

ENROLLED
CS/CS/HB 131, Engrossed 2

2010 Legislature

1 A bill to be entitled
2 An act relating to elections; creating s. 97.0115, F.S.;
3 providing that all matters in chapters 97 through 105,
4 F.S., are preempted to the state, unless otherwise
5 specified; amending s. 97.021, F.S.; defining the term
6 "absent uniformed services voter"; revising the definition
7 of the term "overseas voter"; amending s. 98.0981, F.S.,
8 relating to statewide voter information; conforming a
9 cross-reference; ; amending s. 101.111, F.S.; revising
10 voter challenge oath requirements; providing circumstances
11 under which a challenged voter may execute a change of
12 legal residence, be directed to the proper precinct, or
13 vote a provisional ballot; amending s. 101.56075, F.S.;
14 extending the deadline by which persons with disabilities
15 will be required to vote on voter interface devices
16 meeting specified requirements; amending s. 101.5612,
17 F.S.; requiring the supervisor of elections to publish on
18 his or her website a notice of testing of tabulating
19 equipment; requiring the use of certain ballots and
20 technology for preelection testing of tabulating
21 equipment; amending s. 101.62, F.S.; requiring the
22 supervisor of elections to notify the absent uniformed
23 services voter and overseas voter of the free access
24 system for determining absentee ballot status; providing a
25 timeframe for an absentee ballot to be sent to each absent
26 uniformed services voter and overseas voter; providing
27 acceptable formats for requesting an absentee ballot;
28 modifying circumstances under which the department is

Page 1 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0131-05-er

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

29 authorized to prescribe rules for a ballot to be sent to
30 absent uniformed services voters and overseas voters;
31 amending s. 101.694, F.S.; requiring a supervisor to send
32 absentee ballots by specified means to certain persons
33 upon receipt of a federal postcard application; deleting
34 provisions relating to the period for which an absentee
35 ballot request is valid; amending s. 101.6952, F.S.;
36 revising responsibilities of the supervisor of elections
37 when an absent uniformed services voter's or overseas
38 voter's request for an absentee ballot includes an e-mail
39 address; requiring the supervisor to record the e-mail
40 address in the absentee ballot record and, via e-mail,
41 confirm that the request was received, inform the voter of
42 the estimated date the absentee ballot will be sent, and
43 notify the voter when the voted absentee ballot is
44 received; amending s. 101.71, F.S.; requiring the
45 supervisor of elections to ensure the provision of
46 adequate supplies, equipment, and personnel when precincts
47 are collocated; requiring the supervisor of elections to
48 publish the relocation of a polling place on his or her
49 website; amending s. 102.012, F.S.; allowing the
50 supervisor of elections to appoint one election board for
51 collocated precincts and requiring the appointment of
52 adequate personnel for the collocated precincts; amending
53 s. 102.111, F.S.; clarifying that the Governor and Cabinet
54 members shall serve ex officio on the Elections Canvassing
55 Commission; establishing meeting times for the commission;
56 amending s. 102.112, F.S.; conforming a cross-reference;

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

57 | amending s. 102.141, F.S.; requiring the supervisor of
58 | elections to publish on his or her website notice of the
59 | time for canvassing absentee and provisional ballots;
60 | providing circumstances under which the Secretary of
61 | State, county canvassing board, or local board is
62 | responsible for ordering recounts in elections; specifying
63 | the time for filing returns for elections in which a
64 | recount was ordered; amending s. 102.166, F.S.; providing
65 | circumstances under which the Secretary of State, county
66 | canvassing board, or local board is responsible for
67 | ordering a manual recount of overvotes and undervotes;
68 | amending s. 106.25, F.S.; authorizing the Florida
69 | Elections Commission to determine whether a person's
70 | conduct was willful in an informal hearing following a
71 | finding of probable cause; providing a short title;
72 | amending s. 106.143, F.S.; providing an alternative
73 | statement that may be used to identify a candidate as the
74 | sponsor of a political advertisement under certain
75 | circumstances; providing circumstances under which certain
76 | campaign messages and political advertisements are not
77 | required to state or display specific information
78 | regarding the identity of the candidate, his or her party
79 | affiliation, and the office sought in the message or
80 | advertisement; authorizing a candidate or political
81 | committee to place a statement on a social networking
82 | website or account indicating that the site or account is
83 | an official site or account approved by the candidate or
84 | political committee; prohibiting an official designation

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

85 | without the prior approval by the candidate or political
86 | committee; amending s. 106.011, F.S.; revising the
87 | definition of the term "political committee" to remove
88 | certain reporting requirements included in the exclusion
89 | of electioneering communications organizations from the
90 | definition; revising the definition of the term "filing
91 | officer" to expand applicability to electioneering
92 | communications organizations; revising the definition of
93 | the term "electioneering communication" to conform to
94 | certain federal requirements and to delineate what
95 | constitutes such a communication; revising the definition
96 | of the term "electioneering communications organization";
97 | amending s. 106.03, F.S.; revising the registration
98 | requirements for electioneering communications
99 | organizations; revising the statement of organization
100 | requirements; revising rule adoption requirements relating
101 | to dissolution of political committees and electioneering
102 | communications organizations; amending s. 106.0703, F.S.;
103 | consolidating reporting requirements in ch. 106, F.S.,
104 | applicable to electioneering communications organizations;
105 | providing penalties; conforming provisions; prohibiting
106 | the use of credit cards by electioneering communications
107 | organizations; amending s. 106.0705, F.S., relating to
108 | electronic filing of campaign treasurer's reports;
109 | conforming provisions; amending s. 106.071, F.S.;
110 | increasing the aggregate amount of expenditures required
111 | for filing certain reports related to independent
112 | expenditures or electioneering communications; amending s.

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

113 106.08, F.S.; removing certain limitations on
 114 contributions received by an electioneering communications
 115 organization; amending s. 106.1439, F.S.; providing
 116 identification requirements for certain electioneering
 117 communications; providing an exception for telephone
 118 calls; amending s. 106.147, F.S., relating to telephone
 119 solicitation disclosure requirements; removing
 120 requirements relating to electioneering communication, to
 121 conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and
 122 (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703,
 123 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439,
 124 and 106.17, F.S., relating to definitions, registered
 125 office and agent requirements, registration requirements,
 126 prohibited activities for committees of continuous
 127 existence, additional reporting requirements, electronic
 128 filing requirements, expenditure reports, penalties for
 129 violations pertaining to limitations on contributions,
 130 miscellaneous advertisements, electioneering
 131 communications disclaimers and penalties for failure to
 132 include disclaimers, and polls and surveys pertaining to
 133 candidacies, to cure and conform; amending s. 379.352,
 134 F.S., relating to recreational licenses and permits;
 135 conforming cross-references; providing effective dates.

136
 137 Be It Enacted by the Legislature of the State of Florida:
 138
 139 Section 1. Section 97.0115, Florida Statutes, is created
 140 to read:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

141 97.0115 Preemption.—All matters set forth in chapters 97-
 142 105 are preempted to the state, except as otherwise specifically
 143 authorized by state or federal law. The conduct of municipal
 144 elections shall be governed by s. 100.3605.

145 Section 2. Present subsections (2) through (43) of section
 146 97.021, Florida Statutes, are renumbered as subsections (3)
 147 through (44), respectively, a new subsection (2) is added to
 148 that section, and present subsection (22) of that section is
 149 amended, to read:

150 97.021 Definitions.—For the purposes of this code, except
 151 where the context clearly indicates otherwise, the term:

152 (2) "Absent uniformed services voter" means:

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

156 (b) A member of the merchant marine who, by reason of
 157 service in the merchant marine, is absent from the place of
 158 residence where the member is otherwise qualified to vote; or

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

163 ~~(23)-(22)~~ "Overseas voter" means:

164 (a) An absent uniformed services voter who, by reason of
 165 active duty or service, is absent from the United States on the
 166 date of the election involved ~~Members of the uniformed services~~
 167 ~~while in the active service who are permanent residents of the~~
 168 ~~state and are temporarily residing outside the territorial~~

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

169 ~~limits of the United States and the District of Columbia;~~
 170 (b) A person who resides outside the United States and is
 171 qualified to vote in the last place in which the person was
 172 domiciled before leaving the United States ~~Members of the~~
 173 ~~Merchant Marine of the United States who are permanent residents~~
 174 ~~of the state and are temporarily residing outside the~~
 175 ~~territorial limits of the United States and the District of~~
 176 ~~Columbia; or and~~

177 (c) A person who resides outside the United States and,
 178 but for such residence, would be qualified to vote in the last
 179 place in which the person was domiciled before leaving the
 180 United States ~~Other citizens of the United States who are~~
 181 ~~permanent residents of the state and are temporarily residing~~
 182 ~~outside the territorial limits of the United States and the~~
 183 ~~District of Columbia,~~

184
 185 ~~who are qualified and registered to vote as provided by law.~~

186 Section 3. Subsection (3) of section 98.0981, Florida
 187 Statutes, is amended to read:

188 98.0981 Reports; voting history; statewide voter
 189 registration system information; precinct-level election
 190 results; book closing statistics.—

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

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

197 (a) Precinct numbers.

198 (b) Total number of active registered voters by party for
199 each precinct.

