

CHAPTER 97-13

Committee Substitute for House Bill Nos. 461, 281, and 75

An act relating to elections; creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law; amending s. 106.011, F.S.; redefining the term "independent expenditure"; redefining the term "person"; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such

appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending

s. 97.021, F.S.; defining “central voter file”; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106,

F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

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

Section 1. Section 106.37, Florida Statutes, is created to read:

106.37 Willful violations.—A person willfully violates a provision of this chapter if the person commits an act while knowing that, or showing reckless disregard for whether, the act is prohibited under this chapter, or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this chapter. A person knows that an act is prohibited or required if the person is aware of the provision of this chapter which prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. A person shows reckless disregard for whether an act is prohibited or required under this chapter if the person wholly disregards the law without making any reasonable effort to determine whether the act would constitute a violation of this chapter.

Section 2. Subsections (5) and (8) of section 106.011, Florida Statutes, are amended to read:

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

(5)(a) “Independent expenditure” means an expenditure by a person for the purpose of 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.

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

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

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular under-

standing with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

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

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

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

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

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

6. After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

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

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

Section 3. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, shall make contributions in excess of \$500 to any candidate for election to or retention in office

or to any political committee supporting or opposing one or more candidates in this state, for any election, in excess of the following amounts:

- ~~1. To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$500.~~
- ~~2. To a candidate for legislative or multicounty office, \$500.~~
- ~~3. To a candidate for statewide office, \$500. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are shall be considered a single candidate for the purpose of this section.~~
- ~~4. To a political committee supporting or opposing one or more candidates, \$500.~~
- ~~5. To a candidate for county court judge or circuit judge, \$500.~~
- ~~6. To a candidate for retention as a judge of a district court of appeal, \$500.~~
- ~~7. To a candidate for retention as a justice of the Supreme Court, \$500.~~

~~(b)1. The contribution limits provided in this subsection do shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.~~

~~2. Notwithstanding the limits provided in this subsection, an no unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates, ~~in excess of \$100. The limitations provided by this subsection shall apply to each election.~~~~

~~(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the first primary, second primary, and general election are shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there is shall be only one election, which is shall be the general election, and with respect to candidates for circuit judge or county court judge, there are shall be only two elections, which are shall be the first primary election and general election.~~

~~(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.~~

~~(b) For the purposes of this subsection:~~

~~1. Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.~~

~~2. Polling services, research services, costs for campaign staff, professional consulting services, technical assistance, and telephone calls voter mobilization efforts are not contributions to be counted toward the contribution limits of paragraph (a) this subsection. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.~~

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election ~~must shall~~ be returned by him or her to the person or committee contributing it and may shall not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must shall be returned to the person or ~~political~~ committee contributing it and may shall not be used or expended by or on behalf of the candidate.

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

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

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

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to

the day of that election may ~~shall~~ not be obligated or expended by the committee until after the date of the election.

(5) ~~A No person may not shall~~ make any contribution ~~in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee,~~ through or in the name of another, directly or indirectly, in any election. ~~The solicitation from, and contributions by, Candidates, political committees, and political parties may not solicit contributions from or make contributions party executive committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good are expressly prohibited.~~ However, it ~~is~~ shall not be ~~construed~~ as a violation of this subsection for a candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or make regular donations contributions paid from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate ~~he or she~~ has been a regular donor contributor for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(7)(a)(6) Any person who knowingly and willfully makes no more than one a contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than

\$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(7) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9)(8) The provisions of This section does shall not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 4. Section 106.085, Florida Statutes, is amended to read:

106.085 Independent expenditures; unfair surprise prohibited; notice requirements; penalty.—

(1) Any individual, group, organization, political party, or committee making an independent expenditure in excess of \$1,000 on behalf of or in opposition to a candidate shall deliver notice in writing of such independent expenditure, a general description of the subject and content of such expenditure, as well as the amount of such expenditure and a detailed description of the media type or use of such expenditure, within 24 hours after obligating any funds for such expenditure. However, the notice of the obligation of the expenditure must be made at least 5 days prior to an election. An expenditure is obligated upon the purchase of any political advertising or the entering into any agreement, either oral or written, to purchase any political advertising. Such notice shall be delivered to all of the candidates in the affected race and to the qualifying officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure is designed to support or oppose. For purposes of this subsection, notice shall include, but is not limited to, personal hand delivery or overnight mail. Each new expenditure shall require the delivery or filing of an additional new notice.

