



Journal of the Senate

Number 15

Wednesday, April 26, 1995

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Excused: Senator Jenne

PRAYER

The following prayer was offered by Pastor Bruce A. Fehl, Prince of Peace Lutheran Church, Largo:

O God, holy and just, you exalt us as a people to follow your will that we might become worthy of your gracious favor. Look upon our legislators, giving them integrity of purpose and unflinching devotion to the cause of justice. May all their work be such as will promote our welfare, help the poor, relieve the oppressed, put down social evils and redress all social wrongs.

Inspire in each of us such love of our neighbor and concern for one another's welfare that the people of this great state will work together with one heart and will to secure equality of opportunity for all people.

This we ask in your most holy name. Amen.

PLEDGE

Senate Pages, Charles D. Burpee of Fort Lauderdale and Madetric Hall of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Kirkpatrick, by two-thirds vote **SR 1644** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

SR 1644—A resolution recognizing Dr. Bernard J. Yokel for his outstanding service to the state of Florida and his tireless efforts on behalf of the state's environment.

WHEREAS, Dr. Bernard J. Yokel has provided enlightened leadership as president of the Florida Audubon Society for more than a decade, and

WHEREAS, he has dedicated his life to the study of the natural world and to humankind's understanding of it, and

WHEREAS, he has effectively promoted an understanding of the link between a healthy economy and a healthy environment, and

WHEREAS, he exemplifies commitment and integrity in public-policy advocacy, and

WHEREAS, Dr. Bernard J. Yokel will retire from the Florida Audubon Society this year, NOW, THEREFORE,

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

That Dr. Bernard J. Yokel is commended for his effectiveness, dedication, persistence, sense of humor, charm, and extraordinary sense of what is really important, as he has labored to help the citizens and policy-makers of this state in their efforts to protect and conserve Florida's natural heritage.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Bernard J. Yokel as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order and read the second time in full. On motion by Senator Kirkpatrick, **SR 1644** was adopted.

SPECIAL GUESTS

Senator Kirkpatrick introduced the following guests who were seated in the gallery: Dr. and Mrs. Bernard J. Yokel.

On motion by Senator Latvala, by two-thirds vote **SR 2936** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Latvala—

SR 2936—A resolution commending the American Advertising Federation.

WHEREAS, the American Advertising Federation has chosen the City of Tampa in which to hold its 1995 national convention, and

WHEREAS, the American Advertising Federation consists of 219 clubs, 136 corporate members, 212 college chapters, and 50,000 members, and

WHEREAS, the mission of the American Advertising Federation is to advance the business of advertising as a vital and essential part of the American economy and culture, and

WHEREAS, the American Advertising Federation takes a leading role in assuring that federal and state legislative and regulatory issues are resolved consistent with the values of free speech and economic growth, and

WHEREAS, the American Advertising Federation is a leader in promoting high standards of ethics, truth in advertising, and effective self-regulation, and

WHEREAS, the convention, to be held May 31-June 4, will comprise an involved and committed group of advertising decisionmakers, NOW, THEREFORE,

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

That the Florida Senate commends the American Advertising Federation for choosing Florida as its convention destination, for operating a highly effective nationwide grassroots lobbying organization, and for its contribution of the power of advertising to the public good by addressing societal issues throughout the nation and taking the industry lead on developing programs and resources to enhance the representations of minorities in advertising.

BE IT FURTHER RESOLVED that the Florida Senate salutes the host chapter of the Fourth District of the American Advertising Federation and commends the members of the Florida chapters of the American Advertising Federation on their contributions to the commerce of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the American Advertising Federation as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order and read the second time in full. On motion by Senator Latvala, **SR 2936** was adopted.

On motion by Senator Johnson, the rules were waived and—

By Senators Johnson, Bankhead, Beard, Bronson, Brown-Waite, Burt, Casas, Childers, Crist, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Grant, Gutman, Harden, Hargrett, Harris, Holzendorf, Horne, Jennings, Jones, Kirkpatrick, Kurth, Latvala, McKay, Meadows, Myers, Ostal-kiewicz, Rossin, Scott, Silver, Sullivan, Thomas, Turner, Weinstein, Wexler and Williams—

SR 3052—A resolution recognizing the Week of the Young Child in the State of Florida.

WHEREAS, the National Association for the Education of Young Children (NAEYC), the nation's largest organization of early childhood professionals, with more than 70,000 members, has declared April 23 through April 29, 1995, the Week of the Young Child, and

WHEREAS, the purpose of the Week of the Young Child is to focus on the needs of the young child and families and to plan how the people and the community can better meet the needs of all young children and their families, and

WHEREAS, this body recognizes that the early childhood years through age 8 lay the foundation for a child's success in school and in later life, NOW, THEREFORE,

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

That the week of April 23 through April 29, 1995, is recognized and commemorated as the Week of the Young Child in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Johnson, **SR 3052** was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **SB 1870** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jennings, the rules were waived and all gubernatorial appointments residing in a substantive committee were withdrawn from those committees and referred to the Committee on Executive Business, Ethics and Elections under the original reference.

On motion by Senator Bankhead, by two-thirds vote **SB 2356** was withdrawn from the committees of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 2590** and **SB 2902** were withdrawn from the committees of reference and further consideration.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 36**, **SB 96**, **CS for SB 204**, **SB 280**, **CS for SB 310**, **SB 462**, **SB 616**, **CS for SB 658**, **SB 688**, **SB 744**, **CS for SB 786**, **CS for SB 798**, **SB 812**, **CS for SB 822**, **CS for SB 840**, **CS for SB 914**, **CS for SB 940**, **CS for SB's 956**, **1500** and **2364**, **SB 980**, **SB 998**, **SB 1020**, **SB 1074**, **SB 1080**, **SB 1374**, **CS for SB 1392**, **CS for SB 1400**, **CS for SB 1436**, **SB 1452**, **SB 1472**, **SB 1506**, **SB 1514**, **SB 1526**, **SB 1534**, **CS for SB 1536**, **SB 1542**, **SB 1656**, **SB 1732**, **SB 1744**, **SB 1756**, **CS for SB 1814**, **CS for SB 1846**, **SB 1910**, **SB 1934**, **SB 1972**, **CS for SB's 2030** and **2144**, **SB 2036**, **SB 2078**, **SB 2152**, **CS for CS for SB 2180**, **SB 2194**, **SB 2212**, **CS for SB 2234**, **SB 2354**, **SB 2380**, **SB 2404**, **SB 2406**, **SB 2434**, **SB 2564**, **SB 2616**, **SB 2950** and **HB 2471** were withdrawn from the Committee on Ways and Means.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 2620** and **SB 2690** were withdrawn from the Committee on Ways and Means.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 1506** was rereferred to the Committee on Ways and Means.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Jennings, the rules were waived and the Committee on Health Care was granted permission to meet this day from 1:00 p.m. until 2:00 p.m. to consider **SB 1780**.

On motion by Senator Diaz-Balart, the rules were waived and the Committee on Ways and Means was granted permission to add **SB 276**, **SB 2236**, **SB 1782** and **SB 2296** to the agenda at the meeting on April 27.

On motion by Senator Diaz-Balart, the rules were waived and the Committee on Ways and Means was granted permission to add **SB 696**, **CS for CS for SB 1642** and **SB 1696** to the agenda at the meeting on April 27.

SPECIAL ORDER

Consideration of **CS for SB 2330** was deferred.

CS for SB 1914—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; providing that a veteran must have served a minimum time during a wartime period to qualify for veterans' preference; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 7, line 20, through page 8, line 7, strike all of said lines and insert:

Section 7. Subsection (1) of section 295.14, Florida Statutes, is amended to read:

295.14 Penalties.—

(1) When the Public Employees Relations Commission, after a hearing on notice conducted according to rules ~~adopted promulgated~~ by the commission, determines that a violation of s. 295.07, s. 295.08, s. 295.085(1), or s. 295.09(1)(a) or (b) has occurred and sustains the veteran seeking redress, the commission shall order the offending agency, employee, or officer of the state to comply with the provisions of s. 295.07, s. 295.08, s. 295.085(1), or s. 295.09(1)(a) or (b); and, in the event of a violation of s. 295.07, s. 295.08, s. 295.085(1), or s. 295.09(1)(a) or (b), the commission may issue an order to compensate such veteran for the loss of any wages and reasonable attorney's fees and costs of all work including litigation, incurred as a result of such violation, which order shall be conclusive on the agency, employee, or officer concerned. The attorney's fees and costs may not exceed \$7,500. The action of the commission shall be in writing and shall be served on the parties concerned by certified mail with return receipt requested.

Amendment 2—In title, on page 1, line 27, following the semicolon (;) insert: providing for attorney's fees and costs;

On motions by Senator Brown-Waite, by two-thirds vote **CS for SB 1914** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 260—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; prescribing presumptions and burdens of proof related to the prosecution and punishment of persons for illegally dumping raw human waste; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1—On page 1, line 18, after “litter” insert: *or raw human waste*

On motions by Senator Dantzler, by two-thirds vote **SB 260** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 366—A bill to be entitled An act relating to the Code of Ethics for Public Officers and Employees; amending s. 112.317, F.S.; providing for costs plus reasonable attorney’s fees incurred by a public officer or employee against whom a complaint is lodged under the act under certain circumstances; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 366** to conform the bill to **HB 187**.

Pending further consideration of **SB 366** as amended, on motion by Senator Johnson, by two-thirds vote **HB 187** was withdrawn from the Committee on Executive Business, Ethics and Elections.

On motion by Senator Johnson—

HB 187—A bill to be entitled An act relating to the Code of Ethics for Public Officers and Employees; amending s. 112.317, F.S.; providing for costs plus reasonable attorney’s fees incurred by a public officer or employee against whom a complaint is lodged under the act under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 366** and read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 187** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 438—A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; providing a definition; providing for access to public officials; authorizing investigations and receipt of information; requiring disclosure of ex parte communication; authorizing local rules or procedures; providing an effective date.

—was read the second time by title.

Amendments were adopted to **SB 438** to conform the bill to **CS for HB 5**.

Pending further consideration of **SB 438** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 5** was withdrawn from the Committees on Community Affairs; and Executive Business, Ethics and Elections.

On motion by Senator Silver—

CS for HB 5—A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; providing a definition; providing for access to public officials; authorizing investigations and receipt of information; requiring disclosure of ex parte communication; authorizing local rules or procedures; providing an effective date.

—a companion measure, was substituted for **SB 438** and read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 286.0115, Florida Statutes, is created to read:

286.0115 Access to local public officials.—

(1) **AUTHORITY**.—A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex-parte communications with local public officials by establishing a process to disclose ex-parte communications with such officials pursuant to this section or by adopting an alternative process for such disclosure. However, this section does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(2) **DEFINITION**.—As used in this section, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(3) **ACCESS PERMITTED**.—Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex-parte communications with local public officials.

(a) The substance of any ex-parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

(b) A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.

(c) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

(d) Disclosure made pursuant to paragraphs (a), (b), and (c) must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication. This section does not subject local public officials to part III of chapter 112 for not complying with this subsection.

(4) **RULES**.—This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; authorizing counties and municipalities to adopt certain ordinances or resolutions related to ex-parte communications with public officials; providing a definition; providing for access to public officials; authorizing investigations and receipt of information; requiring disclosure of ex parte communication; authorizing local rules or procedures; providing an effective date.

WHEREAS, government in Florida is conducted in the sunshine pursuant to chapter 286, Florida Statutes, and

WHEREAS, the public should be able to voice its opinions to local elected public officials, and

WHEREAS, elected and public officials are presumed to perform their duties in a lawful and proper manner, and

WHEREAS, quasi-judicial decisionmaking must be based on competent, substantial evidence of record, and

WHEREAS, local elected public officials have been obstructed or impeded from the fair and effective discharge of their sworn duties and responsibilities due to expansive interpretations of *Jennings v. Dade County*, a decision rendered by the Third District Court of Appeal, and

WHEREAS, Section 5, Article I of the State Constitution gives the people the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances, NOW, THEREFORE,

Senator Grant moved the following amendment to **Amendment 1** which failed:

Amendment 1A—On page 3, between lines 8 and 9, insert:

Section 2. An elected county or school district officer whose salary is set under chapter 145 or chapter 230, Florida Statutes, may accept less or no compensation.

(Renumber subsequent section.)

The question recurred on **Amendment 1** which was adopted.

On motions by Senator Silver, by two-thirds vote **CS for HB 5** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 864—A bill to be entitled An act relating to teacher certification; providing for the State Board of Education to establish a certificate whereby persons who are certified to teach certain subjects to grades 6, 7, 8, and 9 may teach the same subjects to grades 10, 11, and 12; providing requirements for such certification; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Teacher certification.—

(1) The State Board of Education shall establish a certificate that entitles the holder to teach an integrated curriculum to students in grades 5, 6, 7, 8, and 9. For the purposes of this section, the term “integrated curriculum” means two or more subjects which are taught through a thematic approach by a team of teachers.

(2) An applicant for such certificate must have, at a minimum, a bachelor’s degree; 54 semester-hour credits in English, mathematics, science, or social science; and 18 semester-hour credits in the primary subject area and 12 semester-hour credits in each of the remaining subject areas.

(3) An applicant who is certified to teach school at the secondary level and who seeks to teach an integrated curriculum to middle school students must earn a middle school endorsement by earning 3 semester-hour credits, or an equivalent number of hours of inservice training provided by a school district, in strategies for teaching middle school students.

Section 2. This act shall take effect July 1, 1995.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to teacher certification; directing the State Board of Education to establish a certificate to authorize persons to teach an integrated curriculum to students in certain grades; defining the term “integrated curriculum” for the purpose of the section; providing requirements for certification; providing an effective date.

On motion by Senator Dyer, by two-thirds vote **SB 864** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Dudley, by two-thirds vote **HB 2371** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

HB 2371—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.612, F.S.; providing for leading questions on direct examination of a witness when necessary to develop the witness’ testimony; providing for leading questions on cross-examination and upon examination of an adverse party or adverse or hostile witness; providing an effective date.

—a companion measure, was substituted for **SB 2794** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2371** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 1728—A bill to be entitled An act relating to insurance; requiring health insurance and group health insurance policies to provide coverage for diabetes outpatient self-management training and educational services; providing for the adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 1, strike all of lines 23-28 and insert: provided by a licensed dietitian.

On motions by Senator Gutman, by two-thirds vote **SB 1728** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Bankhead, by two-thirds vote **HB 239** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Bankhead—

HB 239—A bill to be entitled An act relating to restitution of crime victims; amending s. 775.089, F.S.; imposing liability for court costs and attorney’s fees upon defendant when civil enforcement of restitution order is necessary; providing for review at such time of the defendant’s financial resources by the criminal court; reenacting ss. 39.022(4)(c) and 960.001(1)(h), F.S., relating to jurisdiction and guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems, to incorporate said amendment in references; providing an effective date.

—a companion measure, was substituted for **SB 1054** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 239** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 970—A bill to be entitled An act relating to air pollution; amending s. 403.0872, F.S.; providing an exemption from an operating permit for certain facilities; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **SB 970** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 906—A bill to be entitled An act relating to insurance; creating s. 627.41345, F.S.; requiring insurers to provide a notice to certain persons regarding life insurance or annuity policies written to replace existing contracts; providing a refund period for such policies; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Forman:

Amendment 1 (with Title Amendment)—On page 1, strike everything after the enacting clause and insert:

Section 1. Section 627.4134, Florida Statutes, is created to read:

627.4134 Replacement of life insurance policies and annuity contracts.—

(1) Upon receipt of an application for any life insurance policy or annuity contract that will replace an existing life insurance policy or annuity contract or utilize the cash value of an existing life insurance policy or annuity contract for the purpose of purchasing additional life insurance or annuity coverage, an insurer must provide a notice of the intended replacement or utilization on a form designed by the department in addition to any other required replacement notices.

(2) The notice must be understandable and not misleading or deceptive as to the policies compared. It must contain a comparison including the following information for the proposed policy or contract and the original policy or contract:

- (a) Guaranteed account value;
- (b) Cash surrender value;
- (c) Surrender penalties;
- (d) Any policy bonuses; and
- (e) Premiums.

(3) The notice must be sent within 5 working days after the receipt of the application by the insurer to the following persons listed in the original policy:

- (a) All insureds or annuitants;
- (b) All owners, if different from the insureds or annuitants;
- (c) All secondary addresses.

(4) Each applicant who is a natural person has the right to designate a secondary addressee for the purpose of receiving this notice. The insurer and its agents must notify any such applicant of the applicant's right to designate a secondary addressee for the purposes of this notice and shall obtain the name and address of the secondary designee.

(5) Any life insurance policy or annuity contract that replaces an existing policy or contract and utilizes the cash value from an existing policy or contract replacement must contain a provision for an unconditional refund for a period of at least 30 days after the date of delivery to the applicant.

Section 2. Paragraph (aa) is added to subsection (1) of Section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(aa) *Churning*.—

1. *Churning life or health insurance policies or annuity contracts.* "Churning" is the practice whereby an existing policy or contract, or policies or contracts, issued by an insurer are replaced by another policy or contract, or policies or contracts, issued by that same insurer, or cash value is induced to be extracted from a policy or contract, or policies or contracts issued by an insurer to purchase additional coverage policies or contracts issued by that same insurer for the purpose of earning additional premium or commission:

a. Without providing a clear and substantial benefit to the policyholder which reasonably justifies the replacement of existing coverage or extraction of cash value to purchase additional coverage;

b. In a fashion which is fraudulent, deceptive, or otherwise misleading or involving a deceptive omission;

c. When the insured is not informed that the cash value of the existing policy or contract will be reduced, forfeited or utilized in the purchase of the replacing or additional policy or contract; or

d. Without informing the insured that the replacing or additional policy or contract will not be a paid-up policy or that additional premiums will be due.

Churning by an insurer or an agent is an unfair method of competition and an unfair or deceptive act of practice.

2. *Each insurer shall adopt written procedures to reasonably avoid churning of policies or contracts which it has issued and failure to adopt written procedures sufficient to reasonably avoid churning shall be an unfair method of competition and an unfair or deceptive act of practice.*

Section 3. This act shall take effect July 1, 1995.

And the title is amended as follows:

In title, on page 1, strike everything before the enacting clause and insert: An act relating to insurance; creating s. 627.4134, F.S.; requiring insurers to provide a notice to certain persons regarding life insurance policies or annuity contracts written to replace existing policies or contracts; providing a refund period for such policies; amending s. 626.9541, F.S., to define the term "churning" and to prohibit churning as an unfair method of competition and an unfair or deceptive act or practice; requiring insurers to adopt procedures to avoid churning of life insurance policies or annuity contracts; providing that failure by an insurer to adopt procedure to avoid churning constitutes an unfair method of competition and an unfair or deceptive act or practice; providing an effective date.

On motion by Senator Forman, further consideration of **SB 906** with pending **Amendment 1** was deferred.

SB 686—A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.271, F.S.; revising the priority of claims against insolvent insurers; amending s. 631.713, F.S.; exempting certain policies and contracts from part III of ch. 631, F.S.; amending s. 631.717, F.S.; requiring the association to provide certain financial resources for obligations of insolvent insurers; authorizing payment of costs from the annuity account; authorizing the association to provide for alternative or reissued policies; amending s. 631.718, F.S.; revising assessment procedures; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Holendorf and adopted:

Amendment 1 (with Title Amendment)—On page 10, between lines 22 and 23, insert:

Section 6. Subsection (2) of section 631, Florida Statutes, is amended to read:

(2) Any action of the board of directors of the plan may be appealed to the department by any member HMO if such appeal is taken within 21 ~~30~~ days of the action being appealed; *however, the HMO must comply with such action pending exhaustion of appeal under s. 631.818(2)*. Any appeal shall be promptly determined by the department and final action or order of the department shall be subject to judicial review in a court of competent jurisdiction.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 15, and insert: procedures; amending s. 631.821, F.S.; specifying time for appeal of Florida Health Maintenance Organization Consumer Assistance Plan actions; providing an effective date.

Amendment 2—In title, on page 1, lines 2 and 3, strike "An act relating to the Florida Life and Health Insurance Guaranty Association;" and insert: An act relating to insurer solvency;

Senator Jenne offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 3—On page 1, strike all of lines 19 and 20 and insert: appealed; *however, the HMO must comply with appointment under s. 631.818(2) pending the exhaustion of appeal.* Any appeal

Senator Holzendorf moved the following amendments which were adopted:

Amendment 4—On page 4, line 30, through page 5, line 2, strike all of said lines and insert:

(1) Any annuity contract or group annuity contract *that which* is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed *directly and not through an intermediary* to an individual by an insurer under such contract or certificate. *This paragraph applies to every insolvency regardless of its date of inception, and an assessment base may not include premiums for such excluded products.*

Amendment 5—On page 8, line 9, through page 10, line 23, strike all of said lines and insert:

Section 5. Subsections (3) and (5) of section 631.718, Florida Statutes, are amended to read:

631.718 Assessments.—

(3)(a) The amount of any Class A assessment shall be determined by the board and may be made on a non-pro rata basis. *The Such* assessment *may shall* not be credited against future insolvency assessments and *may shall* not exceed \$250 per member insurer in any one calendar year.

(b) The amount of any Class B assessment shall be allocated for assessment purposes among the accounts pursuant to an allocation formula, which may be based on the premiums or reserves of the impaired or insolvent insurer.

~~(c) Class B assessments against foreign or alien insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bear to such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.~~

~~(c)(d) Class B assessments against member insurers for each account must shall be based upon in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the 3 most recent calendar years for which information is available preceding the year of the assessment in proportion in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this state for those such calendar years by all assessed member insurers. If the most recent 3 years of premium information is not available for each member insurer, the board of directors may use the premium information that is reasonably available.~~

~~(d)(e) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer may shall not be made until necessary to implement the purposes of this part.~~

~~(e)(f) Classification of assessments under subsection (2) and computation of assessments under this subsection must shall be made with a reasonable degree of accuracy, recognizing that exact determinations are may not always be possible.~~

~~(5)(a) The total of all assessments upon a member insurer for each account may shall not in any one calendar year exceed 1 percent of the sum of the insurer's premiums written in this state regarding business covered by the account received during the 3 calendar years preceding the year in which the assessment is made, divided by 3. If premium information for the 3-year period is not reasonably available for each member insurer, the association may use any reasonably available premium information. such insurer's premiums written in this state during the calendar year preceding the assessment on the policies covered by the account.~~

~~(b) The provisions of this subsection apply to any assessments made on or after October 1, 1995, without regard to the date of the impairment or insolvency.~~

~~(c) If the maximum assessment, together with the other assets of the association in its nonadministrative accounts either account, do does not provide in any one year in any either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds must shall be assessed as soon thereafter as permitted by this part.~~

Senator Williams moved the following amendment which was adopted:

Amendment 6 (with Title Amendment)—On page 10, between lines 22 and 23, insert:

Section 6. Subsection (2) of section 631.821, Florida Statutes, is amended to read:

631.821 Powers and duties of the department.—

(2) Any action of the board of directors of the plan may be appealed to the department by any member HMO if such appeal is taken within 21 30 days of the action being appealed; *however, the HMO must comply with such action pending exhaustion of appeal under s. 631.818(2).* Any appeal shall be promptly determined by the department and final action or order of the department shall be subject to judicial review in a court of competent jurisdiction.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 15, after the semicolon (;) insert: amending s. 631.821, F.S.; amending provisions relating to an appeal of an action of the Florida Health Maintenance Organization Consumer Assistance Plan, which appeal is made to the Florida Department of Insurance by an HMO that is a member of the plan;

On motion by Senator Holzendorf, by two-thirds vote **SB 686** as amended was read the third time by title.

On motion by Senator Holzendorf, further consideration of **SB 686** as amended was deferred.

SB 498—A bill to be entitled An act relating to the practice and teaching of medicine; amending s. 458.3145, F.S.; revising the requirements for a doctor to be issued a medical faculty certificate; prohibiting certain entities from discriminating against a certificateholder who seeks staff membership, clinical privileges, or other credentials as a health care provider; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which failed:

Amendment 1—On page 2, line 17, after “at” insert: *a 4-year Florida-accredited an-accredited*

Senator Hargrett moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 4, strike all of lines 1-7 and insert:

~~(4)(5) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) in any year may not exceed 15 persons at each institution named in paragraph (1)(i) and (3)(b); 5 of the extended medical faculty certificates granted to the University of South Florida College of Medicine will be designated for use at the facility named in s. 240.512.~~

And the title is amended as follows:

In title, on page 1, line 9, after the semicolon (,) insert: increasing the number of medical faculty certificates to be issued;

Senator Myers moved the following amendment which failed:

Amendment 3 (with Title Amendment)—On page 4, between lines 22 and 23, insert:

Section 2. Section 458.3135, Florida Statutes, is created to read:

458.3135 “Practice of medicine”; additional definition.—In addition to the other provisions of this chapter defining the practice of medicine in this state, such practice includes any ongoing or contractual arrangement whereby a nonresident physician located outside this state provides through electronic communications diagnostic imaging or treatment services to any person located in this state. However, a nonresident physician located outside this state does not practice medicine in this state by consulting on an irregular or unplanned basis with a licensee licensed pursuant to this chapter and located in this state.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 9, following the semicolon (;) insert: creating s. 458.3135, F.S.; including within the term practice of medicine diagnostic imaging services and treatment by nonresident physicians to Florida patients on a contractual basis;

On motions by Senator Myers, by two-thirds vote **SB 498** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Senate resumed consideration of—

SB 906—A bill to be entitled An act relating to insurance; creating s. 627.41345, F.S.; requiring insurers to provide a notice to certain persons regarding life insurance or annuity policies written to replace existing contracts; providing a refund period for such policies; providing an effective date.

—with pending **Amendment 1** by the Committee on Banking and Insurance.

Senator Forman moved the following substitute amendment:

Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) **UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.**—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(aa) *Churning.*—

1. *Churning is the practice whereby policy values in an existing life insurance policy or annuity contract, including, but not limited to cash, loan values, or dividend values, and in any riders to that policy or contract, are utilized to purchase another insurance policy or annuity contract with that same insurer for the purpose of earning additional premiums, fees, commissions, or other compensation:*

a. *Without an objectively reasonable basis for believing that the replacement or extraction will result in an actual and demonstrable benefit to the policyholder;*

b. *In a fashion that is fraudulent, deceptive, or otherwise misleading or that involves a deceptive omission;*

c. *Effective October 1, 1995, when the applicant is not informed that the policy values including cash values, dividends, and other assets of the existing policy or contract will be reduced, forfeited, or utilized in the purchase of the replacing or additional policy or contract, if this is the case; or*

d. *Effective October 1, 1995, without informing the applicant that the replacing or additional policy or contract will not be a paid-up policy or that additional premiums will be due, if this is the case.*

Churning by an insurer or an agent is an unfair method of competition and an unfair or deceptive act or practice.

2. *Effective October 1, 1995, each insurer shall comply with sub-subparagraph 1.c. and sub-subparagraph 1.d. by disclosing to the applicant at the time of the offer on a form designed and adopted by rule by the department if, how, and the extent to which the policy or contract values (including cash value, dividends, and other assets) of a previously issued policy or contract will be used to purchase a replacing or additional policy or contract with the same insurer. The form shall include disclosure of the premium, the death benefit of the proposed replacing or additional policy, and the date when the policy values of the existing policy or contract will be insufficient to pay the premiums of the replacing or additional policy or contract.*

3. *Effective October 1, 1995, each insurer shall adopt written procedures to reasonably avoid churning of policies or contracts that it has issued, and failure to adopt written procedures sufficient to reasonably avoid churning shall be an unfair method of competition and an unfair or deceptive act or practice.*

Section 2. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1995.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; prohibiting the practice of churning as an unfair method of competition and an unfair or deceptive act or practice; requiring insurers to adopt written procedures to avoid churning of life insurance policies or annuity contracts; providing that failure to adopt such procedures constitutes an unfair method of competition and an unfair or deceptive act or practice; providing an effective date.

Senator Forman moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, between lines 11 and 12, insert:

Section 1. Paragraph (aa) is added to subsection (1) of section 626.9541, Florida Statutes, to read:

Senator Grant moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B—On page 3, before line 1, insert:

Section 2. Section 627.0916, Florida Statutes, is amended to read:

627.0916 Agricultural horse farms. —Notwithstanding any other provision of this chapter to the contrary, any rates, rating schedules, or rating manuals for workers' compensation and employers' liability insurance filed with the Department of Insurance shall provide for the rates of an agricultural horse farm engaged in breeding or training to be separated into the following three rate classifications and *the premium paid shall be applied proportionately* ~~proportioned~~ according to payroll: breeding activity involving stallions; breeding activity not involving stallions, including but not limited to boarding and foaling; and training.

(Renumber subsequent section.)

Amendment 2 as amended was adopted.

Senator Grant moved the following amendment which was adopted:

Amendment 3—In title, on page 3, line 26, after the semicolon (;) insert: amending s. 627.0916, F.S.; providing that premiums paid for workers' compensation and employers' liability insurance for certain agricultural horse farms to be applied proportionately according to payroll;

On motion by Senator Forman, by two-thirds vote **SB 906** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 296—A bill to be entitled An act relating to the administration of estates; amending s. 733.612, F.S.; requiring independent professional appraisals; amending s. 733.901, F.S.; providing for waiver of right to a final accounting; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 11-25 and insert:

Section 1. Subsection (4) is added to section 733.604, Florida Statutes, to read:

733.604 Inventory.—

(4) *Upon the written request of a beneficiary for any asset specifically devised to that beneficiary, a beneficiary for any asset received by that beneficiary in satisfaction of a general devise, or a residuary beneficiary of a testate estate or an heir of an intestate estate, for any asset not specifically devised, the personal representative shall promptly furnish a written explanation of how the inventory value for the asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. The personal representative must notify each beneficiary of*

the right to request information regarding determination of the inventory value of an asset. Neither a request nor the failure to request information under this subsection affects any rights of a beneficiary in subsequent proceedings concerning any accounting of the personal representative or the propriety of any action of the personal representative.

And the title is amended as follows:

In title, on page 1, strike all of lines 3 and 4 and insert: estates; amending s. 733.604, F.S.; requiring the personal representative to provide notice and specified information regarding asset values to certain beneficiaries; amending

On motion by Senator Brown-Waite, by two-thirds vote **SB 296** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until 12:15 p.m.

MOTIONS TO RECONSIDER

Senator Gutman moved that the Senate reconsider the vote by which **SB 498** passed as amended this day.

Senator Johnson moved that the Senate reconsider the vote by which **HB 187** passed this day.

CS for SB 4—A bill to be entitled An act relating to educational scholarships; amending s. 240.4125, F.S., as amended, relating to the Mary McLeod Bethune Scholarship Program and Trust Fund; deleting provisions requiring the matching of state funds with private funds; providing for allocation of moneys in the trust fund; extending eligibility for scholarships to graduate students; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Meadows and adopted:

Amendment 1 (with Title Amendment)—On page 1, lines 17 and 18, hyphen through the words “and Trust Fund”

And the title is amended as follows:

In title, on page 1, line 5, strike “and Trust Fund”

Amendment 2 (with Title Amendment)—On page 1, strike all of lines 27 and 28 and insert:

(2) *Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund There is created the Mary McLeod Bethune Scholarship Trust Fund.* The Comptroller shall authorize

And the title is amended as follows:

In title, on page 1, line 8, strike “in the trust fund”

Amendment 3—On page 2, line 12, strike “trust fund” and insert: *program trust fund*

Amendment 4—On page 2, line 15, strike “in the trust fund” and insert: *for the program in the trust fund*

On motions by Senator Meadows, by two-thirds vote **CS for SB 4** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

RECESS

On motions by Senator Jennings, the Senate recessed at 12:09 p.m. to reconvene at 2:15 p.m. and the time of recess for the afternoon session was extended until 5:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:32 p.m. A quorum present—38:

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Excused: Senator Sullivan until 4:00 p.m.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Weinstein, the rules were waived and—

By Senator Weinstein—

SR 3054—A resolution honoring Bess Lander Bell for her advocacy on behalf of Floridians.

WHEREAS, Bess Lander Bell, who is better known as Budd Bell, has dedicated 63 years of her life working to make society a kinder, gentler place for all people, especially those who have a disability, the elderly, low-income families and individuals, the mentally ill, and children, and

WHEREAS, over the past 26 years Budd Bell has played a major role in the development and implementation of policies that are designed to make Florida a more compassionate and just place for all of its residents, and

WHEREAS, it is a great tribute to Budd Bell that she is respected by countless people who have benefited from her wisdom, experience, compassion, and example, and

WHEREAS, Budd Bell has served as teacher and mentor to more than 128 students, helping them to become strong advocates for economic and social justice not only in Florida, but throughout the nation and the world, and

WHEREAS, Budd Bell has shown strong leadership as an advocate for the social and health needs of children, the elderly, the poor, and the disabled, and

WHEREAS, more than 20 years ago Budd Bell formed a coalition organization, which today consists of 119 human services agencies, known as the Clearinghouse on Human Services, and

WHEREAS, since its inception, Budd Bell has volunteered her time and energy to work as coordinator of the Clearinghouse, and

WHEREAS, in June, Budd Bell will celebrate her 80th birthday and begin another year of service dedicated to serving humanity, NOW, THEREFORE,

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

That Bess Lander “Budd” Bell is specially recognized and thanked for dedicating her life to helping Floridians in their times of need.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Budd Bell as a tangible token of the appreciation and esteem of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Weinstein, **SR 3054** was read the second time in full and adopted.

SPECIAL GUEST

Senator Weinstein introduced the following guest who was seated in the gallery: Bess Lander Bell.

SPECIAL ORDER, continued

SB 160—A bill to be entitled An act relating to the protection of children from abuse, neglect, and exploitation; amending s. 39.01, F.S.; redefining the term "abuse"; amending s. 415.503, F.S.; redefining the term "harm"; requiring the Department of Health and Rehabilitative Services and the Department of Business and Professional Regulation to recommend standards and procedures for the training and licensing of child protective investigators; requiring a report; directing the Department of Health and Rehabilitative Services to implement training of persons receiving reports of child abuse or neglect; requiring a report; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Hargrett and adopted:

Amendment 1—On page 6, line 4, insert: *For the purposes of this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.*

Senator Weinstein moved the following amendment which failed:

Amendment 2—On page 4, line 11, strike "significant"

Senators Bankhead and Kurth offered the following amendment which was moved by Senator Bankhead and adopted:

Amendment 3—On page 6, strike all of lines 5-7

On motion by Senator Hargrett, by two-thirds vote **SB 160** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—7

The Senate resumed consideration of—

CS for SB 2330—A bill to be entitled An act relating to postsecondary education; requiring each university to identify and limit the number of required courses; authorizing an exception; requiring the acceptance of credits from a community college under certain conditions; requiring the Articulation Coordinating Committee to undertake certain studies and make recommendations; requiring amendments to the common course designation and numbering system based upon the recommendations; requiring the appointment of a committee to develop a list of courses and course substitutions; requiring the establishment of prerequisites for admission to degree programs; amending s. 240.115, F.S.; specifying the number of hours of general education needed for admission to the upper division of a state university; providing for the articulation agreement to limit requirements for core curricula at community colleges and state universities; providing conditions for the award of an associate in arts degree or a baccalaureate degree; amending s. 240.1162, F.S.; adding certain considerations to the State Board of Education's process of articulation accountability; amending s. 240.233, F.S.; providing an exemption for certain students to the foreign language admissions requirement of state universities; amending s. 240.2333, F.S.; authorizing the articulation coordinating committee to specify alternative means for certain students to demonstrate foreign language proficiency; providing for student ombudsman offices at universities; directing universities to adopt a procedure; providing for student ombudsman offices at community colleges; directing community colleges to adopt a procedure; establishing guidelines; amending s. 240.2099, F.S.; specifying characteristics to be included in the computer-assisted student advising network; requiring the State University System and the community college system to establish a committee to oversee the development and maintenance of a student advising system; prescribing characteristics of the system; amending s. 240.325, F.S.; requiring a community college student who requires remediation to complete college remedial preparatory coursework before other coursework; requiring the State Board of Education to adopt rules for courses required for a student to earn an associate in arts degree; limiting the number of general education credit hours a community college may require; requiring an accountability system for the State University System; providing an effective date.

—which had been considered April 21. Pending **Amendment 1** by Senator Kirkpatrick was adopted.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 2—On page 4, line 1, strike "the board approves" and insert: two-thirds of the members of the Board of Regents vote to approve the request

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3—On page 3, line 20, after "system" insert: , except as provided in subsection (2)

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 4 (with Title Amendment)—On page 19, between lines 18 and 19, insert:

Section 12. Paragraph (a) of subsection (3) of section 240.529, Florida Statutes, is amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(3) INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process, based on standards adopted pursuant to subsection (2), shall be established for postsecondary teacher preparation programs. This program approval process shall be phased in according to timelines determined by the Department of Education and, by July 1, 1995, shall be fully implemented for all teacher preparation programs in the state. *Each program shall choose one of the following options:*

1. *An This approval process that incorporates for State University System teacher preparation programs shall incorporate those provisions and requirements necessary for recognition by the National Council for the Accreditation of Teacher Education and that provides shall provide for joint accreditation and program approval review by the state and the National Council for the Accreditation of Teacher Education for those units seeking initial or continuing accreditation. The approval process shall be consistent with the intent set forth in subsection (1); or-*

2. *An alternative Nonpublic postsecondary teacher preparation institutions shall choose the approval process specified in subparagraph 1. or an alternate program approval process developed by the department. This alternative alternate approval process shall be consistent with the intent set forth in subsection (1) and shall be based primarily upon significant, objective, and quantifiable graduate performance measures. This approval process shall not be based on National Council for the Accreditation of Teacher Education provisions and requirements.*

For purposes of this section, *the term "unit" is defined by the National Association for the Accreditation of Teacher Education and means the college, school, department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel. The term "program" is defined by the State Board of Education and means a set of courses, activities, or other experiences designed to help individuals develop the competencies required for a specified type of certification coverage.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 27, after the semicolon (;) insert: amending s. 240.529, F.S.; authorizing public teacher preparation program recognition by the National Council for the Accreditation of Teacher Education to be optional;

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 5—On page 6, line 21, strike "single list of prerequisites" and insert: list of prerequisites and course substitutions

Amendment 6 (with Title Amendment)—On page 14, lines 9-20, strike everything after the period (.) on line 9 and insert: *A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college preparatory course, must successfully complete the required college preparatory studies by the time the student has accumulated 18 hours of lower division college credit course*

work. A student enrolled in a college preparatory course as a result of scores on entry-level tests may enroll only in college credit courses that do not require the skills addressed in the college preparatory course. Each community college and university shall specify the college credit courses that are acceptable for enrollment for students enrolled in each college preparatory skill area.

And the title is amended as follows:

In title, on page 2, strike all of lines 18-20 and insert: limiting the time by which a student who requires remediation must complete remedial college preparatory

Amendment 7—On page 19, line 18, insert:

Section 12. The activities required to provide levels for courses, to list prerequisites and their substitutes, to determine general education requirements, and to limit degree program credit hours must be complete by January 1, 1996. University and community college catalogs must include the changes required by this act in time for full implementation for students entering a university or community college for the first time in fall of 1996.

(Renumber subsequent section.)

Amendment 8 (with Title Amendment)—On page 19, line 18, after the semicolon (;) insert:

Section 12. Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities, the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, the Board of Regents, and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 27, after the semicolon (;) insert: requiring consultation with specified boards prior to changing training requirements for entering into an occupation or profession;

Amendment 9 (with Title Amendment)—On page 19, between lines 18 and 19, insert:

Section 12. Effective July 1, 1996, all statutory requirements that baccalaureate degree programs offered by state universities conform to standards created by public or private accrediting organizations or associations, or professional associations, shall be repealed subject to recommendations to the Legislature by the Postsecondary Education Planning Commission to revive and readopt such requirements.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 27, after the semicolon (;) insert: providing for the repeal of requirements that state universities comply with certain accreditation standards;

Amendment 10—On page 3, line 2, and on page 6, line 3, strike “the fall semester of 1995” and insert: January 1, 1996

Amendment 11—On page 8, line 11 and on page 9, line 10, strike “the fall semester of 1995” and insert: the fall semester of 1996

Amendment 12—On page 5, line 29, strike “June 1, 1995” and insert: January 1, 1996

Amendment 13—On page 6, line 20, strike “July 1, 1995” and insert: January 1, 1996

Amendment 14—On page 8, line 8, strike “July 1, 1995” and insert: January 1, 1996

Amendment 15—On page 5, line 31, strike “July 31, 1995” and insert: January 1, 1996

Amendment 16—On page 4, line 20, strike “Beginning December 31, 1995” and insert: Beginning in the fall of 1996

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 2330** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 978—A bill to be entitled An act relating to dissolution of marriage, support, and custody; amending s. 61.075, F.S.; revising language with respect to the equitable distribution of marital assets and liabilities; amending s. 61.13, F.S.; providing that the circuit court in the county in which either parent and the child reside or the circuit court in which the original award of custody was entered have jurisdiction to modify an award of child custody; amending s. 61.181, F.S.; specifying persons upon whom a fee may be assessed; amending s. 61.30, F.S.; providing, with respect to gross income for child support purposes, that gross income includes court-ordered spousal support in the marriage before the court; providing that an allowable deduction from gross income shall be spousal support paid pursuant to a court order from a previous marriage or the marriage before the court; revising provisions with respect to minimum child support awards; amending s. 742.031, F.S.; providing for determining the primary residential care and custody of a child when a judgment of paternity contains no explicit award of custody; amending s. 744.301, F.S.; providing a presumption that the mother of a child born out of wedlock is the child's primary residential parent; providing that specified provisions apply to past and future support orders; providing effective dates.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for SB 978** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 994—A bill to be entitled An act relating to education; amending ss. 230.23, 230.33, and 232.26, F.S.; requiring expulsion from school of a student who makes a false accusation against a teacher; creating s. 741.25, F.S.; providing for recovery of damages for certain false accusations; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Bronson and adopted:

Amendment 1—On page 1, line 28, strike “shall” and insert: may

Amendment 2—On page 4, line 2, strike “shall” and insert: may

Amendment 3—On page 4, line 26, strike “shall” and insert: may

The Committee on Judiciary recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 4—On page 5, strike line 11 and insert: years living with the parents or legal guardian, from the parents or legal guardian of any such

On motion by Senator Bronson, by two-thirds vote **SB 994** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—2

MATTERS ON RECONSIDERATION

The motion by Senator Gutman that the rules be waived and the Senate reconsider the vote by which—

SB 498—A bill to be entitled An act relating to the practice and teaching of medicine; amending s. 458.3145, F.S.; revising the requirements for a doctor to be issued a medical faculty certificate; prohibiting certain entities from discriminating against a certificateholder who seeks staff membership, clinical privileges, or other credentials as a health care provider; providing an effective date.

—passed as amended this day was taken up and the motion was adopted.

Senator Gutman moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (with Title Amendment)—On page 4, between lines 22 and 23, insert:

Section 2. Electronic-imaging diagnostic-imaging or treatment services.—Only a physician licensed in this state or otherwise authorized to practice medicine in this state may order, from a person located outside this state, electronic-communications diagnostic-imaging or treatment services for a person located in this state.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 9, following the semicolon (;) insert: specifying persons who may order electronic-communications diagnostic-imaging or treatment services from persons located outside the state;

On motion by Senator Gutman, **SB 498** as amended was read by title, passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Senate resumed consideration of—

SB 686—A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.271, F.S.; revising the priority of claims against insolvent insurers; amending s. 631.713, F.S.; exempting certain policies and contracts from part III of ch. 631, F.S.; amending s. 631.717, F.S.; requiring the association to provide certain financial resources for obligations of insolvent insurers; authorizing payment of costs from the annuity account; authorizing the association to provide for alternative or reissued policies; amending s. 631.718, F.S.; revising assessment procedures; providing an effective date.

—having been amended and read the third time this day.

On motions by Senator Holzendorf, **SB 686** as amended was read by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 1038** was deferred.

SB 1378—A bill to be entitled An act relating to personal representatives; amending s. 733.617, F.S.; providing conditions for modifying compensation; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Effective January 1, 1996, subsection (7) is added to section 733.617, Florida Statutes, to read:

733.617 Compensation of personal representative.—

(7) *The compensation for a personal representative as set forth in subsections (2) and (3) may, upon petition of any interested person, be increased or decreased by the court. In determining whether to increase or decrease the compensation for ordinary services, the court must consider each of the following factors, giving each such weight as it determines to be appropriate:*

(a) *The promptness, efficiency, and skill with which the administration was handled by the personal representative;*

(b) *The responsibilities assumed by and the potential liabilities of the personal representative;*

(c) *The nature and value of the assets that are affected by the decedent's death;*

(d) *The benefits or detriments resulting to the estate or its beneficiaries from the personal representative's services;*

(e) *The complexity or simplicity of the administration and the novelties of the issues presented;*

(f) *The personal representative's participation in tax planning for the estate and the estate's beneficiaries and in tax-return preparation, review, or approval;*

(g) *The nature of the probate, nonprobate, and exempt assets; the expenses of administration; the liabilities of the decedent; and the compensation paid to other professionals and fiduciaries;*

(h) *Any delay in payment of the compensation after the services were furnished; and*

(i) *Any other relevant factors.*

Section 2. Section 733.6171, Florida Statutes, is amended to read:

733.6171 Compensation of attorney for the personal representative.—

(1) Attorneys for personal representatives shall be entitled to reasonable compensation for their services payable from the assets of the estate without court order.

(2) The attorney, the personal representative, and persons bearing the impact of the compensation may agree to compensation determined in a different manner than provided in this section. Compensation may also be determined in a different manner than provided in this section if the manner is disclosed to the parties bearing the impact of the compensation in the petition for discharge or final accounting and there is no objection filed pursuant to s. 733.901.

(3) ~~Ordinary~~ *Ordinary Compensation provided in the following schedule for ordinary services based upon the inventory value of the estate assets and the income earned by the estate during the administration consisting of the sum of the following two parts is presumed to be reasonable compensation for attorneys in formal estate administration:*

(a) *\$1,500 for estates having a value of \$40,000 or less.*

(b) *An additional \$750 for estates having a value of more than \$40,000 and not exceeding \$70,000.*

(c) *An additional \$750 for estates having a value of more than \$70,000 and not exceeding \$100,000.*

(d) *For estates having a value in excess of \$100,000, at the rate of 3 percent on the next \$900,000.*

(e) *At the rate of 2.5 percent for all above \$1 million and not exceeding \$3 million.*

(f) *At the rate of 2 percent for all above \$3 million and not exceeding \$5 million.*

(g) *At the rate of 1.5 percent for all above \$5 million and not exceeding \$10 million.*

(h) *At the rate of 1 percent for all above \$10 million.*

(4) *In addition to the attorney's fees for ordinary services, the attorney for the personal representative shall be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size of the estate. Extraordinary services may include, but are not limited to:*

(a) *Involvement in a will contest, will construction, a proceeding for determination of beneficiaries, a contested claim, elective share proceeding, apportionment of estate taxes, or any other adversarial proceeding or litigation by or against the estate.*

(b) *Representation of the personal representative in audit or any proceeding for adjustment, determination, or collection of any taxes.*

(c) *Tax advice on post mortem tax planning, including, but not limited to, disclaimer, renunciation of fiduciary commission, alternate valuation date, allocation of administrative expenses between tax returns, the QTIP or reverse QTIP election, allocation of GST exemption, qualification for Internal Revenue Code ss. 6166 and 303 privileges, deduc-*

tion of last illness expenses, fiscal year planning, distribution planning, asset basis considerations, handling income or deductions in respect of a decedent, valuation discounts, special use and other valuation, handling employee benefit or retirement proceeds, prompt assessment request, or request for release of personal liability for payment of tax.

(d) Review of estate tax return and preparation or review of other tax returns required to be filed by the personal representative.

(e) Preparation of the estate's federal estate tax return. If this return is prepared by the attorney, a fee of one-half of 1 percent up to a value of \$10 million and one-fourth of 1 percent on the value in excess of \$10 million of the gross estate as finally determined for federal estate tax purposes, is presumed to be reasonable compensation for the attorney for this service. These fees shall include services for routine audit of the return, not beyond the examining agent level, if required.

(f) Purchase, sale, lease, or encumbrance of real property by the personal representative or involvement in zoning, land use, environmental, or other similar matters.

(g) Legal advice regarding carrying on of decedent's business or conducting other commercial activity by the personal representative.

(h) Legal advice regarding claims for damage to the environment or related procedures

(i) Legal advice regarding homestead status of real property or proceedings involving that status.

(j) Involvement in fiduciary, employee, or attorney compensation disputes.

(k) Proceedings involving ancillary administration of assets not subject to administration in this state.

~~(a) The first part compensates the attorney's responsibility and is an amount equal to 2 percent of the inventory value of the estate assets and the income earned by the estate during the administration and, if the estate is required to file an estate tax return, an additional 1 percent on the balance of the gross estate as finally determined for federal estate tax purposes.~~

~~(b) The second part compensates the professional time expended and is an amount equal to the product of the number of hours reasonably expended, and a reasonable hourly rate for the attorney and for persons with special education, training, or experience, who are employed by and work under the supervision of the attorney and have furnished services in the estate administration.~~

(5)(4) Upon petition of any interested person, the court may increase or decrease the ordinary compensation for ordinary services of the attorney or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. In determining reasonable compensation, the court shall consider all of the following factors giving such weight to each as it may determine to be appropriate:

(a) The promptness, efficiency, and skill with which the administration was handled by the attorney.

(b) The responsibilities assumed by, and potential liabilities of, the attorney.

(c) The nature and value of the assets that are affected by the decedent's death.

(d) The benefits or detriments resulting to the estate or its beneficiaries from the attorney's services.

(e) The complexity or simplicity of the administration and the novelty of issues presented.

(f) The attorney's participation in tax planning for the estate and the estate's beneficiaries and tax return preparation or review and approval.

(g) The nature of the probate, nonprobate, and exempt assets, and the expenses of administration and liabilities of the decedent, and the compensation paid to other professionals and fiduciaries.

(h) Any delay in payment of the compensation after the services were furnished.

(i) Any other relevant factors.

(6)(5) The court may determine reasonable attorney's compensation without receiving expert testimony. Any party may offer expert testimony after notice to interested persons. If expert testimony is offered, an expert witness fee may be awarded by the court and paid from the assets of the estate. The court may, in its discretion, direct from what part of the estate it shall be paid.

(7)(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney shall furnish a copy to the personal representative prior to commencement of employment, and, if employed, shall promptly file and serve a copy on all interested persons. Neither a separate agreement nor a provision in the will suggesting or directing the personal representative to retain a specific attorney will obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid shall not exceed the compensation provided in the agreement.

(8)(7) Court proceedings to determine compensation, if required, are a part of the estate administration process, and the costs, including fees for the personal representative's attorney, shall be determined by the court and paid from the assets of the estate unless the court finds the request for attorney's fees to be substantially unreasonable. The court shall direct from which part of the estate they shall be paid.

(9) The amount and manner of determining compensation for attorneys for personal representatives must be disclosed in the final accounting, unless the disclosure is waived in writing signed by the parties bearing the impact of the compensation and filed with the court. No such waiver shall be valid unless it contains language declaring that the waiving party has actual knowledge of the amount and manner of determining such compensation and, in addition, expressly acknowledging either one of the following two elements:

(a) That the waiving party has agreed to the amount and manner of determining such compensation and is waiving any objections to payment of such compensation; or

(b) That the waiving party has the right under subsection (5) to petition the court to decrease such compensation and is waiving that right.

The requirements of this subsection shall not apply if the full amount of such compensation has previously been determined by order of the court after notice. A waiver of the final accounting shall not be effective if it does not meet the requirements of this subsection.

(10)(9) This section shall apply to estates in which an order of discharge has not been entered prior to its effective date but not to those estates in which attorney's fees have previously been determined by order of court after notice.

Section 3. Section 737.204, Florida Statutes, is amended to read:

737.204 Proceedings for review of employment of agents and review of compensation of trustee and employees of trust.—

(1) After notice to all interested persons, the court may review the propriety of employment by a trustee of any person, including any attorney, auditor, investment adviser, or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed and of the compensation determined by the trustee for his own services. A person who has received excessive compensation from a trust may be ordered to make a refund of the excess.

(2) If the settlor's estate is being probated, the trustee, the attorney, or any interested person may have the propriety of employment and the reasonableness of the compensation of the trustee or any person employed by the trustee determined in the probate proceeding.

(3) In any proceeding under this section the petitioner shall either:

(a) Serve notice on all interested persons in the manner provided for service of formal notice under s. 731.301, together with a notice advising the interested person that an answer to the petition must be filed and served on petitioner within 20 days from the service of the petition or the petition may be considered ex parte, and such notice shall be sufficient for the court to acquire jurisdiction for this proceeding over the person receiving formal notice to the extent of the person's interest in the trust; or

(b) Obtain jurisdiction over interested persons in any other manner permitted by law.

(4) Persons given notice as provided in this section shall be bound by all orders entered on the petition.

Section 4. Section 737.2041, Florida Statutes, is created to read:

737.2041 Trustee's attorney's fees.—

(1) The attorney retained by the trustee of a trust described in s. 733.707(3) shall be entitled to reasonable compensation for legal services rendered in the initial administration of the trust payable from the assets of the trust without court order.

(2) The attorney, the trustee, and persons bearing the impact of the compensation may agree to compensation determined in a different manner than provided in this section.

(3) Compensation for ordinary services based upon the value of the trust assets immediately following the settlor's death and the income earned by the trust during initial administration at the rate of 75 percent of the schedule provided in s. 733.6171(3)(a)-(h) is presumed to be reasonable compensation for attorneys in initial trust administration.

(4) Ordinary services of the attorney for a trustee include legal advice and representation where applicable, relating to:

(a) Review of the trust instrument and each amendment for legal sufficiency and interpretation.

(b) Implementation of substitution of the successor trustee.

(c) Persons who must or should be served with required notices and the method and timing of such service.

(d) The obligation of a successor to require a former trustee to account.

(e) The trustee's duty to protect, insure, and manage trust assets and the trustee's liability relating to these duties.

(f) The trustee's duty regarding investments imposed by the prudent investor rule.

(g) Contributions due to the personal representative of settlor's estate for payment of administrative expenses or creditor claims and estate taxes.

(h) The trustee's obligation to inform and account to beneficiaries and the method of satisfaction of these obligations.

(i) Creditor procedures and direct payment or compromise and satisfaction of claims against the trust assets.

(j) Identifying tax returns required to be filed by the trustee, the trustee's liability for payment of taxes, and the due date of returns.

(k) Obtaining nontaxable certificate and receipt, if not done by a personal representative.

(l) Order of payment of expenses of administration of the trust, contribution to the settlor's estate or claims filed against trust assets, and order and priority of abatement of bequests and legacies in the trust.

(m) Distribution of income or principal to beneficiaries or funding of further trusts provided in the governing instrument.

(n) Preparation of any legal documents required to effect distribution.

(o) Fiduciary duties, avoidance of self-dealing, conflicts of interest, duty of impartiality, and obligations to beneficiaries.

(p) If there is a conflict of interest between a trustee who is a beneficiary and other beneficiaries of the trust, advice to the trustee on limitations of certain authority of the trustee regarding discretionary distributions or exercise of certain powers and alternatives for appointment of an independent trustee and appropriate procedures.

(q) Procedures for trustee's discharge from liability for administration of trust upon termination or resignation.

(5) When a corporate fiduciary is serving as trustee or cotrustee of a trust described in s. 733.707(3), the presumptive fee for ordinary services

and the list of what constitutes ordinary services in subsections (3) and (4) shall not apply, and what constitutes ordinary services and reasonable compensation for those services shall instead be determined under the particular facts and circumstances applicable to that trust. In addition to the attorney's fees for ordinary services, the attorney for the trustee shall be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size of the trust. Extraordinary services may include, but are not limited to:

(a) Involvement in a trust contest, trust construction, a proceeding for determination of beneficiaries, a contested claim, elective share proceedings, apportionment of estate taxes, or other adversary proceedings or litigation by or against the trust.

(b) Representation of the trustee in audit or any proceeding for adjustment, determination, or collection of any taxes.

(c) Tax advice on post mortem tax planning, including, but not limited to, disclaimer, renunciation of fiduciary commission, alternate valuation date, allocation of administrative expenses between tax returns, the QTIP or reverse QTIP election, allocation of GST exemption, qualification for Internal Revenue Code ss. 6166 and 303 privileges, deduction of last illness expenses, distribution planning, asset basis considerations, throwback rules, handling income or deductions in respect of a decedent, valuation discounts, special use and other valuation, handling employee benefit or retirement proceeds, prompt assessment request, or request for release of personal liability for payment of tax.

(d) Review of estate tax return and preparation or review of other tax returns required to be filed by the trustee.

(e) Preparation of decedent's federal estate tax return. If this return is prepared by the attorney, a fee of one-half of 1 percent up to a value of \$10 million and one-fourth of 1 percent on the value in excess of \$10 million, of the gross estate as finally determined for federal estate tax purposes, is presumed to be reasonable compensation for the attorney for this service. These fees shall include services for routine audit of the return, not beyond the examining agent level, if required.

(f) Purchase, sale, lease, or encumbrance of real property by the trustee or involvement in zoning, land use, environmental, or other similar matters.

(g) Legal advice regarding carrying on of decedent's business or conducting other commercial activity by the trustee.

(h) Legal advice regarding claims for damage to the environment or related procedures.

(i) Legal advice regarding homestead status of trust real property or proceedings involving the status.

(j) Involvement in fiduciary, employee, or attorney compensation disputes.

(k) Considerations of special valuation of trust assets, including discounts for blockage, minority interests, lack of marketability, and environmental liability.

(6) Upon petition of any interested person in a proceeding to review the compensation paid or to be paid to the attorney for the trustee, the court may increase or decrease the compensation for ordinary services of the attorney for the trustee or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. In determining reasonable compensation, the court shall consider all of the following factors giving such weight to each as it may determine to be appropriate:

(a) The promptness, efficiency, and skill with which the initial administration was handled by the attorney.

(b) The responsibilities assumed by, and potential liabilities of, the attorney.

(c) The nature and value of the assets that are affected by the decedent's death.

(d) The benefits or detriments resulting to the trust or its beneficiaries from the attorney's services.

(e) The complexity or simplicity of the administration and the novelty of issues presented.

(f) The attorney's participation in tax planning for the estate, the trust, and the trust's beneficiaries and tax return preparation or review and approval.

(g) The nature of the trust assets, the expenses of administration, and the claims payable by the trust and the compensation paid to other professionals and fiduciaries.

(h) Any delay in payment of the compensation after the services were furnished.

(i) Any other relevant factors.

(7) The court may determine reasonable attorney's compensation without receiving expert testimony. Any party may offer expert testimony after notice to interested persons. If expert testimony is offered, an expert witness fee may be awarded by the court and paid from the assets of the trust. The court may, in its discretion, direct from what part of the trust it shall be paid.

(8) If a separate written agreement regarding compensation exists between the attorney and the settlor, the attorney shall furnish a copy to the trustee prior to commencement of employment and, if employed, shall promptly file and serve a copy on all interested persons. Neither a separate agreement nor a provision in the trust suggesting or directing the trustee to retain a specific attorney will obligate the trustee to employ the attorney or obligate the attorney to accept the representation, but, if the attorney who is a party to the agreement or who drafted the trust is employed, the compensation paid shall not exceed the compensation provided in the agreement.

(9) Court proceedings to determine compensation, if required, are a part of the trust administration process, and the costs, including fees for the trustee's attorney, shall be determined by the court and paid from the assets of the trust unless the court finds the attorney's fees request to be substantially unreasonable. The court shall direct from which part of the trust they shall be paid.

(10) "Initial trust administration" as used in this section means administration of a trust described in s. 733.707(3) during the period which begins with the death of the settlor and ends upon the final distribution of trust assets outright or to continuing trusts created under the trust agreement, but if an estate tax return is required, not until after issuance of an estate tax closing letter or other evidence of termination of the estate tax proceeding. This initial period is not intended to include continued regular administration of the trust.

(11) This section shall apply to trusts of settlors who die on or after July 1, 1995.

Section 5. Paragraph (g) of subsection (1) of section 689.075, Florida Statutes, is amended to read:

689.075 Inter vivos trusts; powers retained by settlor.—

(1) A trust which is otherwise valid, including, but not limited to, a trust the principal of which is composed of real property, intangible personal property, tangible personal property, the possible expectancy of receiving as a named beneficiary death benefits as described in s. 733.808, or any combination thereof, and which has been created by a written instrument shall not be held invalid or an attempted testamentary disposition for any one or more of the following reasons:

(g) Because the settlor is, at the time of the execution of the instrument, or thereafter becomes, sole trustee; provided that at the time the trust instrument complies with the requirements of s. 737.111 is executed it is either valid under the laws of the jurisdiction in which it is executed or it is executed in accordance with the formalities for the execution of wills required in such jurisdiction.

Section 6. Subsection (21) of section 731.201, Florida Statutes, is amended to read:

731.201 General definitions.—Subject to additional definitions in subsequent chapters that are applicable to specific chapters or parts, and unless the context otherwise requires, in this code and chapters 737, 738, and 744:

(21) "Interested person" means any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved. In any proceeding affecting the estate or the rights of a beneficiary in the estate, the personal representative of the estate shall be

deemed to be an interested person. In any proceeding affecting the expenses of the administration of the estate, or any claims described in s. 733.702(1), the trustee of a trust described in s. 733.707(3) is an interested person in the administration of the grantor's estate. The term does not include an heir at law or a devisee who has received his distribution. The meaning, as it relates to particular persons, may vary from time to time and must be determined according to the particular purpose of, and matter involved in, any proceedings.

Section 7. Effective October 1, 1995, and applicable to decedents who die after September 30, 1995, subsection (3) of section 733.212, Florida Statutes, is amended to read:

733.212 Notice of administration; filing of objections and claims.—

(3) The personal representative shall serve a copy of the notice on the following persons who are known to the personal representative:

(a) ~~The decedent's surviving spouse; of the decedent and all~~

(b) ~~Beneficiaries; known to the personal representative and~~

(c) The trustee of any trust described in s. 733.707(3), of which the decedent was grantor

in the manner provided for service of formal notice, unless served under s. 733.2123. The personal representative may similarly serve a copy of the notice on any devisees under a known prior will or heirs.

Section 8. Effective October 1, 1995, and applying to decedents who die after September 30, 1995, section 733.306, Florida Statutes, is amended to read:

733.306 Effect of appointment of debtor.—

(1) The appointment of a debtor as personal representative shall not extinguish the debt due to the decedent. This subsection does ~~section shall~~ not prevent a testator from releasing a debtor by will.

(2)(a) Two years after the death of a settlor, neither a trust described in s. 733.707(3) as established by the settlor, the trustee of the trust, nor any beneficiary may be held liable for any claim or cause of action against the settlor by a creditor who seeks to recover from the trust, trustee, or beneficiary.

(b) This subsection does not apply to a creditor who has timely filed a claim against the settlor's estate under s. 733.702 within 2 years after the settlor's death and whose claim has not been paid or otherwise disposed of, even if the settlor's estate proceedings have been closed or otherwise completed.

(c) This subsection does not affect the lien of a duly recorded mortgage or security interest or the right to foreclose and enforce the mortgage or lien.

Section 9. Effective October 1, 1995, and applying to decedents who die after September 30, 1995, subsection (2) of section 733.607, Florida Statutes, is amended to read:

733.607 Possession of estate.—

(2) If, after providing for statutory entitlements and all devises other than residuary devises, ~~To the extent~~ the assets of the decedent's grantor's estate are insufficient to pay the expenses of the administration of the decedent's grantor's estate and enforceable and timely filed claims of the decedent's grantor's creditors, the personal representative ~~is shall~~ be entitled to seek such payment from the trustee of a trust described in s. 733.707(3), in upon whom a copy of the notice of administration has been served of such sum or sums as the amount the personal representative certifies shall certify in writing to be required to satisfy such insufficiency.

Section 10. Subsection (3) of section 733.707, Florida Statutes, is amended to read:

733.707 Order of payment of expenses and obligations.—

(3) Any portion of a trust with respect to which a decedent who is the grantor has at the decedent's death a right of revocation, as defined in paragraph (c) ~~A disposition in trust for the use and benefit of the grantor of such trust to the extent the grantor of the trust has at his death the right, either alone or in conjunction with any other person, is liable for to revoke the trust and re-vest principal in himself, is subject to~~

the expenses of the administration of the ~~decedent's grantor's~~ estate and the enforceable ~~and timely filed~~ claims of the ~~decedent's grantor's~~ creditors to the extent the ~~decedent's estate is grantor's assets subject to probate administration~~ are insufficient to pay them as provided in s. 733.607(2) ~~for their satisfaction.~~

(a) For purposes of this subsection, any all trusts established as part of, and all payments from, either an employee annuity described in s. 403 of the Internal Revenue Code of 1986, as amended, an Individual Retirement Account, as described in s. 408 of the Internal Revenue Code of 1986, as amended, a Keogh (HR-10) Plan, or a retirement or other plan established by a corporation which is qualified under s. 401 of the Internal Revenue Code of 1986, as amended, shall not be considered a trust over which the decedent has a right of revocation ~~disposition in trust for the use and benefit of the grantor.~~

(b) For purposes of this subsection, any trust described in s. 644 of the Internal Revenue Code of 1986, as amended, shall not be considered a trust over which the decedent has a right of revocation.

(c)(b) This subsection shall not impair any rights an individual has under a qualified domestic relations order as that term is defined in s. 414(p) of the Internal Revenue Code of 1986, as amended.

(d)(e) For purposes of this subsection, property held or received by a trust to the extent that ~~the said~~ property would not have been subject to claims against the ~~decedent's grantor's~~ estate if it had been paid directly to a trust created under the ~~decedent's grantor's~~ will or other than to the ~~decedent's grantor's~~ estate, or assets received from any trust other than a trust described in this subsection, shall not be deemed assets of the trust available for the payment of the expenses of administration of and enforceable ~~and timely filed~~ claims against the ~~decedent's grantor's~~ estate.

Section 11. Effective October 1, 1995, section 737.111, Florida Statutes, is created to read:

737.111 Execution requirements for express trusts.—

(1) The testamentary aspects of a trust defined in s. 731.201(33), are invalid unless the trust is executed with the formalities required for the execution of a will.

(2) The testamentary aspects of a trust created by a nonresident are not invalid because the trust does not meet the requirements of this section, if the trust is valid under the laws of the state or country where the settlor was at the time of execution.

(3) The testamentary aspects of an amendment to a trust are invalid unless the amendment is executed with the same formalities as a will.

(4) For the purposes of this section, the term "testamentary aspects" means those provisions of the trust that dispose of the trust property on the death of the settlor other than to the settlor's estate.

Section 12. Section 737.303, Florida Statutes, is amended to read:

737.303 Duty to inform and account to beneficiaries.—The trustee shall keep the beneficiaries of the trust reasonably informed of the trust and its administration. *The trustee's duty to inform and account includes, but is not limited to, the following* ~~In addition:~~

(1) Within 30 days after his acceptance of the trust, the trustee shall inform the ~~current income~~ beneficiaries and ~~vested remaindermen~~ in writing of ~~the his~~ acceptance of the trust and ~~the full of his~~ name and address of the trustee.

(2) Upon reasonable request, the trustee shall provide a beneficiary ~~as defined under ss. 731.201 and 731.303~~ with a complete copy of the trust instrument, ~~including amendments that describes or affects his interest.~~

(3) Upon reasonable request, the trustee shall provide a ~~any~~ vested beneficiary with relevant information about the assets of the trust and the particulars relating to administration.

(4)(a) A ~~vested~~ beneficiary is entitled to a statement of the accounts of the trust annually and upon termination of the trust or upon change of the trustee ~~except as provided under paragraph (c).~~

(b) For purposes of this section, the term "beneficiary" means:

1. All current income or principal beneficiaries, whether discretionary or mandatory; and

2. All reasonably ascertainable remainder beneficiaries who would take if all income interests immediately terminated.

(c) In the case of a trust described in s. 733.707(3), the trustee's duties under paragraph (a) extend only to the grantor or beneficiary or the legal representative of the grantor or beneficiary during the grantor's lifetime.

(d) A beneficiary or the beneficiary's representative, as defined in s. 731.303, may waive, in writing, the trustee's duty to account under paragraph (a).

(e) All rights provided a beneficiary under this section may be asserted by a legal representative or natural guardian of the beneficiary. Notice under subsection (1) and a statement of accounts under paragraph (a) provided to a representative of the beneficiary as defined in s. 731.303 shall bind the beneficiary.

Section 13. Section 737.3054, Florida Statutes, is created to read:

737.3054 Trustee's duty to pay expenses and obligations of settlor's estate.—

(1) A trustee of a trust described in s. 733.707(3) shall pay to the personal representative of a settlor's estate any amounts that the personal representative certifies in writing to the trustee are required to pay the expenses of the administration of the settlor's estate and the enforceable claims of the settlor's creditors. Payments made by a trustee, unless otherwise provided in the trust instrument, must be charged as expenses of the trust without a contribution from anyone. The interest of all beneficiaries of such a trust are subject to the provisions of this subsection; however, the payments must be made from assets or property or the proceeds thereof, other than assets proscribed in s. 733.707(3), which are included in the settlor's gross estate for federal estate tax purposes.

(2) Unless a settlor provides by will, or designates the funds or property passing under a trust described in s. 733.707(3) to be so used, the expenses of the administration of the settlor's estate and enforceable claims of the settlor's creditors must be paid from the trust in the following order:

(a) Property of the residue of the trust remaining after all distributions that are to be satisfied by reference to a specific property or type of property, fund, or sum;

(b) Property that is not to be distributed from specified or identified property or a specified or identified item of property; and

(c) Property that is to be distributed from specified or identified property or a specified or identified item of property.

(3) Trust distributions that are to be satisfied from specified or identified property must be classed as distributions to be satisfied from the general assets of the trust and not otherwise disposed of in the trust instrument upon the failure or insufficiency of funds or property from which payment should be made, to the extent of the insufficiency. Trust distributions given for valuable consideration abate with other distributions of the same class only to the extent of the excess over the value of the consideration until all others of the same class are exhausted. Except as provided in this section, trust distributions abate equally and ratably and without preference or priority between real and personal property. When a specified or identified item of property that has been designated for distribution in the trust instrument or that is charged with a distribution is sold or taken by the trustee, other beneficiaries shall contribute according to their respective interests to the beneficiary whose property has been sold or taken, and before distribution the trustee shall determine the amounts of the respective contributions, and they must be paid or withheld before distribution is made.

(4) The trustee shall pay the expenses of trust administration, including compensation of trustees and their attorneys, before and in preference to the expenses of the administration of the settlor's estate and enforceable claims of the settlor's creditors.

Section 14. Effective October 1, 1995, and applying to decedents who die after September 30, 1995, section 737.308, Florida Statutes, is created to read:

737.308 Notice of trust.—

(1) Upon the death of a settlor of a trust described in s. 733.707(3), the trustee must file a notice of trust with the court of the county of the settlor's domicile and the court having jurisdiction of the settlor's estate.

(2) The notice of trust must contain the name of the settlor, the settlor's date of death, the title of the trust, if any, the date of the trust, and the name and address of the trustee.

(3) If the settlor's probate proceeding has been commenced, the clerk must notify the trustee in writing of the date of the commencement of the probate proceeding and the file number.

(4) The clerk shall file and index the notice of trust in the same manner as a caveat, unless there exists a probate proceeding for the settlor's estate in which case the notice of trust must be filed in the probate proceeding and the clerk shall send a copy to the personal representative.

(5) In any proceeding affecting the expenses of the administration of the estate, or any claims described in s. 733.702(1), the trustee of a trust described in s. 733.707(3) is an interested person in the administration of the grantor's estate.

(6) Any proceeding affecting the expenses of the administration of the estate or any claims described in s. 733.702(1) prior to the trustee filing a notice of trust are binding upon the trustee.

(7) The trustee's failure to file the notice of trust does not affect the trustee's obligation to pay expenses of administration and enforceable claims as provided in s. 733.607(2).

Section 15. Paragraph (c) of subsection (2) of section 737.402, Florida Statutes, is amended and paragraph (bb) is added to that subsection, to read:

737.402 Powers of trustees conferred by this part.—

(2) Unless otherwise provided in the trust instrument, a trustee has the power:

(c) To receive additions to the assets of the trust and, unless expressly provided to the contrary in the trust instrument, to incorporate those additions as part of the trust or hold the additions as a separate trust having terms identical to the terms of the existing trust.