200 Section 4. Section 101.111, Florida Statutes, is amended
201 to read:

202 101.111 Voter challenges ~~Person desiring to vote may be~~
203 ~~challenged; challenger to execute oath; oath of person~~
204 ~~challenged; determination of challenge.~~—

205 (1) (a) Any registered elector or poll watcher of a county
206 may challenge the right of a person to vote in that county. The
207 challenge must be in writing and contain the following oath,
208 which shall be delivered to the clerk or inspector:

OATH OF PERSON ENTERING CHALLENGE

209
210
211 State of Florida
212 County of

213
214 I do solemnly swear or affirm that my name is; that I am a
215 member of the Party; that I am a registered voter or
216 pollwatcher; that my residence address is, in the
217 municipality of; and that I have reason to believe that
218 is attempting to vote illegally and the reasons for my
219 belief are set forth herein to wit:

220
221
222 ... (Signature of person challenging voter) ...

223
224 Sworn and subscribed to before me this day of,

ENROLLED
 CS/CS/HB 131, Engrossed 2

2010 Legislature

225 ... (year)....
 226 ... (Clerk of election)...

227 (b)1. The clerk or inspector shall immediately deliver to
 228 the challenged person a copy of the oath of the person entering
 229 the challenge, and the challenged voter shall be allowed to cast
 230 a provisional ballot in accordance with s. 101.048, except as
 231 provided in subparagraph 2.

232 2. If the basis for the challenge is that the person's
 233 legal residence is not in that precinct, the person shall first
 234 be given the opportunity to execute a change of legal residence
 235 in order to be able to vote a regular ballot in accordance with
 236 s. 101.045(2). If the change of legal residence is such that the
 237 person is then properly registered for that precinct, the person
 238 shall be allowed to vote a regular ballot. If the change of
 239 legal residence places the person in another precinct, the
 240 person shall be directed to the proper precinct to vote. If such
 241 person insists that he or she is currently in the proper
 242 precinct, the person shall be allowed to vote a provisional
 243 ballot in accordance with s. 101.048.

244 (c) Alternatively, a challenge in accordance with this
 245 section may be filed in advance with the supervisor of elections
 246 no sooner than 30 days before an election. The supervisor shall
 247 promptly provide the election board in the challenged voter's
 248 precinct with a copy of the oath of the person entering the
 249 challenge. The challenged voter shall be allowed to cast a
 250 provisional ballot in accordance with s. 101.048, subject to the
 251 provisions of subparagraph (b)2.

252 (2) Any elector or poll watcher filing a frivolous

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

253 challenge of any person's right to vote commits a misdemeanor of
 254 the first degree, punishable as provided in s. 775.082 or s.
 255 775.083; however, electors or poll watchers shall not be subject
 256 to liability for any action taken in good faith and in
 257 furtherance of any activity or duty permitted of such electors
 258 or poll watchers by law. Each instance where any elector or poll
 259 watcher files a frivolous challenge of any person's right to
 260 vote constitutes a separate offense.

261 Section 5. Subsection (3) of section 101.56075, Florida
 262 Statutes, is amended to read:

263 101.56075 Voting methods.—

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

269 Section 6. Subsections (2) and (5) of section 101.5612,
 270 Florida Statutes, are amended to read:

271 101.5612 Testing of tabulating equipment.—

272 (2) On any day not more than 10 days prior to the
 273 commencement of early voting as provided in s. 101.657, the
 274 supervisor of elections shall have the automatic tabulating
 275 equipment publicly tested to ascertain that the equipment will
 276 correctly count the votes cast for all offices and on all
 277 measures. If the ballots to be used at the polling place on
 278 election day are not available at the time of the testing, the
 279 supervisor may conduct an additional test not more than 10 days
 280 before election day. Public notice of the time and place of the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

281 test shall be given at least 48 hours prior thereto by
282 publication on the supervisor of elections' website and once in
283 one or more newspapers of general circulation in the county or,
284 if there is no newspaper of general circulation in the county,
285 by posting the notice in at least four conspicuous places in the
286 county. The supervisor or the municipal elections official may,
287 at the time of qualifying, give written notice of the time and
288 location of the public preelection test to each candidate
289 qualifying with that office and obtain a signed receipt that the
290 notice has been given. The Department of State shall give
291 written notice to each statewide candidate at the time of
292 qualifying, or immediately at the end of qualifying, that the
293 voting equipment will be tested and advise each candidate to
294 contact the county supervisor of elections as to the time and
295 location of the public preelection test. The supervisor or the
296 municipal elections official shall, at least 15 days prior to
297 the commencement of early voting as provided in s. 101.657, send
298 written notice by certified mail to the county party chair of
299 each political party and to all candidates for other than
300 statewide office whose names appear on the ballot in the county
301 and who did not receive written notification from the supervisor
302 or municipal elections official at the time of qualifying,
303 stating the time and location of the public preelection test of
304 the automatic tabulating equipment. The canvassing board shall
305 convene, and each member of the canvassing board shall certify
306 to the accuracy of the test. For the test, the canvassing board
307 may designate one member to represent it. The test shall be open
308 to representatives of the political parties, the press, and the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

309 public. Each political party may designate one person with
 310 expertise in the computer field who shall be allowed in the
 311 central counting room when all tests are being conducted and
 312 when the official votes are being counted. The designee shall
 313 not interfere with the normal operation of the canvassing board.

314 (5) Any tests involving marksense ballots pursuant to this
 315 section shall employ test ~~preprinted~~ ballots created by the
 316 supervisor of elections using actual ballots that have been
 317 printed for the election. ~~If preprinted ballots will be used in~~
 318 ~~the election,~~ and ballot-on-demand ballots will be used in the
 319 election, the supervisor shall also create test ballots using
 320 the, ~~if~~ ballot-on-demand technology that will be used to produce
 321 ballots in the election, using the same paper stock as will be
 322 used for ballots in the election ~~or both.~~

323 Section 7. Subsections (1), (3), (4), and (5) of section
 324 101.62, Florida Statutes, are amended to read:

325 101.62 Request for absentee ballots.—

326 (1) (a) The supervisor shall ~~may~~ accept a request for an
 327 absentee ballot from an elector in person or in writing. ~~Except~~
 328 ~~as provided in s. 101.694,~~ One request shall be deemed
 329 sufficient to receive an absentee ballot for all elections
 330 through the next ~~two~~ regularly scheduled general election
 331 ~~elections,~~ unless the elector or the elector's designee
 332 indicates at the time the request is made the elections for
 333 which the elector desires to receive an absentee ballot. Such
 334 request may be considered canceled when any first-class mail
 335 sent by the supervisor to the elector is returned as
 336 undeliverable.

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

337 (b) The supervisor may accept a written or telephonic
 338 request for an absentee ballot from the elector, or, if directly
 339 instructed by the elector, a member of the elector's immediate
 340 family, or the elector's legal guardian. For purposes of this
 341 section, the term "immediate family" has the same meaning as
 342 specified in paragraph (4) (b). The person making the request
 343 must disclose:

- 344 1. The name of the elector for whom the ballot is
 345 requested.~~†~~
- 346 2. The elector's address.~~†~~
- 347 3. The elector's date of birth.~~†~~
- 348 4. The requester's name.~~†~~
- 349 5. The requester's address.~~†~~
- 350 6. The requester's driver's license number, if available.~~†~~
- 351 7. The requester's relationship to the elector.~~†~~~~and~~
- 352 8. The requester's signature (written requests only).

353 (c) Upon receiving a request for an absentee ballot from
 354 an absent voter, the supervisor of elections shall notify the
 355 voter of the free access system that has been designated by the
 356 department for determining the status of his or her absentee
 357 ballot.

358 (3) For each request for an absentee ballot received, the
 359 supervisor shall record the date the request was made, the date
 360 the absentee ballot was delivered to the voter or the voter's
 361 designee or the date the absentee ballot was delivered to the
 362 post office or other carrier, the date the ballot was received
 363 by the supervisor, and such other information he or she may deem
 364 necessary. This information shall be provided in electronic

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

365 format as provided by rule adopted by the division. The
366 information shall be updated and made available no later than
367 noon of each day beginning 60 days before the primary until 15
368 days after the general election and shall be contemporaneously
369 provided to the division. This information shall be confidential
370 and exempt from the provisions of s. 119.07(1) and shall be made
371 available to or reproduced only for the voter requesting the
372 ballot, a canvassing board, an election official, a political
373 party or official thereof, a candidate who has filed
374 qualification papers and is opposed in an upcoming election, and
375 registered political committees or registered committees of
376 continuous existence, for political purposes only.

377 (4) (a) No later than 45 days before each election, the
378 supervisor of elections shall send an absentee ballot as
379 provided in subparagraph (b)2. to each absent uniformed services
380 voter and to each overseas voter who has requested an absentee
381 ballot. ~~To each absent qualified elector overseas who has~~
382 ~~requested an absentee ballot, the supervisor of elections shall~~
383 ~~mail an absentee ballot not less than 35 days before the primary~~
384 ~~election and not less than 45 days before the general election.~~

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

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

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

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

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

396 c. The elector is in a hospital, assisted living facility,
397 nursing home, short-term medical or rehabilitation facility, or
398 correctional facility,

399
400 in which case the supervisor shall mail the ballot by
401 nonforwardable, return-if-undeliverable mail to any other
402 address the elector specifies in the request.

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

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

414 4. By delivery to a designee on election day or up to 5
415 days prior to the day of an election. Any elector may designate
416 in writing a person to pick up the ballot for the elector;
417 however, the person designated may not pick up more than two
418 absentee ballots per election, other than the designee's own
419 ballot, except that additional ballots may be picked up for
420 members of the designee's immediate family. For purposes of this

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

421 section, "immediate family" means the designee's spouse or the
 422 parent, child, grandparent, or sibling of the designee or of the
 423 designee's spouse. The designee shall provide to the supervisor
 424 the written authorization by the elector and a picture
 425 identification of the designee and must complete an affidavit.
 426 The designee shall state in the affidavit that the designee is
 427 authorized by the elector to pick up that ballot and shall
 428 indicate if the elector is a member of the designee's immediate
 429 family and, if so, the relationship. The department shall
 430 prescribe the form of the affidavit. If the supervisor is
 431 satisfied that the designee is authorized to pick up the ballot
 432 and that the signature of the elector on the written
 433 authorization matches the signature of the elector on file, the
 434 supervisor shall give the ballot to that designee for delivery
 435 to the elector.

