

Committee Substitute for  
Committee Substitute for Senate Bill No. 866

An act relating to elections; amending s. 97.012, F.S.; revising provisions relating to the investigative duties of the Secretary of State; amending s. 97.041, F.S.; revising requirements for voter preregistration of minors; amending s. 97.053, F.S.; revising provisions relating to verification of certain information on voter registration applications; amending s. 97.0535, F.S.; revising forms of acceptable identification for certain voter registration applicants; amending s. 97.055, F.S.; providing for change of party affiliation after the closing of the registration books to apply to an upcoming election under certain circumstances; amending s. 98.065, F.S.; revising registration list maintenance provisions; creating s. 98.0655, F.S.; requiring the Department of State to prescribe registration list maintenance forms; providing criteria for such forms; amending s. 98.0981, F.S.; reducing the time by which supervisors of elections must electronically transmit certain voter history information to the department; requiring the department to prepare a detailed report containing specified voter information to legislative officers after a general election; requiring supervisors of elections to collect and submit data to the department after certain elections; defining the phrase "all ballots cast"; requiring the department to compile precinct-level statistical data for counties before certain elections; amending s. 99.012, F.S.; providing restrictions on individuals qualifying for public office; removing an exception from such restrictions for persons seeking any federal public office; amending s. 99.021, F.S.; deleting a resignation statement from the qualifying oath for candidates for federal office; amending s. 99.095, F.S.; providing requirements for candidate qualifying petitions; amending s. 100.221, F.S.; providing circumstances under which early voting is not required; amending s. 100.361, F.S.; revising provisions relating to the recall of municipal or charter county officers, recall committees, recall petitions, recall defense, and offenses related thereto; amending s. 100.371, F.S.; providing that a petition form circulated for signatures may not be bundled with other petitions; deleting requirements relating to the recording and determination of signature forms; providing that an elector may complete and submit a standard petition-revocation form directly to the supervisor of elections under certain circumstances; requiring that the division adopt petition-revocation forms by rule; amending s. 101.041, F.S.; deleting a requirement for the printing and distribution of official ballots; amending s. 101.045, F.S.; authorizing the use of a voter registration application for a name or address change; amending s. 101.111, F.S.; revising methods by which a person's right to vote may be challenged; amending s. 101.23, F.S.; deleting provisions requiring an election inspector to prevent certain persons from voting; amending s. 101.51, F.S.; deleting provisions specifying certain responsibilities of election officials before allowing electors to enter a booth or compartment to vote;

amending s. 101.5608, F.S.; revising certain procedures relating to the deposit of ballots; repealing s. 101.573, F.S., relating to the reporting of precinct-level election results; amending s. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; amending s. 101.75, F.S.; authorizing municipalities to set by ordinance election dates to coincide with statewide or countywide elections; amending s. 102.014, F.S.; revising provisions relating to the training of poll workers; amending s. 102.031, F.S.; including the term “solicitation” as an equivalent of the term “solicit” as it relates to the unlawful solicitation of voters; providing that such terms do not prohibit exit polling; amending s. 102.112, F.S.; revising the county canvassing board’s certification requirements for election returns; amending s. 103.101, F.S.; deleting provisions related to the placement on the ballot of presidential candidates whose names do not appear on the list submitted to the Secretary of State; amending s. 106.021, F.S.; removing a campaign finance filing requirement for certain candidates; amending s. 106.07, F.S.; clarifying that political subdivisions may impose electronic filing requirements on certain candidates, and that expenditures for such filing system serve a valid public purpose; repealing s. 106.082, F.S., relating to campaign contribution limitations for candidates for the office of Commissioner of Agriculture; amending s. 106.147, F.S.; requiring a disclosure statement for certain telephone calls and communications; revising provisions requiring authorization from the candidate or sponsor for certain telephone calls; amending s. 106.24, F.S.; providing that the Florida Elections Commission is its own agency head rather than the director of the commission; amending s. 190.006, F.S.; deleting certain fee and assessment provisions for candidates seeking election to the board of supervisors of a community redevelopment district; amending s. 105.041, F.S.; providing procedure for determining ballot position of candidates for the office of circuit judge; providing effective dates.