(bb) To sever any trust on a fractional basis into two or more separate and identical trusts for any reason or to segregate by allocation to a separate account or trust a specific amount from, a portion of, or specific assets included in, the trust property of any trust, pursuant to a disclaimer, unless expressly provided to the contrary in the trust instrument. Income earned on a segregated amount, portion, or specific asset after the segregation is effective passes with the amount, portion, or asset segregated. Each separate trust must be held and administered upon the identical terms and conditions of the trust from which it was severed. Subject to the terms of the trust, the trustee may take into consideration differences in federal tax attributes and other pertinent factors in administering the trust property of any separate account or trust, in making applicable tax elections, and in making distributions. A separate trust created by severance must be treated as a separate trust for all purposes from the date on which the severance is effective. The effective date of the severance may be retroactive to a date before the date on which the trustee exercises such power.

Section 16. Subsection (1) of section 737.403, Florida Statutes, is amended to read:

737.403 Power of court to permit deviation or to approve transactions involving conflict of interest.—

(1) This part does not affect the power of the court to relieve a trustee for cause from any restrictions on the trustee's ~~his~~ power that would otherwise be placed upon the trustee ~~him~~ by the trust or by this part.

(a) Unless expressly provided to the contrary in the trust instrument, the court may permit a trustee:

1. To consolidate two or more trusts having similar terms into a single trust; or

2. To sever any trust on a fractional basis into two or more separate trusts for any reason, and to segregate by allocation to a separate account or trust a specific amount from, a portion of, or a specific asset included in the trust property of any trust to reflect a disclaimer, to reflect or result in differences in federal tax attributes, to satisfy any

federal tax requirement, to make federal tax elections, to reduce potential generation-skipping transfer tax liability, or for any other tax planning purposes or other reasons.

a. A separate trust created by severance must be treated as a separate trust for all purposes from the effective date on which the severance is effective. The effective date of the severance may be retroactive to a date before the date on which the court approves the severance.

b. A trustee who acts in good faith is not liable to any person for taking into consideration differences in federal tax attributes and other pertinent factors in administering the trust property of any separate account or trust, in making applicable tax elections, and making distributions pursuant to the terms of the separate trust.

(b) A trust created by consolidation or severance under this section must be held on terms and conditions identical to those before the consolidation or severance, or upon such terms or conditions that the aggregate interests of each beneficiary after the consolidation or severance will be reasonably equivalent to that beneficiary's aggregate interests before the consolidation or severance. In determining whether a beneficiary's aggregate interests are reasonably equivalent, the court shall consider the economic value of those interests to the extent that they can be valued, considering such actuarial factors as may be appropriate. If a beneficiary's interest cannot be valued with any reasonable degree of certainty because of the nature of the trust property, the terms of the trust, or other reasons, the court shall base the determination upon such other factors as are reasonable and appropriate under the facts and circumstances applicable to that particular trust, including the purposes of the trust.

(c) The terms of any trust before consolidation or a severance under paragraph (a) which permit qualification of that trust for an applicable federal tax deduction, exclusion, election, exemption, or other special federal tax status must remain identical in the consolidated trust or in each of the separate trusts created by severance.

(d) Income earned on a consolidated or severed amount, portion, or specific asset after the consolidation or severance is effective passes with that amount, portion, or specific asset.

Section 17. Effective October 1, 1995, section 709.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 709.08, F.S., for present text.)

709.08 Durable power of attorney.—

(1) CREATION OF DURABLE POWER OF ATTORNEY.—A durable power of attorney is a written power of attorney by which a principal designates another as the principal's attorney in fact. The durable power of attorney must be in writing, must be executed with the same formalities required for the conveyance of real property by Florida law, and must contain the words: "This durable power of attorney is not affected by subsequent incapacity of the principal except as provided in s. 709.08, Florida Statutes"; or similar words that show the principal's intent that the authority conferred is exercisable notwithstanding the principal's subsequent incapacity, except as otherwise provided by this section. The durable power of attorney is exercisable as of the date of execution.

(2) WHO MAY SERVE AS ATTORNEY IN FACT.—The attorney in fact must be a natural person who is 18 years of age or older and is of sound mind, or a financial institution, as defined in chapter 655, with trust powers, having a place of business in this state and authorized to conduct trust business in this state.

(3) EFFECT OF DELEGATION, REVOCATION, OR FILING OF PETITION TO DETERMINE INCAPACITY.—

(a) A durable power of attorney is nondelegable except as permitted in subparagraph (7)(a)1.

(b) The attorney in fact may exercise the authority granted under a durable power of attorney until the principal dies, revokes the power, or is adjudicated totally or partially incapacitated by a court of competent jurisdiction, unless the court determines that certain authority granted by the durable power of attorney is to remain exercisable by the attorney in fact.

(c)1. If any person or entity initiates proceedings in any court of competent jurisdiction to determine the principal's incapacity, the authority

granted under the durable power of attorney is suspended until the petition is dismissed or withdrawn. Notice of the petition must be served upon all attorneys in fact named in any power of attorney which is known to the petitioner.

2. If an emergency arises after initiation of proceedings to determine incapacity and before adjudication regarding the principal's capacity, the attorney in fact may petition the court in which the proceeding is pending for authorization to exercise a power granted under the durable power of attorney. The petition must set forth the nature of the emergency, the property or matter involved, and the power to be exercised by the attorney in fact.

3. Notwithstanding the provisions of this section, a proceeding to determine incapacity must not affect any authority of the attorney in fact to make health care decisions for the principal, including, but not limited to, those defined in chapter 765, unless otherwise ordered by the court. If the principal has executed a health care advance directive designating a health care surrogate pursuant to chapter 765, the terms of the directive will control if the two documents are in conflict unless the durable power of attorney is later executed and expressly states otherwise.

(4) PROTECTION WITHOUT NOTICE; GOOD-FAITH ACTS; AFFIDAVITS.—

(a) Any third party may rely upon the authority granted in a durable power of attorney until the third party has received notice as provided in subsection (5).

(b) Until a third party has received notice of revocation pursuant to subsection (5), partial or complete termination of the durable power of attorney by adjudication of incapacity, suspension by initiation of proceedings to determine incapacity, death of the principal, or the occurrence of an event referenced in the power of attorney, the third party may act in reliance upon the authority granted in the durable power of attorney.

(c) A third party that has not received written notice under subsection (5) may, but need not, require that the attorney in fact execute an affidavit stating that there has been no revocation, partial or complete termination, or suspension of the durable power of attorney at the time the power of attorney is exercised. A written affidavit executed by the attorney in fact under this paragraph may, but need not, be in the following form:

STATE OF
COUNTY OF

Before me, the undersigned authority, personally appeared. . . (attorney in fact) . . . ("Affiant"), who swore or affirmed that:

1. Affiant is the attorney in fact named in the Durable Power of Attorney executed by . . . (principal) . . . ("Principal") on . . . (date) . . .

2. To the best of Affiant's knowledge after diligent search and inquiry:

a. The Principal is not deceased, has not been adjudicated incapacitated, and has not revoked, partially or completely terminated, or suspended the Durable Power of Attorney; and

b. A petition to determine the incapacity of or to appoint a guardian for the Principal is not pending.

3. Affiant agrees not to exercise any powers granted by the Durable Power of Attorney if Affiant attains knowledge that it has been revoked, partially or completely terminated, suspended, or is no longer valid because of the death or adjudication of incapacity of the Principal.

. . . Affiant . . .

Sworn to (or affirmed) and subscribed before me this day of
, 19, by . . . (name of person making statement) . . .

. . . (Signature of Notary Public-State of Florida) . . .
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known OR Produced Identification
. . . (Type of Identification Produced) . . .

(d) Third parties who act in reliance upon the authority granted to the attorney in fact under the durable power of attorney and in accordance with the instructions of the attorney in fact must be held harmless by the principal from any loss suffered or liability incurred as a result of actions taken prior to receipt of written notice of revocation, suspension, notice of a petition to determine incapacity, partial or complete termination, or death of the principal. A person who acts in good faith upon any representation, direction, decision, or act of the attorney in fact is not liable to the principal or the principal's estate, beneficiaries, or joint owners for those acts.

(e) A durable power of attorney may provide that the attorney in fact is not liable for any acts or decisions made by the attorney in fact in good faith and under the terms of the durable power of attorney.

(5) NOTICE.—

(a) A notice, including, but not limited to, a notice of revocation, partial or complete termination, suspension, or otherwise, is not effective until written notice is served upon the attorney in fact or any third persons relying upon a durable power of attorney.

(b) Notice must be in writing and served on the person or entity to be bound by such notice. Service may be by any form of mail that requires a signed receipt or by personal delivery as provided for service of process. Service is complete when received by interested persons or entities specified in this section and in chapter 48, where applicable. In the case of a financial institution as defined in chapter 655, notice must be served during regular business hours upon an officer or manager of the financial institution at the financial institution's principal place of business in Florida and its office where the power of attorney or account was presented, handled, or administered. Except for service of court orders, a third party served with notice must be given 14 calendar days after service to act upon that notice. In the case of a financial institution, notice must be served before the occurrence of any of the events described in s. 674.303.

(6) PROPERTY SUBJECT TO DURABLE POWER OF ATTORNEY.—Unless otherwise stated in the durable power of attorney, the durable power of attorney applies to any interest in property owned by the principal, including, without limitation, the principal's interest in all real property, including homestead real property; all personal property, tangible or intangible; all property held in any type of joint tenancy, including a tenancy in common, joint tenancy with right of survivorship, or a tenancy by the entirety; all property over which the principal holds a general, limited, or special power of appointment; choses in action; and all other contractual or statutory rights or elections, including, but not limited to, any rights or elections in any probate or similar proceeding to which the principal is or may become entitled.

(7) POWERS OF THE ATTORNEY IN FACT AND LIMITATIONS.—

(a) Except as otherwise limited by this section, by other applicable law, or by the durable power of attorney, the attorney in fact has full authority to perform, without prior court approval, every act authorized and specifically enumerated in the durable power of attorney. Such authorization may include, except as otherwise limited in this section:

1. The authority to execute stock powers or similar documents on behalf of the principal and delegate to a transfer agent or similar person the authority to register any stocks, bonds, or other securities either into or out of the principal's or nominee's name.

2. The authority to convey or mortgage homestead property. If the principal is married, the attorney in fact may not mortgage or convey homestead property without joinder of the spouse of the principal or the spouse's legal guardian. Joinder by a spouse may be accomplished by the exercise of authority in a durable power of attorney executed by the joining spouse, and either spouse may appoint the other as his attorney in fact.

(b) Notwithstanding the provisions of this section, an attorney in fact may not:

- 1. Perform duties under a contract that requires the exercise of personal services of the principal;
- 2. Make any affidavit as to the personal knowledge of the principal;
- 3. Vote in any public election on behalf of the principal;

4. Execute or revoke any will or codicil for the principal;
5. Create, amend, modify, or revoke any document or other disposition effective at the principal's death or transfer assets to an existing trust created by the principal unless expressly authorized by the power of attorney; or
6. Exercise powers and authority granted to the principal as trustee or as court-appointed fiduciary.

(c) If such authority is specifically granted in the durable power of attorney, the attorney in fact may make all health care decisions on behalf of the principal, including, but not limited to, those set forth in chapter 765.

(8) **STANDARD OF CARE.**—Except as otherwise provided in paragraph (4)(e), an attorney in fact is a fiduciary who must observe the standards of care applicable to trustees as described in s. 737.302. The attorney in fact is not liable to third parties for any act pursuant to the durable power of attorney if the act was authorized at the time. If the exercise of the power is improper, the attorney in fact is liable to interested persons as described in s. 731.201 for damage or loss resulting from a breach of fiduciary duty by the attorney in fact to the same extent as the trustee of an express trust.

(9) **MULTIPLE ATTORNEYS IN FACT; WHEN JOINT ACTION REQUIRED.**—Unless the durable power of attorney provides otherwise:

(a) If a durable power of attorney is vested jointly in two attorneys in fact by the same instrument, concurrence of both is required on all acts in the exercise of the power.

(b) If a durable power of attorney is vested jointly in three or more attorneys in fact by the same instrument, concurrence of a majority is required in all acts in the exercise of the power.

(c) An attorney in fact who has not concurred in the exercise of authority is not liable to the principal or any other person for the consequences of the exercise. A dissenting attorney in fact is not liable for the consequences of an act in which the attorney in fact joins at the direction of the majority of the joint attorneys in fact if the attorney in fact expresses such dissent in writing to any of the other joint attorneys in fact at or before the time of the joinder.

(d) If the attorney in fact has accepted appointment either expressly in writing or by acting under the power, this section does not excuse the attorney in fact from liability for failure either to participate in the administration of assets subject to the power or for failure to attempt to prevent a breach of fiduciary obligations thereunder.

(10) **POWERS OF REMAINING ATTORNEY IN FACT.**—Unless the durable power of attorney provides otherwise, all authority vested in multiple attorneys in fact may be exercised by the one or more that remain after the death, resignation, or incapacity of one or more of the multiple attorneys in fact.

(11) **DAMAGES AND COSTS.**—In any judicial action under this section, including, but not limited to, the unreasonable refusal of a third party to allow an attorney in fact to act pursuant to the power, and challenges to the proper exercise of authority by the attorney in fact, the prevailing party is entitled to damages and costs, including reasonable attorney's fees.

(12) **APPLICATION.**—This section applies to only those durable powers of attorney executed on or after October 1, 1995.

(13) **PARTIAL INVALIDITY.**—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application and to this end the provisions of this section are severable.

Section 18. Section 733.6121, Florida Statutes, is created to read:

733.6121 Powers of personal representatives conferred by this part in relation to environmental or human health laws affecting property subject to administration or to property subject to administration contaminated with hazardous or toxic substances; liability.—

(1) Except as otherwise provided by the will or by order of court, and subject to s. 733.805, the personal representative has, without court authorization, the powers specified in subsection (2).

(2) A personal representative has the power, acting reasonably and for the benefit of the interested parties:

(a) To inspect or investigate, or cause to be inspected or investigated, property subject to administration, including interests in sole proprietorships, partnerships, or corporations and any assets owned by any such business entity for the purpose of determining compliance with an environmental law affecting that property or to respond to an actual or threatened violation of an environmental law affecting that property;

(b) To take, on behalf of the estate, any action necessary to prevent, abate, or otherwise remedy an actual or potential violation of an environmental law affecting property subject to administration, either before or after initiation of an enforcement action by a governmental body;

(c) To settle or compromise at any time any claim against the estate or the personal representative that may be asserted by a governmental body or private party which involves the alleged violation of an environmental law affecting property subject to administration over which the personal representative has responsibility;

(d) To disclaim any power granted by any document, statute, or rule of law which, in the sole judgment of the personal representative, could cause the personal representative to incur personal liability, or the estate to incur liability, under any environmental law;

(e) To decline to serve as a personal representative, or having undertaken to serve as a personal representative, to resign at any time, if the personal representative believes that there is or could be a conflict of interest in his fiduciary capacity and in his individual capacity because of potential claims or liabilities that could be asserted against it on behalf of the estate by reason of the type or condition of the assets held; or

(f) To charge against the assets of the estate the cost of any inspection, investigation, review, abatement, response, clean-up, or remedial action that this section authorizes the personal representative to take; and, in the event of the closing or termination of the estate or the transfer of the estate property to another personal representative, to hold moneys sufficient to cover the cost of cleaning up any known environmental problem.

(3) A personal representative is not personally liable to any beneficiary or any other party for a decrease in value of assets in an estate by reason of the personal representative's compliance or efforts to comply with an environmental law, specifically including any reporting requirement under that law.

(4) A personal representative who acquires ownership or control of a vessel or other property without having owned, operated, or materially participated in the management of that vessel or property before assuming ownership or control as personal representative is not considered an owner or operator for purposes of liability under chapter 376, chapter 403, or any other environmental law. A personal representative who willfully, knowingly, or recklessly causes or exacerbates a release or threatened release of a hazardous substance is personally liable for the cost of the response, to the extent that the release or threatened release is attributable to the personal representative's activities. This subsection does not preclude the filing of claims against the assets that constitute the estate held by the personal representative or the filing of actions against the personal representative in his representative capacity. In any such action, an award or judgment against the personal representative must be satisfied only from the assets of the estate.

(5) Neither the acceptance by the personal representative of the property or a failure by the personal representative to inspect or investigate the property creates any inference as to whether there is liability under an environmental law with respect to that property.

(6) For the purposes of this section, the term "environmental law" means a federal, state, or local law, rule, regulation, or ordinance that relates to protection of the environment or human health, and the term "hazardous substance" means a substance, material, or waste defined as hazardous or toxic, or any contaminant, pollutant, or constituent thereof, or otherwise regulated by an environmental law.

(7) This section applies to any estate admitted to probate on or after July 1, 1995.

Section 19. Section 737.4025, Florida Statutes, is created to read:

737.4025 Powers of trustees conferred by this part in relation to environmental or human health laws affecting trust property or to trust property contaminated with hazardous or toxic substances; liability.—

(1) From the creation of a trust until final distribution of the assets from the trust, the trustee has, without court authorization, the powers specified in subsection (2).

(2) Unless otherwise provided in the trust instrument, a trustee has the power, acting reasonably and for the benefit of the beneficiaries:

(a) To inspect or investigate, or cause to be inspected or investigated, property held by the trustee, including interests in sole proprietorships, partnerships, or corporations and any assets owned by any such business entity for the purpose of determining compliance with an environmental law affecting that property or to respond to an actual or threatened violation of an environmental law affecting that property;

(b) To take, on behalf of the trust, any action necessary to prevent, abate, or otherwise remedy an actual or potential violation of an environmental law affecting property held by the trustee, either before or after initiation of an enforcement action by a governmental body;

(c) To refuse to accept property in trust if the trustee determines that any property to be donated or conveyed to the trustee either is contaminated with a hazardous substance or is being used or has been used for an activity directly or indirectly involving a hazardous substance, which circumstance could result in liability to the trust or trustee or otherwise impair the value of the assets to be held;

(d) To settle or compromise at any time any claim against the trust or trustee that may be asserted by a governmental body or private party which involves the alleged violation of an environmental law affecting property of any trust over which the trustee has responsibility;

(e) To disclaim any power granted by any document, statute, or rule of law which, in the sole judgment of the trustee, may cause the trustee to incur personal liability, or the trust to incur liability, under any environmental law;

(f) To decline to serve as a trustee, or having undertaken to serve as a trustee, to resign at any time, if the trustee believes that there is or may be a conflict of interest in its fiduciary capacity and in its individual capacity because of potential claims or liabilities that may be asserted against it on behalf of the trust by reason of the type or condition of the assets held; or

(g) To charge against the income and principal of the trust the cost of any inspection, investigation, review, abatement, response, clean-up, or remedial action that this section authorizes the trustee to take; and, in the event of the closing or termination of the trust or the transfer of the trust property to another trustee, to hold assets sufficient to cover the cost of cleaning up any known environmental problem.

(3) A trustee is not personally liable to any beneficiary or any other party for a decrease in value of assets in a trust by reason of the trustee's compliance or efforts to comply with an environmental law, specifically including any reporting requirement under that law.

(4) A trustee that acquires ownership or control of a vessel or other property without having owned, operated, or materially participated in the management of that vessel or property before assuming ownership or control as trustee is not considered an owner or operator for purposes of liability under chapter 376, chapter 403, or any other environmental law. A trustee that willfully, knowingly, or recklessly causes or exacerbates a release or threatened release of a hazardous substance is personally liable for the cost of the response, to the extent that the release or threatened release is attributable to the trustee's activities. This subsection does not preclude the filing of claims against the assets that constitute the trust held by the trustee or the filing of actions against the trustee in its representative capacity. In any such action, an award or judgment against the trustee must be satisfied only from the assets of the trust.

(5) Neither the acceptance by the trustee of the property or a failure by the trustee to inspect or investigate the property creates any inference as to whether there is liability under an environmental law with respect to that property.

(6) For the purposes of this section, the term "environmental law" means a federal, state, or local law, rule, regulation, or ordinance that relates to protection of the environment or human health, and the term

"hazardous substance" means a substance defined as hazardous or toxic, or any contaminant, pollutant, or constituent thereof, or otherwise regulated by an environmental law.

(7) This section does not apply to any trust created under a document executed before July 1, 1995, unless the trust is amendable and the settlor amends the trust at any time to incorporate the provisions of this section.

Section 20. Subsection (1) of section 28.223, Florida Statutes, is amended to read:

28.223 Probate records; recordation.—

(1) The clerk of the circuit shall record all wills and codicils admitted to probate, orders revoking the probate of any wills and codicils, letters of administration, orders affecting or describing real property, final orders, and orders of final discharge, and orders of guardianship filed in his office. No other petitions, pleadings, papers, or other orders relating to probate matters shall be recorded except on the written direction of the court. The direction may be by incorporation in the order of the words "To be recorded," or words to that effect. Failure to record an order or a judgment shall not affect its validity.

Section 21. Subsection (1) of section 733.816, Florida Statutes, is amended to read:

733.816 Disposition of unclaimed property held by personal representatives.—

(1) In all cases in which there is unclaimed property in the hands of a personal representative that cannot be distributed or paid to the lawful owner because of inability to find him or because no lawful owner is known, the court shall order the personal representative to sell the property and deposit the proceeds and cash already in hand, after retaining those amounts provided for in subsection (4), with the clerk and receive a receipt, and the clerk shall deposit the funds in the registry of the court to be disposed of as follows:

(a) If the value of the funds is \$500 \$50 or less, the clerk shall post a notice for 30 days at the courthouse door giving the amount involved, the name of the personal representative, and the other pertinent information that will put interested persons on notice.

(b) If the value of the funds is over \$500 \$50, the clerk shall publish the notice once a month for 2 consecutive months in a newspaper of general circulation in the county.

After the expiration of 6 months from the posting or first publication, the clerk shall deposit the funds with the State Treasurer after deducting his fees and the costs of publication.

Section 22. Subsection (3) of section 744.3201, Florida Statutes, is amended to read:

744.3201 Petition to determine incapacity.—

(3) A copy of any petition for appointment of guardian or emergency temporary guardian, if applicable, shall be filed with the petition to determine incapacity.

Section 23. Subsection (1) of section 744.362, Florida Statutes, is amended to read:

744.362 Initial guardianship report.—

(1) Each guardian shall file with the court an initial guardianship report within 60 days after his *letters of guardianship are signed appointment as guardian*. The initial guardianship report for a guardian of the property must consist of a verified inventory. The initial report for a guardian of the person must consist of an initial guardianship plan. The initial report shall be served on the ward, unless the ward is a minor under the age of 14 years or is totally incapacitated, and the attorney for the ward. Either the ward or the ward's attorney may request a hearing concerning the adequacy of the report.

Section 24. Subsection (1) of section 744.367, Florida Statutes, is amended to read:

744.367 Duty to file annual guardianship report.—

(1) Unless the court requires filing on a calendar-year basis, each guardian of the person shall file with the court an annual guardianship

plan within 90 days after the last day of the anniversary month the letters of guardianship were signed, and the plan must cover the coming fiscal year, ending on the last day in such anniversary month. If the court requires calendar-year filing, the guardianship plan must be filed within 90 days after the end of the calendar year.

Section 25. Section 744.3725, Florida Statutes, is amended to read:

744.3725 Procedure for extraordinary authority.—Before the court may grant authority to a guardian to exercise any of the rights specified in s. 744.3215(4), the court must:

(1) Appoint an independent attorney to act on the incapacitated person's behalf, and the attorney must have the opportunity to meet with the person and to present evidence and cross-examine witnesses at any hearing on the petition for authority to act;

(2) Receive as evidence independent medical, psychological, and social evaluations with respect to the incapacitated person by competent professionals or appoint its own experts to assist in the evaluations;

(3) Personally meet with the incapacitated person to obtain its own impression of the person's capacity, so as to afford the incapacitated person the full opportunity to express his personal views or desires with respect to the judicial proceeding and issue before the court;

(4) Find by clear and convincing evidence that the person lacks the capacity to make a decision about the issue before the court and that the incapacitated person's capacity is not likely to change in the foreseeable future; and

(5) Be persuaded by clear and convincing evidence that the authority being requested is in the best interests of the incapacitated person; and

(6) In the case of dissolution of marriage, find that the ward's spouse has consented to the dissolution.

The provisions of this section and s. 744.3215(4) are procedural and do not establish any new or independent right to or authority over the termination of parental rights, dissolution of marriage, sterilization, abortion, or the termination of life support systems.

Section 26. Section 744.471, Florida Statutes, is amended to read:

744.471 Appointment of successor.—A successor guardian must be appointed and duly qualified before a guardian shall be relieved of his duties and obligations as provided in s. 744.467. A successor guardian shall be appointed if a guardian dies, or becomes incapacitated, or is removed. Successor guardians are governed by the laws concerning guardianships.

Section 27. Section 744.703, Florida Statutes, is amended to read:

744.703 Office of public guardian; appointment, notification.—

(1) The chief judge of the judicial circuit, after consultation with the circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about with knowledge of the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, an office of public guardian and create a list of persons best qualified to serve as the public guardian. The public guardian must shall have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. A nonprofit corporation under s. 744.309(5) s. 744.309(4) may be appointed public guardian only if:

(a) ~~It provides no services other than guardianship;~~

(a)(b) It has been granted tax-exempt status from the United States Internal Revenue Service; and

(b)(e) It maintains a staff of professionally qualified individuals to carry out the guardianship functions, including a staff attorney who has with experience in probate areas and another person who has with at least a master's degree in social work.

(2) The chief judge shall appoint the public guardian. A public guardian must shall meet the qualifications for a guardian as prescribed in s. 744.309(1)(a). Upon appointment of the public guardian, the chief judge shall notify the Chief Justice of the Supreme Court of Florida, in writing, of the appointment.

(3) If the needs of the circuit do not require a full-time public guardian, a part-time public guardian may be appointed at reduced compensation.

(4) A public guardian, whether full-time or part-time, may shall not hold any other public position in any city, county, or state government or federal agency, or any position that, which would create a conflict of interest.

(5) The public guardian is to shall be appointed for a term of 4 years, after which his appointment must shall be reviewed by the chief judge of the circuit, and may be reappointed. Removal of the public guardian from his office during his term of office must be by the chief judge. This section does not Nothing herein shall be construed to limit the application of ss. 744.474 and 744.477.

Section 28. Effective October 1, 1995, and applying to decedents who die after September 30, 1995, section 737.3056, Florida Statutes, is repealed.

Section 29. Effective October 1, 1995, and applying to decedents who die after September 30, 1995, section 737.3057, Florida Statutes, is repealed.

Section 30. Except as otherwise provided in this act, this act shall take effect July 1, 1995.

And the title is amended as follows:

A bill to be entitled An act relating to legal and personal representation; amending s. 733.617, F.S.; providing conditions for modifying compensation; amending s. 733.6171, F.S.; changing the method of calculation and determining the amount of fees for attorneys for personal representatives; disallowing certain attorney's fees if the request for the fee is substantially unreasonable; amending s. 737.204, F.S.; adding procedures to review fees payable to trustees and other employees in trust administration; providing for notice; creating s. 737.2041, F.S.; providing for procedures to determine attorney's fees in trust administrations similar to the procedure and rate structure in probate; amending s. 689.075, F.S.; providing that a trust is not invalid because the settlor is the sole trustee if the trust instrument meets the execution requirements for express trusts; amending s. 731.201, F.S.; providing that a trustee is an interested person in the administration of the grantor's estate; amending s. 733.212, F.S.; providing for service of notice of administration on certain people; amending s. 733.306, F.S.; limiting the period for bringing a claim or cause of action against certain types of trusts, trustees, or beneficiaries; amending s. 733.607, F.S.; providing for payments from a trustee of a trust to the personal representative of a decedent's estate under certain conditions; amending 733.707, F.S.; providing liability of certain trusts for payment of the expenses of administration of a deceased's estate and of claims of creditors against a deceased's estate to the extent that the estate is insufficient to pay them; creating s. 737.111, F.S.; providing execution requirements for express trusts; amending s. 737.303, F.S.; prescribing a trustee's duty to account for the administration of a trust to certain defined beneficiaries; creating s. 737.3054, F.S.; providing a trustee's duty to pay expenses and obligations of a settlor's estate; creating s. 737.308, F.S.; providing for notice of trust; providing powers of trustees; amending s. 737.403, F.S.; providing for certain court-authorized transactions by a trustee; amending s. 709.08, F.S.; providing for the creation of a durable power of attorney; providing who may serve as attorney in fact; providing for the effect of delegation, revocation, or filing of petition to determine incapacity; providing for conflict between durable power of attorney and health care advance directive; providing for protection without notice, good-faith acts, and affidavits; providing for notice; providing for property subject to durable power of attorney; providing for powers of the attorney in fact and providing limitations; providing for standard of care; providing when joint action is required with respect to multiple attorneys in fact; providing additional powers; providing for damages and costs; providing for application; providing for partial invalidity; creating s. 733.6121, F.S.; granting to a personal representative specified powers that the personal representative may exercise without court authorization, unless otherwise provided by the court or by the decedent's will, in relation to environmental and contamination problems concerning property held or to be held by the personal representative; prescribing the liability of a personal representative in such matters; prescribing applicability; creating s. 737.4025, F.S.; granting to a trustee specified powers that the trustee may exercise without court authorization, unless otherwise provided in the trust instrument, in relation to environmental and contamination problems concerning property held or to be held by the

trustee; prescribing the liability of a trustee in such matters; prescribing applicability; amending s. 28.223, F.S.; requiring the clerks of the circuit court to record orders of guardianship; amending s. 733.816, F.S.; providing for notice on disposition of unclaimed property of a certain value held by a personal representative; amending s. 744.3201, F.S.; requiring a copy of the petition for appointment of guardian at the time the petition to determine incapacity is filed; amending s. 744.362, F.S.; providing that guardians shall file an initial guardianship report within 60 days after the letters of guardianship are signed; amending s. 744.367, F.S.; prescribing the ending time of an annual guardianship plan; amending s. 744.3725, F.S.; providing a condition for grant of authority to a guardian; amending s. 744.471, F.S.; providing that successor guardians shall be governed by the laws concerning guardianships; amending s. 744.703, F.S.; providing for appointment and qualifications of public guardians; repealing s. 737.3056, F.S., relating to a trustee's duty to pay expenses of a settlor's estate; repealing s. 737.3057, F.S., relating to a trustee's duty to notice creditors; providing effective dates.

On motion by Senator Dudley, further consideration of **SB 1378** with pending **Amendment 1** was deferred.

SB 1568—A bill to be entitled An act relating to guardians ad litem; creating s. 61.405, F.S.; providing civil immunity to a guardian ad litem under specified circumstances; providing an effective date.

—was read the second time by title.

One amendment as amended was adopted to **SB 1568** to conform the bill to **HB 1387**.

Pending further consideration of **SB 1568** as amended, on motion by Senator Rossin, by two-thirds vote **HB 1387** was withdrawn from the Committee on Judiciary.

On motion by Senator Rossin—

HB 1387—A bill to be entitled An act relating to guardians ad litem; creating s. 61.405, F.S.; providing immunity to a guardian ad litem; providing an effective date.

—a companion measure, was substituted for **SB 1568** and read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1387** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SENATOR BURT PRESIDING

Consideration of **SB 1726** was deferred.

SB 1802—A bill to be entitled An act relating to the Florida Artists Hall of Fame; amending s. 265.2865, F.S.; clarifying legislative intent; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Harris and adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 9-16 and insert:

Section 1. Subsection (1) of section 265.2865, Florida Statutes, is amended, subsections (5) and (6) are renumbered as subsections (6) and (7), respectively, and new subsection (5) is added to said section, to read:

265.2865 Florida Artists Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to the arts in this state, either as performing artists, or as practicing artists in individual disciplines, or as benefactors of the arts.

(5) Any benefactor of the arts who was named to the Florida Artists Hall of Fame before October 1, 1995, shall remain in the Florida Artists Hall of Fame.

And the title is amended as follows:

In title, on page 1, line 4, after the semicolon (;) insert: specifying that certain benefactors of the arts are to remain in the Florida Artists Hall of Fame;

Senator Harris moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 1, between lines 16 and 17, insert:

Section 2. Subsection (1) of section 255.043, Florida Statutes, is amended to read:

255.043 Art in state buildings.—

(1) Each appropriation for the original construction of a state building which provides public access shall include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, to be used for the acquisition of works of art produced by, but not limited to, Florida artists or craftsmen. Those works of art acquired shall be displayed for viewing in public areas in the interior or on the grounds or the exterior of the building and not in private offices or areas with limited public access.

Section 3. Paragraph (m) of subsection (3) of section 267.061, Florida Statutes, 1994 Supplement, is amended to read:

267.061 Historic properties; state policy, responsibilities.—

(3) DIVISION RESPONSIBILITY.—It is the responsibility of the division to:

(m) Acquire, maintain, preserve, interpret, exhibit, and make available for study objects which have intrinsic historical or archaeological value relating to the history, government, or culture of the state. Such objects may include tangible personal property of historical or archaeological value. Objects acquired under this paragraph belong to the state, and title to such objects is vested in the division.

1. Notwithstanding s. 273.02, the division shall maintain an adequate record of all objects in its custody which have a historical or archaeological value. Once each year, on July 1 or as soon thereafter as practicable, the division shall take a complete inventory of all such objects in its custody the value or cost of which is \$500 or more and a sample inventory of such objects the value or cost of which is less than \$500. Each inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled. Objects of historical or archaeological value are not required to be identified by marking or other physical alteration of the objects.

2. The division may arrange for the temporary or permanent loan of any object which has historical or archaeological value in its custody. Such loans shall be for the purpose of assisting historical, archaeological, or other studies; providing objects relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and the programs of the division; or assisting the division in carrying out its responsibility to ensure proper curation of the objects.

3. The division may determine from time to time that an object which is in its custody and which is owned by the state has no further use or value for the research, exhibit, or educational programs of the division, or that such an object will receive more appropriate maintenance and preservation by another agency, institution, or organization, and may loan, exchange, sell, or otherwise transfer ownership and custody of such object to another agency, institution, or organization for the purpose of ensuring the continued maintenance and preservation of such object, or for the purpose of acquiring another object which better serves the interests of the state and is more appropriate for promoting knowledge and appreciation of Florida history and the programs of the division.

4. For the purpose of the exchange, sale, or other transfer of objects of historical or archaeological value, the division is exempt from chapter 273.

5. All moneys received from the sale of an object which has historical or archaeological value pursuant to subparagraph 3. shall be deposited in the Museum of Florida History Trust Fund and shall be used exclusively for the acquisition of additional historical and archaeological objects or the preservation and maintenance of any such objects in the custody of the division.

6. The division shall adopt rules pursuant to chapter 120 that prescribe criteria for the inventory and for the loan, exchange, sale, transfer, or other disposal of state-owned objects of historical or archaeological value.

7. Any custodian as defined in s. 273.01(1) who violates any provision of this paragraph or any rule adopted pursuant to this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

8. Notwithstanding any provision of s. 287.022 or s. 287.025(1)(e), the division may enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title.

9. *The division may implement a program to administer finds of isolated historic artifacts from state-owned river bottoms whereby the division may transfer ownership of such artifacts to the finder in exchange for information about the artifacts and the circumstances and location of their discovery.*

Section 4. Paragraph (c) of subsection (2) of section 267.072, Florida Statutes, is amended to read:

267.072 Museum of Florida history programs; trust fund.—

(2) The division shall:

(c) Deposit gifts and donations for the purpose of assisting the Museum of Florida History and its programs in the Museum of Florida History Trust Fund to be used exclusively for the benefit of programs of the museum and in a manner consistent with any terms or conditions agreed to by the division in accepting such gifts ~~acquisition and production of exhibits or for the purchase of items for resale in the museum store.~~

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2-5 and insert: An act relating to cultural affairs; amending s. 265.2865, F.S.; clarifying legislative intent about the Florida Artists Hall of Fame; amending s. 255.043, F.S.; authorizing display of certain works of art on the grounds or exterior of certain buildings; amending s. 267.061, F.S.; authorizing the Division of Historical Resources of the Department of State to implement a program for transferring ownership of certain historic artifacts under certain circumstances; amending s. 267.072, F.S.; clarifying the use of gifts and donations deposited into the Museum of Florida History Trust Fund; providing an effective date.

On motion by Senator Harris, by two-thirds vote **SB 1802** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 510—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; transferring the supervision of motor carrier compliance and safety to the Assistant Secretary for District Operations of the Department of Transportation; amending s. 163.3164, F.S.; defining the term "transportation corridor management"; amending s. 163.3177, F.S.; authorizing the designation of transportation corridors in local government comprehensive plans; authorizing the adoption of transportation corridor management ordinances; amending s. 186.021, F.S.; providing that the short-range component of the Florida Transportation Plan and the annual performance report serve as the agency strategic plan for the Department of Transportation; amending s. 206.46, F.S.; providing for a percentage of state transportation tax revenues deposited in the State Transportation Trust Fund to be transferred to the Right-of-Way Acquisition and Bridge Construction Trust Fund for certain purposes; amending s. 206.47, F.S.; removing the requirement that certain maintenance tasks be limited to that which is necessary for the safe and efficient operation of roads; amending s. 255.552, F.S.; exempting certain structures from the asbestos program; amending s. 255.5535, F.S.; exempting structures acquired for transportation purposes from an asbestos survey if such structures are demolished in accordance with certain guidelines and an asbestos survey is performed to state guidelines; amending s. 255.557, F.S.; clarifying that asbestos-containing material is identified by a survey required by s. 255.553, F.S.; amending s. 311.09, F.S.; requiring the Florida Seaport Mission Plan to be consistent with the

goals of the Florida Transportation Plan; requiring submission of the Florida Seaport Mission Plan by February 1 of each year; clarifying that the recipient port pays for administrative costs upon execution of a joint participation agreement with the department; amending s. 316.0755, F.S.; requiring pedestrian indicators to conform to the Manual on Uniform Traffic Devices; amending s. 316.079, F.S.; requiring a driver of a vehicle on the public roadways to yield to an escort vehicle and accompanying flagperson; creating s. 316.08, F.S.; establishing requirements of flagpersons; amending s. 330.30, F.S.; exempting helistops used by mosquito control or emergency services from state airport licensing requirements; amending s. 332.006, F.S.; requiring the statewide aviation system plan to be consistent with the goals of the Florida Transportation Plan; amending s. 332.007, F.S.; authorizing the department to fund the federal portion of an aviation project upon assurance of repayment; repealing s. 332.008, F.S., relating to the Florida Aviation Advisory Council; repealing s. 334.22, F.S., relating to private transportation facilities; amending s. 334.30, F.S.; authorizing the department to enter into agreements for the building, operation, ownership, or financing of transportation facilities; deleting a provision that has had its effect; amending s. 335.02, F.S.; authorizing the department to establish lane standards on the State Highway System; repealing s. 335.035, F.S., relating to completion of the interstate highway system; repealing s. 335.20, F.S., the Local Government Transportation Assistance Act; amending s. 337.107, F.S.; including demolition and removal of improvements and asbestos-abatement services as right-of-way services; amending s. 337.11, F.S.; authorizing a major bridge or rail corridor project as a design-build project; revising requirements for design-build procedures; deleting a reporting requirement; amending s. 337.243, F.S.; providing for notice of land use changes in transportation corridors designated in local government comprehensive plans; amending s. 337.273, F.S.; providing for the designation and management of transportation corridors in local government comprehensive plans to be made consistent with growth management requirements and requirements for local transportation corridor management ordinances; amending s. 337.276, F.S.; authorizing the Division of Bond Finance of the State Board of Administration to issue state bonds to finance state bridge construction; amending s. 337.406, F.S.; authorizing local governmental entities to initiate enforcement action for a violation occurring on a right-of-way; amending s. 338.001, F.S.; requiring the Florida Intrastate Highway System Plan to be consistent with the goals of the Florida Transportation Plan; repealing s. 338.13, F.S., relating to the termination of ferry operations; amending s. 338.2275, F.S.; removing the references to cost amounts of turnpike projects; requiring project cost amounts to be reported to the Legislature annually; authorizing the Suncoast Parkway, Project 2; amending s. 338.2276, F.S., relating to the Western Beltway turnpike project; revising a cross-reference to conform to changes made in the act; amending s. 338.235, F.S.; authorizing the department to secure contracts for services on the turnpike by the competitive bid process; amending s. 338.239, F.S.; limiting the reimbursement of the expenses of highway patrol services on the turnpike mainline; amending s. 338.251, F.S.; authorizing repayments to the Toll Facilities Revolving Trust Fund by the Orlando-Orange County Expressway Authority to be appropriated to the Seminole County Expressway Authority; repealing s. 339.135(8), F.S., relating to the department's annual performance monitoring report; repealing s. 339.149, F.S., relating to periodic audits; amending s. 339.155, F.S.; providing that the Florida Transportation Plan creates a policy framework for other department plans; providing for a long-range and short-range component; establishing a schedule for submission of the plan; establishing an annual performance report; repealing the State Transportation Improvement Program; amending s. 339.175, F.S.; authorizing an alternate representative from each M.P.O. to vote in absence of a representative; authorizing the Metropolitan Planning Organization Advisory Council to employ an executive director and other staff; assigning the council to the Office of the Secretary for fiscal and accountability purposes; amending s. 341.041, F.S.; requiring the statewide transit plan to be consistent with the goals of the Florida Transportation Plan; amending s. 341.051, F.S.; authorizing local governments to receive federal grants or apportionments for commuter-assistance projects; authorizing the department to expend state funds on commuter-assistance projects; authorizing the department to fund a percentage of the nonfederal share of a local commuter-assistance project; authorizing the department to fund a statewide or multiple county commuter-assistance project; amending s. 341.302, F.S.; requiring the statewide rail system plan to be consistent with the goals of the Florida Transportation Plan; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to acquire by donation or otherwise certain property or options thereof and to make partnerships providing for participation in ownership and revenues in order

to facilitate financing and constructing the Western Beltway; amending s. 348.7544, F.S.; authorizing the authority to own that portion of the Western Beltway known as the Northwest Beltway Part A; amending s. 348.7545, F.S.; authorizing the authority to exercise its condemnation power to construct, finance, operate, own, and maintain the Western Beltway Part C; amending s. 348.760, F.S.; authorizing the authority to make partnerships; amending s. 479.07, F.S.; providing an exception to the requirements for sign permits; providing for a permit to be reinstated; amending s. 479.105, F.S.; providing criteria for permitting nonconforming signs; amending s. 843.08, F.S.; providing a criminal penalty for impersonating an officer of the Department of Transportation; repealing ss. 7 and 8 of ch. 93-164, Laws of Florida, and s. 48 of ch. 94-237, Laws of Florida; abrogating the repeal and review of s. 334.046, F.S., relating to the department's program objectives; repealing s. 78 of ch. 94-237, Laws of Florida, which appropriates money for a seaports enhancement grant program; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 11, line 21, after the period (.) insert: *Notwithstanding the 5 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed \$100 million.*

Amendment 2—On page 18, strike all of lines 6-23 and insert: *yield the right-of-way to an escort vehicle or pedestrian flagperson that is engaged in the management of highway movements of an oversize vehicle permitted pursuant to s. 316.550, provided the driver is reasonably and lawfully notified of the presence of such vehicle or flagperson.*

Section 13. Section 316.08, Florida Statutes, is created to read:

316.08 Requirements of flagpersons.—Any flagperson engaged in the direction of traffic on public roadways while accompanying an escort vehicle or any escort vehicle must:

- (1) Operate in accordance with all safety requirements prescribed by law and the Department of Transportation;
- (2) Operate only on the routes authorized by a special permit issued pursuant to s. 316.550 authorizing the specific vehicle and the load the flagperson or escort vehicle is accompanying; and
- (3) Meet any additional conditions required in the special permit.

Amendment 3 (with Title Amendment)—On page 22, lines 25-30; on page 23, lines 1-31; on page 24, lines 1-30; and on page 25, lines 1-13, strike all of said lines and insert:

Section 24. Subsection (13) is added and subsection (7) of section 337.11, Florida Statutes, 1994 Supplement, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, ~~the department may to combine the design and construction phases of a road, structure, or building, a major bridge, or a rail corridor project and appurtenant facilities or equipment into a single contract, the department may secure such work through a request for proposals. Such contract is referred to as a design-build contract. Factors including, but not limited to, time savings, cost reduction, adequate availability of qualified contractors, experience to be gained, or use of state of the art methods shall be considered when determining the best interests of the public.~~

(b) The department shall adopt by rule procedures for administering ~~design-build combined design and construction contracts.~~ Such procedures shall include, but not be limited to:

1. ~~Prequalification requirements of applicants.~~
2. ~~Public announcement procedures of occasions when a design and construction contract is desired.~~
3. ~~Scope of service requirements. Criteria to be used in determining which of the design and construction teams may submit technical and price proposals. These criteria shall include such factors as the abilities of the professional personnel; utilization of socially and economically dis-~~

~~advantaged business enterprises; past performance; capacity to meet time and budget requirements; location; recent, current, and projected workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.~~

4. ~~Letters of interest requirements Criteria to be used in developing requests for proposals.~~

5. ~~Short-listing criteria and procedures personnel to be used for evaluating proposals and awarding contracts.~~

6. ~~Bid proposal requirements.~~

7. ~~Technical review committee.~~

8. ~~Selection and award processes.~~

(c) ~~The department must receive If a prequalified applicant is interested in submitting a proposal in response to the announcement of a potential design and construction project, the applicant shall submit a letter of interest to the department. The letter of interest shall contain such information and be in such format as required by the rules of the department. If at least three letters of interest in order to be received from qualified design and construction teams, the department may proceed with a request for proposals. The department shall request proposals from no fewer less than three of the design-build firms design and construction teams submitting letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.~~

(d) ~~In evaluating proposals, the department shall consider the cost, safety, and long term durability of the project; the length of time proposed to complete the project; the feasibility of implementing the project as proposed; and such other factors as the department deems appropriate.~~

(e) ~~Once the contract is awarded, the department may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the total cost of a project resulting from such negotiated changes does not exceed the cost of the next lowest responsible proposal.~~

(f) ~~The department may conduct a combined design and construction contract demonstration program, not to exceed a total contract amount of \$50 million. Pursuant to this program, the department may award, to the qualified firm or joint venture with the lowest cost and best technical proposal, combined design and construction contracts in accordance with this subsection for projects in the department's adopted work program.~~

~~Annually, the department shall submit to the transportation committees of the Senate and the House of Representatives a report outlining the results obtained from completed combined design and construction contracts awarded to that time.~~

(13) ~~When the department determines that it is in the best interest of the public, the department may enter into a contract with an electric utility as defined in subsection 366.02(2) for the construction or maintenance of lighting on poles owned by the electric utility and located within a road right-of-way without competitive bidding. In any contract entered into without competition, the individuals taking part in the evaluation or award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.~~

Section 25. Subsection (1) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(1) The department may lease to public agencies or private entities, for a term not to exceed 99 50 years, the use of department property, including rights-of-way, for joint public-private transportation purposes to further economic development in this state and generate revenue for transportation. The department may also lease the use of areas above or below state highways or other transportation facilities for commercial purposes. Leases under this section are subject to any reservations, restrictions, or conditions necessary to ensure adequate protection for the safe and efficient operation and maintenance of all transportation and utility facilities, the adequacy of traffic flow, and the full use of existing and future state transportation facilities. Such joint public-private use or commercial use of property may not interfere with the primary state

transportation needs or present or future utility needs for that property nor be contrary to the best interests of the public. The department may not lease any such property if the proposed use conflicts with zoning or land development codes of any affected local government. The department shall, prior to entering into such lease, determine that the property subject to the lease has a permanent transportation use related to the responsibilities of the department, has the potential for such future transportation uses, or constitutes airspace or subsurface rights attached to property having such uses, and is therefore not available for sale as surplus property.

Section 26. Section 316.0741, Florida Statutes, is created to read:

316.0741 High Occupancy Vehicle Lanes.—

(1) "High occupancy vehicle lane" or "HOV lane" means a lane of a public roadway designated for use by vehicles in which there is more than one occupant.

(2) The number of persons that must be in a vehicle to qualify for legal use of the HOV lane and the hours during which the lane will serve as an HOV lane, if it is not designated as such on a full-time basis, must also be indicated on a traffic control device.

(3) No vehicle may be driven in an HOV lane with fewer than the number of occupants indicated by a traffic control device. A driver in violation of this section shall be punished as provided by s. 316.655.

Section 27. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, 1994 Supplement, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(5)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(5)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of an accident resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in an accident—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. Improper equipment or the operation of a motor vehicle which is in an unsafe condition pursuant to s. 316.610—2 points; except that when the operator corrects the defect within 10 days from the date upon which the traffic citation was issued—0 points. The provisions of this subparagraph shall not apply to violations of s. 316.610 by a commercial motor vehicle as defined in s. 316.003(66) or by transit buses owned and operated by a governmental entity.
7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.2065(12) or s. 316.0741.
8. Any moving violation covered above, excluding unlawful speed, resulting in an accident—4 points.
9. Any conviction under s. 403.413(5)(b)—3 points.
10. Any violation under s. 316.613—3 points.

Section 28. Section 337.408, Florida Statutes, 1994 Supplement, is amended to read:

337.408 Regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way.—

~~(1) Any bus bench or transit shelter located on a sidewalk within the right-of-way of any road on the State Highway System shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.~~

(1)(2)(a) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2)(b) Waste disposal receptacles of less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that written authorization has been given to a qualified private supplier of such service by the appropriate municipal or county government. A municipality or county may authorize the installation, without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3)(e) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992.

(4)(d) No bench, transit shelter, or waste disposal receptacle, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle services or advertising on such benches, shelters, or receptacles may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(5)(e) Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Section 29. Section 337.409, Florida Statutes, is created to read:

337.409 Willfully or maliciously removing, damaging, destroying, altering, or appropriating benches, transit shelters, waste receptacles, or advertising displayed thereon; penalty.—Any person who willfully or maliciously removes, damages, destroys, tampers with or alters in any way a bench, transit shelter, or waste receptacle, or advertising displayed thereon, when such structure and display has been installed and maintained pursuant to the provisions of s. 337.408, or any person who in any manner appropriates to his own use or to the use of another by painting, printing, placing, or affixing any advertisement or similar material upon any such structure, or upon advertising displayed thereon, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 30. Subsection (5) of section 479.11, Florida Statutes, 1994 Supplement, is amended to read:

479.11 Specified signs prohibited.—No sign shall be erected, used, operated, or maintained:

(5) Which displays intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system ~~or. Prior to October 1, 1994, the department shall initiate rulemaking to prohibit signs which are illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists so as to interfere with the motorists' ability to safely operate his vehicle. If the sign is on the premises of an establishment as provided in s. 479.16(1), the local government authority with jurisdiction over the location of the sign shall enforce the provisions of this section and the department's rules adopted pursuant to this section, as provided in chapter 162 and this section.~~

Section 31. Subsection (13) of section 479.16, Florida Statutes, 1994 Supplement, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8):

(13) ~~Except that signs placed on benches, transit shelters, and waste receptacles as provided for in s. 337.408 are exempt from all provisions of this chapter. 337.407(2). Signs so placed are also exempt from the provisions of s. 479.11(4) and (8).~~

Section 32. Section 335.041, Florida Statutes, is created to read:

335.041 Public road jurisdiction and transfer process.—

(1) The jurisdiction of public roads within the state, county and municipal road system shall be that which exists on July 1, 1995.

(2) Notwithstanding any provision of law to the contrary, any change of the jurisdiction of a public road subsequent to July 1, 1995, shall be governed by the provisions set out herein.

(3) Public roads may be transferred between jurisdictions only by mutual agreement of the affected governmental entities.

(4) Decisions to transfer public roads to or from the state highway system which occur after July 1, 1995 shall be based upon the consideration of criteria including but not limited to the following:

(a) National defense needs;

(b) Travel to and through urban areas;

(c) Access to intermodal facilities including but not limited to airports, seaports, major terminals and transfer points;

(d) Access to regional public facilities; and

(e) Disaster preparedness and emergency evacuation.

(5) In order to take effect, all transfers of public roads to or from the state highway system must be by mutual agreement of the affected governmental entities and approved by the Secretary of the Department of Transportation.

Section 33. Sections 335.04 and 335.042, Florida Statutes, are repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 22, after the second semicolon (;) insert: authorizing the department to contract with an electric utility without competitive bidding; amending s. 337.251, F.S.; increasing the time period for leases by the department to certain public agencies or private entities; creating s. 316.0741, F.S.; providing a definition of "high occupancy vehicle lane"; providing for a traffic control device to indicate the number of occupants required to be in a vehicle for lawful use of the HOV lane and the hours of designation; providing a penalty; amending s. 322.27, F.S.; providing that a violation of s. 316.0741 would not result in points assessed on a driver's license; amending s. 337.408, F.S.; deleting unnecessary language; creating s. 337.409, F.S.; providing a penalty for

damaging or tampering with a bench or transit shelter; amending s. 479.11, F.S.; revising language relating to prohibited signs; amending s. 479.16, F.S.; exempting signs placed on benches, transit shelters, or waste receptacles from the provisions of ch. 479; creating s. 335.041, F.S.; authorizing transfer of roads between jurisdictions; providing criteria; repealing ss. 335.04 and 335.042, F.S.;

Amendment 4 (with Title Amendment)—On page 48, lines 2-31; on page 49, lines 1-31; and on page 50, lines 1-3, strike all of said lines and insert: *developed consistent with the requirements of s. 186.022 and consistent with available and forecasted state and federal funds. In addition to those entities listed in s. 186.022, the short-range component shall also be submitted to the Florida Transportation Commission. plan must tie program funding levels as shown in the department's program and resource plan with the appropriate short-term objectives and policies and must contain project-specific examples evidencing how the work program achieves the objectives and policies contained in the short-range plan.*

(4) **ANNUAL PERFORMANCE REPORT.**—*The department shall develop an annual performance report evaluating the operation of the department for the preceding fiscal year. The report, which shall meet the requirements of s. 186.022, shall also include a summary of the financial operations of the department and shall annually evaluate how well the adopted work program meets the short-term objectives contained in the short-range component of the Florida Transportation Plan. In addition to the entities listed in s. 186.022, this performance report shall also be submitted to the Florida Transportation Commission and the legislative appropriations and transportation committees.*

And the title is amended as follows:

In title, on page 5, strike all of lines 8 and 9 and insert: range component; establishing an annual

Senators Dyer, Jennings and Ostalkiewicz offered the following amendment which was moved by Senator Dyer and adopted:

Amendment 5—On page 63, line 2, before the period (.) insert: *or with the consent of the Seminole County Expressway Authority, for the purpose of carrying out and implementing part VIII of this chapter*

Senator Dyer moved the following amendment which was adopted:

Amendment 6—In title, on page 6, between lines 18 and 19, insert: providing powers of the authority with respect to implementing part VIII of ch. 348, F.S.;

Senator Thomas moved the following amendment which was adopted:

Amendment 7 (with Title Amendment)—On page 67, between lines 5 and 6, insert:

Section 52. (1) Bridge number 510048 over the Intercoastal Waterway in Gulf County on SR 386 is hereby designated the "W.G. Hardy, Sr. Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "W.G. Hardy, Sr. Bridge."

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 7, line 2, after the semicolon (;) insert: designating a bridge as the "W.G. Hardy, Sr. Bridge"; directing the Department of Transportation to erect markers;

On motion by Senator Beard, by two-thirds vote **CS for SB 510** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 1038—A bill to be entitled An act relating to child custody; creating the "Children's Frequent and Continuous Parental Rights Act"; amending s. 61.052, F.S.; providing that the court should make appropriate orders for visitation of the minor child during any period of continuance; amending s. 61.13, F.S.; providing for the right of a parent with shared parental responsibility to have the opportunity to care for the child under certain circumstances; providing additional powers of the

court when a custodial parent refuses to honor a noncustodial parent's visitation rights under certain circumstances; providing that the financial burden of promoting frequent and continuing contact with the child under shared parental responsibility may be placed upon a parent who moves outside of the court's jurisdiction; providing an effective date.

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **CS for SB 1038** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Senate resumed consideration of—

SB 1378—A bill to be entitled An act relating to personal representatives; amending s. 733.617, F.S.; providing conditions for modifying compensation; providing an effective date.

—with pending **Amendment 1** by Senator Dudley.

Senator Brown-Waite offered the following amendment to **Amendment 1** which was moved by Senator Dudley and adopted:

Amendment 1A (with Title Amendment)—On page 48, between lines 14 and 15, insert:

Section 28. Subsection (4) is added to section 733.604, Florida Statutes, to read:

733.604 Inventory.—

(4) *Upon the written request of a beneficiary for any asset specifically devised to that beneficiary, a beneficiary for any asset received by that beneficiary in satisfaction of a general devise, or a residuary beneficiary of a testate estate or an heir of an intestate estate, for any asset not specifically devised, the personal representative shall promptly furnish a written explanation of how the inventory value for the asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. The personal representative must notify each beneficiary of the right to request information regarding determination of the inventory value of an asset. Neither a request nor the failure to request information under this subsection affects any rights of a beneficiary in subsequent proceedings concerning any accounting of the personal representative or the propriety of any action of the personal representative.*

Section 29. Section 733.901, Florida Statutes, is amended to read:

733.901 Distribution; final discharge.—

(1) When a personal representative has completed administration except for distribution, he shall file a final accounting and a petition for discharge that shall contain:

(a) A complete report of all receipts and disbursements since the date of the last annual accounting or, if none, from the commencement of administration.

(b) A statement that he has fully administered the estate by making payment, settlement, or other disposition of all claims and debts that were presented and the expenses of administration.

(c) The proposed distribution of the assets of the estate.

(d) Any prior distributions that have been made.

(e) A statement that objections to this report or proposed distribution of assets be filed within 30 days.

The final accounting and petition for discharge shall be filed and served on all interested persons within 12 months after issuance of letters for estates not required to file a federal estate tax return, otherwise 12 months from the date the return is due, unless the time is extended by the court for cause shown after notice to interested persons. The petition shall state the status of the estate and the reasons for the extension.

(2) If no objection to the accounting or petition for discharge has been filed within 30 days from the date of service of copies on interested persons, or if service has been waived, the personal representative may distribute the estate according to the plan of distribution set forth in the petition without a court order. The assets shall be distributed free from

the claims of any interested person and, upon receipt of evidence that the estate has been properly distributed and that claims of creditors have been paid or otherwise disposed of, the court shall enter an order discharging the personal representative and releasing the surety on any bond.

(3) If an objection to the petition for discharge has been filed within the time allowed, the court shall determine the plan of distribution and, upon receipt of evidence that the estate has been properly distributed and that claims of creditors have been paid or otherwise disposed of, the court shall enter an order discharging the personal representative and releasing the surety on any bond.

(4) *The final accounting required under subsection (1) may be waived upon a filing of a consent waiver with the court, by all interested persons, acknowledging that they are aware of their rights and that they waive the right to have a final accounting.*

(5)(4) The 30-day period contained in subsection (2) may be waived upon written consent of all interested persons.

(6)(5) The discharge of the personal representative shall release the personal representative of the estate and shall bar any action against the personal representative, as such or individually, and his surety.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 52, line 25, after the semicolon (;) insert: amending s. 733.604, F.S.; providing for explanation of inventory value of assets; amending s. 733.901, F.S.; providing for waiver of right to a final accounting;

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with Title Amendment)—On page 48, between lines 15 and 16, insert:

Section 27. Subsections (3) and (5) of section 744.351, Florida Statutes, are amended to read:

744.351 Bond of guardian.—

(3) The penal sum of a guardian's bond shall be fixed by the court, and it must be in an amount not less than the full amount of the cash on hand and on deposit belonging to the ward and subject to the control of the guardian, plus the value of the notes and bonds owned by the ward that are payable to bearer and plus the value of all other intangible personal property, in whatever form, owned by the ward which has a market value which readily can be fixed and which intangible personal property readily can be traded for cash or its equivalent.

(5) *Financial institutions as defined in s. 744.309(4) Corporate guardians and public guardians authorized by law to be guardians shall not be required to file bonds.*

And the title is amended as follows:

In title, on page 52, line 25, after the semicolon (;) insert: amending s. 744.351, F.S.; providing that the surety bond filed by guardians must secure the value of certain intangible assets owned by the ward; repealing a provision that exempts corporate guardians from posting the surety bond; exempting financial institutions from posting the surety bond;

Amendment 1 as amended was adopted.

On motion by Senator Dudley, by two-thirds vote **SB 1378** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1726—A bill to be entitled An act relating to the Water Management District Review Commission; amending ss. 1 and 2, of ch. 94-270, Laws of Florida; revising provisions relating to the commission's filing of a report with the Governor and the Legislature; extending the existence of the commission; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator McKay and adopted:

Amendment 1 (with Title Amendment)—On page 1, line 10 through page 2, line 10, strike all of said lines and insert:

WHEREAS, the Water Management District Review Commission was created by chapter 94-270, Laws of Florida, to conduct a comprehensive review of Florida's regional water management districts to ensure that they function in a manner consistent with established legislative policies, and

WHEREAS, chapter 94-270 further directed the Water Management District Review Commission to issue a report to the Governor and Legislature by September 1, 1995, making specific recommendations relating to water management districts, and

WHEREAS, the Water Management District Review Commission has held several public meetings throughout the state to gather information and receive public comment regarding district programs and operations, which meetings will continue through the end of July 1995, and

WHEREAS, the members of the Water Management District Review Commission have determined that their assimilation and understanding of the voluminous and complex information the commission continues to receive in its review of district programs and operations will necessitate delaying its current reporting deadlines, and

WHEREAS, the members of the Water Management District Review Commission anticipate drafting legislation for consideration during the 1996 legislative session or sessions that will be based upon the recommendations contained in its report to the Governor and Legislature, and

WHEREAS, the members of the Water Management District Review Commission have determined that the commission structure should remain in effect through the conclusion of the 1996 legislative session or sessions so that commission members and staff can provide technical or other assistance to the Governor and Legislature during their consideration of proposals that may result from the issuance of the commission's recommendations, NOW, THEREFORE,

And the title is amended as follows:

In title, on page 1, strike all of lines 2-8 and insert: An act relating to the Water Management District Review Commission; extending the existence of the commission; delaying date of a report to the Governor and Legislature; providing an effective date.

Senator McKay moved the following amendment which was adopted:

Amendment 2—On page 2, line 28, strike "*December 1, 1995*" and insert: *January 1, 1996*

On motion by Senator McKay, by two-thirds vote **SB 1726** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 2646—A bill to be entitled An act relating to license plates; creating s. 320.08053, F.S.; providing requirements for a request to establish specialty license plates; creating s. 320.08056, F.S.; providing for the responsibilities of the Department of Highway Safety and Motor Vehicles in developing and issuing specialty license plates; providing annual use fees for all specialty license plates; providing for reauthorization and discontinuance; creating s. 320.08058, F.S.; providing for the use and distribution of specific specialty plate annual use fees; amending s. 320.08062, F.S.; providing for an annual or biennial audit of expenditures of use fees; authorizing the department to determine compliance with auditing provisions; authorizing the Auditor General to examine records pertaining to the use of funds from specialty plates; amending ss. 240.408, 265.284, 320.0805, 380.507, 380.511, F.S., to conform to changes made in this act; repealing ss. 320.08063, 320.08064, 320.08065, 320.08066, 320.08067, 320.08075, 320.0808, 320.0809, 320.08095, 320.08096, 320.0895, 320.0896, and 320.08975, F.S., relating to various specialty license plates that are provided for in this act; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—On page 4, line 22, after "owner" insert: or lessee

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—On page 5, line 15, after the period (.) insert: The amount to be paid by the department to the corporation organized under part II of chapter 946 for such specialty tags shall be \$2.25. To defray such cost, the department shall withhold from the annual use fee the difference between the amount paid to the corporation and \$1.32.

Senator Kurth moved the following amendment which was adopted:

Amendment 3—On page 6, line 30, through page 8, line 4, strike all of said lines and insert:

(b)1.a. Fifty percent of the Challenger license plate annual use fee must be deposited into the Center for Space Education Trust Fund within the Department of Education. These funds must be used solely for the design, construction, maintenance, and support of the operations of the Center for Space Education and the Education Technology Institute operated by the Astronauts Memorial Foundation, Inc. These operations must include pre-service and in-service training in the use of technology for the state's instructional personnel in a manner consistent with state training programs. Up to twenty percent of funds received by the Center for Space Education from the Center for Space Education Trust Fund may be expended for administrative costs directly associated with the operation of the center.

b. Upon approval of the Department of Education, funds must be transferred from the Center for Space Education Trust Fund to the Astronauts Memorial Foundation, Inc., solely to design, construct, maintain, and support the operations of the Center for Space Education and the Education Technology Institute. A request for the transfer of funds must include information relating to specific plans for disbursing the funds. Before expending funds from their account, the Astronauts Memorial Foundation, Inc., must request approval from the Department of Education, as if the funds were in the Department of Education's trust fund.

2. Twenty-five percent of the Challenger license plate annual use fee must be distributed to the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund, for use as provided by s. 240.408.

3. The remaining 25 percent must be distributed to the Technological Research and Development Authority created by s. 2 of chapter 87-455, Laws of Florida, for the purpose of funding space-research grants. The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space-science technology.

4. The Auditor General has the authority to examine any and all records pertaining to the Astronauts Memorial Foundation, Inc., and the Technological Research and Development Authority to determine compliance with the law.

Senator Williams moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 21, between lines 22 and 23, insert:

Section 8. Subsection (1) of section 320.089, Florida Statutes, 1994 Supplement, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1) Each owner or lessee of an automobile ~~or truck~~ for private use, ~~truck weighing not more than 5,000 pounds~~, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers

prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate. ~~A fee of \$2.50 shall be assessed upon the purchase or renewal of the Purple Heart license plate until \$16,000 has been collected and deposited in the Highway Safety Operating Trust Fund.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 22, after the semicolon (;) insert: amending s. 320.089, F.S., relating to the Purple Heart license plate; removing a weight restriction; deleting reference to a fee;

On motion by Senator Beard, by two-thirds vote **CS for SB 2646** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

MATTERS ON RECONSIDERATION

The motion by Senator Johnson that the rules be waived and the Senate reconsider the vote by which—

HB 187—A bill to be entitled An act relating to the Code of Ethics for Public Officers and Employees; amending s. 112.317, F.S.; providing for costs plus reasonable attorney's fees incurred by a public officer or employee against whom a complaint is lodged under the act under certain circumstances; providing an effective date.

—passed this day was taken up and the motion was adopted.

Senator Johnson moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, strike all of lines 1-4 and insert: *in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.*

Section 2. This act shall take effect upon becoming a law.

On motion by Senator Johnson, **HB 187** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 1964—A bill to be entitled An act relating to elections; amending s. 106.143, F.S.; providing conditions for political advertisements; providing additional requirements for specified political advertisements; creating s. 106.147, F.S.; providing for the disclosure of telephone solicitations; requiring specified disclosures of a telephone call made in relation to a candidate, ballot proposal, or political organization in specified situations; creating s. 99.0215, F.S.; creating the Fair Campaign Practices Board; providing for membership, reimbursement for per diem and travel expenses, qualifications, duties, and administrative support and services to the board; amending s. 99.021; modifying the form of candidate oath; authorizing each candidate for a statewide or legislative office to sign a fair-campaign-practices pledge; providing the form of the pledge; amending s. 104.271, F.S.; providing penalties for a candidate who makes false or malicious charges against, or false statements about, opposing candidates; amending s. 106.25, F.S.; providing that for the purposes of Florida Elections Commission jurisdiction, a violation means the negligent performance of an act prohibited or the negligent failure to perform an act required by chapter 106, F.S.; amending s. 106.08, F.S.; providing limitations on contributions; revising restrictions on political party campaign contributions; amending s. 106.07, F.S.; providing for filing of contribution reports; revising the requirements of contribution reports; eliminating provisions for an assessment on contributions that have been declared unconstitutional; deleting references to second primary elections; amending s. 106.071, F.S.; modifying the disclaimers required on advertisements paid for by independent expenditures; providing civil penalties; amending s. 106.29, F.S.; modifying political committee reporting requirements; providing penalties; amending s. 106.141, F.S.; limiting the amount of surplus funds which can be given to a state or county political party executive committee; amending s. 106.12, F.S.; prohibiting the use of petty cash funds on the day before an election or on election day

for any service performed, except transportation services; providing penalties; repealing ss. 106.30, 106.31, 106.32, 106.33, 106.34, 106.35, 106.353, 106.355, 106.36, F.S., relating to the Election Campaign Financing Trust Fund; amending ss. 99.092, 99.093, 102.112, 106.04, 106.07, 106.22, 106.265, 199.052, 320.02, 322.08, 327.25, 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund; creating s. 99.013, F.S.; providing definitions; requiring that certain candidates or public officers have only one declared residence; providing factors to be considered; requiring candidates and appointed public officers for certain offices to meet the residency requirement from the time of qualifying for office; providing for investigation of violations by the Florida Elections Commission; amending s. 106.18, F.S.; requiring omission from the ballot of the name of any candidate found in violation of the residency requirement; amending s. 106.25, F.S.; granting the Division of Elections authority to investigate, consider, and determine such violations; providing procedure; amending s. 106.26, F.S.; providing procedure upon a determination that such a residency violation has occurred or has not occurred; amending s. 106.04, F.S.; eliminating provisions providing for an assessment on contributions; amending ss. 100.061, 10.1008, 97.055, 97.071, 98.081, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 101.62, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, and 105.051, F.S.; deleting references to second primary elections; amending s. 97.021, F.S.; revising definitions; amending s. 102.031, F.S.; regulating activities around polling places; expanding the area within which solicitation is prohibited; revising requirements; creating s. 101.625, F.S.; providing for the facsimile transmission of absentee ballots in certain emergency circumstances; amending s. 101.041, F.S.; conforming provisions; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.5609, F.S.; removing a provision relating to recording the issuance of absentee ballots; amending s. 101.62, F.S.; restricting the number of absentee ballots that any one person may pick up; providing an exception; requiring persons designated to pick up such ballots for other electors to complete an authorizing affidavit; providing for the form and contents of such affidavit; removing language that required initialing the stubs of absentee ballots prior to issuance to electors; requiring absentee ballots to be mailed or delivered directly to the supervisor of elections; amending ss. 101.64 and 101.65, F.S.; revising the voter's certificate and instructions to absent electors to revise the signature witnessing requirement and to eliminate the reasons for voting an absentee ballot; creating s. 101.655, F.S.; providing for supervised voting for absent electors in certain facilities; amending s. 101.68, F.S.; providing for earlier commencement of the canvassing of absentee ballots; amending s. 101.69, F.S.; authorizing an elector voting in person to execute an affidavit stating that the absentee ballot supplied to the elector has not been voted rather than requiring the elector to return that ballot before being allowed to vote; amending s. 101.694, F.S.; updating a reference to a federal act; amending s. 163.511, F.S., relating to referendum ballots on the creation of special neighborhood improvement districts, to conform; amending s. 99.097, F.S.; revising petition requirements; limiting the ability to substitute an oath of undue burden for payment of charges to verify signatures; amending s. 100.371, F.S.; requiring notice of the use of paid solicitors by an initiative sponsor; revising requirements for submission and verification of petitions; creating s. 104.187, F.S.; prohibiting a person from signing the name of another or a fictitious name to a petition; providing penalties; creating s. 106.045, F.S.; requiring paid solicitors for voter signatures to register with the Division of Elections and pay a fee; amending s. 99.0955, F.S.; authorizing placement on the ballot of the name of an independent candidate if a qualifying fee is paid; providing for qualifying by petition by submitting signatures equal to a specified percentage of the registered electors of the smallest major political party; amending s. 99.092, F.S.; conforming provisions; amending s. 99.096, F.S.; revising qualifying requirements for minor party candidates; repealing s. 100.091, F.S., that provides for a second primary; repealing s. 100.096, F.S., that provides for holding a special election with a special primary election; providing an effective date.

—was read the second time by title.

On motion by Senator Crist, further consideration of **SB 1964** was deferred.

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **SB 1720**.

