

## ENROLLED

CS/HB 537, Engrossed 2

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1                                   A bill to be entitled  
2       An act relating to elections; amending s. 97.021, F.S.;  
3       redefining the term "third-party registration  
4       organization"; amending s. 97.0575, F.S.; revising fines  
5       applicable to violations of requirements relating to  
6       third-party voter registrations; amending s. 103.121,  
7       F.S.; revising the dates relating to the presidential  
8       preference primary; amending s. 101.75, F.S.; authorizing  
9       municipalities to move their election date by ordinance to  
10      coincide with the presidential preference primary;  
11      amending s. 101.151, F.S.; authorizing the use of ballot-  
12      on-demand technology to produce certain marksense ballots;  
13      creating s. 101.56075, F.S.; requiring all voting to be by  
14      marksense ballot; providing an exemption for voters with  
15      disabilities; requiring voter interface devices for  
16      individuals with disabilities by a specified date;  
17      amending s. 101.5612, F.S.; requiring the use of certain  
18      marksense ballots for pre-election testing; amending s.  
19      101.591, F.S.; requiring post-election, random audits of  
20      voting systems; providing general audit procedures;  
21      mandating that audit results be reported to the Department  
22      of State; prescribing requirements for audit reports;  
23      granting rulemaking authority to the department to adopt  
24      detailed, uniform audit procedures and a standard audit  
25      reporting form; providing procedures for the purchase of  
26      new voting systems and ballot equipment and the  
27      disposition of existing touchscreen voting systems for  
28      certain counties; authorizing the Department of State to

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29 purchase optical scan voting equipment and ballot-on-  
30 demand equipment for certain counties; appropriating funds  
31 for such purpose; amending s. 97.041, F.S.; authorizing  
32 qualified persons to preregister to vote on or after  
33 receipt of a valid driver's license; amending s. 97.053,  
34 F.S.; requiring an applicant for voter registration to be  
35 notified when the application cannot be verified;  
36 providing for registration upon presentation of evidence  
37 of a driver's license number, identification card number,  
38 or the last four digits of the applicant's social security  
39 number; changing the time within which a person casting a  
40 provisional ballot may present evidence of eligibility to  
41 vote; changing the time for voter registrations to be  
42 entered into the statewide voter registration system;  
43 amending s. 99.012, F.S.; exempting persons seeking  
44 federal office from the resign-to-run law; amending s.  
45 99.021, F.S.; prescribing form of oath for candidates for  
46 federal office; amending s. 99.061, F.S.; prescribing  
47 times for qualifying for nomination or election;  
48 prescribing specific procedures for qualifying for special  
49 district office; providing that the filing fee of a  
50 candidate for a special district election need not be  
51 drawn on a campaign account; amending s. 99.095, F.S.;  
52 prescribing the number of signatures required for a  
53 candidate for special district office to qualify by  
54 petition; prescribing the time for certification to the  
55 Division of Elections of certain candidates qualifying by  
56 petition; amending s. 99.096, F.S.; changing manner of

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57 candidate selection by minor political parties; repealing  
58 s. 99.0965, F.S., relating to the selection of minor party  
59 candidates; amending s. 100.041, F.S.; prescribing the  
60 time when a county commissioner is deemed elected;  
61 amending s. 100.051, F.S.; revising requirements relating  
62 to candidates' whose names must be printed on general  
63 election ballots; amending s. 100.061, F.S.; changing the  
64 date of the primary election; amending s. 100.111, F.S.;  
65 revising provisions relating to choosing political party  
66 nominees for a special election; amending s. 100.191,  
67 F.S.; revising the time for canvassing special election  
68 returns; amending s. 100.371, F.S.; requiring initiative  
69 petition forms to be signed by the constitutionally  
70 required distribution of electors; amending timeframes for  
71 verifying petition signatures; prescribing information  
72 that must be on a petition initiative form, and conditions  
73 with which the elector signing it must comply, before the  
74 form may be verified; providing procedures for revocation  
75 of a signature on a petition form; amending s. 101.043,  
76 F.S.; revising forms of identification accepted at the  
77 polls; amending s. 101.048, F.S.; changing the time within  
78 which a person casting a provisional ballot may present  
79 evidence of eligibility to vote; amending s. 101.573,  
80 F.S.; changing the time for filing precinct-level election  
81 results; requiring such results to be filed with respect  
82 to special elections; prescribing requirements for such  
83 data; amending s. 101.6103, F.S.; changing the time to  
84 begin canvassing mail ballots; amending s. 101.62, F.S.;