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

Section 1. Subsection (15) 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:

(15) Conduct preliminary investigations into any irregularities or fraud involving voter registration, voting, ~~or~~ candidate petition, or issue petition activities and report his or her findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, if warranted. The Department of State may prescribe by rule requirements for filing an elections-fraud complaint and for investigating any such complaint.

Section 2. Paragraph (b) of subsection (1) of section 97.041, Florida Statutes, is amended to read:

## 97.041 Qualifications to register or vote.—

(1)

(b) A person who is otherwise qualified may preregister on or after that person's 16th ~~17th~~ birthday or receipt of a valid Florida driver's license, ~~whichever occurs earlier~~, and may vote in any election occurring on or after that person's 18th birthday.

Section 3. Effective upon this act becoming a law, subsection (6) of section 97.053, Florida Statutes, is amended to read:

## 97.053 Acceptance of voter registration applications.—

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the number cannot be verified ~~application is incomplete~~ and that the applicant voter ~~applicant~~ must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver's license number, Florida identification card number, or last four digits of the social security number provided on the application. ~~If the applicant voter provides the necessary evidence, the supervisor shall place the applicant's voter's name on the registration rolls as an active voter. If the applicant voter has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the number application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the second day following the election.~~

Section 4. Paragraph (a) of subsection (3) of section 97.0535, Florida Statutes, is amended to read:

## 97.0535 Special requirements for certain applicants.—

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. United States passport.
2. ~~Employee badge or identification.~~
3. ~~Buyer's club identification.~~

- 2.4. Debit or credit card.
- 3.5. Military identification.
- 4.6. Student identification.
- 5.7. Retirement center identification.
- 6.8. Neighborhood association identification.
- 7.9. Public assistance identification.

Section 5. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

**97.055 Registration books; when closed for an election.—**

(1)(a) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately.

(b) Except as provided in paragraph (c), when the registration books are closed for an election, updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 shall be the only changes permitted for purposes of the upcoming election. New voter registration applications and party changes must be accepted but only for the purpose of subsequent elections.

(c) When the registration books are closed for an upcoming election, an update or change to a voter's party affiliation made pursuant to s. 97.1031 shall be permitted for that upcoming election unless such election is for the purpose of nominating a political party nominee, in which case the update or change shall be permitted only for the purpose of subsequent elections.

Section 6. Subsection (4) of section 98.065, Florida Statutes, is amended to read:

**98.065 Registration list maintenance programs.—**

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which ~~information~~ indicates that the legal address of a registered voter's legal residence voter might have changed to another location within the state, the supervisor must change the registration records to reflect the new address and must shall send the voter by forwardable return-if undeliverable mail an address change confirmation notice as provided in s. 98.0655(2) to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.

(b) If the supervisor of elections receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices

~~signed by the voter and returned to the courts, or from other sources which indicates that a registered voter's legal residence might have changed to a location outside the state, the supervisor of elections shall send an address confirmation final notice to the voter as provided in s. 98.0655(3). The address confirmation notice shall contain a postage prepaid, preaddressed return form on which:~~

~~1. If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter's legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.~~

~~2. If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.~~

~~3. If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.~~

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

Section 7. Section 98.0655, Florida Statutes, is created to read:

98.0655 Registration list maintenance forms.—The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An address confirmation request that must contain:

(a) The voter's name and address of legal residence as shown on the voter registration record; and

(b) A request that the voter notify the supervisor if either the voter's name or address of legal residence is incorrect.

(2) An address change notice that must be sent to the newly recorded address of legal residence by forwardable mail, including a postage prepaid, preaddressed return form with which the voter may verify or correct the voter's new address information.

(3) An address confirmation final notice that must be sent to the newly recorded address of legal residence by forwardable mail and must contain a postage prepaid, preaddressed return form and a statement that:

(a) If the voter has not changed his or her legal residence or has changed his or her legal residence within the state, the voter should return the form within 30 days after the date on which the notice was sent to the voter.

(b) If the voter has changed his or her legal residence to a location outside the state:

1. The voter shall return the form, which serves as a request to be removed from the registration books; and

2. The voter shall be provided with information on how to register in the new jurisdiction in order to be eligible to vote.