436 (5) ~~If in the event that the department Elections~~
 437 ~~Canvassing Commission~~ is unable to certify candidates for the
 438 ~~results of an election for a state office~~ in time to comply with
 439 paragraph (4) (a) subsection (4), the Department of State is
 440 authorized to prescribe rules for a ballot to be sent to absent
 441 uniformed services voters and electors overseas voters.

442 Section 8. Subsection (1) of section 101.694, Florida
 443 Statutes, is amended to read:

444 101.694 Mailing of ballots upon receipt of federal
 445 postcard application.—

446 (1) Upon receipt of a federal postcard application for an
 447 absentee ballot executed by a person whose registration is in
 448 order or whose application is sufficient to register or update

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

449 the registration of that person, the supervisor shall send the
 450 ballot in accordance with s. 101.62(4) ~~mail to the applicant a~~
 451 ~~ballot, if the ballots are available for mailing. The federal~~
 452 ~~postcard application request for an absentee ballot shall be~~
 453 ~~effective for all elections through the next two regularly~~
 454 ~~scheduled general elections.~~

455 Section 9. Effective July 1, 2010, section 101.6952,
 456 Florida Statutes, is amended to read:

457 101.6952 Absentee ballots for absent uniformed services
 458 and overseas voters.—

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

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

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

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

473 (2) For absentee ballots received from absent uniformed
 474 services voters or overseas voters, there is a presumption that
 475 the envelope was mailed on the date stated on the outside of the
 476 return envelope, regardless of the absence of a postmark on the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

477 mailed envelope or the existence of a postmark date that is
478 later than the date of the election.

479 Section 10. Subsection (2) of section 101.71, Florida
480 Statutes, is amended to read:

481 101.71 Polling place.—

482 (2) Notwithstanding the provisions of subsection (1),
483 whenever the supervisor of elections of any county determines
484 that the accommodations for holding any election at a polling
485 place designated for any precinct in the county are unavailable,
486 are inadequate for the expeditious and efficient housing and
487 handling of voting and voting paraphernalia, or do not comply
488 with the requirements of s. 101.715, the supervisor shall, not
489 less than 30 days prior to the holding of an election, provide
490 for the voting place for such precinct to be moved to another
491 site that is accessible to the public on election day in said
492 precinct or, if such is not available, to another site that is
493 accessible to the public on election day in a contiguous
494 precinct. If such action of the supervisor results in the voting
495 place for two or more precincts being located for the purposes
496 of an election in one building, the supervisor of elections
497 shall provide adequate supplies, equipment, and personnel are
498 available to accommodate the voters for the precincts that are
499 collocated ~~voting places for the several precincts involved~~
500 ~~shall be established and maintained separate from each other in~~
501 ~~said building~~. When any supervisor moves any polling place
502 pursuant to this subsection, the supervisor shall, not more than
503 30 days or fewer than 7 days prior to the holding of an
504 election, give notice of the change of the polling place for the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

505 precinct involved, with clear description of the voting place to
506 which changed, at least once in a newspaper of general
507 circulation in the said county and on the supervisor of
508 elections' website. A notice of the change of the polling place
509 involved shall be mailed, at least 14 days prior to an election,
510 to each registered elector or to each household in which there
511 is a registered elector.

512 Section 11. Subsection (1) of section 102.012, Florida
513 Statutes, is amended to read:

514 102.012 Inspectors and clerks to conduct elections.-

515 (1) (a) The supervisor of elections of each county, at
516 least 20 days prior to the holding of any election, shall
517 appoint an election board comprised of poll workers who serve as
518 clerks or inspectors for each precinct in the county. The clerk
519 shall be in charge of, and responsible for, seeing that the
520 election board carries out its duties and responsibilities. Each
521 inspector and each clerk shall take and subscribe to an oath or
522 affirmation, which shall be written or printed, to the effect
523 that he or she will perform the duties of inspector or clerk of
524 election, respectively, according to law and will endeavor to
525 prevent all fraud, deceit, or abuse in conducting the election.
526 The oath may be taken before an officer authorized to administer
527 oaths or before any of the persons who are to act as inspectors,
528 one of them to swear the others, and one of the others sworn
529 thus, in turn, to administer the oath to the one who has not
530 been sworn. The oaths shall be returned with the poll list and
531 the returns of the election to the supervisor. In all questions
532 that may arise before the members of an election board, the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

533 decision of a majority of them shall decide the question. The
 534 supervisor of elections of each county shall be responsible for
 535 the attendance and diligent performance of his or her duties by
 536 each clerk and inspector.

537 (b) If two or more precincts share the same building and
 538 voting place, the supervisor of elections may appoint one
 539 election board for the collocated precincts. The supervisor
 540 shall provide a sufficient number of poll workers are appointed
 541 to adequately handle the processing of the voters in the
 542 collocated precincts.

543 Section 12. Section 102.111, Florida Statutes, is amended
 544 to read:

545 102.111 Elections Canvassing Commission.—

546 (1) The Elections Canvassing Commission shall consist of
 547 the Governor and two members of the Cabinet selected by the
 548 Governor, all of whom shall serve ex officio. If a member of the
 549 ~~Elections Canvassing~~ commission is unable to serve for any
 550 reason, the Governor shall appoint a remaining member of the
 551 Cabinet. If there is a further vacancy, the remaining members of
 552 the commission shall agree on another elected official to fill
 553 the vacancy.

554 (2) The Elections Canvassing Commission shall meet at 9
 555 a.m. on the 9th day after a primary election and at 9 a.m. on
 556 the 14th day after a general election to, ~~as soon as the~~
 557 ~~official results are compiled from all counties,~~ certify the
 558 returns of the election ~~and determine and declare who has been~~
 559 ~~elected~~ for each federal, state, and multicounty office. If a
 560 member of a county canvassing board that was constituted

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

561 pursuant to s. 102.141 determines, within 5 days after the
 562 certification by the Elections Canvassing Commission, that a
 563 typographical error occurred in the official returns of the
 564 county, the correction of which could result in a change in the
 565 outcome of an election, the county canvassing board must certify
 566 corrected returns to the Department of State within 24 hours,
 567 and the Elections Canvassing Commission must correct and
 568 recertify the election returns as soon as practicable.

569 (3)~~(2)~~ The Division of Elections shall provide the staff
 570 services required by the Elections Canvassing Commission.

571 Section 13. Subsection (2) of section 102.112, Florida
 572 Statutes, is amended to read:

573 102.112 Deadline for submission of county returns to the
 574 Department of State.—

575 (2) Returns must be filed by 5 p.m. on the 7th day
 576 following a primary election and by noon on the 12th day
 577 following the general election. However, the Department of State
 578 may correct typographical errors, including the transposition of
 579 numbers, in any returns submitted to the Department of State
 580 pursuant to s. 102.111(2) ~~s. 102.111(1)~~.

581 Section 14. Subsections (2) and (7) of section 102.141,
 582 Florida Statutes, are amended to read:

583 102.141 County canvassing board; duties.—

584 (2) The county canvassing board shall meet in a building
 585 accessible to the public in the county where the election
 586 occurred at a time and place to be designated by the supervisor
 587 of elections to publicly canvass the absentee electors' ballots
 588 as provided for in s. 101.68 and provisional ballots as provided

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

589 by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast
590 pursuant to s. 101.049 shall be canvassed in a manner that votes
591 for candidates and issues on those ballots can be segregated
592 from other votes. Public notice of the time and place at which
593 the county canvassing board shall meet to canvass the absentee
594 electors' ballots and provisional ballots shall be given at
595 least 48 hours prior thereto by publication on the supervisor of
596 elections' website and once in one or more newspapers of general
597 circulation in the county or, if there is no newspaper of
598 general circulation in the county, by posting such notice in at
599 least four conspicuous places in the county. As soon as the
600 absentee electors' ballots and the provisional ballots are
601 canvassed, the board shall proceed to publicly canvass the vote
602 given each candidate, nominee, constitutional amendment, or
603 other measure submitted to the electorate of the county, as
604 shown by the returns then on file in the office of the
605 supervisor of elections ~~and the office of the county court~~
606 ~~judge.~~

607 (7) If the unofficial returns reflect that a candidate for
608 any office was defeated or eliminated by one-half of a percent
609 or less of the votes cast for such office, that a candidate for
610 retention to a judicial office was retained or not retained by
611 one-half of a percent or less of the votes cast on the question
612 of retention, or that a measure appearing on the ballot was
613 approved or rejected by one-half of a percent or less of the
614 votes cast on such measure, ~~the board responsible for certifying~~
615 ~~the results of the vote on such race or measure shall order a~~
616 recount shall be ordered of the votes cast with respect to such

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

617 office or measure. The Secretary of State Elections Canvassing
 618 ~~Commission~~ is ~~the board~~ responsible for ordering recounts in
 619 federal, state, and multicounty aces ~~recounts~~. The county
 620 canvassing board or the local board responsible for certifying
 621 the election is responsible for ordering recounts in all other
 622 aces. A recount need not be ordered with respect to the returns
 623 for any office, however, if the candidate or candidates defeated
 624 or eliminated from contention for such office by one-half of a
 625 percent or less of the votes cast for such office request in
 626 writing that a recount not be made.