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85 | revising the period of effectiveness of a request for an  
86 | absentee ballot; revising the time for sending an absentee  
87 | ballot to an overseas elector; revising time period for  
88 | providing absentee ballots; amending s. 101.68, F.S.;  
89 | changing the time to begin canvassing absentee ballots;  
90 | amending s. 102.112, F.S.; changing the deadline for  
91 | submitting county returns to the Department of State;  
92 | amending s. 102.141, F.S.; requiring submission of  
93 | preliminary returns in certain format by election night to  
94 | the Department of State; changing the time to submit  
95 | unofficial returns; amending s. 102.166, F.S.; conforming  
96 | a cross-reference; amending s. 103.081, F.S.; allowing  
97 | political parties to file with the Department of State  
98 | names of groups associated with a party; prescribing  
99 | conditions on the use of those filed names; amending s.  
100 | 103.091, F.S.; revising the number of and the  
101 | qualifications for state committeemen and committeewomen;  
102 | changing the times for qualifying for election to a  
103 | political party executive committee; amending s. 103.141,  
104 | F.S.; providing that officers and members of a county  
105 | executive committee may be removed from office pursuant to  
106 | s. 103.161; repealing s. 103.151, F.S., relating to the  
107 | removal of a state executive committee member for  
108 | violation of the member's oath of office; creating s.  
109 | 103.161, F.S.; providing for the removal or suspension of  
110 | officers and members of a state or county executive  
111 | committee for violation of the officer's or member's oath  
112 | of office; prescribing procedures for such removal and

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113 restrictions after removal; amending s. 105.031, F.S.;

114 changing the times for qualifying for school board

115 candidates; amending s. 106.021, F.S.; revising

116 qualifications for a campaign treasurer and deputy

117 treasurer for a candidate or political committee; amending

118 s. 106.04, F.S.; authorizing certain entities to collect

119 and forward membership dues to committees of continuous

120 existence; amending s. 106.055, F.S.; prescribing

121 valuation method for travel on a private aircraft;

122 amending s. 106.08, F.S.; prescribing procedures for

123 receiving and transferring contributions made to political

124 committees and committees of continuous existence;

125 amending s. 106.09, F.S.; revising prohibition on making

126 or accepting a cash contribution; amending s. 106.143,

127 F.S.; providing disclosure requirements for political

128 advertisements made pursuant to s. 106.021(3)(d), F.S.;

129 amending s. 106.17, F.S.; revising who may authorize or

130 conduct polls or surveys relating to candidates; amending

131 s. 106.25, F.S.; revising requirements for complaints

132 filed alleging violations of chapters 106 and 104, F.S.;

133 revising procedures after certain complaints are filed;

134 providing for the withdrawal of certain complaints;

135 providing for the Florida Elections Commission to maintain

136 a searchable database of all final orders and agency

137 actions and providing requirements for such database;

138 amending s. 106.35, F.S.; revising the time for the

139 Division of Elections to distribute funds to candidates;

140 amending s. 112.51, F.S.; providing for filling vacancies

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141 created when a municipal officer has been removed from  
 142 office; repealing s. 106.37, F.S., relating to willful  
 143 violations of campaign finance laws; amending s. 189.405,  
 144 F.S.; revising qualification procedures for candidates for  
 145 special district office; amending s. 191.005, F.S.;  
 146 revising qualification procedures for candidates for  
 147 independent special fire control district boards of  
 148 commissioners; amending s. 582.18, F.S.; revising  
 149 qualification procedures for candidates for soil and water  
 150 conservation district supervisors; amending s. 876.05,  
 151 F.S.; exempting candidates for federal office from taking  
 152 the public employees' oath; requiring that all write-in  
 153 candidates reside within the district of the office sought  
 154 at the time of qualification; providing effective dates.

155  
 156 Be It Enacted by the Legislature of the State of Florida:

157  
 158 Section 1. Subsection (36) of section 97.021, Florida  
 159 Statutes, is amended to read:

160 97.021 Definitions.--For the purposes of this code, except  
 161 where the context clearly indicates otherwise, the term:

162 (36) "Third-party registration organization" means any  
 163 person, entity, or organization soliciting or collecting voter  
 164 registration applications. A third-party voter registration  
 165 organization does not include:

- 166 ~~(a) A political party;~~
- 167 (a) ~~(b)~~ A person who seeks only to register to vote or
- 168 collect voter registration applications from that person's

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169 spouse, child, or parent; or

170 (b)~~(e)~~ A person engaged in registering to vote or  
 171 collecting voter registration applications as an employee or  
 172 agent of the division, supervisor of elections, Department of  
 173 Highway Safety and Motor Vehicles, or a voter registration  
 174 agency.

175 Section 2. Subsection (3) of section 97.0575, Florida  
 176 Statutes, is amended to read:

177 97.0575 Third-party voter registrations.--

178 (3) A third-party voter registration organization that  
 179 collects voter registration applications serves as a fiduciary  
 180 to the applicant, ensuring that any voter registration  
 181 application entrusted to the third-party voter registration  
 182 organization, irrespective of party affiliation, race,  
 183 ethnicity, or gender shall be promptly delivered to the division  
 184 or the supervisor of elections. If a voter registration  
 185 application collected by any third-party voter registration  
 186 organization is not promptly delivered to the division or  
 187 supervisor of elections, ~~the individual collecting the voter~~  
 188 ~~registration application, the registered agent, and those~~  
 189 ~~individuals responsible for the day-to-day operation of the~~  
 190 ~~third-party voter registration organization, including, if~~  
 191 ~~applicable, the entity's board of directors, president, vice~~  
 192 ~~president, managing partner, or such other individuals engaged~~  
 193 ~~in similar duties or functions, shall be personally and jointly~~  
 194 ~~and severally~~ liable for the following fines:

195 (a) A fine in the amount of \$50 ~~\$250~~ for each application  
 196 received by the division or the supervisor of elections more

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197 than 10 days after the applicant delivered the completed voter  
 198 registration application to the third-party voter registration  
 199 organization or any person, entity, or agent acting on its  
 200 behalf. A fine in the amount of \$250 for each application  
 201 received if the third-party registration organization or person,  
 202 entity, or agency acting on its behalf acted willfully.