(c) If the return form is not returned, the voter's name shall be designated as inactive in the statewide voter registration system.

Section 8. Effective July 1, 2008, section 98.0981, Florida Statutes, is amended to read:

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

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

(a) Within 45 75 days after a general election, or within 15 days after all supervisors of elections shall transmit to the department, in a uniform electronic format specified by the department, completely have updated voting voter history information for each qualified voter who voted, which ever occurs later,

(b) After receipt of the information in paragraph (a), the department shall prepare send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election; of all voter qualified to vote in the election or primary. The report shall include for each voter

1. The unique identifier assigned to each qualified voter within the statewide voter registration system the code used by the department to uniquely identify the voter;

2. All information provided by each qualified voter on his or her in the uniform statewide voter registration application pursuant to s. 97.052(2),

except ~~that which is~~ what is specifically identified as confidential or exempt from public records requirements;

3. Each qualified voter's ~~the~~ date of registration;

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

5. Each qualified voter's current ~~and precinct in which the voter resides;~~ and

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

(c) Within 60 days after a general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(2) PRECINCT-LEVEL ELECTION RESULTS.—Within 45 days after the date of a presidential preference primary election, a special election, or a general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by the department. The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the aggregate total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by absentee ballot including overseas absentee ballots, during the early voting period, or by provisional ballot.

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

(a) Precinct numbers.

(b) Total number of active registered voters by party for each precinct.

(4) REPORTS PUBLICLY AVAILABLE.—The department shall also make publicly available the reports and results required in subsections (1)-(3).

(5) RULEMAKING.—The department shall adopt rules and prescribe forms to carry out the purposes of this section.

Section 9. Subsection (2), paragraph (a) of subsection (3), and subsections (6) and (7) of section 99.012, Florida Statutes, are amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(2) No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(3)(a) No officer may qualify as a candidate for another ~~public office~~, whether state, district, county, or municipal public office, if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds.

(6) This section does not apply to:

(a) Political party offices.

(b) Persons serving without salary as members of an appointive board or authority.

~~(c) Persons seeking any federal public office.~~

(7) Nothing contained in subsection ~~subsections~~ (3) and ~~(4)~~ relates to persons holding any federal office.

Section 10. Paragraph (a) of subsection (1) of section 99.021, Florida Statutes, is amended to read:

99.021 Form of candidate oath.—

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

State of Florida  
County of ....

Before me, an officer authorized to administer oaths, personally appeared ...please print name as you wish it to appear on the ballot)..., to me well known, who, being sworn, says that he or she is a candidate for the office of ....; that he or she is a qualified elector of ...County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.



...(Signature of candidate)...  
 ...(Address)...

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

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

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

State of Florida  
 County of ....

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of ....; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; and that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; ~~and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.~~

...(Signature of candidate)...  
 ...(Address)...

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

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

Section 11. Paragraph (a) of subsection (2) of section 99.095, Florida Statutes, is amended to read:

99.095 Petition process in lieu of a qualifying fee and party assessment.—

(2)(a) Except as provided in paragraph (b), a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021 and are valid only for the qualifying period immediately following such filings.

Section 12. Section 100.221, Florida Statutes, is amended to read:

100.221 General election laws to govern bond referenda.—The laws governing the holding of general elections are applicable to bond referenda,

except as provided in ss. 100.201-100.351. A county, district, or municipality is not required to offer early voting for a bond referendum that is not held in conjunction with a county or state election. The places for voting in a bond referendum shall be the same as the places for voting in general elections, when a bond referendum is held in the county or district; ~~however, but~~ when a bond referendum is held in a municipality, the polling places shall be the same as in other municipal elections.

Section 13. Section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(1) APPLICATION; DEFINITION RECALL PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as “municipality,” may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term “district” shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office pursuant to by the procedures provided in this section. This method of removing members of the governing body of a municipality is in addition to any other method provided by state law. following procedure:

(2) RECALL PETITION.—

(a) Petition content.—~~A petition shall contain the name of~~ ~~be prepared naming~~ the person sought to be recalled and ~~containing~~ a statement of grounds for recall. ~~The statement of grounds may not exceed in not more than~~ 200 words ~~and the stated grounds are limited solely to those the grounds~~ specified in paragraph (d) ~~(b)~~. If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled. Upon request, the content of a petition should be, but is not required to be, provided by the proponent in alternative formats.

