



# Journal of the Senate

Number 6—Regular Session

Wednesday, March 19, 1997

## CONTENTS OF TODAY'S JOURNAL

|   |          |
|---|----------|
| Call to Order                           | 211      |
| Co-Sponsors                             | 247      |
| Committee Substitutes, First Reading    | 239      |
| Executive Appointments                  | 236, 245 |
| House Messages, First Reading           | 246      |
| Introduction and Reference of Bills     | 237      |
| Motions                                 | 212, 235 |
| Motions Relating to Committee Meetings  | 212      |
| Motions Relating to Committee Reference | 211      |
| Reports of Committees                   | 235      |
| Resolutions                             | 211      |
| Senate Pages                            | 247      |
| Special Order Calendar                  | 212      |

## CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

|                 |             |             |              |
|-----------------|-------------|-------------|--------------|
| Madam President | Crist       | Holzendorf  | Meadows      |
| Bankhead        | Dantzer     | Horne       | Myers        |
| Bronson         | Diaz-Balart | Jenne       | Ostalkiewicz |
| Brown-Waite     | Dudley      | Jones       | Rossin       |
| Burt            | Dyer        | Kirkpatrick | Scott        |
| Campbell        | Forman      | Klein       | Silver       |
| Casas           | Grant       | Kurth       | Sullivan     |
| Childers        | Gutman      | Latvala     | Thomas       |
| Clary           | Hargrett    | Lee         | Turner       |
| Cowin           | Harris      | McKay       | Williams     |

## PRAYER

The following prayer was offered by Dr. Len Turner, Pastor, East Hill Baptist Church, Tallahassee:

Almighty, loving, caring and ever-present God, we pause in these few moments, before the business of the day begins to consume us, as thirsty desert wanderers before an oasis watering hole. We know that this day's journey is necessary, even though it will exact from us our best energy intellectually, emotionally and physically. At times, we know, we will grow extremely thirsty from the toil of the day. So we pause for just a little while to quickly drink of the water of stillness, quietness, peace and the sense of your presence, Father, in and among us all.

As we drink from your cool waters and our thirst is being satisfied, help each of us—legislators, staff and citizens—to lift our eyes and see that we all are drinking from the same cool spring. There is a oneness about us all as we experience the same thirst and as we come to the same spring of cool water to be refreshed. Father, help us this day to have your eyes to see not how we are different, but how we as your children are alike in our need to have our thirst satisfied. Give us your ears to hear the sound of others as they drink. Most of all, give us your heart that will cause us to care for everyone who has met at the spring.

Heavenly Father, may we hear your words which say, "If a person is thirsty, let him come to me and drink." And may we also hear the Heavenly Father's words which say, "If your enemy is hungry, feed him; if he is thirsty, give him something to drink." God, help us on this day truly to see all who have gathered at your spring to drink. Amen.

## PLEDGE

Senate Pages, Michael Kiser of Winter Park and Christy Paul of Lakeland, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of President Jennings—

By Senators Jennings, Dyer, Ostalkiewicz and Bronson—

**SR 2212**—A resolution honoring the Walt Disney World upon the happy occasion of its 25th Anniversary.

WHEREAS, tourism is the largest industry in the State of Florida, employing more than 732,000 people and generating in excess of \$35 billion in annual revenues, and

WHEREAS, tourism is a crucial part of the state's economy, generating over \$2.1 billion in sales taxes and resort taxes, and

WHEREAS, more than 43 million visitors come to Florida, significantly boosting the state's economy, and

WHEREAS, Walt Disney World has led the way in tourism growth since the opening of the Magic Kingdom in 1971, and is a significant reason for the growth in tourism in central Florida, and

WHEREAS, Walt Disney World brings joy and happiness to people all around the world and contributes to the needs of the community through educational, environmental, and children and family programs, and

WHEREAS, Walt Disney World is sharing its 25th Anniversary in a year-long celebration with the people of Florida, NOW, THEREFORE,

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

That the Senate of the State of Florida pause in its deliberations to honor and celebrate Walt Disney World's 25th Anniversary and to express its gratitude for all the joy and happiness Walt Disney World has brought to the world.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be presented to Al Weiss, President of Walt Disney World, as a tangible token of the sentiments of the Florida Senate.

—**SR 2212** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Ostalkiewicz, by two-thirds vote **SB 1738**, **SB 374** and **SB 1656** were withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 216**, **SB 672** and **SB 1222** were withdrawn from the committees of reference and further consideration; and **SB 2216** was withdrawn from further consideration.

On motion by Senator Rossin, by two-thirds vote **SJR 110** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 1374** was withdrawn from the committees of reference and further consideration.

On motion by Senator Kurth, by two-thirds vote **SB 1596** and **SB 66** were withdrawn from the committees of reference and further consideration.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1588** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 1284** was withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Regulated Industries.

On motion by Senator Bankhead, by two-thirds vote **SB 292**, **CS for SB 396**, **CS for SB 586**, **CS for SB 770**, **SB 796**, **SB 820** and **SB 882** were withdrawn from the Committee on Ways and Means.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committees on Natural Resources, Judiciary and Regulated Industries were granted permission to meet from 2:30 p.m. until 5:30 p.m. in lieu of 2:00 p.m. until 5:00 p.m. as scheduled this day.

## MOTIONS

On motion by Senator Bankhead, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 20.

## SPECIAL ORDER CALENDAR

On motion by Senator Latvala, by two-thirds vote **CS for HB's 461, 281 and 75** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Ways and Means.

On motions by Senator Latvala—

**CS for HB's 461, 281 and 75**—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations

in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the

commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

—a companion measure, was substituted for **CS for SB 568** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

**Amendment 1 (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of 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:

(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 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, or which expenditure is not controlled by, coordinated with, made in consultation with, or made through the national, state, or county executive committee, including any subordinate committee of a national, state, or county committee of a political party. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

Section 2. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) A ~~No~~ person, political committee, or committee of continuous existence ~~may not, in any election, shall~~ make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. ~~in this state, for any election, in excess of the following amounts:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or oppos-

ing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election ~~may~~ shall not be obligated or expended by the committee until after the date of the election.

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

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

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

(b) *Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

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

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

Section 3. Section 106.085, Florida Statutes, is amended to read:

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

(1) Any individual, group, organization, *political party*, or committee making an independent expenditure in excess of \$1,000 on behalf of or in opposition to a candidate shall deliver notice in writing of such independent expenditure, *a general description of the subject and content of such expenditure, as well as* the amount of such expenditure and a detailed description of the media type or use of such expenditure, within 24 hours after obligating any funds for such expenditure. *However, the notice of the obligation of the expenditure must be made at least 2 days prior to an election.* An expenditure is obligated upon the purchase of any political advertising or the entering into any agreement, either oral or written, to purchase any political advertising. Such notice shall be delivered to all of the candidates in the affected race and to the qualifying officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure is designed to support or oppose. For purposes of this subsection, notice shall include, but is not limited to, personal hand delivery or overnight mail. Each new expenditure shall require the delivery or filing of an additional new notice. *This subsection does not apply to a primary election if the candidate is unopposed in the primary election.*

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

(b) *If the political advertisement required to be noticed under subsection (1) is to be communicated through means other than the spoken word, a duplicate reproduced from the original advertisement to be used must be provided with the notification. The duplicate must clearly depict a copy of the pictures, artwork, and text used in the advertisement.*

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

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

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

Section 4. Effective October 1, 1997, section 106.087, Florida Statutes, is created to read:

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

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

*State of Florida  
County of . . . .*

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

*the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.*

\_\_\_\_\_  
(Signature of committee officer)  
\_\_\_\_\_  
(Address)

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

\_\_\_\_\_  
(Signature and title of officer administering oath)

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

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

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

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

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

Section 5. Paragraph (c) of subsection (4) and subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(4)

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

1. The full name, address, and *primary* 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 *and, if available, the additional information requested in s. 106.077. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation.* However, if the contribution is \$100 or less, ~~the occupation of the contributor need not be listed, and~~ only the name and address of the contributor are necessary. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

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

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

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

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be \$500 \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Elections Commission Election Campaign Financing Trust Fund.* No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of a committee shall not be personally liable for such fine.

