.S.; revising the list  
 9           of permissible sites available for early voting;  
 10          revising the number of days and hours for early  
 11          voting; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsection (3) of section 101.161, Florida  
 16           Statutes, is amended to read:

17           101.161 Referenda; ballots.—

18           (3) (a) Each joint resolution that proposes a  
 19           constitutional amendment or revision shall include one or more  
 20           ballot statements set forth in order of priority. Each ballot  
 21           statement shall consist of a ballot title, by which the measure  
 22           is commonly referred to or spoken of, not exceeding 15 words in  
 23           length, and either a ballot summary that describes the chief  
 24           purpose of the amendment or revision in clear and unambiguous  
 25           language, or the full text of the amendment or revision. If a  
 26           joint resolution that proposes a constitutional amendment or  
 27           revision contains only one ballot statement, and the ballot  
 28           statement includes a ballot summary, the ballot summary may not

29 exceed 75 words in length. If a joint resolution that proposes a  
 30 constitutional amendment or revision contains more than one  
 31 ballot statement that includes a ballot summary, the first  
 32 ballot summary in order of priority may not exceed 75 words in  
 33 length.

34 (b) The Department of State shall furnish a designating  
 35 number pursuant to subsection (2) and the appropriate ballot  
 36 statement to the supervisor of elections of each county. The  
 37 ballot statement shall be printed on the ballot after the list  
 38 of candidates, followed by the word "yes" and also by the word  
 39 "no," and shall be styled in such a manner that a "yes" vote  
 40 will indicate approval of the amendment or revision and a "no"  
 41 vote will indicate rejection.

42 (c) ~~(b)~~1. Any action for a judicial determination that one  
 43 or more ballot statements embodied in a joint resolution are  
 44 defective must be commenced by filing a complaint or petition  
 45 with the appropriate court within 30 days after the joint  
 46 resolution is filed with the Secretary of State. The complaint  
 47 or petition shall assert all grounds for challenge to each  
 48 ballot statement. Any ground not asserted within 30 days after  
 49 the joint resolution is filed with the Secretary of State is  
 50 waived.

51 2. The court, including any appellate court, shall accord  
 52 an action described in subparagraph 1. priority over other  
 53 pending cases and render a decision as expeditiously as  
 54 possible. If the court finds that all ballot statements embodied  
 55 in a joint resolution are defective and further appeals are  
 56 declined, abandoned, or exhausted, unless otherwise provided in



57 | the joint resolution, the Attorney General shall, within 10  
 58 | days, prepare and submit to the Department of State a revised  
 59 | ballot title or ballot summary that corrects the deficiencies  
 60 | identified by the court, and the Department of State shall  
 61 | furnish a designating number and the revised ballot title or  
 62 | ballot summary to the supervisor of elections of each county for  
 63 | placement on the ballot. The court shall retain jurisdiction  
 64 | over challenges to a revised ballot title or ballot summary  
 65 | prepared by the Attorney General, and any challenge to a revised  
 66 | ballot title or ballot summary must be filed within 10 days  
 67 | after a revised ballot title or ballot summary is submitted to  
 68 | the Department of State. The 75-word limitation contained in  
 69 | this subsection does not apply to any ballot summary revised by  
 70 | the Attorney General to correct deficiencies identified by a  
 71 | court.

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

78 |         Section 2. Paragraphs (a) and (d) of subsection (1) of  
 79 | section 101.657, Florida Statutes, are amended to read:

80 |         101.657 Early voting.—

81 |         (1) (a) As a convenience to the voter, the supervisor of  
 82 | elections shall allow an elector to vote early in the main or  
 83 | branch office of the supervisor. The supervisor shall mark,  
 84 | code, indicate on, or otherwise track the voter's precinct for

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2013

85 each early voted ballot. In order for a branch office to be used  
 86 for early voting, it shall be a permanent facility of the  
 87 supervisor and shall have been designated and used as such for  
 88 at least 1 year prior to the election. The supervisor may also  
 89 designate any city hall, ~~or~~ permanent public library facility,  
 90 fairground, civic center, courthouse, county commission  
 91 building, stadium, or convention center as early voting sites;  
 92 however, if so designated, the sites must be geographically  
 93 located so as to provide all voters in the county an equal  
 94 opportunity to cast a ballot, insofar as is practicable. The  
 95 results or tabulation of votes cast during early voting may not  
 96 be made before the close of the polls on election day. Results  
 97 shall be reported by precinct.

98 (d) Early voting shall begin on the 10th day before an  
 99 election that contains state or federal races and end on the 3rd  
 100 day before the election, and shall be provided for no less than  
 101 6 hours and no more than 12 hours per day at each site during  
 102 the applicable period. In addition, early voting may be offered,  
 103 at the discretion of the supervisor of elections on the 15th,  
 104 14th, 13th, 12th, 11th, or 2nd day before an election that  
 105 contains state or federal races, for at least 6 hours but not  
 106 more than 12 hours per day at each site, up to a maximum of 14  
 107 days of early voting. The supervisor of elections may provide  
 108 early voting for elections that are not held in conjunction with  
 109 a state or federal election. However, the supervisor has the  
 110 discretion to determine the hours of operation of early voting  
 111 sites in those elections.

112 Section 3. This act shall take effect July 1, 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 Boyd offered the following:

**Amendment (with title amendment)**

Between lines 14 and 15, insert:

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

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

Amendment No.2

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 Stafford offered the following:

**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

Bill No. HB 7013 (2013)

Amendment No.2

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

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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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Amendment No.3

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  
5  
6  
7

**Amendment**

Remove line 91 and insert:  
building, stadium, Florida College System institution facility,  
or convention center as early voting sites;

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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 Rouson offered the following:

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

5 Between lines 111 and 112, insert:

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

8 101.045 Electors must be registered in precinct;  
9 provisions for change of residence or name.—

10 (1) A person is not permitted to vote in any election  
11 precinct or district other than the one in which the person has  
12 his or her legal residence and in which the person is  
13 registered. However, a person temporarily residing outside the  
14 county shall be registered in the precinct in which the main  
15 office of the supervisor, as designated by the supervisor, is  
16 located when the person has no permanent address in the county  
17 and it is the person's intention to remain a resident of Florida  
18 and of the county in which he or she is registered to vote. Such  
19 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.



**T I T L E   A M E N D M E N T**

94        Remove line 11 and insert:  
95        voting; amending s. 101.045, F.S.; authorizing an elector whose  
96        legal residence is outside the county to change legal residence  
97        at the polling place; providing an effective date.

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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 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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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



Amendment No.6

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 -----

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

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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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 \_\_\_\_\_

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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 \_\_\_\_\_

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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

Amendment No.9

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		

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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

Amendment No.9

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

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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.  
1063

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

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

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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.

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Amendment No.11

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 line 105 and insert:  
6 contains state or federal races, for at least 8 hours but not  
7

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Amendment No.12

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:

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

5 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.

9  
10  
11  
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.

Amendment No.13

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		

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

**Amendment (with title amendment)**

5 Between lines 111 and 112, insert:

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

9 101.68 Canvassing of absentee ballot.-

10 (2)

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



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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

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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

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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

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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.

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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 Rogers offered the following:

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

5 Between lines 111 and 112, insert:

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

8 97.057 Voter registration by the Department of Highway  
9 Safety and Motor Vehicles.-

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

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

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

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

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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

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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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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.

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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. 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.

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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

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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  
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. 102.141, F.S.; revising methods of selecting  
100 canvassing board members; providing an effective date.  
101

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:

**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

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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.

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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



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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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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,

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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**

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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.

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