(b) Requisite signatures.—

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

~~Electors of the municipality or district making charges contained in the statement of grounds for recall and those signing the recall petition shall be designated as the "committee." A specific person shall be designated in the petition as chair of the committee to act for the committee. Electors of the municipality or district are eligible to sign the petition. Signatures and oaths of witnesses shall be executed as provided in paragraph (e). All signatures shall be obtained, as provided in paragraph (e), within a period of 30 days, and all signed and dated petition forms the petition shall be filed at the same time, no later than within 30 days after the date on which the first signature is obtained on the petition.~~

(c) Recall committee.—Electors of the municipality or district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, shall be designated as the recall committee. A specific person shall be designated in the petition as chair of the committee and this person shall act for the committee. The recall committee and the officer being recalled are subject to the provisions of chapter 106.

~~(d)(b)~~ Grounds for recall.—The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following and must be contained in the petition:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and

7. Conviction of a felony involving moral turpitude.

(e)(e) Signature process.—~~Only electors of the municipality or district are eligible to sign the petition. Each elector of the municipality signing a petition shall sign and date his or her name in ink or indelible pencil as registered in the office of the supervisor of elections and shall state on the petition his or her place of residence and voting precinct. Each petition shall contain appropriate lines for each elector's original the signature, printed name, and street address, city, county, voter registration number or date of birth, and date signed. The form shall also contain lines for of the elector and an oath, to be executed by a witness who is to verify thereof, verifying the fact that the witness saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the witness on the date indicated.~~

(f)(d) Filing of signed petitions.—~~All signed petition forms The petition shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition. with the auditor or clerk of the municipality or charter county, or his or her equivalent, hereinafter referred to as clerk, by The person designated as chair of the committee shall file the signed petition forms with the auditor or clerk of the municipality or charter county, or his or her equivalent, hereinafter referred to as "clerk."~~  
The petition may not be amended after it is filed with the clerk.

(g) Verification of signatures.—

1. ~~Immediately after the filing of the petition forms, and, when the petition is filed, the clerk shall submit such forms petition to the county supervisor of elections. No more than 30 days after the date on which all petition forms are submitted to the supervisor by the clerk, the supervisor who shall promptly verify the signatures in accordance with s. 99.097, and within a period of not more than 30 days after the petition is filed with the supervisor, determine whether the requisite number of valid signatures has been obtained for the petition contains the required valid signatures. The committee seeking verification of the signatures shall pay in advance to the supervisor the sum of 10 cents for each signature checked or the actual cost of checking such signatures, whichever is less. The petition cannot be amended after it is filed with the clerk. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.~~

2. Upon filing with the clerk, the petition and all subsequent papers or forms required or permitted to be filed with the clerk in connection with this section must, upon request, be made available in alternative formats by the clerk.

3.(e) ~~If the supervisor determines it is determined that the petition does not contain the requisite number of verified and valid required signatures, the clerk shall, upon receipt of such written determination, so certify to the governing body of the municipality or charter county and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.~~

4.(f) If the supervisor determines it is determined that the petition has the requisite number of verified and valid required signatures, then the procedures outlined in subsection (3) must be followed.

(3) RECALL PETITION AND DEFENSE.—

(a) Notice.—Upon receipt of a written determination that the requisite number of signatures has been obtained, the clerk shall at once serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the clerk a defensive statement of not more than 200 words.

(b) Content and preparation.—Within 5 days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the clerk shall, within 5 days, prepare a document entitled “Recall Petition and Defense.” The “Recall Petition and Defense” shall consist sufficient number of typewritten, printed, or mimeographed copies of the recall petition, including copies of the originally signed petitions and counterparts. The “Recall Petition and Defense” must contain lines which conform to the provisions of paragraph (2)(e), and the and defensive statement or, if no defensive statement has been filed, a statement to that effect. The clerk shall make copies of the “Recall Petition and Defense” which are sufficient to carry the signatures of 30 percent of the registered electors. Immediately after preparing and making sufficient copies of the “Recall Petition and Defense,” the clerk shall as well as the names, addresses, and oaths on the original petition, and deliver the copies them to the person who has been designated as chair of the committee and take his or her receipt therefor. Such prepared copies shall be entitled “Recall Petition and Defense” and shall contain lines and spaces for signatures and printed names of registered electors, place of residence, election precinct number, and date of signing, together with oaths to be executed by the witnesses which conform to the provisions of paragraph (e). The clerk shall deliver forms sufficient to carry the signatures of 30 percent of the registered electors.