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

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

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

- ~~1. First-time offenders include committees of continuous existence which have not previously been fined for failure to timely file a report pursuant to this section.~~
- ~~2. The committee of continuous existence must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~
- ~~3. The request for waiver must be accompanied by a sworn oath by the treasurer of the committee stating that the committee has not previously been fined for the late filing of a report and that there was no activity during the reporting period. No activity shall mean that no funds were received or expenditures made during the reporting period.~~
- ~~4. The reporting period shall follow the schedules outlined in s. 106.07.~~

Section 6. Paragraph (a) of subsection (4) and subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

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

1. The full name, address, and *primary* occupation, ~~if any~~ of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions *and, if available, the additional information requested in s. 106.077. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted*

by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$100 per day for the first 3 days late and, thereafter, \$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, provided that for a candidate whose final report before a primary or general election, in which the candidate's name appears on the ballot, is late, the fine shall be \$500 per day for each late day. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

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

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

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

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

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

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

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

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

Section 7. Section 106.077, Florida Statutes, is created to read:

*106.077 Written solicitations for contributions; requirements.—Any written request or solicitation for contributions by or on behalf of any candidate, political committee, committee of continuous existence, or the state or county executive committee of a political party, including any solicitation requesting paid attendance at a fundraising event, must contain a request for the following information:*

*(1) For individual contributors of more than \$100, their primary occupation and the full name of the governmental agency, firm, association, foundation, organization, corporation, partnership, company, or other public or private entity by, for, or through which the person is principally employed.*

*(2) For all other persons, including corporations and other business entities, as clear a description as practicable of the principal type of business conducted by the corporation or organization.*

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

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

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

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

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$1,000 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be \$10,000 per day for each late day. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.

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

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

(4)(3) Any contribution received by a state or county executive committee less than 5 days before an election shall not be used or expended

in behalf of any candidate, issue, or political party participating in such election.

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

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

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

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

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

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

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

106.1405 Use of campaign funds by candidates.—If a candidate or spouse of a candidate intends to draw a salary from the campaign account of such candidate or use funds on deposit in a campaign account to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign, the candidate shall, at the same time he or she appoints a treasurer and designates his or her campaign depository, file with the officer before whom he or she qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used. A candidate or spouse of a candidate may not draw a salary from funds on deposit in a campaign account.

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

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

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is ~~34.5~~ percent of the annual salary of the office. ~~The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust~~

~~Fund. The remainder shall be distributed pursuant to s. 99.103. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.~~

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

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to ~~1 4-5~~ percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward ~~all assessments two-thirds of the amount~~ collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund ~~and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund.~~

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

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

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is ~~3 4-5~~ percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The qualifying officer shall forward all filing fees to the Department of Revenue for deposit in the General Revenue Fund. ~~One-third of all filing fees deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund.~~ The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

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

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

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

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all

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

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

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. *However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.*

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

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

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

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

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

3. *If a candidate is in the general election, give the funds up to the amount of allocable contributions contributed to the candidate by the political party of which the candidate is a member and which have not been spent or have not been obligated to be spent, not to exceed \$50,000, to the political party of which such candidate is a registered member. If a candidate does not run in the general election or if the political party of which the candidate is a registered member has not make any allocable contributions to the candidate, give not more than \$10,000 of the funds which have not been spent or obligated to be spent to the political party.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reim-

bursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the Elections Commission Trust Fund.

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

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

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

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

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

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

Section 16. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

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

(a) Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

(b) Identify the persons or organizations sponsoring the advertisement.

(c)1.a. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

b. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

2. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

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

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

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

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

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

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

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

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

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

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

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

Section 17. Section 106.147, Florida Statutes, is created to read:

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

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

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of

a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

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

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

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

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

Section 18. Section 106.1475, Florida Statutes, is created to read:

106.1475 Telephone solicitation; registered agent requirements; penalty.—

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

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

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

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

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

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

Section 19. Section 106.148, Florida Statutes, is created to read:

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

Section 20. Section 106.295, Florida Statutes, is amended to read:

106.295 Leadership funds; prohibition 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) *A leader may not directly or indirectly control the expenditure of any funds held by a political party.*

(4)(3) This section applies to leadership funds in existence on or after January 1, 1990.

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

99.097 Verification of signatures on petitions.—

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

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

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

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

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

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

(4) The supervisor shall be paid *in advance* the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate,

person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

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

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

100.371 Initiatives; procedure for placement on ballot.—

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

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

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

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

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

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

(3)(4) *No later than 5 p.m. on the 151st day prior to the general election at which the proposed initiative amendment is to be voted on for a name-by-name, signature-by-signature verification and no later than*

5 p.m. on the 121st day prior to the general election at which the proposed initiative amendment is to be voted on for a random-sampling verification, the sponsor shall submit signed and dated petition forms for that petition to each the appropriate supervisor of elections for verification as to the number of voters registered electors whose valid signatures appear thereon. Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with. The supervisor shall promptly verify the signatures upon payment of the fee or filing of the oath of undue burden required by s. 99.097. Upon completion of verification, which shall occur no later than the 91st day prior to the general election, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution of signatures by congressional district. This certificate shall be immediately transmitted to the division Secretary of State. The supervisor shall retain the signed and dated petition signature forms for at least 1 year following the election in which the proposed initiative amendment issue appeared on the ballot or until the division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

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

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

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

(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.

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

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

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

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

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

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

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the

paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

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

Section 26. Subsection (3) of 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 of voters.—

(3)(a)1. No person may enter any polling room or polling place where the polling place is also a polling room, during voting hours except the following:

- a.1. Official poll watchers;
- b.2. Inspectors;
- c.3. Election clerks;
- d.4. The supervisor of elections or his deputy;
- e.5. Persons there to vote, persons in the care of a voter, or persons caring for such voter;
- f.6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or
- g.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.

2.(b) The restriction in this paragraph 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.

(b)1.(e) No person, political committee, committee of continuous existence, or other group or organization may solicit voters within 100 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

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 pollworkers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.

2.(d) For the purpose of this paragraph 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.

3. *Notwithstanding any other provision of this paragraph, if in the opinion of the supervisor of elections, because of the location of the polling place, the health or safety of solicitors will be adversely affected, solicitation may be conducted within the 100-foot zone from a reasonably located, separately marked area, which must be designated by the supervisor of elections so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance. Solicitors must conduct their activities and display their subject matter so that it is clearly and easily identifiable by the voters as an activity in which they may voluntarily participate.*

~~(c)(e) Pursuant to their authority under this section, the election board may have 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 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 100-foot 50-foot zone surrounding the polling place. The law enforcement officer assigned to the precinct shall inform solicitors of the 100-foot zone and, when authorized by the election board, shall remove those who are not lawfully within the 100-foot zone and are disruptive and unruly.~~

Section 27. Subsections (1) and (2) of section 97.052, Florida Statutes, 1996 Supplement, are amended to read:

97.052 Uniform statewide voter registration application.—

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

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

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

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

1. Individuals seeking to register to vote.
2. Individuals or groups conducting voter registration programs. *A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.*
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Qualifying educational institutions.
7. Supervisors, who must make the applications and forms available in the following manner:
  - a. By distributing the applications and forms in their offices to any individual or group.
  - b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may not be reproduced by any private individual or group.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Race or ethnicity that best describes the applicant:
  1. American Indian or Alaskan Native.
  2. Asian or Pacific Islander.
  3. Black, not of Hispanic origin.
  4. White, not of Hispanic origin.
  5. Hispanic.
- (g) Sex.
- (h) Party affiliation.
- (i) Whether the applicant needs assistance in voting.
- (j) Name and address where last registered.
- (k) Social security number (optional).
- (l) Telephone number (optional).
- (m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(n)—Date of signature.~~

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

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

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

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

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

Section 28. Subsection (1) and paragraph (a) of subsection (5) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

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

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

1. The applicant's name.;
2. The applicant's legal residence address.;
3. The applicant's date of birth.;
4. An indication that the applicant is a citizen of the United States.
5. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.
6. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
7. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 29. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

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

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

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

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

Section 30. Section 97.1031, Florida Statutes, is amended to read:

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

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

(2) When the name of an elector is changed by marriage or other legal process, the elector must *provide a signed, written notification of*

*such change to notify the supervisor in writing of the change* and obtain a registration identification card reflecting the *new name change.*

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

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

Section 31. Section 98.461, Florida Statutes, is amended to read:

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

Section 32. Subsection (2) of section 104.011, Florida Statutes, is amended to read:

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

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

Section 33. Subsection (4) is added to section 104.012, Florida Statutes, to read:

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

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

Section 34. Sections 98.391, 98.412, 98.431, and 98.441, Florida Statutes, and sections 98.401 and 98.421, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are repealed.

Section 35. Subsection (11) is added to section 97.012, Florida Statutes, to read:

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

(11) Create and maintain a central voter file.

