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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/19/2010	.	
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The Committee on Transportation and Economic Development
Appropriations (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) through (43) of section 97.021,
Florida Statutes, are renumbered as subsections (3) through
(44), respectively, a new subsection (2) is added to that
section, and present subsection (22) of that section is amended,
to read:

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

(2) "Absent uniformed services voter" means:



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13 (a) A member of a uniformed service on active duty who, by
14 reason of such active duty, is absent from the place of
15 residence where the member is otherwise qualified to vote;

16 (b) A member of the Merchant Marine who, by reason of
17 service in the Merchant Marine, is absent from the place of
18 residence where the member is otherwise qualified to vote; or

19 (c) A spouse or dependent of a member referred to in
20 paragraph (a) or paragraph (b) who, by reason of the active duty
21 or service of the member, is absent from the place of residence
22 where the spouse or dependent is otherwise qualified to vote.

23 (23)-(22) "Overseas voter" means:

24 (a) An absent uniformed services voter who, by reason of
25 active duty or service, is absent from the United States on the
26 date of the election involved ~~Members of the uniformed services~~
27 ~~while in the active service who are permanent residents of the~~
28 ~~state and are temporarily residing outside the territorial~~
29 ~~limits of the United States and the District of Columbia;~~

30 (b) A person who resides outside the United States and is
31 qualified to vote in the last place in which the person was
32 domiciled before leaving the United States ~~Members of the~~
33 ~~Merchant Marine of the United States who are permanent residents~~
34 ~~of the state and are temporarily residing outside the~~
35 ~~territorial limits of the United States and the District of~~
36 ~~Columbia; or and~~

37 (c) A person who resides outside the United States and, but
38 for such residence, would be qualified to vote in the last place
39 in which the person was domiciled before leaving the United
40 States ~~Other citizens of the United States who are permanent~~
41 ~~residents of the state and are temporarily residing outside the~~



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42 ~~territorial limits of the United States and the District of~~
43 ~~Columbia,~~

44
45 ~~who are qualified and registered to vote as provided by law.~~

46 Section 2. Subsection (3) of section 98.0981, Florida
47 Statutes, is amended to read:

48 98.0981 Reports; voting history; statewide voter
49 registration system information; precinct-level election
50 results; book closing statistics.—

51 (3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date
52 of book closing but before the date of an election as defined in
53 s. 97.021(11) ~~s. 97.021(10)~~ to fill a national, state, county,
54 or district office, or to vote on a proposed constitutional
55 amendment, the department shall compile the following precinct-
56 level statistical data for each county:

57 (a) Precinct numbers.

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

60 Section 3. Subsection (3) of section 101.56075, Florida
61 Statutes, is amended to read:

62 101.56075 Voting methods.—

63 (3) By 2016 ~~2012~~, persons with disabilities shall vote on a
64 voter interface device that meets the voter accessibility
65 requirements for individuals with disabilities under s. 301 of
66 the federal Help America Vote Act of 2002 and s. 101.56062 which
67 are consistent with subsection (1) of this section.

68 Section 4. Paragraph (c) is added to subsection (1) of
69 section 101.62, Florida Statutes, and subsections (4) and (5) of
70 that section are amended, to read:



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71 101.62 Request for absentee ballots.-

72 (1)

73 (c) Upon receiving a request for an absentee ballot from an
74 absent uniformed services voter or overseas voter, the
75 supervisor of elections shall notify the voter of the free
76 access system that has been designated by the department for
77 determining the status of his or her absentee ballot.

78 (4) (a) No later than 45 days before each election, the
79 supervisor of elections shall send an absentee ballot as
80 provided in subparagraph (b)2. to each absent uniformed services
81 voter and to each overseas voter who has requested an absentee
82 ballot. ~~To each absent qualified elector overseas who has~~
83 ~~requested an absentee ballot, the supervisor of elections shall~~
84 ~~mail an absentee ballot not less than 35 days before the primary~~
85 ~~election and not less than 45 days before the general election.~~

86 (b) The supervisor shall provide an absentee ballot to each
87 elector by whom a request for that ballot has been made by one
88 of the following means:

89 1. By nonforwardable, return-if-undeliverable mail to the
90 elector's current mailing address on file with the supervisor,
91 unless the elector specifies in the request that:

92 a. The elector is absent from the county and does not plan
93 to return before the day of the election;

94 b. The elector is temporarily unable to occupy the
95 residence because of hurricane, tornado, flood, fire, or other
96 emergency or natural disaster; or

97 c. The elector is in a hospital, assisted living facility,
98 nursing home, short-term medical or rehabilitation facility, or
99 correctional facility,



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in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act. The absent uniformed services voter or overseas voter may designate in the absentee ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the absentee ballot shall be mailed.

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall



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129 indicate if the elector is a member of the designee's immediate
130 family and, if so, the relationship. The department shall
131 prescribe the form of the affidavit. If the supervisor is
132 satisfied that the designee is authorized to pick up the ballot
133 and that the signature of the elector on the written
134 authorization matches the signature of the elector on file, the
135 supervisor shall give the ballot to that designee for delivery
136 to the elector.

