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LEGISLATIVE ACTION

Senate

House

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Floor: 2c/F/2R

04/26/2010 02:08 PM

Senator Justice moved the following:

1 **Senate Amendment to Amendment (710974) (with title**
2 **amendment)**

3
4 After line 493
5 insert:

6 Section 14. Subsection (1) of section 98.015, Florida
7 Statutes, is amended to read:

8 98.015 Supervisor of elections; election, tenure of office,
9 compensation, custody of registration-related documents, office
10 hours, successor, seal; appointment of deputy supervisors;
11 duties.—

12 (1) A supervisor of elections shall be elected in a
13 nonpartisan election in each county at the general election in



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14 each year the number of which is a multiple of four for a 4-year
15 term commencing on the first Tuesday after the first Monday in
16 January succeeding his or her election. Each supervisor shall,
17 before performing any of his or her duties, take the oath
18 prescribed in s. 5, Art. II of the State Constitution.

19 Section 15. Paragraph (a) of subsection (2) of section
20 101.151, Florida Statutes, is amended to read:

21 101.151 Specifications for ballots.—

22 (2) (a) The ballot shall have headings under which shall
23 appear the names of the offices and the names of the candidates
24 for the respective offices in the following order: the heading
25 "President and Vice President" and thereunder the names of the
26 candidates for President and Vice President of the United States
27 nominated by the political party that received the highest vote
28 for Governor in the last general election of the Governor in
29 this state. Then shall appear the names of other candidates for
30 President and Vice President of the United States who have been
31 properly nominated. Then shall follow the heading
32 "Congressional" and thereunder the offices of United States
33 Senator and Representative in Congress; then the heading "State"
34 and thereunder the offices of Governor and Lieutenant Governor,
35 Attorney General, Chief Financial Officer, Commissioner of
36 Agriculture, state attorney, and public defender, together with
37 the names of the candidates for each office and the title of the
38 office which they seek; then the heading "Legislative" and
39 thereunder the offices of state senator and state
40 representative; then the heading "County" and thereunder clerk
41 of the circuit court, clerk of the county court (when authorized
42 by law), sheriff, property appraiser, tax collector, and



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43 district superintendent of schools, ~~and supervisor of elections.~~
44 Thereafter follows: members of the board of county
45 commissioners, and such other county and district offices as are
46 involved in the election, in the order fixed by the Department
47 of State, followed, in the year of their election, by "Party
48 Offices," and thereunder the offices of state and county party
49 executive committee members. In a general election, in addition
50 to the names printed on the ballot, a blank space shall be
51 provided under each heading for an office for which a write-in
52 candidate has qualified. With respect to write-in candidates, if
53 two or more candidates are seeking election to one office, only
54 one blank space shall be provided.

55 Section 16. Subsection (3), paragraph (a) of subsection
56 (4), and paragraph (a) of subsection (5) of section 105.031,
57 Florida Statutes, are amended to read:

58 105.031 Qualification; filing fee; candidate's oath; items
59 required to be filed.-

60 (3) QUALIFYING FEE.-Each candidate qualifying for election
61 to a judicial office, the office of supervisor of elections, or
62 the office of school board member, except write-in ~~judicial or~~
63 ~~school board~~ candidates, shall, during the time for qualifying,
64 pay to the officer with whom he or she qualifies a qualifying
65 fee, which shall consist of a filing fee and an election
66 assessment, or qualify by the petition process. The amount of
67 the filing fee is 3 percent of the annual salary of the office
68 sought. The amount of the election assessment is 1 percent of
69 the annual salary of the office sought. The Department of State
70 shall forward all filing fees to the Department of Revenue for
71 deposit in the Elections Commission Trust Fund. The supervisor



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72 of elections shall forward all filing fees to the Elections
73 Commission Trust Fund. The election assessment shall be
74 deposited into the Elections Commission Trust Fund. The annual
75 salary of the office for purposes of computing the qualifying
76 fee shall be computed by multiplying 12 times the monthly salary
77 authorized for such office as of July 1 immediately preceding
78 the first day of qualifying. This subsection shall not apply to
79 candidates qualifying for retention to judicial office.

80 (4) CANDIDATE'S OATH.—

81 (a) All candidates for the office of supervisor of
82 elections or the office of school board member shall subscribe
83 to the oath as prescribed in s. 99.021.

84 (5) ITEMS REQUIRED TO BE FILED.—

85 (a) In order for a candidate for judicial office, the
86 office of supervisor of elections, or the office of school board
87 member to be qualified, the following items must be received by
88 the filing officer by the end of the qualifying period:

89 1. Except for candidates for retention to judicial office,
90 a properly executed check drawn upon the candidate's campaign
91 account in an amount not less than the fee required by
92 subsection (3) or, in lieu thereof, the copy of the notice of
93 obtaining ballot position pursuant to s. 105.035. If a
94 candidate's check is returned by the bank for any reason, the
95 filing officer shall immediately notify the candidate and the
96 candidate shall, the end of qualifying notwithstanding, have 48
97 hours from the time such notification is received, excluding
98 Saturdays, Sundays, and legal holidays, to pay the fee with a
99 cashier's check purchased from funds of the campaign account.
100 Failure to pay the fee as provided in this subparagraph shall



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101 disqualify the candidate.