203 (b) A fine in the amount of \$100 ~~\$500~~ for each application  
 204 collected by a third-party voter registration organization or  
 205 any person, entity, or agent acting on its behalf, prior to book  
 206 closing for any given election for federal or state office and  
 207 received by the division or the supervisor of elections after  
 208 the book closing deadline for such election. A fine in the  
 209 amount of \$500 for each application received if the third-party  
 210 registration organization or person, entity, or agency acting on  
 211 its behalf acted willfully.

212 (c) A fine in the amount of \$500 ~~\$5,000~~ for each  
 213 application collected by a third-party voter registration  
 214 organization or any person, entity, or agent acting on its  
 215 behalf, which is not submitted to the division or supervisor of  
 216 elections. A fine in the amount of \$1,000 for any application  
 217 not submitted if the third-party registration organization or  
 218 person, entity, or agency acting on its behalf acted willfully.

219  
 220 The aggregate fine pursuant to this subsection which may be  
 221 assessed against a third-party voter registration organization,  
 222 including affiliate organizations, for violations committed in a  
 223 calendar year shall be \$1,000. The fines provided in this  
 224 subsection shall be reduced by three-fourths in cases in which



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225 the third-party voter registration organization has complied  
 226 with subsection (1). The secretary shall waive the fines  
 227 described in this subsection upon a showing that the failure to  
 228 deliver the voter registration application promptly is based  
 229 upon force majeure or impossibility of performance.

230 Section 3. Effective July 1, 2007, subsections (1), (2),  
 231 (3), and (6) of section 103.101, Florida Statutes, are amended  
 232 to read:

233 103.101 Presidential preference primary.--

234 (1) Each political party other than a minor political  
 235 party shall, on the last ~~second~~ Tuesday in January ~~March~~ in each  
 236 year the number of which is a multiple of 4, elect one person to  
 237 be the candidate for nomination of such party for President of  
 238 the United States or select delegates to the national nominating  
 239 convention, as provided by party rule.

240 (2) There shall be a Presidential Candidate Selection  
 241 Committee composed of the Secretary of State, who shall be a  
 242 nonvoting chair; the Speaker of the House of Representatives;  
 243 the President of the Senate; the minority leader of each house  
 244 of the Legislature; and the chair of each political party  
 245 required to have a presidential preference primary under this  
 246 section.

247 (a) By October ~~December~~ 31 of the year preceding the  
 248 ~~Florida~~ presidential preference primary, each political party  
 249 shall submit to the Secretary of State a list of its  
 250 presidential candidates to be placed on the presidential  
 251 preference primary ballot or candidates entitled to have  
 252 delegates appear on the presidential preference primary ballot.

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253 The Secretary of State shall prepare and publish a list of the  
 254 names of the presidential candidates submitted. The Secretary  
 255 of State shall submit such list of names of presidential  
 256 candidates to the selection committee on the first Tuesday after  
 257 the first Monday in November of the January~~each year~~ preceding  
 258 the a presidential preference primary ~~election is held~~. Each  
 259 person designated as a presidential candidate shall have his or  
 260 her name appear, or have his or her delegates' names appear, on  
 261 the presidential preference primary ballot unless all committee  
 262 members of the same political party as the candidate agree to  
 263 delete such candidate's name from the ballot. The selection  
 264 committee shall meet in Tallahassee on the first Tuesday after  
 265 the first Monday in November of the January~~each year~~ preceding  
 266 the a presidential preference primary ~~is held~~. The selection  
 267 committee shall publicly announce and submit to the Department  
 268 of State no later than 5 p.m. on the following day the names of  
 269 presidential candidates who shall have their names appear, or  
 270 who are entitled to have their delegates' names appear, on the  
 271 presidential preference primary ballot. The Department of State  
 272 shall immediately notify each presidential candidate designated  
 273 by the committee. Such notification shall be in writing, by  
 274 registered mail, with return receipt requested.

275 (b) Any presidential candidate whose name does not appear  
 276 on the list submitted to the Secretary of State may request that  
 277 the selection committee place his or her name on the ballot.  
 278 Such request shall be made in writing to the Secretary of State  
 279 no later than the second Tuesday after the first Monday in  
 280 November of the year preceding the presidential preference

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281 primary ~~January~~.

282 (c) If a presidential candidate makes a request that the  
283 selection committee reconsider placing the candidate's name on  
284 the ballot, the selection committee will reconvene no later than  
285 the second Thursday after the first Monday in November of the  
286 year preceding the presidential preference primary ~~January~~ to  
287 reconsider placing the candidate's name on the ballot. The  
288 Department of State shall immediately notify such candidate of  
289 the selection committee's decision.