627 (a) Each canvassing board responsible for conducting a
 628 recount shall put each marksense ballot through automatic
 629 tabulating equipment and determine whether the returns correctly
 630 reflect the votes cast. If any marksense ballot is physically
 631 damaged so that it cannot be properly counted by the automatic
 632 tabulating equipment during the recount, a true duplicate shall
 633 be made of the damaged ballot pursuant to the procedures in s.
 634 101.5614(5). Immediately before the start of the recount, a test
 635 of the tabulating equipment shall be conducted as provided in s.
 636 101.5612. If the test indicates no error, the recount tabulation
 637 of the ballots cast shall be presumed correct and such votes
 638 shall be canvassed accordingly. If an error is detected, the
 639 cause therefor shall be ascertained and corrected and the
 640 recount repeated, as necessary. The canvassing board shall
 641 immediately report the error, along with the cause of the error
 642 and the corrective measures being taken, to the Department of
 643 State. No later than 11 days after the election, the canvassing
 644 board shall file a separate incident report with the Department

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

645 of State, detailing the resolution of the matter and identifying
646 any measures that will avoid a future recurrence of the error.

647 (b) Each canvassing board responsible for conducting a
648 recount where touchscreen ballots were used shall examine the
649 counters on the precinct tabulators to ensure that the total of
650 the returns on the precinct tabulators equals the overall
651 election return. If there is a discrepancy between the overall
652 election return and the counters of the precinct tabulators, the
653 counters of the precinct tabulators shall be presumed correct
654 and such votes shall be canvassed accordingly.

655 (c) The canvassing board shall submit on forms or in
656 formats provided by the division a second set of unofficial
657 returns to the Department of State for each federal, statewide,
658 state, or multicounty office or ballot measure. The returns
659 shall be filed no later than 3 p.m. on the 5th ~~fifth~~ day after
660 any primary election and no later than 3 p.m. on the 9th ~~ninth~~
661 day after any general election in which a recount was ordered by
662 the Secretary of State ~~conducted pursuant to this subsection~~. If
663 the canvassing board is unable to complete the recount
664 prescribed in this subsection by the deadline, the second set of
665 unofficial returns submitted by the canvassing board shall be
666 identical to the initial unofficial returns and the submission
667 shall also include a detailed explanation of why it was unable
668 to timely complete the recount. However, the canvassing board
669 shall complete the recount prescribed in this subsection, along
670 with any manual recount prescribed in s. 102.166, and certify
671 election returns in accordance with the requirements of this
672 chapter.

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

673 (d) The Department of State shall adopt detailed rules
 674 prescribing additional recount procedures for each certified
 675 voting system, which shall be uniform to the extent practicable.

676 Section 15. Subsection (1) of section 102.166, Florida
 677 Statutes, is amended to read:

678 102.166 Manual recounts of overvotes and undervotes.—

679 (1) If the second set of unofficial returns pursuant to s.
 680 102.141 indicates that a candidate for any office was defeated
 681 or eliminated by one-quarter of a percent or less of the votes
 682 cast for such office, that a candidate for retention to a
 683 judicial office was retained or not retained by one-quarter of a
 684 percent or less of the votes cast on the question of retention,
 685 or that a measure appearing on the ballot was approved or
 686 rejected by one-quarter of a percent or less of the votes cast
 687 on such measure, ~~the board responsible for certifying the~~
 688 ~~results of the vote on such race or measure shall order~~ a manual
 689 recount of the overvotes and undervotes cast in the entire
 690 geographic jurisdiction of such office or ballot measure shall
 691 be ordered unless: . A manual recount may not be ordered,
 692 ~~however, if~~

693 (a) The candidate or candidates defeated or eliminated
 694 from contention by one-quarter of 1 percent or fewer of the
 695 votes cast for such office request in writing that a recount not
 696 be made; or

697 (b) The number of overvotes and undervotes, ~~and~~
 698 ~~provisional ballots~~ is fewer than the number of votes needed to
 699 change the outcome of the election.

700

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

701 The Secretary of State is responsible for ordering a manual
 702 recount for federal, state, and multicounty races. The county
 703 canvassing board or local board responsible for certifying the
 704 election is responsible for ordering a manual recount for all
 705 other races.

706 Section 16. Subsection (3) of section 106.25, Florida
 707 Statutes, is amended to read:

708 106.25 Reports of alleged violations to Florida Elections
 709 Commission; disposition of findings.—

710 (3) For the purposes of commission jurisdiction, a
 711 violation shall mean the willful performance of an act
 712 prohibited by this chapter or chapter 104 or the willful failure
 713 to perform an act required by this chapter or chapter 104.
 714 Willfulness is a determination of fact; however, at the request
 715 of the respondent at any time after probable cause is found,
 716 willfulness may be considered and determined in an informal
 717 hearing before the commission.

718 Section 17. Section 18 of this act may be cited as the
 719 "Technology in Elections Act."

720 Section 18. Subsection (1) of section 106.143, Florida
 721 Statutes, is amended, present subsection (8) of that section is
 722 renumbered as subsection (9), and a new subsection (8) is added
 723 to that section, to read:

724 106.143 Political advertisements circulated prior to
 725 election; requirements.—

726 (1) (a) Any political advertisement that is paid for by a
 727 candidate and that is published, displayed, or circulated before
 728 ~~prior to~~, or on the day of, any election must prominently state:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

729 1. "Political advertisement paid for and approved by
 730 ... (name of candidate) ..., ... (party affiliation) ..., for
 731 ... (office sought)"; or

732 2. "Paid by ... (name of candidate) ..., ... (party
 733 affiliation) ..., for ... (office sought)"

734 (b) Any other political advertisement published,
 735 displayed, or circulated before ~~prior to~~, or on the day of, any
 736 election must prominently:

737 1. Be marked "paid political advertisement" or with the
 738 abbreviation "pd. pol. adv."

739 2. State the name and address of the persons sponsoring
 740 the advertisement.

741 3.a.(I) State whether the advertisement and the cost of
 742 production is paid for or provided in kind by or at the expense
 743 of the entity publishing, displaying, broadcasting, or
 744 circulating the political advertisement; or

745 (II) State who provided or paid for the advertisement and
 746 cost of production, if different from the source of sponsorship.

747 b. This subparagraph does not apply if the source of the
 748 sponsorship is patently clear from the content or format of the
 749 political advertisement.

750 (c) Any political advertisement made pursuant to s.
 751 106.021(3)(d) must be marked "paid political advertisement" or
 752 with the abbreviation "pd. pol. adv." and must prominently
 753 state, "Paid for and sponsored by ... (name of person paying for
 754 political advertisement) Approved by ... (names of persons,
 755 party affiliation, and offices sought in the political
 756 advertisement)"

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

757
758 ~~This subsection does not apply to campaign messages used by a~~
759 ~~candidate and the candidate's supporters if those messages are~~
760 ~~designed to be worn by a person.~~

761 (8) This section does not apply to any campaign message or
762 political advertisement used by a candidate and the candidate's
763 supporters or by a political committee if the message or
764 advertisement is:

765 (a) Designed to be worn by a person.

766 (b) Placed as a paid link on an Internet website, provided
767 the message or advertisement is no more than 200 characters in
768 length and the link directs the user to another Internet website
769 that complies with subsection (1).

770 (c) Placed as a graphic or picture link where compliance
771 with the requirements of this section is not reasonably
772 practical due to the size of the graphic or picture link and the
773 link directs the user to another Internet website that complies
774 with subsection (1).

775 (d) Placed at no cost on an Internet website for which
776 there is no cost to post content for public users.

777 (e) Placed or distributed on an unpaid profile or account
778 which is available to the public without charge or on a social
779 networking Internet website, as long as the source of the
780 message or advertisement is patently clear from the content or
781 format of the message or advertisement. A candidate or political
782 committee may prominently display a statement indicating that
783 the website or account is an official website or account of the
784 candidate or political committee and is approved by the

ENROLLED
 CS/CS/HB 131, Engrossed 2

2010 Legislature

785 candidate or political committee. A website or account may not
 786 be marked as official without prior approval by the candidate or
 787 political committee.

788 (f) Distributed as a text message or other message via
 789 Short Message Service, provided the message is no more than 200
 790 characters in length or requires the recipient to sign up or opt
 791 in to receive it.

792 (g) Connected with or included in any software application
 793 or accompanying function, provided that the user signs up, opts
 794 in, downloads, or otherwise accesses the application from or
 795 through a website that complies with subsection (1).

796 (h) Sent by a third-party user from or through a campaign
 797 or committee's website, provided the website complies with
 798 subsection (1).

799 (i) Contained in or distributed through any other
 800 technology-related item, service, or device for which compliance
 801 with subsection (1) is not reasonably practical due to the size
 802 or nature of such item, service, or device as available, or the
 803 means of displaying the message or advertisement makes
 804 compliance with subsection (1) impracticable.

805 (9) ~~(8)~~ Any person who willfully violates any provision of
 806 this section is subject to the civil penalties prescribed in s.
 807 106.265.

808 Section 19. Paragraph (b) of subsection (1) of section
 809 106.011, Florida Statutes, is reenacted and amended, subsections
 810 (3) and (4) of that section are reenacted, subsection (14) of
 811 that section is amended, and subsections (18) and (19) of that
 812 section are reenacted and amended, to read:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

813 106.011 Definitions.—As used in this chapter, the
 814 following terms have the following meanings unless the context
 815 clearly indicates otherwise:

816 (1)

817 (b) Notwithstanding paragraph (a), the following entities
 818 are not considered political committees for purposes of this
 819 chapter:

820 1. Organizations which are certified by the Department of
 821 State as committees of continuous existence pursuant to s.
 822 106.04, national political parties, and the state and county
 823 executive committees of political parties regulated by chapter
 824 103.