(2)(a) If the political advertisement required to be noticed under subsection (1) is to be broadcast over any television station, including a cable television station, or a radio station, a copy of the actual advertisement must be provided with the notification, along with a listing of the stations airing the advertisement.

(b) If the political advertisement required to be noticed under subsection (1) is to be communicated through means other than the spoken word, a duplicate reproduced from the original advertisement to be used must be

provided with the notification. The duplicate must clearly depict a copy of the pictures, artwork, and text used in the advertisement.

(c) If the political advertisement required to be noticed under subsection (1) is to be a telephone solicitation, a copy of the script of the telephone solicitation must be provided with the notification, along with the number of intended recipients.

(3)(2) A person who violates any provision of this section shall be liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire an amount equal to 10 percent of the expenditure not noticed, whichever is greater.

(4) This section does not prohibit a person from making an independent expenditure in support of or in opposition to any candidate or issue, unless otherwise prohibited by law, from expressing his or her opinion on any issue, or from purchasing any political advertisement or campaign material.

Section 5. Effective October 1, 1997, section 106.087, Florida Statutes, is created to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida

County of....

Before me, an officer authorized to administer oaths, personally appeared ... (name) ..., to me well known, who, being sworn, says that he or she is the ... (title) ... of the ... (name of party) ... (state or specified county) ... executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

... (Signature of committee officer) ...

... (Address) ...

Sworn to and subscribed before me this day of ..., 19...., at ... County, Florida.

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

(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

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

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

Section 6. Paragraph (c) of subsection (4) and subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(4)

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or principal type of business need not be listed, ~~and only the name and address are necessary.~~ However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

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

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

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

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be \$500 ~~\$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. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the Elections Commission Election Campaign Financing Trust Fund. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the 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. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. 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.

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). An officer or member of a committee shall not be personally liable for such fine.

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

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a

committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

(e) ~~The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include committees of continuous existence which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The committee of continuous existence must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for waiver must be accompanied by a sworn oath by the treasurer of the committee stating that the committee has not previously been fined for the late filing of a report and that there was no activity during the reporting period. No activity shall mean that no funds were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in s. 106.07.~~

Section 7. Paragraph (a) of subsection (4) and subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

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

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

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

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

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

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

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

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

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

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

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

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

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

1. In the Elections Commission Election Campaign Financing Trust Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

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

(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 \$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.

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.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First-time offenders include candidates or political committees which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The candidate or political committee must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for the waiver must be accompanied by a sworn oath by the candidate or the treasurer of the committee stating that the candidate or committee has not previously been fined for the late filing of a report as a candidate for public office or as a committee and that there was no activity during the reporting period. No activity shall mean that no contributions were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in this section.~~

Section 8. Section 106.29, Florida Statutes, is amended to read:

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

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee political party failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3) s. 106.07 for submitting late reports. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each state or county executive committee shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer and the moneys collected shall be deposited in the Elections Commission Trust Fund.

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive 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 \$1,000 for a state executive committee, and \$50 for a county executive committee, 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, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be \$10,000 per day for each day a state executive committee is late and \$500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the 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.

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). An officer or member of an executive committee shall not be personally liable for such fine.

(c) The chair of an executive committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an executive committee, the failure of an executive committee to file a report after notice, or the failure to pay the fine imposed.

(4)(3) Any contribution received by a state or county executive committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.

(5)(4) No state or county executive committee, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditure prohibited by this chapter. However, the contribution of funds by one executive committee to another, or to established party organizations for legitimate party or campaign purposes, or to individual candidates of that party in general elections in amounts exceeding those set forth in s. 106.08 is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

(6)(a) The national, state, and county executive committees of a political party may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.

(b) A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(2) shall be assessed against any executive committee found in violation thereof.