102 2. The candidate's oath required by subsection (4), which
103 must contain the name of the candidate as it is to appear on the
104 ballot; the office sought, including the district or group
105 number if applicable; and the signature of the candidate, duly
106 acknowledged.

107 3. The loyalty oath required by s. 876.05, signed by the
108 candidate and duly acknowledged.

109 4. The completed form for the appointment of campaign
110 treasurer and designation of campaign depository, as required by
111 s. 106.021. In addition, each candidate for judicial office,
112 including an incumbent judge, shall file a statement with the
113 qualifying officer, within 10 days after filing the appointment
114 of campaign treasurer and designation of campaign depository,
115 stating that the candidate has read and understands the
116 requirements of the Florida Code of Judicial Conduct. Such
117 statement shall be in substantially the following form:

118 Statement of Candidate for Judicial Office

119
120 I, ...(name of candidate)..., a judicial candidate, have
121 received, read, and understand the requirements of the Florida
122 Code of Judicial Conduct.

123 ...(Signature of candidate)...

124 ...(Date)...

125 5. The full and public disclosure of financial interests
126 required by s. 8, Art. II of the State Constitution or the
127 statement of financial interests required by s. 112.3145,
128 whichever is applicable. A public officer who has filed the full
129 and public disclosure or statement of financial interests with



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130 the Commission on Ethics or the supervisor of elections prior to
131 qualifying for office may file a copy of that disclosure at the
132 time of qualifying.

133 Section 17. Section 105.035, Florida Statutes, is amended
134 to read:

135 105.035 Petition process of qualifying for certain judicial
136 offices, the office of supervisor of elections, and the office
137 of school board member.—

138 (1) A person seeking to qualify for election to the office
139 of circuit judge, ~~or~~ county court judge, supervisor of
140 elections, or ~~the office of~~ school board member may qualify for
141 election to such office by means of the petitioning process
142 prescribed in this section. A person qualifying by this petition
143 process is not required to pay the qualifying fee required by
144 this chapter.

145 (2) The petition format shall be prescribed by the Division
146 of Elections and shall be used by the candidate to reproduce
147 petitions for circulation. If the candidate is running for an
148 office that will be grouped on the ballot with two or more
149 similar offices to be filled at the same election, the
150 candidate's petition must indicate, prior to the obtaining of
151 registered electors' signatures, for which group or district
152 office the candidate is running.

153 (3) Each candidate for election to a judicial office, the
154 office of supervisor of elections, or the office of school board
155 member shall obtain the signature of a number of qualified
156 electors equal to at least 1 percent of the total number of
157 registered electors of the district, circuit, county, or other
158 geographic entity represented by the office sought as shown by



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159 the compilation by the Department of State for the last
160 preceding general election. A separate petition shall be
161 circulated for each candidate availing himself or herself of the
162 provisions of this section. Signatures may not be obtained until
163 the candidate has filed the appointment of campaign treasurer
164 and designation of campaign depository pursuant to s. 106.021.

165 (4) (a) Each candidate seeking to qualify for election to
166 the office of circuit judge or the office of school board member
167 from a multicounty school district pursuant to this section
168 shall file a separate petition from each county from which
169 signatures are sought. Each petition shall be submitted, prior
170 to noon of the 28th day preceding the first day of the
171 qualifying period for the office sought, to the supervisor of
172 elections of the county for which such petition was circulated.
173 Each supervisor of elections to whom a petition is submitted
174 shall check the signatures on the petition to verify their
175 status as electors of that county and of the geographic area
176 represented by the office sought. No later than the 7th day
177 before the first date for qualifying, the supervisor shall
178 certify the number shown as registered electors and submit such
179 certification to the Division of Elections. The division shall
180 determine whether the required number of signatures has been
181 obtained for the name of the candidate to be placed on the
182 ballot and shall notify the candidate. If the required number of
183 signatures has been obtained, the candidate shall, during the
184 time prescribed for qualifying for office, submit a copy of such
185 notice and file his or her qualifying papers and oath prescribed
186 in s. 105.031 with the Division of Elections. Upon receipt of
187 the copy of such notice and qualifying papers, the division



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188 shall certify the name of the candidate to the appropriate
189 supervisor or supervisors of elections as having qualified for
190 the office sought.