(c)(g) Requisite signatures.—Upon receipt of the “recall petition and defense,” the committee may circulate them to obtain the signatures of 15 percent of the electors. All signatures shall be obtained and all signed petition forms filed with the clerk no later than 60 days after delivery of the “Recall Petition and Defense” to the chair of the committee. Any elector who signs a recall petition shall have the right to demand in writing that his or her name be stricken from the petition. A written demand signed by the elector shall be filed with the clerk and upon receipt of the demand the clerk shall strike the name of the elector from the petition and place his or her initials to the side of the signature stricken. However, no signature may be stricken after the clerk has delivered the “Recall Petition and Defense” to the supervisor of elections for verification.

(d)(h) Signed petitions; request for striking name.—Within 60 days after delivery of the “Recall Petition and Defense” to the chair, the chair shall file with the clerk the “Recall Petition and Defense” which bears the signatures of electors. The clerk shall assemble all signed petitions, check to see that each petition is properly verified by the oath of a witness, and submit such

petitions to the county supervisor of elections. Any elector who signs a recall petition has the right to demand in writing that his or her name be stricken from the petition. A written demand signed by the elector shall be filed with the clerk and upon receipt of the demand, the clerk shall strike the name of the elector from the petition and place his or her initials to the side of the signature stricken. However, a signature may not be stricken after the clerk has delivered the "Recall Petition and Defense" to the supervisor for verification of the signatures.

(e) Verification of signatures.—Within 30 days after receipt of the signed "Recall Petition and Defense," the supervisor, who shall determine the number of valid signatures, purge the names withdrawn, and certify within 30 days whether 15 percent of the qualified electors of the municipality have signed the petitions, and report his or her findings to the governing body. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(f)(i) Reporting.—If the supervisor determines that the requisite number of signatures has not been obtained ~~petitions do not contain the required signatures,~~ the clerk shall, upon receipt of such written determination, certify report such determination fact to the governing body and retain file the petitions. The proceedings shall be terminated, and the petitions shall not again be used. If the supervisor determines that ~~signatures do amount to~~ at least 15 percent of the qualified electors signed the petition, the clerk shall, immediately upon receipt of such written determination, serve notice of that determination fact upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified electors voters who signed.

(4)(2) **RECALL ELECTION.**—If the person designated in the petition files with the clerk, within 5 days after the last-mentioned notice, his or her written resignation, the clerk shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

(5)(3) **BALLOTS.**—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall .... be removed from the office of .... by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

"...(name of person)... should be removed from office."

"...(name of person)... should not be removed from office."

(6)(4) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

(a) If an election is held for the recall of members elected only at-large, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be elected in the same manner as provided by the appropriate law for the election of candidates at general elections. Candidates shall not be elected to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the clerk. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or paragraph (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(7)~~(5)~~ EFFECT OF RESIGNATIONS.—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all of the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled, and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resign prior to the recall election, the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.

(8)(6) WHEN PETITION MAY BE FILED.—No petition to recall any member of the governing body of a municipality shall be filed until the member has served one-fourth of his or her term of office. No person removed by a recall, or resigning after a petition has been filed against him or her, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation.

(9) RETENTION OF PETITION.—The clerk shall preserve in his or her office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed. ~~This method of removing members of the governing body of a municipality is in addition to such other methods now or hereafter provided by the general laws of this state.~~

(10)(7) OFFENSES RELATING TO PETITIONS.—No person shall impersonate another, purposely write his or her name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he or she is not a qualified elector of the municipality. ~~No expenditures for campaigning for or against an officer being recalled shall be made until the date on which the recall election is to be held is publicly announced. The committee and the officer being recalled shall be subject to chapter 106.~~ No person shall employ or pay another to accept employment or payment for circulating or witnessing a recall petition. Any person violating any of the provisions of this section commits ~~shall be deemed guilty of a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.~~

(11)(8) INTENT.—It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(12)(9) PROVISIONS APPLICABLE.—The provisions of this act shall apply to cities and charter counties whether or not they have adopted recall provisions.