Section 9. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

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

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing ~~three~~ six or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 10. Section 106.1405, Florida Statutes, is amended to read:

106.1405 Use of campaign funds by candidates.—

~~If A candidate or the spouse of a candidate may not intends to draw a salary from the campaign account of such candidate or use funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign, the candidate shall, at the same time he or she appoints a treasurer and designates his or her campaign depository, file with the officer before whom he or she qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used.~~

Section 11. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person

seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 4.5 percent of the annual salary of the office. ~~The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust Fund. The remainder shall be distributed pursuant to s. 99.103.~~ The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

Section 12. Subsection (1) of section 99.093, Florida Statutes, is amended to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 4.5 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments ~~two-thirds of the amount~~ collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund.

Section 13. Subsection (3) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) **QUALIFYING FEE.**—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is 3 4.5 percent of the annual salary of the office sought. The amount of the election assessment

is 1 percent of the annual salary of the office sought. The qualifying officer shall forward all filing fees to the Department of Revenue for deposit in the General Revenue Fund. ~~One-third of all filing fees deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund.~~ The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

Section 14. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates ~~less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092~~ and an amount equal to 15 percent of the filing fees ~~after such transfer~~, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, ~~less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092~~ and the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person

accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, ~~becomes who has been eliminated as a candidate, who has become~~ unopposed, or ~~is eliminated as a candidate or who has been~~ elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days ~~after~~ of the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and the accumulated interest earned thereon to the campaign account of the candidate for disposal ~~under in accordance with the provisions~~ of this section. However, if ~~the when~~ funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and the accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

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

1. Return pro rata to each contributor the funds that ~~which~~ have not been spent, or ~~have not been obligated to be spent, with respect to a campaign which has been conducted.~~

2. Donate the funds that ~~which~~ have not been spent or ~~have not been obligated to be spent to a~~ charitable charity organization or organizations that ~~which~~ meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, ~~with respect to a campaign which has been conducted.~~

3. Give the funds that ~~which~~ have not been spent or ~~have not been obligated to be spent to~~ the political party of which such candidate is a registered member.

4. Give the funds that ~~which~~ have not been spent, or ~~have not been obligated to be spent, with respect to a campaign which has been conducted:~~

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

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

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

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

(a) \$10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) \$5,000, for a candidate for multicounty office.

(c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) \$1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) \$6,000, for a candidate for retention as a justice of the Supreme Court.

(f) \$3,000, for a candidate for retention as a judge of a district court of appeal.

(g) \$1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who

filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the Elections Commission Trust Fund.

(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

- (a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
- (b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and
- (c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

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

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

Section 16. Effective January 1, 1999, subsection (4) of section 106.141, Florida Statutes, as amended by this act, is amended to read:

106.141 Disposition of surplus funds by candidates.—

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

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

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

3. Give not more than \$10,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member.

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

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

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

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

Section 17. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall:

- (a) Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”
- (b) Identify the persons or organizations sponsoring the advertisement.
- (c)1.a. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or
- b. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.
2. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

This subsection does not apply to campaign messages used by a candidate and the candidate's his or her supporters if those ~~which~~ messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for partisan office ~~in any election~~ shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate. ~~Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.~~

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

- (a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.
- (b) Publication by a party committee advocating the candidacy of its nominees.

(4)(a) Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has

approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

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

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

(6)(5) This section does shall not apply to novelty items having a retail of nominal value of \$10 or less which support, but do not oppose, a candidate or issue.

(7)(6) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(8)(7) Any person who willfully violates any provision the provisions of this section is subject to the civil penalties prescribed in s. 106.265.

Section 18. Section 106.147, Florida Statutes, is created to read:

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

(1)(a) 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 two 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.

(2) Any telephone call, not conducted by independent expenditure, 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.

(3)(a) Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For purposes of paragraph (a), the term "person" includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, political party executive committee, or corporation, partnership, or other business entity.

Section 19. Section 106.1475, Florida Statutes, is created to read:

106.1475 Telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.

(3)(a) The division shall create and maintain forms for the notice required by subsection (1), which, at a minimum, must elicit all of the following information:

1. The name, address, and telephone number of the registered agent.
2. The name, address, and telephone number of the person or organization conducting business in this state as specified in subsection (1).

(b) The person or organization conducting business in this state as specified in subsection (1) must immediately notify the division of any changes in the information required in paragraph (a).