825 2. Corporations regulated by chapter 607 or chapter 617 or
 826 other business entities formed for purposes other than to
 827 support or oppose issues or candidates, if their political
 828 activities are limited to contributions to candidates, political
 829 parties, or political committees or expenditures in support of
 830 or opposition to an issue from corporate or business funds and
 831 if no contributions are received by such corporations or
 832 business entities.

833 3. Electioneering communications organizations as defined
 834 in subsection (19); ~~however, such organizations shall be~~
 835 ~~required to register with and report expenditures and~~
 836 ~~contributions, including contributions received from committees~~
 837 ~~of continuous existence, to the Division of Elections in the~~
 838 ~~same manner, at the same time, and subject to the same penalties~~
 839 ~~as a political committee supporting or opposing an issue or a~~
 840 ~~legislative candidate, except as otherwise specifically provided~~

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

841 ~~in this chapter.~~

842 (3) "Contribution" means:

843 (a) A gift, subscription, conveyance, deposit, loan,
 844 payment, or distribution of money or anything of value,
 845 including contributions in kind having an attributable monetary
 846 value in any form, made for the purpose of influencing the
 847 results of an election or making an electioneering
 848 communication.

849 (b) A transfer of funds between political committees,
 850 between committees of continuous existence, between
 851 electioneering communications organizations, or between any
 852 combination of these groups.

853 (c) The payment, by any person other than a candidate or
 854 political committee, of compensation for the personal services
 855 of another person which are rendered to a candidate or political
 856 committee without charge to the candidate or committee for such
 857 services.

858 (d) The transfer of funds by a campaign treasurer or
 859 deputy campaign treasurer between a primary depository and a
 860 separate interest-bearing account or certificate of deposit, and
 861 the term includes any interest earned on such account or
 862 certificate.

863
 864 Notwithstanding the foregoing meanings of "contribution," the
 865 word shall not be construed to include services, including, but
 866 not limited to, legal and accounting services, provided without
 867 compensation by individuals volunteering a portion or all of
 868 their time on behalf of a candidate or political committee. This

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

869 definition shall not be construed to include editorial
870 endorsements.

871 (4) (a) "Expenditure" means a purchase, payment,
872 distribution, loan, advance, transfer of funds by a campaign
873 treasurer or deputy campaign treasurer between a primary
874 depository and a separate interest-bearing account or
875 certificate of deposit, or gift of money or anything of value
876 made for the purpose of influencing the results of an election
877 or making an electioneering communication. However,
878 "expenditure" does not include a purchase, payment,
879 distribution, loan, advance, or gift of money or anything of
880 value made for the purpose of influencing the results of an
881 election when made by an organization, in existence prior to the
882 time during which a candidate qualifies or an issue is placed on
883 the ballot for that election, for the purpose of printing or
884 distributing such organization's newsletter, containing a
885 statement by such organization in support of or opposition to a
886 candidate or issue, which newsletter is distributed only to
887 members of such organization.

888 (b) As used in this chapter, an "expenditure" for an
889 electioneering communication is made when the earliest of the
890 following occurs:

891 1. A person enters into a contract for applicable goods or
892 services;

893 2. A person makes payment, in whole or in part, for the
894 production or public dissemination of applicable goods or
895 services; or

896 3. The electioneering communication is publicly

ENROLLED
 CS/CS/HB 131, Engrossed 2

2010 Legislature

897 disseminated.

898 (14) "Filing officer" means the person before whom a
 899 candidate qualifies, the agency or officer with whom a political
 900 committee or an electioneering communications organization
 901 registers, or the agency by whom a committee of continuous
 902 existence is certified.

903 (18)(a) "Electioneering communication" means any
 904 communication that is publicly distributed by a television
 905 station, radio station, cable television system, satellite
 906 system, newspaper, magazine, direct mail, or telephone and a
 907 ~~paid expression in any communications media prescribed in~~
 908 ~~subsection (13) by means other than the spoken word in direct~~
 909 ~~conversation that:~~

910 1. Refers to or depicts a clearly identified candidate for
 911 office ~~or contains a clear reference indicating that an issue is~~
 912 ~~to be voted on at an election,~~ without expressly advocating the
 913 election or defeat of a candidate but that is susceptible of no
 914 reasonable interpretation other than an appeal to vote for or
 915 against a specific candidate; ~~or the passage or defeat of an~~
 916 ~~issue.~~

917 2. Is made within 30 days before a primary or special
 918 primary election or 60 days before any other election for the
 919 office sought by the candidate; and

920 3. ~~Is For communications referring to or depicting a~~
 921 ~~clearly identified candidate for office, is targeted to the~~
 922 ~~relevant electorate. A communication is considered targeted if~~
 923 ~~1,000 or more persons in the geographic area the candidate would~~
 924 ~~represent if elected will receive the communication.~~

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

925 ~~3. For communications containing a clear reference~~
 926 ~~indicating that an issue is to be voted on at an election, is~~
 927 ~~published after the issue is designated a ballot position or 120~~
 928 ~~days before the date of the election on the issue, whichever~~
 929 ~~occurs first.~~

930 (b) The term "electioneering communication" does not
 931 include:

932 1. A communication disseminated through a means of
 933 communication other than a television station, radio station,
 934 cable television system, satellite system, newspaper, magazine,
 935 direct mail, telephone, or statement or depiction by an
 936 organization, in existence prior to the time during which a
 937 candidate named or depicted qualifies ~~or an issue identified is~~
 938 placed on the ballot for that election, made in that
 939 organization's newsletter, which newsletter is distributed only
 940 to members of that organization.

941 2. A communication in a news story, commentary, or
 942 editorial distributed through the facilities of any radio
 943 station, television station, cable television system, or
 944 satellite system, unless the facilities are owned or controlled
 945 by any political party, political committee, or candidate. A
 946 news story distributed through the facilities owned or
 947 controlled by any political party, political committee, or
 948 candidate may nevertheless be exempt if it represents a bona
 949 fide news account communicated through a licensed broadcasting
 950 facility and the communication is part of a general pattern of
 951 campaign-related news accounts that give reasonably equal
 952 coverage to all opposing candidates in the area. ~~An editorial~~

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

953 ~~endorsement, news story, commentary, or editorial by any~~
954 ~~newspaper, radio, television station, or other recognized news~~
955 ~~medium.~~

956 3. A communication that constitutes a public debate or
957 forum that includes at least two opposing candidates for an
958 office or one advocate and one opponent of an issue, or that
959 solely promotes such a debate or forum and is made by or on
960 behalf of the person sponsoring the debate or forum, provided
961 that:

962 a. The staging organization is either:

963 (I) A charitable organization that does not make other
964 electioneering communications and does not otherwise support or
965 oppose any political candidate or political party; or

966 (II) A newspaper, radio station, television station, or
967 other recognized news medium; and

968 b. The staging organization does not structure the debate
969 to promote or advance one candidate or issue position over
970 another.

971 (c) For purposes of this chapter, an expenditure made for,
972 or in furtherance of, an electioneering communication shall not
973 be considered a contribution to or on behalf of any candidate.

974 (d) For purposes of this chapter, an electioneering
975 communication shall not constitute an independent expenditure
976 nor be subject to the limitations applicable to independent
977 expenditures.

978 (19) "Electioneering communications organization" means
979 any group, other than a political party, political committee, or
980 committee of continuous existence, whose election-related

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

981 activities are limited to making expenditures for electioneering
 982 communications or accepting contributions for the purpose of
 983 making electioneering communications and whose activities would
 984 not otherwise require the group to register as a political
 985 party, political committee, or committee of continuous existence
 986 under this chapter.

987 Section 20. Subsection (1) of section 106.022, Florida
 988 Statutes, is reenacted to read:

989 106.022 Appointment of a registered agent; duties.—

990 (1) Each political committee, committee of continuous
 991 existence, or electioneering communications organization shall
 992 have and continuously maintain in this state a registered office
 993 and a registered agent and must file with the division a
 994 statement of appointment for the registered office and
 995 registered agent. The statement of appointment must:

996 (a) Provide the name of the registered agent and the
 997 street address and phone number for the registered office;

998 (b) Identify the entity for whom the registered agent
 999 serves;

1000 (c) Designate the address the registered agent wishes to
 1001 use to receive mail;

1002 (d) Include the entity's undertaking to inform the
 1003 division of any change in such designated address;

1004 (e) Provide for the registered agent's acceptance of the
 1005 appointment, which must confirm that the registered agent is
 1006 familiar with and accepts the obligations of the position as set
 1007 forth in this section; and

1008 (f) Contain the signature of the registered agent and the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1009 entity engaging the registered agent.

1010 Section 21. Paragraph (b) of subsection (1) of section
 1011 106.03, Florida Statutes, is reenacted and amended, and
 1012 subsections (2), (4), and (7) of that section are amended, to
 1013 read:

1014 106.03 Registration of political committees and
 1015 electioneering communications organizations.—

1016 (1)

1017 (b)1. Each electioneering communications organization that
 1018 receives ~~anticipates receiving~~ contributions or makes ~~making~~
 1019 expenditures during a calendar year in an aggregate amount
 1020 exceeding \$5,000 shall file a statement of organization as
 1021 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery
 1022 within 24 hours after its organization or, if later, within 24
 1023 hours after the date on which it receives ~~has information that~~
 1024 ~~causes the organization to anticipate that it will receive~~
 1025 contributions or makes ~~make~~ expenditures for an electioneering
 1026 communication in excess of \$5,000.