Section 14. Effective July 1, 2008, subsections (3), (4), and (6) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(3) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures within 30 days of receipt of the petition forms and payment of the fee required by s. 99.097. The supervisor shall promptly record ~~in the statewide voter registration system,~~ in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:



- (a) The form contains the original signature of the purported elector.
- (b) The purported elector has accurately recorded on the form the date on which he or she signed the form.
- (c) The form accurately sets forth the purported elector's name, street address, county, and voter registration number or date of birth.
- (d) The purported elector is, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted.

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

(4) The Secretary of State shall determine from the signatures verified by the supervisors of elections ~~and recorded in the statewide voter registration system~~ the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161.

(6)(a) An elector's signature on a petition form may be revoked within 150 days of the date on which he or she signed the petition form by submitting to the appropriate supervisor of elections a signed petition-revocation form ~~adopted by rule for this purpose by the division.~~

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

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

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

~~(e)~~(d) The petition-revocation form shall be filed with the supervisor of elections by February 1 preceding the next general election or, if the initiative amendment is not certified for ballot position in that election, by February 1 preceding the next successive general election. The supervisor of elections shall promptly verify the signature on the petition-revocation form and process such revocation upon payment, in advance, of a fee of 10 cents or the actual cost of verifying such signature, whichever is less. The supervisor

shall promptly record each valid and verified signature on a petition-revocation form in the statewide voter registration system in the manner prescribed by the Secretary of State.

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

Section 15. Section 101.041, Florida Statutes, is amended to read:

101.041 Secret voting.—In all elections held on any subject which may be submitted to a vote, and for all or any state, county, district, or municipal officers, the voting shall be by secret, official ballot ~~printed and distributed~~ as provided by this code, and no vote shall be received or counted in any election, except as prescribed by this code.

Section 16. Section 101.045, Florida Statutes, is amended to read:

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

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

(2)(a) An elector who moves from the precinct in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered  
Voter

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

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

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

Change of Name of Registered Voter

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

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

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

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

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

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

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

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

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

Section 17. Section 101.111, Florida Statutes, is amended to read:

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

(1)(a) Any registered elector or poll watcher of a county may challenge the right of a person to vote in that county. When the right to vote of any person who desires to vote is challenged by any elector or poll watcher, The challenge must be in shall be reduced to writing and contain the following oath with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or poll watcher challenging the right of a person to vote shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of ....

I do solemnly swear or affirm that my name is ....; that I am a member of the .... Party; that I am a registered voter or pollwatcher; that my residence address is ...., in the municipality of ....; and that I have reason to believe that .... is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

.....
.....

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

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

...(Clerk of election)...

(b)(2) The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048.

(c)(3) Alternatively, a challenge in accordance with this section may be filed in advance with the supervisor of elections no Any elector or poll watcher may challenge the right of any voter to vote not sooner than 30 days before an election by filing a completed copy of the oath contained in subsection (1) to the supervisor of election's office. The supervisor shall promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge. The challenged voter shall be allowed permitted to cast a provisional ballot in accordance with s. 101.048.

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

Section 18. Section 101.23, Florida Statutes, is amended to read:

101.23 Election inspector to keep list of those voting.—

(1) When any person has been admitted to vote, the person's name shall be checked by the clerk or one of the inspectors at the place indicated upon the registration books or voter history form provided by the supervisor. One of the inspectors shall, at the same time, keep a poll list containing names of electors who have voted or a list of registered electors, on which those electors who have voted are indicated. Such lists shall be available for inspection during regular voting hours by poll watchers designated and appointed pursuant to s. 101.131, except that the election inspector may

regulate access to the lists so as to ensure that such inspection does not unreasonably interfere with the orderly operation of the polling place.