(4) Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 20. Section 106.148, Florida Statutes, is created to read:

106.148 Disclosure of online computer solicitation.—A message placed on an information system accessible by computer by a candidate, political party, political committee, or committee of continuous existence, or an agent of any such candidate, party, or committee, which message is accessible by more than one person, other than an internal communication of the party, committee, or campaign, must include a statement disclosing all information required of political advertisements under s. 106.143.

Section 21. Section 99.097, Florida Statutes, is amended to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3)(a) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the ~~division~~ Department of State, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the ~~division~~ Department of State.

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

(4) The supervisor shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

Section 22. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1)(a) The sponsor of a constitutional amendment proposed by initiative must register as a political committee under s. 106.03 prior to taking or initiating any action with respect to that amendment.

(b)(3) After registering as a political committee, the sponsor of a constitutional an initiative amendment proposed by initiative shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed initiative amendment and the petition format to the division for Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The division Secretary of State shall promulgate rules pursuant to s. 120.54 prescribing the style and requirements of petition formats such form.

(2)(a) If the sponsor of a proposed initiative amendment intends to employ or contract with any person to gather voter signatures, the sponsor must, before employing or contracting with such person, file an affidavit with the division, the form of which shall be prepared by the division, giving notice of the intended use of paid petition circulators.

(b) A sponsor of a proposed initiative amendment who uses paid petition circulators shall provide to the division the name and address of each individual paid to gather petition signatures. Such information shall be filed at the time reports are filed pursuant to s. 106.07.

(c) Each paid petition circulator must place his or her name and address on each petition form for which he or she is gathering signatures on behalf of the sponsor of the proposed initiative amendment. The sponsor of a proposed initiative amendment is responsible for ensuring that the name and address of the paid circulator appear on the petition form prior to its submission to the supervisor for verification.

(d) A sponsor of a proposed initiative amendment who uses paid petition circulators may not file an oath of undue burden in lieu of paying the fee required by s. 99.097 for the verification of signatures gathered.

(3)(4) No later than 5 p.m. on the 151st day prior to the general election at which the proposed initiative amendment is to be voted on for a name-by-name, signature-by-signature verification and no later than 5 p.m. on the 121st day prior to the general election at which the proposed initiative amendment is to be voted on for a random-sampling verification, the sponsor shall submit signed and dated petition forms for that petition to each the appropriate supervisor of elections for verification as to the number of voters registered electors whose valid signatures appear thereon. 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 complied with. The supervisor shall promptly verify the signatures upon payment of the fee or filing of the oath of undue burden required by s. 99.097. Upon completion of verification, which shall occur no later than the 91st day prior to the general election, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution of signatures by congressional district. This certificate shall be immediately transmitted

to the division Secretary of State. The supervisor shall retain the signed and dated petition signature forms for at least 1 year following the election in which the proposed initiative amendment 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)(5) The division Secretary of State shall determine from the verification certificates received from the supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional district districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the division secretary shall issue a certificate of ballot position for that proposed initiative amendment and shall assign a designating number pursuant to s. 101.161. A petition is considered shall be deemed to be filed with the Secretary of State upon the date of the receipt by the division secretary of a certificate or certificates from the supervisors of elections indicating that the petition has been signed by the constitutionally required number of voters electors.

(5)(4) Constitutional amendments proposed by initiative shall be placed on the ballot for the next general election held more than occurring in excess of 90 days after ~~from~~ the certification of ballot position by the division Secretary of State.

(6) The division may Department of State shall have the authority to promulgate rules in accordance with s. 120.54 to carry out the provisions of this section.

(2) ~~Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every 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 complied with.~~

Section 23. Section 104.185, Florida Statutes, is amended to read:

104.185 Petitions; knowingly signing a petition more than once; signing another person's name or a fictitious name.—

(1) ~~A It is unlawful for any person who knowingly signs to sign a petition or petitions for a particular issue or candidate, a minor political party, or an issue more than one time commits. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Subsection (3) is added to section 106.19, Florida Statutes, to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

Section 25. Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the name and address of the paid petition circulator, nor is any such signature affected by the prohibition against filing an undue burden oath in lieu of paying the fee to have signatures verified, as provided by this act. However, any signature gathered on or after the effective date of this act is subject to the provisions of this act and, if payment is made to any person to solicit signatures after the effective date of this act, an undue burden oath may not be filed in lieu of paying the fee to have signatures verified. In addition, any initiative petition form approved by the Secretary of State prior to the effective date of this act may continue to be circulated.