SB 2458—A bill to be entitled An act relating to the Florida Election Code; amending, transferring, creating, and repealing various provisions of law to update, streamline, and clarify the code; amending, providing, and eliminating definitions applicable to the entire code and to certain parts of the code; revising gender-specific language to provide gender-neutral language; incorporating into the code various court rulings modifying the code; amending ch. 97, F.S., relating to qualification and registration of electors; renumbering and amending s. 101.665, F.S.; stating that oaths may be administered and attested by any supervisor or deputy supervisor; creating s. 97.067, F.S.; providing duty of the supervisor to assign voter to precinct; amending ss. 97.011, 97.012, 97.021, 97.023, 97.041, 97.052, 97.053, 97.055, 97.057, 97.058, 97.061, 97.071, 97.073, 97.1031, and 97.105, F.S.; providing editorial, conforming, and other technical changes; repealing s. 97.025, F.S., relating to the preparation and distribution of copies of the code, the provisions of which have been incorporated elsewhere; amending ch. 98, F.S., relating to the registration office, officers, and procedure; amending s. 98.231, F.S.; providing an additional date when each supervisor must provide the Division of Elections of the Department of State with the number of registered voters in the supervisor's county and their party affiliation; amending ss. 98.015, 98.045, 98.055, 98.065, 98.075, 98.081, 98.093, 98.095, 98.212, 98.255, and 98.461, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 98.101, 98.181, 98.391, 98.401, 98.412, 98.421, 98.431, 98.441, 98.451, 98.471, 98.481, and 98.491, F.S., relating to use of the registration system, to various registration records and lists, and to alternative registration procedures, the provisions of which have been incorporated elsewhere or are obsolete; amending ch. 99, F.S., relating to candidates, campaign expenses, and contesting elections; amending s. 99.092, F.S.; requiring candidates to pay party assessments to the filing officer; changing the date on which the annual salary of the office is established for purposes of computing the filing fee, election assessment, and party assessment; amending ss. 99.095, 99.0955, and 99.096, F.S.; providing a uniform process for qualifying as a major political party candidate by the petition process, as a candidate without political party affiliation, or as a minor political party candidate; providing for earlier petition filing dates and for notification of petition validity prior to the first day of qualifying; clarifying that minor party petitions seek ballot position for the party and need not have any candidate's name thereon; amending s. 99.097, F.S.; allowing minor political parties to file an oath of undue burden in lieu of paying the fee for the verification of signatures; making the division responsible for requesting reimbursement for signatures checked at no charge; granting the court, in any signature-verification challenge, discretion to require unsuccessful challengers to pay the per-signature fee or the actual cost of checking each additional signature; amending ss. 99.012, 99.021, 99.061, 99.093, 99.0965, and 99.09651, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 99.081, 99.091, 99.103, and 99.121, F.S., relating to election of members of Congress, remittance of filing fees and party assessments, and certification of nominations, the provisions of which have been incorporated elsewhere; amending ch. 100, F.S., relating to general, primary, and special elections; transferring and amending s. 100.102, F.S., relating to election expenses; providing that counties are responsible for election expenses of federal, state, and school district elections; authorizing the supervisors to charge interest on amounts due and owing from municipalities; creating s. 100.105, F.S.; providing a separate section for an existing provision relating to special district elections; amending s. 100.096, F.S.; providing for the holding of an election required to be held in conjunction with a primary election when the date for such primary changes; creating s. 100.097, F.S.; defining the term "emergency" for purposes of the Florida Election Code; providing a separate section for existing provisions relating to the suspension or delay of an election; repealing ss. 101.731, 101.732, 101.733, and 101.74, F.S., relating to election emergencies and date changes for municipal elections; transferring and amending s. 101.75, F.S., relating to change of dates for a municipal election; amending s. 100.351, F.S.; deleting an obsolete requirement relating to recording the results of a referendum on the official record of the act requiring the referendum; amending s. 100.361, F.S., relating to municipal recall; removing a provision restricting expenditures until the recall election date has been announced; requiring the petition committee to register as a political committee prior to obtaining signatures; amending ss. 100.011, 100.021, 100.025, 100.031, 100.041, 100.061, 100.091, 100.101, 100.111, 100.141, 100.151, 100.161, 100.181, 100.191, 100.201, 100.211, 100.221, 100.241, 100.261, 100.271, 100.281, 100.291, 100.301, 100.311, 100.321, 100.331, 100.341, and 100.342, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 100.051, 100.071, and 100.081, F.S.,

relating to names on the general election ballot, the grouping of candidates on primary ballots, and nomination of county commissioners at the primaries, the provisions of which have been incorporated elsewhere; amending ch. 101, F.S., relating to voting methods and procedure; amending s. 101.001, F.S.; eliminating the requirement that the governing body of the municipality concur when the supervisor arranges municipal precinct boundaries to conform to municipal boundaries; renumbering and amending s. 101.34, F.S., relating to custody of voting systems; creating s. 101.043, F.S.; requiring supervisors to use precinct registers and providing requirements therefor; creating s. 101.044, F.S.; providing requirements for signature verification upon entering polling place; repealing s. 101.663, F.S., relating to change of residence of voter; creating s. 101.047, F.S.; providing a separate section for existing provisions relating to change of residence or name at polls; amending s. 101.111, F.S.; providing uniform voter challenge provisions; requiring election board members to execute oaths to challenge voters; renumbering and amending ss. 101.51 and 101.72, F.S., relating to voting booths and compartments; repealing ss. 101.181 and 101.191, F.S., relating to the form of the primary and general election ballots; renumbering and amending ss. 101.251, 101.252, 101.253, and 101.254, F.S., relating to names on ballots; renumbering and amending ss. 100.371 and 101.2515, F.S., relating to placement of initiatives of ballot and to translation of statewide proposal ballot language; renumbering and amending s. 101.43, F.S., relating to substitute ballots; amending s. 101.22, F.S., and repealing s. 101.011, F.S., relating to voting by paper ballot; prohibiting a voter from voting who returns a marked ballot that is not the one delivered to the voter; renumbering and amending ss. 102.061 and repealing 102.071, F.S., relating to tabulation of votes and proclamation of results where paper ballots are used; providing procedure where only one election board is used; providing for delivery to the canvassing board of excess ballots and ballots found folded together; renumbering and amending ss. 101.292, 101.293, 101.294, and 101.295, F.S., relating to the purchase of voting equipment; removing a threshold amount in the definition of "voting equipment"; renumbering and amending ss. 101.341 and 101.36, F.S., relating to voting system custodians and the use of voting machines and electronic or electromechanical voting devices; repealing s. 101.39, F.S., relating to voting machine curtains; renumbering and amending s. 101.40, F.S., relating to voting machines out of order; renumbering and amending s. 101.38, F.S., relating to disposition of voting machine keys following election; amending s. 101.5605, F.S.; authorizing the division to revoke the certification of any electronic or electromechanical voting system and providing the grounds therefor; amending s. 101.5607, F.S.; clarifying what constitutes a copy of a tabulation program for an electronic or electromechanical voting system; amending s. 101.5612, F.S.; providing comprehensive procedures for logic and accuracy tests of electronic and electromechanical voting systems; renumbering and amending s. 101.545, F.S., relating to retention and destruction of election materials; amending s. 101.591, F.S.; authorizing the division to have voting systems audited by auditors who are not division employees; amending s. 101.62, F.S.; revising provisions for the request and delivery of absentee ballots; creating s. 101.625, F.S.; providing a separate section for existing provisions relating to absentee voters overseas; amending s. 101.69, F.S.; revising provisions for voting an absentee ballot in person; amending ss. 101.015, 101.021, 101.031, 101.041, 101.045, 101.051, 101.131, 101.141, 101.151, 101.161, 101.171, 101.20, 101.22, 101.24, 101.27, 101.28, 101.29, 101.33, 101.35, 101.37, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 101.5602, 101.5603, 101.5606, 101.5608, 101.5609, 101.5610, 101.5611, 101.5613, 101.5614, 101.5615, 101.572, 101.58, 101.6102, 101.6103, 101.6104, 101.6105, 101.6107, 101.64, 101.65, 101.67, 101.68, 101.694, 101.71, and 101.715, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 101.002, 101.017, 101.21, 101.23, 101.32, 101.445, 101.49, 101.5601, 101.5604, and 101.635, F.S., relating to municipal use of the registration system, the Bureau of Voting Systems Certification, official ballots, poll lists of those voting, adoption of voting machines and certain voting systems, write-in ballots, procedure of election officials where signatures differ, a short title, adoption of an electronic or electromechanical voting system, and distribution of ballots, the provisions of which have been incorporated elsewhere or are unnecessary; amending ch. 102, F.S., relating to conducting elections and ascertaining the results; amending s. 102.012, F.S.; authorizing supervisors greater discretion in appointing election boards to precincts and additional inspectors to election boards, including the appointment of a single election board for more than one precinct under certain circumstances; creating s. 102.014, F.S.; providing a new section for existing provisions relating to election board duties; renumbering and amending ss. 102.141, 102.151, and 102.112, F.S., relating to county canvassing boards; eliminating a provision relating to the ignoring of returns filed late, to comply with a court decision; amending

s. 102.111, F.S., and repealing ss. 102.121 and 102.131, F.S., relating to the Elections Canvassing Commission; eliminating a provision relating to ignoring of returns filed late, to comply with a court decision; amending s. 102.168, F.S., and repealing ss. 102.1682, 102.1685, and 102.169, F.S., relating to contesting elections; amending ss. 102.021, 102.031, 102.091, 102.101, 102.155, 102.166, and 102.167, F.S.; providing editorial, conforming, and other technical changes; amending ch. 103, F.S., relating to presidential electors and political parties; amending s. 103.021, F.S., and repealing s. 103.022, F.S., relating to nomination and certification of presidential electors; amending s. 103.051, F.S., and repealing ss. 103.061, 103.062, and 103.071, F.S., relating to meeting, duties, and compensation of presidential electors; amending s. 103.091, F.S.; requiring political party executive committees to file required documentation by a specified date following each presidential election year; requiring a copy of the bond to be included in such documentation; amending s. 103.101, F.S., relating to the presidential preference primary; eliminating the Presidential Candidate Selection Committee and its duties; amending s. 103.121, F.S.; providing responsibility of state executive committees to use a specified portion of certain returned filing fees for specified purposes; amending s. 103.141, F.S., and repealing s. 103.151, F.S., relating to removal of executive committee members for violation of oath; amending ss. 103.011, 103.081, and 103.131, F.S.; providing editorial, conforming, and other technical changes; amending ch. 104, F.S., relating to code violations and penalties; creating s. 104.005, F.S.; declaring the provisions of chapter 104, F.S., relating to violations and penalties under the code, applicable to municipal elections; amending s. 104.045, F.S.; providing a penalty for selling a vote for or against a proposal; amending s. 104.051, F.S.; eliminating a provision for the exclusion from the polls of officials who willfully violate the code; amending s. 104.185, F.S.; clarifying that the prohibition against signing a petition more than once applies to petitions to secure ballot position for a minor political party, for which there is a penalty; amending s. 104.21, F.S.; providing a penalty for fraudulently changing or attempting to change the vote or ballot of a voter; amending ss. 104.011, 104.012, 104.013, 104.041, 104.0515, 104.061, 104.071, 104.081, 104.091, 104.101, 104.13, 104.15, 104.16, 104.18, 104.19, 104.20, 104.22, 104.23, 104.24, 104.26, 104.271, 104.29, 104.30, 104.31, 104.32, 104.39, and 104.43, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 104.031, 104.11, and 104.17, F.S., relating to false declaration to secure assistance in preparing ballot, neglect of duty by sheriff or other officer, and voting in person after casting absentee ballot, the provisions of which have been incorporated elsewhere; amending ch. 105, F.S., relating to nonpartisan elections for judicial officers; amending s. 105.035, F.S.; conforming the petitioning process for judicial candidates to the process for major political party candidates, candidates without political party affiliation, and minor political parties; eliminating the undue burden oath requirement, to comply with a court ruling; amending ss. 105.011, 105.031, 105.041, 105.051, 105.061, 105.071, 105.08, 105.09, and 105.10, F.S.; providing editorial, conforming, and other technical changes; amending ch. 106, F.S., relating to campaign financing; creating s. 106.022, F.S.; providing a separate section for existing provisions relating to change in designation of office sought; amending s. 106.04, F.S., relating to committees of continuous existence; eliminating an assessment on contributions, which has been declared unconstitutional; requiring any such committee that makes an independent expenditure to register as a political committee; providing for revocation of certification for failure to file the annual report; providing for fines for failure to file regular reports; eliminating an unnecessary provision relating to a fine waiver for certain first-time offenders; creating s. 106.053, F.S.; providing a separate section for provisions relating to deposit of campaign funds into separate interest-bearing accounts or certificates of deposit; creating s. 106.057, F.S.; providing a separate section for provisions relating to contributions and expenditures through the campaign treasurer; amending s. 106.07, F.S., relating to campaign reports; providing separate reporting dates for municipal candidates; expanding the time for providing information to complete a report; eliminating an assessment on contributions, which has been declared unconstitutional; eliminating an unnecessary provision relating to a fine waiver for certain first-time offenders; amending s. 106.071, F.S.; requiring registration as a political committee before an independent expenditure anticipated to exceed a specified amount may be made; renumbering and amending s. 106.085, F.S., relating to notice of certain independent expenditures; amending s. 106.082, F.S.; applying certain campaign contribution limits to the Commissioner of Agriculture; creating s. 106.083, F.S.; duplicating in the code an existing provision that applies certain campaign contributions to the Treasurer; creating s. 106.084, F.S.; duplicating in the code an existing provision that applies certain campaign contribution limits to the Comptroller; amending s. 106.141, F.S.; providing for the disposal of refund checks received after

disposal of surplus campaign funds; amending s. 106.143, F.S., relating to political advertisements; changing an incorrect reference; amending s. 106.29, F.S., relating to campaign reports by political parties; providing a filing time for reports relating to a municipal election; eliminating an assessment on contributions, which has been declared unconstitutional; amending s. 106.32, F.S., relating to the Election Campaign Financing Trust Fund; eliminating a provision relating to the deposit of proceeds from an assessment on contributions, which has been declared unconstitutional; amending ss. 106.011, 106.021, 106.023, 106.025, 106.03, 106.06, 106.075, 106.08, 106.09, 106.11, 106.12, 106.125, 106.14, 106.1405, 106.1435, 106.1437, 106.144, 106.15, 106.16, 106.19, 106.21, 106.22, 106.23, 106.24, 106.25, 106.26, 106.265, 106.27, 106.28, 106.31, 106.33, 106.34, 106.35, 106.353, 106.355, and 106.36, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 106.17 and 106.18, F.S., relating to polls and surveys relating to candidacies and to omission of a candidate's name from the ballot, the provisions of which have been incorporated elsewhere or are unnecessary; amending ss. 15.21, 92.295, 112.312, 125.01, 189.405, 582.18, and 627.0623, F.S., to conform; providing applicability to other acts enacted at the same legislative session; providing effective dates.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Childers and failed:

Amendment 1 (with Title Amendment)—On page 79, lines 7-31; on page 80, lines 1-31; on page 81, lines 1-31; and on page 82, lines 1-31, strike all of said lines and insert:

(1)(a) A candidate seeking office without political party affiliation may become provisionally qualified to have his or her name printed on the general election ballot when, by the deadline established by s. 99.061 for the office sought, he or she submits the necessary qualification papers required by s. 99.061 and pays the qualifying fee or provides written certification that he or she is unable to pay the qualifying fee without imposing an undue burden on personal or other resources.

(b) A provisionally qualified candidate becomes eligible to have his or her name printed on the general election ballot if the candidate submits a valid petition.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 50th day prior to the first primary, to the supervisor of the county of which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division;

(c) The petition indicates the group or district office for which the candidate is running if the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election;

(d) The petition is separate from the petition of any other candidate, except that candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same petition for both candidates; and

(e) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition contains signatures of at least 3 percent of the voters who are registered within the geographical area of the office sought. A signature is not valid if:

1. Collected before the candidate has submitted to the filing officer, as required, the name and address of the campaign treasurer and primary campaign depository; or

2.a. Collected, on behalf of a candidate for federal office, prior to October 1 of the year preceding the election; or

b. Collected, on behalf of a candidate for any other office, prior to December 1 of the year preceding the election.

(3)(a) Not more than 30 days after petitions are required to be filed pursuant to paragraph (2)(a), the supervisor shall inform the candidate whether the petition is valid.

(b) The qualifying fee, if any, paid by a candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that the petition is invalid.

(4) Notwithstanding any other provision of this section, candidates for President and Vice President who are seeking such offices without political party affiliation may have their names printed on the general election ballot if a petition is signed by 1 percent of the voters of this state, as shown by the compilation by the division for the last preceding general election. A separate petition from each county for which signatures are solicited must be submitted to the supervisor of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and shall certify the number shown as voters of that county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then, on or before September 1, forward the certificate to the division, which shall determine whether the percentage required in this subsection has been met. If the percentage required in this subsection has been met, the division shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as presidential electors.

Section 47. Section 99.096, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 99.096, F.S., for present text.)

99.096 Minor political party candidates; names on ballot.—

(1) A minor political party candidate may have his or her name printed on the general election ballot if the minor political party submits a valid petition and the state executive committee of the minor political party included the candidate's name on the official list of nominees submitted to the division by noon on the Friday before the first day of the qualifying period for the office sought by the candidate. In addition, by the end of the qualifying period for the office sought by the candidate:

(a) The candidate must have paid the qualifying fee and party assessment or provided written certification that he or she was unable to pay the qualifying fee and party assessment without imposing an undue burden on personal or other available resources;

(b) The candidate must be otherwise qualified pursuant to s. 99.061.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 50th day prior to the first primary, to the supervisor of the county which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division; and

(c) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition requesting that the minor political party be assigned position on the general election ballot contains signatures of at least 3 percent of the voters who are registered within the geographical area of the office sought, as shown by the compilation by the division for the last general election. A signature is not valid if collected prior to October 1 of the year preceding the election. Any signature collected by a minor political party to secure ballot position may be used to satisfy the percentage requirement of this paragraph for any and all geographic areas within which that signature is valid.

(3)(a) Not more than 30 days after petitions are required to be filed pursuant to paragraph (2)(a) the supervisor shall inform the filing officer and the state executive committee of the minor political party whether the petition is valid.

(b) The qualifying fee, if any, paid by a candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that the petition submitted by the minor political party on behalf of that candidate is invalid.

And the title is amended as follows:

In title, on page 2, lines 22-31 and on page 3, line 1, strike all of said lines and insert: 99.095, 99.0955, and 99.096, F.S.; revising petitioning provisions; amending s.

Senator Latvala moved the following amendment:

Amendment 2 (with Title Amendment)—On page 14, line 11, through page 439, line 16, strike everything after the enacting clause and insert:

Section 1. Title IX, Florida Statutes, entitled "Electors and Elections," is retitled "Voters and Elections."

Section 2. Chapter 97, Florida Statutes, entitled "Qualification and Registration of Electors," is retitled "Qualification and Registration of Voters."

Section 3. Section 97.011, Florida Statutes, is amended to read:

97.011 Short title.—Chapters 97 through 106 ~~constitute the inclusive shall be known and may be cited as~~ "The Florida Election Code."

Section 4. Section 97.012, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) ~~Ensure Obtain and maintain~~ uniformity in the application, operation, and interpretation of the ~~code election laws~~.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws.

(3) ~~Actively seek out and~~ Collect the data and statistics necessary to ~~determine knowledgeably scrutinize~~ the effectiveness of the ~~code election laws~~.

(4) Provide technical assistance ~~to the supervisors of elections on voter education and election personnel training to the supervisors services~~.

(5) Provide technical assistance ~~to the supervisors of elections on voting systems to the supervisors~~.

(6) Provide voter education assistance to the public.

(7) Coordinate the state's responsibilities under the National Voter Registration Act of 1993.

(8) Provide training ~~to all affected state agencies on the necessary procedures for proper implementation of this chapter to all affected state agencies~~.

(9) Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965.

(10) Coordinate with the United States Department of Defense so that ~~Armed Forces armed forces~~ recruitment offices administer voter registration in a manner consistent with the procedures set forth in ~~the this~~ code for voter registration agencies.

(11) Provide copies of the code, upon request, to the public.

Section 5. Section 97.021, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) "~~Absentee voter~~ ~~Absent elector~~" means ~~a any registered and qualified voter who:~~

~~(a) is unable without another's assistance to attend the polls on election day.~~

~~(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he is registered to vote.~~

~~(c) On account of the tenets of his religion, Cannot attend the polls on the day of a general, special, or primary election.~~

~~(d) Has changed his residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.~~

~~(e) Will not be in the precinct of his residence during the hours the polls are open for voting on the day of an election.~~

~~(f) Has changed his residency to another state and is ineligible under the laws of that state to vote in the general election; however, this shall pertain only to presidential ballots.~~

(2) "Ballot," or "official ballot" when used in reference to:

(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material which is within the ballot frames containing the names of candidates, or the statements a statement of a proposed constitutional amendments amendment or other proposals question or proposition submitted to the voters electorate at any election.

(b) "Paper ballots," means that printed sheet of paper containing the names of candidates, or the statements a statement of proposed constitutional amendments or other proposals questions or propositions submitted to the voters electorate at any election, on which a voter may sheet of paper an elector casts his vote.

(c) "Electronic or electromechanical devices," means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3)(a) "Candidate" means any person who to whom any one or more of the following applies:

1.(a) Any person who Seeks to qualify for nomination or election by means of the petitioning process;:-

2.(b) Any person who Seeks to qualify for election as a write-in candidate;:-

3.(c) Any person who Receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office;:-

4.(d) Any person who Appoints a campaign treasurer and designates a primary campaign depository; or-

5.(e) Any person who Files qualification papers and subscribes to a candidate's oath as required by law.

(b) "Candidate" However, this definition does not include a person seeking office on any candidate for a political party executive committee.

(4) "Center for independent living" means a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit organization designed and operated within a local community by persons who have disabilities to provide an array of independent living services pursuant to the provisions of part II of chapter 413.

(5) "Code" means the Florida Election Code.

(6)(4) "Department" means the Department of State.

(7)(5) "Division" means the Division of Elections of the Department of State.

(8)(6) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election or any election at which proposals are submitted to the voters of a county.

(9)(7) "Election board" means the clerk and inspector or inspectors appointed to a precinct by the supervisor to conduct an election.

(8) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters, advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(9) "Electors" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(10) "Filing officer" means the agency or officer with whom a candidate qualifies or a political committee registers or the agency by which a committee of continuous existence is certified.

(11)(10) "General election" means an election held on the first Tuesday after the first Monday in November in each the even-numbered year years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(11) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(12) "Major political party" means any group that has filed the appropriate papers with the division pursuant to chapter 103 and that on January 1 in the year of a general election has at least 5 percent of the voters of the state registered as members.

(13)(12) "Minor political party" means is any group that has filed the appropriate papers with the division pursuant to chapter 103 and that as defined in this subsection which on January 1 in the year of a general election has less than preceding a primary election does not have registered as members 5 percent of the voters total registered electors of the state registered as members. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(14)(13) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(14) "Nominal value" means having a retail value of \$10 or less.

(15) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election to or retention in office based on political party affiliation.

(16) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(17) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(18) "Political party" means any group that has filed the appropriate papers with the division pursuant to chapter 103.

(19)(18) "Polling place" means is the building that which contains the polling room where ballots are cast.

(20)(19) "Polling room" means the actual room in which ballots are cast.

(21)(20) "Primary election" means an election held preceding the general election for the purpose of nominating a major political party candidate nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

(22) "Proposal" means any proposition which is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of any political subdivision of this state to be submitted to the voters for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have that proposition placed on the ballot at an election.

(23)(21) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Aid to Families with Dependent Children program.

(24)(22) "Public office" means any elective federal, state, county, municipal, school board, or other district office or position which is filled by vote of the electors.

(25)(23) "Special election" means an is a special election called for the purpose of voting on a party nominee to fill a vacancy in a the national, state, county, or district office or to vote on a proposal.

(26)(24) "Special primary election" means an ~~is a special nomination election to nominate designated by the Governor, called for the purpose of nominating a major political party candidate nominee~~ to be voted on in a general or special election.

(27)(25) "Supervisor" means the supervisor of elections.

(28) "Voter" or "elector" means a person who is registered and qualified to vote in this state, except where the latter term is used to describe a presidential elector.

(29)(26) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(30)(27) "Voting booth" or "voting compartment booth" means ~~an that booth or enclosure wherein a voter an elector casts a his ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.~~

(31) "Voting machine" means a machine used by a voter for mechanically casting a ballot and includes any direct recording device that is not an electronic or electromechanical device.

(32)(28) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 6. Section 97.023, Florida Statutes, 1994 Supplement, is amended to read:

97.023 Procedures on complaints of violations.—

(1)(a) Any person who is aggrieved by a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election code may file a written complaint with the department, which shall serve as notice to the Secretary of State.

(b) ~~The~~ A complaint must state the alleged violation and the person or entity responsible, who ~~or which~~ must be the department, a voter registration agency, a supervisor, the Department of Highway Safety and Motor Vehicles, or an Armed Forces recruitment office center. If the department determines that ~~the~~ a complaint fails to allege both a violation and a person or entity responsible for the violation, the department shall inform the complainant that he ~~or she~~ has not given sufficient notice and shall include the steps that must be taken in order to give proper notice.

(c) For the purposes of this section, a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election code is the failure to perform an act required or the performance of an act prohibited by either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election code.

(d) The department has primary jurisdiction over complaints filed under the provisions of this section.

(2) When a complaint is filed with the department, the parties to the complaint must be given the opportunity to resolve the complaint through an informal dispute resolution process to be established by the department. This process must provide for the following:

(a) A time limitation of 30 days on the process, unless the alleged violation occurred within 120 days before the date of an election, in which case there must be a time limitation of 20 days;

(b) A mediator provided by the department, who may be a department employee unless the department is alleged to be responsible for the violation, in which case the Governor must appoint a mediator who is not a department employee;

(c) Notice to ~~the~~ a complainant;

(d) Notice to ~~the~~ a respondent of the allegations filed against him ~~or her~~ in the complaint;

(e) An opportunity for the parties to submit written statements, present oral argument either in person or by telephone, and present evidence; ~~and~~

(f) A written statement by the mediator to the department stating the outcome of the dispute resolution process.

(3) If an alleged violation occurred within 30 days before the date of a state or federal election and the alleged violation will affect the registrant's right to vote in that election, the complainant may immediately bring an action in the circuit court in the county where the alleged violation occurred. Otherwise, the following are conditions precedent for a complainant to bring an action for declaratory or injunctive relief in the circuit court in the county where the alleged violation occurred:

(a) The complainant gave proper written notice of the alleged violation to the Secretary of State;

(b) The complainant participated in the informal dispute resolution process; ~~and~~

(c) An agreement ~~was~~ is not reached or an alleged violation ~~was~~ is not corrected within 90 days after receipt of notice or 20 days after receipt of notice if the alleged violation occurred within 120 days before the date of an election.

Section 7. Section 101.665, Florida Statutes, 1994 Supplement, is transferred, renumbered as section 97.024, Florida Statutes, and amended to read:

97.024 101.665 Administration of oaths; ~~military personnel, federal employees, and other absentee registrants.~~—For the purposes of this code, oaths may be administered and attested by any *supervisor or deputy supervisor, any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.*

Section 8. Section 98.251, Florida Statutes, as transferred to section 97.025, Florida Statutes, 1994 Supplement, by chapter 94-224, Laws of Florida, is repealed.

Section 9. Section 97.032, Florida Statutes, 1994 Supplement, reads:

97.032 Short title.—This part may be cited as the "Florida Voter Registration Act."

Section 10. Section 97.041, Florida Statutes, 1994 Supplement, is amended to read:

97.041 Qualifications to register or vote.—

(1)(a) A person may become a ~~registered~~ voter only if ~~he or she that~~ ~~person~~:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the state of Florida;
4. Is a legal resident of the county in which ~~he or she that person~~ seeks to be registered; and
5. Registers pursuant to the Florida Election code.

(b) A person who is otherwise qualified may preregister on or after ~~his or her that person's~~ 17th birthday and may vote in any election occurring on or after ~~his or her that person's~~ 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

Section 11. Section 97.051, Florida Statutes, 1994 Supplement, reads:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: “I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that I am a citizen of the United States and a legal resident of Florida.”

Section 12. Section 97.052, Florida Statutes, 1994 Supplement, is 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 *political* party affiliation.
4. Change of name.

(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.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed *Forces* ~~forces~~ recruitment offices.
6. 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 *their* ~~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) *Political* 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.

(o) Whether the application is being used for initial registration or to update a voter registration record.

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

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.

(e) A statement that, if an applicant declines to register to vote, the fact that *he or she* ~~the applicant~~ has declined to register will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which *he or she* ~~the applicant~~ submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

Section 13. Section 97.053, Florida Statutes, 1994 Supplement, is amended to read:

97.053 Acceptance of voter registration applications.—

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

(2) A completed voter registration application that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041 becomes the official voter registration record of that applicant when received by the appropriate supervisor.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date when received by a driver license office, a voter registration agency, an *Armed Forces* ~~armed forces~~ recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed and bears a clear postmark is the date of the postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the registration is received by any supervisor or the division, unless it is received within 5 days after the closing of *registration*

~~the books~~ for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the ~~registration-closing book-closing date for that election.~~

(5)(a) A voter registration application is complete if it contains the applicant's name, legal residence address, date of birth, and signature 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.

(b) An applicant who fails to designate *political* party affiliation must be registered without *political* party affiliation. The supervisor must notify the voter by mail that the voter has been registered without *political* party affiliation and that the voter may change *political* party affiliation as provided in s. 97.1031.

Section 14. Section 97.055, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) ~~The Registration for an election books~~ must be closed on the 29th day before ~~that each~~ election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, ~~the registration for that election books~~ must be closed immediately. When ~~the registration is books are~~ closed for an election, voter registration and ~~party changes in political party affiliation~~ must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

(2) In computing the 29-day period for the closing of ~~the registration for an election books, the day of the election is excluded and all other~~ days are included *except that*, if the 29th day preceding ~~the an~~ election falls on a Sunday or a legal holiday, ~~the registration for that election books~~ must be closed on the next day that is not a Sunday or a legal holiday.

Section 15. Section 97.057, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or ~~to~~ update a voter registration record to each individual who comes to an office of that department to:

- (a) Apply for or renew a driver's license;
 - (b) Apply for or renew an identification card pursuant to chapter 322;
- or
- (c) Change an address on an existing driver's license or identification card.

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

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

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

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election *official authority*;

3. Information provided can also be used to update a voter registration record;

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

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

(b) Require a driver's license examiner to inquire orally, or ~~inquire~~ in writing if the applicant is hearing impaired, ~~and~~ whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or ~~to~~ update a voter registration record:

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

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

c. A voter registration application with all of the applicant's voter registration information must be presented to the applicant to sign.

2. If the applicant declines to register to vote, update ~~his or her the applicant's~~ voter registration record, or change ~~his or her the applicant's~~ address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must keep the declination for 2 years.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must forward ~~each~~ completed voter registration ~~application applications~~ within 5 days after receipt to the supervisor of the county where the office that processed or received ~~the that~~ application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.

(8) The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(9) The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

Section 16. Section 97.058, Florida Statutes, 1994 Supplement, is amended to read:

97.058 Voter registration agencies.—

(1) Each voter registration agency must provide each applicant the opportunity to register to vote or ~~to~~ update a voter registration record, at the time ~~he or she the applicant~~ applies for services or assistance from that agency, for renewal of such services or assistance, or for a change of address required with respect to the services or assistance.

(2) Each voter registration agency, other than a public library, must develop and provide each applicant with a form approved by the department containing all of the following:

(a) The questions:

1. "If you are not registered to vote where you live now, would you like to apply to register to vote today?"

2. "If you are registered to vote where you live now, would you like to update your voter registration record?"

(b) For agencies providing public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(c) Boxes for the applicant to check which indicate that:

1. The applicant would like to register to vote or update a current voter registration;

2. The applicant would like to decline to register to vote; or

3. The applicant is already registered to vote and does not need to update the voter registration,

together with the statement, "If you do not check any box, you will be considered to have decided not to register to vote or update a voter registration at this time."

(d) The statement, "If you would like help in filling out the voter registration application, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration application in private."

(e) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State."

(f) The address and telephone number of the appropriate office in the department where a complaint may be filed.

(g) A statement that all declinations will remain confidential and may be used only for voter registration purposes.

(h) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which *he or she* the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(3)(a) A voter registration agency may use the uniform statewide voter registration application or may create and use a voter registration application that meets the requirements of s. 97.052, with the approval of the department.

(b) A voter registration agency must provide to each applicant under subsection (1) the voter registration application that the agency decides to use pursuant to paragraph (a). An applicant who indicates a desire to register to vote or update a voter registration record must be provided the same degree of assistance with regard to the completion of that voter registration application as is provided by the agency with regard to the completion of its own forms, unless the applicant refuses that assistance.

(4) If a voter registration agency provides services to a person with a disability at *his or her* the person's home, the agency must also provide voter registration services at *that* the person's home.

(5) A voter registration agency must establish procedures for providing voter registration services to applicants who apply by telephone.

(6) A voter registration agency must forward *each* completed voter registration *application* applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records.

(8) A person providing voter registration services for a voter registration agency may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits;

(d) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(e) Disclose any applicant's voter registration information except as needed for the administration of voter registrations.

(9) A voter registration agency must collect data determined necessary by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(10) Each state agency which contracts with a private provider that is also a voter registration agency as defined in s. 97.021 is responsible for contracting for voter registration services with that provider and for ensuring that the private provider complies with the provisions of this section.

(11) Each voter registration agency must ensure that all voter registration services provided by its offices are in compliance with the Voting Rights Act of 1965.

Section 17. Section 97.0585, Florida Statutes, 1994 Supplement, reads:

97.0585 Declinations to register; place of registration and registration information; confidentiality.—

(1) All declinations to register to vote made pursuant to ss. 97.057 and 97.058 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for voter registration purposes. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) Information relating to the place where a person registered to vote or where a person updated a voter registration is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and a voter's signature, social security number, and telephone number may not be copied and are exempt for that purpose from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. These exemptions are subject to the Open Government Sunset Review Act in accordance with the provisions of s. 119.14.

Section 18. Section 97.061, Florida Statutes, 1994 Supplement, is amended to read:

97.061 Special registration for *voters* ~~electors~~ requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon *his or her* that person's request be registered by the supervisor under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section.

(2) If a person is qualified to register pursuant to this section, the supervisor shall note in that person's registration record that the person needs assistance in voting.

(3) Upon registering any person pursuant to this section, the supervisor must make a notation on the *precinct register* registration books or records which are delivered to the polls on election day that such voter person is eligible for assistance in voting, and The supervisor may issue such voter person a special registration identification card or make some notation on the regular registration identification card that such voter person is eligible for assistance in voting. Such voter is person shall be entitled to receive the assistance of two members of the election board officials or some other person of his or her own choice, other than the voter's his employer, an the agent of the voter's his employer, or an officer or agent of the voter's his union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such voter person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to continue to receive assistance in voting.

Section 19. Section 97.067, Florida Statutes, is created to read:

97.067 Assignment of voter to precinct.—The supervisor shall assign each voter registering under the code to the precinct in which the voter has his or her address of legal residence. If the voter has no permanent address within the county, but intends to remain a voter of the county, the supervisor shall assign the voter to the precinct in which the office of the supervisor is located.

Section 20. Section 97.071, Florida Statutes, 1994 Supplement, 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) Political party affiliation, if any.
- (e) Date of birth.
- (f) Race or ethnicity (if known).
- (g) Sex (if known).
- (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 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 political 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 21. Section 97.073, Florida Statutes, 1994 Supplement, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the notice must instruct the applicant to complete another voter registration application, which the supervisor must provide. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another jurisdiction, the supervisor must notify the registration official in the prior jurisdiction that the applicant is now registered in the supervisor's county.

Section 22. Section 97.1031, Florida Statutes, 1994 Supplement, is amended to read:

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

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

(b)(2) When the name of a voter ~~an elector~~ is changed by marriage or other legal process, the voter ~~elector~~ must notify the supervisor in writing of the change and obtain a registration identification card reflecting the name change.

(c)(3) When a voter ~~an elector~~ seeks to change political party affiliation, the voter ~~elector~~ must notify the supervisor in writing and obtain a new registration identification card reflecting the change in political party affiliation pursuant to s. 97.071.

(2)(4) The supervisor shall make the necessary changes in the voter's ~~elector's~~ records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or political party affiliation.

Section 23. Section 97.105, Florida Statutes, 1994 Supplement, is amended to read:

97.105 Permanent single registration system; registration list; delivery of records for municipal election established.—

(1) ~~The registration system established in this code is the A permanent single registration system for the registration of voters electors to qualify them to vote in all elections in which they are entitled in all is provided for the several counties and municipalities in this state. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered in pursuance of this system by the supervisor or by a deputy supervisor, and electors registered shall not thereafter be required to register or reregister except as provided by law.~~

(2) ~~The supervisor shall maintain a registration list of all voters in the county, including their signatures, and shall maintain the registration list so that the total number of voters in each municipality in the county can be determined.~~

(3) ~~The supervisor shall deliver the records required for a municipal election to the appropriate election official before the election and collect them after the election. The municipality shall reimburse the supervisor for the actual costs incurred.~~

Section 24. Section 98.015, Florida Statutes, 1994 Supplement, is amended to read:

98.015 Supervisor of elections; ~~election, tenure of office, compensation, custody of registration records books, office hours, successor, seal; appointment of deputy supervisors; duties.—~~

(1) ~~A supervisor of elections shall be elected in each county at the general election in each year the number of which is a multiple of four for a 4 year term commencing on the first Tuesday after the first Monday in January succeeding his election. Each supervisor shall, before performing any official duty of his duties, take the oath prescribed in s. 5, Art. II of the State Constitution and give a surety bond payable to the Governor in the sum of \$5,000, conditioned on the faithful discharge of the his duties of that office.~~

(2) ~~The supervisor's compensation shall be paid by the board of county commissioners.~~

(3) ~~The supervisor is the official custodian of all the registration records books and has the exclusive control of matters pertaining to registration of voters electors.~~

(4) ~~At a minimum, the office of the supervisor must be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.~~

(5) ~~The supervisor shall preserve statements and other information required to be filed with the supervisor's his office pursuant to chapter 106 for a period of 10 years after the from date of receipt.~~

(6) ~~Upon leaving office, a The supervisor shall immediately, upon leaving office, deliver to his or her successor immediately all equipment, records, and materials of or connected with the supervisor's belonging to his office.~~

(7) ~~Each supervisor may is authorized to obtain and use for his office an impression seal approved by and filed with the department. An impression of the seal with a description thereof shall be filed with the department. The supervisor may impress the is empowered to attach an impression of his seal upon official documents and certificates executed over the supervisor's his signature and take oaths and acknowledgments under the his seal in matters pertaining to the supervisor's his office. However, the said seal need not be affixed to registration certificates.~~

(8) Each supervisor may select and appoint, subject to removal by the supervisor, as many deputy supervisors as are necessary, whose compensation must be paid by the supervisor and who shall have the same powers and whose acts shall have the same effect as the acts of the supervisor; except that the supervisor shall limit the power to appoint deputy supervisors to designated deputy supervisors. Each deputy supervisor shall, before entering office, take an oath in writing that he or she will faithfully perform the duties of that his office, which oath must be acknowledged by the supervisor or a designated deputy supervisor and must be filed in the office of the supervisor.

(9) Each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county.

(10) Each supervisor must ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements for that county under the Voting Rights Act of 1965.

Section 25. Section 98.045, Florida Statutes, 1994 Supplement, is amended to read:

98.045 Administration of voter registration.—

(1) Each supervisor must ensure that any eligible applicant for voter registration is registered to vote. Once a voter is registered, the name of that voter may not be removed from the registration list books except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance program or other registration list maintenance activity conducted pursuant to s. 98.065 or s. 98.075.

(2) Information received by a supervisor from an election official in another jurisdiction indicating that a voter in the supervisor's county has registered to vote in that other jurisdiction shall be considered as a written request from the voter to have the voter's name removed from the registration list books of the supervisor's county.

(3) Notwithstanding the provisions of s. 98.095, 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 the this code.

Section 26. Section 98.055, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) An "address confirmation request," which that must contain:

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

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

(2) An "address confirmation final notice," which must be sent by forwardable mail and must contain a postage prepaid preaddressed return form and a statement that:

(a) If the voter has not changed his or her address of legal residence or has changed his or her address of legal residence within the county, the voter should return the return form within 30 days after the date of the notice.

(b) If the return form is not returned and the voter does not offer to vote by the second general election thereafter, the voter's name will be removed from the voter registration list books.

(c) If the voter has changed his or her address of legal residence to a location outside the county:

1. The voter should return the return form, which will serve as a request to be removed from the registration list books; and

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

Section 27. Section 98.065, Florida Statutes, 1994 Supplement, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned non-forwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned non-forwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. A voter's name may not be removed from the registration list books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration list books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of ineligibility as provided in s. 98.075(3).

(4) If the supervisor receives change-of-address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:

(a) The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.

(b) The voter has moved outside the supervisor's county, or which contains no forwarding address, the supervisor shall send an address confirmation final notice and remove the name of the voter from the registration list record if that voter did not:

1. Return the postage prepaid preaddressed return form,;
2. Appear to vote,;
3. Change his or her the voter's registration,; or
4. Request an absentee ballot

during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.

(5) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change his or her the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.

Section 28. Section 98.075, Florida Statutes, 1994 Supplement, is amended to read:

98.075 Other registration list maintenance activities.—

(1) The supervisor may send an address confirmation request to any voter whose name is on the list of drivers who have been removed by the Department of Highway Safety and Motor Vehicles from its driver's license database by reason of being licensed in another state. If the address confirmation request is returned to the supervisor by the United States Postal Service with change-of-address information, the supervisor must proceed in accordance with the procedures in s. 98.065(4).

(2) The supervisor may send an address confirmation request to any voter ~~who whom~~ the supervisor has reason to believe has moved from his or her legal residence. If the address confirmation request is returned to the supervisor by the United States Postal Service with change-of-address information, the supervisor must proceed in accordance with the procedures in s. 98.065(4).

(3)(a) When the supervisor believes that a voter is not at least 18 years of age, is not a citizen of the United States, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor must notify the person at his or her last known address by certified mail. If there is evidence that the notice was not received, notice must be given by publication in a newspaper of general circulation in the county where the person was last registered or last known. The notice by publication must run one time. The notification must plainly state that the registration is allegedly invalid and must be in the form of a notice to show cause why the person's name should not be removed from the registration list books. The notice must state a time and place for the person so notified to appear before the supervisor to show cause why his or her name should not be removed.

(b) Upon hearing all evidence in an administrative hearing, the supervisor must determine whether there is sufficient evidence to strike the person's name from the registration list books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(c) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration list books or that he or she is indigent, he or she must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

Section 29. Section 98.081, Florida Statutes, 1994 Supplement, is amended to read:

98.081 Names removed from registration list books; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

~~(1) Any person who requested that his name be removed from the registration books between the book-closing date of the first primary and the date of the second primary may not register in a different political party until after the date of the second primary election.~~

(1)(2) When the name of any voter elector is removed from the registration list books pursuant to s. 98.065, s. 98.075, or s. 98.093, the voter's his original registration form shall be filed alphabetically in the office of the supervisor. ~~However As alternatives,~~ registrations removed from the registration list books 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. ~~If 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.

(2)(3) When the name of any voter elector has been erroneously or illegally removed from the registration list books, the name of the voter elector shall be restored by the supervisor upon satisfactory proof, even though the registration period for that election is closed.

Section 30. Section 98.093, Florida Statutes, 1994 Supplement, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1)(a) The Department of Health and Rehabilitative Services shall furnish monthly to each supervisor of elections a list containing the name, address, date of birth, race, and sex of each deceased person 17 years of age or older who was a resident of that such supervisor's county.

~~(b)(2) Each clerk of the circuit court shall, at least once each month, deliver to each supervisor of elections a list stating the name, address, date of birth, race, and sex of each person convicted of a felony during the preceding calendar month who was a resident of that supervisor's county and; a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county.~~

(c)(3) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall immediately forward such information to the supervisor of elections for the county where the offender resides.

(2)(4) Upon receipt of any such list under subsection (1), the supervisor shall remove from the registration list books the name of each any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration list books.

(3)(5) Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of such persons from the registration list books after verification of information received from other sources.

Section 31. Section 98.095, Florida Statutes, 1994 Supplement, is amended to read:

98.095 Registration records County registers open to inspection; copies.—

(1)(a) The Registration records books are public records. Every citizen is allowed to examine the registration records books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom except as provided by this section. Within 15 days of a request, the supervisor shall furnish any requested information, excluding a voter's signature, which the supervisor maintains pursuant to "the Florida Election code."

(b) Notwithstanding the provisions provision of paragraph (a), after an election, if there is a request for information relating to voters electors who voted in 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 shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided 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 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 32. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, 1994 Supplement, as amended by chapter 91-235, Laws of Florida, and this act, is amended to read:

98.095 Registration records open to inspection; copies.—

(2) The information provided 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 33. Sections 98.101 and 98.181, Florida Statutes, are repealed.

Section 34. Section 98.212, Florida Statutes, 1994 Supplement, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1) 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.

(2) Supervisors may require reimbursement for any or all actual expenses ~~expense~~ of supplying the such information requested under subsection (1). Supervisors may use the services of research and statistical personnel that may be supplied.

(3) Lists of names submitted to supervisors for indication of registration or nonregistration or of political 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.

(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.

Section 35. Section 98.231, Florida Statutes, is amended to read:

98.231 Supervisor ~~of elections~~ to furnish ~~division Department of State~~ number of voters ~~registered electors~~.—

(1) By January 15 of each general election year the supervisor shall furnish the division with the total number of voters as of January 1 registered in each political party and the total number of voters without political party affiliation for that supervisor's county.

(2) Within 15 days after the closing of registration prior to the presidential preference primary, first primary, second primary, and general election, each the supervisor of each county, within 15 days after the closing of registration books prior to the election, shall furnish, for the

county and for each legislative and congressional district in which such county or any portion thereof is located, advise the division with Department of State of the total number of voters registered electors of each political party in which any elector has registered and the total number of voters electors registered as independents or without political party affiliation for that supervisor's county and for each legislative and each congressional district in which that county or any portion thereof is located.

Section 36. Section 98.255, Florida Statutes, is amended to read:

98.255 Voter educational programs and materials.—Each supervisor of elections is authorized to provide voter educational programs and materials of a nonpartisan nature in his county as he may deem appropriate. Such programs and materials shall not include any questionnaire or survey relating to candidates or proposals issues.

Section 37. Section 98.461, Florida Statutes, 1994 Supplement, is amended to read:

98.461 Registration form, ~~precinct register; filing and storage centers~~.—A registration form for each voter, 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 registration 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, and the original registration forms shall be maintained 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; race; 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 38. Sections 98.391, 98.401, 98.412, 98.421, 98.431, 98.441, 98.451, 98.471, 98.481, and 98.491, Florida Statutes, are repealed.

Section 39. Section 99.012, Florida Statutes, is amended to read:

99.012 Resign to Run Law; restrictions on individuals qualifying for public office.—

(1) This section may be cited as the "Resign to Run Law."

(2)(1) As used in this section:

(a) "Officer" means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, the term "officer" means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

(b) "Subordinate officer" means a person to whom an officer who has been delegated the authority to exercise the sovereign power of the state by an officer. With respect to a municipality, "subordinate officer" means a person to whom an officer who has been delegated the authority to exercise municipal power by an officer.

(3)(2) A No person may not qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(4)(3)(a) ~~An No~~ officer may not qualify as a candidate for another public office, whether state, district, county, or municipal, if the terms or any part thereof run concurrently with each other, without resigning from the office ~~currently held he presently holds~~.

(b) The resignation is irrevocable.

(c) The ~~written~~ resignation must be submitted *in writing* at least 10 days prior to the first day of the qualifying period for the office ~~sought he intends to seek~~.

(d) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit ~~the~~ his resignation to the ~~filing officer before whom he qualified~~ for the office ~~currently held he holds~~, with a copy to the Governor and the ~~division Department of State~~.

2. An appointed district, county, or municipal officer must submit ~~the~~ his resignation to the ~~appointing officer or authority for which appointed him to the office currently held he holds~~, with a copy to the Governor and the ~~division Department of State~~.

3. All other officers must submit their resignations to the Governor, with a copy to the ~~division Department of State~~.

(f)1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the ~~public~~ officer's term were otherwise scheduled to expire.

2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of ~~the his~~ unexpired term in ~~the~~ a manner provided by the respective charter. The office is deemed vacant upon the effective date ~~set forth in of the resignation submitted by the official in his letter of resignation~~.

(g) ~~An Any~~ officer who ~~fails to submit the submits his~~ resignation at least 10 days prior to the first day of the qualifying period must, prior to qualifying for the other office, submit a resignation that is, effective immediately or effective on a date prior to the date of his qualifying for that office, ~~may then qualify for office as a nonofficeholder, and the provisions of this subsection do not apply~~.

(5)(4)(a) ~~An Any~~ officer who qualifies for federal public office must resign from the office ~~currently held he presently holds~~ if the terms or any part thereof run concurrently with each other.

(b) The resignation is irrevocable.

(c) The resignation must be submitted *in writing* no later than the date upon which ~~the officer he~~ qualifies for office.

(d) The ~~written~~ resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit ~~the~~ his resignation to the ~~filing officer before whom he qualified~~ for the office ~~currently held he holds~~, with a copy to the Governor and the ~~division Department of State~~.

2. An appointed district, county, or municipal officer must submit ~~the~~ his resignation to the ~~appointing officer or authority for which appointed him to the office currently held he holds~~, with a copy to the Governor and the ~~division Department of State~~.

3. All other officers must submit their resignations to the Governor, with a copy to the ~~division Department of State~~.

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable resignation, effective immediately, from the office ~~currently held he presently holds~~.

2. The ~~division Department of State~~ shall send a notice of the automatic resignation to the Governor, and, in the case of a district, county, or municipal officer, a copy to:

a. The ~~filing officer before whom he qualified~~ if the ~~office officer held was an~~ elective office; or

b. The ~~appointing person or authority who appointed the officer if the office officer held was an~~ appointive office.

(g)1. The provisions of any special act to the contrary notwithstanding, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, ~~thereby permitting~~ Persons may to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire.

2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of ~~the his~~ unexpired term in ~~the~~ a manner provided by the respective charter. The office is deemed vacant upon the effective date ~~set forth in of the resignation submitted by the official in his letter of resignation~~.

(6)(a)(5) A person who is a subordinate officer, deputy sheriff, or police officer need not resign pursuant to this section unless ~~the person~~ he is seeking to qualify for a public office which is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

(b) ~~However,~~ Upon qualifying for any public office, a ~~the~~ subordinate officer, deputy sheriff, or police officer must take a leave of absence without pay during the period in which he or she is a candidate for that office.

(7)(6) The name of any person who does not comply with this section may be removed from every ballot on which it appears when ordered by a circuit court upon the petition of a voter ~~an elector~~ or the ~~division Department of State~~.

(8)(7) This section does not apply to:

(a) Political party offices.

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

(9)(8) ~~Nothing contained in Subsections (4) (3) and (5) do not apply (4) relates to persons holding any federal office.~~

Section 40. Section 99.021, Florida Statutes, is amended to read:

99.021 Form of candidate oath.—

(1)(a) ~~Each candidate, whether a party candidate, an independent candidate, or a write-in candidate,~~ In order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, ~~each candidate shall take and subscribe to a written an~~ oath or affirmation ~~in writing~~. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer ~~with before whom the such~~ candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of . . .

~~I, Before me, an officer authorized to administer oaths, personally appeared . . . (please print name as you wish it to appear on the ballot) . . . , swear or affirm that I am to me well known, who, being sworn, says that he is a candidate for the office of . . . ; that I am he is a voter qualified elector of . . . County, Florida; that I am he is qualified under the Constitution and the laws of Florida to hold the office to which I seek he desires to be nominated or elected; that I have he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that I have not he has qualified for any no other public office in the state; the term of which office or any part thereof runs concurrently concurrent with that of the office I seek he seeks; and that I have he has resigned from any office from which I am he is required to resign pursuant to s. 99.012, Florida Statutes.~~

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

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

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

(b) In addition, ~~each any~~ person seeking to qualify for nomination as a candidate of ~~a any~~ political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The *political party* of which *the person he* is a member.
2. That *the person he* is not a registered member of any other political party.
3. That *the person and* has not been a candidate for nomination for any other political party for a period of 6 months preceding the general election for which *he or she* seeks to qualify.

4.3. That *the person he* has paid ~~all assessments the assessment~~ levied against him ~~or her, if any, as a candidate for said office~~ by the executive committee of the *political party* of which *he or she* is a member.

(c) ~~The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidaey so that the name of such person may be printed on the ballot.~~ Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him ~~or her~~ counted.

(2) The provisions of subsection (1) ~~apply to any relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office and, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.~~

Section 41. Subsection (3) is added to section 99.021, Florida Statutes, to read:

99.021 Form of candidate oath.—

(3) *Each candidate for a statewide or legislative office may also sign a fair-campaign-practices pledge, which must be substantially as follows:*

As I seek public office in Florida, I honor the following principles as a guide to conduct that the public is entitled to expect of me:

1. *I will address valid issues in my campaign, tell the truth as to my intentions if I am elected, and fight fairly in any contest with my opponents.*
2. *I will shun demagoguery that seeks to deflect the public's attention to sham issues that obscure real concerns of the electorate.*
3. *I will limit my attacks against an opponent to legitimate challenges to that person's record, qualifications, and positions.*
4. *I will neither use nor permit the use of malicious untruths or scurrilous innuendos about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's integrity.*
5. *I will take personal responsibility for approving or disavowing the substance of attacks on my opponent which come from third parties supporting my candidacy.*

6. *I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.*

7. *I will neither use nor permit the use of appeals to bigotry in any form, and specifically to prejudice based on race, gender, religion, or national origin.*

8. *I will demand that persons or organizations supporting me maintain these standards of fairness.*

9. *I will repudiate any abuses of this code.*

Section 42. Section 99.0215, Florida Statutes, is created to read:

99.0215 Fair Campaign Practices Board.—

(1) There is created within the Department of State a Fair Campaign Practices Board. The board shall be composed of five members, including a chairperson. The chairperson of the board shall be designated by the Secretary of State. Two members of the board must be registered Republicans; two members must be registered Democrats; and one member must not be affiliated with either major political party. All members of

the board must be appointed by the Secretary of State subject to confirmation by the Senate. The members of the board, including the chairperson, may not receive compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061.

(2)(a) Initial appointments to the board must be made by September 1, 1995. To provide for staggered terms, two members of the board must be appointed to 4-year terms; one member must be appointed to a 3-year term; and two members must be appointed to 2-year terms. Thereafter, all terms are for a period of 4 years. Vacancies on the board must be filled for an unexpired term in the same manner as the original appointment.

(b) A member of the board must not be a member of any county, state, or national committee of a political party or an officer in any partisan political club or organization, or hold, or be a candidate for, any other public office. A person who has held an elective public office or office in a political party within the year immediately preceding appointment may not be appointed as a member of the board.

(3)(a) The board shall convene at the call of its chairperson or at the request of a majority of the members of the board. The presence of three members constitutes a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the board.

(b) The Fair Campaign Practices Board shall receive and investigate all sworn complaints submitted by any voter of the state alleging that a statewide or legislative candidate has violated the fair-campaign-practices pledge. Upon completion of any investigation initiated under this subsection, the board must make a finding and public report as to whether any provision of the fair-campaign-practices pledge has been violated. The board must also investigate and issue a public report of its findings on any issue related to the fair-campaign-practices pledge referred to the board by the Secretary of State. If, in the course of the investigation, the board discovers material that indicates that a violation of chapter 106 has occurred, the board must refer such material to the Elections Commission or the state attorney's office, as is appropriate.

(c) Any candidate who has signed the fair-campaign-practices pledge may request a hearing before the board to present oral or written testimony in response to allegations made against that candidate.

(d) All proceedings conducted under this section are public meetings within the meaning of chapter 286 and all documents made or received in connection with the board's investigation are public records within the meaning of chapter 119.

(e) The board may, with the permission of the Secretary of State, meet in any municipality in the state.

(4) The division shall provide administrative support and services to the board to carry out its duties under this section. The division shall employ such staff as are necessary to adequately perform the functions of the board, within budgetary limitations.

Section 43. Section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1)(a) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his qualification papers with, and pay the qualifying fee, ~~which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the division Department of State, or qualify by the alternative method with the division pursuant to s. 99.095 Department of State, at any time during the after-noon of the 1st day for~~ qualifying period for the office sought.

(b)1.a. ~~For persons seeking to qualify for nomination or election to a federal office, the qualifying period, which shall be from noon of as follows: the 120th day prior to the first primary until, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and~~

b. Notwithstanding the qualifying period prescribed in subparagraph a., in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to a federal office shall be from noon of the 57th day prior to the primary until noon of the 53rd day prior to the primary.

2. For persons seeking to qualify for nomination or election to a state or multicounty district office, the qualifying period shall be from noon of the 50th day prior to the first primary until, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office. However, the qualifying fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures.

(2)(a) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or a district or special district office not covered by subsection (1), shall file his qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor pursuant to s. 99.095 of elections, at any time during the after noon of the 1st day for qualifying period for the office sought.

(b) For persons seeking to qualify for nomination or election to a county office, or a district or special district office not covered by subsection (1), the qualifying period, which shall be from noon of the 50th day prior to the first primary or special district election until, but not later than noon of the 46th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, the qualifying period shall be from noon of the 50th day prior to the first primary until, but not later than noon of the 46th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his qualification papers with the respective filing qualifying officer at any time after noon of the 1st day of the for qualifying period for the office sought, but not later than noon of the 7th day following the end of the qualifying period for the office sought.

(b) A Any person who is seeking election as a write-in candidate is shall not be required to pay a qualifying filing fee, election assessment, or party assessment. A write-in candidate is shall not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's his name to be written in shall be provided on the general election ballot. A No person may not qualify as a write-in candidate if he or she has also otherwise qualified for nomination or election to the same such office.

(4) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, and A candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(5)(a) Immediately after the end of the qualifying period for write-in candidates, the supervisor shall submit to the division a list containing the names, political party affiliations, and addresses of all candidates who have qualified with the supervisor and the offices for which they qualified.

(b) Within 7 days after the end of the qualifying period for state or multicounty district office, the division Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election to federal, state, or multicounty district office who have qualified with the division, except for write-in candidates, whose names shall be certified within 7 days thereafter Department of State.

(6) Notwithstanding the qualifying period prescribed in this section, if a candidate has submitted the necessary petitions by the required deadline in order to qualify by the alternative method as a candidate for nomination and such candidate is notified after the 5th day prior to the last day for qualifying that the required number of signatures has been obtained, such candidate shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date such candidate is notified that the necessary number of signatures

has been obtained. Any candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

(6)(7) Within 7 days after the end closing of the qualifying period for the office sought time or within 7 days after a candidate files his qualifying papers, whichever last occurs, the filing officer Department of State or the supervisor of elections, as the case may be, shall notify the a candidate by registered mail of any error in the candidate's his papers or fees. Candidates notified shall have 72 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to file with the filing appropriate qualifying officer the any papers or fees necessary to correct each any such error.

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the first primary, but not later than noon of the 53rd day prior to the first primary.

Section 44. Sections 99.081 and 99.091, Florida Statutes, are repealed.

Section 45. Section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; party assessment; notification of department; remittance to political parties of State.—

(1)(a) Each person seeking to qualify for nomination or election to any office other than a municipal office, except a person seeking to qualify pursuant to s. 99.095 or and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee and any applicable party assessment to the filing officer. The qualifying fee, which shall consist of a filing fee and an election assessment, to the officer with whom he qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers.

(b)1. For persons qualifying for nomination or election to a federal, state, or multicounty district office, the amount of the filing fee is 4.5 percent of the annual salary of the office, sought and shall be distributed by the division as follows:

a. The amount of the filing fee equal to 1.5 percent of the annual salary of the office sought shall be deposited into transferred to the Election Campaign Financing Trust Fund. The remainder shall be distributed pursuant to s. 99.103.

b. The amount equal to 0.45 percent of the annual salary of the office sought shall be deposited into the General Revenue Fund.

c. The amount equal to 2.55 percent of the annual salary of the office sought shall be remitted to the state executive committee of the political party of which the candidate is a member, to be used for the purpose of meeting its expenses, if more than three-fourths of the full authorized membership of that committee was elected at the last previous election for members of that committee and if that political party is a major political party; however, if the political party does not meet these requirements, such amount shall be deposited into the General Revenue Fund. Not later than 20 days after the end of the qualifying period, the division shall remit 95 percent of the filing fees that a major political party is entitled to receive and that have been collected by the division to the respective state executive committees of the major political parties. The remainder of filing fees or party assessments collected by the division shall be remitted to the appropriate state executive committees not later than the date of the primary.

2. For persons qualifying for nomination or election to a county office, or a district or special district office not covered by subparagraph 1., the filing fee is 4.5 percent of the annual salary of the office sought and shall be distributed by the supervisor, within 30 days after the end of the qualifying period, as follows:

a. The amount equal to 1.5 percent of the annual salary of the office sought shall be deposited into the Election Campaign Financing Trust Fund.

b. The amount equal to 3 percent of the annual salary of the office sought shall be remitted to the state executive committee of the political party of which the candidate is a member.

(c) ~~The amount of~~ The election assessment is 1 percent of the annual salary of the office sought ~~and. The election assessment shall be deposited into the Elections Commission Trust Fund.~~

(d) ~~The amount of~~ The party assessment is 2 percent of the annual salary of the office sought ~~and shall be remitted by the filing officer to the state executive committee of the political party of which the candidate is a member if that committee is duly organized under chapter 103.~~

(e) ~~The annual salary of the office~~ For purposes of computing the filing fee, election assessment, and party assessment, ~~the annual salary of the office shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for the such office as of June 30 July 1 immediately preceding the first day of the qualifying period for that office.~~

(f) ~~The No~~ qualifying fee and party assessment shall not be returned to a candidate unless he or she withdraws as a candidate ~~his candidacy before the end of the qualifying period for that office last date to qualify. If a candidate dies prior to an election and has not withdrawn as a candidate his candidacy before the end of that qualifying period last date to qualify, the candidate's his~~ qualifying fee and party assessment shall be returned to his or her designated beneficiary, ~~and, If the filing fee or any portion thereof or the party assessment has been transferred to the political party of the candidate, the Secretary of State shall direct the political party to return that fee, portion, or assessment to the candidate's designated beneficiary of the candidate.~~

~~(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.~~

~~(2)(3)~~ Each candidate for the office of Governor and each candidate for the office of Lieutenant Governor shall pay a separate qualifying fee and party assessment ~~for his office~~ in accordance with this section.

Section 46. 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 is shall be an amount equal to 1.5 percent of the annual salary of the office sought. Within 30 days after the end else of the qualifying period, the filing qualifying officer shall forward two-thirds of the amount collected pursuant to this section to the division Department of State for deposit in the Elections Commission Trust Fund and one-third of the amount collected pursuant to this section shall be deposited into transferred to the Election Campaign Financing Trust Fund.~~

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on his personal or other available resources ~~or on resources otherwise available to him~~ shall, upon written certification of such inability given under oath to the filing qualifying officer, be exempt from paying the election assessment.

Section 47. Section 99.095, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 99.095, F.S., for present text.)

99.095 Petition process for major political party candidates.—

(1) A candidate seeking the nomination of a major political party to any office may qualify to have his or her name placed on the ballot for the first primary without being required to pay the qualifying fee and party assessment as required by s. 99.061 if he or she submits a valid petition.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of the county in which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division;

(c) The petition indicates the group or district office for which the candidate is running if the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election;

(d) The petition is separate from the petition of any other candidate, except that candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same petition for both candidates; and

(e) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition contains signatures of at least 3 percent of the voters who are of the major political party from which the candidate seeks nomination and who are registered within the geographical area of the office sought. A signature is not valid if:

1. Collected before the candidate has submitted to the filing officer, as required, both the name and address of the campaign treasurer and primary campaign depository and a written statement declaring the candidate's intent to use the petition process instead of paying the qualifying fee and party assessment; or

2.a. Collected, on behalf of a candidate for federal office, prior to October 1 of the year preceding the election; or

b. Collected, on behalf of a candidate for any other office, prior to December 1 of the year preceding the election.

(3)(a) Not less than 7 days before the first day of the qualifying period, the supervisor shall inform the filing officer of the number of valid signatures submitted in the petition.

(b) Before the first day of the qualifying period, the filing officer shall inform the candidate whether the petition is valid.

Section 48. Section 99.0955, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 99.0955, F.S., for present text.)

99.0955 Candidate without political party affiliation seeking office; name on general election ballot.—

(1)(a) A candidate seeking office without political party affiliation may become provisionally qualified to have his or her name printed on the general election ballot when, by the deadline established by s. 99.061 for the office sought, he or she submits the necessary qualification papers required by s. 99.061 and pays the qualifying fee or provides written certification that he or she is unable to pay the qualifying fee without imposing an undue burden on personal or other resources.

(b) A provisionally qualified candidate becomes eligible to have his or her name printed on the general election ballot if the candidate submits a valid petition.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 50th day prior to the first primary, to the supervisor of the county of which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division;

(c) The petition indicates the group or district office for which the candidate is running if the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election;

(d) The petition is separate from the petition of any other candidate, except that candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same petition for both candidates; and

(e) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition contains signatures of at least 3 percent of the voters who are registered within the geographical area of the office sought. A signature is not valid if:

1. Collected before the candidate has submitted to the filing officer, as required, the name and address of the campaign treasurer and primary campaign depository; or

2.a. Collected, on behalf of a candidate for federal office, prior to October 1 of the year preceding the election; or

b. Collected, on behalf of a candidate for any other office, prior to December 1 of the year preceding the election.

(3)(a) Not more than 30 days after petitions are required to be filed pursuant to paragraph (2)(a), the supervisor shall inform the candidate whether the petition is valid.

(b) The qualifying fee, if any, paid by a candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that the petition is invalid.

(4) Notwithstanding any other provision of this section, candidates for President and Vice President who are seeking such offices without political party affiliation may have their names printed on the general election ballot if a petition is signed by 1 percent of the voters of this state, as shown by the compilation by the division for the last preceding general election. A separate petition from each county for which signatures are solicited must be submitted to the supervisor of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and shall certify the number shown as voters of that county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then, on or before September 1, forward the certificate to the division, which shall determine whether the percentage required in this subsection has been met. If the percentage required in this subsection has been met, the division shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as presidential electors.

Section 49. Section 99.096, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 99.096, F.S., for present text.)

99.096 Minor political party candidates; names on ballot.—

(1) A minor political party candidate may have his or her name printed on the general election ballot if the minor political party submits a valid petition and the state executive committee of the minor political party included the candidate's name on the official list of nominees submitted to the division by noon on the Friday before the first day of the qualifying period for the office sought by the candidate. In addition, by the end of the qualifying period for the office sought by the candidate:

(a) The candidate must have paid the qualifying fee and party assessment or provided written certification that he or she was unable to pay the qualifying fee and party assessment without imposing an undue burden on personal or other available resources;

(b) The candidate must be otherwise qualified pursuant to s. 99.061.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 50th day prior to the first primary, to the supervisor of the county which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division; and

(c) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition requesting that the minor political party be assigned position on the general election ballot contains signatures of at least 3 percent of the voters who are registered within the geographical area of the office sought, as shown by the compilation by the division for the last general election. A signature is not valid if collected prior to October 1 of the year preceding the election. Any signature collected by a minor political party to secure ballot position may be used to satisfy the percentage requirement of this paragraph for any and all geographic areas within which that signature is valid.

(3)(a) Not more than 30 days after petitions are required to be filed pursuant to paragraph (2)(a) the supervisor shall inform the filing officer and the state executive committee of the minor political party whether the petition is valid.

(b) The qualifying fee, if any, paid by a candidate shall be refunded to such candidate by the qualifying officer within ten days from the date that the determination is made that the petition submitted by the minor political party on behalf of that candidate is invalid.

(4) Notwithstanding any other provision of this section, a minor political party may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the voters of this state, as shown by the compilation by the division for the last preceding general election. A separate petition

from each county for which signatures are solicited must be submitted to the supervisor of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and shall certify the number shown as voters of that county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then, on or before September 1, forward the certificate to the division, which shall determine whether the percentage required in this subsection has been met. If the percentage required in this subsection has been met, the division shall order the names of the candidates nominated by the minor political party to be included on the ballot and shall permit the required number of persons to be certified as presidential electors.

Section 50. Section 99.0965, Florida Statutes, is amended to read:

99.0965 Minor parties; selection of candidates.—

(1) A minor political party with a position on the general election ballot may provide for the designation of its official list of nominated candidates in any manner that it deems proper. The state executive committee of the minor political party shall by resolution adopt a procedure for the selection of candidates, a copy of which shall be submitted to the ~~division~~ Department of State.

(2) *The official list of nominated candidates may not be changed by the minor political party after it has been filed with the division, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.*

Section 51. Section 99.09651, Florida Statutes, is amended to read:

99.09651 *Petition signature requirements for ballot position in year of apportionment.—*

(1) In a year of apportionment, any candidate for representative to Congress, state Senate, or state House of Representatives seeking ballot position as a major political party candidate by the petition process ~~alternative method~~ or as an independent candidate without political party affiliation or any minor political party seeking ballot position shall obtain at least the number of signatures equal to 1 percent of the ideal population for the district of the office being sought.

(2) For the purposes of this section, "ideal population" means the total population of the state based upon the most recent decennial census divided by the number of districts for representative to Congress, state Senate, or state House of Representatives, respectively, ~~and—For the purposes of this section, ideal population shall be calculated as of July 1 of the year prior to apportionment. The ideal population for a state Senate district and a state representative district shall be calculated by dividing the total population of the state by 40 for a state Senate district and by dividing by 120 for a state representative district.~~

(3) Signatures may be obtained from any registered voter in Florida regardless of political party affiliation or district boundaries.

(4) Petitions for candidates shall state the name of the office sought ~~the candidate is seeking~~, but shall not include a district number.

(5) Except as otherwise provided in this section, all requirements and procedures relating to the petition process shall conform to the requirements and procedures in nonapportionment years.

Section 52. Section 99.097, Florida Statutes, is amended to read:

99.097 Verification of signatures on petitions.—

(1)(a) *If the format of a petition is required to be prescribed by the division, a signature shall not be counted toward the number of signatures required unless it is on a petition in the prescribed format.*

(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.*

(2)(1) ~~The supervisor shall use 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 has been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification must shall be adopted promulgated by the division. The rules Department of State, which may require 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 these such criteria, the supervisors may not then the use of the verification method described in this paragraph shall not be available to supervisors.~~

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

(4)(3) A signature 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 Department of State, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the Department of State.~~

(5)(4)(a) The supervisor ~~must shall~~ be paid the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor political party, or person authorized by the such minor political party submitting the petition or, in the case of a petition to have a proposal an issue placed on the ballot, by the person or organization submitting the petition.

(b) However, if such a candidate, person, or organization seeking to have a proposal an issue placed upon the ballot certifies under oath to the filing officer that those cannot pay such charges cannot be paid without imposing an undue burden on personal or other available 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 shall be checked 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 submitted by the sponsor of an initiative filing an affidavit giving notice of the use of paid solicitors pursuant to s. 100.371(4), to obtain ballot position for a minor party.

(c) If signatures are checked ~~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 division Comptroller no later than December 1 each of the general election year, and The division Comptroller shall request that the supervisor cause such supervisor of elections to be reimbursed from the general revenue Fund in an amount equal to 10 cents for each signature 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.~~

(6)(5) The candidate, an announced opponent, a representative of a designated political committee, or a person, political party, or other organization submitting the petition may contest the results of a verification pursuant to paragraph (2)(b) by filing a complaint (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. The complaint must be filed within 10 days after midnight of the day date the petition is certified; and must the complaint shall set forth the grounds on which the contestant intends to establish the his right to require a complete check of the names and signatures under pursuant to paragraph (2)(a) (1)(a). If In the event the court orders a complete check of the petitions

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, ~~the court may require the complainant to then such candidate, unless he has filed the oath stating that he 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 53. Sections 99.103 and 99.121, Florida Statutes, are repealed.