~~(2) The inspectors shall prevent any person from voting a second time when they have reason to believe that the person has voted. They shall refuse to allow any person to vote who is not a qualified elector or who has become disqualified to vote in the precinct, and may prevent any elector from consuming more than 5 minutes in voting.~~

Section 19. Effective July 1, 2008, subsection (1) of section 101.51, Florida Statutes, is amended to read:

101.51 Electors to occupy booth alone.—

(1) When the elector presents himself or herself to vote, an ~~the~~ election official shall ascertain whether the elector's name is upon the register of electors, and, if the elector's name appears and no challenge interposes, or, if interposed, be not sustained, one of the election official officials stationed at the entrance shall announce the name of the elector and permit the elector ~~him or her~~ to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An elector, while casting his or her ballot, may not occupy a booth or compartment already occupied or speak with anyone, except as provided by s. 101.051.

Section 20. Effective July 1, 2008, paragraph (a) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or marksense ballot, the following procedures shall be followed:

(a) After receiving a ballot from an inspector, the elector shall, without leaving the polling place, retire to a booth or compartment and mark the ballot. After marking ~~preparing~~ his or her ballot, the elector shall place the ballot in a secrecy envelope ~~with the stub exposed or shall fold over that portion on which write-in votes may be cast, as instructed,~~ so that the ballot will be deposited in the tabulator ballot box ~~without exposing the voter's choices. Before the ballot is deposited in the ballot box, the inspector shall detach the exposed stub and place it in a separate envelope for audit purposes; when a fold-over ballot is used, the entire ballot shall be placed in the ballot box.~~

Section 21. Effective July 1, 2008, section 101.573, Florida Statutes, is repealed.

Section 22. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

a. Identification which must include your name and photograph: United States passport; ~~employee badge or identification; buyer's club identification card;~~ debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; or public assistance identification; or

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

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

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

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

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

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

f. You are currently residing outside the United States.

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

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

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

Section 23. Effective July 1, 2008, subsection (3) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(3) ~~Notwithstanding any provision of local law or municipal charter, for any municipality whose election is scheduled to be held in March 2008, the governing body of a the municipality, notwithstanding any municipal charter provision, may, by ordinance, move the date of any the general municipal election in 2008 and in each subsequent year that is a multiple of 4 to a the date concurrent with any statewide or countywide election the presidential preference primary. The dates for qualifying for the general municipal election moved by the passage of such an ordinance shall be specifically provided for in the ordinance and shall run for no less than 14 days. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance, and the term of office for any elected municipal official whose term was due to expire in March 2008 shall expire as provided by the relevant municipal charter or ordinance.~~

Section 24. Effective July 1, 2008, subsection (7) of section 102.014, Florida Statutes, is amended to read:

102.014 Poll worker recruitment and training.—

(7) The Department of State shall develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability. ~~The program must consist of approximately 1 hour of the required number of hours set forth in paragraph (4)(a).~~ The program must be conducted locally by each supervisor of

elections, ~~and who shall periodically certify to the Department of State whether each poll worker must complete~~ has completed the program before working during the current election cycle. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

Section 25. Effective July 1, 2008, paragraph (b) of subsection (4) of section 102.031, Florida Statutes, is amended to read:

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

(4)

(b) For the purpose of this subsection, the ~~terms term~~ “solicit” or “solicitation” shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item. The terms “solicit” or “solicitation” shall not be construed to prohibit exit polling.

Section 26. Effective July 1, 2008, subsection (1) of section 102.112, Florida Statutes, is amended to read:

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

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. The returns must contain a certification by the canvassing board that the board has compared ~~reconciled~~ the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

Section 27. Subsection (2) of section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

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

(b)(a) By October 31 of the year preceding the presidential preference primary, each political party shall submit to the Secretary of State a list of



its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. Each person designated as a presidential candidate shall have his or her name appear, or have his or her delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot.

(c) The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in November of the year preceding the presidential preference primary. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.