1027 2.a. In a statewide, legislative, or multicounty election,
 1028 an electioneering communications organization shall file a
 1029 statement of organization with the Division of Elections.

1030 b. In a countywide election or any election held on less
 1031 than a countywide basis, except as described in sub-subparagraph
 1032 c., an electioneering communications organization shall file a
 1033 statement of organization with the supervisor of elections of
 1034 the county in which the election is being held.

1035 c. In a municipal election, an electioneering
 1036 communications organization shall file a statement of

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1037 organization with the officer before whom municipal candidates
 1038 qualify.

1039 d. Any electioneering communications organization that
 1040 would be required to file a statement of organization in two or
 1041 more locations by reason of the organization's intention to
 1042 support or oppose candidates at state or multicounty and local
 1043 levels of government need only file a statement of organization
 1044 with the Division of Elections.

1045 (2) The statement of organization shall include:

1046 (a) The name, mailing address, and street address of the
 1047 committee or electioneering communications organization;

1048 (b) The names, street addresses, and relationships of
 1049 affiliated or connected organizations;

1050 (c) The area, scope, or jurisdiction of the committee or
 1051 electioneering communications organization;

1052 (d) The name, mailing address, street address, and
 1053 position of the custodian of books and accounts;

1054 (e) The name, mailing address, street address, and
 1055 position of other principal officers, including the treasurer
 1056 and deputy treasurer ~~including officers and members of the~~
 1057 ~~finance committee,~~ if any;

1058 (f) The name, address, office sought, and party
 1059 affiliation of:

1060 1. Each candidate whom the committee is supporting;

1061 2. Any other individual, if any, whom the committee is
 1062 supporting for nomination for election, or election, to any
 1063 public office whatever;

1064 (g) Any issue or issues the committee ~~such organization~~ is

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1065 supporting or opposing;

1066 (h) If the committee is supporting the entire ticket of

1067 any party, a statement to that effect and the name of the party;

1068 (i) A statement of whether the committee is a continuing

1069 one;

1070 (j) Plans for the disposition of residual funds which will

1071 be made in the event of dissolution;

1072 (k) A listing of all banks, safe-deposit boxes, or other

1073 depositories used for committee or electioneering communications

1074 organization funds; ~~and~~

1075 (l) A statement of the reports required to be filed by the

1076 committee or the electioneering communications organization with

1077 federal officials, if any, and the names, addresses, and

1078 positions of such officials; and

1079 (m) A statement of whether the electioneering

1080 communications organization was formed as a newly created

1081 organization during the current calendar quarter or was formed

1082 from an organization existing prior to the current calendar

1083 quarter. For purposes of this subsection, calendar quarters end

1084 the last day of March, June, September, and December.

1085 (4) Any change in information previously submitted in a

1086 statement of organization shall be reported to the agency or

1087 officer with whom such committee or electioneering

1088 communications organization is required to register ~~pursuant to~~

1089 ~~subsection (3),~~ within 10 days following the change.

1090 (7) The Division of Elections shall adopt ~~promulgate~~ rules

1091 to prescribe the manner in which ~~inactive~~ committees and

1092 electioneering communications organizations may be dissolved and

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1093 have their registration canceled. Such rules shall, at a
 1094 minimum, provide for:

1095 (a) Notice which shall contain the facts and conduct which
 1096 warrant the intended action, including but not limited to
 1097 failure to file reports and limited activity.

1098 (b) Adequate opportunity to respond.

1099 (c) Appeal of the decision to the Florida Elections
 1100 Commission. Such appeals shall be exempt from the
 1101 confidentiality provisions of s. 106.25.

1102 Section 22. Subsection (5) of section 106.04, Florida
 1103 Statutes, is reenacted to read:

1104 106.04 Committees of continuous existence.—

1105 (5) No committee of continuous existence shall make an
 1106 electioneering communication, contribute to any candidate or
 1107 political committee an amount in excess of the limits contained
 1108 in s. 106.08(1), or participate in any activity which is
 1109 prohibited by this chapter. If any violation occurs, it shall be
 1110 punishable as provided in this chapter for the given offense. No
 1111 funds of a committee of continuous existence shall be expended
 1112 on behalf of a candidate, except by means of a contribution made
 1113 through the duly appointed campaign treasurer of a candidate. No
 1114 such committee shall make expenditures in support of, or in
 1115 opposition to, an issue unless such committee first registers as
 1116 a political committee pursuant to this chapter and undertakes
 1117 all the practices and procedures required thereof; provided such
 1118 committee may make contributions in a total amount not to exceed
 1119 25 percent of its aggregate income, as reflected in the annual
 1120 report filed for the previous year, to one or more political

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1121 committees registered pursuant to s. 106.03 and formed to
 1122 support or oppose issues.

1123 Section 23. Section 106.0703, Florida Statutes, is
 1124 reenacted and amended to read:

1125 106.0703 Electioneering communications organizations;
 1126 ~~additional~~ reporting requirements; certification and filing;
 1127 penalties.—

1128 (1) (a) Each electioneering communications organization
 1129 shall file regular reports of all contributions received and all
 1130 expenditures made by or on behalf of the organization. Reports
 1131 shall be filed on the 10th day following the end of each
 1132 calendar quarter from the time the organization is registered.
 1133 However, if the 10th day following the end of a calendar quarter
 1134 occurs on a Saturday, Sunday, or legal holiday, the report shall
 1135 be filed on the next following day that is not a Saturday,
 1136 Sunday, or legal holiday. Quarterly reports shall include all
 1137 contributions received and expenditures made during the calendar
 1138 quarter that have not otherwise been reported pursuant to this
 1139 section.

1140 (b) Following the last day of candidates qualifying for
 1141 office, the reports shall be filed on the 32nd, 18th, and 4th
 1142 days immediately preceding the primary election and on the 46th,
 1143 32nd, 18th, and 4th days immediately preceding the general
 1144 election.

1145 (c) When a special election is called to fill a vacancy in
 1146 office, all electioneering communications organizations making
 1147 contributions or expenditures to influence the results of the
 1148 special election shall file reports with the filing officer on

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1149 the dates set by the Department of State pursuant to s. 100.111.

1150 (d) In addition, an electioneering communications
 1151 organization that is registered with the Department of State and
 1152 that makes a contribution or expenditure to influence the
 1153 results of a county or municipal election that is not being held
 1154 at the same time as a state or federal election must file
 1155 reports with the county or municipal filing officer on the same
 1156 dates as county or municipal candidates or committees for that
 1157 election. The electioneering communications organization must
 1158 also include the expenditure in the next report filed with the
 1159 Division of Elections pursuant to this section following the
 1160 county or municipal election.

1161 (e) The filing officer shall make available to each
 1162 electioneering communications organization a schedule
 1163 designating the beginning and end of reporting periods as well
 1164 as the corresponding designated due dates.

1165 (2) (a) Except as provided in s. 106.0705, the reports
 1166 required of an electioneering communications organization shall
 1167 be filed with the filing officer not later than 5 p.m. of the
 1168 day designated. However, any report postmarked by the United
 1169 States Postal Service no later than midnight of the day
 1170 designated shall be deemed to have been filed in a timely
 1171 manner. Any report received by the filing officer within 5 days
 1172 after the designated due date that was delivered by the United
 1173 States Postal Service shall be deemed timely filed unless it has
 1174 a postmark that indicates that the report was mailed after the
 1175 designated due date. A certificate of mailing obtained from and
 1176 dated by the United States Postal Service at the time of

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1177 mailing, or a receipt from an established courier company, which
 1178 bears a date on or before the date on which the report is due,
 1179 shall be proof of mailing in a timely manner. Reports shall
 1180 contain information of all previously unreported contributions
 1181 received and expenditures made as of the preceding Friday,
 1182 except that the report filed on the Friday immediately preceding
 1183 the election shall contain information of all previously
 1184 unreported contributions received and expenditures made as of
 1185 the day preceding the designated due date. All such reports
 1186 shall be open to public inspection.

1187 (b)1. Any report that is deemed to be incomplete by the
 1188 officer with whom the electioneering communications organization
 1189 files shall be accepted on a conditional basis. The treasurer of
 1190 the electioneering communications organization shall be
 1191 notified, by certified mail or other common carrier that can
 1192 establish proof of delivery for the notice, as to why the report
 1193 is incomplete. Within 7 days after receipt of such notice, the
 1194 treasurer must file an addendum to the report providing all
 1195 information necessary to complete the report in compliance with
 1196 this section. Failure to file a complete report after such
 1197 notice constitutes a violation of this chapter.

1198 2. Notice is deemed sufficient upon proof of delivery of
 1199 written notice to the mailing or street address of the treasurer
 1200 or registered agent of the electioneering communication
 1201 organization on record with the filing officer.

1202 (3) (a) Each report required by this section must contain:
 1203 1. The full name, address, and occupation, if any, of each
 1204 person who has made one or more contributions to or for such

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1205 electioneering communications organization within the reporting
 1206 period, together with the amount and date of such contributions.
 1207 For corporations, the report must provide as clear a description
 1208 as practicable of the principal type of business conducted by
 1209 the corporation. However, if the contribution is \$100 or less,
 1210 the occupation of the contributor or the principal type of
 1211 business need not be listed.

1212 2. The name and address of each political committee from
 1213 which or to which the reporting electioneering communications
 1214 organization made any transfer of funds, together with the
 1215 amounts and dates of all transfers.

1216 3. Each loan for electioneering communication purposes to
 1217 or from any person or political committee within the reporting
 1218 period, together with the full names, addresses, and occupations
 1219 and principal places of business, if any, of the lender and
 1220 endorsers, if any, and the date and amount of such loans.