Section 26. Subsections (1) and (2) of section 97.052, Florida Statutes, 1996 Supplement, are amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of voter registration identification card.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.
 4. Voter registration agencies.
 5. Armed forces recruitment offices.
 6. Qualifying educational institutions.
 7. Supervisors, who must make the applications and forms available in the following manner:
 - a. By distributing the applications and forms in their offices to any individual or group.
 - b. By distributing the applications and forms at other locations designated by each supervisor.
 - c. By mailing the applications and forms to applicants upon the request of the applicant.
- (c) The uniform statewide voter registration application may not be reproduced by any private individual or group.
- (2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:
- (a) Full name.
 - (b) Date of birth.
 - (c) Address of legal residence.
 - (d) Mailing address, if different.
 - (e) County of legal residence.
 - (f) Race or ethnicity that best describes the applicant:
 1. American Indian or Alaskan Native.
 2. Asian or Pacific Islander.
 3. Black, not of Hispanic ~~origin~~.
 4. White, not of Hispanic ~~origin~~.
 5. Hispanic.
 - (g) Sex.
 - (h) Party affiliation.
 - (i) Whether the applicant needs assistance in voting.
 - (j) Name and address where last registered.

(k) Social security number (optional).

(l) Telephone number (optional).

(m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(n) Date of signature.~~

(n)(o) Whether the application is being used for initial registration, or to update a voter registration record, or to request a replacement registration identification card.

~~(o)(p) Whether the applicant is a citizen of the United States.~~

(p) That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(q) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form shall be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 27. Subsection (1) and paragraph (a) of subsection (5) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, and changes in registration, and requests for a replacement registration identification card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name,

2. The applicant's legal residence address,

3. The applicant's date of birth, ~~and~~

4. An indication that the applicant is a citizen of the United States.

5. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

6. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

7. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 28. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Race or ethnicity, if provided by the applicant.
- (g) Sex, if provided by the applicant.
- (h) Address of legal residence.
- (i) Precinct number.
- (j) Signature of supervisor.
- (k) Place for voter's signature.
- (l) Other information deemed necessary by the department.

(2) A voter may receive a replacement of a registration identification card by providing a signed, written request for a replacement card to informing the supervisor, ~~in writing, that the card was defaced, lost, or stolen.~~ Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 29. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide a signed, written notification of such move to notify the supervisor in writing of such change and obtain a registration identification card reflecting the new address of legal residence.

(2) When the name of an elector is changed by marriage or other legal process, the elector must provide a signed, written notification of such change to notify the supervisor in writing of the change and obtain a registration identification card reflecting the new name change.

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to notify the supervisor in writing and obtain a new registration identification card reflecting the new party affiliation, subject pursuant to the issuance restriction in s. 97.071(3).

(4) The supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation and shall issue the new registration identification card as required by s. 97.071(3).

Section 30. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; ~~state or country of birth~~; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and

Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 31. Subsection (2) of section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; submission of false voter registration information.—

(2) A person who willfully submits any false voter registration information commits a ~~felony misdemeanor~~ of the third first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 32. Subsection (4) is added to section 104.012, Florida Statutes, to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation.—

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Sections 98.391, 98.412, 98.431, and 98.441, Florida Statutes, and sections 98.401 and 98.421, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are repealed.

Section 34. Subsection (11) is added to section 97.012, Florida Statutes, 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:

(11) Create and maintain a central voter file.

Section 35. Present subsections (4) through (29) of section 97.021, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (30), respectively, and a new subsection (4) is added to that section to read:

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

(4) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.

Section 36. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of ~~ss. s.~~ 98.095 and 98.097, each supervisor shall maintain for at least 2 years, and make available for public

inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 37. Section 98.095, Florida Statutes, as amended by chapters 91-235 and 91-424, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(1)(a)1. The registration books of each county in this state are public records. Any Every citizen of the state is allowed to examine the registration books of any county while they are in the custody of the supervisor of that county, but is not allowed to make copies or extracts therefrom except as provided by this section.