Section 36. Present subsections (4) through (29) of section 97.021, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (30), respectively, and a new subsection (4) is added to that section to read:

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

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

Section 37. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of ss. 98.095 and 98.097, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 38. Section 98.095, Florida Statutes, as amended by chapters 91-235 and 91-424, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

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

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

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

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

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

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

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

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

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

(Signature of person acquiring list)

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

(Signature and title of person administering oath)

Section 39. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, as amended by chapter 91-235, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

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

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

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

Section 40. Section 98.097, Florida Statutes, is created to read:

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

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

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

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

Section 41. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

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

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

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

(2)(4) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Elec-

tion Commission pursuant to the National Voter Registration Act of 1993.

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

Section 42. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

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

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

Section 43. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1996 Supplement, is amended to read:

125.01 Powers and duties.—

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

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

Section 44. *Effective July 1, 1997, the Florida Elections Commission and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including those in the possession of or provided by the Division of Elections of the Department of State as administrative support and services to the Florida Elections Commission pursuant to section 106.24(4), Florida Statutes (1995), are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of State to a newly created Florida Elections Commission within the Department of Legal Affairs, Office of the Attorney General. The administrative rules of the commission, and the rules of the Division of Elections governing records, personnel, property, and funds related to the commission, which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 45. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

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

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

Section 46. Subsection (2) of section 106.19, Florida Statutes, is amended to read:

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

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

Section 47. Subsection (7) of section 106.22, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

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

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

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

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

Section 48. Subsection (1) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by *s. 106.22 this chapter*, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 49. Section 106.24, Florida Statutes, is amended to read:

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

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

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

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

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall expeditiously be filled for the unexpired terms in the same manner of the original appointment to the vacated position.

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

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

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

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

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

~~shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations.~~

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

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

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

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

Section 50. Section 106.25, Florida Statutes, 1996 Supplement, is amended to read:

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

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

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

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

(4) ~~The commission~~ ~~Division of Elections~~ shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the ~~commission~~ ~~division~~ shall, by written report, find probable cause or no probable cause to believe that this chapter or s. 104.271 has been violated.

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

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

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

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

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

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

- (a) As provided in subsection (6) (5);
- (b) Upon a determination of probable cause or no probable cause by the commission; or
- (c) After a finding of no probable cause is made by the division and the case is not appealed; or
- (c)(d) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

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

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

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

Section 51. Section 106.26, Florida Statutes, is amended to read:

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

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider *all sworn complaints filed with*

*it and all matters reported to it by the Division of Elections or otherwise coming to its attention, including appeals of division dismissals of cases based on no probable cause. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chair thereof shall issue said process on behalf of the commission. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.*

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

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

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

to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

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

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

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

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

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

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

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

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

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

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

Section 52. Subsection (2) of section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

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

Section 53. *Transition provisions.—*

(1)(a) *The terms of all current members of the Florida Elections Commission shall expire at the end of the day, December 31, 1997, and new members shall be appointed to the commission prior to that date pursuant to the provisions of s. 106.24, Florida Statutes, as amended by this act, except that, in order to provide for staggered terms, the initial appointments shall be for terms beginning January 1, 1998, as follows:*

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

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

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

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

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

(a) *The current members of the commission shall:*

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

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

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

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

Section 54. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

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

(2) ~~Any person candidate who, in any a primary election or other election, knowingly with actual malice makes or causes to be made any statement about a an opposing candidate which is false commits is guilty of a 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 person candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state. In addition, any person knowingly making or causing to be made any statement about a candidate which is false shall be personally liable for damages.~~

Section 55. Effective upon this act becoming a law, subsection (5) of section 106.141, Florida Statutes, is amended to read:

## 106.141 Disposition of surplus funds by candidates.—

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

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

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

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

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

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

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

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

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

Section 56. Section 101.001, Florida Statutes, is amended to read:

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

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

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

incts ~~into election districts~~ shall be given in the same manner as provided in s. 101.71(2).

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

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

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

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

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

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

~~(4)(5) Within 10 days after there is any change in the division, number, or boundaries of the election precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered election precincts, setting forth the boundary lines and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office, thereof, so as to designate accurately the limits of each precinct. The supervisor of elections shall at the same time name, clearly define, and describe in writing the polling place which he or she has established in each new or altered election precinct or in any precinct in which he or she may have changed the polling place. Such changes shall be recorded in the office of the clerk of the circuit court for such county. Upon the recording of the changes, the supervisor of elections shall post a plainly written or printed copy at the courthouse in a conspicuous place.~~

Section 57. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 58. Except as otherwise provided in this act, this act shall take effect January 1, 1998; however, the amendment of section 100.371, Florida Statutes, by this act, relating to signature verification periods and random sampling for proposed initiative amendments, shall take effect on the effective date of amendments to the State Constitution approved by the electors at the general election to be held in November 1998 which authorize, or remove impediment to, enactment by the Legislature of the provisions of that section.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "independent expenditure" to exclude expenditures made by or through the national, state, or county executive committee; amending s. 106.08, F.S., relating to limitations on campaign contributions;

revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; creating s. 106.077, F.S.; establishing requirements for written solicitations for contributions; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 106.295, F.S.; expanding the prohibition against leadership funds; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a specified distance of any polling place or polling room; specifying acts of solicitation that may not be restricted; authorizing a supervisor of elections to permit solicitation within a specified zone under prescribed conditions; authorizing an election board to have disruptive persons removed by law enforcement officers; requiring the law enforcement officer assigned to an election precinct to inform solicitors of zone surrounding the polling place and to remove disruptive

solicitors; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 104.271, F.S.; making any person personally liable for damages for knowingly making a false statement about a candidate; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

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

**Amendment 1A (with title amendment)**—On page 1, between lines 16 and 17, insert:

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

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

(Renumber subsequent sections.)

And the title is amended as follows:

On page 91, line 21, after the semicolon (;) insert: creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law;

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

**Amendment 1B**—On page 2, line 8, delete that line and insert:

(1)(a) *Except for political parties*, no person, political committee, or committee

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

**Amendment 1C (with title amendment)**—On page 1, line 17 through page 2, line 4, delete those lines and insert:

Section 1. Subsections (5) and (8) of section 106.011, Florida Statutes, are amended to read:

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

(5) “Independent expenditure” means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee, or which expenditure is not controlled by, coordinated with, made in consultation with, or made through the national, state, or county executive committee, including any subordinate committee of a national, state, or county committee of a political party. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

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

And the title is amended as follows:

On page 91, line 25, following the semicolon (;) insert: redefining the term “person”;

Senator Jenne moved the following amendment to **Amendment 1**:

**Amendment 1D (with title amendment)**—On page 2, line 8 through page 3, line 22, delete those lines and insert:

(1)(a) *For purposes of contributions to candidates, a person who is ineligible to vote in this state pursuant to s. 97.041, may not make a contribution to a candidate for any public office in this state. Contributions may be made to candidates only by those persons who are eligible to vote in this state pursuant to s. 97.041. A candidate listed on the ballot*

*for any primary election, second primary election, general election, or special election may not accept a contribution from any person who is ineligible to vote in this state pursuant to s. 97.041. However, this section does not apply to any candidate for President of the United States, Vice President of the United States, United States Senate, or United States House of Representatives.*

(b) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee 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 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.

(c)(b) The contribution limits provided in this subsection shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign. Notwithstanding the limits provided in this subsection, no unemancipated child under the age of 18 years of age may make a contribution 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.

(d)(e) 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(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 shall be only one election, which 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.

And the title is amended as follows:

On page 91, line 26, after the semicolon (;) insert: prohibiting a person who is ineligible to vote in this state from making a contribution to a candidate for public office in this state; prohibiting a candidate for public office in this state from accepting a contribution for a person who is ineligible to vote in this state;

Senator Jenne moved the following substitute amendment for **Amendment 1D** which failed:

**Amendment 1E (with title amendment)**—On page 2, line 8 through page 3, line 22, delete those lines and insert:

(1)(a) *Notwithstanding any other provision of law, for purposes of contributions to candidates, a person who is ineligible to register to vote in this state pursuant to s. 97.041, may not make a contribution to a candidate for any public office in this state in excess of \$100. Contributions in excess of \$100 may be made to candidates only by those persons who are eligible to register to vote in this state pursuant to s. 97.041. A candidate listed on the ballot for any primary election, second primary election, general election, or special election may not accept a contribution from any person who is ineligible to register to vote in this state pursuant to s. 97.041 in excess of \$100. However, this section does not apply to any candidate for President of the United States, Vice President of the United States, United States Senate, or United States House of Representatives.*

(b) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee 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 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.

(c)(b) The contribution limits provided in this subsection shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign. Notwithstanding the limits provided in this subsection, no unemancipated child under the age of 18 years of age may make a contribution 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.