1221 4. A statement of each contribution, rebate, refund, or
 1222 other receipt not otherwise listed under subparagraphs 1.-3.

1223 5. The total sums of all loans, in-kind contributions, and
 1224 other receipts by or for such electioneering communications
 1225 organization during the reporting period. The reporting forms
 1226 shall be designed to elicit separate totals for in-kind
 1227 contributions, loans, and other receipts.

1228 6. The full name and address of each person to whom
 1229 expenditures have been made by or on behalf of the
 1230 electioneering communications organization within the reporting
 1231 period and the amount, date, and purpose of each expenditure.

1232 7. The full name and address of each person to whom an

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1233 expenditure for personal services, salary, or reimbursement for
 1234 expenses has been made and that is not otherwise reported,
 1235 including the amount, date, and purpose of the expenditure.

1236 8. The total sum of expenditures made by the
 1237 electioneering communications organization during the reporting
 1238 period.

1239 9. The amount and nature of debts and obligations owed by
 1240 or to the electioneering communications organization that relate
 1241 to the conduct of any electioneering communication.

1242 10. The amount and nature of any separate interest-bearing
 1243 accounts or certificates of deposit and identification of the
 1244 financial institution in which such accounts or certificates of
 1245 deposit are located.

1246 11. The primary purposes of an expenditure made indirectly
 1247 through an electioneering communications organization for goods
 1248 and services, such as communications media placement or
 1249 procurement services and other expenditures that include
 1250 multiple components as part of the expenditure. The primary
 1251 purpose of an expenditure shall be that purpose, including
 1252 integral and directly related components, that comprises 80
 1253 percent of such expenditure.

1254 (b) The filing officer shall make available to any
 1255 electioneering communications organization a reporting form
 1256 which the electioneering communications organization may use to
 1257 indicate contributions received by the electioneering
 1258 communications organization but returned to the contributor
 1259 before deposit.

1260 (4) The treasurer of the electioneering communications

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1261 organization shall certify as to the correctness of each report,
 1262 and each person so certifying shall bear the responsibility for
 1263 the accuracy and veracity of each report. Any treasurer who
 1264 willfully certifies the correctness of any report while knowing
 1265 that such report is incorrect, false, or incomplete commits a
 1266 misdemeanor of the first degree, punishable as provided in s.
 1267 775.082 or s. 775.083.

1268 (5) The electioneering communications organization
 1269 depository shall provide statements reflecting deposits and
 1270 expenditures from the account to the treasurer, who shall retain
 1271 the records pursuant to s. 106.06. The records maintained by the
 1272 depository with respect to the account shall be subject to
 1273 inspection by an agent of the Division of Elections or the
 1274 Florida Elections Commission at any time during normal banking
 1275 hours, and such depository shall furnish certified copies of any
 1276 such records to the Division of Elections or the Florida
 1277 Elections Commission upon request.

1278 (6) Notwithstanding any other provisions of this chapter,
 1279 in any reporting period during which an electioneering
 1280 communications organization has not received funds, made any
 1281 contributions, or expended any reportable funds, the treasurer
 1282 shall file a written report with the filing officer by the
 1283 prescribed reporting date that no reportable contributions or
 1284 expenditures were made during the reporting period.

1285 (7) (a) Any electioneering communications organization
 1286 failing to file a report on the designated due date shall be
 1287 subject to a fine as provided in paragraph (b) for each late
 1288 day. The fine shall be assessed by the filing officer and the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1289 moneys collected shall be deposited:

1290 1. In the General Revenue Fund, in the case of an
 1291 electioneering communications organization that registers with
 1292 the Division of Elections; or

1293 2. In the general revenue fund of the political
 1294 subdivision, in the case of an electioneering communications
 1295 organization that registers with an officer of a political
 1296 subdivision.

1297
 1298 No separate fine shall be assessed for failure to file a copy of
 1299 any report required by this section.

1300 (b) Upon determining that a report is late, the filing
 1301 officer shall immediately notify the electioneering
 1302 communications organization as to the failure to file a report
 1303 by the designated due date and that a fine is being assessed for
 1304 each late day. The fine shall be \$50 per day for the first 3
 1305 days late and, thereafter, \$500 per day for each late day, not
 1306 to exceed 25 percent of the total receipts or expenditures,
 1307 whichever is greater, for the period covered by the late report.
 1308 However, for the reports immediately preceding each primary and
 1309 general election, the fine shall be \$500 per day for each late
 1310 day, not to exceed 25 percent of the total receipts or
 1311 expenditures, whichever is greater, for the period covered by
 1312 the late report. Upon receipt of the report, the filing officer
 1313 shall determine the amount of the fine which is due and shall
 1314 notify the electioneering communications organization. The
 1315 filing officer shall determine the amount of the fine due based
 1316 upon the earliest of the following:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

- 1317 1. When the report is actually received by such officer.
- 1318 2. When the report is postmarked.
- 1319 3. When the certificate of mailing is dated.
- 1320 4. When the receipt from an established courier company is
1321 dated.
- 1322 5. When the electronic receipt issued pursuant to s.
1323 106.0705 or other electronic filing system authorized in this
1324 section is dated.

1325

1326 Such fine shall be paid to the filing officer within 20 days
1327 after receipt of the notice of payment due, unless appeal is
1328 made to the Florida Elections Commission pursuant to paragraph
1329 (c). Notice is deemed sufficient upon proof of delivery of
1330 written notice to the mailing or street address on record with
1331 the filing officer. An officer or member of an electioneering
1332 communications organization shall not be personally liable for
1333 such fine.

1334 (c) The treasurer of an electioneering communications
1335 organization may appeal or dispute the fine, based upon, but not
1336 limited to, unusual circumstances surrounding the failure to
1337 file on the designated due date, and may request and shall be
1338 entitled to a hearing before the Florida Elections Commission,
1339 which shall have the authority to waive the fine in whole or in
1340 part. The Florida Elections Commission must consider the
1341 mitigating and aggravating circumstances contained in s.
1342 106.265(1) when determining the amount of a fine, if any, to be
1343 waived. Any such request shall be made within 20 days after
1344 receipt of the notice of payment due. In such case, the

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1345 treasurer of the electioneering communications organization
 1346 shall, within the 20-day period, notify the filing officer in
 1347 writing of his or her intention to bring the matter before the
 1348 commission.

1349 (d) The appropriate filing officer shall notify the
 1350 Florida Elections Commission of the repeated late filing by an
 1351 electioneering communications organization, the failure of an
 1352 electioneering communications organization to file a report
 1353 after notice, or the failure to pay the fine imposed. The
 1354 commission shall investigate only those alleged late filing
 1355 violations specifically identified by the filing officer and as
 1356 set forth in the notification. Any other alleged violations must
 1357 be stated separately and reported by the division to the
 1358 commission under s. 106.25(2).

1359 (8) In addition to the reporting requirements in s.
 1360 ~~106.07~~, An electioneering communications organization shall,
 1361 within 2 days after receiving its initial password or secure
 1362 sign-on from the Department of State allowing confidential
 1363 access to the department's electronic campaign finance filing
 1364 system, electronically file the periodic ~~campaign finance~~
 1365 reports that would have been required pursuant to this section
 1366 ~~s. 106.07~~ for reportable activities that occurred since the date
 1367 of the last general election.

1368 (9) Electioneering communications organizations shall not
 1369 use credit cards.

1370 Section 24. Paragraph (b) of subsection (2) of section
 1371 106.0705, Florida Statutes, is reenacted, and subsections (3)
 1372 and (4) of that section are amended, to read:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1373 106.0705 Electronic filing of campaign treasurer's
 1374 reports.—

1375 (2)

1376 (b) Each political committee, committee of continuous
 1377 existence, electioneering communications organization, or state
 1378 executive committee that is required to file reports with the
 1379 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,
 1380 as applicable, must file such reports with the division by means
 1381 of the division's electronic filing system.

1382 (3) Reports filed pursuant to this section shall be
 1383 completed and filed through the electronic filing system not
 1384 later than midnight of the day designated. Reports not filed by
 1385 midnight of the day designated are late filed and are subject to
 1386 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),
 1387 or s. 106.29(3), as applicable.

1388 (4) Each report filed pursuant to this section is
 1389 considered to be under oath by the candidate and treasurer, ~~or~~
 1390 the chair and treasurer, or the treasurer under s. 106.0703,
 1391 whichever is applicable, and such persons are subject to the
 1392 provisions of s. 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or
 1393 s. 106.29(2), as applicable. Persons given a secure sign-on to
 1394 the electronic filing system are responsible for protecting such
 1395 from disclosure and are responsible for all filings using such
 1396 credentials, unless they have notified the division that their
 1397 credentials have been compromised.

1398 Section 25. Subsection (1) of section 106.071, Florida
 1399 Statutes, is reenacted and amended to read:

1400 106.071 Independent expenditures; electioneering

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1401 communications; reports; disclaimers.-

1402 (1) Each person who makes an independent expenditure with
 1403 respect to any candidate or issue, and each individual who makes
 1404 an expenditure for an electioneering communication which is not
 1405 otherwise reported pursuant to this chapter, which expenditure,
 1406 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall
 1407 file periodic reports of such expenditures in the same manner,
 1408 at the same time, subject to the same penalties, and with the
 1409 same officer as a political committee supporting or opposing
 1410 such candidate or issue. The report shall contain the full name
 1411 and address of the person making the expenditure; the full name
 1412 and address of each person to whom and for whom each such
 1413 expenditure has been made; the amount, date, and purpose of each
 1414 such expenditure; a description of the services or goods
 1415 obtained by each such expenditure; the issue to which the
 1416 expenditure relates; and the name and address of, and office
 1417 sought by, each candidate on whose behalf such expenditure was
 1418 made.