290 (3) A candidate's name shall be printed on the  
291 presidential preference primary ballot unless the candidate  
292 submits to the Department of State, prior to the second Tuesday  
293 after the first Monday in November of the year preceding the  
294 presidential preference primary ~~January~~, an affidavit stating  
295 that he or she is not now, and does not presently intend to  
296 become, a candidate for President at the upcoming nominating  
297 convention. If a candidate withdraws pursuant to this  
298 subsection, the Department of State shall notify the state  
299 executive committee that the candidate's name will not be placed  
300 on the ballot. The Department of State shall, no later than the  
301 third Tuesday after the first Monday in November of the year  
302 preceding the presidential preference primary ~~January~~, certify  
303 to each supervisor of elections the name of each candidate for  
304 political party nomination to be printed on the ballot.

305 (6) Delegates must qualify no later than the second Friday  
306 in November of the year preceding the presidential preference  
307 primary ~~January~~ in the manner provided by party rule.

308 Section 4. Effective July 1, 2007, subsection (3) is added

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309 to section 101.75, Florida Statutes, to read:  
 310 101.75 Municipal elections; change of dates for cause.--  
 311 (3) Notwithstanding any provision of local law, for any  
 312 municipality whose election is scheduled to be held in March  
 313 2008, the governing body of the municipality, notwithstanding  
 314 any municipal charter provision, may, by ordinance, move the  
 315 date of the general municipal election in 2008 and in each  
 316 subsequent year that is a multiple of 4 to the date concurrent  
 317 with the presidential preference primary. The dates for  
 318 qualifying for the general municipal election moved by the  
 319 passage of such an ordinance shall be specifically provided for  
 320 in the ordinance and shall run for no less than 14 days. The  
 321 term of office for any elected municipal official shall commence  
 322 as provided by the relevant municipal charter or ordinance, and  
 323 the term of office for any elected municipal official whose term  
 324 was due to expire in March 2008 shall expire as provided by the  
 325 relevant municipal charter or ordinance.

326 Section 5. Effective July 1, 2008, subsection (1) of  
 327 section 101.151, Florida Statutes, is amended to read:

328 101.151 Specifications for ballots.--

329 (1) (a) Marksense ballots shall be printed on paper of such  
 330 thickness that the printing cannot be distinguished from the  
 331 back and shall meet the specifications of the voting system that  
 332 will be used to tabulate the ballots.

333 (b) Early voting sites may employ a ballot-on-demand  
 334 production system to print individual marksense ballots,  
 335 including provisional ballots, for eligible electors pursuant to  
 336 s. 101.657. Ballot-on-demand technology may be used to produce

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337 marksense absentee ballots. Not later than 30 days before an  
 338 election, the Secretary of State may also authorize in writing  
 339 the use of ballot-on-demand technology for the production of  
 340 election-day ballots.

341 Section 6. Effective July 1, 2008, section 101.56075,  
 342 Florida Statutes, is created to read:

343 101.56075 Voting methods.--

344 (1) Except as provided in subsection (2), all voting shall  
 345 be by marksense ballot utilizing a marking device for the  
 346 purpose of designating ballot selections.

347 (2) Persons with disabilities may vote on a voter  
 348 interface device that meets the voting system accessibility  
 349 requirements for individuals with disabilities pursuant to  
 350 section 301 of the federal Help America Vote Act of 2002 and s.  
 351 101.56062.

352 (3) By 2012, persons with disabilities shall vote on a  
 353 voter interface device that meets the voter accessibility  
 354 requirements for individuals with disabilities under section 301  
 355 of the federal Help America Vote Act of 2002 and s. 101.56062,  
 356 which are consistent with subsection (1) of this section.

357 Section 7. Effective July 1, 2008, subsection (5) is added  
 358 to section 101.5612, Florida Statutes, to read:

359 101.5612 Testing of tabulating equipment.--

360 (5) Any tests involving marksense ballots pursuant to this  
 361 section shall employ pre-printed ballots, if pre-printed ballots  
 362 will be used in the election, and ballot-on-demand ballots, if  
 363 ballot-on-demand technology will be used to produce ballots in  
 364 the election, or both.

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365 Section 8. Effective July 1, 2008, section 101.591,  
 366 Florida Statutes, is amended to read:  
 367 (Substantial rewording of section. See  
 368 s. 101.591, F.S., for present text.)  
 369 101.591 Voting system audit.--  
 370 (1) Immediately following the certification of each  
 371 election, the county canvassing board or the local board  
 372 responsible for certifying the election shall conduct a manual  
 373 audit of the voting systems used in randomly selected precincts.  
 374 (2) The audit shall consist of a public manual tally of  
 375 the votes cast in one randomly selected race that appears on the  
 376 ballot. The tally sheet shall include election-day, absentee,  
 377 early voting, provisional, and overseas ballots, in at least 1  
 378 percent but no more than 2 percent of the precincts chosen at  
 379 random by the county canvassing board or the local board  
 380 responsible for certifying the election. If 1 percent of the  
 381 precincts is less than one entire precinct, the audit shall be  
 382 conducted using at least one precinct chosen at random by the  
 383 county canvassing board or the local board responsible for  
 384 certifying the election. Such precincts shall be selected at a  
 385 publicly-noticed canvassing board meeting.  
 386 (3) The canvassing board shall post a notice of the audit,  
 387 including the date, time, and place, in four conspicuous places  
 388 in the county and on the home page of the county supervisor of  
 389 elections web site.  
 390 (4) The audit must be completed and the results made  
 391 public no later than 11:59 p.m. on the 7th day following  
 392 certification of the election by the county canvassing board or