2. Within 15 days of a request for voter registration information, the supervisor shall furnish any requested information, excluding only a voter's signature and social security number and such other information that is by statute specifically made confidential or is exempt from public records requirements, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding the provision of paragraph (a), if after the most recent an election, if there is a request for information relating to electors who voted in that the most recent election, within 15 days of the request the supervisor shall either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the supervisor pursuant to this section shall be furnished only to:

- (a) The courts for the purpose of jury selection;
- (b) Municipalities;
- (c) Other governmental agencies;
- (d) Candidates, to further their candidacy;
- (e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- (f) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, law enforcement, or jury selection.

(3) Any person who acquires a ~~precinct~~ list of registered voters from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.095, Florida Statutes, to acquire information on registered voters of County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

...(Signature of person acquiring list)...

Sworn to and subscribed before me this day of, 19.....

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

Section 38. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, as amended by chapter 91-235, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(2) The information provided by the supervisor pursuant to this section shall be furnished only to:

- (a) Municipalities;
- (b) Other governmental agencies;
- (c) Candidates, to further their candidacy;
- (d) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- (e) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

Section 39. Section 98.097, Florida Statutes, is created to read:

98.097 Central voter file; administration by division; public access.—

(1) There is hereby established a central voter file, to be administered by the division, which shall be a statewide, centrally maintained database containing the voter registration information of all counties in this state.

(2) All voter registration records and other information in the central voter file, excluding any information that is confidential or exempt from public records requirements, shall be considered public records for the purposes of chapter 119.

(3) The central voter file shall be self-sustaining.

Section 40. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1)(a) Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees, statistical information for the purpose of analyzing election returns and results.

(b)(2) Supervisors may require reimbursement for any part or all of the actual expenses expense of supplying any such information requested under paragraph (a). For the purposes of this subsection, supervisors may use the services of any research and statistical personnel that may be supplied.

(c)(3) Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2)(4) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.

Section 41. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(1) The Legislature, upon specific appropriation and directive, may provide for an independent Department of State shall audit of ~~, at least every 5 years,~~ the voting system in any each county. Within 30 days after completing the audit, the person conducting the audit ~~Department of State~~ shall furnish a copy of the audit to the supervisor of elections and the board of county commissioners.

(2) An ~~The~~ audit conducted pursuant to subsection (1) shall consist of a study and evaluation of the voting system used during any primary, general, municipal, or presidential preference primary election to provide reasonable assurance that the system is properly controlled, can accurately count votes, provides adequate safeguards against unauthorized manipulation and fraud, and complies with the requirements of law and rules of the Department of State.

Section 42. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1996 Supplement, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021(9)(8), associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 43. Effective July 1, 1997, the Florida Elections Commission and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including those in the possession of or provided by the Division of Elections of the Department of State as administrative support and services to the Florida Elections Commission pursuant to section 106.24(4), Florida Statutes (1995), are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of State to a newly created Florida Elections Commission within the Department of Legal Affairs, Office of the Attorney General. The administrative rules of the commission, and the rules of the Division of Elections governing records, personnel, property, and funds related to the commission, which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.

Section 44. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the Florida Elections Commission ~~Division of Elections~~ pursuant to s. 106.25. The commission ~~division~~ shall adopt rules to provide an expedited hearing ~~before the Florida Elections Commission~~ of complaints filed under this subsection. Notwithstanding any other provision of law, the ~~Florida Elections Commission~~ shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

Section 45. Subsection (2) of section 106.19, Florida Statutes, is amended to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (a), paragraph (b), or paragraph (d) of subsection (1) shall be subject to a civil penalty equal to three 3 times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state. ~~The Division of Elections shall have authority to bring a civil action in circuit court to recover such civil penalty.~~

Section 46. Subsection (7) of section 106.22, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(7) Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter. Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25.

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted.

(12) Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

Section 47. Subsection (1) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by s. 106.22 ~~this chapter~~, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful

subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 48. 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, State 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 State in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

(b) The commission It shall be composed of nine seven members. The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other members of the commission appointed by the Governor shall serve for 4-year terms and until their successors are appointed. The chair of the commission shall be designated by the Governor.

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house origi-

nally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall expeditiously be filled for the unexpired terms in the same manner of the original appointment to the vacated position.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment, and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member ~~Members~~ of the commission ~~may not~~ serve more than two full terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the nine seven members of the commission, no more than five four members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of five four members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 110. The Division of Elections shall provide administrative support and services to the commission to carry out its duties pursuant to this chapter. The division shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations.