Section 54. Section 100.011, Florida Statutes, is amended to read:

100.011 Opening and closing of polls, ~~all elections; expenses.—~~

(1) For all elections held in this state, including municipal, school district, and other district elections, the polls shall be open at the voting places at 7:00 a.m., on the day of the election; and shall be kept open until 7:00 p.m., of the same day, and The time shall be regulated by the customary time in standard use in the locality. The clerk inspectors shall announce make public proclamation of the opening and closing of the polls. During the election and canvass of the votes, the ballot box shall not be concealed.

(2) The time of opening and closing of the polls shall be observed in all elections held in this state, including municipal and school elections.

(3) The expenses of holding all elections for county and state offices necessarily incurred shall be paid out of the treasury of the county or state, as the case may be, in the same manner and by the same officers as in general elections.

(4)(a) The provisions of any special law to the contrary notwithstanding, the expenses of holding a special district or community development district election, or the district's proportionate share of regular election costs, as the case may be, shall be paid out of the district's treasury and in the same manner as in general elections. This subsection applies to any district, whether created by or pursuant to special or general law, which is a special district as defined in s. 200.001(8)(c) or a community development district as defined in s. 190.003(6).

(b) The provisions of any special law to the contrary notwithstanding, the supervisor of elections may impose an interest penalty on any amount due and owing to him from a special district or community development district if payment is not made within 30 days from receipt of the bill or within 10 working days of the required time authorized by interlocal agreement. The rate of such interest shall be the rate established pursuant to s. 55.03.

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.405 and 189.4051.

Section 55. Section 100.102, Florida Statutes, is transferred, renumbered as section 100.0115, Florida Statutes, and amended to read:

100.0115 100.102 Election expenses Cost of special elections and special primary elections to be incurred by the state.—

(1) For purposes of this section, "election expenses" include, but are not limited to, expenditures for all paper supplies such as envelopes, instructions to voters, oaths, affirmations, reports, ballots, ballot booklets for absentee voters, postage, and notices to voters; advertisements for registration closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(2)(a) Except as otherwise provided in paragraph (b), the expenses of holding all elections for federal, state, county, and school district offices necessarily incurred shall be paid out of the treasury of the county.

(b) Whenever a any special election or special primary election is held as required in s. 100.101 but is not held in conjunction with a regularly scheduled primary or general election, each county incurring expenses

resulting from such special election or special primary election shall be reimbursed by the state. Reimbursement shall be based upon actual expenses as filed by the supervisor of elections with the county governing body. The ~~division~~ Department of State shall verify the expenses of each such special election and each such special primary election and authorize payment for reimbursement to each county affected.

(3)(a) *The provisions of any special law to the contrary notwithstanding, the expenses of holding a special district or community development district election, or the district's proportionate share of regular election expenses, as the case may be, shall be paid out of the district's treasury. This paragraph applies to any district, whether created by or pursuant to special or general law, which is a special district as defined in s. 189.403(1) or a community development district as defined in s. 190.003(6).*

(b) *The provisions of any special law to the contrary notwithstanding, the supervisor may impose an interest penalty on any amount due and owing to him or her from a special district or community development district if payment is not made within 30 days after receipt of the bill or within 10 working days after the required time authorized by interlocal agreement. The rate of interest shall be the rate established pursuant to s. 55.03.*

(4)(a) *The provisions of any special law to the contrary notwithstanding, the expenses of holding a municipal election, or the municipality's proportionate share of regular election expenses, as the case may be, shall be paid out of the municipality's treasury.*

(b) *The provisions of any special law to the contrary notwithstanding, the supervisor may impose an interest penalty on any amount due and owing to him or her from a municipality if payment is not made within 30 days after receipt of the bill or within 10 working days after the required time authorized by interlocal agreement. The rate of interest shall be the rate established pursuant to s. 55.03.*

Section 56. Section 100.105, Florida Statutes, is created to read:

100.105 Special district elections.—The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.405 and 189.4051.

Section 57. Section 100.021, Florida Statutes, is amended to read:

100.021 Notice of general election.—~~The division Department of State shall, in each any year in which a general election is held, prepare make-out a notice listing the stating what offices and vacancies are to be filled at the general election in the state, and in each county and district thereof. During the 30-day period 30 days prior to the first day beginning of the qualifying period for federal office, the division Department of State shall have the notice published two times in a newspaper of general circulation in each county; and, in counties in which there is no newspaper of general circulation, it shall send to the sheriff a notice of the offices and vacancies to be filled at such general election by the qualified voters of his county or any district thereof, and the sheriff shall have at least five copies of the notice posted in conspicuous places in the county.~~

Section 58. Section 100.025, Florida Statutes, 1994 Supplement, is amended to read:

100.025 Citizens residing overseas; notice of elections.—A citizen of this state who is residing overseas may notify the supervisor of elections in the county where he or she is registered of his or her overseas address; and, thereafter, the supervisor shall notify such citizen at least 90 days prior to each regular primary and general election elections and when possible prior to any special election so that such citizen may follow the procedures for absentee voting provided by law.

Section 59. Section 100.031, Florida Statutes, is amended to read:

100.031 General election.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each officer holding an elective federal, state, county, or ~~and~~ district office officer whose term will expire before the next general election and, except as provided in the State Constitution, to fill each vacancy in elective office for the unexpired portion of the term.

Section 60. Section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(1) *A United States Senator shall be elected at the general election held immediately preceding the expiration of each incumbent's current term of office.*

(2)(a) *A Representative to Congress shall be elected in and for each congressional district at each general election.*

(b) *If according to the last census the number of congressional representatives the state is entitled to changes, congressional representatives shall be elected from the state at large until the state is redistricted by the Legislature.*

(3)(a)1.(4) *State senators shall be elected at the general election for terms of 4 years, those from odd-numbered districts in each year the number of which is a multiple of 4 and those from even-numbered districts in each even-numbered year the number of which is not a multiple of 4. Members of the House of Representatives shall be elected at the general election for terms of 2 years in each even-numbered year.*

2. ~~In each county,~~ A clerk of the circuit court, sheriff, superintendent of schools, property appraiser, ~~and~~ tax collector, ~~and~~ supervisor of elections shall be elected chosen by the qualified electors at the general election for terms of 4 years in each year the number of which is a multiple of 4, in each county in which such an officer is elected.

3. The Governor, Lieutenant Governor, and members of the Cabinet ~~and the administrative officers of the executive branch of the state~~ shall be elected at the general election for terms of 4 years in each even-numbered year the number of which is not a multiple of 4.

(b) The terms of state offices other than the terms of members of the Legislature shall begin on the first Tuesday after the first Monday in January following the after-said election at which those offices were filled. The term of office of each member of the Legislature shall begin upon election.

(4)(2) Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term beginning commencing on the second Tuesday following such election, ~~and~~ Each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term beginning commencing on the second Tuesday following such election.

(5)(3)(a) School board members shall be elected at a general election for terms of 4 years. The term of office of a school board member and of a superintendent of schools shall begin on the second Tuesday following the general election at in which such member or superintendent was is elected.

(b) In each school district ~~having which~~ has five school board members, the terms shall be arranged so that three members are elected at one general election and two members elected at the next ensuing general election.

(6)(4) The term of office of each county and each district officer not otherwise provided for by law shall begin commence on the first Tuesday after the first Monday in January following his or her election.

Section 61. Section 100.051, Florida Statutes, is repealed.

Section 62. Section 100.061, Florida Statutes, is amended to read:

100.061 First Primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of major political parties shall be held on the Tuesday 8 9 weeks prior to the general election. ~~The Each~~ candidate receiving the highest number a majority of the votes cast in each contest in the first primary election shall be declared nominated for the such office sought. *If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who receives the nomination.* ~~A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.~~

Section 63. Sections 100.071 and 100.081, Florida Statutes, are repealed.

Section 64. Section 100.091, Florida Statutes, is repealed.

Section 65. Section 100.096, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 100.096, F.S., for present text.)

100.096 Election held in conjunction with primary.—When the date of the ~~first or second~~ primary is changed by the Legislature, any election, including any municipal or district election, that was required to be held on the former date may be held in conjunction with the ~~first or second~~ primary.

Section 66. Section 100.097, Florida Statutes, is created to read:

100.097 Elections emergencies.—

(1) SHORT TITLE.—This section may be cited as the “Elections Emergency Act.”

(2) DEFINITION.—As used in this section, the term “emergency” means any occurrence, or threat thereof, whether accidental, natural, or intentional, in war or in peace, that results or is likely to result in substantial injury or harm to the population or substantial damage to or loss of property to the extent it will prohibit an election official’s ability to conduct a safe and orderly election.

(3) ELECTION EMERGENCY; PURPOSE; ELECTIONS EMERGENCY CONTINGENCY PLAN.—Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person’s exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

(a) The Governor may, upon issuance of an executive order declaring a state of emergency or impending emergency, suspend or delay any election. The Governor may take such action independently or at the request of the Secretary of State, a supervisor from a county affected by the emergency circumstances, or a municipal clerk from a municipality affected by the emergency circumstances.

(b) The Governor, upon consultation with the Secretary of State, shall reschedule any election suspended or delayed due to an emergency. The election shall be held within 10 days after the date of the suspended or delayed election or as soon thereafter as is practicable. Notice of the election shall be published at least once in a newspaper of general circulation in the affected area and, where practicable, broadcast as a public service announcement on radio and television stations at least 1 week prior to the date the election is to be held.

(c) The division shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local election officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:

1. Providing a procedure for state and local election officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the voters, the communications media, poll workers, and the custodians of polling places.

2. Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate election official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.

3. Providing a procedure for the release and certification of election returns to the division for elections suspended or delayed and subsequently rescheduled under the provisions of this section.

(4) TEMPORARY CHANGE OF POLLING PLACE IN CASE OF EMERGENCY.—In case of an emergency existing in any precinct at the time of the holding of any election, the supervisor may establish, at any safe and convenient place outside such precinct, an additional polling place for the voters of that precinct to vote. The registration records of the affected precinct shall be used at the polling place so established.

Section 67. Sections 101.731, 101.732, 101.733, and 101.74, Florida Statutes, are repealed.

Section 68. Section 101.75, Florida Statutes, is transferred, renumbered as section 100.098, Florida Statutes, and amended to read:

100.098 ~~101.75~~ Municipal elections; change of dates for cause.—

(1) ~~In any municipality~~, When the date of a the municipal election falls on the same date as a any statewide or county election and voting equipment is ~~machines are~~ not available for both elections, the municipality may hold provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

(2) ~~The municipality shall set~~ the date of the municipal election ~~shall be set by the municipality~~ by ordinance.

Section 69. Section 100.101, Florida Statutes, is amended to read:

100.101 Special elections and special ~~primaries~~ primary elections.—Except as provided in s. 100.111(2), a special election or special primary election shall be held in the following cases:

(1) If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.

(2) If a vacancy occurs in the office of state senator or member of the state House of Representatives.

(3) If it is necessary to elect presidential electors ~~because, by reason~~ of the offices of both the President and the Vice President have both having become vacant.

(4) If a vacancy occurs in the office of a member ~~from Florida~~ of the United States House of Representatives ~~representing Florida of Congress~~.

(5) If a vacancy occurs in nomination.

Section 70. Section 100.111, Florida Statutes, is amended to read:

100.111 Filling ~~vacancies~~ vacancy.—

(1)(a) If a any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, ~~beginning commencing~~ on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, ~~each any~~ person seeking nomination or election to the office for the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the first primary but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for nomination or election to the office for the unexpired portion of the term of such office. Any person seeking nomination or election to the office for the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit major political party nominations to be made in conjunction with the first and second primary elections, the Governor may call a special primary election, and, if necessary, a second special primary election, to select major political party nominees for the office for the unexpired portion of such term.

(2)(a) If, in any state or county office required to be filled by election, a vacancy occurs during an election year ~~because by reason~~ of the incumbent has having qualified as a candidate for federal office pursuant to s. 99.061, a no special election is not required. ~~Each Any~~ person seeking nomination or election to the office so vacated shall qualify within the time prescribed by s. 99.061 for qualifying for that office ~~state or county offices to be filled by election~~.

(b) If such a vacancy occurs in an election year other than the one immediately preceding expiration of the present term, the Secretary of State shall notify the supervisor of elections in each county served by the office that a vacancy has been created. Such notice shall be provided to the supervisor of elections not later than the close of the first day set for qualifying for state or county office. The supervisor shall provide public notice of the vacancy in any manner the Secretary of State deems appropriate.

(3) Whenever there is a vacancy for which a special election is required ~~under pursuant~~ to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall ~~set fix~~ the ~~dates date~~ of a special ~~first primary election, a special second primary election, and a special election.~~ Nominees of ~~major political parties other than minor political parties~~ shall be chosen ~~in the special primary, under the primary laws of this state, in the special primary elections~~ to become candidates in the special election. Prior to setting ~~those the special election dates,~~ the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates ~~set fixed~~ by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates ~~set fixed~~ shall provide a minimum of 2 weeks between each election. ~~If In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and a session of the Legislature is not scheduled to be held prior to the next general election, the Governor may set fix the dates for any special primary and for the special election to coincide with the dates of the first and second primary and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and a session of the Legislature, or session of Congress, as applicable, if the vacancy is in a congressional district, is not scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.~~

(a) The dates for candidates to qualify in such special *primary election* or special *primary election* shall be ~~set fixed~~ by the *Secretary Department* of State, and candidates shall qualify not later than noon of the last day ~~designated so fixed~~. The dates ~~set fixed~~ for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special first primary election.

(b) The ~~dates for filing of campaign treasurers' reports expense statements by candidates in such special primary elections or special election primaries and by committees making contributions or expenditures to influence the results of such special primary primaries or special election elections shall be not later than such dates as shall be set fixed by the Secretary Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.~~

(c) The dates for a candidate to qualify ~~as a major political party candidate by the petition process alternative method, to qualify as an independent candidate without political party affiliation, or to qualify as a minor political party candidate in such special primary or special election shall be set fixed by the Secretary Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.~~

1. Any candidate seeking to qualify ~~as a major political party candidate by the petition process alternative method~~ for nomination in such a special primary election shall obtain 25 percent of the signatures required by s. 99.095.

2. Any candidate seeking to qualify ~~as an independent candidate without political party affiliation in such a special election~~ shall obtain 25 percent of the signatures required by s. 99.0955.

3. A minor *political party* may have the names of its ~~nominees candidates~~ for office printed on the ballot in such a special election if the minor *political party* obtains 25 percent of the signatures required by s. 99.096.

(d) The qualifying ~~fee fees~~ and party ~~assessment assessments~~ of each candidate ~~such candidates as may qualify~~ shall be the same as collected ~~during for the same office at the last qualifying period previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.~~

(e) Each county canvassing board shall ~~immediately prepare make as speedy a return of the result of each such special primary elections and special election primaries as time will permit, and~~ The Elections Canvassing Commission ~~likewise shall immediately canvass and certify the returns of each such election make as speedy a canvass and declaration of the nominees as time will permit.~~

(4)(a) ~~If In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a major political party to have a vacancy in nomination which leaves that party without a no candidate for an office from such party, the Governor must shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for the such special primary election shall be set fixed by the Secretary Department of State, and the candidates shall qualify no later than noon of the last day designated so fixed. The dates for filing of campaign treasurers' reports expense statements by candidates in a special primary primaries shall not be later than such dates as shall be set fixed by the Secretary Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fee fees and party assessment of such candidates as may qualify shall be the same as collected during for the same office at the last qualifying period previous primary for that office. Each county canvassing board shall immediately prepare make as speedy a return of the result results of each such primary primaries as time will permit, and~~ The Elections Canvassing Commission shall ~~immediately canvass and certify the returns of each such primary likewise make as speedy a canvass and declaration of the nominees as time will permit.~~

(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, a ~~no special primary election shall not be held and the division Department of State shall notify the chairperson chairman of the appropriate state, district, or county political party executive committee of such political party, and, Within 7 days after receipt of such notice, the chairperson chairman shall call a meeting of the his executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the division Department of State within 14 days after of notice to the chairperson so chairman in order that the name of the person designated may be have his name printed or otherwise placed on the ballot of the ensuing general election, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than 21 days prior to the election. However, if the name is submitted vacancy occurs less than 21 days before prior to the election and the ballot has already been printed, the supervisor is not required to change the ballot, in which case votes the person designated by the political party will replace the former party nominee even though the former party nominee's name will be on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.~~

(c) When, under the circumstances set forth in the preceding paragraph (b), vacancies in nomination are required to be filled by *political party executive committee* nominations, such vacancies shall be filled by *political party* rule. In any instance in which a nominee is selected by a *political party executive committee* to fill a vacancy in nomination, such nominee shall pay the same ~~qualifying filing fee and party assessment~~ and take the same oath as ~~is required of a nominee qualifying he would have taken had he regularly qualified for election to such office under regular circumstances.~~

(d) ~~If a vacancy in nomination is a result of the disqualification of a candidate for a violation of s. 106.19(1), the candidate who was disqualified may neither qualify as a candidate at the special primary to fill that vacancy nor be designated as the nominee of any political party to fill that vacancy.~~

(e)(6) ~~If In the event that a vacancy occurs which leaves less than 4 weeks for a minor political party candidate, an independent candidate, or a major political party candidate seeking to qualify by the petition process alternative method to gather signatures for ballot position, the number of signatures required for ballot placement shall be 25 percent of the number of signatures required by s. 99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

(5) In the event of ~~unforeseeable~~ circumstances not contemplated in this code ~~these general election laws~~ concerning the calling and holding of special *primaries primary elections* and special elections resulting from

court order or other unpredictable circumstances, the ~~Secretary Department of State may shall have the authority to~~ provide for the conduct of orderly elections.

Section 71. Section 100.141, Florida Statutes, is amended to read:

100.141 Notice of *special primary* or special election to fill a ~~any~~ vacancy in ~~office or~~ nomination or office.—

(1) Whenever a *special primary* or special election is required to fill a ~~any~~ vacancy in ~~office or~~ nomination or office, the Governor, after consultation with the Secretary of State, shall issue an order declaring ~~the on~~ what day such *primary* or the election shall be held and shall deliver the order to the ~~division Department of State~~.

(2) The ~~division Department of State~~ shall prepare a notice listing ~~the stating what offices and vacancies are~~ to be filled in the *special primary* or special election; the date set for ~~the each~~ *special primary*, the date set for the *special election*, or the dates set for election and the special election and *special primary* required for the *special election*; the dates set fixed for qualifying for office; the dates set fixed for qualifying as a major political party candidate by the petition process ~~alternative method, as a an independent candidate without political party affiliation, or as a minor political party candidate;~~ and the dates set fixed for filing campaign treasurers' reports ~~expense statements~~.

(3) The ~~division department~~ shall ~~provide deliver~~ a copy of such notice to the supervisor of elections of each county in which the *special primary* or special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days prior to the first day set for qualifying for office. If such a newspaper is not published within ~~that the period set forth,~~ the supervisor shall post at least five copies of the notice in conspicuous places in the county not less than 10 days prior to the first ~~day date~~ set for qualifying.

Section 72. Section 100.151, Florida Statutes, is amended to read:

100.151 ~~Special~~ Elections called by local governing bodies, notice.—A ~~local County commissioners or the governing body authority of a municipality~~ shall not call an ~~any special~~ election until it has notified ~~notice is given to the supervisor of elections and his consent obtained the supervisor's consent as to a date when the election may be held registration books can be available.~~

Section 73. Section 100.161, Florida Statutes, is amended to read:

100.161 Filling vacancy of United States Senators.—~~If Should~~ a vacancy ~~occurs happen~~ in the representation of this state in the Senate of the United States, the Governor shall issue a writ of election to fill such vacancy at the next general election; and ~~the Governor may make a temporary appointment until the vacancy is so filled by election.~~

Section 74. Section 100.181, Florida Statutes, is amended to read:

100.181 Determination of person elected.—The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. ~~If in case~~ two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

Section 75. Section 100.191, Florida Statutes, is amended to read:

100.191 General election laws applicable to *special primaries* and special elections; ~~returns~~.—~~To the extent applicable,~~ all laws that are applicable to general elections are applicable to *special primaries* and to *special elections* or *special primary* elections to fill a vacancy in office or nomination, ~~except that the canvass of returns by the county canvassing board of each county in which a special election is held shall be made on the day following the election, and the certificate of the result of the canvass shall be immediately forwarded to the Department of State. The Elections Canvassing Commission shall immediately, upon receipt of returns from the county in which a special election is held, proceed to canvass the returns and determine and declare the result thereof.~~

Section 76. Section 100.201, Florida Statutes, is amended to read:

100.201 Referendum required before issuing bonds.—Whenever any county, district, or municipality is ~~authorized by law given power to~~ issue bonds which are required to be approved by referendum, such bonds shall be issued only after ~~they the same~~ have been approved by a ~~the~~ majority of the votes cast by those persons eligible to vote in such refer-

endum. The election ~~expenses costs~~ of such referendum shall be paid in whole or in part, as the case may be, out of the county, district, or municipal treasury.

Section 77. Section 100.211, Florida Statutes, is amended to read:

100.211 Power to call bond referendum; notice required.—The board of county commissioners or the governing ~~body authority~~ of any district or municipality may, by *resolution*, call a bond referendum under this code. ~~In the event any referendum is called to decide whether a majority of the electors participating are in favor of the issuance of bonds in the county, district, or municipality, The board of county commissioners, or the governing body authority of the municipality or district, shall by resolution order the bond referendum to be held in the county, district, or municipality and shall give notice of the election in the manner prescribed by s. 100.342.~~

Section 78. Section 100.221, Florida Statutes, is amended to read:

100.221 General election laws to govern bond referenda.—The laws governing the holding of general elections are applicable to bond referenda, except as *otherwise* provided in ss. 100.201-100.351. ~~When a bond referendum is held in a county or district, the polling places for that voting in a bond referendum shall be the same as the places for voting in a general election. However, elections, when a bond referendum is held in the county or district, but when a bond referendum is held in a municipality, the polling places shall be the same as in other municipal elections.~~

Section 79. Section 100.241, Florida Statutes, is amended to read:

100.241 Freeholder voting; election; penalties for ineligible persons who vote as freeholders.—

(1) In any election or referendum in which only ~~voters electors~~ who are freeholders are qualified to vote, the ~~precinct registers regular registration books covering the precincts located within the geographical area in which the election or referendum is to be held shall be used.~~

(2) Qualification and registration of ~~voters electors~~ participating in such an election or referendum shall be the same as prescribed for voting in other elections under this code, ~~and,~~ In addition, each such ~~voter elector~~ shall submit proof by affidavit made before an inspector that ~~the voter~~ he is a freeholder who is a ~~voter qualified elector~~ residing in the county, district, or municipality in which the election or referendum is to be held.

(3) Each ~~voter registered elector~~ who makes a sworn affidavit of ownership to the inspectors, giving either a legal description, address, or location of property in ~~the voter's~~ his name which is not wholly exempt from taxation, shall be entitled to vote in the election or referendum and shall be considered a freeholder.

(4) The actual costs of conducting such an ~~freeholders'~~ election or referendum shall be paid by the county, district, or municipality requiring the ~~election or referendum same~~ to be held.

(5) It is unlawful for any person to vote in any county, district, or other election or referendum which is limited to a vote of the ~~voters electors~~ who are freeholders, unless such person is a freeholder and a ~~voter qualified elector~~. Any person who violates the provisions of this subsection ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 80. Section 100.261, Florida Statutes, is amended to read:

100.261 Holding bond referenda with other elections.—~~A Whenever any bond referendum is called, it shall be lawful for any county, district, or municipality to hold such bond referendum may be held on the same day as of any state, county, or municipal primary or general election, or on the day of any election of such county, district, or municipality for any purpose other than the purpose of voting on such bonds. If the such bond referendum is held concurrently with such an a regularly scheduled election, the county, district, or municipality shall pay only its pro rata share of election expenses costs directly related to the bond referendum. However, nothing in this section does not shall prohibit the holding of a special or separate bond referendum.~~

Section 81. Section 100.271, Florida Statutes, is amended to read:

100.271 ~~Inspectors, clerk, duties;~~ Return and canvass of referendum recorded.—

(1) ~~The canvassing board for the governing body that called the referendum shall canvass the returns of the referendum and have the results recorded in the minutes of that governing body. The recorded results must include a separate finding as to the total number of votes cast in the referendum, including subtotals of the number of those in favor of and the number of those against the approval of the bonds. In any bond referendum, unless the referendum is held in connection with a regular or special state, county, or municipal election, at least two inspectors and one clerk shall be appointed and qualified, as in cases of general elections, and they shall canvass the vote cast and make due returns of same without delay.~~

(2) ~~In any bond referendum held in a municipality shall be returned to and canvassed by the governing authority which called the referendum, but in any county or district the returns shall be made to the board of county commissioners. The board of county commissioners or, in the case of a municipality, the governing authority thereof, shall canvass the returns and declare the result and have same recorded in the minutes of the board of county commissioners, or, in the case of a district, the certificate of declaration of result shall be recorded in the minutes of the governing authority of such district, or, in the case of a municipality, the result shall be recorded in the minutes of the governing authority of the municipality. If any bond referendum is held in conjunction with a state, county, or municipal any other election, however, the officials responsible for the canvass of such election shall also canvass the returns of the referendum and shall certify those returns the same to the proper governing body~~

Section 82. Section 100.281, Florida Statutes, is amended to read:

100.281 Approval to issue bonds.—~~If Should~~ a majority of the votes cast in a bond referendum ~~are~~ be in favor of the issuance of the bonds, ~~then~~ the issuance of those said bonds is deemed authorized in accordance with s. 12, Art. VII of the State Constitution. ~~If In the event~~ less than a majority of the votes cast in a bond referendum ~~are those voting on the issue voted in favor of the issuance of the proposed bonds, then the issuance of those specified bonds is shall be deemed to have failed of approval and it is unlawful to issue or attempt to issue those said bonds.~~

Section 83. Section 100.291, Florida Statutes, is amended to read:

100.291 ~~Recorded Record~~ results of election prima facie evidence.—~~After a Whenever any~~ bond referendum has been called and held, and the results minutes have been recorded in the minutes as provided in s. 100.271 ~~and also a separate finding as to the total number of votes cast in the referendum, both in favor and against the approval of bonds, then a duly certified copy of the separate finding of the vote count required by that section shall be admissible in all state courts as prima facie evidence in all state courts~~ of the truth, including the regularity, of the call, conduct, and holding of the referendum at the time and place specified.

Section 84. Section 100.301, Florida Statutes, is amended to read:

100.301 Refunding bonds excluded.—Sections 100.201-100.351 ~~do shall~~ not apply to refunding bonds, and wherever the term word "bond" or "bonds" is used in these sections it shall be construed to exclude refunding bonds. ~~However, but~~ if the statute, ordinance, or resolution under which refunding bonds are authorized or are to be issued requires a referendum to determine whether such refunding bonds shall be issued, the referendum may be held as provided by ss. 100.201-100.351.

Section 85. Section 100.311, Florida Statutes, is amended to read:

100.311 Local law governs bond election held by municipalities.—~~No provision section~~ of this code controlling or regulating bond referenda shall be deemed to repeal or modify any provision ~~of contained in~~ any local law relating to bond referenda held by any municipality; ~~therefore, the provisions of but~~ ss. 100.201-100.351 shall be deemed additional and supplementary to any such local law.

Section 86. Section 100.321, Florida Statutes, is amended to read:

100.321 Test suit.—Any taxpayer of a the county, district, or municipality ~~in which wherein~~ bonds are declared to have been authorized ~~may, shall have the right to~~ test the legality of the referendum at which those bonds were authorized, and of the declaration of the results result thereof, by a suit ~~an action~~ in the circuit court of the county in which the referendum was held. The suit ~~action~~ shall be brought against the county commissioners in the case of a county or district referendum; or against the governing body authority of the municipality in the case of a municipal referendum. ~~If the In case any such~~ referendum or the declaration of

the results thereof ~~is shall be~~ adjudged to be illegal and void in any such suit, the judgment shall have the effect of nullifying the referendum. No suit shall be brought to test the ~~legality validity~~ of any bond referendum unless the suit ~~is shall be~~ instituted within 60 days after the declaration of the results of the referendum. In the event proceedings ~~are shall be~~ filed in any court to validate ~~such the~~ bonds after their approval by the voters, ~~which have been voted for, then any such taxpayer, in order to shall be bound to intervene in such validation suit and contest the legality validity of the holding of the referendum or the declaration of the results thereof, is required to intervene in such validation suit, in which event the exclusive jurisdiction to determine the legality of such referendum or the declaration of the results thereof is shall be~~ vested in the court hearing and determining the said validation proceedings. If the said bonds in the validation proceedings ~~are shall be~~ held valid on final hearing or an intervention by the taxpayer ~~is shall be~~ interposed and held not to have been sustained, ~~then the judgment in the said validation proceedings is shall be~~ final and conclusive as to the legality and validity of the referendum and of the declaration of the results thereof, and a ~~no~~ separate suit to test the ~~legality of the referendum and of the declaration of the results thereof is not same shall be~~ thereafter permissible thereafter.

Section 87. Section 100.331, Florida Statutes, is amended to read:

100.331 Referendum for defeated bond issue.—~~If a any bond~~ referendum is called and held ~~to approve for approving~~ the issuance of bonds for a particular purpose and such referendum does not result in the approval of the bonds, then no other referendum for the approval of bonds for the same purpose shall be called for at least 6 months.

Section 88. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—~~Notwithstanding the provisions of s. 101.161, the ballots used in a bond referendum referenda shall contain a be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the maximum principal amount of the bonds and maximum interest rate thereon, together with other details necessary to inform the voters electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

Section 89. Section 100.342, Florida Statutes, is amended to read:

100.342 Notice of special election or referendum.—In any special election or referendum not otherwise provided for, ~~including any municipal election or referendum~~, there shall be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, as the case may be. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is ~~not a no~~ newspaper of general circulation in the county, district, or municipality, the notice shall be posted in no fewer less than five places within the territorial limits of the county, district, or municipality.

Section 90. Section 100.351, Florida Statutes, is amended to read:

100.351 Referendum election; certificate of results to ~~division Department~~ of State.—~~If Whenever~~ an election is held under a referendum provision of an act of the Legislature, the election officials of the governmental unit in which the election is held shall certify the results thereof to the ~~division Department of State, which shall enter such results upon the official record of the act requiring such election on file in the office of the Department of State.~~

Section 91. Section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(1) RECALL PETITIONS AND STATEMENTS PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as "municipality," may be removed from office by the voters electors of the municipality. However, a petition to recall a member of the governing body of a municipality may not be filed until the member has served at least one-fourth of the member's term of office. ~~If When~~ the official represents a district and is elected only by voters electors residing in that district, only voters electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. ~~If When~~ the official represents a district and is elected at-large by the voters electors of the municipality, all voters electors of the municipality are eligible to sign the petition to recall that

official and are entitled to vote in the recall election. As ~~Where~~ used in this section, the term "district" ~~means shall be construed to mean~~ the area ~~or region~~ of a municipality from which a member of the governing body is elected by the voters electors from ~~that such area or region~~. Members may be removed from office by the following procedure:

(a) A petition, entitled the "Recall Petition and Statement of Grounds for Recall," shall be prepared naming the person subject to the recall petition ~~sought to be recalled~~ and containing a statement of the grounds for recall in not more than 200 words limited solely to the grounds specified in paragraph (c) ~~(b)~~. If more than one member of the governing body is the subject of a recall petition ~~sought to be recalled~~, whether the ~~such~~ member is elected by the voters electors of a district or by the voters electors of the municipality at-large, a separate recall petition shall be prepared for each member ~~who is the subject of a recall petition sought to be recalled~~.

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

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

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

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

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

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

(b) ~~The voters Electors~~ of the municipality or district making charges contained in the statement of grounds for recall and those eligible voters signing the recall petition ~~containing that statement shall constitute be designated as~~ the "committee." A specific person shall be designated in the petition as chairperson chairman of the committee to act for the committee. ~~Electors of the municipality or district are eligible to sign the petition.~~ Signatures and oaths of circulators shall be executed as provided in paragraph (d) ~~(e)~~. All signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date the first signature is obtained on the petition.

(c)~~(b)~~ The grounds for removal of elected municipal officials shall, for the purposes of this section ~~act~~, be limited to ~~any one or more of the following~~ and must be contained in the petition:

1. Malfeasance.;
2. Misfeasance.;
3. Neglect of duty.;
4. Drunkenness.;
5. Incompetence.;
6. Permanent inability to perform official duties.;
7. Conviction of a felony involving moral turpitude.

(d)~~(e)~~ Each voter elector of the municipality signing a petition shall sign his or her name in ink or indelible pencil as registered in the office

of the supervisor of elections and shall state on the petition his or her place of residence and voting precinct. Each petition shall contain appropriate lines for signatures and addresses of voters electors and an oath, to be executed by the circulator thereof, verifying the fact that the circulator ~~witnessed~~ saw each person signing sign the counterpart of the petition, ~~that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the circulator on the date indicated.~~

(e)~~(d)~~ The petition shall be filed with the auditor or clerk of the municipality ~~or charter county~~, or the his equivalent official, hereinafter referred to as "clerk," by the person designated as chairperson chairman of the committee. A petition cannot be amended after it has been filed with the clerk, ~~and, when a facially valid petition meeting the requirements of paragraph (b) is filed, the clerk shall submit such petition to the county supervisor of elections who shall, within a period of not more than 30 days after the petition is filed with the supervisor, determine whether the petition contains the required valid signatures.~~

2. If it is determined by the clerk that the petition does not meet the requirements of paragraph (c) ~~(b)~~ and therefore is not facially valid, the clerk shall so notify the governing body of the municipality ~~or charter county~~ and take no further action. ~~The petition cannot be amended after it is filed with the clerk. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.~~

3. When a facially valid petition meeting the requirements of paragraph (c) is filed, the clerk shall submit that petition to the supervisor who shall, within 30 days, determine whether the petition contains the required number of valid signatures. The supervisor shall be paid, by the persons or committee seeking verification, the sum of 10 cents for each name checked.

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

(g)~~(f)~~ If it is determined by the supervisor that the petition has the required number of valid signatures, then the clerk shall at once serve upon the person subject to the recall petition ~~sought to be recalled~~ a certified copy of the petition. Within 5 days after service, the person subject to the recall petition ~~sought to be recalled~~ may file with the clerk a defensive statement of defense of not more than 200 words. The clerk shall, within 5 days, prepare a copy sufficient number of typewritten, printed, or mimeographed copies of the recall petition and defensive statement of defense, as well as the names, addresses, and oaths on the original petition, and deliver that copy ~~them~~ to the person who has been designated as chairperson chairman of the committee and take a his receipt therefor. ~~That copy~~ Such prepared copies shall be entitled "Recall Petition and Statement of Defense" and shall contain lines and spaces for signatures of voters registered electors, place of residence, election precinct number, and date of signing, together with oaths, to be executed by the circulators, which conform to the provisions of paragraph (d) ~~(e)~~. The clerk shall deliver forms sufficient to carry the signatures of 30 percent of the voters registered electors.

(h)~~(g)~~ Upon receipt of the "Recall Petition and Statement of Defense," the committee may circulate it ~~them~~ to obtain the signatures of 15 percent of the voters electors. Any voter elector who signs the "Recall Petition and Statement of Defense" ~~may a recall petition shall have the right to demand in writing that his or her name be stricken from the petition.~~ A written demand signed by the voter elector shall be filed with the clerk, and upon receipt of the demand the clerk shall strike the name of the voter elector from the petition and place his or her initials to the side of the signature stricken. However, no signature may be stricken after the clerk has delivered the "Recall Petition and Statement of Defense" to the supervisor of elections for verification.

(i)~~(h)~~ Within 60 days after delivery of the "Recall Petition and Statement of Defense" to the chairperson chairman, the chairperson chairman shall file with the clerk the "Recall Petition and Statement of Defense" which bears the signatures of voters electors. The clerk shall assemble all signed petitions, check to see that each petition is properly verified by the oath of the circulator, and submit such petitions to the county supervisor of elections, who shall determine the number of valid signatures,

~~purge the names withdrawn, certify within 30 days whether 15 percent of the voters qualified electors of the municipality have signed the petitions, and report his or her findings to the governing body. The supervisor shall be paid, by the persons or committee seeking verification, the sum of 10 cents for each name checked.~~

~~(j)(i) The clerk shall notify in writing the person subject to the recall petition, the chairperson of the committee, and the governing body as to the percentage of valid signatures. If the petitions do not contain the required number of valid signatures, the clerk shall report such fact to the governing body and file the petitions, the proceedings shall be terminated, and the petitions shall not again be used again. If the signatures do amount to at least 15 percent of the qualified electors, the clerk shall serve notice of that fact upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified voters who signed.~~

~~(k) The clerk shall preserve in the office of the clerk all papers comprising or connected with a petition for recall for a period of 2 years after they were filed.~~

(2) RESIGNATION; RECALL ELECTION.—

~~(a) Any If the person subject to a recall designated in the petition may submit a written resignation to files with the clerk, within 5 days after receiving the last mentioned notice in paragraph (1)(j), and, his written resignation, the clerk shall at once notify the governing body. of that fact, and The resignation shall be irrevocable and effective immediately. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law.~~

~~(b) In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall set fix a day for holding a recall election for the removal of those not resigning. Any Such election shall be held not less than 30 days or more than 60 days after delivery of the notice in paragraph (1)(j) expiration of the 5 day period last mentioned and at the same time as any other general or special election held within the period,; but If no such an election is not scheduled to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.~~

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

“. . . (name of person) . . . should be removed from office.”

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

Immediately To the right of each of the propositions shall be placed a square on which the voters electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.

(4) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

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

(b) If an election is held for the recall of members elected only from districts or for the recall of members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the clerk. Any candidate seeking election

to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. However, if at the recall election only one member is voted to be removed from office, the provisions of this paragraph do not apply and the single vacancy created shall be filled by the governing body according to the provisions of the appropriate law for filing vacancies. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) For the purposes of this section, the qualifying period shall be established by the chief judge of the judicial circuit after consultation with the clerk. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall qualify for office in the manner required by law and are subject to the provisions of chapter 106. When an election is held for the recall of members of the governing body composed of both members elected at large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

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

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

(6) INELIGIBILITY FOR APPOINTMENT WHEN PETITION MAY BE FILED.—No petition to recall any member of the governing body of a municipality shall be filed until the member has served one-fourth of his term of office. No person removed by a recall, or resigning after a petition has been filed against him or her, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation. The clerk shall preserve in his office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed. This method of removing members of the governing body of a municipality is in addition to such other methods now or hereafter provided by the general laws of this state.

(7) PROHIBITIONS; PENALTIES OFFENSES RELATING TO PETITIONS.—

(a) No person shall impersonate another, purposely write his or her name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he or she is not a voter qualified elector of the municipality. No expenditures for campaigning for or against an officer being recalled shall be made until the date on which the recall election is to be held is publicly announced. The committee and the officer being recalled shall be subject to chapter 106.

(b) No person shall employ or pay another to accept employment or payment for circulating a recall petition.

(c) A Any person violating any provision of the provisions of this subsection commits section shall be deemed guilty of a misdemeanor of the second degree and shall, upon conviction, punishable be punished as provided in s. 775.082 or s. 775.083 by law.

(8) APPLICABILITY OF CHAPTER 106.—The committee and the officer subject to the recall petition are subject to the provisions of chapter 106. However, notwithstanding the provisions of s. 106.011(16), the committee shall register as a political committee prior to obtaining signatures on any petition.

(9)(8) APPLICABILITY INTENT.—

(a) ~~It is the intent of the Legislature that~~ The recall procedures provided in this section ~~act~~ shall be uniform statewide. ~~However, the method of removing members of the governing body of a municipality provided in this section is in addition to such other methods now or hereafter provided by the general laws of this state.~~

(b) ~~Therefore,~~ All municipal charter and special law provisions which are contrary to the provisions of this section ~~act~~ are hereby repealed to the extent of ~~the~~ this conflict.

(c) ~~(9) PROVISIONS APPLICABLE. The provisions of This section applies act shall apply to municipalities regardless of cities and charter counties whether or not they have adopted recall provisions.~~

Section 92. Section 101.001, Florida Statutes, 1994 Supplement, is amended to read:

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

(1)(a) ~~Upon recommendation and subject to final approval of the supervisor 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.~~

(b) ~~Notwithstanding the provisions of paragraph (a), the supervisor, with the concurrence of the board of county commissioners, may arrange the boundaries of the precincts in each municipality within the county to conform to the boundaries of the municipality.~~

(2) When in any election there are fewer than 25 voters 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 a majority 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. Notwithstanding the provisions of subsection (1), no election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed in the year of a decennial census or in any of the 3 prior years. However, precinct boundaries may be changed in any year, 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 the 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 ~~division 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~~ U.S. Bureau of the Census as set forth in its guidelines.

(4)(a) Each supervisor of elections shall ~~provide and maintain a suitable map or series of maps drawn to a scale no smaller than 3 miles to the inch which and clearly delineate delineating all major observable features such as roads, streams, and railway lines and which show 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 of this code. A word description of the geographical boundaries shall also be maintained attached to each map.~~

(b) Each supervisor of elections shall send a copy of each map ~~and word with attached~~ description to the ~~division 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 ~~division Secretary of State~~ shall transmit a ~~an~~ appropriate copy or facsimile of each map to the United States Bureau of the Census.

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

(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 has established in each new or altered election precinct or in any precinct in which he 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 93. Section 98.091, Florida Statutes, as transferred to section 101.002, Florida Statutes, 1994 Supplement, by chapter 94-224, Laws of Florida, is repealed.

Section 94. Section 101.015, Florida Statutes, is amended to read:

101.015 Standards for voting systems.—

(1)(2) In each odd-numbered year, the ~~division Department of State~~ shall review the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in ~~ensuring~~ assuring that elections are fair and impartial.

(2)(3) The ~~division Department of State~~ shall adopt rules to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write-in voting, and of counting, tabulating, and recording votes by voting systems used in this state.

(3)(4)(a) The ~~division Department of State~~ shall adopt rules establishing minimum security standards for voting systems.

(b) Each supervisor of elections shall establish written procedures to ~~ensure~~ assure accuracy and security in his or her county, and such procedures shall be reviewed in each odd-numbered year by the ~~division Department of State~~.

(c) Each supervisor of elections shall submit any revisions to the security procedures to the ~~division Department of State~~ at least 45 days before the first election in which they are to take effect.

(d) Upon concluding its review of the security provisions of a supervisor under paragraph (b) or any revision to those procedures under paragraph (c), the ~~division~~ shall notify the supervisor of the results of such review.

(4)(a)(1) The ~~division Department of State~~ shall adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems. Such rules shall contain standards for all of the following:

- 1.(a) Functional requirements.;
- 2.(b) Performance levels.;
- 3.(c) Physical and design characteristics.;
- 4.(d) Documentation requirements.;
- 5.(e) Evaluation criteria.
6. Audit capabilities.

(b)1.(5)(a) The ~~division Department of State~~ shall adopt rules which establish standards for provisional approval of hardware and software for innovative use of electronic and electromechanical voting systems. Such rules shall contain standards for all of the following:

- a.1. Functional requirements.;
- b.2. Performance levels.;
- c.3. Physical and design characteristics.;
- d.4. Documentation requirements.;
- e.5. Evaluation criteria.;
- f.6. Audit capabilities.;
- g.7. Consideration of prior use of a system.

2.(b) A voting system shall be provisionally approved for a total of no more than 2 years, and the ~~division may Department of State has the authority to~~ revoke such approval. Provisional approval of a system shall not be granted by the ~~division Department of State~~ to supersede certification requirements of this section.

3.a.(e)1. A ~~No~~ provisionally approved system may *not* be used in any election, including any municipal election, without the authorization of the ~~division Department of State~~.

b.2. An application for use of a provisionally approved system shall be submitted at least 120 days prior to the intended use by the supervisor of elections or municipal ~~election elections~~ official. Such application shall request authorization for use of the system in a specific election. Each application shall state the election, the number of precincts, and the number of anticipated voters for which the system is requested for use.

c.3. The ~~division Department of State~~ shall authorize or deny authorization of the use of the provisionally approved system for the specific election and shall notify the supervisor of elections or municipal ~~election elections~~ official in writing of the authorization or denial of authorization, along with the reasons therefor, within 45 days after receipt of the application.

4.(d) A contract for the use of a provisionally approved system for a specific election may be entered into with the approval of the ~~division Department of State~~. A ~~No~~ contract for title to a provisionally approved system may *not* be entered into.

5.(e) The use of any provisionally approved system shall be valid for all purposes.

(c)(6) All electronic and electromechanical voting systems purchased on or after January 1, 1990, must meet the minimum standards established under ~~paragraph (a) subsection (1)~~. All electronic and electromechanical voting systems in use on or after July 1, 1993, must meet the minimum standards established under ~~paragraph (a) subsection (1) or paragraph (b) subsection (5)~~.

Section 95. Section 101.34, Florida Statutes, is transferred, renumbered as section 101.016, Florida Statutes, and amended to read:

101.016 ~~101.34~~ Custody of voting systems machines.—The supervisor of elections shall be the custodian of the voting system used machines in the county using them, and he shall appoint deputies necessary to prepare and supervise the system machines prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

Section 96. Section 101.017, Florida Statutes, is repealed.

Section 97. Section 101.021, Florida Statutes, is amended to read:

101.021 Voter Elector to vote the primary ballot of the major political party in which he or she is registered.—In a primary election a voter may only qualified elector is entitled to vote the official primary election ballot of the major political party designated in the voter's his registration, and no other. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered.

Section 98. Section 101.031, Florida Statutes, is amended to read:

101.031 Voting instructions for electors.—

(1) The ~~division Department of State~~, or in the case of municipal elections the governing body of the municipality, shall provide at least two sets of voting print, in large type on cards, instructions for each precinct the electors to use in voting. It shall provide not less than two cards for each voting precinct and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election boards inspectors shall display the voting instructions cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

(2) If a voter In case any elector, after entering the voting booth, asks shall ask for further instructions concerning the manner of voting, two members of the election board officers who are not both members of the same political party, if possible present, or, if not, two election officers who are members of the same political party, shall give such instructions to the voter. A member of the election board instructing a voter may not such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce the voter any elector to vote for or against any particular ticket, candidate, amendment, question, or proposal proposition. After giving the voter elector instructions and before the voter elector has voted, the members of the election board instructing officers or persons assisting the voter shall leave the voting booth elector shall retire, and allow the voter to such elector shall vote in secret.

Section 99. Section 101.041, Florida Statutes, is amended to read:

101.041 Secret voting.—Except as provided in s. 101.628, in all elections, including municipal elections held on any subject which may be submitted to a vote, and for all or any state, county, district, or municipal officers, the voting shall be by secret, official ballot printed and distributed as provided by this code. A, and no vote shall not be received or counted in any election, including a municipal election, except as prescribed by this code.

Section 100. Section 101.043, Florida Statutes, is created to read:

101.043 Precinct registers.—

(1) A computer printout shall be used at the polls as a precinct register. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each voter of that precinct: last name, first name, and middle name or initial; political party affiliation; residence address; registration number; date of birth; sex and race or ethnicity, if that information is known to the supervisor; whether the voter needs assistance in voting; and such other additional information as to readily identify the voter.

(2) The precinct register shall also contain a space for the voter's signature and a space for the initials of the witnessing clerk or inspector. A space for the voting machine slip or ballot number shall also be provided if the voting system used at that precinct requires it.

(3) The precinct register shall be available for inspection during regular voting hours by poll watchers, except that the inspector may regulate access to the precinct register so as to ensure that such inspection does not interfere with the orderly operation of the polling place.

Section 101. Section 101.044, Florida Statutes, is created to read:

101.044 Signature verification upon entering polling place.—

(1) When a person appears at the polling place to vote, a member of the election board shall check the precinct register to determine if the person is registered to vote in that precinct.

(a) If the person's name appears on the precinct register, the clerk or inspector shall require that voter to sign his or her name on the space provided on the precinct register. The clerk or inspector shall then compare that signature to the signature on the voter's registration identification card or another form of identification. Identification other than a voter's registration identification card must be on the list of approved forms of identification as developed by the division, which list shall include, but not be limited to, a Florida driver's license. If satisfied as to the identity of the voter, the clerk or inspector shall enter his or her initials on the space provided on the precinct register next to the voter's signature and allow the voter to proceed to vote.

(b)1. If the person's name does not appear on the precinct register, the person may have his or her name restored if the supervisor is otherwise satisfied that the person is validly registered, that the person's name has been erroneously omitted from the precinct register, and that the person is entitled to have his or her name restored. If satisfied as to the person's previous registration, the supervisor shall allow the voter to vote and shall thereafter issue the voter a duplicate registration identification card.

2. If the voter's name is not on the precinct register because the voter has moved within the county or because the voter has changed his or her name, the clerk or inspector shall have the voter fill out the appropriate affirmation as provided in s. 101.047.

(2) If the person fails to furnish the required identification, he or she shall fill out an affirmation containing the same information as required in s. 101.111(2), and he or she shall be allowed to vote if the clerk, or inspector is satisfied as to the person's identity shall be determined by a majority vote of the members of the election board.

(3) If the clerk or inspector is in doubt as to the identity or qualifications of the person or believes the person has already voted, the clerk or inspector shall challenge the person's right to vote pursuant to s. 101.111.

Section 102. Section 101.045, Florida Statutes, 1994 Supplement, is amended to read:

101.045 Where voters may vote ~~Electors must be registered in precinct; provisions for residence or name change.~~

(1)(a) A voter ~~No person shall not be permitted to vote in any election precinct or district other than the one in which the voter he has his or her legal residence and in which he is registered.~~

(b) A voter who has a permanent address within a municipality may vote in all elections of that municipality, the provisions of any special act or local charter notwithstanding.

(c) A voter who has no permanent address in the county but who intends to remain a voter of the county shall be assigned by the supervisor to the precinct in which the office of the supervisor is located, and such voter is not entitled to vote in any municipal election.

(2) A voter who changes his or her legal residence to another county in this state from the county in which he or she is registered as a voter after registration is closed for any general, primary, or special election may vote absentee in the county of his or her former legal residence in that election for President and Vice President, United States Senator, statewide offices, and statewide proposals. Such voter shall not be permitted to vote in the county of his or her former legal residence after the general election.

(3) A person registered to vote in this state who moves to another state and is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States may vote absentee in the county of his or her former legal residence for those offices. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when he has no permanent address in the county and it is his intention to remain a resident of Florida and of the county in which he is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

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

Change of Legal Residence of Registered Voter

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

residence) . . . in the Municipality of . . . , in . . . County, Florida, and am therefore eligible to vote in the . . . precinct of . . . County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

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

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

Change of Name of Registered Voter

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

Name . . .
Address . . .
Municipality . . .
County . . .
Florida, Zip . . .
My present name and address of legal residence are as follows:
Name . . .
Address . . .
Municipality . . .
County . . .
Florida, Zip . . .

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

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

(e) ~~Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, shall entitle such elector to vote as provided in this subsection. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.~~

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

(c) ~~A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which he then has his legal residence.~~

(3) ~~When an elector's name does not appear on the registration books of the election precinct in which he is registered and when he cannot present a valid registration identification card, he may have his name restored if the supervisor is otherwise satisfied that he is validly registered, that his name has been erroneously omitted from the books, and that he is entitled to have his name restored. The supervisor, if he is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.~~

Section 103. Section 101.047, Florida Statutes, is created to read:

101.047 Change of residence or name at polls.—

(1) A voter who moves from one precinct to another in the county in which the voter is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided that such voter completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, . . . (Name of voter) . . . , swear (or affirm) that my former address of legal residence was . . . (Address of legal residence) . . . in the municipality of . . . , in . . . County, Florida, and I was registered to vote in the . . . precinct of

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

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

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

Change of Name of Registered Voter

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

Name
Address
Municipality
County
Florida, Zip
My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip

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

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

(3) An affirmation required under this section, when completed and presented at the precinct in which the voter is entitled to vote, entitles the voter to vote as provided in this section. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of the voter.

(4) Instead of the affirmation contained in subsection (1) or subsection (2), a voter may complete a voter registration application that indicates the change of name or change of address of legal residence.

Section 104. Section 97.102, Florida Statutes, as transferred to section 101.663, Florida Statutes, 1994 Supplement, by chapter 94-224, Laws of Florida, is repealed.

Section 105. Section 101.051, Florida Statutes, is amended to read:

101.051 Voters Electors seeking assistance in casting ballots; form to be executed; forms to be furnished.—

(1) A voter Any elector applying to vote in any election who is eligible for requires assistance in voting to vote by reason of blindness, disability, or inability to read or write may request the assistance of two members of the election board officials or some other person of the voter's his own choice to assist him or her in voting. Such person shall not be the voter's, other than his employer, an agent of the voter's his employer, or an officer or agent of the voter's his union, to assist him in casting his vote. Any such elector, Before entering retiring to the voting booth, the voter may have one person of such persons read over to him or her, without suggestion or interference, the titles of the offices to be filled, and the candidates for those offices, therefor and the proposals issues on the ballot. After the voter elector requests the aid of the two members of the election board officials or the person of the voter's his choice, they shall proceed retire to the voting booth for the purpose of marking easting the voter's ballot elector's vote according to the voter's elector's choice.

(2) It is unlawful for any person to be in the voting booth with any voter elector except as provided in subsection (1).

(3) The members of the election board or other person assisting a voter shall not request, suggest, or seek to persuade or induce the voter to vote for or against any particular candidate or proposal.

(4)(3) A voter who is voting by Any elector applying to cast an absentee ballot in the office of the supervisor and, in any election, who requires assistance in voting to vote by reason of blindness, disability, or inability to read or write may request the assistance of a some person of the voter's his own choice to assist him or her in voting. Such person shall not be the voter's, other than his employer, an agent of the voter's his employer, or an officer or agent of the voter's his union, in casting his absentee ballot.

(5)(4) If, at the polling place, a voter is eligible for an elector needs assistance in voting pursuant to the provisions of this section, the clerk or one of the inspectors shall require the voter elector requesting assistance in voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida
County of
Date
Precinct

I, . . . (Print name) . . . , swear or affirm that I am a registered to vote elector and request assistance from . . . (Print names) . . . in voting at the . . . (name of election) . . . held on . . . (date of election) . . . for the following reason

. . . (Signature of voter) . . .

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

. . . (Clerk of election Signature of Official Administering Oath) . . .

(5) The supervisor of elections shall deliver a sufficient number of these forms to each precinct, along with other election paraphernalia.

Section 106. Section 101.111, Florida Statutes, is amended to read:

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

(1) When the right to vote of any person who desires to vote is challenged questioned by any voter, poll elector or watcher, or member of the election board, the challenge shall be in reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any voter, elector or authorized poll watcher, or member of the election board challenging a person's right to vote an elector at an election shall execute the oath set forth below, except that a member of the election board executing the oath is not required to have it witnessed:

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of

I . . . (print name) . . . do solemnly swear or affirm that I am registered to vote in . . . County, Florida; that my date of birth is . . . ; my name is . . . ; that I am a member of the . . . party; that I am . . . years old; that I was born in the state of . . . or the country of . . . ; that my address of legal residence is on . . . street, in the municipality of . . . ; and that I have reason to believe that . . . is attempting to vote illegally and the reasons for my belief are as follows set forth herein to wit:

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

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

. . . (Clerk of election) . . .

(2) Before a person who is challenged elector is permitted to vote by any officer or person in charge of admission to the polling place, the person's his right to vote shall be determined in accordance with the provisions of subsection (3). The clerk or inspector shall immediately deliver to the person challenged elector a copy of the oath of the person entering the challenge and shall request that the person challenged elector to execute the following oath affidavit:

OATH OF PERSON CHALLENGED VOTER

State of Florida
County of

I . . . (print name) . . . do solemnly swear or affirm that I am registered to vote in precinct ~~my name is of County and that I am not entitled to vote in any other precinct for this election;~~ that I am a member of the party; that my date of birth is I am years old; that I was born in the state of or the country of ; and that my address of legal residence is on street, in the municipality of in this the precinct of county; that I personally made application for registration and signed my name and that I am a qualified voter, and I am not registered to vote in any other precinct other than the one in which I am presently seeking to vote.

. . . (Signature of person challenged voter) . . .

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

. . . (Clerk of election or Inspector) . . .

Any inspector or clerk of election may administer the oath.

(3)(a) If the person challenged person refuses to execute ~~make and sign the oath affidavit,~~ the clerk or inspector shall refuse to allow that person ~~him~~ to vote. If the such person challenged executes ~~makes~~ the oath affidavit, all members of the inspectors and clerk of election board shall examine compare the information and signature in the oath to verify the accuracy of the information and the authenticity of the signature and, after that examination affidavit with that entered on the registration books opposite his name, and, upon such comparison of the information and his signature and the taking of other evidence which may then be offered, the clerk and inspectors shall decide by a majority vote whether the person challenged person may vote.

(b) If the challenged person is unable to execute the oath write or sign his name, the clerk or an inspector shall examine the precinct register to ascertain whether the person registered under the name of such person is represented to have signed his name. If he is so represented, then he shall be denied permission to vote without further examination; but, if not, then the clerk or one of the inspectors shall place such person under oath and orally examine him or her upon the subject matter contained in the oath affidavit, and, if there is any doubt as to the identity of such person, the clerk or inspector shall compare the person's his appearance with the description entered upon the precinct register opposite his or her name. The clerk or inspector shall then proceed as in other cases to determine whether the challenged person may vote.

Section 107. Section 101.72, Florida Statutes, is transferred, renumbered as section 101.121, Florida Statutes, and amended to read:

101.121 101.72 Voting booths or compartments.—

(1) In any county in which voting booths or compartments are used, the supervisor of elections shall provide at least one voting booth or compartment for every each 125 voters registered electors in the county. The supervisor of elections shall determine the actual number of booths or compartments to be used in each precinct at each election. In determining the number of booths or compartments to be used in each precinct, the supervisor shall take into consideration the traditional voting patterns of the such precinct and shall furnish the number of booths or compartments necessary to handle efficiently the number of anticipated voters electors in that the precinct. Each booth or compartment shall be furnished with a shelf or table for the convenience of voters electors in preparing their ballots and shall be so arranged to ensure the voter's privacy for that it will be impossible for one elector in one compartment to see an elector in another in the act of marking his or her ballot. Each voting table or shelf shall be kept supplied with conveniences for marking the ballots.

(2) If a county utilizes a voting system which does not require the use of a voting booth or compartment as an integral part of voting, the provisions of subsection (1) relating to the minimum number of booths or compartments required do not apply need not be provided.

Section 108. Section 101.51, Florida Statutes, is transferred, renumbered as section 101.125, Florida Statutes, and amended to read:

101.125 101.51 Voters Electors to occupy booth or compartment alone; time allowed.—

(1) When a person appears at the polls the elector presents himself to vote, a member of the election board official shall ascertain whether the person's his name is in upon the register of voters. electors, and, If the person's his name is in the register appears and no challenge to the person's right to vote is issued interposes, or, if issued interposed, is be not sustained, an inspector one of the election officials stationed at the entrance shall announce the name of the voter the elector and permit him or her to enter a the booth or compartment to east his vote. However, allowing only one voter shall enter or occupy a booth or compartment elector at a time for the purpose of voting to pass through to vote. A voter shall not allow another person in the No elector, while casting his ballot, shall occupy a booth or compartment longer than 5 minutes or be allowed to occupy a booth or compartment already occupied or to speak with anyone, except as provided by s. 101.051, while in the booth or compartment, except to receive assistance in voting as provided in s. 101.051 polling place.

(2) While voting a ballot, a voter shall not occupy a booth or compartment longer than 5 minutes. If a voter an elector requires longer than 5 minutes, he or she, then upon a sufficient reason, he may be granted a longer period of time by the election board officials in charge. After casting his vote, he shall at once leave the polling room by the exit opening and shall not be permitted to reenter on any pretext whatever. After the voter elector has voted, or declined or failed to vote within 5 minutes or by the end of any authorized extension of that period, he or she shall immediately withdraw from the polling place and shall not reenter it for any reason. If the voter he refuses to leave after the lapse of the period allowed 5 minutes, he or she shall be removed by the election board officials.

Section 109. Section 101.131, Florida Statutes, is amended to read:

101.131 Poll watchers at polls.—

(1) Each political party and each candidate may have one poll watcher in each polling room at any one time during the election. A poll No watcher shall not be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of voters electors and officials. Poll The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each poll watcher shall be a voter qualified and registered elector of the county in which he or she serves. During the election, elections the officials shall call out the names of voters electors loudly enough to be heard by the poll watchers.

(2) Each political party and each candidate requesting to have poll watchers shall designate, in writing, poll watchers for each precinct prior to noon of the second Tuesday preceding the election. The poll watchers for each precinct shall be approved by the supervisor of elections on or before the Tuesday before the election. The supervisor shall furnish to each clerk precinct a list of the poll watchers designated and approved for that clerk's such precinct.

(3) No candidate, or sheriff, deputy sheriff, police officer policeman, or other law enforcement officer may be designated as a poll watcher.

Section 110. Section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for Primary election ballot; specifications and form.—

(1) In any counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary, paper ballots not designed for computerized tabulation election ballot shall conform to the following specifications:

(a)(1) The ballots shall be of a different color for each major political party participating in the primary election. All ballots shall contain the same information as far as possible and be printed on paper of such thickness that the printing cannot be distinguished from the back.

(b)(2) Across the top of the ballot shall be printed, "Official Primary Ballot Party" (with proper party name inserted), beneath which shall be printed the county, the precinct number, and the date of the election, except that a precinct number is shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs, with a perforated line between the stubs and between the lower stub and top of the ballot. Each stub shall have printed thereon: "Official Primary Ballot," below which shall appear the party name; on the left side shall be a blank

line under which shall be "Signature of Voter" (only on the top stub); on the right side shall appear: "Initials of Issuing Official," above which shall be a blank line; under the party name shall appear the name of the county, the precinct number, and the date of the primary election; the stubs of all ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1," and the stubs on each ballot shall bear the same number. However, a second stub is shall not be required for absentee ballots.

(c)(3) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate, mark a cross (X) in the blank space at the right of the name of the candidate for whom you desire to vote."

(d)1.(4) The ballot shall have the headings, under which appear the names of the offices and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender; the heading "Legislative" and thereunder the offices of state senator and state representative; the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county and district offices as are involved in the primary election, in the order set fixed by the ~~division Department of State~~, followed, in the years of their election, by "Party Offices offices," and thereunder the offices of state and county political party executive committee members.

2. Immediately following the name of each office on the ballot shall be printed, "Vote for One." When ~~more than one candidate is to be nominated for office~~, the candidates for ~~an such office shall qualify and run in a group or district~~, the group or district number shall be printed beneath the name of the office. The names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number there shall be printed ~~the words~~, "Vote for One." The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or a similar surname and one candidate is currently holding that office, the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all of the offices ~~as above set forth in this paragraph~~ are not involved, those offices to be filled shall be arranged on the ballot in the order named.

(e)(5) On each ballot stub the words, "Official Primary Ballot" and the political party name, and on the caption the words, "Official Primary Ballot . . . Party," shall be in 18-point caps; the printed instruction to voters electors immediately preceding the offices and names of candidates shall be in 10-point type; the headings shall be in 12-point boldfaced blackfaced caps; the offices, the group or district numbers, and the words, "Vote for One" shall be in 12-point upper and lower case boldfaced blackfaced type; the names of candidates shall be in 10-point lightfaced caps; the lines on which are printed the candidates' names shall be at least 1½ picas apart, and the box to the right of each candidate's name provided for the mark cross (X) in voting shall be 2 picas wide and 1½ picas high.

(f)(6) ~~If Should the above directions in this section for complete preparation of the ballot are be insufficient, the division Department of State shall determine and prescribe any additional matter or form. The Department of State shall, Not less than 60 days prior to the first primary election, the division shall mail to each supervisor of elections the format of the ballot to be used for the primary election.~~

(g)(7) If the above requirements of this section as to type, size, and kind are not possible to follow, the ballot shall be prepared to conform as closely as possible to such requirements.

(2)(a) The primary ballot shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

No. Party

. . . . COUNTY, FLORIDA
Precinct No.
. . . . (Date)
(Initials of Issuing Official)
Stub No. 1

OFFICIAL PRIMARY BALLOT

No. Party
. . . . COUNTY, FLORIDA
Precinct No.
. . . . (Date)
(Initials of Issuing Official)
Stub No. 2

OFFICIAL PRIMARY BALLOT

. . . . Party
. . . . COUNTY, FLORIDA
Precinct No.
. . . . (Date)

TO VOTE for a candidate, mark the blank space at the RIGHT of the name of the candidate for whom you desire to vote.

CONGRESSIONAL

UNITED STATES SENATOR

Vote for One

(Name of Candidate)

(Name of Candidate)

(Name of Candidate)

(And then the other offices under this heading, followed by the headings and offices as prescribed in this section.)

(b) The primary ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each voter to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

Section 111. Section 101.181, Florida Statutes, is repealed.

Section 112. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for General election ballot; specifications and form.—

(1) In any counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election, paper ballots not designed for computerized tabulation election ballot shall conform to the following specifications:

(a)(4) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(b)(2) Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, is shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "Official Ballot, General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub is shall not be required for absentee ballots.

(c)(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a qualified write-in candidate, write the candidate's name of the candidate in the blank space provided for that purpose."

(d)1. The ballot shall have headings under which shall appear the names of the offices and ~~the names of duly nominated candidates, other than write-in candidates~~, for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States ~~nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated.~~ Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county offices as are involved in the general election, in the order *set fixed* by the *division Department of State*. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

2.(b) Immediately following the name of each office on the ballot shall be printed, "Vote for One." When ~~more than one candidate is nominated for office, the candidates for an such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.~~

(e) The names of the candidates of the major political parties shall appear on the ballot in the order in which the candidates of those political parties finished in the race for Governor in the last election in which a Governor was elected, together with an abbreviation of the party name.

~~(4) The names of the candidates of the party which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office, together with an appropriate abbreviation of party name; the names of the candidates of the party which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.~~

(f)(5) Minor political party candidates and independent candidates without political party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(g)(6) Except for justices of the Supreme Court and judges of district courts of appeal, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(h)(7) The same requirements ~~requirement~~ as to the type, size, and kind of printing of official ballots in primaries ~~primary~~ elections as provided in s. 101.141(1)(e)(5) shall govern the printing of official ballots in general elections.

(i)(8) If ~~Should~~ the above directions in this section for complete preparation of the ballot are insufficient, the ~~division Department of State~~ shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the ~~division Department of State~~ shall mail to each supervisor of elections the format of the ballot to be used for the general election.

(j) If the requirements of this section as to type, size, and kind are not possible to follow, the ballot shall be prepared to conform as closely as possible to those requirements.

(2)(a) The general election ballot shall be in substantially the following form:

OFFICIAL BALLOT, GENERAL ELECTION

No. COUNTY, FLORIDA
 Precinct No.
 . . . (Date)
 (Initials of Issuing Official)
 Stub No. 1

OFFICIAL BALLOT, GENERAL ELECTION

No. COUNTY, FLORIDA
 Precinct No.
 . . . (Date)
 (Initials of Issuing Official)
 Stub No. 2

OFFICIAL BALLOT, GENERAL ELECTION

. COUNTY, FLORIDA
 Precinct No.
 . . . (Date)

TO VOTE for a candidate whose name is printed on the ballot, mark the blank space at the RIGHT of the name of the candidate for whom you desire to vote. To vote for a qualified write-in candidate, write the candidate's name in the blank space provided for that purpose.

ELECTORS
 For President
 and
 Vice President

(A vote for the candidates will actually be a vote for their electors)
 Vote for group

DEMOCRATIC

(Name of Candidate)

For President

(Name of Candidate)

For Vice President

REPUBLICAN

(Name of Candidate)

For President

(Name of Candidate)

For Vice President

(NAME OF MINOR POLITICAL PARTY)

(Name of Candidate)

For President

(Name of Candidate)

For Vice President

WITHOUT POLITICAL PARTY AFFILIATION

(Name of Candidate)

For President

(Name of Candidate)

For Vice President

WRITE-IN

For President

For Vice President

CONGRESSIONAL

UNITED STATES SENATOR

Vote for One

(Name of Candidate) (Party abbreviation)

(Name of Candidate) (Party abbreviation)

(And then the other offices under this heading, followed by the headings and offices as prescribed in this section.)

PROPOSED CONSTITUTIONAL
AMENDMENTS OR OTHER PROPOSALS

To vote on a constitutional amendment or other proposal, mark the blank space next to either YES or NO.

No.
CONSTITUTIONAL
AMENDMENT
ARTICLE , SECTION

(Here the ballot title and wording of the substance of the amendment shall be inserted.)

YES for Approval

NO for Rejection

(b) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each voter to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each voter to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 113. Section 101.191, Florida Statutes, is repealed.

Section 114. Section 101.252, Florida Statutes, is transferred, renumbered as section 101.153, Florida Statutes, and amended to read:

~~101.153 101.252~~ Candidates entitled to have names printed on primary ~~certain~~ ballots; exception; certification of nominations to supervisors.—

(1) Any candidate for nomination who has qualified as prescribed by law is entitled to have his or her name printed on the official primary election ballot. However, when there is only one candidate of any major political party qualified for an office, the name of the candidate shall not be printed on the primary election ballot, and such candidate shall be declared nominated for the office.

(2) Any candidate for member of a major political party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the first primary ballot. However, when there is only one candidate of any major political party qualified for such an office, the name of the candidate shall not be printed on the first primary ballot, and such candidate shall be declared elected to the state or county executive committee.

(3) The division shall certify to the supervisor of each county affected by a candidacy for office the names of persons nominated to such office.

Section 115. Section 101.251, Florida Statutes, is transferred, renumbered as section 101.155, Florida Statutes, and amended to read:

~~101.155 101.251~~ Information which supervisor of elections must print on general election ballots.—

(1) The supervisor of elections of each county shall print, on the general election ballots to be used in the such county, the names of candidates nominated by primary election or special primary elections or selected by the appropriate executive committee of any political party as authorized by this code.

(2) In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections of each county shall print have printed on the general election ballot to be used in the county the names of the judicial officers, as defined in chapter 105, who are entitled to have their names printed on the ballot, and minor political party candidates and independent candidates without political party affiliation who have obtained a position on the general election ballot in compliance with the requirements of this code.

(3) In addition to the names printed on the general election ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified.

Section 116. Section 101.253, Florida Statutes, is transferred, renumbered as section 101.157, Florida Statutes, and amended to read:

~~101.157 101.253~~ When names not to appear be printed on ballot.—

(1) ~~The name of a No candidate's name, which candidate is required to qualify with a supervisor of elections for any primary or general election, shall not appear be printed on the ballot for an election if the such candidate has notified the filing officer supervisor of elections in writing, under oath, on or before the 42nd day before the election that he or she will not accept the nomination or office for which he or she qualified he filed qualification papers. If the filing officer is the supervisor, the supervisor of elections may, in his discretion with the approval of the division Department of State, allow the such a candidate to withdraw after the 42nd day before an election, upon receipt of written notice, sworn to under oath, that he or she will not accept the nomination or office for which he or she qualified.~~

~~(2) No candidate's name, which candidate is required to qualify with the Department of State for any primary or general election, shall be printed on the ballot if such candidate has notified the Department of State in writing, under oath, on or before the 42nd day before the election that he will not accept the nomination or office for which he filed qualification papers. If the filing officer is the division, the division Department of State may in its discretion allow the such a candidate to withdraw after the 42nd day before an election upon receipt of a written notice, sworn to under oath, that he or she will not accept the nomination or office for which he or she qualified.~~

~~(2)(3) If a change to a ballot is submitted less than 21 days before the election and the ballot has already been printed, the supervisor is not required to change the ballot. If a change is submitted 21 days or more before the election and the ballot has already been printed, the supervisor must either reprint the ballot or use a rubber stamp or appropriate printing device to make the necessary changes. In no case shall the supervisor be required to print on the ballot a name which is submitted less than 21 days prior to the election. In the event the ballots are printed 21 days or more prior to the election, the name of any candidate whose death, resignation, removal, or withdrawal created a vacancy in office or nomination shall be stricken from the ballot with a rubber stamp or appropriate printing device, and the name of the new nominee shall be inserted on the ballot in a like manner. The supervisor may, as an alternative, reprint the ballots to include the name of the new nominee.~~

Section 117. Section 101.254, Florida Statutes, is transferred, renumbered as section 101.159, Florida Statutes, and amended to read:

~~101.159 101.254~~ When nominated names to appear in groups or districts; grouping of candidates on ballots.—

(1) When an office requires the nomination of more than one candidate, as many groups or districts shall be numerically designated as there are vacancies to be filled by nomination. Each candidate shall indicate on his or her qualifying papers the group or district in which the candidate he desires his or her name to appear on the ballot. In addition, any candidate qualifying by the petition method must indicate on each his petition, prior to circulating the such petition, the which group or district for which the candidate he is attempting to qualify.