(d)(e) 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(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 shall be only one election, which 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.

And the title is amended as follows:

On page 91, line 26, after the semicolon (;) insert: prohibiting a person who is ineligible to register to vote in this state from making a contribution to a candidate for public office in this state in excess of a specified amount; prohibiting a candidate for public office in this state from accepting a contribution for a person who is ineligible to register to vote in this state in excess of a specified amount;

The question recurred on **Amendment 1D** which was withdrawn.

Senators Klein and Rossin offered the following amendment to **Amendment 1** which was moved by Senator Klein and failed:

**Amendment 1F (with title amendment)**—On page 3, line 23 through page 4, line 13, delete those lines and insert:

(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 \$150,000 for a candidate for Governor, Lieutenant Governor, or a Cabinet officer; \$100,000 for a candidate for the Florida Senate; or \$50,000 for a candidate for the Florida House of Representatives, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) For the purposes of this subsection:

1. Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.
2. Polling services, research services, technical assistance, and voter mobilization efforts are not contributions to be counted toward the contribution limits of this subsection.

And the title is amended as follows:

On page 91, line 28, after the semicolon (;) insert: providing limitations on the amount of contributions that a candidate may accept from national, state, and county executive committees;

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

**Amendment 1G**—On page 3, line 25, after the comma (,) insert: *including any subordinate committee of a national, state, or county committee of a political party.*

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

**Amendment 1H (with title amendment)**—On page 6, line 21 through page 8, line 1, delete those lines and insert:

(7)(6) Any person, political committee, or committee of continuous existence that who knowingly and willfully makes a contribution in violation of subsection (1) or subsection (5), any executive committee of a political party which knowingly and willfully makes a contribution in violation of subsection (2), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), is guilty of a felony ~~misdemeanor~~ of the ~~third~~ first degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. If any corporation, partnership, ~~or other~~ business entity, ~~or any~~ political committee, ~~or~~ committee of continuous existence, or executive committee of a political party is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$50,000 ~~\$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.

And the title is amended as follows:

On page 91, line 27, following the semicolon (;) insert: providing limitations on contributions; providing penalties;

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

**Amendment 1I**—On page 8, line 27, delete 2 and insert: 5

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

**Amendment 1J**—On page 31, line 6, after the period (.) insert: *Pro rata returns to political parties are subject to the limitations in subparagraph (4)(a)3.*

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

**Amendment 1K (with title amendment)**—On page 70, line 29 through page 72, line 27, delete those lines and insert:

(b) ~~The commission~~ ~~It~~ be composed of seven members, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. Members of the commission appointed by the Governor shall serve for 4-year terms. The chair 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 committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of four members is required to

And the title is amended as follows:

On page 98, lines 11-16, delete those lines and insert: duties; amending s. 106.24, F.S.; providing for appointment of an

#### MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for HB's 461, 281 and 75** and **CS for SB 1366**.

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

**Amendment 1L (with title amendment)**—On page 90, between lines 26 and 27, insert:

Section 57. *Campaign expenditure limitations.*—*Total expenditures by candidates shall be limited as follows:*

(1) *A candidate for the House of Representatives may not spend more than \$100,000 in the aggregate prior to the general election.*

(2) *A candidate for the Senate may not spend more than \$200,000 in the aggregate prior to the general election.*

(3) *A candidate for Commissioner of Agriculture, Attorney General, Comptroller, Commissioner of Education, Commissioner of Insurance, or Secretary of State may not spend more than \$2 million in the aggregate prior to the general election.*

(4) *A candidate for Governor or Lieutenant Governor may not spend more than \$5 million in the aggregate prior to the general election.*

Section 58. Section 57 of this act shall take effect only upon a ruling by the United States Supreme Court that allows limitations to be imposed on campaign expenditures.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 99, line 22, after the semicolon (;) insert: providing limitations on campaign expenditures for candidates for certain offices, contingent upon a decision by the United States Supreme Court;

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

**Amendment 1M**—On page 7, line 15, delete "second" and insert: *third*

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

**Amendment 1N (with title amendment)**—On page 50, line 11 through page 53, line 1, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 95, lines 17-29, delete those lines.

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

**Amendment 1O**—On page 3, lines 26-28, delete those lines and insert: \$50,000, no more than \$25,000 of which may be accepted *during* prior to the 28-day period immediately preceding the date of the general election.

Senators Hargrett and Dantzler offered the following amendment to **Amendment 1** which was moved by Senator Dantzler and adopted:

**Amendment 1P**—On page 71, line 14, after the period (.) insert: *Each member of the commission is subject to confirmation by the Senate.*

Senator Klein moved the following amendment to **Amendment 1**:

**Amendment 1Q (with title amendment)**—On page 91, between lines 1 and 2, insert:

Section 58. Section 100.051, Florida Statutes, is amended to read:

100.051 Candidate's name on general election ballot.—The supervisor of elections of each county shall print on ballots to be used in the county at the next general election the names of candidates who have been nominated by a political party, other than a minor political party, and the candidates who have otherwise obtained a position on the general election ballot in compliance with the requirements of this code. *A candidate who is unopposed in the general election must have the candidate's name printed on the general election ballot.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 99, line 23, after the semicolon (;) insert: amending s. 100.051, F.S.; requiring the name of an unopposed candidate to be printed on the general election ballot;

Senator Klein moved the following substitute amendment for **Amendment 1Q** which was adopted:

**Amendment 1R (with title amendment)**—On page 91, between lines 1 and 2, insert:

Section 58. Section 100.051, Florida Statutes, is amended to read:

100.051 Candidate's name on general election ballot.—The supervisor of elections of each county shall print on ballots to be used in the county at the next general election the names of candidates who have been nominated by a political party, other than a minor political party, and the candidates who have otherwise obtained a position on the general election ballot in compliance with the requirements of this code. *A candidate who is unopposed in the general election must have the supervisor of elections print the candidate's name on the general election ballot.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 99, line 23, after the semicolon (;) insert: amending s. 100.051, F.S.; requiring the name of an unopposed candidate to be printed on the general election ballot;

Senator McKay moved the following amendment to **Amendment 1**:

**Amendment 1S (with title amendment)**—On page 45, between lines 20 and 21, insert:

Section 22. 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 political parties shall be held on the Tuesday 9 weeks prior to the general election. 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 such office. ~~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 23. *Sections 100.091 and 100.096, Florida Statutes, are repealed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 94, line 14, after the first semicolon (;) insert: amending s. 100.061, F.S.; providing for the candidate that receives the highest number of the votes cast in the first primary election to be declared nominated for the office; repealing ss. 100.091, 100.096, F.S., relating to the second primary election and special elections held at the second primary election;

Senator Cowin moved the following substitute amendment for **Amendment 1S** which failed:

**Amendment 1T (with title amendment)**—On page 45, between lines 20 and 21, insert:

Section 22. 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 political parties shall be held on the Tuesday 9 weeks prior to the general election. *Any* Each candidate receiving *at least 40 percent and the largest number a majority* of the votes cast in each contest in the first primary election shall be declared nominated for such office. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive *at least 40 percent of the votes cast in the primary election a majority*.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 94, line 14, after the first semicolon (;) insert: amending s. 100.061, F.S.; providing for the candidate that receives at least 40 percent of the votes cast in the first primary election to be declared nominated for the office;

The question recurred on **Amendment 1S** which failed.

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB's 461, 281 and 75** as amended was placed on the calendar of Bills on Third Reading.