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single

commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report.

(6) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the division, pursuant to its authority under s. 106.22(11), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

(7) ~~The department, in consultation with~~ The commission, shall develop a budget request pursuant to chapter 216 annually. The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it which shall be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

Section 49. Section 106.25, Florida Statutes, 1996 Supplement, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission ~~Department of State~~; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter is vested in ~~the Division of Elections and~~ the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) ~~The commission~~ Division of Elections shall investigate ~~and report to the Florida Elections Commission~~ all violations of this chapter, but only after with or without having received either a sworn complaint or information reported to it by the Division of Elections, and may conduct random audits and investigations with respect to reports and statements filed under this chapter and with respect to the alleged failure to file any reports and statements required under this chapter. However, Any person, other than the division, having information of any violation of this chapter shall file a sworn complaint with the ~~commission~~ Division of Elections. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator.

(3) For the purposes of ~~Florida Elections~~ commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or the willful failure to perform an act required by this chapter.

(4) ~~The commission~~ Division of Elections shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a

violation has occurred. Upon completion of the preliminary investigation, the commission ~~division~~ shall, by written report, find probable cause or no probable cause to believe that this chapter or s. 104.271 has been violated.

(a) If no probable cause is found, the commission shall ~~division may~~ dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission ~~division~~ shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission ~~division~~ shall so notify the complainant and the alleged violator in writing ~~and shall refer the case to the commission~~. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found ~~by the commission~~, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of the Florida Election Code may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

~~(6)~~(5) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

~~(7)~~(6) Every sworn complaint filed pursuant to this chapter with the ~~Division of Elections or the Florida Elections~~ commission, every ~~division~~ investigation and investigative report or other paper of the ~~division or~~ commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection ~~(6)~~ (5);

(b) Upon a determination of probable cause or no probable cause by the commission; or

~~(c) After a finding of no probable cause is made by the division and the case is not appealed; or~~

(c)(d) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission division with respect to an alleged violation of this chapter, ~~the division or the commission~~ may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(7) Dismissal of a case by the division, based on a finding of no probable cause, may be appealed to the commission by the complainant. Any complainant intending to appeal such dismissal must, within 30 days after the dismissal, file a request for a hearing before the commission with the division.~~

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 50. Section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all sworn complaints filed with it and all matters reported to it by the Division of Elections or otherwise coming to its attention, including appeals of division dismissals of cases based on no probable cause. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner

prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chair thereof shall issue said process on behalf of the commission. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

~~(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his or her possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.~~

(2)(3) All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

~~(3)~~(4) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chair or, in the chair's absence, the vice chair shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chair or, in the chair's absence, the vice chair not to discuss his or her testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him or her after receiving such instructions the witness shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

~~(4)~~(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a hearing, upon his or her advance request and at his or her own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

~~(5)~~(6) Before or during a hearing, any person noticed to appear before the commission, or the person's counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

~~(6)~~(7) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his or her request or upon the request of any member of the commission, appear personally before the commission and testify on his or her own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

~~(7)~~(8) Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8)(9) Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(9)(10) If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(10)(11) Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony of the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(11)(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

(12) The commission by rule may determine violations which constitute minor offenses that can be resolved without further investigation by means of a plea of nolo contendere and payment of a fine.

(13) The commission may not issue advisory opinions and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.

Section 51. Subsection (2) of section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the State Comptroller shall be responsible for collecting the civil penalties resulting from such action ~~commission may bring an action in any circuit court of this state to enforce such penalty.~~

Section 52. Transition provisions.—

(1)(a) The terms of all current members of the Florida Elections Commission shall expire at the end of the day, December 31, 1997, and new members shall be appointed to the commission prior to that date pursuant to the provisions of s. 106.24, Florida Statutes, as amended by this act, except that,

in order to provide for staggered terms, the initial appointments shall be for terms beginning January 1, 1998, as follows:

1. Appointed nominees of the President of the Senate and the minority leader of the Senate shall each serve for a term of 3 years.

2. Appointed nominees of the Speaker of the House of Representatives and the minority leader of the House of Representatives shall each serve for a term of 2 years.

(b) Any current member of the commission may be appointed to the newly constituted commission established by this act.