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393 the local board responsible for certifying the election.  
 394 (5) Within 15 days after completion of the audit, the  
 395 county canvassing board or the board responsible for certifying  
 396 the election shall provide a report with the results of the  
 397 audit to the Department of State in a standard format as  
 398 prescribed by the department. The report shall contain, but is  
 399 not limited to, the following items:  
 400 (a) The overall accuracy of audit.  
 401 (b) A description of any problems or discrepancies  
 402 encountered.  
 403 (c) The likely cause of such problems or discrepancies.  
 404 (d) Recommended corrective action with respect to avoiding  
 405 or mitigating such circumstances in future elections.  
 406 Section 9. Effective upon this act becoming a law, the  
 407 Department of State shall adopt rules to implement the  
 408 provisions of s. 101.591, Florida Statutes, as amended by  
 409 section 8 which prescribe detailed audit procedures for each  
 410 voting system, which shall be uniform to the extent practicable,  
 411 along with the standard form for audit reports.  
 412 Section 10. Effective upon this act becoming a law:  
 413 (1) Notwithstanding ss. 101.292-101.295 and s. 101.5604,  
 414 Florida Statutes, as a condition of the state purchasing optical  
 415 scan voting equipment and ballot-on-demand equipment to replace  
 416 touchscreen equipment as provided in section 11, each recipient  
 417 county hereby authorizes the Secretary of State to act as its  
 418 agent to negotiate the purchase of new equipment and the sale,  
 419 exchange, or other disposition of existing touchscreen voting  
 420 equipment that is not necessary to conduct voting for

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421 individuals with disabilities. Further, each such county hereby  
 422 designates the Secretary of State as the authorized recipient of  
 423 all proceeds realized from the sale, exchange, or other  
 424 disposition of the voting equipment, after satisfying  
 425 obligations or indebtedness associated with the voting  
 426 equipment, up to and including the state's cost to fund the  
 427 county's new equipment. The secretary shall deposit the proceeds  
 428 in the Grants and Donations Trust Fund within 60 days after the  
 429 sale, exchange, or other disposition.

430 (2) A county commission may choose to opt out of this  
 431 state funding scheme by filing a notice to that effect with the  
 432 Department of State no later than June 30, 2007. Any county  
 433 choosing to opt out shall continue to be governed by the  
 434 provisions of ss. 101.292-101.295 and s. 101.5604, Florida  
 435 Statutes, with respect to the purchase of new voting systems and  
 436 equipment.

437 Section 11. Effective July 1, 2007:

438 (1) The Department of State is authorized to purchase:

439 (a) Election-day optical scan voting equipment, for the  
 440 following counties: Broward, Charlotte, Collier, Hillsborough,  
 441 Indian River, Lake, Lee, Martin, Miami-Dade, Nassau, Palm Beach,  
 442 Pasco, Pinellas, Sarasota, and Sumter.

443 (b) Ballot-on-demand equipment for use at early voting  
 444 sites, including optical scan tabulators, for the following  
 445 counties: Bay, Brevard, Broward, Charlotte, Clay, Collier,  
 446 Escambia, Hillsborough, Indian River, Jackson, Lake, Lee, Levy,  
 447 Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange, Osceola,  
 448 Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota, St. Johns,



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449 Sumter, Taylor, and Washington.

450 (2) The sum of \$27,861,850 is appropriated from the Grants  
 451 and Donations Trust Fund to the Division of Elections within the  
 452 Department of State for the purpose of implementing this  
 453 section.

454 Section 12. Paragraph (b) of subsection (1) of section  
 455 97.041, Florida Statutes, is amended to read:

456 97.041 Qualifications to register or vote.--

457 (1)

458 (b) A person who is otherwise qualified may preregister on  
 459 or after that person's 17th birthday or receipt of a valid  
 460 Florida driver's license, whichever occurs earlier, and may vote  
 461 in any election occurring on or after that person's 18th  
 462 birthday.

463 Section 13. Subsections (6) and (7) of section 97.053,  
 464 Florida Statutes, are amended to read:

465 97.053 Acceptance of voter registration applications.--

466 (6) A voter registration application may be accepted as  
 467 valid only after the department has verified the authenticity or  
 468 nonexistence of the driver's license number, the Florida  
 469 identification card number, or the last four digits of the  
 470 social security number provided by the applicant. If a completed  
 471 voter registration application has been received by the book-  
 472 closing deadline but the driver's license number, the Florida  
 473 identification card number, or the last four digits of the  
 474 social security number provided by the applicant cannot be  
 475 verified, the applicant shall be notified that the application  
 476 is incomplete and that the voter must provide evidence to the

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477 supervisor sufficient to verify the authenticity of the number  
 478 provided on the application. If the voter provides the necessary  
 479 evidence, the supervisor shall place the voter's name on the  
 480 registration rolls as an active voter. If the voter has not  
 481 provided the necessary evidence or the number has not otherwise  
 482 been verified prior to the applicant presenting himself or  
 483 herself to vote, the applicant shall be provided a provisional  
 484 ballot. The provisional ballot shall be counted only if the  
 485 application is verified by the end of the canvassing period or  
 486 if the applicant presents evidence to the supervisor of  
 487 elections sufficient to verify the authenticity of the driver's  
 488 license number, Florida identification card number, or last four  
 489 digits of the social security number provided on the application  
 490 no later than 5 p.m. of the second ~~third~~ day following the  
 491 election.