(2) The name of each nominee of a major political party chosen in the primaries shall appear on the general election ballot in the same numbered group or district as on the primary ballot.

Section 118. Section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other proposal public measure is submitted to the vote of the people, the substance of the such amendment or proposal other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or proposal other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolu-

tion, ~~constitutional~~ revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The substance of the amendment or ~~proposal~~ ~~other public measure~~ shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the ~~amendment or proposal~~ ~~measure~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the ~~amendment or proposal~~ ~~measure~~ is commonly referred to or spoken of.

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54.

(3) The ~~division~~ Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification of the amendments. The ~~division~~ Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the ~~supervisors~~ supervisor of elections of each county in which such amendment is to be ~~voted on~~.

Section 119. Section 100.371, Florida Statutes, is transferred, renumbered as section 101.165, Florida Statutes, and amended to read:

101.165 100.371 Initiatives; procedure for placement on ballot.—

(1)(3) After registering as a political committee, the sponsor of a ~~constitutional~~ ~~an initiative~~ amendment by initiative must ~~shall~~, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment and the format of the petition to the ~~division~~ 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 the petition format ~~such form~~.

(2)(4) The sponsor shall submit signed and dated ~~petitions forms~~ to each the appropriate supervisor of elections for verification as to the number of voters registered electors whose valid signatures appear thereon at least 30 days before certification of ballot position, but in no event later than the second Tuesday in July of the year in which ballot position is sought. 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. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. Supervisors must complete the task of certification within 30 days following submission. Upon completion of verification, 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 ~~petitions~~ signature forms for at least 1 year following the election in which the ~~proposed 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.

(3)(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 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.

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

(5) If the sponsor of an initiative amendment employs or contracts with any person to solicit voter signatures and such solicitor's payment is in any manner dependent upon the number of signatures obtained, the sponsor must, before employing or contracting with such solicitors,

file an affidavit, the form of which must be prepared by the Division of Elections, noticing the use of paid solicitors by the sponsor. This subsection does not apply to any sponsor obtaining Division of election approval of petition format before August 1, 1995.

(6) The ~~division~~ 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 120. Section 101.2515, Florida Statutes, 1994 Supplement, is transferred, renumbered as section 101.167, Florida Statutes, and amended to read:

101.167 101.2515 Translation of ballot language for statewide proposal.—Upon the request of a supervisor of elections made no later than 60 days before prior to the date of a general election, the department of State shall provide a written translation of a statewide ~~proposal~~ ballot issue in the language of any language minority group specified in the provisions of s. 203 of the Voting Rights Act of 1965, as amended, as applicable to this state.

Section 121. Section 101.171, Florida Statutes, is amended to read:

101.171 Copy of constitutional amendment to be posted.—Whenever an any amendment to the State Constitution is to be voted upon at any election, the ~~division~~ Department of State shall have printed, and shall furnish to each supervisor with of elections, a sufficient number of copies of the amendment, and the supervisor shall have a copy thereof conspicuously posted at each precinct on upon the day of the election.

Section 122. Section 101.20, Florida Statutes, is amended to read:

101.20 Publication of ballot form; sample ballots.—

(1) Two sample ballots shall be furnished to each polling place by the ~~supervisor~~ officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at that polling place on election day. Sample ballots shall be open to inspection by all voters electors in any election, and a sufficient number of reduced-size sample ballots may be furnished to each election board for use by voters at the polls officials so that one may be given to any elector desiring same.

(2) Upon completion of the list of qualified candidates, A sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county, prior to the day of the election. In lieu of publication if the county has an addressograph or equivalent system for mailing to registered electors, a sample ballot may be mailed to each voter, registered elector or to each household in which there is a voter registered elector, in lieu of publication, at least 7 days prior to any election.

Section 123. Section 101.43, Florida Statutes, is transferred, renumbered as section 101.205, Florida Statutes, and amended to read:

101.205 101.43 Substitute ballot.—When the voting machines are used and the required official ballots for a precinct are not delivered or available in time to be used on election day, or, after delivery, are lost, destroyed, or stolen, the supervisor clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared for use at that precinct, which shall conform conforming as nearly as possible to the sample official ballots posted at that precinct on that election day, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 124. Section 101.21, Florida Statutes, is repealed.

Section 125. Section 101.22, Florida Statutes, is amended to read:

101.22 Voting procedure, paper ballots.—

(1) In counties where paper ballots are used, each voter shall be given a ballot by a member of the election board, but only after the

voter's signature has been verified as provided in s. 101.044 and the clerk or inspector initials ~~Before any paper ballot is delivered to an elector at the polls on election day, one of the inspectors shall affix his initials on the line provided on each of the two ballot stubs and the elector shall sign his name on the line on the top stub, or, if he is unable to write, he shall sign his mark. The inspector shall compare the signature on the ballot stub with the signature on the elector's registration and, if necessary, require other identification. If the inspector is reasonably sure that the person is entitled to vote, the clerk or inspector he shall detach and retain the upper stub and give the voter the ballot. Without leaving the polling place, and the voter elector shall proceed alone go to a the booth or compartment to and mark the his ballot in the places indicated. After marking the and, after he has marked his ballot, the voter he shall fold it, leaving so as to leave the attached, remaining stub remaining attached visible so that it can be detached without unfolding. The clerk or inspector shall compare it with the stub the clerk or inspector he retained and, if it is the ballot the clerk or inspector he delivered to the voter elector, the clerk or inspector he shall detach and retain the remaining stub, and the voter elector shall then deposit the folded ballot in the ballot box. But, If the marked ballot returned proves to be a different one from the one delivered to the voter him, the voter shall not be allowed to vote inspector shall search the elector, and, if the original ballot is found on his person, the inspector shall take possession of the ballot and discharge the elector from the polling place without permitting him to vote. An inspector of elections, where paper ballots are used, is clothed with such police power as is necessary to carry out the provisions of this section.~~

(2) A voter who spoils a ballot must return the spoiled ballot to the clerk or an inspector in order to receive another ballot. The clerk or inspector receiving the spoiled ballot shall immediately detach the stub of the ballot, preserve the ballot, without examination, in an envelope provided for that purpose, and give the voter another ballot. A voter shall not be provided with more than three ballots or carry a ballot outside the polling room. The clerk shall keep a record of all spoiled ballots.

(3) At a general election a voter may vote for a write-in candidate by writing in the name of the candidate in the space provided.

Section 126. Sections 101.011 and 101.23, Florida Statutes, are repealed.

Section 127. Section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—*In those precincts that use a voting system that requires the use of ballot cards or paper ballots, the supervisor of elections, except where voting machines are used, shall prepare for each polling place one or more ballot boxes box of sufficient size to contain all the ballots of the particular precinct. Each, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the election board clerk or inspector of election of the precinct in which it is to be used. During the election and canvass of the votes, the ballot box may not be concealed. The clerk or inspector shall be placed under oath or affirmation to perform his duties faithfully and without favor or prejudice to any political party.*

Section 128. Section 102.061, Florida Statutes, is transferred, renumbered as section 101.257, Florida Statutes, and amended to read:

101.257 102.061 *Tabulation of votes and proclamation of results, where paper ballots are used Duties of election board; counting; closing polls.—*

(1)(a) *As soon as the polls are closed, the election board shall secure the ballot box against further voting. Then, in the presence of the public desiring to witness the canvass, the election board shall open the ballot box and count the ballots without adjournment or interruption until the count is completed.*

(b) *At the close of the election at each precinct in which more than one election board is conducting the election, the election board that conducted the election shall turn the ballot box, precinct register registration books, and other records over to the relieving board. The, when more than one board is conducting the election, which relieving board shall then proceed to open the ballot box in the presence of the public desiring to witness the canvass and count the ballots without adjournment or interruption until the count is completed, except for the necessary interruption provided for in s. 102.012.*

(2) *The ballots shall first be counted, and, if the number of ballots exceeds the number of persons who voted, as may appear by the poll list kept by one of the inspectors clerk and by the stubs detached by the inspectors, the ballots shall be placed back into the box, and one of the inspectors shall publicly draw out and set aside unexamined destroy unopened as many ballots as are equal to the such excess. Such ballots shall be placed in an envelope, which shall be sealed and delivered to the county canvassing board. If two or more ballots are found folded together to present the appearance of a single ballot, they shall be set laid aside and placed in an envelope, which shall be sealed and delivered to the county canvassing board until the count is completed, and, if, upon comparison of the count and the appearance of such ballots, a majority of the inspectors are of the opinion that the ballots were voted by one person, such ballots shall be destroyed.*

(3) *A ballot may not be voided or declared invalid so long as there is a clear indication to the election board that the voter has made a definite choice. However, if the election board cannot determine the voter's choice for an office or proposal, the vote for that office or proposal shall not be counted.*

(4)(2) *In counting the ballots, the election board shall use either the tally call system of counting or a system whereby the ballots are opened and placed in piles according to the candidate voted for and the proposal voted for or against and then the number of ballots in each pile is counted. The ballots shall then be reshuffled and the process repeated until the total votes cast for each candidate for each office and for and against each proposal have has been determined, and No other system of counting shall be used.*

(5) *The election board shall post at the polls the results of the voting for each office or proposal on the ballot as the count is completed. Upon completion of all counts in all races, triplicate certificates of the results shall be prepared by the election board at each precinct upon a form provided by the supervisor, which shall contain the name of each person voted for, for each office, and the number of votes cast for each person for such office. If any proposal is submitted, the certificates shall also contain the number of votes cast for and against the proposal. The certificates shall be signed by all members of the election board. One certificate shall be delivered to the supervisor, one shall be delivered to the county court judge, and one shall be enclosed in the ballot box together with the oaths of the members of the election board. All the ballot boxes, ballots, ballot stubs, memoranda, and papers of all kinds used in the election shall also be transmitted, sealed by the members of the election board, with the certificates of result of the election to be filed in the supervisor's office. Precinct registers and poll lists shall not be placed in the ballot boxes but shall be returned to the supervisor.*

Section 129. Section 102.071, Florida Statutes, is repealed.

Section 130. Section 101.292, Florida Statutes, is transferred, renumbered as section 101.2601, Florida Statutes, and amended to read:

101.2601 101.292 *Definitions.—As used in ss. 101.2601-101.2604 101.292-101.295, the following terms shall have the following meanings:*

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) "Voting equipment" means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term "voting equipment" also includes electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices.

(3) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 131. Section 101.293, Florida Statutes, is transferred, renumbered as section 101.2602, Florida Statutes, and amended to read:

101.2602 101.293 *Purchase of voting equipment; competitive sealed bids and proposals required.—*

(1) Any purchase of voting equipment, the individual or combined retail value of which is in excess of the threshold amount for CATE-

GORY TWO purchases provided in s. 287.017, by a governing body shall be by means of competitive sealed bids or competitive sealed proposals from at least two bidders, except under the following conditions:

(a) If a majority of the governing body agrees by vote that an emergency situation exists in regard to the purchase of such equipment to the extent that the potential benefits derived from competitive sealed bids or competitive sealed proposals are outweighed by the detrimental effects of a delay in the acquisition of such equipment; or

(b) If a majority of the governing body finds that there is but a single source from which suitable equipment may be obtained.

If either of those such conditions is are found to exist, the chair chairman of the governing body shall certify to the division of Elections the situation and condition conditions requiring an exception to the competitive sealed bidding and competitive sealed proposal requirements of this section. Such certification shall be maintained on file by the division.

(2) The division of Elections of the Department of State shall establish bidding procedures for carrying out the provisions and the intent of ss. 101.2601-101.2604 ~~101.292-101.295~~, and each governing body shall follow the procedures so established.

Section 132. Section 101.294, Florida Statutes, is transferred, renumbered as section 101.2603, Florida Statutes, and amended to read:

101.2603 ~~101.294~~ Purchase and sale of voting equipment.—

(1) The division of Elections of the Department of State shall adopt uniform rules for the purchase, use, and sale of voting equipment in the state. No governing body shall purchase or cause to be purchased any voting equipment unless such equipment has been certified for use in this state by the division Department of State.

(2) Any governing body contemplating the purchase or sale of voting equipment shall notify the division of Elections of that potential purchase or sale such considerations. The division shall attempt to coordinate the sale of excess or outmoded equipment by one county with purchases of necessary equipment by other counties.

(3) The division shall inform the governing bodies of the various counties of the state of the availability of new or used voting equipment and of sources available for obtaining such equipment.

Section 133. Section 101.295, Florida Statutes, is transferred, renumbered as section 101.2604, Florida Statutes, and amended to read:

101.2604 ~~101.295~~ Penalties for violation.—Any member of a governing body that which purchases or sells voting equipment in violation of the provisions of ss. 101.2601-101.2604 ~~101.292-101.295~~, which member knowingly votes to purchase or sell voting equipment in violation of the provisions of ss. 101.2601-101.2604 ~~101.292-101.295~~, commits is guilty of a misdemeanor of the first degree, punishable as provided in by s. 775.082 or s. 775.083, and is shall be subject to suspension from office on the grounds of malfeasance.

Section 134. Section 101.341, Florida Statutes, is transferred, renumbered as section 101.2615, Florida Statutes, and amended to read:

101.2615 ~~101.341~~ Prohibited activities by voting system machine custodians and deputy custodians.—

(1) No voting system machine custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of the voting equipment of the voting system, shall accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of any voting equipment for any voting system unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) A Any person who violates any provision violating the provisions of this section commits is guilty of a misdemeanor of the first degree, punishable as provided in by s. 775.082 or s. 775.083, and is—Such person shall also be subject to immediate discharge from employment with the supervisor his position.

Section 135. Section 101.36, Florida Statutes, is transferred, renumbered as section 101.265, Florida Statutes, and amended to read:

101.265 ~~101.36~~ Voting machines or electronic or electromechanical voting devices; when used.—In counties that have adopted voting

machines or an electronic or electromechanical voting system, the voting machines or voting devices shall be configured ~~so arranged as~~ to require individual voting for all offices. The order in which the ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot. The voting machines or devices shall be used by such the counties in all general, primary, and special elections. In counties above 260,000 population, according to the latest federal census, which have adopted the use of voting machines or an electronic or electromechanical voting system, it shall be mandatory for all municipalities in such counties to use such voting machines or devices in all elections, but in all counties of lesser population it shall be optional with each municipality as to whether it shall use ballots or voting machines or devices in its elections. Authority is hereby granted to the board of county commissioners of any county that has adopted voting machines or an electronic or electromechanical voting system to permit municipalities within the county to use county-owned voting machines or devices and to permit public agencies, private organizations, and others to use such machines or devices on a rental basis, upon such terms and conditions as the board may determine.

Section 136. Section 101.27, Florida Statutes, is amended to read:

101.27 Voting machine ballots.—

(1) All ballots for voting machines shall be printed on strips of white cardboard, paper, or other material of such size as will fill the ballot frames of the machine, in plain black type as large as the space will permit, so as to show the name of the candidate or the statement of the proposed constitutional amendment, or other proposal question or proposition submitted to the voters electorate at that any election.

(2) The captions on the ballots for voting machines shall be placed so as to indicate to the voter the elector what push knob, key, lever, or other device to be is used or operated in order to cast his vote for any or against a candidate or to vote for or against any, proposed constitutional amendment, or other proposal question or proposition submitted to the voters electorate at that any election.

(3) The order in which the voting machine ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot for that election. The names of the unopposed candidates shall not appear on the general election ballot; each unopposed candidate shall be deemed to have voted for himself. If two or more write-in candidates are seeking election for one office, only one blank space shall be provided.

(4) If the official ballot is longer than the voting machine can accommodate, paper ballots may be used in conjunction with a voting machine, in which case the order of the offices on the voting machine ballot shall be the same as prescribed in ss. 101.141(4) and 101.151(3). Where the machine ballot is filled in this order, there shall be a continuation of the ballot in the same order on paper ballots, except that no state or federal opposed officer shall be placed upon a paper ballot. In any primary election, if the official ballot is longer than the voting machine can accommodate, paper ballots may be used in conjunction with a voting machine, in which case the order of the offices on the voting machine ballot shall be the same as prescribed in ss. s. 101.141(1)(d)(4) and 101.151(1)(d). However, except that no portion of a category of candidates as established in s. 101.141(4) shall be divided between the voting machine ballot and the paper ballot. If In the event a category of candidates must be removed from the voting machine ballot because of the foregoing provision, the supervisor of elections in such county may complete the balance of the voting machine ballot with some whole portion of another category of candidates out of its proper sequence, except that no state or federal office shall be placed upon a paper ballot.

(5) In primaries all primary elections, supervisors of elections may print voting machine ballots in shaded colors to group and identify the number of candidates in any or all races. Colors shall be light or pastel with candidates' names overprinted in plain black type. However, in no case shall any particular color or pattern of colors be used to identify any political party in the general election.

(6) If Should the above directions in this section for the complete preparation of the ballot are be insufficient, the division Department of State shall determine and prescribe any additional matter or form in which the ballot may be printed.

Section 137. Section 101.28, Florida Statutes, is amended to read:

101.28 Requirements for voting machines.—

(1) All voting machines purchased for use in this state shall meet the following minimum requirements:

(4) Each voting machine shall:

(a) ~~Ensure Secure to the elector~~ ensure secrecy in the act of voting.

(b) Provide facilities for voting for or against ~~proposals as many questions as may be submitted.~~ proposals.

(c) Permit the ~~voter elector~~ voter to vote for the candidates of one or more political parties.

(d) Permit the ~~voter elector~~ voter to vote for as many persons for an office as ~~the voter~~ he is lawfully entitled to vote for, but no more.

(e) Prevent the ~~voter elector~~ voter from voting for the same person more than once for the same office.

(f) Permit the ~~voter elector~~ voter to vote for or against any ~~proposal the voter question~~ proposal he may have the right to vote upon, but no other.

(g) Be so equipped that, when used in ~~primaries primary~~ elections, the election officials can, by a single adjustment on the outside of the machine, lock out all races and ~~proposals questions~~ questions except those in which the ~~voter elector~~ voter is entitled to vote.

(h) Correctly register or record, and accurately count, all votes cast for any and all ~~candidates persons~~ candidates and for or against any and all ~~proposals questions~~ questions.

(i) Be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected.

(j) Be provided with a counter ~~that shows which shall show~~ that shows at all times during ~~an any~~ an election how many persons have voted.

(k) Be provided with one device per machine for each ~~political party~~ political party for voting for all presidential electors of that ~~political party~~ political party by one operation. ~~The (in connection with which there shall be provided on the ballot the words "Electors for President and Vice President" followed by the name of the party and thereafter by the names of the candidates thereof for the offices of President and Vice President) and a registering device which shall register the votes cast for the presidential such electors thus voted for collectively, as contemplated by s. 103.011.~~

(1)(2) ~~Provide Each voting machine shall be furnished with an electric light, or a proper substitute for one, which will give sufficient light to enable voters electors while voting to read the ballots.~~

(3) ~~Each voting machine used in any election shall be provided with a screen, hood, or curtain which shall be so made and adjusted as to conceal the elector and his action while voting.~~

(2)(4) Voting machines may be provided with a device or devices which will print a copy or copies of the count shown on the candidate and ~~proposal question~~ proposal counters, as registered both before the polls open and after the polls close.

Section 138. Section 101.29, Florida Statutes, is amended to read:

101.29 Providing machines; payment for same.—The authorities adopting the use of voting machines shall, ~~as soon as practicable, provide for each polling place one or more voting machines in complete working order, and~~ The authorities in charge of elections shall preserve and keep such machines repaired and have custody of ~~them same~~ them when not in use at ~~an any~~ an election. If it is impracticable to supply each ~~polling place election district~~ polling place with voting machines at any election, as many may be supplied as it is practicable to procure, and ~~the authorities in charge of elections shall determine which polling places will be supplied with the voting machines procured these may be used in the districts as the officers adopting the machine may direct.~~ The board of county commissioners or the municipal authorities, on the adoption and ~~either rental or purchase of voting machines, shall provide for the payment for such machines.~~

Section 139. Section 101.32, Florida Statutes, is repealed.

Section 140. Section 101.33, Florida Statutes, is amended to read:

101.33 Number of ~~voters electors~~ voters for each machine.—In any county in which voting machines are used, the board of county commissioners shall provide at least one voting machine for each 400 ~~voters registered electors~~ voters.

in the county, except that in any county in which 25 percent or more of the ~~voters registered electors~~ voters are 60 years of age or older, the board of county commissioners shall provide at least one machine for each 350 ~~voters registered electors~~ voters. The supervisor of elections shall determine the actual number of machines to be used in each precinct at each election. In determining the number of machines to be used in each precinct, the supervisor shall take into consideration the traditional voting patterns of such precinct and shall furnish the number of machines necessary to handle efficiently the number of anticipated voters in the precinct.

Section 141. Section 101.35, Florida Statutes, is amended to read:

101.35 Preparation of voting machines; notice of sealing and preelection test.—

(1) Where ~~voting machines are a voting machine~~ is used, ~~each voting machine~~ it shall be in proper order for use at any election at the polling place before the time ~~set fixed for the~~ opening of the polls, and the counters shall be set at zero. The supervisor shall appoint one or more deputies, to be known as "deputy custodians of voting machines," who shall be competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully. ~~Deputy custodians; they~~ shall be instructed by the supervisor at least 30 days before the election and shall be considered as ~~officers of election officials.~~ officials.

(2) The supervisor ~~of elections~~ or the municipal ~~election elections~~ official may at the time of qualifying give written notice of the time and location of the preelection test of the voting ~~machines equipment~~ machines to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The supervisor ~~of elections~~ or the municipal ~~election elections~~ official shall, at least 15 days prior to an election, insert a legal notice in a newspaper of general circulation in the county and, by certified mail, send written notice to the county ~~chairperson party chair~~ man of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal ~~election elections~~ official at the time of qualifying, stating the time and place where the machines will be sealed and available for testing. If the election is to be a municipal, bond, or referendum election, or if there is no county ~~chairperson of a political party chairman~~, the certified notice shall be sent to the ~~chairperson chairman~~ of a local organization representing each opposing side.

(3) The ~~division Department of State~~ shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting ~~machines equipment~~ machines will be available for testing in each county and advising each such candidate to contact the ~~county supervisor of elections~~ supervisor as to the time and location of the pretest.

(4) At the time stated in the notice, representatives of each political party or opposing side and each candidate or his ~~or her~~ representatives may test the voting machines pursuant to this subsection to see that the machines are in proper condition and working order. Each ~~such~~ representative shall have written authorization from the candidate, group, or ~~political party~~ political party that he ~~or she~~ represents and shall not interfere with, or assume any of, the deputy custodian's duties. All candidates and representatives who wish to test the ~~voting machines~~ machines shall appear at the place and time stated by the supervisor or municipal ~~election elections~~ official. All such persons, by drawing lots, shall appoint one person ~~to who shall~~ randomly select up to 5 percent of the voting machines in the county to be used in the election, or 10 of those machines, whichever is greater. The candidates and representatives may test all of the selected machines by recording and verifying test votes until satisfied. If any of the selected machines is unsatisfactory, the supervisor shall allow the candidates or representatives to test such additional number of machines as is prescribed by the rules adopted by the division ~~of Elections~~. In addition, ~~the any such~~ representative or candidate may ~~otherwise~~ check all the voting machines to make sure all the counters are set at zero and the ballots are in proper order. ~~If a supervisor determines that a voting machine is unsatisfactory, that machine shall be repaired, made available for retesting, and sealed, in accordance with the rules adopted by the division, before it is transferred to the polling place.~~

(5) At the completion of this inspection and testing, the machines shall be sealed immediately; and any authorized representative may remain present and record the voting machine numbers, the protective counter numbers, and the seal numbers. The representative shall certify the number of machines and that the counters are set at zero and the numbers registered on the protective counters and on the seals. Upon

completion of sealing the voting machines, the keys shall be delivered to the board of officials having charge of the election, together with a written report stating that such machines are properly prepared for the election. The machines shall be transferred to the polling place, and the local authorities shall provide protection against tampering with molestation or damage to such machines. ~~The lantern or light fixtures shall be in good order before opening the polls. Any unsatisfactory machine shall be repaired, sealed, and made available for retesting, in accordance with the rules adopted by the Division of Elections, before it may be transferred to the polling place.~~

(6) The division of Elections shall adopt rules in furtherance of the purpose of this section and may amend such rules, as may be necessary.

Section 142. Section 101.37, Florida Statutes, is amended to read:

101.37 ~~Location of Voting machines; location; curtains.—~~

(1) At all elections where voting machines are used, the arrangement of the polling room shall be as follows: The exterior of the voting machine and every part of the polling room shall be in plain view of the election board officers; the voting machine shall be placed at least 1 foot from every wall or partition of the polling room and at least 4 feet from any table where any of the election officials officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officials officers and the poll party watchers when not in use by voters electors. The election officials officers shall not themselves be, or permit any other person to be, in any position or near any position that will permit a person one to see or ascertain how a voter an elector votes, or how he has voted. The election official officer attending the machine shall inspect the face of the machine after each voter elector has voted east his vote, to see that the ballots on the face of the machine are in proper places and that the machine has not been damaged injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open; or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officials officers and shall be sent with the returns.

(2) ~~Curtains on all voting machines shall be securely sealed or fastened before being used in any election so that the clearance lever cannot be operated without opening or closing curtains.~~

Section 143. Sections 101.39 and 101.445, Florida Statutes, are repealed.

Section 144. Section 101.45, Florida Statutes, is amended to read:

101.45 ~~Election board Opening polls, voting machines.—~~

(1) ~~The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting machines. The keys to each voting machine at each precinct the machines shall be delivered to the election board at that precinct officers by 6 a.m. of the day of the election in a sealed envelope on which shall be written or printed the number and location of the machine, the number of the seal, and the number registered on the protective counter or device, as reported by the custodian. The said envelope shall not be opened until at least two members one member of the election board, from each from a different of two political party, if possible, are parties is present and each has shall have examined the envelope to see that it same has not been opened. Before opening the envelope, the members of the election board officers present shall verify that examine the number on the seal on the machine and, also the number registered on the protective counter, and see if they are the same as the numbers number written on the envelope. If the numbers they are not the same, the custodian or an authorized person must be present when the machine is reexamined to determine whether opened to reexamine such machine and certify that it is properly arranged. If the numbers are the same, found to agree with those on the envelope, the election officer shall proceed to open the doors concealing the counters and each member of the election board officer shall carefully examine every counter to and see whether that it registers zero. During such an examination, every counter may also be examined by the poll, and same is subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are opened, and only electors shall operate same.~~

(2) ~~If a any counter does is found not to register at zero, the election board of election shall immediately notify the custodian, who shall adjust the counter to such counters at zero. However, but if it is impracticable~~

~~for the custodian cannot to arrive in time to adjust the counter such counters, the election board officers shall immediately make a written statement of the designating letter and number of the such counter, together with the number registered thereon. The board, and shall sign and post that statement same upon the wall of the polling room, where and it shall remain throughout election day. When the certificate of returns is prepared, the election board In filling out the statement of canvass, they shall subtract the counter's initial registered such number from the number total then registered on the counter at the close of the election thereon.~~

(3) ~~If the machine is equipped with a device that produces or devices which produce a printed record of the register shown on the candidate and proposal amendment counters, the election board of elections of each precinct shall take the necessary steps to secure such printed record from each machine. If a In the event any counter does is found not to register at zero, the election board shall immediately notify the custodian, who shall adjust the counter to zero. However, and if, upon notification, it is impracticable for the custodian cannot to arrive in time to adjust the such counter, the election board of elections shall post the printed record from such machine in a conspicuous place in the such precinct, where it shall remain throughout election day. When the certificate of returns is prepared, the election board In filling out the statement of canvass, they shall subtract the counter's initial registered such number from the number total then registered on the counter at the close of the election thereon.~~

Section 145. Section 101.46, Florida Statutes, is amended to read:

101.46 ~~Instruction to voters electors before election.—Where voting machines are used, the authorities in charge of elections, where voting machines are used, shall designate suitable and adequate times and places for giving instructions to voters electors who apply, and the machines shall contain a sample ballot showing the title of offices to be filled; and, so far as practicable, the names of candidates to be voted on at the next election. No voting machine which is to be assigned for use in an election shall be used for instruction after having been prepared and sealed for the election. During the public exhibition of any voting machine for any instruction, the counting mechanism shall be concealed, but the doors may be temporarily opened when authorized by the supervisor of elections.~~

Section 146. Section 101.47, Florida Statutes, is amended to read:

101.47 ~~Requirements before voter elector enters voting machine booth.—~~

(1) ~~In counties where Whenever voting machines are used, each person elector desiring to vote shall have his or her signature verified as provided in s. 101.044 identify himself to the clerk or an inspector of the election as a duly qualified elector at such election by signing his signature, in ink or indelible pencil, to an identification blank or slip which is substantially the form provided by this code.~~

(2) ~~If the person is entitled to vote, the clerk or inspector shall compare the signature with the signature of the elector upon the registration books, and, if satisfied that the signature is the same, he then shall initial a voting machine the slip, record the slip number if required, and give the slip to the voter, which slip shall allow the voter to proceed to the voting machine to vote in the place provided and the initials shall constitute an oath or affirmation of the fact stated by the clerk or inspector above his initials.~~

(3) ~~The supervisor shall supply sufficient containers for each precinct, each container to be securely sealed. Each container shall have a slot large enough to receive the voting machine identification slips. Before the polls open, the clerk, in the presence of all inspectors and members of the public who are present, shall open the container and ascertain that it is empty and, while empty, shall securely seal it same, leaving a slot open without breaking or removing the seal; and the clerk and or inspectors shall sign their names upon the seal. Printed forms of seals shall be furnished with each container, containing a statement over the place for the signature that the container was opened, emptied, and sealed while empty before the polls were opened; and the signing of the seal certificate shall constitute the clerk's or inspector's certification that this process has been completed certificate to the facts.~~

(4) ~~No person shall be admitted to a voting machine unless the person he presents to the clerk or inspector a voting machine an identification slip as provided in subsection subsections (1) and (2).~~

(5) Before a voter may enter the elector enters a voting machine, he or she shall deliver his or her voting machine identification slip duly signed to the clerk or inspector operating the machine. The clerk or inspector shall also initial the slip, and his or her initials shall constitute an oath or affirmation as to the printed facts set forth above them his initials; then the clerk or inspector shall deposit the slip through the slot in the locked or sealed container.

(6) The voting machine identification slip, when signed by any person as an elector and initialed by the clerk or inspector comparing his signature and by the clerk or inspector admitting the voter him to the voting machine and depositing the slip in the container, shall be prima facie evidence that a voter the person whose name appears thereon as an elector was admitted to the voting machine and that he voted.

(7) The clerk and inspectors shall return all unused voting machine slips signature identification blanks to the supervisor immediately on the closing of the polls and shall seal the slot of the container with a seal signed by all members of the election board officials in that precinct, and the clerk shall deliver the slips and container same to the supervisor. The supervisor shall destroy all unused signature identification slips as soon as practicable.

(8) The voting machine identification slip shall be in substantially the following form:

No.

VOTING MACHINE SIGNATURE IDENTIFICATION SLIP
. ELECTION

Held in County, Florida, on the day of A. D.
19.

I affix my signature hereto in the place and at the time of voting for the purpose of identifying myself as a duly registered and qualified voter in this election.

. . . (Signature of voter) . . .

I hereby certify that the foregoing signature was signed in my presence during voting hours at this voting precinct and by me compared with that on the registration books and approved for voting in precinct No.

. . . (Initials of clerk or inspector) . . .

I hereby certify that I admitted the person who possessed signed this voting machine identification slip to the voting machine; that said voter was personally known to me, or told me that he signed it; and that the number of the voting machine is

. . . (Initials of official operating machine) . . .

(9) The supervisor of elections shall prepare and deliver to each precinct a sufficient the same number of voting machine signature identification slips as there are qualified electors for the voters of that such precinct. In being prepared, the slips shall either be numbered consecutively beginning with number (1) and continued to such number as there are voters qualified electors for the county or be uniquely numbered for each voter elector. In preparing the identification slips, the appropriate information to designate the date, name of county, and kind of election (general, special, or primary) shall be printed in at the appropriate blank spaces appearing in the form. The supervisor shall preserve for 1 year a record in the supervisor's his office showing the number of signature identification slips which he delivered to each precinct, designating on such record the precinct number and address and the numbers of the slips so delivered.

(10) Any certificate signed by any clerk or inspector of any election certifying to the result of the election in or for any precinct is admissible in evidence in the trial of any cause, either civil or criminal, in any court in the state and, when admitted, shall constitute prima facie evidence that it was signed by the persons whose names are signed thereto and conclusive proof that any person who signed the certificate as clerk or inspector of election was duly appointed and qualified to act throughout the election and in the capacity indicated upon said certificate, unless the contrary is disclosed thereby.

(10)(11) The voting machine identification slips and all other election materials required to be delivered to each precinct shall be delivered by enclosing and locking same in the voting machine or a sealed container, along with an itemized list with a receipt in the form: "I hereby certify that I have checked the items listed hereon and acknowledge receipt thereof," which receipt shall be signed by the clerk of the precinct and deposited in the container provided for identification slips.

(11)(12) It is shall be unlawful for any person, other than the printer while printing and delivering the slips to the supervisor of elections, the supervisor, an agent of the supervisor, or a voter in a polling place for the purpose of voting in an and his agents in placing the slips in the voting machine or a sealed container for delivery to the voting precincts, the clerks and inspectors, and qualified electors while acting inside of polling places during the election, to possess have in his possession any voting machine signature identification slip or other slip containing the same or substantially the same wording as the signature identification slip; and it shall be unlawful for any person or official to deliver any official slip or other slip containing the same or substantially the same wording as the signature identification slip to any person other than as provided in this section.

(13) All signature identification slips where voting machines are used shall be preserved by the clerk and inspectors of election, but, in those instances where an affidavit has been made in addition to the identification slip, such affidavits and slips bearing the signature of the same persons shall be placed together in a separate envelope and kept separate from the remaining slips. All such slips and affidavits preserved shall be returned to the supervisor whose duty it is to preserve them for at least 1 year.

Section 147. Section 101.49, Florida Statutes, is repealed.

Section 148. Section 101.40, Florida Statutes, is transferred, renumbered as section 101.535, Florida Statutes, and amended to read:

101.535 101.40 Voting machine out of order.—If, while the polls are open, a in case any voting machine used in a any precinct becomes shall, during the time the polls are open, become inoperable, the election board shall substitute an operable machine, if possible; and, at the close of the polls, the records of votes shown on the counters of both machines shall be added together in determining ascertaining the results of the election. However, if another no other machine cannot can be substituted prepared for use at the election; and the inoperable machine cannot be repaired in time for use, unoffical ballots made as nearly as possible like the sample official ballots posted at that precinct may be used; received by election officers, and placed in a receptacle, in such case to be provided by said officers, and counted with votes registered on the voting machines,—and The result shall be declared the same as though no machine had become inoperable. The ballots thus voted shall be preserved and returned with a certificate or statement setting forth how and why they same were voted.

Section 149. Section 101.54, Florida Statutes, is amended to read:

101.54 Tabulation of vote and proclamation of results, where voting machine used.—

(1) As soon as the polls are closed, the inspectors of election shall immediately lock and seal the voting machines against voting. The inspectors then shall sign a certificate stating: that the machines have been locked against voting and sealed; the number of voters electors as shown on the public counters; the number on the seal; the number registered on the protective counter, if one is provided; and that the voting machines themselves are closed and locked. The inspectors then shall open the counting compartments in the presence of the poll watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The clerk of the board of elections shall then read and clearly announce in distinct tones the designating number and letter on each counter for each candidate's name and the results as shown by the counter numbers, after which the clerk; he shall then read, announce, and record the votes cast for each write-in candidate who has qualified. The clerk He shall also read and announce the vote on each constitutional amendment, proposition, or other proposal question. The results shall be announced four times by the following procedure. While the clerk is announcing the results, one inspector shall stand by the clerk's his side and check the clerk's announcements. The vote as registered shall be entered on the certificate of returns by two inspectors of different political party affiliation, whenever practicable, but not including the clerk, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off from the counters of the machine by the inspector standing near the clerk. While the inspector is announcing the results, the clerk shall stand by the inspector's his side and check the inspector's announcement. After the results are announced by the clerk and the inspector, they shall exchange positions with the two inspectors who are tabulating the results. The same procedure as used by the clerk and

inspector shall again be followed by the two inspectors in announcing the results. The tabulation shall then be filled out, which shall show the total number of votes cast for each candidate *and for and against each proposal*, as shown on *each his counter, and the number of votes for persons not nominated or elected*. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the *election board of elections*. Any candidate or duly accredited *poll watcher who desires may desire* to be present shall be admitted to the polling place from the closing of the polls until *the* count and tabulation are complete. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the clerk, who shall read the name of each candidate, with the designating number and letter of *the candidate's his* counter and the vote registered on such counter and also the vote cast for and against each *proposal question* submitted. During each proclamation, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall immediately be made by the *election board*, after which the doors of the voting machine shall be closed and locked. Before adjourning, the *election board* shall, with the seal provided therefor, so seal the operating lever of the machines that the voting and counting mechanism will be prevented from operating. The same procedure shall be followed for each machine in the precinct, and a final proclamation shall be made of the total vote received by each candidate *and for and against each proposal*. As each vote is read and announced, it shall be recorded on two statements by two other members of the *election board* and, when completed, compared with the numbers on the counters of the machine. If found correct, the result shall be announced by the clerk, and the tabulation of votes, after being duly certified and sworn to, shall be filed as provided for filing election returns.

(2) *A write-in ballot cast on a voting machine must be cast in its appropriate place on the machine or it is void and shall not be counted. Write-in ballots shall be, enclosed in a properly sealed package labeled "write-in ballots," and that package properly endorsed, shall be filed with the original statement of returns. The inspector filing the returns shall deliver to the supervisor the keys of the voting machine, enclosed in a sealed envelope having endorsed thereon a certificate of the inspectors stating the number of the machine or machines, the precinct where it has been used, the number on the seal, and the number on the protective counter, if any.*

(3) If the machine is provided with a device *that or devices which* produces a printed record of the votes cast on the candidate and *proposal amendment* counters, the inspectors of elections shall take the necessary steps to secure such printed record from each machine. Such printed record shall be deemed the official statement or certificate of returns for that machine and shall be properly endorsed, delivered, and filed as previously required. If the precinct has more than one machine equipped with a device *that produces or devices which produce* a printed record of the votes cast on the candidate and *proposal amendment* counters, the inspectors of elections shall secure such printed record from each machine and shall make a final proclamation of the total votes on the certificate of returns as provided under s. 101.55.

Section 150. Section 101.55, Florida Statutes, is amended to read:

101.55 Certificate of results.—In precincts where voting machines are used, certificates of results shall be printed to conform with the type of machines used, *on a form approved by the Department of State*. The designating number and letter, *if any*, on the counter for each candidate shall be printed next to the candidate's name on the certificate of the result. *The form of such certificate shall also provide for the entry of the total number of votes cast for each candidate and upon each proposal question. Three of such certificates shall be completed made in each precinct, with of which one shall be sent to the supervisor of the county, another sent to the chair chairman of the county canvassing board, and another publicly posted at the polling place in which the precinct is situated.*

Section 151. Section 101.38, Florida Statutes, is transferred, renumbered as section 101.555, Florida Statutes, and amended to read:

~~101.555~~ ~~101.38~~ Disposition of voting machine keys immediately following an election.—The keys to *each voting of the* machine shall be enclosed in an envelope supplied by the custodian on which shall be written the number of the machine and the *precinct district* where it has been used. *The, which* envelope shall be securely sealed and endorsed by the *election board officers* and returned to the *election official in charge*

of the election officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by *the election* officials having them in charge. *It is shall be* unlawful for any unauthorized person to *possess have in his possession* any key of any voting machine, and all *election officials officers* or persons entrusted with the keys for election *purposes*, education, or display purposes, or in the preparation of the machines, shall *not* retain them *no* longer than necessary to use them for such purposes. All machines shall be stored in a suitable place as soon as possible after the election.

Section 152. Section 101.56, Florida Statutes, is amended to read:

101.56 Locking *voting machine; returning write-in ballots*.—The *election officials officers* shall, as soon as the count is completed and *ascertained*, lock the counter compartment of *each voting the* machine, *which and it shall so remain locked* for a period of not less than 10 days. *However, if, unless* another election is to be held within 3 weeks, *each such voting in which event* the machine shall remain locked for only 5 days. *Notwithstanding any provision of this section, a locked voting machine, except in either event it may be opened at any time by the canvassing board or by order of a court of competent jurisdiction. Whenever write-in ballots have been cast and counted by the election officers, the election officers shall return such ballots in a secured package labeled "write-in ballots" and file such package with the original statement of the result of the election made by them.*

Section 153. Section 101.5601, Florida Statutes, is repealed.

Section 154. Section 101.5602, Florida Statutes, is amended to read:

101.5602 Purpose.—The purpose of *ss. 101.5602-101.5615 this act* is to authorize the use of electronic and electromechanical voting systems in which votes are registered electronically or are tabulated on automatic tabulating equipment or data processing equipment.

Section 155. Section 101.5603, Florida Statutes, is amended to read:

101.5603 Definitions.—As used in *ss. 101.5602-101.5615 this act, the term*:

(1) "Automatic tabulating equipment" includes apparatus necessary to automatically examine, count, and record, and report votes.

(2) "Ballot" means the card, tape, or other *medium provided by the supervisor* vehicle upon which the *voter's electer's* choices are recorded.

(3) "Ballot information" means the material containing the names of offices and candidates and the *proposals questions* to be voted on.

(4) "Electronic or electromechanical voting system" means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment.

(5) "Marking device" means either an *approved* apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.

(6) "Secrecy envelope" means an opaque device, used for enclosing a marked ballot, which conceals the voter's choices.

(7) "Software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, without limitation, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(8) "Voting device" means either an apparatus in which ballots are inserted and used *in connection* with a marking device for the piercing of ballots by the voter or an apparatus by which votes are registered electronically.

Section 156. Section 101.5604, Florida Statutes, is repealed.

Section 157. Section 101.5605, Florida Statutes, is amended to read:

101.5605 Examination and approval of equipment.—

(1) The *division Department of State* shall publicly examine all makes of electronic or electromechanical voting systems submitted to it and determine whether the systems comply with the requirements of s. 101.5606.

(2)(a) Any person owning or interested in an electronic or electromechanical voting system may submit it to the ~~division Department of State~~ for examination. The ~~voting system vote counting segment~~ shall be certified after a satisfactory evaluation testing has been performed in accordance with rules adopted by the ~~division~~ according to electronic industry standards. This ~~evaluation testing~~ shall include, but is not limited to, testing of all software required for the ~~voting system's~~ operation; the ballot reader; the rote processor, especially in its logic and memory components; the digital printer; the fail-safe operations; the counting center environmental requirements; and the equipment reliability estimate. For the purpose of assisting in ~~evaluating examining~~ the system, the ~~division department~~ shall employ or contract for services of at least one individual who is expert in one or more fields of data processing, mechanical engineering, and public administration and shall require from ~~the individual him~~ a written report of his or her examination.

(b) The person submitting a system for approval ~~or the board of county commissioners of any county seeking approval of a given system~~ shall reimburse the ~~division Department of State~~ in an amount equal to the actual costs incurred by the ~~division department~~ in ~~evaluating examining~~ the system. Such reimbursement shall be made whether or not the system is approved by the ~~division department~~.

(c) Neither the Secretary of State nor any examiner shall have any pecuniary interest in any voting system equipment.

(d) The ~~division Department of State~~ shall approve or disapprove any voting system submitted to it within 90 days after the date of its initial submission of all materials required by the ~~division~~.

(3)(a) Within 30 days after completing the ~~evaluation examination~~ and upon approval of any electronic or electromechanical voting system, the ~~division Department of State~~ shall make and maintain a report that on the system, together with a written or printed description and drawings and photographs clearly identifies identifying the system and its the operation thereof. As soon as practicable after completion of its ~~evaluation such filing~~, the ~~division department~~ shall send a notice of certification or noncertification and, upon request, a copy of the report to the governing bodies of the respective counties of the state. Any voting system that does not receive the approval of the ~~division department~~ shall not be adopted for or used at any election.

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

(4) The ~~division Department of State~~ may at any time ~~reevaluate reexamine~~ any system, or any part thereof, which has previously been approved for the purpose of updating or ~~revoking~~ the certification of the system. Grounds for revocation of a certification shall be based upon a determination by the ~~division~~ that the system does not meet the requirements for certification in this state. Such determination may be based upon the discovery of facts that were not disclosed or considered during certification. Any certified system purchased by a county or municipality prior to revocation of the certification of the system may continue to be used by the county or municipality for all elections but shall not be used by any other county or municipality and shall not be purchased by any other county or municipality.

Section 158. Section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the ~~division Department of State~~ unless it is so constructed that:

(1) It Permits and requires voting in secrecy.

(2) It Permits each voter elector to vote at any election for all persons and offices for whom and for which the voter he is lawfully entitled to vote, and no others; to vote for as many persons for an office as the voter he is entitled to vote for; and to vote for or against any proposal question upon which the voter he is entitled to vote.

(3) Has its The automatic tabulating equipment will be set to reject all votes for any office or proposal measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or proposal measure.

(4) It Is capable of correctly counting votes.

(5) It Permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any proposal question upon which the voter he is entitled to vote.

(6) At ~~presidential elections it~~ Permits each voter elector, by one operation, to vote at a presidential election for all presidential electors of a political party or independent candidates for President and Vice President without political party affiliation.

(7) It Provides a method for write-in voting.

(8) It Is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each proposal question and issue of the ballots tallied for a precinct.

(9) It Is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(10) It Is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

(11) If it is of a type which registers votes electronically, permits it will permit each voter to change his or her vote for any candidate or upon any proposal question appearing on the official ballot up to the time that the voter he takes the final step to register his or her vote and to have the his vote computed.

(12) It Is capable of providing records from which the operation of the voting system may be audited.

Section 159. Section 101.5607, Florida Statutes, is amended to read:

101.5607 ~~Division Department of State~~ to maintain voting system information; authority to develop prepare software.—

(1)(a) Copies of the program codes and the user and operator manuals and copies of all software and any other information, specifications, or documentation required by the ~~division Department of State~~ relating to an approved electronic or electromechanical voting system and its equipment must be filed with the ~~division Department of State~~ by the supervisor of elections at the time of purchase or implementation. In addition, a supervisor shall also provide copies of user and operator manuals at the request of the ~~division~~. Any such information or materials that are not on file with and approved by the ~~division Department of State~~, including any updated or modified materials, may not be used in an election.

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the ~~division the parameters used within the voting system to define the tabulation and reporting instructions and Department of State a filing of evidence copy~~ of the tabulation program which was used in the logic and accuracy testing. The election parameters shall be submitted in a format readable by the tabulation system. For voting systems with a tabulation program that can be copied onto transportable magnetic media such as tapes or discs, a "filing of evidence" means a copy of the tabulation program. For voting systems with a tabulation program that cannot be copied in such a manner, a "filing of evidence" means either a document produced by the voting system which identifies the version and release of the tabulation program used or a statement from the voting system vendor which identifies the version and release of the tabulation program used.

(c) The ~~division Department of State~~ may, at any time, review the voting system of any county to ensure compliance with the provisions of ss. 101.5602-101.5615 Electronic Voting Systems Act.

(d) Section 119.07(3)(q) applies to all software on file with the ~~division Department of State~~.

(2)(a) The ~~division Department of State~~ may develop software for use with an electronic or electromechanical voting system. The standards and evaluation examination procedures developed for software apply to all software developed by the ~~division Department of State~~.

(b) Software prepared by the ~~division Department of State~~ is a public record pursuant to chapter 119 and shall be provided at the actual cost of duplication.

Section 160. Section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) *In counties where an electronic or electromechanical voting system is used, each person elector desiring to vote shall have his or her signature verified as provided in s. 101.044 be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his name in ink or indelible pencil to an identification blank, signature slip, precinct register, or ballot stub on which the ballot serial number may be recorded. The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the clerk or inspector he shall provide the person with a ballot and may record the ballot number on the precinct register or otherwise account for that ballot and voter by means of any slip, ballot stub, or other means of recording the issuance of that ballot which is required by the voting system used.*

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

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

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the clerk or inspector election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in a separate an envelope.

(c) The supervisor of elections shall prepare for each polling place at least one ballot box to contain the ballots of a particular precinct, and each ballot box shall be plainly marked with the name of the precinct for which it is intended.

(3) The ~~division Department~~ of State shall promulgate rules regarding voting procedures to be used when an electronic or electromechanical voting system is of a type which does not utilize a ballot card or paper ballot.

(4) In any election in which a write-in candidate has qualified for office, the supervisor of elections shall provide for write-in voting pursuant to rules adopted by the division of Elections.

Section 161. Section 101.5609, Florida Statutes, is amended to read:
101.5609 Ballot requirements.—

(1) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot which is distributed to voters electors, the ballot shall meet the following requirements:

(a) The ballot shall have at least two stubs. Stub number one shall have the ballot serial number on it. Stub number two, the stub adjacent to the ballot card, shall have the official title of the election with the name of the county and state on it and may be long enough to cover the ballot to provide secrecy after the ballot has been marked. The ballot serial number may also be on stub number two.

(b) Ballots to be used in the precincts shall be assembled in pads so that stub number one will remain on the ballot pad and stub number two will go with the ballot. On absentee ballots, stub number one shall be retained by the supervisor and stub number two may be retained by the supervisor or sent with the ballot.

(2) The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots. Ballots for all ~~proposals questions or propositions~~ to be voted on shall be provided in the same manner and shall be arranged on or in the voting device, if necessary, in the places provided for such purposes.

(3) When an electronic or electromechanical voting system utilizes a ballot information booklet for candidates and ~~proposals propositions~~ to be voted upon, such ballot information may be provided with a series of pages distinguished by different colors. More than one ~~proposal public measure or proposition~~ may be placed on the same page or series of pages.

(4) In a primary election, a separate ballot, ~~containing all races and proposals to be voted on at that primary~~, shall be used for each major political party holding a primary. One ballot may be used for recording the voter's vote on all races, proposals, public measures, or propositions to be voted upon on the day of the primary election.

(5) If the ballot information booklet includes pages containing candidates for office and pages containing ~~proposals public measures or propositions~~ to be voted on, the election official in charge of the election shall divide the pages by protruding tabs identifying the division of the pages which relate to candidates, constitutional amendments, bond referenda, or other ~~proposals propositions~~.

(6) Voting squares may be placed in front of or in back of the names of candidates and statements of ~~proposals questions~~ and shall be of such size as is compatible with the type of system used. Ballots and ballot information shall be printed in a size and style of type as plain and clear as the ballot spaces reasonably permit. Tear-off stubs shall be of a size suitable for the ballots used and for the requirements of the voting device. The ballots may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. When ballots are bound into pads, they may be bound at the top or bottom or at either side. In the case of the paper ballots, all offices and ~~proposals questions~~ may be printed on the same sheet of paper.

(7)(a) Absentee ballots may consist of ballot cards, envelopes, or paper ballots voted in person in the office of the election official in charge of the election, voted by mail, or delivered as provided in s. 101.62(4) or s. 101.625. ~~Alternative procedures may be used to record the issuance of a ballot in lieu of the requirements for initialing the stub and entering the elector's name as provided in s. 101.62(4).~~

(b) When a ballot card is used for voting by mail, it shall be accompanied by a marking device, if necessary; voter instructions; a secrecy envelope which will maintain the secrecy of a marked ballot; a mailing envelope; a specimen ballot, if necessary, showing the proper positions to vote on the ballot card for each ~~political party, candidate, or proposal, public measure, or proposition~~; and any other item needed by the voter elector to cast his vote.

(c) The voted absentee ballot shall be placed in a secrecy envelope before being placed in the mailing envelope on which the voter's certificate is printed.

(d) In any election in which a write-in candidate has qualified, the supervisor of elections shall provide for write-in voting by ~~absentee voters absent electors~~ pursuant to rules adopted by the division of Elections.

(8) The ~~division Department~~ of State shall adopt rules prescribing standards for ballots used in electronic or electromechanical voting systems. Such standards shall ensure that ballots are counted in a uniform and consistent manner and shall include, without limitation, standards for the:

- (a) Physical characteristics of ballots;
- (b) Physical characteristics of ink for ballots;
- (c) Printing of ballots; and
- (d) Scoring of ballots.

Section 162. Section 101.5610, Florida Statutes, is amended to read:

101.5610 Inspection of ballot by election board.—The election board of each precinct shall cause the voting devices of an electronic or electromechanical voting system to be put in order, set, adjusted, and made ready for voting when delivered to the polling places. Before the opening of the polls, the election board shall compare the ballots or the ballot information used in the voting devices with the sample ballots furnished to ensure and see that the names, numbers, and letters, if any, thereon agree and shall certify thereto on forms provided by the supervisor of elections.

Section 163. Section 101.5611, Florida Statutes, is amended to read:

101.5611 Instructions to voters electors.—

(1) For the instruction of voters on election day, the supervisor of elections shall provide at each polling place one instruction model illustrating the manner of voting with the system. Each such instruction model shall show the arrangement of political party rows, office columns, and proposals questions to be voted on and. Such model shall be located at a place which voters must pass to reach the official voting booth.

(2) Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model alone by himself. In instructing voters, no member of the election board precinct official may show partiality to any political party, or candidate, or proposal.

Section 164. Section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) On any day not more than 10 days prior to the election day, the supervisor or municipal election official of elections shall have the automatic tabulating equipment tested to ascertain that it the equipment will correctly count the votes cast for all offices and on all proposals measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal election elections official may, at the time of qualifying, give written notice of the time and location of the preelection test to each candidate qualifying with that officer office and obtain a signed receipt that such notice has been given. The division Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the tabulating voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the pretest. The supervisor or the municipal election elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county chairperson party chairman of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal election elections official at the time of qualifying, stating the time and location of the preelection test of the automatic tabulating equipment. At least one member of the canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(2) For electronic or electromechanical voting systems configured to tabulate ballots at central or regional sites, the test shall be conducted by processing a preaudited group of ballots produced so as to record a predetermined number of valid votes for each candidate and on each proposal, and shall include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count must be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(3)(a) For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, the test of such devices shall be conducted by randomly selecting at least 5 percent of the tabulating devices which are to be used in the election or 10 of those devices, whichever is greater, processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each proposal and to include for each office one or

more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

1. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device which is deemed unsatisfactory, the canvassing board shall test two additional devices or declare that all untested machines are unsatisfactory. The selection of the two additional devices shall either be done randomly or by selecting a device with some fact in common with the unsatisfactory device, such as the person who programmed or pretested the device, the ballot layout programmed into the device, or the day the device was programmed or pretested.

2. If the operation or output of any tested tabulating device, such as spelling or the order of candidates on a report, appears to anyone attending the test to be in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of such testing, the canvassing board or its representative, representatives of the political parties, and candidates or their representatives who attended the test shall witness resetting to zero totals the counters on tested tabulation devices which passed, setting each device which passed to a preelection state of readiness, and sealing each tabulating device which passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each machine tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device shall be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce, at the close of the first testing, the date, place, and time that any unsatisfactory device will be retested and may, at the canvassing board's option, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records shall be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during logic and accuracy testing by any person in attendance during such testing. The canvassing board's need for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the canvassing board's work will not be delayed or hindered. Records of testing shall include, for each device, the name of each person who tested the device, the date and time when the test was conducted, the location where the test was conducted, and the results of each test. Records of testing are to be retained as part of the official records of the election in which any machine was used.

(3) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.

Section 165. Section 101.5613, Florida Statutes, is amended to read:

101.5613 Examination of equipment during voting.—During an election in which an electronic or electromechanical voting system is used, a member of the election board shall occasionally examine the face of each the voting device and the ballot information to determine that the device and the ballot information have not been damaged or tampered with.

Section 166. Section 101.5614, Florida Statutes, 1994 Supplement, is amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor, if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at ~~no more than three~~ regional locations, ~~of which there may be no more than three~~, the election board shall place all ballots that have been cast and the unused, ~~void~~, and ~~spoiled~~ defective ballots in the container or containers provided for ~~that this~~ purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and ~~that~~ each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, ~~they such~~ ballots shall be counted pursuant to rules adopted by the ~~division Department~~ of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.

(b) If ballots are tabulated at regional locations, the results of ~~the~~ such election may be transmitted by ~~communications via dedicated tele-~~processing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by ~~communications dedicated tele-~~processing lines shall conform to rules adopted by the ~~division Department~~ of State pursuant to s. 101.015.

(4) If ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, write-in ballots or the envelopes on which write-in ballots have been cast shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. This process may be completed at either the precinct by the election board or at the central counting location. For each ballot or ballot and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect, specifying the office involved, shall be entered on the back of the ballot card or in a margin if voting areas are printed on both sides of the ballot card. Such votes shall not be counted. All valid votes shall be tallied by the canvassing board.

(5) If any ballot card of the type for which the offices and *proposals* ~~measures~~ are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equip-

ment, a ~~true~~ duplicate ~~copy~~ shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot, which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and *proposals* ~~measures~~ are printed directly on ~~it~~ the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a ~~true~~ duplicate ~~shall copy~~ may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot ~~shall card~~ may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. ~~If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board.~~ The totals for all such ballots ~~or ballot cards~~ counted manually shall be added to the totals for the several precincts ~~or election districts~~. No vote shall be declared ~~invalid~~ or void if there is a clear indication of the intent of the voter as determined by the canvassing board. After ~~duplicating~~ a *defective* ballot has been *duplicated*, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) If a voter ~~an elector~~ marks more names than there are persons to be elected to an office or if it is impossible to determine the voter's ~~elector's~~ choice, the voter's ~~elector's~~ ballot shall not be counted for that office, but the ballot shall not be invalidated as to those names which are properly marked.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes, shall constitute the official return of the election. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor ~~of elections~~ in lieu of the posting of returns at individual precincts.

Section 167. Section 101.5615, Florida Statutes, is amended to read:

101.5615 Recounts and election contests.—*In precincts in which an electronic or electromechanical voting system is used*, recounts and election contests shall be conducted as provided for in this code. *However*, the automatic tabulating equipment shall be tested prior to the recount or election contest, as provided in s. 101.5612, if the ~~official~~ ballots or ~~ballot cards~~ are recounted on the automatic tabulating equipment. Each duplicate ballot shall be compared with the original ballot to ensure the correctness of the duplicate.

Section 168. Section 101.572, Florida Statutes, is amended to read:

101.572 Public inspection of ballots.—~~The official ballots and ballot cards~~ received from election boards and removed from absentee ballot mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor ~~of elections~~ or the county canvassing board at any reasonable time, under reasonable conditions; *However*, no ~~person~~ persons other than the supervisor, *an employee of the supervisor, of elections or his employees or a member of the county canvassing board* shall handle any ~~official ballot or ballot card~~. The supervisor ~~of elections~~ shall make a reasonable effort to notify all candidates whose names appear on ~~the such~~ ballots ~~or ballot cards~~ by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

Section 169. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—~~The division Department of State~~ may, at any time it deems *necessary*, ~~fit~~; upon the petition of 5 percent of the voters, ~~registered electors~~; or upon the petition of any candidate, county executive committee *chairperson* ~~chairman~~, state executive committee *member* ~~committee man or committeewoman~~, or state executive committee *chairperson* ~~chairman~~, appoint one or more *observers* ~~deputies~~ whose duties shall be to *watch* ~~observe~~ and examine the registration and election processes and

the condition, custody, and operation of the voting system machines in any county or municipality. The *observer deputy* shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The *observer deputy* may supervise preparation of the voting system election machines and procedures for election, and it shall be unlawful for any person to obstruct the *observer deputy* in the performance of his or her duty. The *observer* He shall file with the *division Department of State* a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of the said county. The compensation of *observers such deputies* shall be fixed by the *division Department of State*; and costs incurred under this section shall be paid from the annual operating appropriation made to the *division Department of State*.

Section 170. Section 101.545, Florida Statutes, is transferred, renumbered as section 101.585, Florida Statutes, and amended to read:

101.585 101.545 Retention and destruction of certain election materials.—All ballots, forms, and other election materials shall be retained in the custody of the supervisor of elections in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services Archives and History of the department of State. All unused ballots, forms, and other election materials may, with the approval of the department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.

Section 171. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(1)(a) The *division Department of State* shall audit, at least every 5 years, the voting system of in each county at least every 5 years and, within 30 days after completing the audit, the Department of State shall furnish a copy of the audit to the supervisor of elections and the board of county commissioners of such county.

(b) In lieu of auditing a county's voting system itself, the *division* may authorize an independent certified public accountant or public accounting firm licensed under chapter 473 to conduct the audit for it or may accept an audit conducted by an independent certified public accountant or public accounting firm licensed under chapter 473 which has been engaged by the supervisor, with the prior approval of the *division*, for that purpose.

(2) The audit required under subsection (1) shall consist of a study and evaluation of the voting system used during any primary, general election, municipal election, 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 *division Department of State*.

(3) Audits shall be conducted pursuant to standards set forth in rules adopted by the *division*. Audits conducted by persons who are not employees of the *division* shall be reviewed by the *division* and must be in compliance with those standards in order to meet the requirements of this section.

Section 172. Section 101.6101, Florida Statutes, reads:

101.6101 Short title.—Sections 101.6101-101.6107 may be cited as the "Mail Ballot Election Act."

Section 173. Section 101.6102, Florida Statutes, is amended to read:

101.6102 Mail ballot elections; limitations.—

(1)(a) An election may be conducted by mail ballot if:

1. The election is a referendum election at which all or a portion of the voters qualified electors of one of the following subdivisions of government are the only voters electors eligible to vote:

- a. Counties;
- b. Cities;
- c. School districts covering no more than one county; or
- d. Special districts;

2. The governing body responsible for calling the election and the supervisor of elections responsible for the conduct of the election authorize the use of mail ballots for the election; and

3. The *division Secretary of State* approves a written plan, submitted by the supervisor, for the conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the supervisor of elections.

(b) In addition, An annexation referendum which includes only voters qualified electors of one county may also be voted on by mail ballot election. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101-101.6107 shall control over any conflicting provisions of s. 171.0413.

(2) The following elections may not be conducted by mail ballot:

(a) An election at which any candidate is nominated, elected, retained, or recalled; or

(b) An election held on the same date as another election, other than a mail ballot election, in which the voters qualified electors of that political subdivision are eligible to cast ballots.

(3) The supervisor is of elections shall be responsible for the conduct of any election held under ss. 101.6101-101.6107.

(4) The county canvassing board is responsible for canvassing the votes of all mail ballot elections.

(5)(4) The costs of a mail ballot election shall be borne by the jurisdiction initiating the calling of the election, unless otherwise provided by law.

(5) Nothing in this section shall be construed to prohibit the use of a mail ballot election in a municipal annexation referendum requiring separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101-101.6107 shall control over any conflicting provisions of s. 171.0413.

Section 174. Section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7) (6), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each voter elector entitled to vote in the election not sooner than the 20th day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first class mail. Ballots shall be addressed to each voter elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

(2) Upon receipt of the ballot, the voter elector shall mark the ballot, place it in the secrecy envelope, sign the return mailing envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter elector shall mail, deliver, or have delivered the marked ballot so that it reaches the supervisor of elections no later than 7 p.m. on the day of the election. The ballot must be returned in the return mailing envelope.

(3) The return mailing envelope shall contain a statement in substantially the following form:

VOTER'S CERTIFICATE

I, (Print Name), do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

. . . (Signature) . . .

. . . (Residence Address) . . .

(4) If the ballot is destroyed, spoiled, lost, or not received by the voter elector, the voter elector may obtain a replacement ballot from the supervisor of elections as provided in this subsection. A voter An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and present such statement to the

supervisor of elections prior to 7 p.m. on the day of the election. The supervisor of elections shall keep a record of each replacement ballot provided under this subsection.

(5) A ballot shall be counted only if:

(a) It is returned in the return mailing envelope;

(b) The voter's elector's signature has been verified as provided in this subsection (6); and

(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

(6) The supervisor of elections shall verify the signature of each voter elector on the return mailing envelope with the signature on the voter's elector's registration records. Such verification may commence at any time prior to the canvass of votes. The supervisor of elections shall safely keep the ballot unopened in the supervisor's office until the county canvassing board canvasses the vote. If the supervisor of elections determines that a voter an elector to whom a replacement ballot has been issued under subsection (4) has voted more than once, the canvassing board shall determine which ballot, if any, is to be counted.

(7)(6) With respect to absentee voters absent electors overseas and other absentee voters entitled to vote in the election, the supervisor of elections shall mail the an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such voter elector on a date sufficient to allow that voter such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election.

Section 175. Section 101.6104, Florida Statutes, is amended to read:

101.6104 Challenge of votes.—If any voter elector present for the canvass of votes believes that any ballot is illegal due to any defect apparent on the voter's certificate, the voter he may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal. No challenge based upon any defect on the voter's certificate shall be accepted after the ballot has been removed from the return mailing envelope.

Section 176. Section 101.6105, Florida Statutes, is amended to read:

101.6105 Absentee voting.—The provisions of the election code relating to absentee voting and absentee ballots shall apply to elections under ss. 101.6101-101.6107 only insofar as they do not conflict with the provisions of ss. 101.6101-101.6107.

Section 177. Section 101.6106, Florida Statutes, reads:

101.6106 Application of other election laws.—All laws that are applicable to general elections are applicable to mail ballot elections to the extent applicable.

Section 178. Section 101.6107, Florida Statutes, is amended to read:

101.6107 Division Department of State to adopt rules.—The division Department of State shall adopt rules governing the procedures and forms necessary to implement ss. 101.6101-101.6107.

Section 179. Section 101.62, Florida Statutes, is amended to read:

101.62 Request for Absentee ballots; request and delivery.—

(1) The supervisor may accept a request for an absentee ballot from a voter an elector or for a voter an elector from any person designated by such voter elector. Such request may be made in person, by mail, or by telephone. One request is shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the voter elector or the voter's his designee indicates at the time the request is made the elections for which the voter elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the voter elector is returned as undeliverable.

(2) A request for an absentee ballot which indicates that the voter has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by s. 101.045. Upon receipt of such request for an absentee ballot from a voter who has changed his or her address of legal residence, the supervisor shall provide the voter with

the proper ballot for the precinct in which the voter then has his or her legal residence. If a request for an absentee ballot is received after the Friday before the election by the supervisor of elections from an absent elector overseas, the supervisor shall send a notice to the elector acknowledging receipt of his request and notifying the elector that the ballot will not be forwarded due to insufficient time for return of the ballot by the required deadline.

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information the supervisor deems he may deem necessary. This information is shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for a canvassing board, an election official, a political party or official thereof, a candidate who has filed his qualification papers and is opposed in an upcoming election, and registered political committees or registered committees of continuous existence, for political purposes only. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as possible after the remainder of the absentee ballots are printed, the supervisor of elections shall:

1. Shall deliver or mail an absentee ballot to each voter who has requested the ballot elector by whom a request for such ballot has been made.

2. May provide an absentee ballot to any person designated to pick up a voter's absentee ballot, upon presentation of a written statement by the voter authorizing the person to receive the ballot. Any elector may designate in writing a person to pick up the ballot for him; However, the person designated may not no candidate may be designated to pick up more than one absentee ballot per election, other than the designee's own ballot, except that additional ballots may be picked up for members an absentee ballot for any elector other than a member of the designee's his immediate family.

3. Shall provide an absentee ballot to a voter who appears in person to cast an absentee ballot.

(b) For each absentee ballot distributed, the supervisor shall, at a minimum:

1. Verify the voter's registration.

2. Record the ballot number.

3. Record in the precinct register the fact that the voter was issued or returned an absentee ballot. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in

the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

(5) ~~In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with subsection (4), the Department of State is authorized to prescribe rules for a ballot to be sent to absent electors overseas.~~

(5)(6) Nothing other than the materials necessary to vote absentee shall be mailed or delivered with any absentee ballot.

(7)(a) ~~For the purposes of this section, "absent qualified elector overseas" means:~~

1. ~~Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;~~

2. ~~Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and~~

3. ~~Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,~~

~~who are qualified and registered as provided by law.~~

(b) ~~Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.~~

(c) ~~With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 180. Section 101.625, Florida Statutes, is created to read:

101.625 Absentee voters overseas; advance absentee ballots.—

(1) For the purposes of this section, "absentee voter overseas" means:

(a) Members of the Armed Forces while in the active service who are legal residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b) Members of the Merchant Marine of the United States who are legal residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; or

(c) Other citizens of the United States who are legal residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are registered to vote as provided by law.

(2)(a) The supervisor shall, not less than 35 days before the first primary, mail an absentee ballot to each absentee voter overseas who has requested a ballot. Not less than 45 days before the second primary and general election, the supervisor shall mail an advance absentee ballot to those persons requesting ballots for those elections. ~~The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all major political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that, in the case of candidates of major political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary shall be printed on the advance absentee ballot. The advance absentee ballot and advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each absentee voter overseas for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the~~

~~election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

(b) If a request for an absentee ballot is received after the Friday before the election by the supervisor from an absentee voter overseas, the supervisor shall send a notice to the voter acknowledging receipt of the request and notifying the voter that the ballot will not be forwarded due to insufficient time for return of the ballot by the required deadline.

(3) If the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with subsection (2), the department may prescribe rules for a ballot to be sent to absentee voters overseas.

Section 181. Section 101.628, Florida Statutes, is created to read:

101.628 Request to have absentee ballot faxed in certain emergency circumstances.—

(1) Notwithstanding s. 101.62, when an emergency exists for which the services of a voter are required and because of which the voter will be unable to vote in that voter's precinct on the day of an election, that voter may receive an absentee ballot by facsimile transmission and vote the ballot either by facsimile transmission or by mail to the supervisor of the county in which the voter is registered.

(2) For the purposes of this section, the term:

(a) "Emergency" means either a state of emergency that has been declared by executive order of the Governor under s. 252.36 or an emergency in which federal troops are deployed overseas by the President of the United States.

(b) "Faxed ballot" means an absentee ballot sent to or voted by a voter by facsimile transmission.

(3)(a) In order to vote in an election by means of a faxed ballot, a voter meeting the requirements of subsection (1) may make a written request for a faxed ballot to the supervisor or make that request by telephone or facsimile transmission.

(b) Upon receipt of a request for a faxed ballot by the voter, the supervisor must:

1. Verify that the voter meets the requirements of subsection (1);
2. Assign a number to the ballot;
3. Record the date the request was made;
4. Record the name of the voter requesting the faxed ballot; and
5. Record the date the ballot was sent by facsimile transmission to the voter and the sequential number of the ballot.

(c) A voter may only request and receive a faxed ballot for himself or herself. However, the commander of a National Guard unit, or the supervisor or other person in charge of an emergency response team, that has been dispatched to the site of the emergency may request a faxed ballot on behalf of persons under that person's supervision.

(d) A faxed ballot must include space for the voter to affix the voter's signature as provided in subsection (4) and a space on the ballot for the signatures of two witnesses 18 years of age or older. Upon receipt, the voter may vote the ballot, have the ballot witnessed, and either return the ballot by facsimile transmission or place the ballot in the mail in a sealed envelope. If returned in a sealed envelope instead of by facsimile transmission, the voter is not required to sign the ballot or have the ballot witnessed. However, the voter must sign the voter's name across the seal of the envelope after sealing it and have the sealed envelope witnessed by two persons 18 years of age or older.

(4) A faxed ballot may not be accepted by the supervisor if received later than 7 p.m. on election day. Prior to returning the ballot by facsimile transmission, the voter must sign the ballot. An unsigned ballot received by facsimile transmission may not be counted.

(5) A faxed ballot must contain a statement, at the end of the ballot, in the following form:

I understand that by voting this ballot and returning it by facsimile transmission that I am waiving the secrecy of this ballot.

. . . (Elector's signature) . . .

. . . (Please type or print your name beneath your signature) . . .