(2) All complaints and other business pending before the commission at the close of business on December 31, 1997, shall be continued on January 1, 1998, by the newly constituted commission established by this act.

(3) In order to ease the transition to the newly constituted commission established by this act:

(a) The current members of the commission shall:

1. Initiate the adoption of rules, in accordance with chapter 120, Florida Statutes, necessary to carry out the expanded powers and duties of the commission required by this act.

2. Secure office space and do all things necessary to permit the members and staff of the commission to begin operating as provided by this act on July 1, 1997.

(b) The Director of the Division of Elections shall act as an advisor to the members of the new commission established by this act and shall provide assistance, as needed, in the adoption of rules and the assumption of duties from the division and former commission.

(4) This section shall take effect upon this act becoming a law.

Section 53. Effective upon this act becoming a law, subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

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

(a) \$10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) \$5,000, for a candidate for multicounty office.

- (c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.
- (d) \$1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.
- (e) \$6,000, for a candidate for retention as a justice of the Supreme Court.
- (f) \$3,000, for a candidate for retention as a judge of a district court of appeal.
- (g) \$1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 54. Section 101.001, Florida Statutes, is amended to read:

101.001 ~~Registration and election districts~~, Precincts, and polling places; boundaries.—

(1) ~~Subject to the provisions of s. 101.002, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (3)(a), The board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create new districts or precincts for voting in the county. Each precinct shall be numbered and, as nearly as practicable, shall be composed of contiguous and compact areas and shall be numbered. The supervisor shall designate a polling place at a suitable location within each precinct. The district or precinct shall not be changed thereafter except with the consent of the supervisor and a majority of the four members of the board of county commissioners and the supervisor. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of~~

s. 101.002, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts ~~into one election district~~ upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts ~~into election districts~~ shall be given in the same manner as provided in s. 101.71(2).

~~(3)(a)1. No election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed, during the period between January 1 of any year the last digit of which is 7 and December 1 of any year the last digit of which is 0.~~

~~2. In addition to those periods of time during which change of precinct or district boundaries is not prohibited pursuant to subparagraph 1., the boundaries of election precincts and districts may be changed during the period between January 1 of any year the last digit of which is 7 and January 1 of any year the last digit of which is 0, when such change is due to the subdivision of an existing precinct or district or to municipal annexation, detachment, or consolidation or other such action.~~

~~(b) The Secretary of State may, upon the request of a county, waive compliance with paragraph (a) if such county has met the requirements of the United States Bureau of the Census as set forth in its guidelines.~~

~~(3)(4)(a) Each supervisor of elections shall provide and maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, election district, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code. A word description of the geographical boundaries shall be attached to each map.~~

~~(b) Each supervisor of elections shall send a copy of each map with attached description to the Secretary of State no later than March 1 of any year the last digit of which is 7. No later than April 1 in any such year, the Secretary of State shall transmit an appropriate copy or facsimile of each map to the United States Bureau of the Census.~~

~~(c) The supervisor of elections shall notify the Secretary of State in writing within 30 days of any reorganization of precincts or election districts and shall furnish a copy of the map showing the current geographical boundaries and, designation, and word description of each new precinct or election district.~~

~~(4)(5) Within 10 days after there is any change in the division, number, or boundaries of the election precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered election precincts, setting forth the boundary lines and~~

~~shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office, thereof, so as to designate accurately the limits of each precinct. The supervisor of elections shall at the same time name, clearly define, and describe in writing the polling place which he or she has established in each new or altered election precinct or in any precinct in which he or she may have changed the polling place. Such changes shall be recorded in the office of the clerk of the circuit court for such county. Upon the recording of the changes, the supervisor of elections shall post a plainly written or printed copy at the courthouse in a conspicuous place.~~

Section 55. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 56. Except as otherwise provided in this act, this act shall take effect January 1, 1998; however, the amendment of section 100.371, Florida Statutes, by this act, relating to signature verification periods and random sampling for proposed initiative amendments, shall take effect on the effective date of amendments to the State Constitution approved by the electors at the general election to be held in November 1998 which authorize, or remove impediment to, enactment by the Legislature of the provisions of that section.

Approved by the Governor April 18, 1997.

Filed in Office Secretary of State April 18, 1997.