492 (7) All voter registration applications received by a  
 493 voter registration official shall be entered into the statewide  
 494 voter registration system within 13 ~~15~~ days after receipt. Once  
 495 entered, the application shall be immediately forwarded to the  
 496 appropriate supervisor of elections.

497 Section 14. Section 99.012, Florida Statutes, is amended  
 498 to read:

499 99.012 Restrictions on individuals qualifying for public  
 500 office.--

501 (1) As used in this section:

502 (a) "Officer" means a person, whether elected or  
 503 appointed, who has the authority to exercise the sovereign power  
 504 of the state pertaining to an office recognized under the State

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505 Constitution or laws of the state. With respect to a  
 506 municipality, the term "officer" means a person, whether elected  
 507 or appointed, who has the authority to exercise municipal power  
 508 as provided by the State Constitution, state laws, or municipal  
 509 charter.

510 (b) "Subordinate officer" means a person who has been  
 511 delegated the authority to exercise the sovereign power of the  
 512 state by an officer. With respect to a municipality, subordinate  
 513 officer means a person who has been delegated the authority to  
 514 exercise municipal power by an officer.

515 (2) No person may qualify as a candidate for more than one  
 516 public office, whether ~~federal~~, state, district, county, or  
 517 municipal, if the terms or any part thereof run concurrently  
 518 with each other.

519 (3)(a) No officer may qualify as a candidate for another  
 520 public office, whether state, district, county, or municipal, if  
 521 the terms or any part thereof run concurrently with each other,  
 522 without resigning from the office he or she presently holds.

523 (b) The resignation is irrevocable.

524 (c) The written resignation must be submitted at least 10  
 525 days prior to the first day of qualifying for the office he or  
 526 she intends to seek.

527 (d) The resignation must be effective no later than the  
 528 earlier of the following dates:

- 529 1. The date the officer would take office, if elected; or
- 530 2. The date the officer's successor is required to take
- 531 office.

532 (e)1. An elected district, county, or municipal officer

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533 must submit his or her resignation to the officer before whom he  
 534 or she qualified for the office he or she holds, with a copy to  
 535 the Governor and the Department of State.

536 2. An appointed district, county, or municipal officer  
 537 must submit his or her resignation to the officer or authority  
 538 which appointed him or her to the office he or she holds, with a  
 539 copy to the Governor and the Department of State.

540 3. All other officers must submit their resignations to  
 541 the Governor with a copy to the Department of State.

542 (f)1. With regard to an elective office, the resignation  
 543 creates a vacancy in office to be filled by election. Persons  
 544 may qualify as candidates for nomination and election as if the  
 545 public officer's term were otherwise scheduled to expire.

546 2. With regard to an elective charter county office or  
 547 elective municipal office, the vacancy created by the officer's  
 548 resignation may be filled for that portion of the officer's  
 549 unexpired term in a manner provided by the respective charter.  
 550 The office is deemed vacant upon the effective date of the  
 551 resignation submitted by the official in his or her letter of  
 552 resignation.

553 (g) Any officer who submits his or her resignation,  
 554 effective immediately or effective on a date prior to the date  
 555 of his or her qualifying for office, may then qualify for office  
 556 as a nonofficeholder, and the provisions of this subsection do  
 557 not apply.

558 ~~(4) (a) Any officer who qualifies for federal public office~~  
 559 ~~must resign from the office he or she presently holds if the~~  
 560 ~~terms or any part thereof run concurrently with each other.~~

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561           ~~(b) The resignation is irrevocable.~~

562           ~~(c) The resignation must be submitted no later than the~~  
 563 ~~date upon which the officer qualifies for office.~~

564           ~~(d) The written resignation must be effective no later~~  
 565 ~~than the earlier of the following dates:~~

566           ~~1. The date the officer would take office, if elected; or~~  
 567           ~~2. The date the officer's successor is required to take~~  
 568 ~~office.~~

569           ~~(e)1. An elected district, county, or municipal officer~~  
 570 ~~must submit his or her resignation to the officer before whom he~~  
 571 ~~or she qualified for the office he or she holds, with a copy to~~  
 572 ~~the Governor and the Department of State.~~

573           ~~2. An appointed district, county, or municipal officer~~  
 574 ~~must submit his or her resignation to the officer or authority~~  
 575 ~~which appointed him or her to the office he or she holds, with a~~  
 576 ~~copy to the Governor and the Department of State.~~

577           ~~3. All other officers must submit their resignations to~~  
 578 ~~the Governor with a copy to the Department of State.~~

579           ~~(f)1. The failure of an officer who qualifies for federal~~  
 580 ~~public office to submit a resignation pursuant to this~~  
 581 ~~subsection constitutes an automatic irrevocable resignation,~~  
 582 ~~effective immediately, from the office he or she presently~~  
 583 ~~holds.~~