On motions by Senator Clary, by unanimous consent—

**CS for SB 1366**—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as “Danny Wuerffel Way”; providing for the erection of markers; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1366** was placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, March 20.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 19, 1997: CS for SB 568, CS for CS for SB 384, SB 356, SB 144, CS for SB 1366, CS for SB 290, CS for SB 186, CS for SB 8, CS for SB 284, SB 416, SB 418, SB 420, SB 422, SB 428, SB 430, SB 432, SB 434, SB 436, SB 438, SB 440, SB 424

Respectfully submitted,  
*W. G. (Bill) Bankhead, Chairman*

The Committee on Governmental Reform and Oversight recommends the following pass: SJR 1266

**The bill was referred to the Committee on Agriculture under the original reference.**

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1438 with 2 amendments

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1862

**The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

The Committee on Children, Families and Seniors recommends the following pass: SB 1282

**The bill was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 174 with 1 amendment, SB 966

The Committee on Education recommends the following pass: SB 408

The Committee on Health Care recommends the following pass: SB 884 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.**

The Committee on Children, Families and Seniors recommends the following pass: SB 1804 with 2 amendments

**The bill was referred to the Committee on Health Care under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 468

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1496

**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 776

**The bill was referred to the Committee on Regulated Industries under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 906 with 3 amendments, SB 970

**The bills were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Children, Families and Seniors recommends the following pass: SB 126, SB 1512

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 648 with 1 amendment, SB 684, SB 1502

The Committee on Community Affairs recommends the following pass: SB 676 with 2 amendments, SB 678, SJR 844, SB 1174

The Committee on Criminal Justice recommends the following pass: SB 260, SB 346, SB 464, SB 1028

The Committee on Education recommends the following pass: SB 2, SB 824, SB 826

The Committee on Governmental Reform and Oversight recommends the following pass: SB 76, SB 596, CS for SB 868, SB 1498 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.**

The Committee on Agriculture recommends the following pass: SB 1580 with 1 amendment

The Committee on Banking and Insurance recommends the following pass: SB 358 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 328

The Committee on Education recommends the following pass: SB 1528, SB 1922

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1086

**The bills contained in the foregoing reports were placed on the calendar.**

---

The Committee on Regulated Industries recommends a committee substitute for the following: SB 756

**The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.**

---

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 566 and 626

The Committee on Judiciary recommends a committee substitute for the following: SB 272

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Children, Families and Seniors under the original reference.**

---

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1860

The Committee on Natural Resources recommends a committee substitute for the following: SB 576

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

---

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1228

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 412, 140 and 804

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.**

---

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 630

**The bill with committee substitute attached was referred to the Committee on Education under the original reference.**

---

The Committee on Health Care recommends a committee substitute for the following: SB 948

**The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.**

---

The Committee on Criminal Justice recommends committee substitutes for the following: SB 170, SB 724

**The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.**

---

The Committee on Community Affairs recommends a committee substitute for the following: SB 1288

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1686

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

---

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1360

The Committee on Community Affairs recommends a committee substitute for the following: SB 956

The Committee on Criminal Justice recommends committee substitutes for the following: SB 176, SB 310

The Committee on Education recommends committee substitutes for the following: SB 1546, SB 1956

The Committee on Health Care recommends a committee substitute for the following: SB 238

The Committee on Judiciary recommends a committee substitute for the following: SB 892

The Committee on Regulated Industries recommends a committee substitute for the following: SB 526

The Committee on Transportation recommends a committee substitute for the following: SB 1002

**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 Commerce and Economic Opportunities recommends a committee substitute for the following: SB 800

The Committee on Community Affairs recommends a committee substitute for the following: SB 360

The Committee on Criminal Justice recommends a committee substitute for the following: SB 96

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 568

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1148

The Committee on Judiciary recommends committee substitutes for the following: Senate Bills 764 and 474, SB 842

The Committee on Transportation recommends committee substitutes for the following: SB 778, SB 984, SB 1366

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the appointments made by the Governor to the **Board of Regents** of James F. Heekin, Jr. and Jon C. Moyle for terms ending January 1, 2003; Philip D. Lewis for a term ending January 1, 2002; and James R. Harding for a term ending September 1, 1997.

**[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]**

**INTRODUCTION AND  
REFERENCE OF BILLS**

**FIRST READING**

By Senator Silver—

**SB 2032**—A bill to be entitled An act relating to used watches; amending s. 501.925, F.S.; redefining what constitutes a used watch, for purposes of the regulation of their sale; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Kurth—

**SB 2034**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.045, F.S.; revising provisions relating to notice and the issuance of and amendment to certificates of authorization by the Florida Public Service Commission; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Myers—

**SB 2036**—A bill to be entitled An act relating to financial responsibility; amending ss. 458.320, 459.0085, F.S.; providing that, for certain physicians and osteopathic physicians, respectively, the waiver of sovereign immunity in s. 768.28, F.S., is conclusive proof that such persons have met the financial responsibility requirements for staff privileges at hospitals and similar health care facilities; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By Senator Latvala—

**SB 2038**—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 283.31, F.S., relating to records of executive agency publications; removing requirement for financial and performance audits of the corporation by the Auditor General; amending s. 946.503, F.S.; redefining "facilities" with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; prohibiting the department from producing commodities or services utilizing inmate labor which are substantially similar to those produced in correctional work programs of the corporation without the corporation's written consent; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts; defining the term "revenue-generating contracts"; amending s. 946.512, F.S., relating to inmate compensation plan; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S.; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; amending s. 946.516, F.S.; requiring a performance audit in 1999 of the corporation by the Office of Program Policy Analysis and Government Accountability instead of financial and performance audits by the Auditor General; repealing s. 945.04(4), F.S., relating to certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; repealing s. 946.009, F.S.,

relating to operational guidelines for correctional work programs; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

**SB 2040**—A bill to be entitled An act relating to mergers of business entities or corporations; amending s. 48.101, F.S.; specifying service of process on certain dissolved corporations; amending s. 607.0732, F.S.; providing an additional criterion of shareholder agreements; providing limitations; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By Senator Silver—

**SB 2042**—A bill to be entitled An act relating to unlawful solicitations; amending s. 321.03, F.S.; prohibiting solicitation of funds or in-kind contributions while using the name, symbols, colors, or initials of the Florida Highway Patrol without written permission of the Department of Highway Safety and Motor Vehicles; authorizing the department to develop procedures for applying for permission; providing a penalty; providing that the department's decision is final agency action subject to review; specifying unfair or deceptive acts or practices; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Bronson—

**SB 2044**—A bill to be entitled An act relating to agriculture; amending s. 215.20, F.S., relating to certain income and trust funds to contribute to the General Revenue Fund; deleting an incorrect reference; deleting a service charge on income deposited in a specified trust fund; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; provid-

ing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 570.20, F.S.; eliminating a requirement that a percentage of the General Inspection Trust Fund revenue go to the General Revenue Fund; amending s. 585.105, F.S.; providing for the distribution of a brucella vaccine; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to refuse to issue a citrus fruit dealer's license under certain conditions; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

---

By Senator Brown-Waite—

**SB 2046**—A bill to be entitled An act relating to unlawful activity on school property; requiring a school principal, school official, or school employee who has knowledge or information of criminal or delinquent activity committed on school property or at a school-sponsored function to report such activity to a law enforcement agency; requiring the district school board to enter into an agreement with local law enforcement agencies to specify misdemeanor incidents to be reported to a law enforcement agency; requiring annual review of the agreement; providing an effective date.

—was referred to the Committee on Education.

---

By Senator Harris—

**SB 2048**—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

---

By Senator Clary—

**SB 2050**—A bill to be entitled An act relating to the Advanced International Certificate of Secondary Education Program; amending s. 236.081, F.S.; establishing student full-time equivalent membership in the program; amending s. 240.116, F.S.; directing the Department of Education to create a pilot of the Advanced International Certificate of Secondary Education Program; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

---

By Senator Gutman—

**SB 2052**—A bill to be entitled An act relating to retail sales; defining the term "transient retailer" to mean a merchant who sells or offers merchandise for sale at a location other than at an established retail

store; defining the term "transient retail operator" to mean a person who rents space to a transient retailer; prohibiting a transient retail operator from renting space to a transient retailer who does not have a current state sales tax registration number; requiring a transient retail operator to retain certain records; requiring that a transient retailer obtain a state sales tax registration number before offering merchandise for sale; requiring a transient retailer to retain an invoice or receipt for any new merchandise that the retailer sells or offers for sale; specifying the information that must be contained in the invoice or receipt; authorizing a law enforcement officer to confiscate new merchandise sold or offered for sale without an invoice or receipt that shows the source of the merchandise; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Criminal Justice; and Ways and Means.

---

By Senator Dantzer—

**SB 2054**—A bill to be entitled An act relating to citizen support organizations; amending s. 212.08, F.S.; clarifying a sales and use tax exemption for certain citizen support organizations; amending s. 370.0205, F.S.; providing for partnerships between the state and private entities for certain purposes; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

---

By Senator Grant—

**SB 2056**—A bill to be entitled An act relating to administrative fines; providing for deposit of fines collected by executive-branch agencies to be deposited into the General Revenue Fund; providing an effective date.

—was referred to the Committee on Ways and Means.