~~(b) Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his or her name on the ballot. Such request shall be made in writing to the Secretary of State no later than the second Tuesday after the first Monday in November of the year preceding the presidential preference primary.~~

~~(e) If a presidential candidate makes a request that the selection committee reconsider placing the candidate's name on the ballot, the selection committee will reconvene no later than the second Thursday after the first Monday in November of the year preceding the presidential preference primary to reconsider placing the candidate's name on the ballot. The Department of State shall immediately notify such candidate of the selection committee's decision.~~

Section 28. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. Each candidate shall at the same time he or she

designates a campaign depository and appoints a treasurer also designate the office for which he or she is a candidate. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he or she is running. Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he or she is a candidate. However, if a candidate changes the designated office for which he or she is a candidate, the candidate must notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought. This notification shall be given within 15 days after the filing of the change of designation and shall include a standard form developed by the Division of Elections for requesting the return of contributions. The notice requirement shall not apply to any change in a numerical designation resulting solely from redistricting. If, within 30 days after being notified by the candidate of the intent to seek a different office, the contributor notifies the candidate in writing that the contributor wishes his or her contribution to be returned, the candidate shall return the contribution, on a pro rata basis, calculated as of the date the change of designation is filed. Any contributions not requested to be returned within the 30-day period may be used by the candidate for the newly designated office. No person shall accept any contribution or make any expenditure with a view to bringing about his or her nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on the person's behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03. ~~Each candidate who qualifies with the Department of State for an office not voted upon statewide shall, at the same time, file a copy of the name and address of the campaign treasurer with the supervisor of elections in the county in which the candidate resides.~~

Section 29. Paragraph (a) of subsection (2) and paragraph (b) of subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report post-marked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed

timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705. Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(8)

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from

personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

Section 30. Effective upon this act becoming a law, section 106.082, Florida Statutes, is repealed.

Section 31. Effective upon this act becoming a law, subsections (1) and (2) of section 106.147, Florida Statutes, are amended to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any electioneering communication telephone call or any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: “paid for by ...” (insert name of persons or organizations sponsoring the call) or “paid for on behalf of ...” (insert name of persons or organizations authorizing call). This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than 2 minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

(c) No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(d) No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(e) Any electioneering communication paid for with public funds must include a disclaimer containing the words “paid for by (Name of the government entity paying for the communication).”

(2) Any telephone call, not conducted by independent expenditure, which expressly advocates for or against supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls commence.

Section 32. Paragraph (a) of subsection (1) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(1)(a) There is created within the Department of Legal Affairs, Office of the Attorney General, a Florida Elections Commission, hereinafter referred to as the commission. The commission shall be a separate budget entity, and ~~its director shall be~~ the agency head for all purposes. The commission shall

not be subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

Section 33. Paragraph (c) of subsection (3) of section 190.006, Florida Statutes, is amended to read:

190.006 Board of supervisors; members and meetings.—

(3)

~~(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106 and shall file qualifying papers and qualify for individual seats in accordance with s. 99.061. Candidates shall pay a qualifying fee, which shall consist of a filing fee and an election assessment or, as an alternative, shall file a petition signed by not less than 1 percent of the registered voters of the district, and take the oath required in s. 99.021, with the supervisor of elections in the county affected by such candidacy. The amount of the filing fee is 3 percent of \$4,800; however, if the electors have provided for compensation pursuant to subsection (8), the amount of the filing fee is 3 percent of the maximum annual compensation so provided. The amount of the election assessment is 1 percent of \$4,800; however, if the electors have provided for compensation pursuant to subsection (8), the amount of the election assessment is 1 percent of the maximum annual compensation so provided. The filing fee and election assessment shall be distributed as provided in s. 105.031(3).~~

Section 34. Effective upon this act becoming a law, subsection (2) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(2) LISTING OF CANDIDATES.—

~~(a) Except as provided in paragraph (b), The order of nonpartisan offices appearing on the ballot shall be determined by the Department of State. The names of candidates for election to each nonpartisan office shall be listed in alphabetical order. With respect to retention of justices and judges, the question “Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?” shall appear on the ballot in alphabetical order and thereafter the words “Yes” and “No.”~~

~~(b)1.—The names of candidates for the office of circuit judge shall be listed on the primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.~~

~~2.—Candidates who have secured a position on the general election ballot, after having survived elimination at the primary election, shall have their names listed in the same order as on the primary election ballot, notwithstanding the elimination of any intervening names as a result of the primary election.~~

Section 35. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2009.

Approved by the Governor June 5, 2008.

Filed in Office Secretary of State June 5, 2008.