137 (5) In the event that the department ~~Elections Canvassing~~
138 ~~Commission~~ is unable to certify candidates for ~~the results of an~~
139 ~~election for a state office~~ in time to comply with paragraph
140 (4) (a) subsection (4), the Department of State is authorized to
141 prescribe rules for a ballot to be sent to absent uniformed
142 services voters and electors ~~overseas voters~~.

143 Section 5. Subsection (1) of section 101.694, Florida
144 Statutes, is amended to read:

145 101.694 Mailing of ballots upon receipt of federal postcard
146 application.-

147 (1) Upon receipt of a federal postcard application for an
148 absentee ballot executed by a person whose registration is in
149 order or whose application is sufficient to register or update
150 the registration of that person, the supervisor shall send the
151 ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
152 ~~ballot, if the ballots are available for mailing. The federal~~
153 ~~postcard application request for an absentee ballot shall be~~
154 ~~effective for all elections through the next two regularly~~
155 ~~scheduled general elections.~~

156 Section 6. Effective July 1, 2010, section 101.6952,
157 Florida Statutes, is amended to read:



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158 101.6952 Absentee ballots for absent uniformed services and
159 overseas voters.—

160 (1) If an absent uniformed services voter's or an overseas
161 voter's request for an absentee ballot includes an e-mail
162 address, the supervisor of elections shall:

163 (a) Record the voter's e-mail address in the absentee
164 ballot record;

165 (b) Confirm by e-mail that the absentee ballot request was
166 received and include in that e-mail the estimated date the
167 absentee ballot will be sent to the voter; and

168 (c) Notify the voter by e-mail when the voted absentee
169 ballot is received by the supervisor of elections ~~inform the~~
170 ~~voter of the names of candidates who will be on the ballots via~~
171 ~~electronic transmission. The supervisor of elections shall e-~~
172 ~~mail to the voter the list of candidates for the primary and~~
173 ~~general election not later than 30 days before each election.~~

174 (2) For absentee ballots received from absent uniformed
175 services voters or overseas voters, there is a presumption that
176 the envelope was mailed on the date stated on the outside of the
177 return envelope, regardless of the absence of a postmark on the
178 mailed envelope or the existence of a postmark date that is
179 later than the date of the election.

180 Section 7. Subsection (11) of section 379.352, Florida
181 Statutes, is amended to read:

182 379.352 Recreational licenses, permits, and authorization
183 numbers to take wild animal life, freshwater aquatic life, and
184 marine life; issuance; costs; reporting.—

185 (11) When acting in its official capacity pursuant to this
186 section, neither the commission nor a subagent is deemed a



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187 third-party registration organization, as defined in s.
188 97.021(37) ~~s. 97.021(36)~~, or a voter registration agency, as
189 defined in s. 97.021(41) ~~s. 97.021(40)~~, and is not authorized to
190 solicit, accept, or collect voter registration applications or
191 provide voter registration services.

192 Section 8. Except as otherwise expressly provided in this
193 act, this act shall take effect upon becoming a law.

194
195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete everything before the enacting clause
198 and insert:

199 A bill to be entitled
200 An act relating to voting; amending s. 97.021, F.S.;
201 defining the term "absent uniformed services voter";
202 revising the definition of the term "overseas voter";
203 amending s. 98.0981, F.S., relating to statewide voter
204 information; conforming a cross-reference; amending s.
205 101.56075, F.S.; extending the deadline by which
206 persons with disabilities will be required to vote on
207 voter interface devices that meet certain
208 requirements; amending s. 101.62, F.S.; requiring the
209 supervisor of elections to notify the absent uniformed
210 services voter and overseas voter of the free access
211 system for determining absentee ballot status;
212 providing a timeframe for an absentee ballot to be
213 sent to each absent uniformed services voter and
214 overseas voter; providing acceptable formats for
215 requesting an absentee ballot; modifying circumstances



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216 under which the Department of State is authorized to
217 prescribe rules for a ballot to be sent to absent
218 uniformed services voters and overseas voters;
219 amending s. 101.694, F.S.; conforming timeframes for
220 sending an absentee ballot upon receipt of a federal
221 postcard application to those prescribed in s. 101.62,
222 F.S.; deleting the requirement for a federal postcard
223 application request to be effective through two
224 regularly scheduled general elections pursuant to
225 changes in federal law; amending s. 101.6952, F.S.;
226 revising responsibilities of the supervisor of
227 elections when an absent uniformed services voter's or
228 overseas voter's request for an absentee ballot
229 includes an e-mail address; requiring the supervisor
230 to record the e-mail address in the absentee ballot
231 record and, via e-mail, confirm that the request was
232 received, inform the voter of the estimated date the
233 absentee ballot will be sent, and notify the voter
234 when the voted absentee ballot is received; amending
235 s. 379.352, F.S., relating to recreational licenses
236 and permits; conforming cross-references; providing an
237 effective date.