584           ~~2. The Department of State shall send a notice of the~~  
 585 ~~automatic resignation to the Governor, and in the case of a~~  
 586 ~~district, county, or municipal officer, a copy to:~~

587           ~~a. The officer before whom he or she qualified if the~~  
 588 ~~officer held an elective office; or~~

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589           ~~b. The person or authority who appointed the officer if~~  
590 ~~the officer held an appointive office.~~

591           ~~(g) The provisions of any special act to the contrary~~  
592 ~~notwithstanding, with regard to an elective office, the~~  
593 ~~resignation creates a vacancy in office to be filled by~~  
594 ~~election, thereby permitting persons to qualify as candidates~~  
595 ~~for nomination and election as if the officer's term were~~  
596 ~~otherwise scheduled to expire. With regard to an elective~~  
597 ~~charter county office or elective municipal office, the vacancy~~  
598 ~~created by the officer's resignation may be filled for that~~  
599 ~~portion of the officer's unexpired term in a manner provided by~~  
600 ~~the respective charter. The office is deemed vacant upon the~~  
601 ~~effective date of the resignation submitted by the official in~~  
602 ~~his or her letter of resignation.~~

603           (4)~~(5)~~ A person who is a subordinate officer, deputy  
604 sheriff, or police officer must resign effective upon qualifying  
605 pursuant to this chapter if the person is seeking to qualify for  
606 a public office that is currently held by an officer who has  
607 authority to appoint, employ, promote, or otherwise supervise  
608 that person and who has qualified as a candidate for reelection  
609 to that office.

610           (5)~~(6)~~ The name of any person who does not comply with  
611 this section may be removed from every ballot on which it  
612 appears when ordered by a circuit court upon the petition of an  
613 elector or the Department of State.

614           (6)~~(7)~~ This section does not apply to:

615           (a) Political party offices.

616           (b) Persons serving without salary as members of an

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617 appointive board or authority.

618 (c) Persons seeking any federal public office.

619 ~~(7)(8)~~ Nothing contained in subsections (3) and (4)  
 620 relates to persons holding any federal office.

621 Section 15. Paragraph (a) of subsection (1) of section  
 622 99.021, Florida Statutes, is amended to read:

623 99.021 Form of candidate oath.--

624 (1)(a)1. Each candidate, whether a party candidate, a  
 625 candidate with no party affiliation, or a write-in candidate, in  
 626 order to qualify for nomination or election to any office other  
 627 than a judicial office as defined in chapter 105 or a federal  
 628 office, shall take and subscribe to an oath or affirmation in  
 629 writing. A printed copy of the oath or affirmation shall be  
 630 furnished to the candidate by the officer before whom such  
 631 candidate seeks to qualify and shall be substantially in the  
 632 following form:

633  
 634 State of Florida  
 635 County of ....

636 Before me, an officer authorized to administer oaths,  
 637 personally appeared ... please print name as you wish it to  
 638 appear on the ballot) ..., to me well known, who, being sworn,  
 639 says that he or she is a candidate for the office of ...; that  
 640 he or she is a qualified elector of ....County, Florida; that he  
 641 or she is qualified under the Constitution and the laws of  
 642 Florida to hold the office to which he or she desires to be  
 643 nominated or elected; that he or she has taken the oath required  
 644 by ss. 876.05-876.10, Florida Statutes; that he or she has

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645 | qualified for no other public office in the state, the term of  
 646 | which office or any part thereof runs concurrent with that of  
 647 | the office he or she seeks; and that he or she has resigned from  
 648 | any office from which he or she is required to resign pursuant  
 649 | to s. 99.012, Florida Statutes.

650 | ... (Signature of candidate) ...

652 | ... (Address) ...

654 | Sworn to and subscribed before me this ....day of ....., (year)  
 655 | ..., at .... County, Florida.

656 | ... (Signature and title of officer administering oath) ...

658 | 2. Each candidate for federal office, whether a party  
 659 | candidate, a candidate with no party affiliation, or a write-in  
 660 | candidate, in order to qualify for nomination or election to  
 661 | office shall take and subscribe to an oath or affirmation in  
 662 | writing. A printed copy of the oath or affirmation shall be  
 663 | furnished to the candidate by the officer before whom such  
 664 | candidate seeks to qualify and shall be substantially in the  
 665 | following form:

667 | State of Florida

669 | County of \_\_\_\_\_

670 | Before me, an officer authorized to administer oaths,  
 671 | personally appeared (please print name as you wish it to appear  
 672 | on the ballot), to me well known, who, being sworn, says that he



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673 or she is a candidate for the office of \_\_\_\_\_ ; that he or  
 674 she is qualified under the Constitution and laws of the United  
 675 States to hold the office to which he or she desires to be  
 676 nominated or elected; that he or she has qualified for no other  
 677 public office in the state, the term of which office or any part  
 678 thereof runs concurrent with that of the office he or she seeks;  
 679 and that he or she has resigned from any office from which he or  
 680 she is required to resign pursuant to s. 99.012, Florida  
 681 Statutes.

682  
 683 \_\_\_\_\_ (Signature of candidate)  
 684 \_\_\_\_\_ (Address)

685  
 686 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
 687 (year), at \_\_\_\_\_ County, Florida.  
 688 ... (Signature and title of officer administering oath) ...