191 (b) Each candidate seeking to qualify for election to the
192 office of county court judge, the office of supervisor of
193 elections, or the office of school board member from a single
194 county school district pursuant to this section shall submit his
195 or her petition, before ~~prior to~~ noon of the 28th day preceding
196 the first day of the qualifying period for the office sought, to
197 the supervisor of elections of the county for which such
198 petition was circulated. The supervisor shall check the
199 signatures on the petition to verify their status as electors of
200 the county and of the geographic area represented by the office
201 sought. No later than the 7th day before the first date for
202 qualifying, the supervisor shall determine whether the required
203 number of signatures has been obtained for the name of the
204 candidate to be placed on the ballot and shall notify the
205 candidate. If the required number of signatures has been
206 obtained, the candidate shall, during the time prescribed for
207 qualifying for office, submit a copy of such notice and file his
208 or her qualifying papers and oath prescribed in s. 105.031 with
209 the qualifying officer. Upon receipt of the copy of such notice
210 and qualifying papers, such candidate shall be entitled to have
211 his or her name printed on the ballot.

212 Section 18. Subsection (4) of section 105.041, Florida
213 Statutes, is amended to read:

214 105.041 Form of ballot.—

215 (4) WRITE-IN CANDIDATES.—Space shall be made available on
216 the general election ballot for an elector to write in the name



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217 of a write-in candidate for judge of a circuit court or county
218 court, the office of supervisor of elections, or member of a
219 school board if a candidate has qualified as a write-in
220 candidate for such office pursuant to s. 105.031. This
221 subsection shall not apply to the offices of justices and judges
222 seeking retention.

223 Section 19. Paragraph (a) of subsection (1) of section
224 105.051, Florida Statutes, is amended to read:

225 105.051 Determination of election or retention to office.—

226 (1) ELECTION.—In circuits and counties holding elections:

227 (a) The name of an unopposed candidate for the office of
228 circuit judge, county court judge, supervisor of elections, or
229 member of a school board shall not appear on any ballot, and
230 such candidate shall be deemed to have voted for himself or
231 herself at the general election.

232 Section 20. Subsection (3) is added to section 105.061,
233 Florida Statutes, to read:

234 105.061 Electors qualified to vote.—

235 (3) The election of the supervisor of elections shall be by
236 vote of the qualified electors of the county.

237 Section 21. Subsection (1) of section 105.08, Florida
238 Statutes, is amended to read:

239 105.08 Campaign contribution and expense; reporting.—

240 (1) A candidate for judicial office, the office of
241 supervisor of elections, or the office of school board member
242 may accept contributions and may incur only such expenses as are
243 authorized by law. Each such candidate shall keep an accurate
244 record of his or her contributions and expenses, and shall file
245 reports pursuant to chapter 106.



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246 Section 22. Section 105.09, Florida Statutes, is amended to
247 read:

248 105.09 Political activity on ~~in~~ behalf of a candidate for
249 judicial office or the office of supervisor of elections
250 limited.-

251 (1) A ~~No~~ political party or partisan political organization
252 may not shall endorse, support, or assist any candidate in a
253 campaign for election to judicial office or the office of
254 supervisor of elections.

255 (2) Any person who knowingly, in an individual capacity or
256 as an officer of an organization, violates the provisions of
257 this section commits ~~is guilty of~~ a misdemeanor of the second
258 degree, punishable as provided in s. 775.082 or s. 775.083.

259
260 ===== T I T L E A M E N D M E N T =====

261 And the title is amended as follows:

262 Delete line 552

263 and insert:

264 undervotes and overvotes; amending s. 98.015, F.S.;

265 requiring that a supervisor of elections in each

266 county be elected in a nonpartisan election; amending

267 s. 101.151, F.S.; deleting a provision requiring that

268 the title "supervisor of elections" and the names of

269 candidates running for such office appear under the

270 heading entitled "County" on election ballots;

271 amending s. 105.031, F.S.; requiring that candidates

272 for the office of supervisor of elections pay a

273 specified qualifying fee, subscribe to an oath, and

274 file certain items with the supervisor of elections



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275 before the end of the qualifying period; amending s.
276 105.035, F.S.; including candidates for the office of
277 supervisor of elections among the list of candidates
278 who may qualify for election by a specified petition
279 process; amending s. 105.041, F.S.; requiring that
280 space be made available on a general election ballot
281 for an elector to write in the name of a write-in
282 candidate for the office of supervisor of elections if
283 such candidate has qualified as a write-in candidate
284 pursuant to state law; amending s. 105.051, F.S.;
285 prohibiting the name of an unopposed candidate for the
286 office of supervisor of elections from appearing on
287 any ballot; amending s. 105.061, F.S.; requiring that
288 the election of a supervisor of elections be by vote
289 of the qualified electors of a county; amending s.
290 105.08, F.S.; limiting the contributions that may be
291 accepted and the expenses that may be incurred by a
292 candidate for the office of supervisor of elections;
293 requiring such candidates to keep an accurate record
294 of such contributions and expenses; requiring that
295 such information be reported in accordance with state
296 law; amending s. 105.09, F.S.; prohibiting a political
297 party or partisan political organization from
298 endorsing, supporting, or assisting any candidate in a
299 campaign for election to the office of supervisor of
300 elections; providing that it is a second-degree
301 misdemeanor to knowingly commit such acts;