Section 182. Section 101.635, Florida Statutes, is repealed.

Section 183. Section 101.64, Florida Statutes, is amended to read:

101.64 ~~Delivery of Absentee ballots; envelopes; form.—~~

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the ~~absentee voter absent elector~~ shall enclose his or her marked ballot; and a mailing second envelope, into which the ~~absentee voter absent elector~~ shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side of ~~the this~~ "mailing envelope" a certificate in which shall be substantially in the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate. VOTER'S CERTIFICATE

I, , am a ~~duly qualified and registered voter of County, Florida, coming within the purview of the definition of "absent elector";~~ and I am entitled to vote an absentee ballot for one of the following reasons:

- 1.—I am unable without another's assistance to attend the polls.
2.—I will not be in the precinct of my residence during the hours the polls are open for voting on election day.
3.—I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4.—On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5.—I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and statewide issues.
6.—I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

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

Note: Your Signature Must Be Witnessed By One Witness Either:

1.—A Notary or Officer Defined in Item 6.b. of the Instruction Sheet. Subscribed and Sworn to before me this day of, 19 (Official Title) My Commission Expires this day of, 19 (Do Not Use Impression Seal) (Signature of Official) (Address) (City/State)

Or

2.—Two Witnesses Eighteen (18) 18 Years of Age or Older as provided in Item 7.6.a. of the Instruction Sheet. . . . (First Witness)

I swear or affirm that the voter signed this Voter's Certificate in my presence.

. . . (Signature of Witness) (Address) (City/State) (Second Witness) (Address) (City/State)

(2) The statement must shall be so arranged so that the signature of the absentee voter absent elector and the attesting witness or witnesses are shall be across the seal of the envelope. The absentee voter absent elector and the attesting witness or witnesses shall execute the form on the envelope.

Section 184. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absentee voters absent electors.—The supervisor of elections shall enclose with each absentee ballot sent to an absent elector separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

- 1. VERY IMPORTANT. In order to ensure assure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county of your legal residence in which your precinct is located no later than 7 p.m. on the day of the election.
2. Mark your ballot in secret as instructed on the ballot.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.
5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
6. VERY IMPORTANT. Sign your name on the line above "(Voter's Signature)."

a.—Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses, except that no candidate may serve as an attesting witness.

b.—Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or his deputy, other than a candidate, may serve as a sole attesting witness. The sole attesting witness shall affix his or her signature, official title, and address to the Voter's Certificate.

7. VERY IMPORTANT In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. A Candidate may not attest as a witness.

8.7. Mail, of deliver, or have your designee mail or deliver, delivered the completed mailing envelope directly to the supervisor of elections. Be sure there is sufficient postage if mailed.

Section 185. Section 101.655, Florida Statutes, is created to read:

101.655 Supervised voting by absent electors in certain facilities.—

(1) The supervisor may provide supervised voting for absent electors residing in adult congregate living facilities as defined in s. 400.402 or nursing home facilities as defined in s. 400.021. Such supervised voting must occur when requested by the administrator of the facility or when found desirable by the supervisor.

(2)(a) Any administrator of such a facility may request supervised voting in the facility by submitting a written request to the supervisor no later than 21 days before the election. The request must specify the name and address of the facility and the names of the electors who wish to vote absentee in the election.

(b) The supervisor may, in the absence of a request from the administrator of a facility, provide for supervised voting in the facility for those persons who have requested absentee ballots. The supervisor shall notify the administrator of the facility that supervised voting will occur.

(c) The supervisor shall, in cooperation with the administrator of the facility, select a date and time when the supervised voting will occur.

(3) The supervisor shall designate supervised voting teams to provide the services prescribed by this section. Each team must include at least two persons. Each team must include representatives of more than one political party; however, in any primary election to nominate party nominees in which only one party has candidates appearing on the ballot, all team members may be of that party. A candidate may not provide supervised voting services.

(4) The supervised voting team shall deliver the ballots to the respective absent electors, and each member of the team shall jointly supervise the voting of the ballots. If any elector requests assistance in voting, the oath prescribed in s. 101.051 must be completed and the elector may receive the assistance of two members of the supervised voting team or some other person of the elector's choice to assist the elector in casting the elector's vote.

(5) Before providing assistance, the supervised voting team must disclose to the elector that the ballot may be retained to vote at a later time

and that the elector has the right to seek assistance in voting from some other person of the elector's choice without the presence of the supervised voting team.

(5) If any elector declines to vote a ballot or is unable to vote a ballot, the supervised voting team must mark the ballot "refused to vote" or "unable to vote."

(6) After all ballots have been voted or marked in accordance with this section, the supervised voting team shall deliver the ballots to the supervisor, who shall retain them under s. 101.67.

(7) This section does not prohibit an elector from keeping the ballot to vote at a later time.

Section 186. Section 101.67, Florida Statutes, is amended to read:

101.67 Safekeeping of mailed ballots; deadline for receiving absentee ballots.—

(1) The supervisor of elections shall ensure the safety of all safely keep in his office any envelopes received containing marked absentee ballots of absent electors, and he shall, before the canvassing of the election returns, deliver the envelopes to the county canvassing board along with the his file or list kept regarding those said ballots.

(2) To be counted, an absentee ballot All marked absent electors' ballots to be counted must be received by the supervisor by 7 p.m. the day of the election. Any absentee ballot All ballots received thereafter shall be marked with the time and date of receipt and filed in the supervisor's his office.

Section 187. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee absent elector's ballot.—

(1) Upon receipt of an absentee The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature information on the Voter's Certificate on the back of the envelope with the information and the signature of the voter elector in the registration records books to determine whether the voter elector is duly registered in the county and may record on the voter's elector's registration record certificate that the voter elector has voted. The supervisor shall ensure that safely keep the ballot remains unopened in his office until the county canvassing board canvasses the vote according to law. The canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the day of the election, but not later than noon on the day following the election; Any county having electronic tabulating equipment may begin processing absentee ballots through the tabulating equipment at 7 a.m. on election day. However, no result from a tabulating device shall be obtainable until after the close of the polls on election day. However, the counting of votes on absentee ballots shall begin no earlier than 7 p.m. on the day of the election. To ensure that all absentee ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the ballots presented to it by the supervisor for canvass with the record required by s. 101.62(3), so as to compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list, to ensure all the absentee ballots to be counted by the canvassing board are accounted for. The canvassing board shall, if the supervisor has not already done so, compare the signature of the voter information on the back of the envelope and the signature of the elector with the signature of the voter in the registration list book to see that the voter elector is duly registered in the county and has not voted on election day and to determine the legality of that the absentee absent elector's ballot. An absentee ballot is illegal if it does not include the signature of the elector as shown by registration records and the signature and address of an attesting witness. If it is determined by the canvassing board determines that a ballot any vote is illegal, a then some member of the board must shall, without opening the envelope, mark across the face of the envelope: "Rejected as illegal." The envelope and the ballot contained therein must shall be preserved in the manner that other voted official ballots voted are preserved.

(2) If any voter elector or candidate present believes that any absentee ballot is illegal due to any defect apparent on the Voter's Certificate, that voter he may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of such ballot, specifying the precinct, the ballot, and the reason that voter he believes the such ballot to be illegal. A No challenge based upon a any defect in the Voter's Certificate may not shall be accepted after the ballot has been removed from the mailing envelope.

(3) The county canvassing board shall then record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor of elections. The mailing envelopes must shall be opened and the secrecy envelopes must shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on absentee ballots must shall be included in the total vote of the county.

(4) The supervisor or the chair chairman of the canvassing board shall, after the board convenes, have custody of the absentee absent electors' ballots until a final proclamation is made as to the total vote received by each candidate.

Section 188. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee absent elector's ballot.— The provisions of this code may shall not be construed to prohibit a voter who has requested an absentee ballot for an election any absent elector returning to his home county from voting in person at his or her precinct on the day of the at any election notwithstanding the voter that he has requested an absentee ballot for that election. An elector who has received an absentee ballot may return and the same has been mailed to him, provided the elector returns the ballot, whether voted or not, if he received same, to the election board in his or her precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, a voter who has requested an absentee ballot but does not have possession of the ballot at his or her precinct shall, before being allowed to vote in person, sign an oath before a member of the election board of such precinct that the ballot has not been voted and the voter may then vote at the precinct.

Section 189. Section 101.694, Florida Statutes, 1994 Supplement, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

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

(2) After Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is not in order and whose application is insufficient to register or update the registration of that person, the supervisor shall follow the procedure set forth in s. 97.073.

(3) There must shall be printed across the face of each envelope in which a ballot is sent to a federal postcard applicant, or is returned by that such applicant to the supervisor, two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be 1¼ inches from the top of the envelope, and with the words "Official Election Balloting Material-via Air Mail," or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, including Air Mail." All printing on the face of each envelope must shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Additional specifications may be prescribed by rule of the division of Elections upon recommendation of the presidential designee under the Uniformed Federal Voting Assistance Act and the Overseas Citizens Absentee Voting Rights Act. Otherwise the envelopes must shall be the same as those used in sending ballots to, or receiving them from, other absentee voters.

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

Section 190. Section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(1) There shall be in each precinct in each county one polling place, which shall be accessible to the public on election day and is managed by an election board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except inspectors shall be allowed to speak to him while casting his vote; and no inspector shall speak to or interfere with the elector concerning his voting, except to perform his duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his vote.

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate to conduct the election for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of the an election, move that the polling voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the polling voting place for two or more precincts being located for the purposes of an election in one building, the polling voting places for the several precincts involved shall be established and maintained separate from each other in that said building. When any supervisor moves any polling place is moved pursuant to this subsection, the supervisor he shall, not more than 30 days or fewer than 7 days prior to the holding of the an election, give notice of the change of the polling place for the precinct involved, with a clear description of the newly designated polling voting place. The notice shall be published to which changed, at least once in a newspaper of general circulation in the area said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each voter registered elector or to each household in which there is a voter registered elector.

(3) In cases of emergency and When time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place, which shall be accessible to the public on election day. The supervisor and shall post cause a notice to be posted at the old polling place advising the voters electors of the location of the new polling place.

(4) Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. The Such sign shall be large enough to be clearly visible from to occupants of passing vehicular traffic on roadways contiguous to the polling place, with letters no smaller than 3 inches high, and shall be displayed at all times while the polls are open on any election day.

(5) Public, tax-supported buildings shall be made available for use as polling places upon the request of the supervisor of elections.

Section 191. Section 101.715, Florida Statutes, is amended to read:

101.715 Accessibility of polling places to the elderly and physically disabled handicapped.—

(1) Each polling place shall be accessible to, and usable by, elderly persons and by physically handicapped persons by complying, when necessary, with the following standards of accessibility:

(a) Doors, entrances, and exits used to gain access to, or egress from, the polling place shall have a minimum width of 29 inches.

(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) Any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp.

(d) At the polling place, no barrier shall impede the path of the physically handicapped to the voting booth.

(2) Polling places which are of a temporary nature are exempt from compliance with s. 255.21.

(1)(3) Each supervisor of elections shall only select, as polling places, sites which meet the standards of accessibility prescribed in the Americans with Disabilities Act Accessibility Guidelines, and any exceptions to applicability of the guidelines, as adopted under ss. 553.501-553.513 subsection (1), except that the supervisor may select a site not meeting the standards if:

(a) No acceptable and accessible site exists within the precinct or other designated voting area,; and

(b) it is anticipated that the site will be brought into compliance with such standards in the foreseeable future, or that the site will be temporarily made to comply with the standards for the time during which the polls are open; or

(b) The site is of a temporary nature.

(2)(4) Any supervisor of elections who selects as a polling place a site which does not meet the standards prescribed in subsection (1) shall report such selection to the board of county commissioners. The report shall expressly state that the supervisor has determined that such polling place can be made accessible to, and usable by, elderly persons and by physically disabled handicapped persons in the foreseeable future by affirmative governmental action.

(3)(5) Each board of county commissioners which receives a report from a supervisor pursuant to subsection (2) (4) shall take affirmative action to bring the selected polling place into compliance with the standards prescribed in subsection (1).

(4)(6) Each district school board and each municipality shall cooperate with the board of county commissioners in its respective county in implementing the provisions of this section.

Section 192. Section 102.012, Florida Statutes, is amended to read:

102.012 Election boards; appointment and qualifications; election materials; training classes for inspectors, clerks, and deputy sheriffs; election day vacancies Inspectors and clerks to conduct elections.—

(1) The supervisor of elections of each county, At least 20 days prior to the holding of any election, the supervisor shall appoint one two election board boards for each precinct in the county and; however, the supervisor of elections may, in any election, appoint additional one election boards, as board if he has reason to believe that only one is necessary. However, where two or more precincts share a polling room, the supervisor may appoint one election board for all precincts at that polling room. Each election board for a precinct having fewer than 300 voters shall be composed of at least one inspector and a clerk, and each other election board shall be composed of at least three inspectors and a clerk. However, for any precinct using voting machines, the supervisor shall appoint one inspector for each machine and may appoint additional inspectors, as necessary. The clerk shall be in charge of, and responsible for, seeing that the election board carries out its duties and responsibilities. Prior to the opening of the polls, each member of an election board inspector and each clerk shall take and subscribe to a written an oath or affirmation, which shall be written or printed, to the effect that he or she will perform the duties of inspector or clerk of election, as applicable respectively, according to law and without favor or prejudice to any political party and will endeavor to prevent all fraud, deceit, or abuse in conducting the election. The oath or affirmation may be administered by any other member of the election board and taken before an officer authorized to administer oaths or before any of the persons who are to act as inspectors, one of them to swear the others, and one of the others sworn thus, in turn, to administer the oath to him who has not been sworn. The oaths shall be returned to the supervisor with the election poll list and the returns of the election to the supervisor. In all questions that may arise before the members of an election board, the decision of a majority of them shall decide the question. The supervisor is of elections of each county shall be responsible for the attendance of, and diligent performance of his duties by, each clerk and inspector.

(2) Each member of the election board shall be able to read and write the English language and shall be a voter registered qualified elector of the county in which the member he is appointed. No election board shall be composed solely of members of one political party; however, in any primary in which only one political party has candidates appearing on the ballot, all clerks and inspectors may be of that political party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

(3) The supervisor shall furnish the inspectors of election board at for each precinct with the precinct register, registration books divided alphabetically as will best facilitate the holding of an election. The supervisor shall also furnish a member to the inspectors of the election board at the polling place at each precinct in his county a sufficient number of forms and blanks for use on election day.

(4) ~~An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.~~

(5) ~~In precincts in which there are more than 1,000 registered electors, the supervisor of elections shall appoint additional election boards necessary for the election.~~

(6) ~~In any precinct in which there are fewer than 300 registered electors, it is not necessary to appoint two election boards, but one such board will suffice. Such board shall be composed of at least one inspector and one clerk.~~

(7) ~~For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

(4)(8) ~~The supervisor of elections shall conduct training classes for inspectors, clerks, and deputy sheriffs prior to each first primary, general election, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training class as required. A person who has attended previous training classes conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (9) from among persons who have not received the training required by this section.~~

(5)(a)(9) ~~If for any reason a member of the election board is unable to fulfill his or her duties and responsibilities in the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). To the extent possible, the inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.~~

(b) ~~A person who has attended previous training classes conducted within 2 years prior to the election may be appointed by the supervisor to fill a vacancy on election day. If a person with prior training is not available to fill such vacancy, the supervisor may fill the vacancy in accordance with the provisions of paragraph (a) from among persons who have not received the training required by this section.~~

Section 193. Section 102.014, Florida Statutes, is created to read:

102.014 Duties of election board; opening polls and conducting elections; maintenance of order; closing polls and tabulating the results.—

(1) An election board at each precinct shall arrive at the polling place by 6 a.m. of the day of the election to prepare the polling place for voting and shall open the polls at the time set forth in s. 100.011 and conduct the voting in accordance with the provisions of this code.

(2)(a) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.

(b) The sheriff shall deputize a deputy sheriff for each polling place. The deputy sheriff shall be present during the time the polls are open and until the election is completed, shall be subject to all lawful commands of the clerk or any inspector, and shall maintain good order. The deputy may summon assistance from bystanders when necessary to maintain peace and order at the polls.

(3) The election board conducting the voting at each precinct shall close the polls at the time set forth in s. 100.011 and shall then proceed to tabulate the vote and proclaim the results as provided in s. 101.257, s. 101.54, or s. 101.5614, as applicable.

Section 194. Section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(1) ~~Each inspector, and each clerk, of any election and each deputy sheriff serving at a precinct shall be paid for such service his services by the supervisor and of elections, and each inspector who delivers the returns to the county seat shall receive such sums as the supervisor of elections shall determine.~~

(2) ~~Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker classes required by s. 102.012(4)(8).~~

Section 195. Section 102.031, Florida Statutes, is amended to read:

102.031 ~~Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful Solicitation at the polls of voters.—~~

(1) ~~Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.~~

(2) ~~The sheriff shall deputize a deputy sheriff for each precinct who shall be present during the time the polls are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him when necessary to maintain peace and order at the polls.~~

(1)(3)(a) ~~No person may, during voting hours, enter any polling room or polling place where the polling place is also a polling room unless he or she is, during voting hours except the following:~~

1. ~~An official poll watcher. watchers;~~
2. ~~A member of the election board. Inspectors;~~
3. ~~Election clerks;~~
- 3.4. ~~The supervisor of elections or his deputy supervisor.;~~
- 4.5. ~~A person Persons there to vote, a person persons in the care of a voter, or a person persons caring for a such voter.;~~
- 5.6. ~~A law enforcement officer officers or emergency services service personnel there with permission of the clerk. or a majority of the inspectors; or~~
- 6.7. ~~A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.~~

(b) ~~The restriction in this subsection does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.~~

(c) ~~No person, political committee, committee of continuous existence, or other group or organization may solicit voters within 50 feet of the entrance to any polling place, or polling room where the polling place is also a polling room, on the day of any election.~~

1. ~~Solicitation shall not be restricted if:~~

- a. ~~Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance.;~~ and
- b. ~~the solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or~~
- b.e. ~~Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.~~

2. ~~Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the members of the election board pollworkers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.~~

(d) For the purpose of this subsection, ~~the term "solicit" includes~~ ~~shall include~~, but is not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item.

(e) Each supervisor of elections shall inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling place, ~~places~~ which shall include:

1. Designating a specific area for soliciting pursuant to paragraph (c); ~~of this subsection, or~~
2. Having disruptive and unruly persons removed by law enforcement officers from the polling room or *polling* place or from the 50-foot zone surrounding the polling place.

Section 196. Section 102.091, Florida Statutes, is amended to read:

102.091 Duty of sheriff to watch for violations; appointment of special officers.—The sheriff shall exercise strict vigilance in the detection of any violations of the *code election laws* and in apprehending the violators. The Governor may appoint special officers to investigate alleged violations of the *code election laws*, ~~when it is deemed necessary to see that violators of the election laws are apprehended and punished.~~

Section 197. Section 102.101, Florida Statutes, is amended to read:

102.101 Sheriff and other officers not allowed in polling place.—No sheriff, deputy sheriff, *police officer* ~~police~~man, or other officer of the law shall be allowed within the polling place without permission from the clerk ~~or a majority of the inspectors~~, except to *vote* ~~cast his ballot~~. ~~Upon the failure of any of said officers to comply with this provision, The clerk or an inspector the inspectors or any one of them shall prepare make an affidavit for the arrest of any against such officer violating this section for his arrest.~~

Section 198. Section 102.141, Florida Statutes, is transferred, renumbered as section 102.103, Florida Statutes, and amended to read:

102.103 ~~102.141~~ County canvassing board; duties.—

(1) The county canvassing board shall be composed of the supervisor ~~of elections~~; a county court judge, who shall act as *chairperson* ~~chairman~~; and the *chairperson* ~~chairman~~ of the board of county commissioners. ~~If in the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:~~

(a) If no county court judge is able *or qualified* to serve ~~or if all are disqualified~~, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a *voter qualified elector* of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the members of the county canvassing board shall meet and elect a *chairperson* ~~chairman~~.

(b) If the supervisor ~~of elections~~ is unable to serve or is disqualified, the *chairperson* ~~chairman~~ of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. ~~However, the supervisor, however, shall act in an advisory capacity to the canvassing board.~~

(c) If the *chairperson* ~~chairman~~ of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(d) If a substitute member cannot be appointed as provided elsewhere in this subsection, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a *voter quali-*

~~ified elector~~ of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor ~~of elections~~ to publicly canvass the absentee ~~electors'~~ ballots as provided for in s. 101.68. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee ~~electors'~~ ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee ~~electors'~~ ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, ~~nominee~~, constitutional amendment, or other *proposal measure* submitted to the ~~voters electorate~~ of the county, as shown by the returns then on file in the office of the supervisor ~~of elections~~ and the office of the county court judge.

(3) The canvass, except the canvass of absentee *ballot electors'* returns, shall be made from the returns and certificates of the inspectors *and clerk* as signed and filed by them with the county court judge and supervisor, ~~respectively, and~~ The county canvassing board shall not change the number of votes cast for a candidate, ~~nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following the any primary, general, special, or other election.~~

(4)(a) If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on ~~the any such returns from any precinct~~, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(b)(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a *proposal measure* appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such *proposal measure*, the board responsible for certifying the results of the vote on such *office race* or *proposal measure* shall order a recount of the votes cast with respect to such office or *proposal measure*. ~~However, a recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or proposal issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.~~

(c) ~~When there is a protest relating to any ballot set aside as spoiled or defective, the canvassing board shall examine that ballot to determine its validity. When a ballot has been set aside because the number of ballots exceeds the number of voters or because it has been found folded with another ballot, the canvassing board shall reexamine the returns for that precinct to determine the appropriateness of the election board's decision to set that ballot aside.~~

(5) The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until the canvass of the returns is completed. The clerical help shall be paid from the same fund as ~~inspectors~~ and other ~~necessary~~ election officials.

(6) At the same time that the results of an election are certified to the ~~division Department of State~~, the county canvassing board shall file a report with the division of Elections on the conduct of the election. The report shall ~~identify contain information relating to~~ any problems incurred as a result of equipment malfunctions either at the precinct level or at a counting location, any difficulties or unusual circumstances encountered by an election board or the canvassing board, and any other additional information which the canvassing board feels should be made a part of the official election record. Such reports shall be maintained on file ~~with in~~ the division of Elections and shall be available for public inspection. The division shall utilize the reports submitted by the canvassing boards to determine what problems may be likely to occur in other elections and disseminate such information, along with possible solutions, to the supervisors of elections.

Section 199. Section 102.151, Florida Statutes, is transferred, renumbered as section 102.105, Florida Statutes, and amended to read:

~~102.105 102.151~~ County canvassing board to issue certificates; supervisor to give notice to ~~division Department of State~~.—The county canvassing board shall ~~prepare make~~ and sign duplicate certificates containing the total number of votes cast for each office and person nominated or elected, ~~the names of persons for whom such votes were cast, and the number of votes cast for each candidate for that office or nominee.~~ One of the such certificates which relates to offices for which the candidates or nominees have been voted for in more than one county shall be immediately transmitted to the ~~division Department of State~~, and the duplicate shall be ~~second copy~~ filed in the supervisor's office. The supervisor shall transmit to the ~~division Department of State~~, immediately after the county canvassing board has canvassed the returns of the election, a list containing the names and mailing addresses of all county and district officers nominated or elected and, the office for which each was nominated or elected, ~~and the mailing address of each.~~

Section 200. Section 102.112, Florida Statutes, is transferred, renumbered as section 102.107, Florida Statutes, and amended to read:

~~102.107 102.112~~ Deadline for submission of county returns to the ~~division Department of State~~; penalties.—

(1) The county canvassing board or a majority thereof shall file the total number of votes for each candidate for each ~~county returns for the election of a federal or state office and for and against each statewide proposal officer~~ with the ~~division Department of State~~ immediately after certification of the election results. If The returns ~~must be are not~~ received by the ~~division department~~ by 5 p.m. on the 7th day after the ~~an election, such returns may be ignored and the results on file at that time may be certified by the department.~~

(2) The ~~division department~~ shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. The proceeds of such fines shall be deposited into the Election Campaign Financing Trust Fund, ~~created by s. 106.32.~~

(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.

Section 201. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1)(a) Immediately after certification of any election by the county canvassing board, the total number of votes cast for each candidate for each federal or state office and for and against each statewide proposal results shall be forwarded to the ~~division Department of State concerning the election of any federal or state officer.~~ The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office and which proposals have passed. ~~If in the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of an any election, such member shall be replaced by a substitute member of the Cabinet as determined by the division director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified~~

(b)(2) The division of ~~Elections~~ shall provide the staff services required by the Elections Canvassing Commission.

(2) The Elections Canvassing Commission shall prepare and sign a certificate of the results of the election for presidential electors and representatives to Congress and a separate certificate of the results of the election for state officers and statewide proposals. Each certificate shall be written and contain the total number of votes cast for each candidate for each office and for and against each proposal. Both certificates shall be recorded by the division.

(3) If the Elections Canvassing Commission is unable to determine the true vote for any office, nomination, constitutional amendment, or other proposal presented to the voters, the commission shall so certify and shall not include the returns in its determination, canvass, and declaration. In determining the true vote, the Elections Canvassing Commission shall not have authority to look beyond the county returns. The division shall file all returns, together with other documents and papers received by it or the commission. The commission shall canvass the returns for federal officers separately from their canvass of returns for state officers and proposals.

Section 202. Sections 102.121 and 102.131, Florida Statutes, are repealed.

Section 203. Section 102.155, Florida Statutes, 1994 Supplement, is amended to read:

102.155 Certificate of election.—The supervisor shall give a certificate of election to each ~~any person the election of whom is certified by the county canvassing board a certificate of his election.~~ The department of State shall give a certificate of election to each ~~any person the election of whom is certified by the Elections Canvassing Commission state canvassing board a certificate of his election.~~ The certificate of election which is issued to any person shall be prima facie evidence of the election of such person.

Section 204. Section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure; venue.—

(1)(a) ~~Any voter candidate for nomination or election, or any elector qualified to vote in an the election for a candidate or proposal may related to such candidacy, shall have the right to protest the returns of the election for such candidate or proposal as being erroneous by filing with the appropriate canvassing board a sworn, written protest.~~

(b)(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board adjourns or within 5 days after midnight of the date the election is held, whichever last occurs.

(c)(3) ~~Upon receipt of the protest Before canvassing the returns of the election, the canvassing board shall:~~

1.(a) When paper ballots are used, examine the tabulation of the paper ballots cast.

2.(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.

3.(e) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(2)(4)(a)1. Any candidate whose name appeared on the ballot, any political committee that supports or opposes a proposal an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.

2.(b) Any Such request for a manual recount must be filed with the canvassing board prior to the time the canvassing board adjourns or within 72 hours after midnight of the date the election was held, whichever occurs later.

3.(e) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

4.(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or proposal issue. If in the event there are fewer less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.

(b)(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:

1.(a) Correct the error and recount the remaining precincts with the vote tabulation system;

2.(b) Request the division Department of State to verify the tabulation software; or

3.(e) Manually recount all ballots.

(c)(6) Any manual recount shall be open to the public.

(d)(7) Procedures for a manual recount are as follows:

1.(a) The county canvassing board shall appoint as many counting teams of at least two voters electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race being recounted shall not be a member of the counting team.

2.(b) If a counting team is unable to determine a voter's intent in casting a ballot, the ballot shall be presented to the county canvassing board for it to determine the voter's intent.

(e)(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the division Department of State verify the software.

(f)(9) When verifying the the Department of State verifies such software, the division department shall:

1.(a) Compare the software used to tabulate the votes with the software filed with the division Department of State pursuant to s. 101.5607; and

2.(b) Check the election parameters.

(g)(10) The division Department of State shall respond to the county canvassing board within 3 working days.

(3)(11) Any voter candidate for nomination or election, or any elector qualified to vote in an the election for a candidate or proposal may related to such candidacy, shall have the right to protest the returns of the election for such candidate or proposal or the practices attendant thereto as being fraudulent by presenting to any circuit judge of the circuit wherein such fraud is alleged to have occurred a sworn, written protest. If it is alleged that fraudulent returns or practices exist in more than one county, venue for such protest shall be in any such county in which wherein such fraud is alleged to have occurred.

(a) The protest shall be presented to a circuit judge prior to the time the canvassing board adjourns or within 5 days after midnight of the date the election occurs, whichever last occurs.

(b) The circuit judge to whom the protest is presented may shall have authority to fashion any such orders he or she deems as he may deem necessary to ensure that such allegation is investigated, examined, or checked; to prevent or correct such fraud; or to provide any relief appropriate under such circumstances. Any voter candidate or elector presenting such a protest to a circuit judge is shall be entitled to an immediate hearing thereon or to any appropriate relief.

Section 205. Section 102.167, Florida Statutes, is amended to read:

102.167 Form of protest of election returns.—

(1) The form of the "Protest of Election Returns to Canvassing Board" shall be as follows:

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

....., Florida

....., 19. . . .

As provided in Section 102.166(1), Florida Statutes, I, of County, Florida, being a voter in Precinct No. of County, Florida, believe the election returns from Precinct No. in the election of 19. . . . are erroneous.

I hereby protest the canvass of such returns by the Canvassing Board, and request that the said returns be investigated, examined, checked, and corrected by the said Canvassing Board. The basis for this protest is

.....
.....
.....
.....

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

... (Signature of person protesting election returns) . . .

(2) The form of the "Protest of Election Returns to Circuit Judge" shall be as follows:

PROTEST OF ELECTION RETURNS TO CIRCUIT JUDGE

....., Florida

....., 19. . . .

As provided in Section 102.166(3)(2), Florida Statutes, I, of, Florida, being a voter qualified elector in Precinct No. of County, Florida, believe the election returns from Precinct No. in the election of 19. . . . are fraudulent.

I hereby protest against the canvass of such returns by the Canvassing Board, and request that the said returns be investigated, examined, checked, and corrected. The basis for this protest is

.....
.....
.....
.....

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

... (Signature of person protesting election returns) . . .

Section 206. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) The venue for contesting a nomination or election or the results of a referendum shall be in the county in which the candidate qualified or in the county in which the proposal was submitted for referendum or, if the election or referendum covered more than one county, then in Leon County.

(2) The certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto, and the certification of the result of an election on a proposal may be contested in the circuit court or by any voter taxpayer, respectively. Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns adjourns, and The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or nomination or his or her right to set aside the result of the election on a proposal a submitted referendum. The canvassing board or election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(3)(a) *If a judgment is entered finding the contestant entitled to the office, and if the adverse party has been commissioned or has entered upon the duties thereof or is holding the office, then a judgment of ouster shall be entered against such party. Upon presentation of a certified copy of the judgment of ouster to the Governor, the Governor shall revoke such commission and commission the person found in the judgment to be entitled to the office.*

(b) *If a judgment is entered setting aside a proposal, the election with respect to such proposal is void.*

(4) *Nothing in this code shall be construed to abrogate or abridge any remedy that may now exist by quo warranto, but in such case the proceeding prescribed in subsection (2) shall be an alternative or cumulative remedy.*

Section 207. Sections 102.1682, 102.1685, and 102.169, Florida Statutes, are repealed.

Section 208. Section 103.011, Florida Statutes, is amended to read:

103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The ~~division Department of State~~ shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes.

Section 209. Section 103.021, Florida Statutes, is amended to read:

103.021 ~~Nomination for Presidential electors; nomination and certification; vacancy.—Candidates for presidential electors shall be nominated in the following manner:~~

(1) The Governor shall nominate the presidential electors of each political party and may only ~~He shall nominate only the presidential electors recommended by the state executive committee of the respective political party. Each presidential such elector of a political party shall be a voter qualified elector of the political party he or she represents and shall have who has taken an oath that he or she will vote for the candidates of the political party that he or she is nominated to represent. The Governor shall certify to the division, Department of State on or before September 1 of, in each presidential election year, the names of a number of presidential electors for each political party equal to the number of senators and representatives to which this state is entitled has in Congress.~~

(2) *With respect to presidential and vice presidential candidates without political party affiliation and presidential and vice presidential candidates of minor political parties, if the percentage required in s. 99.0955(4) or s. 99.096(4), as applicable, has been met, the division shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as presidential electors.*

(3)(2) The names of the presidential electors shall not be printed on the general election ballot, but the names of the actual candidates for President and Vice President for whom the presidential electors will vote if elected shall be printed on ~~such the ballot in the order in which the party of which the candidate is a nominee polled the highest number of votes for Governor in the last general election.~~

(3) ~~A minor political party may have the names of its candidates for President and Vice President printed, and independent candidates for President and Vice President may have their names printed, on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department~~

~~of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.~~

(4) Any minor political party which has met the petitioning requirements of s. 99.096 and will have the names of a candidate or candidates for any office or offices to be filled by a statewide election printed on the general election ballot, and which ~~minor party~~ is affiliated with a national political party holding a national convention to nominate candidates for President and Vice President of the United States, may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the ~~division Department of State~~ a certificate naming the candidates for President and Vice President and listing the ~~names of the~~ required number of persons to serve as *presidential* electors. Notification to the ~~division Department of State~~ under this subsection shall be made by September 1 of the year in which the election is held. When the ~~division Department of State~~ has been so notified, it shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as *presidential* electors ~~in the same manner as other party candidates.~~

(5) *Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States shall have a space provided on the general election ballot for their names to be written in by filing an oath with the division at any time after the 50th day, but before noon of the 39th day, prior to the date of the primary in the year in which a presidential election is held. The division shall prescribe the form to be used in administering the oath. Write-in candidates shall file with the division a certificate naming the required number of persons to serve as presidential electors. Write-in candidates for President and Vice President are not entitled to have their names printed on the ballot.*

(6)(5) *Except as otherwise provided in s. 103.051(2), if ~~When for any reason a person nominated or otherwise certified elected as a presidential elector is unable to serve because of death, incapacity, or otherwise, the Governor shall may appoint a person to fill such vacancy by appointing a person who possesses the qualifications required for him to have been nominated or otherwise certified in the first instance. Such person shall file with the Governor an oath that he or she will support the same candidates for President and Vice President that the person who is unable to serve was committed to support.~~*

Section 210. Section 103.022, Florida Statutes, is repealed.

Section 211. Section 103.051, Florida Statutes, is amended to read:

103.051 ~~Presidential Congress sets meeting dates of electors; meeting date, place, and duties; filling of vacancies; compensation.—~~

(1) ~~All The presidential electors certified for a presidential election shall, at noon on the day set which is directed by Congress to elect a President and Vice President, meet at Tallahassee and perform the duties required of them by the Constitution and laws of the United States.~~

(2)(a) *Each presidential elector shall, before 10 a.m. on the day set by Congress to elect a President and Vice President, give notice to the Governor that he or she is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall deliver to the presidential electors present a certificate of the names of all presidential electors certified for that election. If one or more presidential electors are absent, the electors present shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies.*

(b) *If any more than the number of persons required to fill each vacancy under paragraph (a) receive the highest and an equal number of votes, the election of those receiving such highest and equal number of votes shall be determined by lot drawn by the Governor in the presence of the presidential electors attending; otherwise, those, to the number required, receiving the highest number of votes, shall be considered elected to fill the vacancy.*

(3) *Each presidential elector shall be reimbursed for travel expenses, as provided in s. 112.061, from the elector's place of residence to Tallahassee and back. Such expenses shall be paid upon approval of the Governor. The amounts necessary to meet the requirements of this subsection shall be included in the legislative budget request of the Gov-*

error. If the amounts appropriated for this purpose are insufficient, the Executive Office of the Governor may release the necessary amounts from the deficiency appropriation.

Section 212. Sections 103.061, 103.062, and 103.071, Florida Statutes, are repealed.

Section 213. Section 103.081, Florida Statutes, is amended to read:

103.081 Use of political party name; political advertising.—

(1) No person shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the ~~division Department of State~~, in political advertising in newspapers, other publications, or handbills, or on radio or television, or in any other form of advertising in connection with any political activities in support of a candidate of any other political party, unless such person shall first obtain the written permission of the chairperson chairman of the state executive committee of the political party the name, abbreviation, or symbol of which is to be used.

(2) No person or group of persons shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the ~~division Department of State~~, in connection with any club, group, association, or organization of any kind unless such person or group of persons first obtains the written approval and permission of the chairperson of ~~have been given in writing by the state executive committee of the political such party the name, abbreviation, or symbol of which is to be used~~. This subsection ~~does~~ shall not apply to the county executive committees of such political parties, to and organizations which are chartered by the national executive committee of the political party the name, abbreviation, or symbol of which is to be used, or to organizations which have been using the name of a any political party and which organizations have been in existence and organized on a statewide basis for a period of at least 10 years.

Section 214. Section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(1) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, ~~who shall be called the precinct committeeman and committeewoman~~. For counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for its such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible. Each county ~~committee member committeeman or committeewoman~~ shall be a resident of the precinct or district from which he or she was is elected.

(2) The state executive committee of a political party may by resolution provide a method of election of national ~~committee members committeemen and national committeewomen~~ and of nomination of presidential electors, if such political party is entitled to a place on the ballot as otherwise provided for presidential electors, and may provide also for the election of delegates and alternates to national conventions.

(3) Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the division a certificate listing the name of the organization and the names of its current officers, including the members of its state executive committee, and a copy of its constitution, bylaws, rules, and bond required pursuant to s. 103.121(3).

(4)(a)(3) By March 1 of each year following a presidential election, the state executive committee of each political party shall file with the ~~division Department of State~~ the names and addresses of its chairperson chairman, vice chairperson chairman, secretary, treasurer, and members and shall file a copy of its constitution, bylaws, and rules, and bond required pursuant to s. 103.121(3) ~~regulations with the Department of State~~. Also by March 1 of each year following a presidential election, each county executive committee of a political party shall file with the

state executive committee of such political party and with the supervisor ~~of elections of such county the names and addresses of its chairperson, vice chairperson, secretary, treasurer, officers and members and a copy of its bond required pursuant to s. 103.121(3)~~.

(b) Any change or amendment to the documents filed under this subsection must be filed with the filing officer within 10 days after the change or amendment is adopted.

(5)(4) A major Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee and county executive committees to be elected for 4-year terms at the first primary election in each year a presidential election is held, ~~which—The terms shall commence on the first day of the month following the each presidential general election; but~~ The names of candidates for political party offices shall not be placed on the ballot at any other election other than the primary. The results of an such election to fill political party offices shall be determined by a plurality of the votes cast. Voters In such event, electors seeking to qualify for a political party such office shall do so with the ~~division Department of State~~ or supervisor, as applicable, of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the first primary election. The outgoing chairperson chairman of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chairperson chairman of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

(6)(5) If In the event no county committee member committeeman or committeewoman is elected; or if a vacancy occurs from any other cause in any county executive committee, the chairperson county chairman shall call a meeting of the county executive committee, by due notice to all members, and the vacancy shall be filled by a majority vote of those members present at a meeting at which there is a quorum is present. Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term.

(7)(6)(a) In addition to the members provided for in subsection (1), each county executive committee shall include all members of the Legislature who are residents of the county and members of their respective political party and who shall be known as at-large committee members ~~committeemen and committeewomen~~. Each state executive committee shall include, as at-large committee members ~~committeemen and committeewomen~~, all members of the United States Congress representing the State of Florida who are members of the political party; all statewide elected officials who are members of the political party; the President of the Senate, the Minority Leader in the Senate, the Speaker of the House of Representatives, and the Minority Leader in the House of Representatives, if the person is a member of the political party; and 20 members of the Legislature who are members of the political party. Ten of the legislators shall be appointed with the concurrence of the state chairperson chairman of the respective political party, as follows: five to be appointed by the President of the Senate; five by the Minority Leader in the Senate; five by the Speaker of the House of Representatives; and five by the Minority Leader in the House. The governing body of each state executive committee as defined by party rule shall include as at-large committee members ~~committeemen and committeewomen~~ all statewide elected officials who are members of the such political party; up to four members of the United States Congress representing the State of Florida who are members of the such political party and who shall be appointed by the state chairperson chairman on the basis of geographic representation; the permanent presiding officer selected by the members of each house of the Legislature who are members of the such political party; and the minority leader selected by the members of each house of the Legislature who are members of the such political party. Each at-large committee member is ~~committeeman or committeewoman~~ shall be entitled to a single vote; however, any such at-large committee member ~~committeemen and committeewomen~~ holding another voting position on a committee is shall be entitled to only one vote.

(b) The conducting of official business in connection with one's public office constitutes shall constitute good and sufficient reason for failure to attend county or state executive committee meetings.

Section 215. Section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

(1) Each major political party other than a minor political party shall, on the second Tuesday in March in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such political party for President of the United States or select delegates to the national nominating convention, as provided by party rule.

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

(a) By December 31 of the year preceding the Florida presidential preference primary, each major political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in January each year a presidential preference primary election is held. Each person designated as a presidential candidate shall have his name appear, or have his delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in January each year a presidential preference primary is held. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The division Department of State shall immediately notify each presidential candidate designated by the major political party committee. Such notification shall be in writing, by registered mail, with return receipt requested.

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

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

(3) A person's candidate's name shall be printed on the presidential preference primary ballot as a candidate for President of the United States unless the person he submits to the division Department of State, prior to the second Tuesday after the first Monday in January, an affidavit stating that he or she is not now, and does not presently intend to become, a candidate for President of the United States at the upcoming nominating convention. If a person candidate withdraws as a candidate pursuant to this subsection, the division Department of State shall notify the state executive committee that the person's candidate's name will not be placed on the ballot. The division Department of State shall, no later than the third Tuesday after the first Monday in January, certify to each supervisor of elections the name of each candidate for major political party nomination to be printed on the ballot.

(4) The names of candidates for major political party nominations for President of the United States shall be printed in alphabetical order on the official ballots for the presidential preference primary. Such primary election and shall be conducted marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in other state elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the delegates' names shall be printed in alphabetical order and the name of the presidential candidates for that major political party may not be printed separately; however, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a major political party has only one presidential candidate, neither the name of the candidate nor the names of the candidate's delegates shall be printed on the ballot.

(5) The state executive committee of each major political party, by rule adopted at least 120 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any such rule adopted by the executive committee shall be filed with the division Department of State within 7 days after its adoption and shall become a public record. The division Department of State shall review the procedures and shall notify the state executive committee of each major political party of any ballot limitations. The division Department of State may promulgate rules for the orderly preparation conduct of the presidential preference primary ballot.

(6) Delegates must qualify no later than the second Friday in January in the manner provided by party rule.

(7) All delegates shall be allocated as provided by party rule.

(8) All names of candidates or delegates shall be listed as directed by the Department of State. The ballot as prescribed in this section shall be used.

(8)(9) The presidential preference primary ballot shall be in substantially the following form:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

No. Party
. . . . COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .
--- (Signature of Voter) --- . . . (Initials of Issuing Official) . . .
Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

No. Party
. . . . COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .
. . . (Initials of Issuing Official) . . .
Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

. . . . Party
. . . . COUNTY, FLORIDA
Precinct No.
. . . (Date) . . .

Mark Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote,

For President
. . . (Name of Candidate) . . .
. . . (Name of Candidate) . . .

or mark place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

. . . (Name of Delegate) (Name of Candidate) . . .

Section 216. Section 103.121, Florida Statutes, is amended to read:
103.121 Powers and duties of executive committees.—

(1)(a) Each state executive committee and county executive committee of a political party shall have the power and duty:

- 1. To adopt a constitution by two-thirds vote of the full committee.

2. To adopt such bylaws as it ~~deems may deem~~ necessary by majority vote of the full committee.

3. To conduct its meetings according to generally accepted parliamentary practice.

4. To make party nomination when required by law.

5. To conduct campaigns for party nominees.

6. To raise and expend party funds. Such funds may not be expended or committed to be expended except after written authorization by the ~~chairperson chairman~~ of the state or county executive committee.

7. To file the bond required by subsection (3).

(b) Except as otherwise provided in subsection (5), the county executive committee shall receive payment of party assessments upon candidates to be voted for in a single county except state senators and members of the House of Representatives and representatives to the Congress of the United States; and the state executive committees shall receive all other party assessments authorized. All party assessments shall be 2 percent of the annual salary of the office sought by the respective candidate. All such party ~~committee~~ assessments shall be remitted to the state executive committee of the appropriate political party and distributed in accordance with subsection (6).

(c) The state executive committee of each political party shall use two-thirds of that portion of the filing fee remitted to the committee by the supervisors for the purpose of promoting the candidacy of the political party's candidates for county offices and its candidates for membership in the Legislature.

(2) The state executive committee shall by resolution recommend candidates for presidential electors and deliver a certified copy thereof to the Governor prior to September 1 of each presidential election year.

(3) The ~~chairperson chairman~~ and the treasurer of an executive committee of any political party ~~are shall be~~ accountable for the funds of such committee and jointly liable for their proper expenditure for authorized purposes only. The ~~chairperson chairman~~ and the treasurer of the state executive committee of any political party shall furnish a ~~adequate~~ bond of at least, ~~but not less than~~ \$10,000, conditioned upon the faithful performance by such party officers of their duties and for the faithful accounting for party funds which ~~shall~~ come into their hands; ~~and~~ The ~~chairperson chairman~~ and the treasurer of a county executive committee of a political party shall furnish a ~~adequate~~ bond of at least, ~~but not less than~~ \$5,000, conditioned as is the bond required of the ~~chairperson~~ and the treasurer of a state executive committee ~~aforsaid~~. A bond for the ~~chairperson chairman~~ and the treasurer of the state executive committee of a political party shall be filed with the ~~division~~ Department of State. A bond for the ~~chairperson chairman~~ and the treasurer of a county executive committee shall be filed with the supervisor of elections. The funds of each such state executive committee shall be publicly audited at the end of each calendar year and a copy of such audit furnished to the ~~division~~ Department of State for its examination prior to April 1 of the ensuing year. ~~When filed with the Department of State, copies of such audit shall be public documents.~~ The treasurer of each county executive committee shall maintain adequate records evidencing receipt and disbursement of all party funds received by him, and such records shall be publicly audited at the end of each calendar year and a copy of such audit filed with the supervisor of elections and the state executive committee prior to April 1 of the ensuing year.

(4) A ~~chairperson~~ ~~Any chairman~~ or treasurer of a state or county executive committee of any political party who knowingly misappropriates, or makes an unlawful expenditure of, or a false or improper accounting for, the funds of such committee ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) The central committee or other equivalent governing body of each state executive committee shall adopt a rule which governs the time and manner in which the respective county executive committees of such political party may endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election. Upon adoption, such rule shall provide the exclusive method by which a county executive committee may so endorse, certify, screen, or otherwise recommend. No later than the date on which qualifying for public office begins pursuant to s. 99.061, the ~~chairperson chairman~~ of each county executive committee shall notify ~~in writing~~ the supervisor ~~in writing~~ of elections of

~~his county~~ whether the county executive committee has endorsed or intends to endorse, certify, screen, or otherwise recommend candidates for nomination pursuant to party rule. A copy of such notification shall be provided to the Secretary of State and to the ~~chairperson chairman~~ of the appropriate state executive committee. Any county executive committee that endorses or intends to endorse, certify, screen, or otherwise recommend one or more candidates for nomination shall forfeit all party assessments which would otherwise be returned to the county executive committee; and such assessments shall be remitted instead to the state executive committee of such party, the provisions of paragraph (1)(b) to the contrary notwithstanding. ~~No such Funds so remitted to the state executive committee shall not be paid, returned, or otherwise disbursed to the county executive committee under any circumstances. Any county executive committee that is in violation of any party rule after receiving the party assessment shall remit such party assessment to the state executive committee.~~

(b) Any state executive committee that endorses or intends to endorse, certify, screen, or otherwise recommend one or more candidates for nomination shall forfeit all party assessments which would otherwise be returned to the state executive committee; and such assessments shall be remitted instead to the General Revenue Fund of the state. Any state executive committee that is in violation of this section after receiving the party assessment shall remit such party assessment to the General Revenue Fund of the state.

(6) The ~~chairperson state chairman~~ of each state executive committee shall return the 2-percent committee assessment for county candidates to the appropriate county executive committees only upon receipt of a written statement that such county executive committee chooses not to endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election and upon the state ~~chairperson's chairman's~~ determination that the county executive committee is in compliance with all Florida statutes and all state party rules, bylaws, constitutions, and requirements.

Section 217. Section 103.131, Florida Statutes, is amended to read:

103.131 Political party offices deemed vacant in certain cases.—A ~~Every~~ political party office ~~is shall be deemed~~ vacant under any of in the following ~~circumstances~~ cases:

(1) ~~By the~~ Death of the incumbent.

(2) ~~By his~~ Resignation of the incumbent.

(3) ~~By his~~ Removal of the incumbent.

(4) ~~By his ceasing~~ Failure of the incumbent to remain be an inhabitant of the state, district, or precinct for which ~~the incumbent was he shall have been~~ elected or appointed.

(5) ~~By his~~ Refusal of the person elected or appointed to accept the office.

(6) The Conviction of the incumbent for a ~~of any~~ felony.

~~(7) The decision of a competent tribunal declaring void his election or appointment, and his removal by said tribunal.~~

~~(7)(8)~~ ~~By his~~ Failure of the incumbent to attend, without good and sufficient reason, three consecutive meetings, regular or called, of the committee of which he or she is a member.

Section 218. Section 103.141, Florida Statutes, is amended to read:

103.141 Removal of state or county executive committee member for violation of oath.—

(1)(a) ~~If a~~ ~~Where the~~ county executive committee by at least a two-thirds majority vote of the members of the committee, attending a meeting held after due notice has been given and at which meeting a quorum is present, determines that an incumbent ~~county executive committee member is to be~~ guilty of an offense involving a violation of the ~~committee member's his~~ oath of office, ~~the committee member said committee man~~ so violating his or her oath shall be removed from office and the office shall be deemed vacant.

(b) A committee member who has been removed under paragraph (a) may, within 10 days after the removal, file ~~Provided, however, if the county committee wrongfully removes a county committeeman and the committeeman so wrongfully removed files suit in the circuit court alleg-~~

ing that the his removal was wrongful. If the court finds that the removal was wrongful, the committee member ~~and wins said suit, he shall be restored to office and the county committee shall pay the costs incurred by the wrongfully removed committee member~~ in bringing the suit, including reasonable attorney's fees.

(c)(2) Either the county or state executive committee is empowered to take judicial action in chancery against a county committee member for alleged violation of the committee member's his oath of office in the circuit court of the county in which that committee member is a voter. ~~an elector; provided, However, that the state executive committee may take such judicial action only when a county executive committee refuses to take such judicial action within 10 days after a charge is made. Procedure shall be as in other cases in chancery, and~~ If the court finds ~~shall find~~ as fact that the defendant did violate his or her oath of office, it shall enter a decree removing the defendant from the county executive committee. If either such executive committee brings suit in the circuit court for the removal of a county committee member and loses such ~~said~~ suit, such committee shall pay the court costs incurred in such suit by the committee member, including reasonable attorney's fees.

(2)(a) The state executive committee is empowered to take judicial action in chancery in the circuit court of the county in which a state committee member is a voter to remove a state committee member from office for a violation of the committee member's oath of office. Procedure shall be as in other cases in chancery, and if the court finds as fact that the defendant did violate his or her oath of office, it shall enter a decree removing the defendant from the state executive committee.

(b) If a charge of violating the committee member's oath of office is made against a member of the state executive committee and the state executive committee fails to take judicial action within 10 days after a charge is made, the county executive committee in the county from which the state committee member is elected shall have the right to seek such committee member's removal in the circuit court of that county in the manner and according to the procedure set forth in paragraph (a).

(c) If either the county or state executive committee seeks the removal of a state committee member as provided in paragraph (a) or paragraph (b) and loses such suit, the committee bringing such suit shall pay the court costs incurred by the committee member in defending such suit, including reasonable attorney's fees.

Section 219. Section 103.151, Florida Statutes, is repealed.

Section 220. Section 104.005, Florida Statutes, is created to read:

104.005 Applicability of chapter to municipal elections.—For the purposes of this chapter, the term "election" includes municipal elections.

Section 221. Section 104.011, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) Any A person who willfully swears or affirms falsely ~~to any oath or affirmation, or willfully procures another person to swear or affirm falsely, to an oath or affirmation relating to, in connection with or arising out of voting or elections~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 222. Section 104.012, Florida Statutes, 1994 Supplement, is amended to read:

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

(1) Any person who gives to another person anything of value that is redeemable in cash to any person in consideration for such person's registering to vote ~~his becoming a registered voter~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does ~~shall not apply be interpreted, however, to the provision of exclude~~ such services as transportation to or from the place of registration or caretaking baby-sitting in connection with the absence of a person ~~an elector~~ from home for registering.

(2) Any A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 223. Section 104.013, Florida Statutes, 1994 Supplement, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) A ~~It is unlawful for any person may not~~ knowingly possess ~~to have in his possession~~ any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless such possession by such person has been duly authorized by the supervisor.

(2) A ~~It is unlawful for any person may not~~ barter, trade, sell, or give away a voter registration identification card. ~~However, the issuance of a voter registration card by a unless said person has been duly authorized by law to issue such a registration identification card is not a violation of this subsection.~~

(3) A ~~It is unlawful for any person may not~~ willfully to destroy or deface the registration identification card of a ~~duly registered~~ voter unless authorized by the supervisor.

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

Section 224. Section 104.031, Florida Statutes, is repealed.

Section 225. Section 104.041, Florida Statutes, is amended to read:

104.041 Fraud in connection with casting vote.—Any person perpetrating, or attempting to perpetrate, or aiding aid in the perpetration of any fraud in connection with the casting of any vote commits ~~east, to be east, or attempted to be east, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 226. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate or proposal in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate or proposal in any election,

commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 227. Section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

~~(1) Any official who willfully violates any of the provisions of this election code shall be excluded from the polls. Any election official who is excluded shall be replaced as provided in this code.~~

(1)(2) Any official who willfully refuses or willfully neglects to perform a duty ~~his duties~~ as prescribed by this election code commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(3) Any official who fraudulently or corruptly performs a his duty as prescribed by this election code ~~commits fraudulently or corruptly is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(4) Any supervisor, ~~deputy supervisor~~, or election employee who attempts to influence or interfere with a voter casting any elector voting a ballot commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 228. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) *Notwithstanding any law, ordinance, regulation, custom, or usage to the contrary, any citizen* ~~All citizens~~ of this state who is ~~are~~ otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state ~~is shall be entitled and allowed to vote at all such elections without regard distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.~~

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

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

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

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as *such person chooses* ~~he may choose~~, or for the purpose of causing such other person to vote for, or not vote for, any candidate or proposal for any office at any general, special, or primary election held ~~solely or in part for the purpose of selecting or electing any such candidate.~~

(4) *A political subdivision of this state shall not impose or apply a* ~~No~~ voting qualification or prerequisite to voting, or a ~~and no~~ standard, practice, or procedure for the purpose of denying or abridging, ~~shall be imposed or applied by any political subdivision of this state to deny or abridge the right of a~~ any citizen to vote on account of race or color.

(5) Any person who violates ~~any provision the provisions~~ of this section ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 229. Section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) *Any person who, Whoever* by bribery, menace, threat, or other corruption ~~whatsoever, either directly or indirectly, attempts to influence, deceive, or deter a voter any elector~~ in voting or interferes with ~~the voter him~~ in the free exercise of ~~the voter's his~~ right to vote at any election ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 for the first conviction, and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

(2) No person shall directly or indirectly give or promise anything of value to another person ~~with the intention of buying such person's or another person's intending thereby to buy his or another's vote or with the intention of~~ corruptly influencing that person ~~influence him~~ or another person in casting his or her vote. Any person who violates this subsection ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection ~~does shall~~ not apply to the serving of food to be consumed at a political rally or meeting or to any item ~~valued at \$10 or less of nominal value~~ which is used as a political advertisement, including a campaign message designed to be worn by a person.

Section 230. Section 104.071, Florida Statutes, is amended to read:

104.071 Remuneration by candidate for services, support, etc.; penalty.—

(1) ~~A candidate or a~~ ~~It is unlawful for any person supporting such a candidate may not, or for any candidate,~~ in order to aid or promote the nomination or election of such candidate in any election, directly or indirectly ~~to~~:

(a) Promise to appoint another person, or promise to secure or aid in securing the appointment, nomination, or election of another person, to any public or private position; or to any position of honor, trust, or emolument. *This paragraph does not apply to any person, except one who has publicly announced or defined what his or her choice or purpose will be in relation to any election in which he or she may be called to take part, if elected.*

(b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of a newspaper or other communications medium ~~any communication media, as well as newspapers,~~ to advocate or oppose, through such medium media, any candidate for nomination or election to office; ~~in any election or any candidate for election,~~ and no such owner, editor, or agent shall give, solicit, or accept such a payment or reward. *Neither may it shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination or election to office in any election or any candidate for election in return for the giving of, or promising to give, pay, or loan, any money or other thing of value to such said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.*

(c) Give, pay, expend, or contribute any money or other thing of value for the furtherance of the candidacy of any other candidate.

(d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection ~~does shall~~ not prohibit a candidate from furnishing to other candidates complimentary tickets to ~~such candidate's his~~ campaign fund raiser ~~to other candidates.~~

(2) A candidate may give his or her own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.

(3) Any person who violates any provision of this section ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084 ~~and from and after his conviction he shall be disqualified to hold office.~~

Section 231. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—~~An employer may not~~ ~~It shall be unlawful for any person having one or more persons in his service as employees to discharge or threaten to discharge any employee in his service for voting or not voting for any candidate or proposal in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people.~~ Any person who violates the provisions of this section ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 232. Section 104.091, Florida Statutes, is amended to read:

104.091 Aiding, abetting, or advising violation of the code.—Any person who ~~shall knowingly aids aid, abets, abet or advises another person in advise~~ the violation of this code shall, ~~upon conviction,~~ be punished in like manner as the principal offender.

Section 233. Section 104.101, Florida Statutes, is amended to read:

104.101 Failure to assist officers at polls.—Any person summoned by the sheriff or deputy sheriff who fails or refuses to assist ~~such officer him~~ in maintaining order the peace at the polls ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 234. Section 104.11, Florida Statutes, is repealed.

Section 235. Section 104.13, Florida Statutes, is amended to read:

104.13 Intermingling ballots.—~~Any person who Whoever~~ willfully places any ballot in the ballot box except a ballot as properly voted by a voter electors, or willfully intermingles ~~any other~~ ballots which have not been duly received during the election with the ballots which are voted by the voters electors, ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 236. Section 104.15, Florida Statutes, is amended to read:

104.15 Person knowingly ~~knowing he is not qualified elector voting at any election.—Any person who knows that he or she is not qualified to vote at an election and who~~ ~~Whoever, knowing he is not a qualified elector,~~ willfully votes at such any election ~~commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 237. Section 104.16, Florida Statutes, is amended to read:

104.16 Voting fraudulent ballot.—Any voter elector who knowingly votes or attempts to vote a fraudulent ballot, or any person who knowingly solicits, or attempts, to vote a fraudulent ballot, ~~commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 238. Section 104.17, Florida Statutes, is repealed.

Section 239. Section 104.18, Florida Statutes, is amended to read:

104.18 Voting Casting more than one ballot at any election.—Any person who ~~Whoever~~ willfully votes or attempts to vote more than one ballot for at any election ~~commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 240. Section 104.185, Florida Statutes, is amended to read:

104.185 Knowingly signing a petition more than once.—~~A It is unlawful for any person who knowingly signs to sign a petition or petitions for a particular issue or candidate, minor political party, or proposal 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.~~

Section 241. Section 104.187, Florida Statutes, is created to read:

104.187 Petition signatures; violations and penalties.—A person may not knowingly sign the name of another or a fictitious name to a petition or petitions for a particular issue or candidate. A person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 242. Section 104.19, Florida Statutes, is amended to read:

104.19 Using stickers or rubber stamps or carrying certain items in voting booth; penalty.—

(1)(a) ~~It is unlawful for any person voting easting a ballot at any election may not to use stickers or rubber stamps or to carry into the a voting booth or compartment any mechanical device, paper, or memorandum which might be used to affect adversely the normal election process.~~

(b) ~~In voting for easting a write-in candidate ballot, a voter the elector shall mark east the ballot same in his or her own handwriting or in the handwriting of an authorized person aiding him or her.~~

(2) Any person who violates any provision ~~the provisions~~ of this section ~~commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 243. Section 104.20, Florida Statutes, is amended to read:

104.20 Ballot not to be seen, and other offenses.—Any voter elector who, except as provided by law,;

(1) Allows his or her ballot to be seen by another any person;

(2) Takes or removes, or attempts to take or remove, any ballot from the polling place before the close of the polls;

(3) Places any mark on his or her ballot by which it may be identified;

(4) Remains longer than the specified time allowed by law in the booth or compartment after having been notified that his or her time has expired;

(5) Endeavors to induce any other voter elector to show how such voter he voted;

(6) Aids or attempts to aid any other voter elector unlawfully; or

(7) Prints or procures to be printed, or possesses ~~has in his possession, one or more any copies of any ballot prepared to be voted,~~

~~commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 244. Section 104.21, Florida Statutes, is amended to read:

104.21 Changing voters' electors' ballots.—Any person who ~~Whoever~~ fraudulently changes or attempts to change the vote or ballot of any voter ~~commits elector, by which actions such elector is prevented from voting such ballot or from voting such ballot as he intended, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 245. Section 104.22, Florida Statutes, is amended to read:

104.22 Stealing and destroying election records or materials, etc., of election.—Any person who ~~steals is guilty of stealing, willfully and wrongfully breaks breaking, destroys destroying, mutilates mutilating, or defaces defacing, or unlawfully moves, secures, or detains moving or securing and detaining the whole or any part of any ballot box or any record tally sheet or copy thereof, any returns, or any other paper or document provided for, or who fraudulently makes any entry or alteration therein except as provided by law, or who permits any other person so to do so, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 246. Section 104.23, Florida Statutes, is amended to read:

104.23 Disclosing how voter elector votes.—Any election official or person assisting any voter elector who willfully discloses how any voter elector voted, except upon trial in court, ~~commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 247. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—~~A voter may not No registered elector shall, in connection with any part of the election process, fraudulently use call himself, or fraudulently pass by, any other name other than the name by which he or she is registered or fraudulently use the name of another in voting. Any person who violates this section commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 248. Section 104.26, Florida Statutes, is amended to read:

104.26 Penalty for destroying ballot or booth, etc.—Any person who wrongfully, during or before an election, removes, tears down, destroys, or defaces any ballot, booth, compartment, or other convenience provided for the purpose of enabling the voter elector to vote ~~prepare his ballot, including or any card for the instruction of the voter, commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 249. Section 104.271, Florida Statutes, is amended to read:

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

(1) Any candidate who, ~~in a primary election or other election,~~ willfully charges an opposing candidate ~~participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084; in addition, after his conviction he shall be disqualified to hold office.~~

(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 ~~misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 violation of this code.~~ An aggrieved candidate may file a complaint with the division of Elections pursuant to s. 106.25. The 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 in ~~to the account of the General Revenue Fund of the state.~~

Section 250. Section 104.29, Florida Statutes, is amended to read:

104.29 Inspectors refusing to allow watchers while ballots are

counted.—The inspectors or other election officials shall, at all times while the ballots are being counted, allow *at least as many as* three persons near to them to ensure that see whether the ballots are being correctly read and called and the votes correctly tallied. *Any official who violates this section commits, and any official who denies this privilege or interferes therewith is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 251. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting machine; unlawful possession; tampering with voting system.—

(1) Any ~~unauthorized~~ person who unlawfully ~~possesses~~ ~~has possession of~~ any voting machine or key to any voting machine ~~commits thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(2) Any person who tampers with or destroys, or attempts to tamper with or destroy, any part of a voting system machine with the intention of interfering with the election process or the results of an election ~~commits thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 252. Section 104.31, Florida Statutes, is amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(1) ~~Except as otherwise provided in this section, no officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:~~

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination to of office or coercing or influencing another person's vote or affecting the result thereof; or:

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute ~~any part of his salary, or any money, or anything else of value~~ to any political party, committee, organization, agency, or person for political purposes. *However, nothing in this paragraph or in any county or municipal charter or ordinance shall be construed to prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a political party, committee, organization, agency, person, labor union, or other employee organization for political purposes.*

(c) ~~Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of said officer or employee.~~

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) shall not be construed so as to limit the political activity in an ~~a general, special, primary, bond, referendum, or other~~ election of any kind or nature; of elected officials or candidates for public office in the state or of any county or municipality thereof; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in an ~~a general, special, primary, bond, referendum, or other~~ election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature. The provisions of ~~paragraph paragraphs~~ (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with an ~~a primary, general, special, bond, referendum, or other~~ election of any kind or nature.

(2) Any person who violates any provision ~~violating the provisions of this section commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3) Nothing ~~contained~~ in this section or in any county or municipal charter shall be ~~construed deemed~~ to prohibit any public employee from expressing his or her opinions on any candidate or proposal issue or from participating in any political campaign during the employee's his off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 110.233.

Section 253. Section 104.32, Florida Statutes, is amended to read:

104.32 Supervisor of ~~elections~~; delivery of equipment, records, and materials books to successor.—*Upon leaving office, a Any supervisor shall immediately deliver to his or her successor all equipment, records, and materials of or connected with the supervisor's office. Any person who willfully violates this section commits of elections who willfully fails or refuses promptly to comply with the demand of his successor for the delivery of registration books, papers, and blanks connected with his office is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 254. Section 104.39, Florida Statutes, is amended to read:

104.39 Witnesses as to violations.—Any person who violates any provision of this code shall be a competent witness against any other person so violating the code and may be compelled to attend and testify in the same manner as any other person. The testimony given shall not be used in any prosecution or criminal proceeding against the person so testifying, except in a prosecution for perjury.

Section 255. Section 104.41, Florida Statutes, reads:

104.41 Violations not otherwise provided for.—Any violation of this code not otherwise provided for is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 256. Section 104.42, Florida Statutes, reads:

104.42 Fraudulent registration and illegal voting; investigation.—The board of county commissioners in any county may appropriate funds for the purpose of investigating fraudulent registrations and illegal voting.

Section 257. Section 104.43, Florida Statutes, is amended to read:

104.43 Grand juries; special investigation.—*If convening during a campaign preceding an election, the grand jury in any circuit shall, upon the request of any candidate or qualified voter, make a special investigation when it convenes during a campaign preceding any election day to determine whether there is any violation of any provision the provisions of this code; and shall return an indictment if indictments when sufficient ground is found.*

Section 258. Section 105.011, Florida Statutes, is amended to read:

105.011 Definitions.—

(1) As used in this chapter, the term "judicial office" includes the office of:

- (a) Justice of the Supreme Court.
- (b) Judge of a district court of appeal.
- (c) Judge of a circuit court.
- (d) Judge of a county court judge.

(2) A judicial office is a nonpartisan office, and a candidate for election to or retention in a judicial office ~~thereto~~ is prohibited from campaigning or qualifying for such an office based on political party affiliation.

Section 259. Section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath.—

(1) TIME OF QUALIFYING.—*Each candidate Candidates for a judicial office other than the office of county court judge shall qualify with the division of Elections of the Department of State, and each candidate candidates for the office of county court judge shall qualify with the supervisor of elections of the county, no earlier than noon of the 50th day, and no later than noon of the 46th day, before the first primary election. Filing shall be on forms provided for that purpose by the division of Elections and furnished by the filing appropriate qualifying officer. Any person seeking to qualify as a candidate for circuit judge or county court judge by the alternative method, if he has submitted the necessary*

~~petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.~~

(2) FILING IN GROUPS.—Candidates shall qualify in groups where multiple judicial offices are to be filed.

(3) QUALIFYING FEE.—Each candidate qualifying for election to the judicial office of circuit judge or county court judge, except write-in judicial candidates, shall, during the time for qualifying, pay to the filing officer with whom he qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify pursuant to s. 105.035 by the alternative method. The amount of the filing fee is 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 filing qualifying officer shall forward all filing fees to the division Department of Revenue for deposit in the General Revenue Fund. One-third of the all filing fees shall be deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund, and the remainder of the filing fees shall be deposited into the General Revenue 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 June 30 July 1 immediately preceding the first day of the qualifying period. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—Each candidate All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate filing qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the filing qualifying officer and shall be in substantially the following form:

State of Florida
County of

~~I, Before me, an officer authorized to administer oaths, personally appeared . . . (please print name as you wish it to appear on the ballot) . . . , swear or affirm that I am to me well known, who, being sworn, says he is a candidate for the judicial office of ; that my his legal residence is County, Florida; that I am he is a voter qualified elector of the state and of the geographical area served by territorial jurisdiction of the court to which I seek he seeks election; that I am he is qualified under the Constitution and laws of Florida to hold the judicial office to which I desire he desires to be elected or in which I desire he desires to be retained; that I have he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that I have not he has qualified for any no other public office in the state, the term of which office or any part thereof runs concurrent to the term of the office I seek he seeks; and that I have he has resigned from any office from which I am he is required to resign pursuant to s. 99.012, Florida Statutes.~~

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

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

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

Section 260. Section 105.035, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 105.035, F.S., for present text.)

105.035 Petition process for certain judicial candidates.—

(1) A candidate seeking to qualify for election to the office of circuit judge or county court judge may qualify to have his or her name placed on the ballot without being required to pay the qualifying fee as required by s. 105.031 if he or she submits a valid petition.

(2) A petition is valid if:

(a) The petition is submitted, by noon on the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of the county in which the person signing the petition claims to be a voter;

(b) The petition is in the format prescribed by the division;

(c) The petition indicates the group or district office for which the candidate is running if the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election;

(d) A separate petition was circulated for each candidate; and

(e) The filing officer determines, based on the number of valid signatures as reported by the supervisor, that the petition contains signatures of at least 3 percent of the voters who are registered within the geographical area of the office sought. A signature is not valid if:

1. Collected before the candidate submitted to the filing officer, as required, both the name and address of the campaign treasurer and primary campaign depository and a written statement declaring the candidate's intent to use the petition process instead of paying the qualifying fee; or

2. Collected prior to October 1 of the year preceding the election.

(3)(a) Not less than 7 days before the first day of the qualifying period, the supervisor shall inform the filing officer of the number of valid signatures submitted in the petition.

(b) Before the first day of the qualifying period, the filing officer shall inform the candidate whether the petition is valid.

Section 261. Section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office which appear on the ballot at the first primary election must shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for judicial office which appear on the ballot at the general election and the names of justices and judges seeking retention in to office must shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—The names of all candidates for the office of circuit judge or the office of county court judge shall be listed in alphabetical order. With respect to justices and judges of district courts of appeal, the question "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" shall appear on the ballot and thereafter the words "Yes" and "No."

(3) REFERENCE TO PARTY AFFILIATION PROHIBITED.—No reference to political party affiliation shall appear on any ballot with respect to any nonpartisan judicial office or candidate for judicial office.

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for a voter an elector to write in the name of a write-in candidate for judge of a circuit court or county court if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031.

Section 262. Section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election to office.—

(1)(a) The name of an unopposed candidate for the office of circuit judge or county court judge shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for the such an office of circuit judge or county court judge, the names of those candidates must shall be placed on the ballot at the first primary election. If any candidate for such office receives a majority of the votes cast for such office in the first primary election, the name of such the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office must shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes must shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not

receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second *must* ~~shall~~ be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) With respect to any justice of the Supreme Court or judge of a district court of appeal who qualifies to run for retention in office, the question prescribed in s. 105.041(2) shall be placed on the ballot at the general election. If a majority of the ~~voters qualified electors~~ voting on such question ~~within the territorial jurisdiction of the court~~ vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the ~~voters qualified electors~~ voting on such question ~~within the territorial jurisdiction of the court~~ vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

Section 263. Section 105.061, Florida Statutes, is amended to read:

105.061 ~~Persons Electors~~ qualified to vote.—Each ~~voter qualified elector~~ of the ~~geographical area served by territorial jurisdiction of a court~~ is ~~shall~~ be eligible to vote for a candidate for each judicial office of such court or, in the case of a justice of the Supreme Court or a judge of a district court of appeal, for or against retention of such justice or judge.

Section 264. Section 105.071, Florida Statutes, is amended to read:

105.071 Candidates for judicial office; limitations on political activity.—A candidate for judicial office shall not:

(1) Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any ~~party~~ primary for candidates for nomination of the ~~political party~~ in which he or she is registered to vote.

(2) Campaign as a member of any political party.