---

By Senator Campbell—

**SB 2058**—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—was referred to the Committee on Judiciary.

---

By Senator Hargrett—

**SB 2060**—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing motor fuel tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising language with respect to governmental transportation entities; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed;

authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising language with respect to aid and contributions by governmental entities for department projects; amending s. 479.261, F.S.; revising language with respect to the logo sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

---

By Senator Brown-Waite—

**SB 2062**—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.101, F.S.; providing legislative intent; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; revising provisions with respect to the duty of the manufacturer to conform a motor vehicle to the warranty; amending s. 681.104, F.S.; including reference to recreational vehicles with respect to nonconformity of motor vehicles; providing additional timeframes with respect to recreational vehicles; amending s. 681.109, F.S., relating to the Florida New Motor Vehicle Arbitration Board and dispute eligibility; revising procedures for dispute; providing for rules; amending s. 681.1095, F.S.; increasing membership on the board; providing for hearings by panels of three board members; providing timeframes for hearings; creating s. 681.1096, F.S.; providing for a Pilot RV Mediation and Arbitration Program; providing for creation and qualifications; creating s. 681.1097, F.S.; providing for dispute eligibility and program functions; providing for mediation; providing for arbitration; amending s. 681.113, F.S.; revising provisions with respect to dealer liability; amending s. 681.114, F.S.; revising provisions with respect to resale of returned vehicles; amending s. 319.14, F.S.; redefining the term “settlement”; providing for the application of the act; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Ways and Means.

---

By Senator Grant—

**SB 2064**—A bill to be entitled An act relating to consumer finance loans; amending s. 516.031, F.S.; increasing the loan limits upon which specified interest rates may be charged; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

---

By Senator Brown-Waite—

**SB 2066**—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider’s ability to communicate certain information to subscribers; amending s. 641.47, F.S.; defining terms; amending s. 641.495, F.S.; requiring designation of a state-licensed physician or osteopath as medical director; amending s. 641.51, F.S.; requiring out-of-network referrals to specialists, under certain circumstances; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring adoption of certain recommendations for preventive pediatric health care; amending s. 641.511, F.S.; requiring a grievance procedure and an expedited grievance procedure

for reviewing the denial of urgently needed health care services; establishing procedural requirements; providing a time limit; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Criminal Justice and Senator Bronson—

**CS for SB 96**—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

---

By the Committee on Criminal Justice and Senator Gutman—

**CS for SB 170**—A bill to be entitled An act relating to offenses involving intent to defraud persons who hire or lease personal property or equipment; amending s. 812.155, F.S., relating to the offenses of obtaining personal property or equipment by trick or false representation, hiring or leasing with intent to defraud, and failure to redeliver hired or leased personal property; removing provisions relating to the inference of fraudulent intent for purposes of prosecution of such offenses; providing that certain acts involving obtaining equipment under false pretenses, absconding without payment, or removing or attempting to remove property without express written consent constitute prima facie evidence of such fraudulent intent; specifying circumstances under which failure upon demand to redeliver property or equipment constitutes such fraudulent intent; providing an effective date.

---

By the Committee on Criminal Justice and Senator Rossin—

**CS for SB 176**—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for “victim or witness at risk of harm” and “serious felony offense”; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an appropriation; providing an effective date.

---

By the Committee on Health Care and Senator Brown-Waite—

**CS for SB 238**—A bill to be entitled An act relating to certificates of need; amending s. 408.032, F.S.; deleting the definition of the terms “health maintenance organization” and “major medical equipment” for purposes of the review for a certificate of need by the Agency for Health Care Administration; redefining the term “health care facility” to include a home health agency, hospice, and long-term-care hospital; defining the terms “home health agency,” “long-term-care hospital,” and “respite care”; amending s. 408.035, F.S., relating to review criteria; revising provisions; deleting reference to hospice and health maintenance

organizations; adding replacement of facilities as reviewable activity; deleting a requirement to approve certain facility consolidations or divisions; amending s. 408.036, F.S., relating to health care projects that are subject to certificate-of-need review; requiring the review of certain replacement health care facilities; requiring the review of Medicare-certified home health agencies; providing an exception; eliminating certificate-of-need review for projects exceeding a specified expenditure threshold and for acquisition of major medical equipment; requiring certificate-of-need review of cost increases exceeding a specified threshold and for increase in number of psychiatric or rehabilitation beds; deleting a reference to expedited review of transfer of a certificate of need; modifying requirements relating to expedited review of cost overruns; eliminating the expedited review of donations, acquisition of land for health care facilities or health care provider offices, termination of health care services, and contracts for shared services; eliminating the expedited review of emergency projects and unforeseen major public health hazards; eliminating expedited review of increases in nursing home beds at a specified facility; requiring expedited review of replacement of certain health care facilities; eliminating the exemption from review granted for certain facilities not directly used for health care services; eliminating expedited review of expenditures to address safety hazards, repair of facility or equipment resulting from certain occurrences, and replacement of major medical equipment; deleting an obsolete date relating to expansion of obstetric services; requiring expedited review of replacing or renovating health care facilities; exempting from review certain facilities establishing Medicare-certified home health agencies contingent upon specified future actions, inmate health care facilities, delicensure of beds, the termination of a health care service, inpatient diagnostic cardiac catheterization services, and certain expenditures for outpatient services; amending s. 408.037, F.S.; revising requirements for the detailed description and financial projection; requiring that an applicant for a certificate of need certify that it will license and operate the health care facility; requiring that certain applicants for a certificate of need be the licenseholder of the health care facility; deleting requirements with respect to the applicant's board of directors; amending s. 408.039, F.S.; revising the scope of review cycles and requirements for an applicant with respect to letters of intent and administrative hearings; eliminating review of equipment from review cycles; eliminating a requirement that letters of intent be filed with local health councils; revising content requirements of letters of intent; revising publication requirements for letters of intent; providing a timeframe with respect to administrative hearings; providing timeframes for submitting recommended orders and a final order; amending s. 408.040, F.S., expanding the length of time that a certificate of need remains effective; deleting authority to extend the time that a certificate of need remains valid; amending s. 408.042, F.S.; increasing the validity period of a certificate of need; amending s. 408.043, F.S.; deleting a provision providing for the validity of a certificate of need; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 408.0455, F.S.; revising the effective date for certain statutory provisions; providing for continued applicability of certain statutes pending administrative or judicial action on a specified date; amending s. 408.702, F.S., relating to project monitoring and community health purchasing alliances; conforming cross-references to changes made by the act; amending ss. 400.602, 641.60, F.S., relating to hospice licensure for certain entities and the Statewide Managed Care Ombudsman Committee; conforming cross-references; repealing ss. 408.0365, 408.0366, F.S., relating to certain exemptions from certificate-of-need regulation; providing applicability; providing an effective date.

---

By the Committee on Judiciary and Senators Grant, Williams, Bronson, Dudley, Horne, Casas, Ostalkiewicz, Bankhead, Burt, Sullivan, Holzendorf, Myers, Brown-Waite, Cowin, Clary, Crist, Kirkpatrick, Childers, Latvala, Lee and Diaz-Balart—

**CS for SB 272**—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in other jurisdictions are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

By the Committee on Criminal Justice and Senators Gutman and Crist—

**CS for SB 310**—A bill to be entitled An act relating to criminal punishment; amending s. 825.103, F.S.; imposing a more severe penalty for the offense of exploiting an elderly person or disabled adult if the value of the property involved is less than a specified amount; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the the Florida RICO Act to include the offense of abuse, neglect, or exploitation of an elderly person or disabled adult; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution, salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 921.0012, F.S., relating to the sentencing guidelines; revising a penalty to conform to changes made by the act; amending s. 947.1405, F.S.; providing a legislative finding concerning offenders released from prison who meet conditional release criteria; requiring the Department of Corrections to provide intensive supervision; restricting caseloads of supervising officers; creating s. 948.12, F.S.; providing a legislative finding concerning offenders who are released from prison and who meet the enumerated criteria and have a term of probation to follow incarceration; requiring such offenders to be intensively supervised; restricting caseloads of supervising officers; providing an appropriation to the Department of Corrections; providing an effective date.

---

By the Committee on Community Affairs and Senators Brown-Waite and Latvala—

**CS for SB 360**—A bill to be entitled An act relating to the Coastal Zone Protection Act of 1985; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

---

By the Committee on Natural Resources and Senators Latvala, Crist and Clary—

**CS for SB's 412, 140 and 804**—A bill to be entitled An act relating to marine fisheries; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; for purposes of ch. 370, F.S., defining the term "conviction"; providing for judicial notice of Marine Fisheries Commission rules; providing for license suspension for nonpayment of civil penalties; amending s. 370.025, F.S.; deleting a requirement that Marine Fisheries Commission rules be approved by the Board of Trustees; amending s. 370.026, F.S.; placing the Marine Fisheries Commission within the Department of Environmental Protection; amending s. 370.027, F.S.; deleting a limitation on the power of the Marine Fisheries Commission to regulate fishing gear; providing procedures for filing rules with the Department of State; conforming provisions; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.092, F.S.; deleting provisions relating to the carriage of proscribed nets across Florida waters, major violations, and fines and penalties; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of any net not approved by the Marine Fisheries Commission; defining the terms "net" or "netting" and "miles"; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries Commission to adopt rules implementing the constitutional net ban; authorizing the Department of Environmental Protection to adopt specified rules; amending s. 370.14, F.S.; deleting a requirement that a marine patrol officer be present at the weighing of crawfish during the closed season; creating s. 370.1401, F.S.; providing procedures for the sale of crawfish during the closed season; providing penalties; amending s. 370.142, F.S.; providing additional penalties for violation of crawfish laws; amending s. 370.15, F.S.; revising shrimp trawling regulations; amending s. 370.25, F.S.; providing

criteria for grants and grant eligibility; establishing requirements for reef placement; providing the department with discretionary rulemaking authority relating to grant programs for construction of artificial fishing reefs; prescribing unlawful activities; providing criminal and civil penalties; providing for revocation of licenses and permits of violators; creating a baitfish experimental pilot program; providing program procedures and requirements; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; providing an effective date.