1419 Section 26. Subsections (4) and (5) of section 106.08,
 1420 Florida Statutes, are amended, and subsection (7) of that
 1421 section is reenacted, to read:

1422 106.08 Contributions; limitations on.-

1423 (4) ~~(a)~~ Any contribution received by the chair, campaign
 1424 treasurer, or deputy campaign treasurer of a political committee
 1425 supporting or opposing a candidate with opposition in an
 1426 election or supporting or opposing an issue on the ballot in an
 1427 election on the day of that election or less than 5 days prior
 1428 to the day of that election may not be obligated or expended by

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1429 the committee until after the date of the election.

1430 ~~(b) Any contribution received by an electioneering~~
 1431 ~~communications organization on the day of an election or less~~
 1432 ~~than 5 days prior to the day of that election may not be~~
 1433 ~~obligated or expended by the organization until after the date~~
 1434 ~~of the election and may not be expended to pay for any~~
 1435 ~~obligation arising prior to the election.~~

1436 (5) (a) A person may not make any contribution through or
 1437 in the name of another, directly or indirectly, in any election.

1438 (b) Candidates, political committees, and political
 1439 parties may not solicit contributions from any religious,
 1440 charitable, civic, or other causes or organizations established
 1441 primarily for the public good.

1442 (c) Candidates, political committees, and political
 1443 parties may not make contributions, in exchange for political
 1444 support, to any religious, charitable, civic, or other cause or
 1445 organization established primarily for the public good. It is
 1446 not a violation of this paragraph for:

1447 1. A candidate, political committee, or political party
 1448 executive committee to make gifts of money in lieu of flowers in
 1449 memory of a deceased person;

1450 2. A candidate to continue membership in, or make regular
 1451 donations from personal or business funds to, religious,
 1452 political party, civic, or charitable groups of which the
 1453 candidate is a member or to which the candidate has been a
 1454 regular donor for more than 6 months; or

1455 3. A candidate to purchase, with campaign funds, tickets,
 1456 admission to events, or advertisements from religious, civic,

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1457 political party, or charitable groups.

1458 ~~(d) An electioneering communications organization may not~~
 1459 ~~accept a contribution from an organization exempt from taxation~~
 1460 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~
 1461 ~~than a political committee, committee of continuous existence,~~
 1462 ~~or political party, unless the contributing organization has~~
 1463 ~~registered as if the organization were an electioneering~~
 1464 ~~communications organization pursuant to s. 106.03 and has filed~~
 1465 ~~all campaign finance reports required of electioneering~~
 1466 ~~communications organizations pursuant to ss. 106.07 and~~
 1467 ~~106.0703.~~

1468 (7) (a) Any person who knowingly and willfully makes or
 1469 accepts no more than one contribution in violation of subsection
 1470 (1) or subsection (5), or any person who knowingly and willfully
 1471 fails or refuses to return any contribution as required in
 1472 subsection (3), commits a misdemeanor of the first degree,
 1473 punishable as provided in s. 775.082 or s. 775.083. If any
 1474 corporation, partnership, or other business entity or any
 1475 political party, political committee, committee of continuous
 1476 existence, or electioneering communications organization is
 1477 convicted of knowingly and willfully violating any provision
 1478 punishable under this paragraph, it shall be fined not less than
 1479 \$1,000 and not more than \$10,000. If it is a domestic entity, it
 1480 may be ordered dissolved by a court of competent jurisdiction;
 1481 if it is a foreign or nonresident business entity, its right to
 1482 do business in this state may be forfeited. Any officer,
 1483 partner, agent, attorney, or other representative of a
 1484 corporation, partnership, or other business entity, or of a

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1485 political party, political committee, committee of continuous
1486 existence, electioneering communications organization, or
1487 organization exempt from taxation under s. 527 or s. 501(c)(4)
1488 of the Internal Revenue Code, who aids, abets, advises, or
1489 participates in a violation of any provision punishable under
1490 this paragraph commits a misdemeanor of the first degree,
1491 punishable as provided in s. 775.082 or s. 775.083.

1492 (b) Any person who knowingly and willfully makes or
1493 accepts two or more contributions in violation of subsection (1)
1494 or subsection (5) commits a felony of the third degree,
1495 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1496 If any corporation, partnership, or other business entity or any
1497 political party, political committee, committee of continuous
1498 existence, or electioneering communications organization is
1499 convicted of knowingly and willfully violating any provision
1500 punishable under this paragraph, it shall be fined not less than
1501 \$10,000 and not more than \$50,000. If it is a domestic entity,
1502 it may be ordered dissolved by a court of competent
1503 jurisdiction; if it is a foreign or nonresident business entity,
1504 its right to do business in this state may be forfeited. Any
1505 officer, partner, agent, attorney, or other representative of a
1506 corporation, partnership, or other business entity, or of a
1507 political committee, committee of continuous existence,
1508 political party, or electioneering communications organization,
1509 or organization exempt from taxation under s. 527 or s.
1510 501(c)(4) of the Internal Revenue Code, who aids, abets,
1511 advises, or participates in a violation of any provision
1512 punishable under this paragraph commits a felony of the third

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1513 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1514 775.084.

1515 Section 27. Section 106.1437, Florida Statutes, is
 1516 reenacted to read:

1517 106.1437 Miscellaneous advertisements.—Any advertisement,
 1518 other than a political advertisement, independent expenditure,
 1519 or electioneering communication, on billboards, bumper stickers,
 1520 radio, or television, or in a newspaper, a magazine, or a
 1521 periodical, intended to influence public policy or the vote of a
 1522 public official, shall clearly designate the sponsor of such
 1523 advertisement by including a clearly readable statement of
 1524 sponsorship. If the advertisement is broadcast on television,
 1525 the advertisement shall also contain a verbal statement of
 1526 sponsorship. This section shall not apply to an editorial
 1527 endorsement.

1528 Section 28. Section 106.1439, Florida Statutes, is
 1529 reenacted and amended to read:

1530 106.1439 Electioneering communications; disclaimers.—

1531 (1) Any electioneering communication, other than a
 1532 telephone call, shall prominently state: "Paid electioneering
 1533 communication paid for by ...(Name and address of person paying
 1534 for the communication)...."

1535 (2) Any electioneering communication telephone call shall
 1536 identify the persons or organizations sponsoring the call by
 1537 stating either: "Paid for by ...(insert name of persons or
 1538 organizations sponsoring the call)...." or "Paid for on behalf
 1539 of ...(insert name of persons or organizations authorizing
 1540 call)...." This subsection does not apply to any telephone call

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1541 in which the individual making the call is not being paid and
 1542 the individuals participating in the call know each other prior
 1543 to the call.

1544 ~~(3)~~(2) Any person who fails to include the disclaimer
 1545 prescribed in this section in any electioneering communication
 1546 that is required to contain such disclaimer commits a
 1547 misdemeanor of the first degree, punishable as provided in s.
 1548 775.082 or s. 775.083.

1549 Section 29. Paragraphs (a) and (e) of subsection (1) of
 1550 section 106.147, Florida Statutes, are amended to read:

1551 106.147 Telephone solicitation; disclosure requirements;
 1552 prohibitions; exemptions; penalties.—

1553 (1) (a) ~~Any electioneering communication telephone call or~~
 1554 ~~any~~ telephone call supporting or opposing a candidate, elected
 1555 public official, or ballot proposal must identify the persons or
 1556 organizations sponsoring the call by stating either: "paid for
 1557 by" (insert name of persons or organizations sponsoring the
 1558 call) or "paid for on behalf of" (insert name of persons or
 1559 organizations authorizing call). This paragraph does not apply
 1560 to any telephone call in which both the individual making the
 1561 call is not being paid and the individuals participating in the
 1562 call know each other prior to the call.

1563 ~~(e) Any electioneering communication paid for with public~~
 1564 ~~funds must include a disclaimer containing the words "paid for~~
 1565 ~~by ... (Name of the government entity paying for the~~
 1566 ~~communication)...."~~

1567 Section 30. Section 106.17, Florida Statutes, is reenacted
 1568 to read:

ENROLLED

CS/CS/HB 131, Engrossed 2

2010 Legislature

1569 106.17 Polls and surveys relating to candidacies.—Any
1570 candidate, political committee, committee of continuous
1571 existence, electioneering communication organization, or state
1572 or county executive committee of a political party may authorize
1573 or conduct a political poll, survey, index, or measurement of
1574 any kind relating to candidacy for public office so long as the
1575 candidate, political committee, committee of continuous
1576 existence, electioneering communication organization, or
1577 political party maintains complete jurisdiction over the poll in
1578 all its aspects.

1579 Section 31. Subsection (11) of section 379.352, Florida
1580 Statutes, is amended to read:

1581 379.352 Recreational licenses, permits, and authorization
1582 numbers to take wild animal life, freshwater aquatic life, and
1583 marine life; issuance; costs; reporting.—

1584 (11) When acting in its official capacity pursuant to this
1585 section, neither the commission nor a subagent is deemed a
1586 third-party registration organization, as defined in s. 97.021
1587 ~~s. 97.021(36)~~, or a voter registration agency, as defined in s.
1588 97.021 ~~s. 97.021(40)~~, and is not authorized to solicit, accept,
1589 or collect voter registration applications or provide voter
1590 registration services.

1591 Section 32. Except as otherwise expressly provided in this
1592 act, this act shall take effect upon becoming a law.