(3) Publicly represent or advertise himself or herself as a member of any political party.

(4) Endorse any candidate.

(5) Make any political ~~speech~~ ~~speeches~~ other than in his or her own behalf.

(6) Make any ~~contribution~~ ~~contributions~~ to any political party ~~funds~~.

(7) Accept any ~~contribution~~ ~~contributions~~ from any political party.

(8) Solicit any ~~contribution~~ ~~contributions~~ for any political party.

(9) Accept or retain a place on any political party committee.

(10) Make any contribution to any person, group, or organization for its endorsement to judicial office.

(11) Agree to pay all or any part of any advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for election to or retention in judicial office ~~or retention therein~~ who violates any ~~provision~~ ~~the provisions~~ of this section ~~commits~~ is ~~guilty~~ of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 265. Section 105.08, Florida Statutes, is amended to read:

105.08 Campaign contribution and expense; reporting.—

(1) A candidate for judicial office may accept contributions and ~~may~~ ~~only~~ ~~such~~ ~~expenses~~ ~~only~~ as are authorized by law. Each ~~such~~ candidate for judicial office shall keep an accurate record of his or her contributions and expenses, and shall file reports thereof ~~with the filing officer~~ on the same basis as is required of a candidate for a nonjudicial state office.

(2) Notwithstanding any other provision of this chapter or chapter 106, a candidate for retention as a justice of the Supreme Court or a judge of a district court of appeal who has not received any contribution or made any expenditure may file a sworn statement at the time of qualify-

ing that he or she does not anticipate receiving contributions or making expenditures in connection with ~~the~~ his candidacy for retention ~~in~~ to office. Such candidate shall file a final report pursuant to s. 106.141, within 90 days following the general election for which the candidate's name appeared on the ballot for retention. Any ~~such~~ candidate for retention to judicial office who, after filing a statement pursuant to this subsection, receives any contribution or makes any expenditure in connection with ~~the~~ his candidacy ~~for retention~~ shall immediately file a statement to that effect with the ~~filing~~ ~~qualifying~~ officer and ~~shall~~ begin filing reports as an opposed candidate pursuant to s. 106.07.

Section 266. Section 105.09, Florida Statutes, is amended to read:

105.09 Political activity in behalf of a candidate for judicial office limited.—

(1) No political party or partisan political organization shall endorse, support, or assist any candidate in a campaign for election to ~~or retention~~ in judicial office.

(2) Any person who knowingly, in his or her individual capacity or as an officer of an organization, violates ~~any provision~~ ~~the provisions~~ of this section ~~commits~~ is ~~guilty~~ of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 267. Section 105.10, Florida Statutes, is amended to read:

105.10 Applicability of election code.—If any provision of this chapter is in conflict with any other provision of this code, the provision of this chapter ~~prevails~~ ~~shall~~ ~~prevail~~.

Section 268. Section 106.011, Florida Statutes, is amended to read:

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

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

(2)(9) "Campaign treasurer" means an individual appointed by a candidate or political committee ~~pursuant to s. 106.021~~ to carry out the ~~duties prescribed as provided~~ in this chapter.

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

1.(a) Any person who Seeks to qualify for nomination or election by means of the petitioning process;

2.(b) Any person who Seeks to qualify for election as a write-in candidate;

3.(c) Any person who Receives contributions or makes expenditures, or ~~authorizes another~~ ~~gives his consent for any other~~ person to receive contributions or make expenditures, with a view to ~~bringing~~ ~~bring~~ about his or her nomination or election to, or retention in, public office;

4.(d) Any person who Appoints a ~~campaign~~ treasurer and designates a primary ~~campaign~~ depository; or

5.(e) Any person who Files qualification papers and subscribes to a candidate's oath ~~as required by law~~.

(b) "Candidate" ~~However, this definition~~ does not include a person seeking federal office or office on ~~any candidate~~ for a political party executive committee.

(4) "Commission" means the Florida Elections Commission.

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

(6)(13) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mailing companies, advertising agencies, and telephone companies; ~~but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer.~~

(7)(a)(3) "Contribution" means:

1.(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

2.(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

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

4.(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary campaign depository and a separate interest-bearing account or certificate of deposit, *including and the term includes* any interest earned on such account or certificate.

(b) ~~Notwithstanding the foregoing meanings of "Contribution," does the word shall not be construed to include:~~

1. Services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

2. ~~This definition shall not be construed to include~~ Editorial endorsements.

(8) "Department" means the Department of State.

(9)(12) "Division" means the Division of Elections of the Department of State.

(10)(6) "Election" means any primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting a proposal ~~an issue~~ to the voters ~~electors~~ for their approval or rejection.

(11)(a)(4) "Expenditure" means a purchase, payment, distribution, loan, advance, ~~transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit,~~ or gift of money or anything of value made for the purpose of influencing the results of an election, *including any transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary campaign depository and a separate interest-bearing account or certificate of deposit.*

(b) However, "Expenditure" does not include: ~~a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.~~

1. *The cost of an organization's newsletter when such organization was in existence prior to the time a candidate qualified or a proposal was placed on the ballot for an election and the newsletter is distributed only to members of the organization.*

2. *The cost of telephones incurred by a volunteer for the use of telephones by the volunteer.*

(12)(14) "Filing officer" means the agency or officer with person before whom a candidate qualifies ~~or, the agency or officer with whom a political committee registers, or the agency by which whom a committee of continuous existence is certified.~~

(13)(5) "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 a proposal ~~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 ~~is shall not be deemed~~ an independent expenditure.

(14)(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.

(15)(a)(17) "Political advertisement" means a paid expression in any communications ~~medium media prescribed in subsection (13), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display~~ or a paid expression by means other than the spoken word in direct conversation, which *supports shall support or opposes* ~~oppose~~ any candidate, elected public official, or proposal ~~issue~~.

(b) However, "Political advertisement" does not include:

1.(a) A statement in support of or opposition to any candidate or proposal by an organization, in existence prior to the time during which a candidate qualifies or a proposal ~~an issue~~ is placed on the ballot for that election, ~~in support of or opposition to a candidate or issue~~, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

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

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

^o 1. A combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, proposal issue, or political party, which *anticipates accepting accepts* contributions or *making makes* expenditures during a calendar year in an aggregate amount in excess of \$500.;

2. ~~"political committee" also means~~ The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of voters ~~registered electors~~.

(b) "Political committee" does not include:

1. Organizations which are certified by the ~~division Department of State as committees of continuous existence pursuant to s. 106.04,~~ national political parties, and the state and county executive committees of political parties regulated by chapter 103 ~~shall not be considered political committees for the purposes of this chapter.~~

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose ~~proposals issues~~ or candidates, ~~are not political committees~~ if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to a proposal ~~an issue~~ from corporate or business funds and if no contributions are received by such corporations or business entities.

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

(18)(10) "Public office" means any *elective* state, county, municipal, or school board or any other district office or position ~~which is filled by vote of the electors~~.

(19)(a)(15) "Unopposed candidate" means a candidate for ~~nominat~~ion or election to an office who, at any time after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the general election at which the office is to be filled ~~or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office.~~

(b) A candidate is not an unopposed candidate if:

1. There is a vacancy to be filled under s. 100.111(4),~~if~~

2. There is a legal proceeding pending regarding the right of an opposing candidate to obtain a ballot position; ~~for the office sought by the candidate, or~~

3. ~~if~~ The candidate is seeking retention as a justice of the Supreme Court or as a judge of a district court of appeal.

Section 269. Section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; *deputy campaign treasurers* deputies; primary and secondary *campaign* depositories.—

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

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary *campaign* depository in each county in which an election is held in which the candidate or committee participates. Secondary *campaign* depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file with the filing officer the name and address of each primary and secondary *campaign* depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his, her, or its campaign treasurer pursuant to paragraph (a). In addition, the campaign treasurer or a deputy campaign treasurer may deposit any funds which are in the primary campaign depository and which are not then currently needed for the disbursement of expenditures into a separate interest-bearing account in any bank, savings and loan association, or credit union authorized to transact business in this state. The separate interest-bearing account shall be designated

“... (name of candidate or committee) ... separate interest-bearing campaign account.” In lieu thereof, the campaign treasurer or deputy campaign treasurer may purchase a certificate of deposit with such unneeded funds in such bank, savings and loan association, or credit union. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other account or certificate of deposit. Any withdrawal of the principal or earned interest or any part thereof shall only be made from the separate interest-bearing account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.

(c) Each Any campaign treasurer or deputy *campaign* treasurer appointed pursuant to this section shall be a registered voter in this state and shall, before such appointment may become effective, have accepted appointment to such position in writing and filed such acceptance with the filing officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint himself or herself as his own campaign treasurer or deputy *campaign* treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates *is shall not be required to designate a campaign depository in the state.*

(2) A candidate or political committee may remove his, her, or its campaign treasurer or any deputy *campaign* treasurer. A *campaign treasurer or deputy campaign treasurer may not be removed by a candidate or political committee until written notice of the removal has been given to the campaign treasurer or deputy campaign treasurer and has been filed with the filing officer.* In case of the death, resignation, or removal of a campaign treasurer before compliance with all obligations of a campaign treasurer under this chapter, the candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment. No resignation *is shall be effective until it has been submitted to the candidate or committee in writing and a copy thereof has been filed with the filing officer before whom the candidate is required to qualify or the officer with whom the political committee is required to file reports. No treasurer or deputy treasurer shall be deemed removed by a candidate or political committee until written notice of such removal has been given to such treasurer or deputy treasurer and has been filed with the officer before whom such candidate is required to qualify or with the officer with whom such committee is required to file reports.*

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate himself or of his 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 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.

(3)(4) A deputy campaign treasurer may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and *chairperson* chairman of the political committee, in the case of a political committee.

(4)(5) For purposes of appointing a campaign treasurer and designating a campaign depository, candidates for the offices of Governor and Lieutenant Governor on the same ticket *are shall be considered a single candidate.*

Section 270. Section 106.022, Florida Statutes, is created to read:

106.022 Change in designation of office sought.—At any time after designating a campaign depository, appointing a campaign treasurer, and designating the office sought, a candidate may change the designation of the office sought. However, if a candidate changes the designation of the office sought, the candidate shall notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought.

This notification shall be given within 15 days after the filing of the change of designation and shall include a standard form developed by the division for requesting the return of contributions. This notice requirement does not apply to any change in a numerical designation resulting solely from redistricting. If, within 30 days after being notified by the candidate of the intent to seek a different office, the contributor requests that his or her contribution be returned, the candidate shall return the contribution, on a pro rata basis, calculated as of the date the change of designation is filed. All contributions not requested to be returned within the 30-day period may be used by the candidate for the newly designated office.

Section 271. Section 106.023, Florida Statutes, is amended to read:

106.023 Statement of candidate.—Each candidate must file a statement with the ~~filing~~ ~~qualifying~~ officer within 10 days after ~~filing the~~ ~~he~~ files his appointment of a campaign treasurer and designation of a campaign depository, stating that ~~the candidate~~ ~~he~~ has read and understands the requirements of this chapter. Such statement shall be provided by the filing officer and shall be in substantially the following form:

STATEMENT OF CANDIDATE

I,, candidate for the office of, have received, read, and understand the requirements of Chapter 106, Florida Statutes.

. . . (Signature of candidate) (Date)

Willful failure to file this form is a violation of s. ss. 106.19(1)(a)3.(e), F.S., and a violation within the meaning of s. 106.25(3), F.S., for purposes of the jurisdiction of the Florida Elections Commission.

Section 272. Section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)(a) No campaign fund raiser may be held unless the person for whom the ~~such~~ funds are to be ~~raised so used~~ is a candidate for public office.

(b) All money and contributions received with respect to ~~such~~ a campaign fund raiser ~~are shall be deemed to be~~ campaign contributions, and ~~shall be accounted for, and subject to the same restrictions, as other campaign contributions.~~ all expenditures made with respect to ~~such~~ a campaign fund raiser which are made or reimbursed by a check drawn on the campaign depository of the candidate for whom the funds are to be used ~~are and shall be deemed to be~~ campaign expenditures ~~to be accounted for, and subject to the same restrictions, as other campaign expenditures.~~

(c) ~~All~~ Any tickets ~~and~~ or advertising for ~~such~~ a campaign fund raiser shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of . . . (name of the candidate for whose benefit the campaign fund raiser is held) . . ." Such tickets ~~and~~ or advertising shall also comply with other provisions of this chapter relating to political advertising.

(d) Any person or candidate who holds a campaign fund raiser, or consents to a campaign fund raiser being held, in violation of the provisions of this subsection ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section ~~does shall~~ not apply to any campaign fund raiser held on behalf of a political party by the state *executive committee* or any county executive committee of such *political party* ~~if, provided that~~ the proceeds of such campaign fund raiser are reported pursuant to s. 106.29.

Section 273. Section 106.03, Florida Statutes, is amended to read:

106.03 Registration of political committees.—

(1) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$500 or which is seeking the signatures of *voters registered electors* in support of a *proposal an initiative* shall file a statement of organization as provided in subsection (3) within 10 days after its organization or, if later, within 10 days after the date on which it has information which causes the committee to anticipate that it will receive contributions or make expenditures in excess of \$500. If a political committee is organized within 10 days *before* of any election, it shall immediately file the statement of organization required by this section.

(2) The statement of organization shall include *all of the following*:

- (a) The name and address of the committee.;
 - (b) The names, addresses, and relationships of affiliated or connected organizations.;
 - (c) The area, scope, or jurisdiction of the committee.;
 - (d) The name, address, and position of the custodian of books and accounts.;
 - (e) The name, address, and position of other principal officers, including officers and members of the finance committee, if any.;
 - (f) The name, address, office sought, and party affiliation of:
 1. Each candidate whom the committee is supporting *or opposing*; and
 2. Any other individual, if any, whom the committee is supporting for nomination ~~for election~~, or election, to any public office. ~~whatever~~;
 - (g) Any *proposal or proposals* the committee ~~issue or issues~~ ~~such organization~~ is supporting or opposing.;
 - (h) If the committee is supporting the entire ticket of a *political any* party, a statement to that effect and the name of the *political party*.;
 - (i) ~~A statement of whether the committee is a continuing one;~~
 - (i)(j) Plans for the disposition of residual funds which will be made in the event of dissolution.;
 - (j)(k) A listing of all banks, safe-deposit boxes, or other depositories used for committee funds.;
 - (k)(l) A statement of the reports required to be filed by the committee with federal officials, if any, and the names, addresses, and positions of such officials.
- (3)(a) A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or *proposals issues* to be voted upon on a statewide or multicounty basis shall file *its* a statement of organization with the division of Elections.
- (b) Except as provided in paragraph (c), a political committee which is organized to support or oppose candidates or *proposals issues* to be voted on in a countywide election or candidates or *proposals issues* in any election held on less than a countywide basis shall file *its* a statement of organization with the supervisor of elections of the county in which such election is being held.
- (c) A political committee which is organized to support or oppose only candidates for municipal office or *proposals issues* to be voted on in a municipal election shall file *its* a statement of organization with the officer before whom municipal candidates qualify.
- (d) Any political committee which would be required under this subsection to file a statement of organization in two or more locations by reason of the committee's intention to support or oppose candidates or *proposals issues* at state or multicounty and local levels of government need file only with the division of Elections.
- (4) Any change in information previously submitted in a statement of organization shall be reported to the *filing agency or officer with whom such committee is required to register* pursuant to subsection (3), within 10 days following the change.
- (5) Any *political* committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$500 shall so notify the *filing agency or officer with whom such committee is required to file the statement of organization*.
- (6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2), *the filing officer it* shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), *the filing officer it* shall notify the committee of such finding and shall state in writing the reasons for rejection of the statement of organization.

(7) The division of Elections shall ~~adopt promulgate~~ rules to prescribe the manner in which inactive committees may be dissolved and have their registration canceled. Such rules shall, at a minimum, provide for:

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

(b) Adequate opportunity to respond.

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

Section 274. Section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.—

(1) In order to qualify as a committee of continuous existence for the purposes of this chapter, a group, organization, association, or other such entity which is involved in making contributions to candidates, political committees, or political parties, shall meet *all of* the following criteria:

(a) It shall be organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; ~~and~~

(b) At least 25 percent of ~~its~~ the income of ~~such organization~~, excluding interest, must be derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in ~~its~~ the charter or bylaws.

(2)(a) Any group, organization, association, or other entity may seek certification ~~from the Department of State~~ as a committee of continuous existence by filing an application with the division of Elections ~~on a form provided by the division~~. Such application shall ~~be on a form provided by the division and shall~~ provide the information required of political committees by s. 106.03(2). Each application shall be accompanied by the name and street address of the principal officer of the applying entity as of the date of the application; a copy of the charter or bylaws of the organization; a copy of the dues or assessment schedule of the organization, or formula by which dues or assessments are levied; and a complete financial statement or annual audit summarizing all income received, and all expenses incurred, by the organization during the 12 months preceding the date of application. A membership list shall be made available for inspection if deemed necessary by the division.

(b)(3) If the division of Elections finds that an applying ~~entity organization~~ meets the criteria for *certification* as a committee of continuous existence as provided by subsection (1) and has filed its application and accompanying information and materials consistent with the requirements of paragraph (a), it shall ~~certify such findings and~~ notify the applying entity in writing that it has been certified as a committee of continuous existence ~~organization of such certification~~. If the division finds that an applying ~~entity organization~~ does not meet the criteria for certification as provided in subsection (1) or its application and accompanying information and materials do not meet the requirements of paragraph (a), it shall notify the ~~entity organization~~ of such findings and shall state in writing the reasons why such criteria and requirements are not met.

(c)(4)(a) Each committee of continuous existence shall file an annual report with the division of Elections during the month of January. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to paragraph (a) subsection (2). However, the charter or bylaws need not be filed if the annual report is accompanied by a sworn statement by the ~~chair chairman~~ that no changes have been made to ~~the such~~ charter or bylaws since the last filing.

(3)(a)(b)1. Each committee of continuous existence shall file regular reports with the division of Elections at the same times and subject to the same filing conditions as are established by s. 106.07(1) and (2) for candidates' reports.

2. Each committee of continuous existence shall pay a 1.5 percent assessment on all contributions, excluding in-kind contributions. The assessment shall be remitted to the Division of Elections at the time contribution reports are due. The Division of Elections shall deposit the proceeds of the assessment into the Election Campaign Financing Trust Fund.

(b)3. Any committee of continuous existence failing to ~~se~~ file a report with the division of Elections pursuant to this subsection ~~paragraph~~ on the designated due date ~~is shall be~~ subject to a fine for late filing as provided by this section.

(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, ~~unless those records are maintained in Leon County 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 in a format authorized on forms provided by the division and shall contain *all of* 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. However, if the contribution is \$100 or less, the occupation of the contributor 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.

(d) The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that ~~the such~~ report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4)(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1) or participate in any other activity which is prohibited by this chapter. If ~~such a any~~ violation occurs, it ~~is shall be~~ punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee of continuous existence shall make independent expenditures or expenditures in support of, or in opposition to, a proposal ~~an issue~~ unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required of a political committee. However, a ~~thereof, provided such~~ committee of continuous existence may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03 and formed to support or oppose proposals issues.

(5)(6) All accounts and records of a committee of continuous existence may be inspected under reasonable circumstances by any authorized representative of the division of Elections or the Florida Elections commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(6)(7) If a committee of continuous existence ceases to meet the criteria prescribed by subsection (1) or fails to file the annual report, the division of Elections shall revoke its certification until such time as the criteria are again met. The division of Elections shall promulgate rules to prescribe the manner in which such certification shall be revoked. Such rules shall, at a minimum, provide for:

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

(b) Adequate opportunity to respond.

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

~~(7)(8)(a)~~ Any committee of continuous existence failing to file a regular report required by subsection (3) on the designated due date is shall be subject to a fine of. The fine shall be \$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 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 of continuous existence 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 of continuous existence is shall not be personally liable for such fine.

(c) ~~The Any~~ treasurer of a committee of continuous existence 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 275. Section 106.045, Florida Statutes, is created to read:

106.045 Paid solicitors; registration requirement.—

(1) Any person paid to solicit voter signatures for a sponsor of a constitutional amendment proposed by initiative whose payment is in any manner dependent upon the number of signatures obtained must register with the division before soliciting any voter's signature and pay a registration fee of \$20 to the division. Such solicitors must register on a form prescribed by rule by the division.

(2) Upon registration, the division shall assign a registration number to a solicitor. All petitions submitted by the paid solicitor must be marked with the solicitor's registration number before the solicitor may receive payment for such solicitations.

(3) All fees collected under this section must be deposited in the General Revenue Fund.

Section 276. Section 106.05, Florida Statutes, reads:

106.05 Deposit of contributions; statement of campaign treasurer.— All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account designated “. . . (name of candidate or committee) . . . Campaign Account.” Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

Section 277. Section 106.053, Florida Statutes, is created to read:

106.053 Deposit of campaign funds into separate interest-bearing account or certificate of deposit.—The campaign treasurer of a candidate or political committee may deposit any funds that are in the primary campaign depository and that are not then currently needed for the disbursement of expenditures into a separate interest-bearing account in any bank, savings and loan association, or credit union authorized to transact business in this state. The separate interest-bearing account shall be designated “. . . (name of candidate or committee) . . . separate interest-bearing campaign account.” In lieu of a separate interest-bearing account, the campaign treasurer may purchase a certificate of deposit with the unneeded funds in such a bank, savings and loan association, or credit union. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other account or certificate of deposit. A withdrawal of the principal or earned interest or any part thereof may only be made from the separate interest-bearing account or certificate of deposit for the purpose of transferring funds to the primary campaign depository and shall be reported as a contribution.

Section 278. Section 106.055, Florida Statutes, reads:

106.055 Valuation of in-kind contributions.—Any person who makes an in-kind contribution shall, at the time of making such contribution, place a value on such contribution, which valuation shall be the fair market value of such contribution.

Section 279. Section 106.057, Florida Statutes, is created to read:

106.057 Contributions and expenditures through campaign treasurer; exception.—Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, may be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to public 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 or more candidates, and such an expenditure shall be reported by the political committee or political party but is not considered a contribution to or an expenditure on behalf of any such candidates for the purposes of this chapter.

Section 280. Section 106.06, Florida Statutes, is amended to read:

106.06 ~~Campaign Treasurer to keep~~ records; inspections.—

(1) The campaign treasurer of each candidate and the campaign treasurer of each political committee shall keep detailed accounts, current within not more than 2 days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this chapter. The campaign treasurer shall also keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of

deposit, of the interest earned thereon, and of all withdrawals made therefrom to the primary campaign depository ~~and of all interest earned thereon.~~

(2) Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the division of Elections or the Florida Elections commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurer of a political committee supporting a candidate may be joined with the campaign treasurer of the candidate as respondent in such a proceeding.

(3) *The campaign depository of each candidate or political committee shall return all checks drawn on the account to the campaign treasurer, who shall retain the records as required in this section. The records maintained by the campaign depository with respect to the account are subject to inspection by any authorized representative of the division or the commission at any time during normal banking hours, and the depository shall furnish certified copies of any of the records to the division or commission upon request.*

(4)(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by ~~such~~ the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such ~~campaign~~ treasurer for at least 2 years after the date of the election to which the accounts refer.

Section 281. Section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports ~~must~~ shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report ~~must~~ shall be filed on the next following day ~~that which~~ is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported ~~under~~ pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the first primary and on the 18th and 4th days immediately preceding the ~~second primary~~ and general election, for a candidate who is opposed in seeking nomination or election to any office ~~other than a municipal office~~, for a political committee, or for a committee of continuous existence.

(b) *Following the last day of qualifying for office, each candidate for a municipal office shall file reports on the 32nd, 18th, and 4th days before the municipal election at which that office is to be filled.*

(c)(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund ~~must~~ shall file reports on the 4th, 11th, 18th, 25th, and 32nd, 25th, 18th, 11th, and 4th days prior to the first primary and general elections, ~~and on the 4th, 11th, 18th, and 25th days prior to the second primary.~~

(d)(e) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. ~~The~~ Such report ~~must~~ shall contain all previously unreported contributions and expenditures as required by this section and ~~must~~ shall reflect disposition of funds as required by s. 106.141.

(e)(d)1. When a special election is called to fill a vacancy in *nomination* or office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of such special election ~~must~~ shall file campaign treasurers' reports with the filing officer on the dates set by the ~~division Department of State~~ under pursuant to s. 100.111.

2. When an election is called for a *proposal* ~~an issue~~ to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such *proposal* ~~issue~~ ~~must~~ shall file reports on the 18th and 4th days prior to such election.

(f)(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of ~~the~~ reporting periods as well as the corresponding designated due dates.

(2)(a) All reports required of a candidate by this section shall be filed with the ~~filing officer before whom the candidate is required by law to qualify~~. All candidates who file with the ~~division Department of State~~ shall file the original and one copy of their reports. In addition, a copy of each report for candidates for other than statewide office who qualify with the ~~division Department of State~~ shall be filed with the supervisor of elections in the county where the candidate resides. Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All ~~such~~ reports shall be open to public inspection.

(b)1. ~~If a Any report which is deemed to be incomplete by the filing officer with whom the candidate qualifies shall be accepted on a conditional basis, and the filing officer shall notify the campaign treasurer shall be notified by certified registered mail as to why the report is incomplete and the campaign treasurer shall be given 7 3 days from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after receipt of such notice constitutes a violation of this chapter.~~

2. In lieu of the notice by ~~certified registered~~ mail as required in subparagraph 1., the ~~filing qualifying~~ officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If, however, such information is not received by the ~~filing qualifying~~ officer within 7 3 days ~~after~~ of the telephone request ~~therefor~~, notice shall be sent by ~~certified registered~~ mail as provided in subparagraph 1.

(3)(a) Reports required of a political committee ~~must~~ shall be filed with the ~~filing agency or officer before whom such committee registers pursuant to s. 106.03(3)~~ and ~~are~~ shall be subject to the same ~~requirements filing conditions as are~~ established for candidates' reports. Only Committees that file with the ~~division Department of State~~ ~~must~~ shall file the original and one copy of their reports. Incomplete reports by political committees ~~must~~ shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(b) ~~Each political committee shall pay a 1.5 percent assessment on all contributions, excluding in-kind contributions. The assessment shall be remitted to the filing officer at the time contribution reports are due. The filing officer shall transfer the assessment revenues to the Division of Elections for deposit into the Election Campaign Financing Trust Fund.~~

(4)(a) Each report required by this section shall contain *all of the following*:

1. The full name, address, and occupation, if any, of each person who has made a ~~contribution one or more contributions~~ to or for the ~~political~~ ~~such~~ committee or candidate within the reporting period, together with the amount and date of ~~each contribution such contributions~~. 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 ~~contributor's~~ occupation of the contributor 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 endorser, 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. which was received by the political committee or candidate within the reporting period.~~

5. ~~A statement of each contribution by a political party not subject to the limits imposed by s. 106.08(2), including a detailed description of the service or assistance provided.~~

6.5. ~~The totals total sums of all loans, in-kind contributions, and other receipts by or for the political 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.~~

7.6. ~~The full name and address of each person to whom an expenditure has expenditures have been made by or on behalf of the political committee or candidate within the reporting period and; 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.~~

8.7. ~~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.~~

9.8. ~~The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.~~

10.9. ~~The total sum of all expenditures made by such political committee or candidate during the reporting period.~~

11.10. ~~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.~~

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

13.12. ~~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.~~

(b) ~~The filing officer shall make available to any candidate or political committee a reporting form which the candidate or committee may be used use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.~~

(5) ~~The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chairperson chairman and campaign treasurer of the committee, in the case of a political committee, shall sign and certify as to the correctness of each report; and each person so signing and certifying is responsible shall bear the responsibility for the accuracy and veracity of that each report. Any campaign treasurer, candidate, or political committee chairperson chairman who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(6) ~~The campaign depository shall return all checks drawn on the account to the campaign treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.~~

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

(7)(9)(a) ~~Any candidate or political committee failing to file a report on the designated due date is 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 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 chairperson chairman 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 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 chairperson chairman. 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 is 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 is shall not be personally liable for such fine.~~

(c) ~~Any candidate or chairperson chairman 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 chairperson chairman 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 282. Section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; reports; disclaimers.—

(1)(a) Each person who makes an independent expenditure with respect to any candidate or *proposal issue*, which expenditure, in the aggregate, is in the amount of \$100 or more, *must shall* file periodic reports of such expenditures in the same manner, at the same time, and with the same officer as a political committee supporting or opposing such candidate or *proposal issue*. *Each* The report shall be on a form prescribed by the division and *must shall* contain:

(a) The full name and address of each person to whom ~~and for whom~~ each such expenditure has been made;

(b) The amount, date, and purpose of each such expenditure;

(c) A description of the services or goods obtained by each such expenditure; and

(d) ~~A sworn certification stating that the expenditures in the report are not controlled by, coordinated expenditures in the report are not controlled by, coordinated with, or made upon consultation with any candidate, political committee, or agent of such candidate or committee and are otherwise independent expenditures as defined in s. 106.011 the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.~~

(b) ~~Before an independent expenditure which is anticipated to exceed \$500 can be made, the person making the independent expenditure must register as a political committee if the person meets the definition of political committee as defined in s. 106.011(16).~~

(2) Any political advertisement paid for by an independent expenditure must include the following statement: "NOTICE TO VOTERS: This advertisement is not made in consultation with or approved by any candidate. It is a paid ~~shall prominently state~~ "Paid political advertisement paid for by . . . (Name of person or committee paying for advertisement) . . . independently of any . . . (candidate or committee) . . .," and *must shall* contain the name and address of the person paying for the political advertisement.

(3) *Each political advertisement paid for by an independent expenditure must:*

(a) *In regard to a television broadcast, include during the entire length of the political advertisement the statement required by this subsection, which must be clearly readable and cover at least 20 percent of the viewing area of the television screen.*

(b) *In regard to any audio broadcast and any television broadcast, include, at the conclusion of the broadcast, the statement required by this subsection, which must be clearly audible.*

(c) *In regard to a newspaper, magazine, outdoor advertising facility, mass mailing, or other type of printed political advertisement, contain the statement required by this subsection, which must:*

1. *Appear on at least one page or fold of the political advertisement in at least one page or fold of the political advertisement in at least 10-point type or in type that is at least 10 percent of the size of the largest size type used in a political advertisement directed at more than one voter, such as a billboard or poster, whichever is larger;*

2. *Not be subject to any halftone or screening process; and*

3. *Be in a printed or drawn box set apart from any other printed matter.*

(4)(2) Any person who fails to include the disclaimer prescribed in paragraph (a) commits subsection (1) in any political advertisement which is required to contain such disclaimer is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

(3) ~~No person may make a contribution in excess of \$1,000 to any other person, to be used by such other person to make an independent expenditure.~~

Section 283. Section 106.085, Florida Statutes, is transferred, renumbered as section 106.073, Florida Statutes, and amended to read:

106.073 ~~106.085~~ Independent expenditures; unfair surprise prohibited; penalty.—

(1) Any person ~~individual, group, organization, or committee~~ making an independent expenditure in excess of \$1,000 on behalf of or in opposition to a candidate shall deliver *written* notice ~~in writing~~ of such independent 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. 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 *filing* ~~qualifying~~ officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure *supports or opposes* ~~is designed to support or oppose~~. For purposes of this subsection, notice *includes* ~~shall include~~, but is not limited to, personal hand delivery or overnight mail. Each new expenditure *requires* ~~shall require~~ the delivery or filing of an additional new notice.

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

Section 284. Section 106.075, Florida Statutes, is amended to read:

106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.—

(1) A person who is elected to office must report to the *filing officer* all loans, exceeding \$500 in value, made to him or her and used by him for campaign purposes, which are and made in the 12 months preceding his or her election to office, ~~to the filing officer~~. The report must be made, in the manner prescribed by the *division* ~~Department of State~~, within 10 days after being elected to office.

(2) Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

Section 285. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) *Except as otherwise provided in ss. 106.082, 106.083, 106.084, 627.0623, and 655.019, no person, political committee, or committee of continuous existence shall, in any election, make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting 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 *the candidate's* own campaign.

2. Notwithstanding the limits provided in this subsection, ~~an emancipated 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 provided by this subsection apply to each election.* For purposes of this subsection, the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(19)(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 shall be only two elections, which shall be the first primary election and general election.~~

(2)(a) A candidate may not accept contributions from national, state, 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. *Costs for telephone solicitations and print, broadcast, cable, and mailing advertisements, including the creative and production services therefor, are contributions in an amount equal to their fair market value and must shall be counted toward the contribution limits of this subsection.*

2. *Polling services, research services, salaries for full-time employees of the political party, and collateral materials for use in connection with volunteer activities, including yard signs, buttons, bumper stickers, pins, potholders, handbills, brochures, tabloids for door-to-door distribution, and small posters and similarly sized items technical assistance, and voter mobilization efforts are not contributions to be counted toward the contribution limits of this subsection and are the only non-allocable in-kind contributions allocable under this subsection. However, such contributions must be reported by the candidate under s. 106.07.*

(3) 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 to the person or committee contributing it and may shall not be used or expended by or on behalf of the candidate. 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 as a candidate his 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.*

(4) Any contribution received by the ~~chairperson~~ *chairman*, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing a *proposal* ~~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~~ 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. Candidates, political committees, and political party executive committees shall not solicit contributions from or make contributions. The solicitation from, and contributions by, candidates, political committees, and 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 regular donations contributions paid from personal or business funds to religious, political~~

party, civic, or charitable groups of which *the candidate* he is a member or to which *the candidate* he 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) Any person who knowingly and willfully makes 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), 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 committee or committee of continuous existence is convicted of knowingly and willfully violating this 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 committee or committee of continuous existence who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(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 *for deposit in the Election Campaign Financing Trust Fund* 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 *Election Campaign Financing Trust Fund General Revenue Fund*.

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

Section 286. Section 106.082, Florida Statutes, is amended to read:

106.082 Commissioner of Agriculture ~~candidates~~; campaign contribution limits.—

(1) No business which is inspected, licensed, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that business; and no political committee or committee of continuous existence representing the interests of such business shall, *for any election*, make or solicit a contribution in excess of \$100, ~~for any election~~, to or on behalf of *the Commissioner of Agriculture* or any candidate for the office of Commissioner of Agriculture. The provisions of this subsection shall not be construed to prevent any candidate for the office of Commissioner of Agriculture or members of that candidate's immediate family from contributing to that candidate's campaign as otherwise permitted by law.

(2) *Neither the Commissioner of Agriculture nor any other No* candidate for the office of Commissioner of Agriculture may solicit or accept a campaign contribution in excess of \$100 from any business or person *that who* is licensed or inspected or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person or business, or any political committee or committee of continuous existence that represents that person.

(3) No employee of the Department of Agriculture *and Consumer Services* may solicit a campaign contribution for *the Commissioner of Agriculture* or any candidate for the office of Commissioner of Agriculture from any person or business *that who* is licensed, inspected, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person; or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the Department of Agriculture *and Consumer Services*" means any person employed in the Department of Agriculture *and Consumer Services* holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Select Exempt Service as defined in s. 110.602; any person having authority over food outlet or convenience store regulation, or inspection supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(4) Any person who *knowingly and willfully violates any provision* ~~commits a willful violation~~ of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 287. Section 106.083, Florida Statutes, is created to read:

106.083 Treasurer; campaign contribution limits.—

(1) As used in this section:

(a) "Insurer" means any entity holding a certificate of authority under chapter 624, chapter 628, chapter 629, chapter 632, or chapter 641.

(b) "Affiliate" means any insurance holding company required to be registered under s. 628.801 or any subsidiary of such holding company.

(2) No insurer, affiliate, or officer of an insurer or affiliate and no political committee or committee of continuous existence representing the interests of such insurer, affiliate, or officer shall, for any election, make a contribution in excess of \$100 to or on behalf of the Treasurer or to or on behalf of any candidate for the office of Treasurer. The provisions of this subsection shall not prevent any candidate or members of that candidate's family from contributing to that candidate's campaign as otherwise permitted by law.

(3) The Treasurer or a candidate for the office of Treasurer may not accept a campaign contribution in excess of \$100 from any insurer, affiliate, or officer of an insurer or affiliate or from any political committee or committee of continuous existence that represents such insurer, affiliate, or officer.

(4) No employee of the Department of Insurance may solicit a campaign contribution for the Treasurer or any candidate for the office of Treasurer from any insurer, affiliate, or officer of an insurer or affiliate or from any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the Department of Insurance" means any person employed in the Department of Insurance or the Treasurer's office holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Select Exempt Service as defined in s. 110.602; any person having authority over insurance policy, regulation, or supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(5) The Department of Insurance shall make available by electronic means a list of persons whose names are filed with that department who are insurers, affiliates, or officers subject to this section. The Department of Insurance may charge a fee for the furnishing of a list under this subsection in an amount to cover the cost of preparing the list.

(6) Any person who knowingly and 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.

Section 288. Section 106.084, Florida Statutes, is created to read:

106.084 Comptroller; campaign contribution limits.—

(1) No financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, nor any officer, executive officer, affiliate, subsidiary, or service corporation of such financial institution, and no political committee or committee of continuous existence representing the interests of such financial institution may, for any election, make a contribution in excess of \$100 to or on behalf of the Comptroller or any candidate for the office of Comptroller. The provisions of this subsection shall not prevent any candidate or members of that candidate's immediate family from contributing to that candidate's campaign as otherwise permitted by law.

(2) The Comptroller or a candidate for the office of Comptroller may not accept a campaign contribution in excess of \$100 from any financial institution which is licensed or otherwise authorized to do business pursuant to chapters 655-665, or any officer, executive officer, affiliate, subsidiary, or service corporation of such financial institution, or any political committee or committee of continuous existence that represents that financial institution.

(3) No employee of the Department of Banking and Finance may solicit a campaign contribution for the Comptroller or any candidate for the office of Comptroller from any person who is licensed or otherwise authorized to do business by that department or who has an application pending for licensure or other authorization to do business pending with that department, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person, or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the Department of

Banking and Finance" means any person employed in the Department of Banking and Finance or the Comptroller's office holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Select Exempt Service as defined in s. 110.602; any person having authority over institution policy, regulation, or supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(4) Any person who knowingly and 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.

Section 289. Section 106.09, Florida Statutes, is amended to read:

106.09 Cash contributions and contribution by cashier's checks.—

(1) No person shall make or accept a cash contribution or contribution by means of a cashier's check in excess of \$100.

(2) Any person who makes or accepts a contribution in violation of this section ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 290. Section 106.11, Florida Statutes, is amended to read:

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

(1) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee.

(2) The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee. The checks for such account shall contain, *at* as a minimum, *all of* the following information:

(a) The statement "~~Campaign Account of . . . (name of candidate or political committee) Campaign Account . . .~~"

(b) The account number and the name of the *primary campaign depository bank*.

(c) The exact amount of the expenditure.

(d) The signature of the campaign treasurer ~~or deputy treasurer~~.

(e) The exact purpose for which the expenditure is authorized.

(f) The name of the payee.

~~(3)(2)~~ The campaign treasurer or deputy *campaign* treasurer who signs the check ~~is shall be~~ responsible for the completeness and accuracy of the information on such check and for ~~ensuring incurring~~ that such expenditure is an authorized expenditure.

~~(4)(3)~~ No candidate, campaign manager, *campaign* treasurer, deputy *campaign* treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy *campaign* treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary *campaign depository* account of the candidate or political committee to pay the full amount of the authorized expense, to honor all *outstanding* other checks drawn on such account, ~~which checks are outstanding~~, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary *campaign depository* account to pay the full amount of the incurred expense, to honor all *outstanding* checks drawn on such account, ~~which checks are outstanding~~, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; ~~and~~ An expenditure from petty cash ~~pursuant to the provisions of s. 106.12~~ may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases, *which are restricted to travel-*

related campaign expenditures, shall be made pursuant to s. 106.125. However, travel-related campaign expenditures may also be made by advance payments by a check drawn on the primary campaign account, so long as the campaign treasurer requires an accounting of the actual expenses and reconciles any overpayment or underpayment to the original payee. Any expense incurred or authorized in excess of such funds on deposit constitutes ~~shall~~, in addition to other penalties provided by law, constitute a violation of this chapter.

(5)(4) A candidate who withdraws as a candidate ~~his candidacy~~, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

Section 291. Section 106.12, Florida Statutes, is amended to read:

106.12 Petty cash funds allowed.—

(1) Each campaign treasurer of ~~designated pursuant to s. 106.021(1)~~ for a candidate or political committee ~~may be authorized to~~ withdraw from the primary campaign account, until the close of the last day for qualifying for office, ~~an~~ the amount not to exceed of \$500 each per calendar quarter reporting period for the purpose of providing a petty cash fund for the candidate or political committee.

(2)(a) Following the close of the last day for qualifying and until the last election in a given election period in which a the political committee participates, the campaign treasurer of the each political committee ~~may be authorized to~~ withdraw ~~an~~ the following amount not to exceed \$100 each week from the primary depository campaign account for the purpose of providing a petty cash fund.

(b) ~~for the political committee, and,~~ Following the close of the last day for qualifying and until the election at which such candidate is eliminated or elected to office, or the time at which the candidate becomes unopposed, the campaign treasurer of each statewide candidate ~~may be authorized to~~ withdraw ~~an~~ the following amount not to exceed \$500 each week and the campaign treasurer of each other candidate may withdraw an amount not to exceed \$100 each week from the primary depository campaign account for the purpose of providing a petty cash fund. ~~for the candidate:~~

(a) ~~For all candidates for nomination or election on a statewide basis, \$500 per week.~~

(b) ~~For all other candidates and all political committees, \$100 per week.~~

(3) ~~The Petty cash fund so provided shall be spent only in amounts less than \$30 and only for office supplies, transportation expenses, and other necessities. Petty cash shall not be used for the purchase of time, space, or services from communications media as defined in s. 106.011(13). Petty cash funds may not be expended on the 2 days immediately preceding an election or on election day for any service performed, other than transportation.~~

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

Section 292. Section 106.125, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 106.125, F.S., for present text.)

106.125 Credit cards; conditions on use.—A candidate for statewide office or a political committee supporting or opposing a candidate for statewide office or supporting or opposing a statewide proposal may obtain a credit card from the candidate's or political committee's primary campaign depository. Use of that credit card is subject to the following conditions:

(1) The credit card shall be in the name of the candidate or political committee and shall indicate that the account is a campaign account.

(2) The credit card shall be used only for making travel-related campaign expenditures, which include transportation, lodging, meals, and other expenses incurred in traveling for campaign purposes.

(3) Before using the credit card, the candidate or political committee shall file with the division a copy of the contract between the candidate or political committee and the credit card issuer and a list of all persons authorized to use the card.

(4) The expiration date for the credit card shall be no later than midnight of the last day of the month of the general election.

(5) The balance reflected on each credit card statement shall be paid upon receipt.

Section 293. Section 106.14, Florida Statutes, is amended to read:

106.14 Utilities; deposits; prior authorization.—

(1) Utility companies providing utilities services to a candidate or political committee shall charge a deposit sufficient to meet all anticipated charges during a billing period.

(2) Authorization and payment for utilities used during the billing period must be made by the candidate or political committee when the bill is received from a utility company.

Section 294. 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 intends to draw a salary from the campaign account of such candidate or use funds on deposit in the a campaign account for to defray normal living expenses of the candidate for himself or the candidate's his family, other than expenses actually incurred for transportation, meals, and lodging by the candidate himself or a family member of his family during travel in the course of the campaign, the candidate shall, at the same time of appointing a campaign he appoints his treasurer and designating a designates his campaign depository, file with the filing officer before whom he qualifies a statement of intent that the candidate intends to use the funds for such purpose purposes. Funds shall not be used for such purpose unless the statement of intent is filed at such time, the funds shall not be so used.

Section 295. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws as a candidate ~~his 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 the candidate's his campaign account and file a report reflecting the disposition of all remaining funds. Such candidate ~~may shall~~ not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws as a candidate ~~his 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 shall be disposed of in the manner provided in this section. An amended report shall be filed reflecting 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 as a candidate ~~his 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 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 must shall transfer such funds and the accumulated interest earned as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws as a candidate ~~his 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 state or county executive committee of 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 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 are 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 under pursuant to this subsection must shall be separate from any personal or other account. Any funds so transferred by a candidate may shall be used only for legitimate expenses in connection with the candidate's his public office. Such expenses may include travel expenses incurred by the officer or a staff member of his staff or expenses incurred in the operation of the officer's his office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned must 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, the candidate he may transfer surplus campaign funds to the his 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 under 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 under pursuant to subsection (4) or transferring funds into an office account under pursuant to subsection (5), any candidate who filed an oath stating that the candidate he was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his personal or other available resources or on resources otherwise available to him, or who filed both such oaths, or who qualified under s. 99.095 or s. 105.035 by the alternative method and was not required to pay an election assessment, shall pay to the appropriate filing officer the reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such payment reimbursement must 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 must 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 payment reimbursement for petition verification costs that which are reimbursable by the state must shall be forwarded by the filing qualifying officer to the state for deposit in the General Revenue Fund. All payments reimbursements for the amount of the election assessment must shall be forwarded by the filing qualifying officer to the division Department of State for deposit in the Elections Commission Trust Fund.

(7) Any candidate required to dispose of campaign funds under pursuant to this section must 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 officers officer with whom reports are required to be filed under pursuant to s. 106.07 a form prescribed by the division of Elections listing all of the following:

(a) The name and address of each person to whom or unit of government to which 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 thereof. 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 under pursuant to s. 106.07. Any candidate failing to file a report on the designated due date is shall be subject to a fine under 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 under pursuant to subsection (5) must 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 thereof 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 must 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 under 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 as a candidate his candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office 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 the candidate's his campaign account and who fails to dispose of the funds in the manner provided in this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 296. 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 each person paying for or providing in kind any aspect of the political persons or organizations sponsoring the advertisement, including its production.

~~(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 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 a ~~an independent~~ candidate without political party affiliation, any political advertisement of the candidate must state that the candidate is without political party affiliation ~~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 for 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 other than an independent expenditure, offered by or in 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.

(5) Any political advertisement that supports a candidate and is paid for by the candidate's political party must be approved in advance by the candidate. The political advertisement must expressly state that the content of the advertisement was approved by the candidate. In any proceeding before the Elections Commission between a candidate and the candidate's political party concerning a candidate's approval of a political advertisement, the political party bears the burden of proof regarding the approval.

(6)(4) No political advertisement of a candidate who is not an incumbent of the office for which the candidate he 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 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.

(7) Any political advertisement referring to a public officer's or former public officer's voting record must include a reference to the date or dates of specified votes cast or actions taken, unless an advertisement

references more than five votes. In such case, the candidate shall provide a written statement identifying the dates of such votes to the supervisor of the county in which the candidate resides or to the division, if the candidate is a candidate for statewide office.

(8)(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.

(9)(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 proposal issue.

(10)(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 297. Section 106.147, Florida Statutes, is created to read:

106.147 Disclosure of telephone solicitation; exceptions.—

(1) A person who conducts a political poll or engages in any form of political solicitation relating to a candidate, a ballot proposal, or any political organization which poll or solicitation is communicated to more than 1,000 persons and is conducted by telephone or telephonic device must, during the call identify the person or organization paying for the solicitation by stating: "This call is paid for by . . . (INSERT NAME OF PERSON OR ORGANIZATION MAKING EXPENDITURE) . . ."

(2) A public opinion survey is exempt from the provisions of this section, if the survey:

(a) Contains a similar message communicated to fewer than 2,000 persons and the length of the average telephone call is greater than 60 seconds; or

(b) Is limited to a series of choices between competing candidates or potential candidates, proposals or potential proposals, or political parties.

Section 298. Section 106.1435, Florida Statutes, is amended to read:

106.1435 Usage and removal of political campaign advertisements.—

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

(a) Withdrawal as a candidate of his candidacy;

(b) Elimination Having been eliminated as a candidate; or

(c) Election Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions of this subsection herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity may has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing political such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political advertisement campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) Filing officers The officer before whom a candidate qualifies for office shall notify each the candidate, in writing, of the provisions of in this section.

(5) This section provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

Section 299. Section 106.1437, Florida Statutes, is amended to read:

106.1437 Miscellaneous advertisements.—Any advertisement, other than a political advertisement, on a billboard or billboards, bumper sticker stickers, on radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public

official, shall ~~include clearly designate the sponsor of such advertisement by including a clearly readable or audible statement of sponsorship.~~ If the advertisement is broadcast on television, the advertisement shall also contain ~~both a readable and an audible verbal statement of sponsorship.~~ This section ~~does shall~~ not apply to an editorial endorsement.

Section 300. Section 106.144, Florida Statutes, is amended to read:

106.144 Endorsements or opposition by certain groups and organizations.—

(1) Any group, club, association, or other organization, except ~~an organization organizations~~ affiliated with a political party parties regulated by chapter 103, which intends to endorse or oppose the candidacy of one or more candidates for public office, or which endorses or opposes a ~~proposal any referendum~~, by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement ~~as provided by this section with the officer or officers provided in this section.~~ Such statement shall be filed with the officer before whom each candidate that the organization intends to endorse or oppose qualified for office ~~or with the officer or agency with which each political committee supporting or opposing the proposal the organization supports or opposes registers pursuant to law.~~ Each statement shall contain all of the following information:

(a) The date the organization was chartered and the number of members during the most recent 12 months and how many of these members, if any, have paid dues.;

(b) A list of current officers or directors of ~~the~~ such organization and a statement as to their method of selection.;

(c) A statement of the procedures used by ~~the~~ such organization in determining which candidates to endorse or oppose.;

(d) If political advertisements for endorsement or opposition purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of such funds.;

(e) The amount of funds paid to the organization by candidates for public office, including payments in the form of dues, and the name of, and office sought by, each such candidate.

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates ~~any provision the provisions of~~ subsection (1) is subject to the civil penalties prescribed in s. 106.265.

Section 301. Section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts prohibited.—

(1) No ~~candidate person~~ shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such ~~candidate a person~~ pay money or give anything of value for such privilege.

(2) No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in chapter 287, solely for the purpose of furthering his or her candidacy. However, ~~if in the event a~~ candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of his or her candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

(3) No candidate shall, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any officer or employee of the state during working hours.

(4) No person shall make, ~~and no person shall~~ solicit, or knowingly accept any campaign contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or ~~an his~~ agent of the contributor. This subsection ~~does shall~~ not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign ~~fund raiser fundraiser~~.

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

Section 302. Section 106.16, Florida Statutes, is amended to read:

106.16 Limitation on certain rates and charges.—No person ~~or corporation~~ within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one candidate for state or county public office for political advertising in a county, or for political broadcasts in a county, at a rate in excess of that charged another political candidate.

Section 303. Section 106.161, Florida Statutes, reads:

106.161 Air time available at the lowest unit rate.—To the extent permitted by federal law, all broadcast radio and television stations and all cable television stations shall make air time available to candidates for public office at the lowest unit rate.

Section 304. Sections 106.17 and 106.18, Florida Statutes, are repealed.

Section 305. Section 106.19, Florida Statutes, is amended to read:

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

(1)(a) ~~A Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, committee chairman, vice chairman, campaign treasurer, deputy treasurer, or other officer of any political committee, agent or person acting on behalf of any candidate or political committee, or other person who knowingly and willfully:~~

1.(a) Accepts a contribution in excess of the limits prescribed ~~or otherwise prohibited~~ by s. 106.08;

2.(b) Fails to report any contribution ~~or expenditure~~ required to be reported by this chapter;

3.(c) Falsely reports or ~~deliberately~~ fails to include any information required by this chapter; or

4.(d) Makes or authorizes any expenditure in violation of ~~s. 106.11(3) or any other expenditure prohibited by this chapter;~~

~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) ~~The name of a candidate shall not be printed on the ballot for an election if the candidate is convicted of violating this subsection.~~

(2) ~~A Any candidate, campaign treasurer, or deputy treasurer, any chairman, vice chairman, 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 subparagraph (1)(a)1., 2., or 4. is 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 Election Campaign Financing Trust Fund 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 306. Section 106.21, Florida Statutes, is amended to read:

106.21 Certificates of election not to be issued upon conviction.—

(1) If a successful candidate is convicted of violating s. 106.19(1) prior to the issuance of his or her certificate of election, such certificate shall not be issued, and a vacancy shall be declared and filled as provided by law.

(2) If a successful candidate is convicted of violating s. 106.19(1) subsequent to the issuance of a certificate of election but prior to taking office, such certificate shall be rescinded by the issuing body and declared void, and a vacancy in office shall exist and be filled as provided by law.

Section 307. Section 106.22, Florida Statutes, is amended to read:

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

- (1) Prescribe forms for ~~statements and other~~ information required to be filed by this chapter. Such forms shall be furnished by the ~~division Department of State or office of the supervisor of elections~~ to persons required to file ~~such statements and information with the filing officer such agency~~.
- (2) Prepare and publish ~~materials manuals or brochures~~ setting forth recommended uniform methods of bookkeeping and reporting.
- (3) ~~Publish, and including appropriate portions of the election code, for use by persons required by this chapter to file statements.~~
- (3) ~~Develop a filing, coding, and cross indexing system consonant with the purposes of this chapter.~~
- (4) Preserve statements and other information required to be filed with the division pursuant to this chapter for a period of 10 years from date of receipt.
- (5) Prepare and publish such reports as it ~~deems may deem~~ appropriate.
- (6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter. The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the Election Campaign Financing Trust Fund.
- (7) Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25.
- (8) Employ ~~such~~ personnel or contract for ~~such~~ services ~~as are necessary to adequately carry out the intent of this chapter.~~
- (9) Prescribe rules and ~~regulations~~ to carry out the provisions of this chapter. ~~Such rules shall be prescribed pursuant to chapter 120.~~
- (10) Make an annual report to the President of the Senate and the Speaker of the House of Representatives concerning activities of the division and recommending improvements in the ~~election~~ code.

Section 308. 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 this chapter, the division ~~may 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 ~~financial institution bank or trust company~~ doing business in this state. ~~Duly~~ Authorized representatives of the division ~~may 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. ~~If Should~~ any witness ~~fails fail~~ to respond to the lawful subpoena of the division or, having responded, ~~fails fail~~ to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint ~~in before~~ any circuit court of the state ~~alleging 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 ~~the said~~ complaint and shall direct the witness to respond to all lawful questions and to produce all ~~lawfully demanded~~ documentary evidence in ~~the witness's~~ his possession ~~which is lawfully demanded~~. The failure of any witness to comply with such order of the court ~~constitutes shall~~ constitute a direct and criminal contempt of court, and the court shall punish ~~the 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.~~
- (2) The division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any ~~provision provisions~~ or possible ~~violation~~ violations of Florida election laws with respect to actions ~~that individual or entity such supervisor, candidate, local officer having election-related duties, political party, committee, person, or organization~~ has taken or

proposes to take. A written record of all ~~such~~ opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to ~~the individual or entity requesting the opinion said person or organization upon request~~. Any such ~~individual or entity person or organization~~, acting in good faith upon such an advisory opinion, ~~is shall not be~~ subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, ~~is shall be~~ binding on any ~~individual or entity that person or organization who~~ sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 309. Section 106.24, Florida Statutes, is amended to read:

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

- (1) There is created within the department of State a Florida Elections Commission, ~~hereinafter referred to as the commission~~. The commission shall not be subject to control, supervision, or direction by the department of State in the performance of its duties. It shall be composed of seven members, including a ~~chairperson chairman~~, 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. Members of the commission ~~appointed by the Governor~~ shall serve for 4-year terms. The ~~chairperson chairman~~ of the commission shall be designated by the Governor. Vacancies on the commission shall be filled for the unexpired terms in the manner of the original appointment to the vacated position. Members of the commission may not serve more than two 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 seven members of the commission, no more than 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 ~~executive or other~~ 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 ~~chairperson chairman~~ or at the request of a majority of the members of the commission. ~~The presence of Four members is required to constitute a quorum, and the affirmative vote of a the majority of a quorum 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 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 ~~the 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 ~~chairperson chairman~~ 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.

- (7) The department, in consultation with the commission, shall develop a budget request annually, which shall be submitted by the department to the Governor for transmittal to the Legislature.

Section 310. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to 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 division of Elections shall investigate and report to the Florida Elections commission all violations of this chapter with or without having received a sworn complaint, 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 division of Elections. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney.

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

(4) The 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 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 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 division shall send to the complainant and the alleged violator.

(b) If probable cause is found, the 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) It is the duty of a state attorney receiving a complaint referred by the commission shall investigate the complaint promptly and thoroughly, to undertake any such criminal or civil action 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 does shall not bar further action by the commission under this chapter.

(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 (5);

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

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

(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 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. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(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 with the division 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 the 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 311. Section 106.26, Florida Statutes, 1994 Supplement, 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 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 its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chairperson of the commission chairman thereof shall issue such said process on behalf of the commission. The chairperson chairman 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) If a Should any witness fails fail to respond to the lawful subpoena of the commission or, having responded, fails fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint in before any circuit court of the state alleging 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 the said complaint and direct the witness to respond to all lawful questions and to produce all lawfully demanded documentary evidence in his or her possession which is lawfully demanded. The failure of any witness to comply with such order of the court constitutes shall constitute a direct and criminal contempt of court, and the court shall punish the said witness accordingly.

(3) All witnesses summoned before the commission, other than on the request of the subject of a hearing, are entitled to 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 does shall not excuse the witness from appearing as directed therein.

(4) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chairperson chairman or, in the chairperson's his absence, the vice chairperson chairman shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness shall will be instructed by the chairperson chairman or, in the chairperson's his absence, the vice chairperson chairman 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 excused discharged by the chairperson chairman. The witness shall be further instructed that if should any person discusses discuss or

~~attempts attempt~~ to discuss the matter under investigation with him or her after receiving such instructions ~~the witness~~ he 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 ~~excused discharged~~ by the ~~chairperson chairman~~.

(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.

(6) Before or during a hearing, any person noticed to appear before the commission, or ~~the person's his~~ 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.

(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.

(8) Upon the consent of a majority of a *quorum* ~~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. *The commission's power of subpoena is not limited in any way by any appearance, request to appear, or submission.*

(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~~.

(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 ~~is 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 ~~is shall be~~ a complete defense in any proceeding against such person for contempt or other punishment.

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

(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 a *quorum* ~~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 or *lack of assessment of the such civil penalties as are permitted by this chapter or no such assessment* and shall bear the signature or facsimile signature of the ~~chairperson chairman~~ or vice ~~chairperson chairman~~.

Section 312. Section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

(1) The commission ~~may, is authorized~~ upon the finding of a violation of this chapter, ~~to~~ impose civil penalties in the form of fines not to exceed

\$1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;
- (c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and
- (d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter.

(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 commission may bring an action in any circuit court of this state to enforce such penalty.

(3) ~~Any Civil penalties penalty~~ collected pursuant to ~~the provisions of this section shall be deposited into the Election Campaign Financing Trust Fund.~~

~~(4) Notwithstanding any other provisions of this chapter, any fine assessed pursuant to the provisions of this chapter, which fine is designated to be deposited or which would otherwise be deposited into the General Revenue Fund of the state, shall be deposited into the Election Campaign Financing Trust Fund.~~

Section 313. Section 106.27, Florida Statutes, is amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter may be brought in ~~a the~~ appropriate court of competent jurisdiction. Any such action brought under this chapter shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought by the commission in ~~a the~~ appropriate court of competent jurisdiction, and the venue shall be in the county in which the alleged violation occurred or in which the alleged violator or violators are found, reside, or transact business. Upon ~~a proper~~ showing that ~~a such~~ person, political committee, committee of continuous existence, or political party has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by ~~the such~~ court, and the civil fines provided by this chapter may be imposed.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is ~~located the candidate's filing officer is located before whom the candidate qualified for office.~~

Section 314. Section 106.28, Florida Statutes, is amended to read:

106.28 Limitation of actions.—~~An action~~ Actions for a violation of this chapter must be commenced ~~within before 2 years after have elapsed from~~ the date of the violation.

Section 315. Section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; ~~assessment on contributions.~~—

(1)(a) 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. *However, with respect to contributions to and expenditures for candidates for municipal office, reports covering the period after the last day*

of qualifying until the municipal election at which such office is to be filled shall be filed on the Friday before the municipal 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 political party failing to file a report on the designated due date ~~is shall be~~ subject to a fine as provided in 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.

~~(b) Each state executive committee and county executive committee of each political party shall pay a 1.5 percent assessment on all contributions, excluding contributions received from political committees and committees of continuous existence and excluding in-kind contributions and filing fees. The assessment shall be remitted by the political party executive committee to the filing officer at the time contribution reports are due. The filing officer shall transfer the assessment revenues to the Division of Elections for deposit into the Election Campaign Financing Trust Fund.~~

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

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

(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, to established political party organizations for legitimate political party or campaign purposes, or to individual candidates of that political party in general elections in amounts exceeding those set forth in s. 106.08(1) is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

Section 316. Section 106.295, Florida Statutes, reads:

106.295 Leadership fund.—

(1) For purposes of this section:

(a) "Leadership fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by a political caucus of members of either house to succeed to any such position.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

(3) This section applies to leadership funds in existence on or after January 1, 1990.

Section 317. Section 106.30, Florida Statutes, reads:

106.30 Short title.—Sections 106.30-106.36 may be cited as the "Florida Election Campaign Financing Act."

Section 318. Section 106.31, Florida Statutes, is amended to read:

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such an office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misper-

ception of government officials unduly influenced by those special interests to the detriment of the public interest. The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not, otherwise do so.

Section 319. Section 106.32, Florida Statutes, is amended to read:

106.32 Election Campaign Financing Trust Fund.—

(1) There is hereby established in the State Treasury an Election Campaign Financing Trust Fund to be utilized by the ~~division Department of State~~ as provided in ss. 106.30-106.36. If necessary, each year in which a general election is to be held for the election of the Governor and Cabinet, additional funds shall be transferred to the Election Campaign Financing Trust Fund from general revenue in an amount sufficient to fund qualifying candidates pursuant to the provisions of ss. 106.30-106.36.

(2) Proceeds from filing fees pursuant to ss. 99.092, 99.093, and 105.031 shall be deposited into the Election Campaign Financing Trust Fund as designated in those sections.

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

Section 320. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or a member of the Cabinet office who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket are shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate shall not be an unopposed candidate as defined in s. 106.011(15) and shall:

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

(2) Raise contributions of at least as follows:

(a) \$150,000 for a candidate for Governor.

(b) \$100,000 for a candidate for a Cabinet office.

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

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

Section 321. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or a Cabinet office officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) For Governor and Lieutenant Governor: \$5 million.

(b) For a Cabinet office officer: \$2 million.

(2) The expenditure limit for any candidate without with primary election opposition in the general election is only shall be 60 percent of the limit provided in subsection (1).

(3) The expenditure limit shall be adjusted by the Secretary of State quadrennially to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967-100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 322. Section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(1) The division shall review each request for contributions from the Election Campaign Financing Trust Fund and certify whether the candidate is eligible for such contributions. Notice of the certification decision shall be provided to the candidate. An adverse decision may be appealed to the Florida Elections commission. The division shall adopt rules providing a procedure for such appeals.

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund ~~is shall be~~ entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

(3)(a) Certification and distribution of funds shall be based on contributions to the candidate reported to the division for such purpose. The division shall review each report and verify the amount of funds to be distributed prior to authorizing the release of funds. The division may prescribe separate reporting forms for candidates for Governor and ~~candidates for Cabinet office officer.~~

(b) Notwithstanding the provisions of s. 106.11, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the division on the report due on the 4th day prior to the election, may obligate funds not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive from the Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

(4) Distribution of funds shall be made within 7 days after the close of qualifying and every 7 days thereafter.

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide for:

(a) Specifications for printed campaign ~~treasurers' treasurer's~~ reports outlining the format for such reports, including size of paper, typeface, color of print, and placement of required information on the form.

(b)1. Specifications for electronically transmitted campaign ~~treasurers' treasurer's~~ reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

2. All electronically transmitted campaign ~~treasurers' treasurer's~~ reports must also be filed in printed format. Printed format ~~does shall~~ not include campaign ~~treasurers' treasurer's~~ reports submitted by electronic facsimile transmission.

Section 323. Section 106.353, Florida Statutes, is amended to read:

106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.—

(1) Not later than qualifying for office, each candidate for the office of Governor or a member of the Cabinet office who has not made a request to receive contributions from the Election Campaign Financing Trust Fund, but who wishes to voluntarily abide by the applicable expenditure limit set forth in s. 106.34 and the contribution limits on personal and political party funds set forth in s. 106.33, shall file an irrevocable statement to that effect with the ~~division Secretary of State.~~

(2) Any candidate who files such a statement and subsequently exceeds such limits shall pay to the Election Campaign Financing Trust Fund an amount equal to the amount of the excess contributions or expenditures. Such penalty ~~is shall not be~~ an allowable campaign expense and shall be paid from personal funds of the candidate. However, if a nonparticipating candidate exceeds the expenditure limit as described in s. 106.355, a candidate signing the statement pursuant to this section may, ~~without being subject to a penalty,~~ exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit ~~without being subject to a penalty.~~

Section 324. Section 106.355, Florida Statutes, is amended to read:

106.355 Nonparticipating candidate exceeding limits.—~~If Whenever~~ a candidate for the office of Governor or a member of the Cabinet office who has elected not to participate in election campaign financing under the provisions of ss. 106.30-106.36 exceeds the applicable expenditure limit provided in s. 106.34, all opposing candidates participating in ~~such~~ election campaign financing are, notwithstanding the provisions of s. 106.33 or any other provision requiring adherence to such limit, released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit, are still eligible for matching contributions up to such limit, and ~~are shall not be~~ required to reimburse any matching funds provided pursuant thereto. In addition, the ~~division Department of State~~ shall, within 7 days after a request by a participating candidate, provide such candidate with funds from the Election Campaign Financing Trust Fund equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in s. 106.34(1)(a) and (b), which funds ~~are shall not be~~ considered matching funds.

Section 325. Section 106.36, Florida Statutes, is amended to read:

106.36 Penalties; fines.—In addition to any other penalties which may be applicable under the election code, any candidate who receives contributions from the Election Campaign Financing Trust Fund and who exceeds the applicable expenditure limit, except as authorized in ss. 106.353 and 106.355, or falsely reports qualifying matching contributions and thereby receives contributions from the Election Campaign Financing Trust Fund to which the ~~candidate~~ he was not entitled shall be fined an amount equal to three times the amount at issue, which shall be deposited in the Election Campaign Financing Trust Fund.

Section 326. Section 15.21, Florida Statutes, is amended to read:

15.21 Initiative petitions; s. 3, Art. XI, State Constitution.—The Secretary of State shall immediately submit an initiative petition to the Attorney General if the sponsor has:

(1) Registered as a political committee pursuant to s. 106.03;

(2) Submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. ~~100.371 and 101.161 and 101.165;~~ and

(3) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

Section 327. Section 92.295, Florida Statutes, is amended to read:

92.295 Copies of voter registration records.—Any reproduction of an original voter registration record ~~stored pursuant to s. 98.461,~~ whether microfilmed or maintained digitally or on electronic, magnetic, or optic media, which reproduction is certified by the supervisor of elections who is the custodian of the record, is admissible as evidence in any judicial or administrative proceeding in this state with the same effect as the original voter registration record, whether the original voter registration record exists or not.

Section 328. Subsection (6) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(6) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public

officer. This definition expressly excludes members of county executive committees of political parties a committee man regulated by chapter 103 and persons seeking any other office or position in a political party.

Section 329. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1994 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. A No special election may not be called for the purpose of conducting a straw ballot. In accordance with the provisions of s. 100.0115, any election expenses cost, as defined in s. 97.021(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 330. Subsection (1), paragraph (a) of subsection (2), and paragraph (a) of subsection (3) of section 189.405, Florida Statutes, are amended to read:

189.405 Elections; general requirements and procedures.—

(1) If a dependent special district has an elected governing board, elections shall be conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code, chapters 97 through 106.

(2)(a) Any independent special district located entirely in a single county may provide for the conduct of district elections by the supervisor of elections for that county. Any independent special district that conducts its elections through the office of the supervisor shall make election procedures consistent with the Florida Election Code, chapters 97 through 106, for the following:

- 1. Qualifying periods, in accordance with s. 99.061;
2. Petition format, in accordance with rules adopted by the Division of Elections;
3. Canvassing of returns, in accordance with ss. 101.5614 and 102.105 102.151;
4. Noticing special district elections, in accordance with chapter 100; and
5. Polling hours, in accordance with s. 100.011.

(3)(a) If a multicounty special district has a popularly elected governing board, elections for the purpose of electing members to such board shall conform to the Florida Election Code, chapters 97 through 106.

Section 331. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1) The election of supervisors for each soil and water conservation district shall be held every 2 years. The elections shall be held at the time of the general election provided for by s. 100.041. The office of the supervisor of a soil and water conservation district is a nonpartisan office, and candidates for such office are prohibited from campaigning or qualifying for election based on party affiliation.

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates, as provided in s. 101.159 100.071, in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 332. Subsection (2) of section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(2) Notwithstanding the limits provided in s. 106.08, no insurer, affiliate, or officer of an insurer or affiliate, and no political committee or committee of continuous existence representing the interests of such insurer, affiliate, or officer shall make a contribution in excess of \$100, for any election, to or on behalf of the Treasurer or to or on behalf of any candidate for the office of Treasurer. The provisions of this subsection shall not prevent any candidate or members of that candidate's family from contributing to that candidate's campaign as otherwise permitted by law.

Section 333. Section 10.1008, Florida Statutes, is amended to read:

10.1008 Applicability.—This joint resolution applies with respect to the qualification, nomination, and election of members of the Legislature in the primary primaries and general elections election to be held in 1992 and thereafter.

Section 334. Subsections (5) and (6) of section 163.511, Florida Statutes, are amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(5)(a) The city clerk or the supervisor of elections, whichever is appropriate, shall enclose two envelopes with each ballot sent under pursuant to this section two envelopes: a secrecy envelope, into which the elector or freeholder shall enclose the his marked ballot; and a second envelope, into which the elector or freeholder shall then place the secrecy envelope, which must shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope must shall bear a certificate in substantially the following form:

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

CERTIFICATE

I, , am a duly qualified and registered (voter or freeholder, whichever is appropriate) of the proposed (name) (Special Residential or Business, whichever is appropriate) Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnesses will invalidate my ballot.

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

Note: Your Signature Must Be Witnessed By One Witness Either:

1. A Notary or Officer defined in Item 6.b. of the Instruction Sheet. Subscribed and sworn to before me this day of 19 (Official Title) My Commission Expires this day of 19 (Do Not Use Impression Seal)

. . . (Signature of Official) . . .

. . . (Address) (City/State) . . .

Or

2. Two Witnesses 18 Years of Age or Older as provided in Item 7. 6.a. of the Instruction Sheet.

I swear or affirm that the elector signed this Voter's Certificate in my presence.

. . . (Signature of First Witness) . . .

. . . (Address) (City/State) . . .

. . . (Second Witness) . . .

. . . (Address) (City/State) . . .

(b) The statement must shall be so arranged that the signature of the elector or freeholder and the attesting witness is or witnesses shall be across the seal of the envelope. The elector or freeholder and the attesting witness or witnesses shall execute the form on the envelope.

(6) The city clerk or the supervisor of elections shall enclose with each ballot sent to an elector or freeholder under pursuant to this section separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY
BEFORE MARKING BALLOT.

1. **VERY IMPORTANT.** In order to *ensure* assure that your ballot will be counted, it should be completed and returned as soon as possible so that it can reach the city clerk or the supervisor of elections no later than 7 p.m. on the (final day of the 120-day period given here).

2. Mark your ballot in secret as instructed on the ballot.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope, which is addressed to the city clerk or the supervisor of elections.

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

6. **VERY IMPORTANT.** Sign your name on the line provided for "(Voter's Signature)."

~~a. Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses.~~

~~b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or his deputy may serve as a sole attesting witness. The sole attesting witness shall affix his signature, official title, and address to the Voter's Certificate.~~

7. **VERY IMPORTANT.** In order for your ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate.