---

By the Committee on Regulated Industries and Senators Dyer, Forman, Childers, Thomas, Gutman, Lee and Clary—

**CS for SB 526**—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing an effective date.

---

By the Committee on Commerce and Economic Opportunities; and Senators Rossin and Campbell—

**CS for SB's 566 and 626**—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying

provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

---

By the Committee on Executive Business, Ethics and Elections; and Senator Latvala—

**CS for SB 568**—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "independent expenditure" to exclude expenditures made by or through the national, state, or county executive committee; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; creating s. 106.077, F.S.; establishing requirements for written solicitations for contributions; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf

of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 106.295, F.S.; expanding the prohibition against leadership funds; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a specified distance of any polling place or polling room; specifying acts of solicitation that may not be restricted; authorizing a supervisor of elections to permit solicitation within a specified zone under prescribed conditions; authorizing an election board to have disruptive persons removed by law enforcement officers; requiring the law enforcement officer assigned to an election precinct to inform solicitors of zone surrounding the polling place and to remove disruptive solicitors; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registra-

tion and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 104.271, F.S.; making any person personally liable for damages for knowingly making a false statement about a candidate; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

---

By the Committee on Natural Resources and Senator Clary—

**CS for SB 576**—A bill to be entitled An act relating to sewage treatment facilities; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from loan surcharges and federal funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an effective date.

---

By the Committee on Children, Families and Seniors; and Senator Rossin—

**CS for SB 630**—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms "evening child care" and "weekend child care"; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

---

By the Committee on Criminal Justice and Senator Horne—

**CS for SB 724**—A bill to be entitled An act relating to tests for alcohol, chemical substances or controlled substances; amending ss. 316.1932, 316.1933, F.S.; amending the implied consent law and laws prescribing testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such reporting is not a violation of any ethical or moral duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in making such report; providing immunity from civil or criminal liability and from any professional disciplinary action; providing immunity in any judicial proceeding resulting from the report; providing an effective date.

By the Committee on Regulated Industries and Senator Holzendorf—

**CS for SB 756**—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; redefining the term "legally authorized person"; amending s. 470.0085, F.S.; requiring certain students to register with the Department of Business and Professional Regulation; amending s. 470.009, F.S.; revising licensure requirements; amending s. 470.015, F.S.; revising education requirements for license renewal; amending s. 470.018, F.S.; revising continuing education requirements; amending s. 470.024, F.S.; prohibiting certain colocated funeral establishments; providing exceptions; requiring relicensure of establishments following ownership changes; providing for the operation of visitation chapels; amending s. 470.029, F.S.; setting deadlines for reports; amending s. 470.0294, F.S.; providing for reliance on certain representations by legally authorized persons; amending s. 470.0301, F.S.; providing registration requirements for central embalming facilities; providing fees; creating ss. 470.0315, 470.0325, F.S.; providing for the storage, preservation, and shipment of human remains; establishing criteria; creating s. 470.0355, F.S.; providing for the identification of human remains; providing an effective date.

By the Committee on Judiciary and Senators Crist, Gutman, Burt, Jenne and Campbell—

**CS for SB's 764 and 474**—A bill to be entitled An act relating to civil damages against drug offenders; creating s. 772.12, F.S.; creating the "Drug Dealer Liability Act"; providing that persons injured by a drug dealer may recover treble damages and reasonable attorney's fees and court costs; providing for minimum damages; providing for recovery of damages, court costs, and fees from the parents or legal guardian of an unemancipated minor under certain circumstances; providing conditions under which a defendant may recover attorney's fees and court costs; providing an effective date.

By the Committee on Transportation and Senators Lee and Ostalciewicz—

**CS for SB 778**—A bill to be entitled An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Latvala—

**CS for SB 800**—A bill to be entitled An act relating to retail installment sales; amending s. 520.35, F.S.; specifying conditions under which retail revolving accounts are considered to be signed or accepted; specifying that the seller has the burden of proving authorized use; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

**CS for SB 842**—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising provisions with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that an owner may not record a notice of termination except after completion of construction; amending s. 713.135, F.S.; requiring certain applicants for building permits to file certain information with the issuing authority; providing for issuance of permits and for inspections for certain temporary or preliminary work; providing an effective date.

By the Committee on Judiciary and Senators Dudley, Grant, Horne, Campbell, Burt and Rossin—

**CS for SB 892**—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; directing the Judicial Management Council to study the feasibility of establishing a unified trial court system; providing duties and responsibilities; providing for staffing of the commission; providing per diem for members; requiring the submission of a report to the Legislature; providing for expiration of the commission; providing effective dates.

By the Committee on Health Care and Senator Brown-Waite—

**CS for SB 948**—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of

Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; providing an effective date.

---

By the Committee on Community Affairs and Senator Forman—

**CS for SB 956**—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

---

By the Committee on Transportation and Senators Ostalkiewicz and Bronson—

**CS for SB 984**—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; requiring personal injury protection and property insurance for persons over age 21 who operate or ride motorcycles without a helmet; providing an effective date.

---

By the Committee on Transportation and Senator Hargrett—

**CS for SB 1002**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S. with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

---

By the Committee on Governmental Reform and Oversight; and Senator Dudley—

**CS for SB 1148**—A bill to be entitled An act relating to legal holidays; creating s. 683.22, F.S.; designating May 1 of each year as "Law Day" and the days starting with the Sunday of or before May 1 and ending with the Saturday following May 1 as "Law Week"; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Lee—

**CS for SB 1228**—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising provisions with respect to inapplicability of ch. 493, F.S.; exempting certain local, state, and federal officers; exempting a person or firm that conducts genealogical research; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising provisions with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

---

By the Committee on Community Affairs and Senator Rossin—

**CS for SB 1288**—A bill to be entitled An act relating to local government; amending s. 11.45, F.S.; revising provisions which provide requirements for annual financial audits of local governmental entities by independent certified public accountants; requiring the auditor to notify each member of the governing body of such an entity of certain deteriorating financial conditions; providing duties of the Auditor General upon identification of information in an audit report that indicates a local governmental entity may be in a state of financial emergency; amending s. 125.901, F.S.; correcting a reference; amending s. 165.041, F.S., relating to merger of local government entities, to conform; amending s. 189.403, F.S.; redefining "dependent special district" and defining "public facilities" under the Uniform Special District Accountability Act of 1989; providing that, for purposes of the ad valorem tax exemption for governmental units, special districts shall be treated as municipalities; providing for retroactive effect; amending s. 189.4031, F.S.; removing provisions relating to applicability to certain dependent special districts; requiring independent special district charters to contain certain information; amending s. 189.404, F.S.; deleting a requirement that the law creating an independent special district provide a method for dissolving the district; specifying that only the Legislature may create an independent special district, except as otherwise authorized by law; requiring a status statement in a district charter; amending s. 189.4041, F.S.; providing requirements for creation of dependent special districts by county or municipal ordinance; amending s. 189.4042, F.S.; providing merger and dissolution requirements for special districts; repealing s. 189.4043, F.S., which provides special district dissolution procedures; amending s. 189.4044, F.S.; providing procedures and requirements for declaration that a district is inactive; amending s. 189.4045, F.S.; revising provisions relating to financial allocations upon merger or dissolution; amending s. 189.405, F.S.; revising election procedures and requirements for special districts; providing method of qualifying and providing for fees; amending s. 189.4051, F.S.; revising the special requirements and procedures for elections for districts with governing boards elected on a one-acre/one-vote basis; amending s. 189.412, F.S.; revising provisions relating to the duties of the Special District Information Program; removing the requirement for organization of a biennial conference; amending s. 189.415, F.S.; revising requirements relating to special districts' public facilities reports and providing for annual notice of changes thereto; amending s. 189.4155, F.S.; revising requirements relating to consistency of special district facilities with local government comprehensive plans and providing that such requirements do not apply to certain spoil disposal sites and ports; amending s. 189.416, F.S.; revising the time for designation of a registered office and agent; amending s. 189.417, F.S.; requiring publication of special district meeting schedules and revising requirements for filing such schedules; amending s.