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

Section 335. Subsection (3) of section 15.21, Florida Statutes, is amended to read:

15.21 Initiative petitions; s. 3, Art. XI, State Constitution.—The Secretary of State shall immediately submit an initiative petition to the Attorney General if the sponsor has:

(3) Obtained a letter from the Division of elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 3 1/2 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

Section 336. If at the legislative session at which this act is enacted, there is also enacted an amendment to any section wherein the amended language of the section differs from that enacted in this act and the amended language of both cannot be given effect simultaneously, it is the intent of the Legislature that the amended language of the section as enacted by this act shall control over the amended language of the section as enacted by the other act.

Section 337. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1995.

And the title is amended as follows:

In title, on page 1, line 2 through page 14, line 7, strike all of said lines and insert:

An act relating to the Florida Election Code; amending, transferring, creating, and repealing various provisions of law to update, streamline, and clarify the code; amending, providing, and eliminating definitions applicable to the entire code and to certain parts of the code; revising gender-specific language to provide gender-neutral language; incorporating into the code various court rulings modifying the code; deleting references to the second primary; amending ch. 97, F.S., relating to qualification and registration of electors; renumbering and amending s. 101.665, F.S.; stating that oaths may be administered and attested by any supervisor or deputy supervisor; creating s. 97.067, F.S.; providing duty of the supervisor to assign voter to precinct; amending ss. 97.011, 97.012, 97.021, 97.023, 97.041, 97.052, 97.053, 97.055, 97.057, 97.058, 97.061, 97.071, 97.073, 97.1031, and 97.105, F.S.; providing editorial, conforming, and other technical changes; repealing s. 97.025, F.S., relating to the preparation and distribution of copies of the code, the provisions of which have been incorporated elsewhere; amending ch. 98, F.S., relating to the regis-

tration office, officers, and procedure; amending s. 98.231, F.S.; providing an additional date when each supervisor must provide the Division of Elections of the Department of State with the number of registered voters in the supervisor's county and their party affiliation; amending ss. 98.015, 98.045, 98.055, 98.065, 98.075, 98.081, 98.093, 98.095, 98.212, 98.255, and 98.461, F.S.; providing editorial, conforming, and other technical changes; repealing ss. 98.101, 98.181, 98.391, 98.401, 98.412, 98.421, 98.431, 98.441, 98.451, 98.471, 98.481, and 98.491, F.S., relating to use of the registration system, to various registration records and lists, and to alternative registration procedures, the provisions of which have been incorporated elsewhere or are obsolete; amending ch. 99, F.S., relating to candidates, campaign expenses, and contesting elections; amending s. 99.092, F.S.; requiring candidates to pay party assessments to the filing officer; changing the date on which the annual salary of the office is established for purposes of computing the filing fee, election assessment, and party assessment; amending ss. 99.095, 99.0955, and 99.096, F.S.; revising the qualifying process; clarifying that minor party petitions seek ballot position for the party and need not have any candidate's name thereon; amending s. 99.097, F.S.; revising petition requirements; specifying how petitions should be counted; allowing minor political parties to file an oath of undue burden in lieu of paying the fee for the verification of signatures; prohibiting initiative sponsor from filing an undue burden oath in certain situations; making the division responsible for requesting reimbursement for signatures checked at no charge; granting the court, in any signature-verification challenge, discretion to require unsuccessful challengers to pay the per-signature fee or the actual cost of checking each additional signature; amending ss. 99.012, 99.021, 99.061, 99.093, 99.0965, and 99.09651, F.S.; providing editorial, conforming, and other technical changes; providing for a fair-campaign-practices pledge; creating 99.0215; creating a Fair Campaign Practices Board; providing for appointment of members; providing duties; repealing ss. 99.081, 99.091, 99.103, and 99.121, F.S., relating to election of members of Congress, remittance of filing fees and party assessments, and certification of nominations, the provisions of which have been incorporated elsewhere; amending ch. 100, F.S., relating to general, primary, and special elections; transferring and amending s. 100.102, F.S., relating to election expenses; providing that counties are responsible for election expenses of federal, state, and school district elections; authorizing the supervisors to charge interest on amounts due and owing from municipalities; creating s. 100.105, F.S.; providing a separate section for an existing provision relating to special district elections; amending s. 100.096, F.S.; providing for the holding of an election required to be held in conjunction with a primary election when the date for such primary changes; creating s. 100.097, F.S.; defining the term "emergency" for purposes of the Florida Election Code; providing a separate section for existing provisions relating to the suspension or delay of an election; repealing ss. 101.731, 101.732, 101.733, and 101.74, F.S., relating to election emergencies and date changes for municipal elections; transferring and amending s. 101.75, F.S., relating to change of dates for a municipal election; amending s. 100.351, F.S.; deleting an obsolete requirement relating to recording the results of a referendum on the official record of the act requiring the referendum; amending s. 100.361, F.S., relating to municipal recall; removing a provision restricting expenditures until the recall election date has been announced; requiring the petition committee to register as a political committee prior to obtaining signatures; amending ss. 100.011, 100.021, 100.025, 100.031, 100.041, 100.061, 100.101, 100.111, 100.141, 100.151, 100.161, 100.181, 100.191, 100.201, 100.211, 100.221, 100.241, 100.261, 100.271, 100.281, 100.291, 100.301, 100.311, 100.321, 100.331, 100.341, and 100.342, F.S.; providing editorial, conforming, and other technical changes; repealing s. 100.091, F.S.; repealing the second primary; repealing ss. 100.051, 100.071, and 100.081, F.S., relating to names on the general election ballot, the grouping of candidates on primary ballots, and nomination of county commissioners at the primaries, the provisions of which have been incorporated elsewhere; amending ch. 101, F.S., relating to voting methods and procedure; amending s. 101.001, F.S.; eliminating the requirement that the governing body of the municipality concur when the supervisor arranges municipal precinct boundaries to conform to municipal boundaries; renumbering and amending s. 101.34, F.S., relating to custody of voting systems; creating s. 101.043, F.S.; requiring supervisors to use precinct registers and providing requirements therefor; creating s. 101.044, F.S.; providing requirements for signature verification upon entering polling place; repealing s. 101.663, F.S., relating to change of residence of voter; creating s. 101.047, F.S.; providing a separate section for existing provisions relating to change of residence or name at polls; amending s. 101.111, F.S.; providing uniform voter challenge provisions; requiring election board members to execute oaths to challenge voters; renumber and amending s. 100.371, F.S.; revis-

ing petitioning requirements; renumbering and amending ss. 101.51 and 101.72, F.S., relating to voting booths and compartments; repealing ss. 101.181 and 101.191, F.S., relating to the form of the primary and general election ballots; renumbering and amending ss. 101.251, 101.252, 101.253, and 101.254, F.S., relating to names on ballots; renumbering and amending ss. 100.371 and 101.2515, F.S., relating to placement of initiatives of ballot and to translation of statewide proposal ballot language; renumbering and amending s. 101.43, F.S., relating to substitute ballots; amending s. 101.22, F.S., and repealing s. 101.011, F.S., relating to voting by paper ballot; prohibiting a voter from voting who returns a marked ballot that is not the one delivered to the voter; renumbering and amending ss. 102.061 and repealing 102.071, F.S., relating to tabulation of votes and proclamation of results where paper ballots are used; providing procedure where only one election ball is used; providing for delivery to the canvassing board of excess ballots and ballots found folded together; renumbering and amending ss. 101.292, 101.293, 101.294, and 101.295, F.S., relating to the purchase of voting equipment; removing a threshold amount in the definition of "voting equipment"; renumbering and amending ss. 101.341 and 101.36, F.S., relating to voting system custodians and the use of voting machines and electronic or electromechanical voting devices; repealing s. 101.39, F.S., relating to voting machine curtains; renumbering and amending s. 101.40, F.S., relating to voting machines out of order; renumbering and amending s. 101.38, F.S., relating to disposition of voting machine keys following election; amending s. 101.5605, F.S.; authorizing the division to revoke the certification of any electronic or electromechanical voting system and providing the grounds therefor; amending s. 101.5607, F.S.; clarifying what constitutes a copy of a tabulation program for an electronic or electromechanical voting system; amending s. 101.5612, F.S.; providing comprehensive procedures for logic and accuracy tests of electronic and electromechanical voting systems; renumbering and amending s. 101.545, F.S., relating to retention and destruction of election materials; amending s. 101.591, F.S.; authorizing the division to have voting systems audited by auditors who are not division employees; amending s. 101.62, F.S.; revising provisions for the request and delivery of absentee ballots; creating s. 101.625, F.S.; providing a separate section for existing provisions relating to absentee voters overseas; revising procedures; creating s. 101.628, F.S.; providing for facsimile transmissions of ballots in specified situations; amending s. 101.69, F.S.; revising provisions for voting an absentee ballot in person; creating s. 101.655, F.S.; providing for supervised voting in certain facilities; amending ss. 101.015, 101.021, 101.031, 101.041, 101.045, 101.051, 101.131, 101.141, 101.151, 101.161, 101.171, 101.20, 101.22, 101.24, 101.27, 101.28, 101.29, 101.33, 101.35, 101.37, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 101.5602, 101.5603, 101.5606, 101.5608, 101.5609, 101.5610, 101.5611, 101.5613, 101.5614, 101.5615, 101.572, 101.58, 101.6102, 101.6103, 101.6104, 101.6105, 101.6107, 101.64, 101.65, 101.67, 101.694, 101.71, and 101.715, F.S.; providing editorial, conforming, and other technical changes; amending s. 101.68, F.S.; revising requirements for absentee ballots to be counted; revising procedures for processing ballots; repealing ss. 101.002, 101.017, 101.21, 101.23, 101.32, 101.445, 101.49, 101.5601, 101.5604, and 101.635, F.S., relating to municipal use of the registration system, the Bureau of Voting Systems Certification, official ballots, poll lists of those voting, adoption of voting machines and certain voting systems, write-in ballots, procedure of election officials where signatures differ, a short title, adoption of an electronic or electromechanical voting system, and distribution of ballots, the provisions of which have been incorporated elsewhere or are unnecessary; amending ch. 102, F.S., relating to conducting elections and ascertaining the results; amending s. 102.012, F.S.; authorizing supervisors greater discretion in appointing election boards to precincts and additional inspectors to election boards, including the appointment of a single election board for more than one precinct under certain circumstances; creating s. 102.014, F.S.; providing a new section for existing provisions relating to election board duties; renumbering and amending ss. 102.141, 102.151, and 102.112, F.S., relating to county canvassing boards; eliminating a provision relating to the ignoring of returns filed late, to comply with a court decision; amending s. 102.111, F.S., and repealing ss. 102.121 and 102.131, F.S., relating to the Elections Canvassing Commission; eliminating a provision relating to ignoring of returns filed late, to comply with a court decision; amending s. 102.168, F.S., and repealing ss. 102.1682, 102.1685, and 102.169, F.S., relating to contesting elections; amending ss. 102.021, 102.031, 102.091, 102.101, 102.155, 102.166, and 102.167, F.S.; providing editorial, conforming, and other technical changes; amending ch. 103, F.S., relating to presidential electors and political parties; amending s. 103.021, F.S., and repealing s. 103.022, F.S., relating to nomination and certification of presidential electors; amending s. 103.051, F.S., and repealing ss. 103.061, 103.062, and 103.071, F.S., relating to meeting, duties, and compensation

of presidential electors; amending s. 103.091, F.S.; requiring political party executive committees to file required documentation by a specified date following each presidential election year; requiring a copy of the bond to be included in such documentation; amending s. 103.101, F.S., relating to the presidential preference primary; eliminating the Presidential Candidate Selection Committee and its duties; amending s. 103.121, F.S.; providing responsibility of state executive committees to use a specified portion of certain returned filing fees for specified purposes; amending s. 103.141, F.S., and repealing s. 103.151, F.S., relating to removal of executive committee members for violation of oath; amending ss. 103.011, 103.081, and 103.131, F.S.; providing editorial, conforming, and other technical changes; amending ch. 104, F.S., relating to code violations and penalties; creating s. 104.005, F.S.; declaring the provisions of chapter 104, F.S., relating to violations and penalties under the code, applicable to municipal elections; amending s. 104.045, F.S.; providing a penalty for selling a vote for or against a proposal; amending s. 104.051, F.S.; eliminating a provision for the exclusion from the polls of officials who willfully violate the code; amending s. 104.185, F.S.; clarifying that the prohibition against signing a petition more than once applies to petitions to secure ballot position for a minor political party, for which there is a penalty; creating s. 104.187, F.S.; prohibiting signing the name of another or a fictitious name on a petition; providing penalties; amending s. 104.21, F.S.; providing a penalty for fraudulently changing or attempting to change the vote or ballot of a voter; amending ss. 104.011, 104.012, 104.013, 104.041, 104.0515, 104.061, 104.071, 104.081, 104.091, 104.101, 104.13, 104.15, 104.16, 104.18, 104.19, 104.20, 104.22, 104.23, 104.24, 104.26, 104.29, 104.30, 104.31, 104.32, 104.39, and 104.43, F.S.; providing editorial, conforming, and other technical changes; amending 104.271, F.S.; providing technical changes; revising penalties; repealing ss. 104.031, 104.11, and 104.17, F.S., relating to false declaration to secure assistance in preparing ballot, neglect of duty by sheriff or other officer, and voting in person after casting absentee ballot, the provisions of which have been incorporated elsewhere; amending ch. 105, F.S., relating to nonpartisan elections for judicial officers; amending s. 105.035, F.S.; conforming the petitioning process for judicial candidates to the process for major political party candidates, candidates without political party affiliation, and minor political parties; eliminating the undue burden oath requirement, to comply with a court ruling; amending ss. 105.011, 105.031, 105.041, 105.051, 105.061, 105.071, 105.08, 105.09, and 105.10, F.S.; providing editorial, conforming, and other technical changes; amending ch. 106, F.S., relating to campaign financing; creating s. 106.022, F.S.; providing a separate section for existing provisions relating to change in designation of office sought; amending s. 106.04, F.S., relating to committees of continuous existence; eliminating an assessment on contributions, which has been declared unconstitutional; requiring any such committee that makes an independent expenditure to register as a political committee; providing for revocation of certification for failure to file the annual report; providing for fines for failure to file regular reports; eliminating an unnecessary provision relating to a fine waiver for certain first-time offenders; creating 106.045, F.S.; requiring registration of certain paid petition solicitors; creating s. 106.053, F.S.; providing a separate section for provisions relating to deposit of campaign funds into separate interest-bearing accounts or certificates of deposit; creating s. 106.057, F.S.; providing a separate section for provisions relating to contributions and expenditures through the campaign treasurer; revising provisions; amending s. 106.07, F.S., relating to campaign reports; providing separate reporting dates for municipal candidates; expanding the time for providing information to complete a report; eliminating an assessment on contributions, which has been declared unconstitutional; eliminating an unnecessary provision relating to a fine waiver for certain first-time offenders; revising reporting requirements; amending s. 106.071, F.S.; requiring registration as a political committee before an independent expenditure anticipated to exceed a specified amount may be made; revising disclosure requirements for independent expenditures; providing penalties; renumbering and amending s. 106.085, F.S., relating to notice of certain independent expenditures; amending s. 106.082, F.S.; applying certain campaign contribution limits to the Commissioner of Agriculture; creating s. 106.083, F.S.; duplicating in the code an existing provision that applies certain campaign contributions to the Treasurer; creating s. 106.084, F.S.; duplicating in the code an existing provision that applies certain campaign contribution limits to the Comptroller; amending s. 106.141, F.S.; providing for the disposal of refund checks received after disposal of surplus campaign funds; amending s. 106.143, F.S., relating to political advertisements; changing an incorrect reference; revising advertising requirements; amending s. 106.29, F.S., relating to campaign reports by political parties; providing a filing time for reports relating to a municipal election; eliminating an assessment on contributions, which

has been declared unconstitutional; amending s. 106.32, F.S., relating to the Election Campaign Financing Trust Fund; eliminating a provision relating to the deposit of proceeds from an assessment on contributions, which has been declared unconstitutional; amending 106.08, F.S.; revising requirements for reporting contributions; amending s. 106.12, F.S.; revising limitations on use of petty cash; creating s. 106.147, F.S.; requiring disclosure of specified political telephone solicitations; providing an exemption; amending ss. 106.011, 106.021, 106.023, 106.025, 106.03, 106.06, 106.075, 106.09, 106.11, 106.125, 106.14, 106.1405, 106.1435, 106.1437, 106.144, 106.15, 106.16, 106.19, 106.21, 106.22, 106.23, 106.24, 106.25, 106.26, 106.265, 106.27, 106.28, 106.31, 106.33, 106.34, 106.35, 106.353, 106.355, and 106.36, F.S.; providing editorial, conforming, and other technical changes; amending s. 163.511, F.S.; revising absentee ballot provisions for special neighborhood improvement districts; amending s. 15.21, F.S.; revising requirements for initiatives being sent to the Supreme Court for review; repealing ss. 106.17 and 106.18, F.S., relating to polls and surveys relating to candidacies and to omission of a candidate's name from the ballot, the provisions of which have been incorporated elsewhere or are unnecessary; amending ss. 10.1008, 15.21, 92.295, 112.312, 125.01, 189.405, 582.18, and 627.0623, F.S., to conform; providing applicability to other acts enacted at the same legislative session; providing effective dates.

Senator Latvala moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A—On page 235, line 20, after the period (.) insert: *For purposes of the subparagraph, the term "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or the designee's spouse.*

Amendment 2B—On page 236, between lines 7 and 8, insert:

(c) Upon presentation of such written authorization by a designee in person, along with a picture identification of the designee, that designee must complete an affidavit stating that the designee has been authorized by the elector to pick up that ballot. The Department of State shall prescribe the form of the affidavit, but the affidavit must state the penalty for corruptly influencing voting. Upon the designee's completion of the affidavit, the supervisor may give the ballot to that designee for delivery to the elector. An absentee ballot not cast in person must be mailed or delivered directly to the supervisor by the elector or the elector's designee and not to any other person, group, or entity.

Amendment 2C—On page 371, strike line 29 and insert:

(a) The full name and address of each person to whom

Amendment 2D—On page 371, lines 29-30 and on page 372, lines 1-5, strike all of said lines and insert:

1. The full name and address of each person to whom ~~and for whom~~ each such expenditure has been made;

2. The amount, date, and purpose of each such expenditure;

3. A description of the services or goods obtained by each such expenditure; and

4. A sworn certification stating that the

Amendment 2E—On page 372, strike line 6

Amendment 2F—On page 373, strike line 12

Amendment 2G—On page 376, strike line 26 and insert: subsection, the first primary, ~~second primary~~, and general

Amendment 2H—On page 377, line 27, strike "allocable" and insert: allowable

Amendment 2I—On page 379, strike all of lines 5 and 6 and insert: person or for a candidate to continue membership in or make regular donations ~~contributions paid~~ from personal or business funds

Amendment 2J—On page 426, strike all of lines 15-27 and insert:

(4)(a) 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, to established political party organizations for legitimate

political party or campaign purposes, or to individual candidates of that political party in general elections in amounts exceeding those set forth in s. 106.08(1) is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

(b) *The political party of any state or county executive committee found to have contributed funds to a candidate in excess of the amount the candidate is authorized to accept under s. 106.08(2) shall pay a fine equal to three times the amount of such excess contribution.*

Amendment 2K—On page 435, strike line 4 and insert: verified, forms signed and dated equal to 3 ~~40~~ percent of the

Amendment 2L—On page 442, strike all of lines 8-20

Senator Harden moved the following amendments to **Amendment 2** which were adopted:

Amendment 2M (with Title Amendment)—On page 87, strike all of lines 12 and 13 and insert:

Section 100.091, Florida Statutes, is amended to read:

100.091 Second primary election.—

(1) In each year in which a general election is held, a second primary election for nomination of candidates of major political parties where nominations were not made in the first primary election shall be held on the Tuesday 5 weeks prior to the general election.

(2) The names of the candidates placing first and second in the first primary election shall be printed placed on the ballot in the second primary election for each contest in which no candidate received receives a majority of the votes cast in the first primary election, subject to the following exceptions:

(a) ~~If in any contest in which~~ there is a tie for first place in the first primary election, only the names of the candidates so tying shall be printed placed on the ballot in the second primary election.

(b) ~~If in any contest in which~~ there is a tie for second place in the first primary election and the candidate placing first did not receive a majority of the votes cast, the name of the candidate placing first and the names of the candidates tying for second shall be printed placed on the ballot in the second primary election.

(3) The candidate who receives the highest number of votes cast for the office in the second primary election shall be declared nominated. ~~If in case~~ two or more persons receive an equal and highest number of votes for the same office in the second primary, such persons shall draw lots to determine who will receive the nomination.

And the title is amended as follows:

In title, on page 447, strike all of lines 12 and 13 and insert: technical changes; amending s. 100.091, F.S.; repealing ss.

Amendment 2N (with Title Amendment)—On page 86, lines 29-31 and on page 87, lines 1-9, strike all of said lines and insert:

100.061 First primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of major political parties shall be held on the Tuesday 9 weeks prior to the general election. Each candidate receiving a majority of the votes cast in each contest in the first primary election shall be declared nominated for the such office sought. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.

And the title is amended as follows:

In title, on page 443, strike all of lines 23 and 24 and insert: rulings modifying the code; amending ch. 97, F.S.,

Amendment 2O—On page 19, strike all of lines 13-16 and insert: subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Amendment 2P—On page 61, line 6, strike "second primary or" and insert: second primary or

Amendment 2Q—On page 361, line 31 and on page 362, line 1, strike all of said lines and insert: first primary and on the 18th and 4th days immediately preceding the second primary and general election, for a

Amendment 2R—On page 59, lines 28 and 29; on page 60, lines 10 and 11; on page 61, lines 2, 4 and 8; on page 68, line 3; on page 91, line 26; on page 150, line 10; on page 160, line 21; on page 258, line 28; on page 288, line 5, on page 322, line 12, on page 326, line 12; and on page 327, lines 17 and 19, strike “first” and insert: first

Amendment 2S—On page 60, lines 5 and 6; on page 65, line 12; and on page 282, line 23, before “primary” insert: first

Amendment 2T—On page 92, strike all of lines 3-6 and insert: party nominations to be made in conjunction with the first and second primary elections, the Governor may call a special primary election, and, if necessary, a second special primary election, to select major political party nominees for the

Amendment 2U—On page 92, strike all of lines 28 and 29 and insert: shall set fix the dates date of a special first primary election, a special second primary election, and a special

Amendment 2V—On page 95, strike line 25 and insert: and, if necessary, a second special primary election to select for

Amendment 2W—On page 377, strike all of lines 1-5 and insert: 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 shall be only two elections, which shall be the first primary election and general election.

Amendment 2X—On page 8, strike all of lines 12-14 and insert: district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

Amendment 2Y—On page 95, strike all of lines 24 and 25 and insert: Secretary of State, call a special primary election and, if necessary, a second special primary election to select for

Amendment 2Z—On page 8, strike all of lines 11-14 and insert: general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

Senators Weinstein, Dudley and Crist offered the following amendment to **Amendment 2** which was moved by Senator Weinstein and adopted:

Amendment 2AA—On page 414, lines 25 and 27, strike “negligent or”

THE PRESIDENT PRESIDING

Senator Harden moved the following amendment to **Amendment 2** which failed:

Amendment 2BB (with Title Amendment)—On page 63, line 28, through page 71, line 30, strike all of said lines and insert:

Section 45. Section 99.0955, Florida Statutes, is amended to read:

99.0955 Independent candidate for office; name on general election ballot.—

(1) Any registered elector seeking to have the elector's his name placed on the ballot at the general election as an independent candidate for an office may have the elector's his name printed on the general election ballot in which election such office is to be filled, provided the elector he is otherwise qualified to hold the office if that elector: he seeks and provided

(a) Provides to the qualifying officer a petition requesting that the elector he be assigned a position on the general election ballot is signed by the required number of registered electors; or-

(b) Pays a qualifying fee equal to the fee assessed under s. 99.092.

An elector seeking to obtain ballot status by petitioning must Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election.

(2) A candidate for an office elected on a statewide basis must shall obtain the signatures of a number of the qualified electors equal to at

least 3 percent of the registered electors of the smallest major political party in Florida, as shown by the compilation by the Department of State for the last preceding general election. When joint candidacies for the offices of Governor and Lieutenant Governor are provided by law, independent candidates for the offices of Governor and Lieutenant Governor shall form a joint candidacy, and only one petition shall be used to place both names on the ballot as otherwise provided in this section. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis must shall obtain the signatures of a number of the qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of the registered voters of the smallest major political party in the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

(3)(a) Each candidate for a federal, state, or multicounty district office must shall submit a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the last day of the qualifying period prescribed in s. 99.061(1) for state office, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in s. 99.097, certify to the Department of State, within 30 days of the last day for qualifying, the number shown as registered electors of said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained, or if the qualifying fee has been paid, and the candidate has, during the time prescribed for qualifying for the office sought, filed the candidate's his qualifying papers with the Department of State, paid his qualifying fee, and taken the oath provided in s. 99.021, such candidate shall be entitled to have the candidate's his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the qualifying fee. The name of each candidate who is entitled under pursuant to this paragraph to have the candidate's his name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), must shall submit the candidate's his petition, prior to noon of the last day of the qualifying period prescribed in s. 99.061(2), to the supervisor of elections of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained, or if the qualifying fee has been paid, for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for the office sought, filed the candidate's qualifying his qualification papers with the supervisor of elections, paid his qualifying fee, and taken the oath provided prescribed in s. 99.021, such candidate shall be entitled to have the candidate's his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the qualifying fee. Upon paying the cost of checking the petitions or filing the oath required by s. 99.097, such candidate shall be entitled to have the candidate's his name placed on the general election ballot.

(4) All qualifying fees collected under this section must be deposited in the Elections Commission Trust Fund.

Section 46. 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 he qualifies, and any party assessment levied, and shall

attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers. The amount of the filing fee is 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 he withdraws his candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, his qualifying fee shall be returned to his 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 47. Section 99.096, Florida Statutes, is amended to read:

99.096 Minor party candidates; names on ballot.—

(1) A minor political party may have the names of its candidates for offices which are elected on a statewide basis printed on the general election ballot in an election in which one or more of those offices will be filled if:

(a) ~~Petitions a petition~~ requesting that the party be assigned a position on the general election ballot ~~are~~ is signed by 3 percent of the registered electors equal to of the number of registered voters of the smallest major political party in this state, as shown by the compilation by the Department of State for the last preceding general election; or

(b) *The candidates pay the qualifying fee.*

(2) A minor political party may have the names of its candidates for offices which are elected on less than a statewide basis printed on the general election ballot in an election in which one or more of those offices are to be filled if such party:

(a) Has obtained a number of signatures on ~~petitions a petition~~ requesting that the party be assigned a position on the general election ballot equal to at least 3 percent of the registered voters of the smallest major political party and such petition is signed by 3 percent of the registered electors of the district, county, or other geographical entity represented by the office, as shown by the compilation by the Department of State for the last preceding general election; or

(b) *The candidates pay the qualifying fee.*

(3) Petitions to have the names of minor party candidates printed on the ballot shall be provided by the Department of State. The form of the petitions shall be prescribed by the Department of State. A minor political party may obtain such petition forms at any time after the first Tuesday after the first Monday in January preceding said general election.

(4) A separate petition shall be submitted from each county for which signatures are solicited. The petition shall be submitted to the supervisor of elections of the county prior to noon of the first day of the qualifying period prescribed in s. 99.061(1) for candidates for state office, and the supervisor shall check the names and shall, upon payment of the cost of checking the petitions prescribed in s. 99.097, certify, within 30 days after the first day for qualifying, the number shown as registered electors of the county. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor has been met, the Department of State shall notify the minor party executive committee that the party has secured a position on the general election ballot.

(5) The executive committee of the party shall, no later than noon of the first day of the qualifying period prescribed for federal candidates and no later than noon of the first day of the qualifying period for state candidates, submit to the Department of State an official list of the respective candidates nominated by that party to be on the ballot in the general election. The Department of State shall notify the appropriate

supervisor of elections of the name of each minor party candidate eligible to qualify before such supervisor. Candidates selected by a party pursuant to this section shall qualify with the Department of State or appropriate supervisor of elections, by paying pay their qualifying fees or submitting certification of collection of the required number of signatures fee, and taking and subscribing take and subscribe to the oath provided in s. 99.021 during the time prescribed for qualifying for the office sought. ~~Any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State or appropriate supervisor of elections, be exempt from paying the qualifying fee.~~ The official list of nominated candidates may not be changed by the party after having been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

Section 48. 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 ~~is shall be an amount equal to~~ 1.5 percent of the annual salary of the office sought. Within 30 days after the end ~~close~~ of the qualifying period, the filing ~~qualifying~~ officer shall forward two-thirds of the amount collected pursuant to this section to the ~~division Department of State~~ for deposit in the Elections Commission Trust Fund and one-third of the amount collected pursuant to this section shall be deposited into ~~transferred to~~ the Election Campaign Financing Trust Fund.

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on his personal or other available resources or on resources otherwise available to him shall, upon written certification of such inability given under oath to the filing ~~qualifying~~ officer, be exempt from paying the election assessment.

And the title is amended as follows:

In title, on page 444, line 29, through page 445, line 7, strike all of said lines and insert: amending s. 99.0955, F.S.; authorizing placement on the ballot of the name of an independent candidate if a qualifying fee is paid; providing for qualifying by petition by submitting signatures equal to a specified percentage of the registered electors of the smallest major political party; amending s. 99.092, F.S.; conforming provisions; amending ss. 99.095, 99.096, F.S.; revising qualifying requirements for minor party candidates;

Senator Gutman moved the following amendment to Amendment 2 which was adopted:

Amendment 2CC—On page 235, line 20, after “family” insert: *or a designated caretaker*

Amendment 2 as amended was adopted.

On motion by Senator Crist, by two-thirds vote **SB 2458** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **SB 2** and **SB 742** was deferred.

SB 1508—A bill to be entitled An act relating to political solicitation by telephone; creating s. 106.147, F.S.; requiring specified disclosures during telephone calls made in relation to a candidate, ballot proposal, or political organization in specified situations; providing exemptions; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1—On page 1, strike all of lines 20-24 and insert: conducted by telephone or telephonic device must, during the call, identify

the person or organization paying for the solicitation by stating. "This call is paid for by . . . (INSERT NAME OF PERSON OR ORGANIZATION MAKING EXPENDITURE)."

On motion by Senator Crist, by two-thirds vote **SB 1508** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—2

SB 2—A bill to be entitled An act relating to elections; creating s. 99.132, F.S.; limiting the reasons for which a person who has qualified for nomination or election to office may withdraw his candidacy; prescribing the procedure for withdrawal; amending s. 100.111, F.S.; prohibiting a political party from designating as a substitute nominee any person who qualified as a candidate for any office to be filled at the ensuing general election; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Dantzler:

Amendment 1 (with Title Amendment)—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 100.111, Florida Statutes, is amended to read:

100.111 Filling vacancy.—

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and the Department of State shall notify the chairman of the appropriate state, district, or county political party executive committee of such party; and, within 7 days, the chairman shall call a meeting of his executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the Department of State within 14 days of notice to the chairman in order that the person designated may have his name printed or otherwise placed on the ballot of the ensuing general election, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than 21 days prior to the election. If the vacancy occurs less than 21 days prior to the election, the person designated by the political party will replace the former party nominee even though the former party nominee's name will be on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

(c) When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance

in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as he would have taken had he regularly qualified for election to such office.

(d) *Any person who, at the close of qualifying as prescribed in ss. 99.061 and 105.031, was qualified for nomination or election to or retention in a public office to be filled at the ensuing general election is prohibited from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that general election, even if such person has withdrawn or been eliminated as a candidate for the original office sought. However, this paragraph does not apply to a candidate for the office of Lieutenant Governor who applies to fill a vacancy in nomination for the office of Governor on the same ticket.*

Section 2. This act shall take effect January 1, 1996.

And the title is amended as follows:

In title, on page 1, strike all of lines 1-12 and insert: An act relating to vacancies in nomination; amending s. 100.111, F.S.; prohibiting persons who have qualified as a candidate for public office from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that same general election; providing an exception for candidates for Lieutenant Governor; providing an effective date.

On motion by Senator Dantzler, further consideration of **SB 2** with pending **Amendment 1** was deferred.

On motion by Senator Johnson, by two-thirds vote **HB 2209** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Community Affairs.

On motion by Senator Johnson—

HB 2209—A bill to be entitled An act relating to municipal elections; amending s. 166.021, F.S.; authorizing amendment of a special law or municipal charter for the purpose of changing election dates and qualifying periods for candidates, including any changes in terms of office necessitated thereby, without referendum; creating s. 100.3605, F.S.; providing for application of the Florida Election Code to municipal elections in the absence of an applicable special act, charter, or ordinance provision; prohibiting the adoption of a charter or ordinance provision which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities; providing for change of qualifying periods and election dates by ordinance and for the orderly transition of office; providing an effective date.

—a companion measure, was substituted for **SB 1720** and read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 2209** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

MOTIONS

On motions by Senator Jennings, the rules were waived and by two-thirds vote **CS for SB 172**, **SB 2** and **SB 742** were placed on the Special Order Calendar for Thursday, April 27 to be considered prior to **SB 1870**.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 26, 1995: **CS for SB 2330**, **CS for SB 1914**, **SB 260**, **SB 366**, **SB 438**, **SB 864**, **SB 2794**, **SB 1728**, **SB 1054**, **SB 970**, **SB 906**, **SB 686**, **SB 498**, **SB 296**, **CS for SB 4**, **SB 160**, **CS for SB 978**, **SB 994**, **CS for SB 1038**, **SB 1378**, **SB 1568**, **SB 1726**, **SB 1802**, **CS for SB 510**, **CS for SB 2646**, **CS for SB 1964**, **SB 2458**, **SB 2**, **SB 742**, **SB 1508**, **SB 1720**, **CS for SB 172**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Natural Resources recommends the following pass: SB 2738 with 1 amendment

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 788 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 556

The Committee on Transportation recommends the following pass: SB 2928

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Education recommends the following pass: SB 1454 with 2 amendments

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2760 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2782 with 4 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 2542 with 7 amendments

The bills contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1690 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2220 with 1 amendment

The Special Master on Claims recommends the following pass: CS for HB 1397, SB 264, SB 352, SB 1520, SB 1736, SB 2972, SB 2982, SB 2988

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 3030 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2832 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends the following pass: HB 2471

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2270 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1774, SB 2258, SB 2532

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2556

The Committee on Governmental Reform and Oversight recommends the following pass: SB 22 with 1 amendment, SB 920, SB 1662 with 3 amendments, SB 1840 with 5 amendments, SB 2888 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 2032, CS for SB 2158

The Committee on Health Care recommends the following pass: SB 828 with 1 amendment, SB 1882 with 1 amendment, SB 2558, SB 2940 with 5 amendments

The Committee on Higher Education recommends the following pass: SB 2500 with 1 amendment, SB 2570 with 3 amendments

The Committee on Judiciary recommends the following pass: SB 648, SB 2336

The Committee on Rules and Calendar recommends the following pass: CS for SB 740 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1764

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2398, SB 2872

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2342

The Committee on Criminal Justice recommends the following pass: HB 1451, SB 1484, SB 2098

The Committee on Education recommends the following pass: SB 876, SB 2494

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2580

The Committee on Health Care recommends the following pass: SB 486 with 1 amendment, SB 1776 with 1 amendment, SB 2958 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 976, SB 2066 with 4 amendments, SB 2242 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Community Affairs recommends the following not pass: SB 1316

The Committee on Health Care recommends the following not pass: SB 484

The bills contained in the foregoing reports were laid on the table.

The Special Master on Claims recommends the following not pass: SB 660

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Special Master on Claims recommends the following not pass: SB 1364, SB 1430, SB 2436

The bills were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 314

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: SB 26

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB's 2670, 1986, 2298, 2638 and 926

The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2622

The Committee on Higher Education recommends committee substitutes for the following: SB 1610, SB 2776

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2138

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2826

The Committee on Community Affairs recommends committee substitutes for the following: SB 1422, SB 1468, SB 2834

The Committee on Transportation recommends a committee substitute for the following: CS for SB 1642

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 434

The bill with committee substitute attached was placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce and Economic Opportunities recommends that the Senate confirm the appointments made by the Governor of Richard T. Farrell, as Secretary of the Department of Business and Professional Regulation; Charles Dusseau, as Secretary of the Department of Commerce; Marcia Mann, as Secretary of the Department of the Lottery to serve at the pleasure of the Governor; and Susan F. Clark, Joe Garcia and J. Terry Deason as members of the Public Service Commission.

The Committee on Criminal Justice recommends that the Senate confirm the appointments made by the Governor of Calvin Ross, as Secretary of the Department of Juvenile Justice and Harry K. Singletary, Jr., as the Secretary of the Department of Corrections, to serve at the pleasure of the Governor.

The Committee on Health and Rehabilitative Services recommends that the Senate confirm the appointment made by the Governor of E. Bentley Lipscomb, as Secretary of the Department of Elderly Affairs, to serve at the pleasure of the Governor.

The Committee on Higher Education recommends that the Senate confirm the appointments made by the Governor of Jason J. Rosenberg as a student member and Gwendolyn Ford McLin and Charlton B. Daniel, Jr., as members of the Board of Regents, to serve at the pleasure of the Governor.

The Committee on Governmental Reform and Oversight recommends that the Senate confirm the appointment made by the Governor of William H. Lindner, as Secretary of the Department of Management Services, to serve at the pleasure of the Governor.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Harris—

SB 3032—A bill to be entitled An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to said district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing that excess funds may be used by the district for public purposes; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; Ways and Means; and Rules and Calendar.

By Senator Harris—

SB 3034—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating and establishing as a political subdivision and a separate body politic a special district in certain areas in Charlotte and Sarasota Counties, to be known as the "Englewood Water District"; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; establishing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or a wastewater reuse system, or any combination thereof either as separate systems or as combined systems and all necessary or proper adjuncts thereto; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or a wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds, or assessment bonds, or any combination thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; providing referendums; repealing chapter 59-931, Laws of Florida, as amended, relating to the creation and establishment of the Englewood Water District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

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SR 3036 was introduced out of order and adopted April 19.

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By Senator Dudley—

SB 3038—A bill to be entitled An act relating to the Lee County Mosquito Control District; amending chapter 67-1630, Laws of Florida; defining boundaries of the district; providing for division of the district into areas; providing for salary of board members; providing for budget hearings and tax levy made and adopted in accordance with general law; revising qualifications of a director; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Kurth and Bronson—

SB 3040—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 28922, Laws of Florida, 1953, as amended, which created and established the Canaveral Port District; designating the Canaveral Port District Authority as a political subdivision of the state; increasing the salary of each port commissioner effective upon approval by the Board of Commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Meadows—

SB 3042—A bill to be entitled An act relating to Broward County; amending s. 3, ch. 90-483, Laws of Florida; repealing provisions relating to the proposed annexation of certain lands located in unincorporated Broward County into the City of Hollywood; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 3044 was introduced out of order and adopted April 21.

SR 3046 was introduced out of order and adopted April 21.

By Senator Dudley—

SB 3048—A bill to be entitled An act relating to Lee County; creating the "Town of Fort Myers Beach charter"; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a town council, including the mayor and vice mayor, and providing for qualifications, powers, and duties of its membership, and a procedure for establishing their compensation and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the council; providing for a town manager, town clerk, and town attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions, and for handling finances; establishing a fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date and creation and establishment of the municipality, payment of cer-

tain revenues, and transitional comprehensive plan and land development regulations; entitling the town to state shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing for services of independent special districts; providing for credit for special district taxes in qualifying for state revenue sharing; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 3050—A bill to be entitled An act relating to Alachua County; providing for members of the Alachua County School Board to be elected on a nonpartisan basis; prescribing procedures for qualification for office and for conducting elections for members of the board; providing that the act applies prospectively only; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 3052 was introduced out of order and adopted this day.

SR 3054 was introduced out of order and adopted this day.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Higher Education and Senators Kirkpatrick, Dantzer, Casas, Turner, Wexler, Johnson, Jones, Williams, Myers and Grant—

CS for SB 26—A bill to be entitled An act relating to postsecondary education; creating the Florida Distance Learning Network Council; providing membership; requiring a plan and a report; providing an effective date.

By the Committee on Criminal Justice and Senators Crist and Latvala—

CS for SB 314—A bill to be entitled An act relating to municipal law enforcement agencies; creating the "Officer Jeffery Tackett Law Enforcement Safety Act"; requiring specified municipal law enforcement agencies to establish a means to communicate with other law enforcement agencies and to request assistance; providing a legislative finding of an important state interest; providing an effective date.

By the Committee on Banking and Insurance; and Senator Turner—

CS for SB 434—A bill to be entitled An act relating to insurance; amending s. 627.409, F.S.; limiting the errors in an individual or group health or disability insurance application which may bar recovery under the insurance coverage; providing for conditioning payment by the insurer; providing for prospective cancellation of a policy; providing that the section does not supersede or nullify certain statutes; providing an effective date.

By the Committee on Community Affairs and Senator Kurth—

CS for SB 1422—A bill to be entitled An act relating to ad valorem taxes; amending s. 200.181, F.S.; authorizing local governments receiving surplus revenue from voted levies for debt service to use the surplus for specified maintenance and operation purposes; amending s. 200.171, F.S.; requiring that a levy resulting in surplus revenue be included within the nonvoted millage rate; providing an effective date.

By the Committee on Community Affairs and Senators Dudley, Myers and McKay—

CS for SB 1468—A bill to be entitled An act relating to firesafety; prescribing uniform criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for officers of such boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem special assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; providing an effective date.

By the Committee on Higher Education and Senators Holzendorf and Hargrett—

CS for SB 1610—A bill to be entitled An act creating the Florida Agricultural and Mechanical University Institute of Public Health; providing functions and duties of the institute; providing an effective date.

By the Committees on Transportation and Natural Resources and Senator Kirkpatrick—

CS for CS for SB 1642—A bill to be entitled An act relating to Game and Fresh Water Fish Commission funding; amending s. 370.01, F.S.; defining the terms "authorization" and "exhibit"; amending s. 370.0605, F.S.; providing procedures for the use of an authorization in lieu of a saltwater fishing license or permit; authorizing an additional charge for administrative costs; allowing county tax collectors to retain part of the administrative charge; authorizing fees for replacement of certain licenses and permits; requiring county tax collectors to submit reports and payments at specified times; amending s. 370.0606, F.S.; providing procedures for the appointment of subagents; amending s. 370.0608, F.S.; revising the time for transfer of saltwater license fees to the trust fund; amending s. 370.0615, F.S.; replacing the term "stamp" with the term "permit"; amending s. 370.062, F.S.; authorizing an administrative charge for tarpon fishing tags; providing for the transfer of tag fees; amending ss. 370.1111, 370.14, F.S.; replacing the term "stamp" with the term "permit"; authorizing the commission, tax collectors, and subagents to sell permits; providing for the transfer of permit fees; amending s. 372.001, F.S.; redefining the term "resident" and defining the term "authorization"; amending s. 372.0222, F.S.; authorizing the commission to contract for certain advertising; amending s. 372.561, F.S.; changing stamp to permit; authorizing an administrative charge for certain licenses or permits; revising reporting requirements for county tax collectors; revising criteria for free licenses; amending s. 372.57, F.S.; providing procedures for the use of an authorization in lieu of a hunting or freshwater fishing license or permit; authorizing a short-term nonresident fishing license and fee; changing stamp to permit; providing for a daily use permit; amending s. 372.571, F.S.; changing stamp to permit; amending s. 372.5712, F.S.; changing stamp to permit; eliminating a formula for certain revenue expenditures; amending s. 372.5714, F.S.; revising the duties of the Waterfowl Advisory Council; amending s. 372.5715, F.S.; changing stamp to permit; amending 372.574, F.S.; providing procedures and standards for the appointment of subagents; requiring recordkeeping and reports by subagents; amending ss. 372.58, 372.581, 372.59, F.S.; changing stamp to permit; amending s. 372.60, F.S.; providing procedures for replacement of licenses or permits; authorizing an administrative charge for replacements; amending s. 372.711, F.S.; changing stamp to permit; repealing s. 372.573, F.S.; which provides for the disposition of management area stamp revenues; appropriating funds to the Game and Fresh Water Fish Commission; providing an effective date.

By the Committee on Banking and Insurance; and Senator McKay—

CS for SB 2138—A bill to be entitled An act relating to managed-care organizations; amending s. 624.4095, F.S.; providing for definition and calculation of annual written premiums related to approved managed-care organization services under workers' compensation managed-

care arrangements; requiring insurers to report to the Department of Insurance quarterly; amending s. 641.2017, F.S.; providing a limitation on certain workers' compensation managed-care arrangements; providing an effective date.

By the Committee on Community Affairs and Senators Dantzler, Kirkpatrick and Hargrett—

CS for SB 2622—A bill to be entitled An act relating to radon protection; amending s. 553.98, F.S., relating to building codes for radon-resistant buildings for residential and commercial use; providing legislative approval for the department's standards; providing for adoption of department standards for radon-resistant construction for residential buildings by local jurisdictions; providing local applicability of the standards; prohibiting adoption of certain radon requirements by local jurisdictions; providing an effective date.

By the Committees on Banking and Insurance; Health Care; and Senators Gutman, Sullivan, Bronson, Grant, Myers, Johnson, Latvala and Dyer—

CS for CS for SB's 2670, 1986, 2298, 2638 and 926—A bill to be entitled An act relating to health care; creating s. 627.6045, F.S.; providing certain limitations for a preexisting-condition-provision included in a health insurance policy; creating s. 627.6425, F.S.; providing for renewability of individual coverage; creating s. 627.6691, F.S.; providing a short title; providing purpose and intent; providing for applicability; providing definitions; requiring that certain group health benefit plans provide for continuation of coverage under certain circumstances; providing requirements for minimum coverage; providing requirements for the beneficiary and the carrier upon the occurrence of a qualifying event giving rise to the potential election of continuation of coverage; providing that a carrier may contract with an administrator certified under part VII of ch. 626, F.S.; requiring a carrier to include in policies, contracts, certificates, and plan booklets notice of a beneficiary's right to continue coverage; amending s. 627.6699, F.S.; providing a definition of medically necessary; requiring the Agency for Health Care Administration to apply for federal Medicaid waivers to implement specified programs; creating s. 409.810, F.S.; providing a short title; creating s. 409.812, F.S.; creating the Florida COBRA Continuation program as a voluntary health insurance premium assistance program within the Agency for Health Care Administration; creating s. 409.814, F.S.; providing for eligibility for temporary assistance payments under the program; providing for the Department of Insurance to periodically adjust the assistance payments; providing requirements for applying for premium assistance payments; providing that the Florida COBRA Continuation program is not an entitlement; creating s. 409.815, F.S.; providing requirements for the agency in implementing the program; creating s. 409.816, F.S.; providing for savings from the Medicaid program to be transferred to specified trust funds; creating s. 409.817, F.S.; providing for the Legislature to establish an enrollment cap; providing circumstances under which the agency must cease enrollment in the program; amending s. 216.136, F.S.; requiring the Social Services Estimating Conference to provide certain forecasts with respect to costs of the Medicaid program; providing for the estimates to be used to determine enrollment in the Florida COBRA Continuation program; providing for staff of the agency to be included as principals of the conference; amending s. 409.901, F.S., relating to the Medicaid program; conforming provisions to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; providing additional definitions; amending s. 409.9122, F.S.; requiring an evaluation of the MediPass program; providing requirements for the agency in enrolling Medicaid recipients in managed-care plans or MediPass; amending s. 641.19, F.S., relating to the Health Maintenance Organization Act; defining the term "emergency services and care" for purposes of the act; amending s. 641.47, F.S.; defining the terms "emergency medical condition" and "emergency services and care" for purposes of part III of ch. 641, F.S.; amending s. 641.315, F.S.; prescribing additional conditions that must be included in health maintenance organization provider contracts; amending s. 641.3903, F.S.; prescribing additional unfair practices by health maintenance organizations with respect to misrepresentations made to prospective enrollees; creating s. 627.6141, F.S.; prescribing an appeals process upon denial of a claim under certain health plans; requiring health maintenance organizations to provide certain information to prospective enrollees; creating s. 641.513, F.S.; prescribing requirements in providing emergency services

and care; transferring, renumbering, and amending s. 408.7056, F.S.; establishing the Statewide Subscriber and Provider Assistance Program for persons who have unresolved grievances with an accountable health partnership, health maintenance organization, or prepaid health clinic; providing for review panels; requiring reports concerning unresolved grievances; requiring the Agency for Health Care Administration to establish a data base of complaint and grievance information; providing for administrative fines for failure of entities to comply with standards of service; creating the "Florida Health Care Community Antitrust Act"; providing for members of the health care community to seek a statement from the Attorney General's Office that it will take no antitrust action with respect to proposed business activities; repealing s. 455.2555, F.S., which imposes fees on providers of designated health services for services provided to recipients who are ineligible for specified benefits under certain provisions of the Social Security Act; providing for retroactive operation of such repeal; amending s. 400.487, F.S.; providing for evaluation of home health patients by a podiatrist; amending s. 408.706, F.S.; redefining the term "independent pharmacy" for purposes of accountable health partnerships; requiring certain entities to make available the services of independent pharmacies; amending s. 459.011, F.S.; prohibiting all health-related entities licensed under ch. 395, F.S., or ch. 408, F.S., from discriminating against a licensee on the basis of licensure under ch. 458 or ch. 459; amending s. 461.012, F.S.; prohibiting advertising of podiatric services without an active license or with a license fraudulently obtained; amending s. 624.91, F.S.; adding members to the board of directors of the Florida Healthy Kids Corporation; amending s. 20.42, F.S.; providing that the Director of Health Care Administration is subject to Senate confirmation; providing an effective date.

By the Committee on Higher Education and Senator Kirkpatrick—

CS for SB 2776—A bill to be entitled An act relating to independent postsecondary institutions; amending s. 246.011, F.S.; clarifying purpose; amending s. 246.041, F.S., relating to powers and duties of the State Board of Independent Colleges and Universities; requiring an annual review of accreditation standards; permitting reviews on behalf of the State Postsecondary Review Entity; amending s. 246.085, F.S.; providing for exemption from licensure; amending s. 246.203, F.S.; clarifying definitions; revising the title of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 246.207, F.S., relating to board powers and duties; providing additional reporting requirements; expanding eligibility for participation in the Student Protection Fund; authorizing certain contracts; permitting reviews on behalf of the State Postsecondary Review Entity; amending s. 246.213, F.S.; requiring the adoption of certain policies and procedures; providing a process for basic skills remediation; amending s. 246.2235, F.S.; authorizing the establishment of a closed school task force; providing conditions that authorize an independent school to participate in the Certified Teacher Aide Welfare Transition Program; directing that changes in terminology in the Florida Statutes be made; requiring consultation with specified boards prior to changing training requirements for entering into an occupation or profession; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator McKay—

CS for SB 2826—A bill to be entitled An act relating to the regulation of utilities by the Public Service Commission; amending s. 120.57, F.S.; limiting hearings relating to proposed agency actions; amending s. 364.035, F.S.; eliminating modified minimum filing requirements; providing a formula for calculating rate of returns for small local exchange telecommunications companies; amending s. 364.055, F.S., to conform; amending s. 366.06, F.S.; eliminating modified minimum filing requirements; providing a formula for calculating rates of return for small electric and gas utilities; amending s. 366.071, F.S., to conform; amending s. 366.81, F.S.; revising the legislative findings and intent relating to conservation of electric and natural gas resources; amending s. 366.82, F.S.; revising the definition of the term "utility"; providing that conservation programs must be cost-effective; amending s. 377.703, F.S.; requiring electric and gas utilities to assist in the development of energy emergency contingency plans; providing an effective date.

By the Committee on Community Affairs and Senator Johnson—

CS for SB 2834—A bill to be entitled An act relating to state planning; amending provisions of chapter 186, F.S., relating to state planning, to incorporate reference to the judicial branch as required by s. 19(h), Art. III of the State Constitution; amending s. 186.002, F.S.; revising legislative findings and intent; amending s. 186.003, F.S.; revising, providing, and eliminating definitions; amending s. 186.007, F.S., relating to preparation of the state comprehensive plan; eliminating an inapplicable term and a provision relating to the long-term infrastructure and capital outlay portion of the plan; amending s. 186.008, F.S., relating to implementation and revision of the state comprehensive plan; amending s. 186.009, F.S.; eliminating an obsolete provision relating to the growth management portion of the state comprehensive plan; amending s. 186.021, F.S., relating to strategic plans; providing for agency and legislative branch plans; requiring such plans to identify potential conflicts with existing law; amending s. 186.022, F.S.; revising provisions relating to preparation, submission, revision, and review of strategic plans, to require submission to additional legislative leaders and committees, inclusion of budget reduction measures, and preparation of major issues in conformity with legislative budget requests; amending s. 186.031, F.S.; changing the Governor's report to the Legislature on the state comprehensive plan from an annual report to a biennial one; amending s. 216.052, F.S.; requiring strategic plans to be submitted with legislative budget requests to the legislative appropriations committees; amending ss. 11.45, 282.307, and 282.308, F.S., to conform; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1082, SB 1784, SB 1788, SB 1854 and SB 1920, which became law without his signature on April 20, 1995.

The Governor advised that he had filed with the Secretary of State SB 164, which became law without his signature on April 25, 1995.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed HB 1259, HB 1285, HB 1295, HB 1467, HB 1595, HB 1867, HB 2361; has passed as amended CS for HB 129, CS for HB 439, CS for CS for HB's 461 and 1885, HB 597, HB 599, HB 657, CS for HB's 1191 and 1819, HB 1565, HB 2057, HB 2301, CS for HB 2533; has adopted CS for HCR 31; has adopted as amended HCR 1401 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Couch and others—

HB 1259—A bill to be entitled An act relating to West Orange Healthcare District, Orange County; amending chapter 26066, Laws of Florida, 1949, as amended; authorizing the board of trustees to form a not-for-profit corporation, to enter into contracts and lease agreements, and to convey real and personal property with or to a not-for-profit corporation in order to carry out the purposes of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Burroughs and others—

HB 1285—A bill to be entitled An act relating to Santa Rosa County; amending and codifying ch. 94-490, Laws of Florida, which substantially revised ch. 79-561, Laws of Florida, as amended; amending the definition of "unclassified service"; renaming positions; providing technical amendments; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Representative Martinez and others—

HB 1295—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; amending chapter 83-423, Laws of Florida, as amended by chapters 87-496 and 88-493, Laws of Florida; deleting obsolete language; providing technical changes in language relating to membership of the commission; providing that meetings may occur less than monthly; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Representative Ritchie and others—

HB 1467—A bill to be entitled An act relating to Escambia County; amending chapter 92-248, Laws of Florida; providing for the terms of office of members of the board of the Escambia County Utilities Authority to commence on the second Tuesday following election; prohibiting a consultant to the authority from holding certain conflicting employment or contractual relationships; requiring the authority to use the most cost-effective means of providing, operating, or maintaining resource recovery systems or solid waste system collection, distribution, or disposal systems; encouraging the authority to contract with private persons on a competitive basis for any and all such systems; prohibiting the authority from discriminating against private persons who provide such systems; requiring the authority to seek competitive bids for certain activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Representative Bainter and others—

HB 1595—A bill to be entitled An act relating to the Oklawaha Basin Recreation and Water Conservation and Control Authority, Lake County; amending chapter 29222, Laws of Florida, 1953, as amended; changing the name of the Oklawaha Basin Recreation and Water Conservation and Control Authority to the Lake County Water Authority; increasing the number of members of the governing board from three to five and requiring that one member reside in each of the county commission districts of Lake County; changing the termination of terms of governing board members to the first Tuesday of January the year following the election of the county commissioner from whose district such member resides; providing that board members may not serve as director of the authority; changing the number of members of the governing board required to constitute a quorum; providing a transition schedule; providing for referenda with respect to election and continued existence of the board; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Representative Rayson and others—

HB 1867—A bill to be entitled An act relating to education; creating the “Florida Maximum Class Size Goals Act”; providing goals relating to class size in certain grade levels; authorizing funds for implementation; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Boyd—

HB 2361—A bill to be entitled An act relating to Gilchrist County; repealing ch. 30778, Laws of Florida, 1955, as amended, relating to Gilchrist County Park Board; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By the Committee on Education and Representative Bullard and others—

CS for HB 129—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; amending s. 232.2463, F.S.; revising provisions related to the high school grading system; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Education and Representative Maygarden and others—

CS for HB 439—A bill to be entitled An act relating to education; amending s. 232.246, F.S., relating to high school graduation requirements; amending s. 232.2465, F.S., relating to Florida Academic Scholars; providing that completion of an International Baccalaureate curriculum satisfies certain requirements; revising qualification standards; creating s. 233.0641, F.S., relating to the Free Enterprise and Consumer Education Act; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Appropriations and Criminal Justice and Representative Barreiro and others—

CS for CS for HB’s 461 and 1885—A bill to be entitled An act relating to violent career criminal sentencing; creating the “Officer Evelyn Gort and All Fallen Officers Career Criminal Act of 1995”; amending s. 775.084, F.S.; providing for enhanced sentencing and mandatory minimum terms of imprisonment for violent career criminals sentenced on a primary offense committed on or after October 1, 1995; providing criteria; providing procedure; reducing the amount of incentive gain-time eligibility; requiring a minimum of 85 percent of sentence served; revising provisions relating to right of appeal; requiring certain reports to the Sentencing Commission; amending s. 775.08401, F.S., relating to uniform eligibility criteria, to conform; amending s. 775.0841, F.S.; revising provisions relating to legislative findings and intent; amending ss. 775.0843, F.S., relating to persons subject to career criminal sentencing efforts and policies to be adopted for career criminals; creating s. 790.235, F.S.; providing for enhanced mandatory minimum terms of imprisonment for violent career criminals convicted of possession of firearms; amending s. 921.0013, F.S., relating to sentencing guidelines with respect to violent career criminals; providing a maximum limitation of 5 days of incentive gain-time granted with respect to violent career criminals; and revising sentencing guidelines, effective October 1, 1995.

—was referred to the Committees on Appropriations and Criminal Justice and Representative Barreiro and others—
By Representative Barreiro and others—
CS for HB 461 and 1885—A bill to be entitled An act relating to violent career criminal sentencing; creating the “Officer Evelyn Gort and All Fallen Officers Career Criminal Act of 1995”; amending s. 775.084, F.S.; providing for enhanced sentencing and mandatory minimum terms of imprisonment for violent career criminals sentenced on a primary offense committed on or after October 1, 1995; providing criteria; providing procedure; reducing the amount of incentive gain-time eligibility; requiring a minimum of 85 percent of sentence served; revising provisions relating to right of appeal; requiring certain reports to the Sentencing Commission; amending s. 775.08401, F.S., relating to uniform eligibility criteria, to conform; amending s. 775.0841, F.S.; revising provisions relating to legislative findings and intent; amending ss. 775.0843, F.S., relating to persons subject to career criminal sentencing efforts and policies to be adopted for career criminals; creating s. 790.235, F.S.; providing for enhanced mandatory minimum terms of imprisonment for violent career criminals convicted of possession of firearms; amending s. 921.0013, F.S., relating to sentencing guidelines with respect to violent career criminals; providing a maximum limitation of 5 days of incentive gain-time granted with respect to violent career criminals; and revising sentencing guidelines, effective October 1, 1995.

—was referred to the Committees on Ways and Means; and Rules and Calendar.

By Representative Morroni—

HB 599—A bill to be entitled An act relating to the Board of Juvenile Welfare, Pinellas County; amending chapter 23483, Laws of Florida, 1945, as amended; providing that any member of the board of county commissioners of Pinellas County, Florida, may serve as a member of the Board of Juvenile Welfare; providing term of office; amending chapter 65-2101, Laws of Florida, as amended; raising the petty cash account limitation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnall and others—

HB 657—A bill to be entitled An act relating to the Consolidated City of Jacksonville and the City of Atlantic Beach; excluding certain described areas, commonly known as “Johnson Island,” the “Radio Station,” “Dutton Island,” and the “Marsh” from the territory of the Consolidated City of Jacksonville and annexing such areas to the City of Atlantic Beach; providing for referendums.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education and Representative Tedder and others—

CS for HB's 1191 and 1819—A bill to be entitled An act relating to charter schools; authorizing the creation of charter schools and providing purpose; providing formation and sponsorship; limiting the number of charter schools; providing student eligibility; providing organization as a separate entity; providing requirements of charter schools and charter documents; providing causes for nonrenewal or termination of a charter school; providing exemption from statutes and rules; providing rights of teachers; providing funding of charter school students; providing immunity; providing length of school year; providing initial costs; providing dissemination of information; providing levy of taxes and issuance of bonds; amending s. 947.16, F.S., relating to “employer” within the Florida Retirement System; providing an effective date.

HB 1565—A bill to be entitled An act relating to the Hospital Authority, Florida, as amended; providing that the authority shall be a separate entity; providing for filing of office; providing for filing of expenses; providing for other matters relating to the Hendry County date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Representative Mackey—

HB 2057—A bill to be entitled An act relating to amending chapter 59-1903, Laws of Florida, as amended; amending s. 2095, Laws of Florida; providing that the appointment of the Suwannee County Development Authority shall be changed to the Governor to the Board of County Commissioners of Suwannee County; prescribing and clarifying the Authority's powers and duties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education and Representative Chestnut—

HB 2301—A bill to be entitled An act relating to early childhood education; amending s. 230.2303, F.S., relating to the Florida First Start Program; revising provisions relating to eligibility; providing for a sliding fee scale for certain children; requiring specified coordination; deleting an obsolete provision; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising provisions relating to eligibility; providing requirements for school district plans; revising evaluation procedures; deleting a restriction on use of funds for transportation of students; restricting use of funds for certain capital outlay purposes; providing for coordination of early intervention programs with district interagency coordinating councils on early childhood services; saving ss. 230.2303 and 230.2305, F.S., from repeal; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Appropriations and Corrections and Representative Sindler and others—

CS for HB 2533—A bill to be entitled An act relating to design capacity of the state correctional system; amending s. 944.023, F.S., relating to the comprehensive correctional master plan; defining “total capacity” and deleting provisions relating to “lawful capacity”; amending s. 944.0231, F.S.; revising provisions relating to reduction of capacity; amending s. 944.096, F.S.; conforming language and deleting obsolete terminology; amending s. 947.146, F.S., relating to control release, to restrict eligibility, to conform to the act and to delete obsolete language; creating s. 957.16, F.S.; authorizing commission to modify correctional facility contracts to expand the total design capacity; providing a cross-reference; providing that additional beds authorized are contingent upon specific appropriations; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Judiciary and Representative Wise and others—

CS for HCR 31—A concurrent resolution instructing Congress to cease and desist mandates beyond the scope of its authority under the 10th Amendment to the United States Constitution.

—was referred to the Committee on Rules and Calendar.

By Representative Logan and others—

HCR 1401—A concurrent resolution of participation in a Conference of the States.

—was referred to the Committees on Governmental Reform and Oversight; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 82, CS for SB 114 and SB 520.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

CS for SB 4

Casas	Dyer	Harris
Childers	Forman	Holzendorf
Christ	Grant	Horne
Christler	Gutman	Jennings
Clalart	Harden	Johnson
	Hargrett	Jones

Kirkpatrick Meadows Silver
Kurth Myers Sullivan
Latvala Ostalkiewicz Thomas
McKay Rossin Turner

Weinstein
Wexler
Williams

Nays—None

SB 498—After Reconsideration

Nays—None

Yeas—38

Mr. President Diaz-Balart Horne Ostalkiewicz
Bankhead Dudley Jennings Rossin
Beard Dyer Johnson Silver
Bronson Forman Jones Thomas
Brown-Waite Grant Kirkpatrick Turner
Burt Gutman Kurth Weinstein
Casas Harden Latvala Wexler
Childers Hargrett McKay Williams
Crist Harris Meadows
Dantzler Holzendorf Myers

SB 160

Yeas—31

Mr. President Crist Hargrett McKay
Bankhead Dantzler Harris Meadows
Beard Diaz-Balart Holzendorf Myers
Bronson Dudley Horne Ostalkiewicz
Brown-Waite Dyer Jennings Silver
Burt Grant Jones Thomas
Casas Gutman Kirkpatrick Williams
Childers Harden Latvala

Nays—None

Vote after roll call:

Yea—Sullivan

Nays—7

Forman Kurth Turner
Johnson Rossin Weinstein

Wexler

CS for SB 510

Vote after roll call:

Yeas—37

Bankhead Dudley Johnson Silver
Beard Dyer Jones Sullivan
Bronson Forman Kirkpatrick Thomas
Brown-Waite Gutman Kurth Turner
Burt Harden Latvala Weinstein
Casas Hargrett McKay Wexler
Childers Harris Meadows Williams
Crist Holzendorf Myers
Dantzler Horne Ostalkiewicz
Diaz-Balart Jennings Rossin

Nays—None

Vote after roll call:

Yea—Grant

SB 260

Yeas—39

Mr. President Diaz-Balart Horne Ostalkiewicz
Bankhead Dudley Jennings Rossin
Beard Dyer Johnson Silver
Bronson Forman Jones Sullivan
Brown-Waite Grant Kirkpatrick Thomas
Burt Gutman Kurth Turner
Casas Harden Latvala Weinstein
Childers Hargrett McKay Wexler
Crist Harris Meadows Williams
Dantzler Holzendorf Myers

Nays—None

SB 296

Yeas—38

Mr. President Diaz-Balart Jennings Rossin
Bankhead Dudley Johnson Silver
Beard Dyer Jones Sullivan
Bronson Forman Kirkpatrick Thomas
Brown-Waite Grant Kurth Turner
Burt Gutman Latvala Weinstein
Casas Harden McKay Wexler
Childers Harris Meadows Williams
Crist Holzendorf Myers
Dantzler Horne Ostalkiewicz

Nays—None

SB 498

Yeas—39

Mr. President Diaz-Balart Horne Ostalkiewicz
Bankhead Dudley Jennings Rossin
Beard Dyer Johnson Silver
Bronson Forman Jones Sullivan
Brown-Waite Grant Kirkpatrick Thomas
Burt Gutman Kurth Turner
Casas Harden Latvala Weinstein
Childers Hargrett McKay Wexler
Crist Harris Meadows Williams
Dantzler Holzendorf Myers

SB 686

Yeas—37

Mr. President Diaz-Balart Jennings Rossin
Bankhead Dudley Johnson Silver
Beard Dyer Jones Thomas
Bronson Forman Kirkpatrick Turner
Brown-Waite Gutman Kurth Weinstein
Burt Harden Latvala Wexler
Casas Hargrett McKay Williams
Childers Harris Meadows
Crist Holzendorf Myers
Dantzler Horne Ostalkiewicz

Nays—None

Vote after roll call:

Yea—Grant, Sullivan

SB 864

Yeas—36

Mr. President Diaz-Balart Horne Myers
Bankhead Dudley Jennings Ostalkiewicz
Beard Dyer Johnson Rossin
Bronson Forman Jones Silver
Burt Grant Kirkpatrick Sullivan
Casas Gutman Kurth Thomas
Childers Harden Latvala Turner
Crist Harris McKay Weinstein
Dantzler Holzendorf Meadows Wexler

Nays—None

Vote after roll call:

Yea—Hargrett

Yea—Sullivan

SB 906

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Latvala	Weinstein
Casas	Harden	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Harris	Myers	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

SB 970

Yeas—37

Mr. President	Dyer	Johnson	Silver
Bankhead	Forman	Jones	Sullivan
Beard	Grant	Kirkpatrick	Thomas
Bronson	Gutman	Kurth	Turner
Brown-Waite	Harden	Latvala	Weinstein
Burt	Hargrett	McKay	Wexler
Childers	Harris	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	
Dudley	Jennings	Rossin	

Nays—None

CS for SB 978

Yeas—38

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 994

Yeas—36

Mr. President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jennings	Ostalkiewicz
Beard	Dudley	Johnson	Rossin
Bronson	Dyer	Jones	Silver
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kurth	Turner
Casas	Gutman	Latvala	Weinstein
Childers	Harden	McKay	Wexler
Crist	Harris	Meadows	Williams

Nays—2

Hargrett Holzendorf

Vote after roll call:

CS for SB 1038

Yeas—37

Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

SB 1378

Yeas—38

Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

SB 1508

Yeas—37

Mr. President	Diaz-Balart	Jennings	Rossin
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Bronson	Grant	Kirkpatrick	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	

Nays—2

Forman Silver

SB 1726

Yeas—36

Bankhead	Dudley	Jennings	Ostalkiewicz
Beard	Dyer	Johnson	Rossin
Bronson	Forman	Jones	Silver
Brown-Waite	Grant	Kirkpatrick	Sullivan
Burt	Gutman	Kurth	Thomas
Childers	Harden	Latvala	Turner
Crist	Harris	McKay	Weinstein
Dantzler	Holzendorf	Meadows	Wexler
Diaz-Balart	Horne	Myers	Williams

Nays—None

SB 1728

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

SB 1802

Yeas—37

Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Bronson	Forman	Kirkpatrick	Thomas
Brown-Waite	Gutman	Kurth	Turner
Burt	Harden	Latvala	Weinstein
Casas	Hargrett	McKay	Wexler
Childers	Harris	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	
Diaz-Balart	Jennings	Rossin	

Nays—None

Vote after roll call:

Yea—Grant

CS for SB 1914

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

CS for SB 2330

Yeas—38

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 2458

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

CS for SB 2646

Yeas—36

Bankhead	Dudley	Horne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Kirkpatrick	Sullivan
Casas	Gutman	Kurth	Thomas
Childers	Harden	Latvala	Turner
Crist	Hargrett	McKay	Weinstein
Dantzler	Harris	Meadows	Wexler
Diaz-Balart	Holzendorf	Myers	Williams

Nays—None

Vote after roll call:

Yea to Nay—Crist

ROLL CALLS ON HOUSE BILLS

CS for HB 5

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

HB 187

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Bronson	Forman	Kirkpatrick	Thomas
Brown-Waite	Grant	Kurth	Turner
Burt	Gutman	Latvala	Weinstein
Casas	Harden	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Harris	Myers	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

HB 187—After Reconsideration

Yeas—38

Bankhead	Beard	Bronson	Brown-Waite
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Burt
Casas
Childers
Crist
Dantzler
Diaz-Balart
Dudley
Dyer
Forman

Grant
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne
Jennings
Johnson

Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz
Rossin

Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

HB 2371

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

Nays—None

HB 239

Yeas—38

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris
Holzendorf

Horne
Jennings
Johnson
Jones
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

HB 1387

Yeas—37

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Forman
Gutman
Harden
Hargrett
Harris
Holzendorf
Horne

Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

Vote after roll call:

Yea—Grant, Sullivan

HB 2209

Yeas—37

Mr. President
Bankhead
Beard
Bronson
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Forman
Grant
Gutman
Harden
Hargrett
Harris
Horne

Jennings
Johnson
Jones
Kirkpatrick
Kurth
Latvala
McKay
Meadows
Myers
Ostalkiewicz

Rossin
Silver
Sullivan
Thomas
Weinstein
Wexler
Williams

Nays—None

ENROLLING REPORTS

SB 576, SB 582, SB 584, SB 590, SB 592, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 610, SB 612, SB 614, SB 624, CS for SB 1070 and SB 1758 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 1995.

*Joe Brown, Secretary***CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 21 was corrected and approved.

CO-SPONSORS

Senator Bankhead—SR 886; Senator Forman—SB 1840; Senator Hargrett—SB 1728, SB 1840; Senator Jones—SB 2186, CS for SB 2330, SB 2388; Senator Latvala—SR 886; Senator Rossin—SR 886

RECESS

On motion by Senator Jennings, the Senate recessed at 5:50 p.m. to reconvene at 9:30 a.m., Thursday, April 27.

SENATE PAGES

April 24-28

Megan Berrigan, Tallahassee; Charles D. Burpee, Fort Lauderdale; Thomas Burt, Ormond Beach; Calvin Calhoun, Tallahassee; Jennifer Callan, Tallahassee; Anthony Cho, Roseland; Alison A. Erato, Tallahassee; David Forman, Miami; Michelle Graham, Tallahassee; Madetric Hall, Tallahassee; Matthew Inkel, Orlando; Ray Oktavec, Fort Lauderdale; Sunji M. Parham, Lakeland; Brady Proctor, Tallahassee; Kimberly Romans, Tallahassee; Tara Sansbury, West Palm Beach; John Scherer, Fort Lauderdale; Ashauna L. Sumlar, Jacksonville; Whitney A. Wise, Tallahassee; Craig Zapetis, Miami