189.421, F.S.; revising provisions relating to initiation of enforcement proceedings against districts that fail to file certain reports; amending s. 189.422, F.S.; revising provisions which authorize department action if a district is determined to be inactive or if failure to file reports is determined to be volitional; amending s. 189.425, F.S.; revising provisions relating to rulemaking authority; creating s. 189.428, F.S.; establishing an oversight review process for special districts and providing requirements with respect thereto; specifying who should carry out the review; providing review criteria; providing for a final report and providing requirements for a plan for merger or dissolution of a district under review; providing exemptions; requiring districts to submit a draft codified charter so that their special acts may be codified by the Legislature; amending s. 196.012, F.S.; revising provisions which specify when a governmental, municipal, or public purpose is deemed to be served by a lessee of government property for ad valorem tax exemption purposes; amending s. 196.199, F.S.; providing that all nonalienated or reversionary interests in governmental property which is subject to a leasehold or other possessory interest of a nongovernmental lessee shall be deemed to be used for a governmental, municipal, or public purpose or function; providing effective dates.

By the Committee on Children, Families and Seniors; and Senators Holzendorf and Brown-Waite—

**CS for SB 1360**—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; establishing the “Respite for Elders Living in Everyday Families” (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; providing an appropriation; providing an effective date.

By the Committee on Transportation and Senator Clary—

**CS for SB 1366**—A bill to be entitled An act relating to road designations; designating State Road 293 (Mid-Bay Bridge Road) from the south portion of the bridge toward U.S. Highway 98 in Destin as “Danny Wuerffel Way”; providing for the erection of markers; providing an effective date.

By the Committee on Education and Senator Horne—

**CS for SB 1546**—A bill to be entitled An act relating to public school financial reporting; amending s. 236.685, F.S., the Education Funding Accountability Act; requiring annual school financial reports; specifying reporting requirements; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Meadows—

**CS for SB 1686**—A bill to be entitled An act relating to state government; creating s. 11.1471, F.S.; creating the Science Advisory Board assigned for administrative purposes to the Division of Economic and Demographic Research of the Joint Legislative Management Committee; providing for qualifications and appointment of board members; providing for reimbursement of expenses; requiring the board to provide advice and guidance to state agencies in preparing risk impact statements and on risk assessment issues; providing an appropriation; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Lee—

**CS for SB 1860**—A bill to be entitled An act relating to the Consultants’ Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation

for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

By the Committee on Education and Senator Lee—

**CS for SB 1956**—A bill to be entitled An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district’s comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required and state-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing an effective date.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

| <i>Office and Appointment</i>   | <i>For Term Ending</i>   |
|---|--------------------------|
| Regulatory Council of Community Association Managers<br>Appointee: Grosskoph, John E., West Palm Beach                              | 10/31/1997               |
| Construction Industry Licensing Board<br>Appointee: Laird, Robert D., Naples  | 10/31/1997               |
| State of Florida Correctional Medical Authority<br>Appointee: Russell, Barbara S., Miramar  | 07/01/2000               |
| Board of Cosmetology<br>Appointee: Reddick, Nesper LaKay, Orlando   | 10/31/2000               |
| Education Standards Commission<br>Appointee: Lafferty, Gerald F., Boca Raton  | 09/30/1997               |
| Board of Directors, Capital Development Board<br>Appointees: Lyons, Clayton Thaddeus, Lakeland<br>Mitchell, John Adam, Jacksonville | 03/09/2000<br>03/09/1998 |
| Board of Hearing Aid Specialists<br>Appointee: Dinger, Denson Powell II, Inverness  | 10/31/2000               |
| Board of Landscape Architecture<br>Appointee: Gilchrist, Hilda Gomez, Tallahassee   | 10/31/2000               |
| Board of Opticianry<br>Appointee: Mathews, Caroline Walton, Jacksonville  | 10/31/1997               |
| Board of Pilot Commissioners<br>Appointee: Sisselman, Ludmila Saposhkov, Miami  | 10/31/2000               |
| Board of Podiatric Medicine<br>Appointee: Simmonds, Warren L., Ft. Lauderdale   | 10/31/2000               |
| Historic Pensacola Preservation Board of Trustees<br>Appointee: Currin, Beverly Madison (Matt), Pensacola                           | 06/30/1999               |
| Board of Psychology<br>Appointee: Rivas-Vazquez, Ana Albarran, Coral Gables   | 10/31/2000               |
| East Central Florida Regional Planning Council, Region 6<br>Appointees: Hattaway, James Allen, Sanford<br>Poe, Bob, Sanford         | 10/01/1997<br>10/01/1998 |

| <i>Office and Appointment</i>  | <i>For Term<br/>Ending</i>             |
|--|--|
| Tampa Bay Regional Planning Council, Region 8<br>Appointees: Horton, Sam James, Tampa<br>Kennedy, Thomas Francis,<br>Clearwater  | 10/01/1998<br><br>10/01/1998           |
| <b>[Referred to the Committee on Executive Business, Ethics and Elections.]</b>  |  |
| Governing Board of the South Florida Water<br>Management District<br>Appointee: Minton, Michael David, Ft. Pierce  | 03/01/2001                             |
| Governing Board of the Southwest Florida Water<br>Management District<br>Appointees: Harllee, John Pope, Bradenton<br>Johnson, Ronald Craig, Lake Wales<br>Thompson, Sarah Ann (Sally),<br>Tampa | 03/01/2001<br>03/01/2001<br>03/01/2001 |
| Governing Board of the Suwannee River Water<br>Management District<br>Appointees: Carver, John David, Jr., Archer<br>Waring, Malachi Howell, Madison   | 03/01/2001<br>03/01/2001               |
| <b>[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]</b>  |  |

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 461, 281 and 75 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Election Reform and Representative Thrasher and others—

**CS for HB's 461, 281 and 75**—A bill to be entitled An act relating to elections; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; requiring the reporting of illegal contributions; providing for certain notification relating to pending determinations of the qualification of independent candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; providing penalties; amending ss. 106.04 and 106.07, F.S.; revising campaign finance reporting requirements of committees of continuous existence, candidates, and political committees relating to the employment of contributors; increasing the fine for late filing of campaign financing reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; providing a penalty; amending ss. 99.092, 99.093, and 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements

with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from paying on a per-signature basis and from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form and providing penalties therefor; providing a penalty for violating the prohibition against paying petition circulators on a per-signature basis; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071 and 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045 and 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; correcting a cross reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division

to perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; providing effective dates, including a contingent effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 13 was corrected and approved.

## CO-SPONSORS

Senators Bronson—CS for SB 984; Brown-Waite—SB 126, SJR 1266, CS for SB 1360, SB 1986; Campbell—SB 834, SJR 1266; Casas—SJR 1266; Childers—SJR 1266, SB 1598; Clary—SB 130; Cowin—SJR 1266, SJR 1570; Crist—SB 310; Dantzler—SB 648; Diaz-Balart—SB 648; Dudley—SB 1070; Forman—SB 626, SB 1602; Grant—SJR 1266; Gutman—SB 1598; Harris—SJR 1266; Holzendorf—SB 648; Horne—SJR 1266; Kirkpatrick—SJR 1266, SB 1726; Klein—SB 648; Kurth—SB 354; Latvala—SJR 1266; Lee—SJR 1266; Meadows—SB 1598; McKay—SJR 1266; Myers—SB 1070, SJR 1266; Ostalkiewicz—SJR 1266, SJR 1570; Silver—SJR 844, SB 1174, SB 1176; Turner—SJR 1266; Williams—SJR 1266

## RECESS

On motion by Senator Bankhead, the Senate recessed at 1:14 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 20.

## SENATE PAGES

March 17-21

Adam Bachman, South Daytona; Paul Bachman, South Daytona; Tristesia Bellamy, Fort Pierce; Jennifer Gourley, Bonita Springs; Kendall Heebner, Ormond Beach; Anne House, Winter Park; Michael S. Kiser, Winter Park; David McNelley, Starke; Eugene Merritt, Tampa; Daniel Montilla, Weston; Christy Paul, Lakeland; Timothy (Michael) Quarles, Brandon; Alex Rudloff, Indialantic; Monica Mahesh Shah, Satellite Beach; Frederica Young, Havana