689  
 690 Section 16. Section 99.061, Florida Statutes, is amended  
 691 to read:

692 99.061 Method of qualifying for nomination or election to  
 693 federal, state, county, or district office.--

694 (1) The provisions of any special act to the contrary  
 695 notwithstanding, each person seeking to qualify for nomination  
 696 or election to a federal, state, or multicounty district office,  
 697 other than election to a judicial office as defined in chapter  
 698 105 or the office of school board member, shall file his or her  
 699 qualification papers with, and pay the qualifying fee, which  
 700 shall consist of the filing fee and election assessment, and

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701 party assessment, if any has been levied, to, the Department of  
702 State, or qualify by the petition process pursuant to s. 99.095  
703 with the Department of State, at any time after noon of the 1st  
704 day for qualifying, which shall be as follows: the 120th day  
705 prior to the primary election, but not later than noon of the  
706 116th day prior to the date of the primary election, for persons  
707 seeking to qualify for nomination or election to federal office  
708 or to the office of the state attorney or the public defender;  
709 and noon of the 71st ~~50th~~ day prior to the primary election, but  
710 not later than noon of the 67th ~~46th~~ day prior to the date of  
711 the primary election, for persons seeking to qualify for  
712 nomination or election to a state or multicounty district  
713 office, other than the office of the state attorney or the  
714 public defender.

715 (2) The provisions of any special act to the contrary  
716 notwithstanding, each person seeking to qualify for nomination  
717 or election to a county office, or district ~~or special district~~  
718 office not covered by subsection (1), shall file his or her  
719 qualification papers with, and pay the qualifying fee, which  
720 shall consist of the filing fee and election assessment, and  
721 party assessment, if any has been levied, to, the supervisor of  
722 elections of the county, or shall qualify by the petition  
723 process pursuant to s. 99.095 with the supervisor of elections,  
724 at any time after noon of the 1st day for qualifying, which  
725 shall be the 71st ~~50th~~ day prior to the primary election ~~or~~  
726 ~~special district election~~, but not later than noon of the 67th  
727 ~~46th~~ day prior to the date of the primary election ~~or special~~  
728 ~~district election. However, if a special district election is~~

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729 ~~held at the same time as the general election, qualifying shall~~  
 730 ~~be the 50th day prior to the primary election, but not later~~  
 731 ~~than noon of the 46th day prior to the date of the primary~~  
 732 ~~election.~~ Within 30 days after the closing of qualifying time,  
 733 the supervisor of elections shall remit to the secretary of the  
 734 state executive committee of the political party to which the  
 735 candidate belongs the amount of the filing fee, two-thirds of  
 736 which shall be used to promote the candidacy of candidates for  
 737 county offices and the candidacy of members of the Legislature.

738 (3) Notwithstanding the provisions of any special act to  
 739 the contrary, each person seeking to qualify for election to a  
 740 special district office shall qualify between noon of the 71st  
 741 day prior to the primary election and noon of the 67th day prior  
 742 to the date of the primary election. Candidates for single  
 743 county special districts shall qualify with the supervisor of  
 744 elections in the county in which the district is located. If the  
 745 district is a multicounty district, candidates shall qualify  
 746 with the Department of State. All special district candidates  
 747 shall qualify by paying a filing fee of \$25 or qualify by the  
 748 petition process pursuant to s. 99.095. Notwithstanding s.  
 749 106.021, a candidate who does not collect contributions and  
 750 whose only expense is the filing fee or signature verification  
 751 fee is not required to appoint a campaign treasurer or designate  
 752 a primary campaign depository.

753 (4)(3)(a) Each person seeking to qualify for election to  
 754 office as a write-in candidate shall file his or her  
 755 qualification papers with the respective qualifying officer at  
 756 any time after noon of the 1st day for qualifying, but not later

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757 than noon of the last day of the qualifying period for the  
758 office sought.

759 (b) Any person who is seeking election as a write-in  
760 candidate shall not be required to pay a filing fee, election  
761 assessment, or party assessment. A write-in candidate is ~~shall~~  
762 not ~~be~~ entitled to have his or her name printed on any ballot;  
763 however, space for the write-in candidate's name to be written  
764 in must ~~shall~~ be provided on the general election ballot. A ~~No~~  
765 person may not qualify as a write-in candidate if the person has  
766 also otherwise qualified for nomination or election to such  
767 office.

768 (5)~~(4)~~ At the time of qualifying for office, each  
769 candidate for a constitutional office shall file a full and  
770 public disclosure of financial interests pursuant to s. 8, Art.  
771 II of the State Constitution, and a candidate for any other  
772 office, including local elective office, shall file a statement  
773 of financial interests pursuant to s. 112.3145.

774 (6)~~(5)~~ The Department of State shall certify to the  
775 supervisor of elections, within 7 days after the closing date  
776 for qualifying, the names of all duly qualified candidates for  
777 nomination or election who have qualified with the Department of  
778 State.

779 ~~(6) Notwithstanding the qualifying period prescribed in~~  
780 ~~this section, if a candidate has submitted the necessary~~  
781 ~~petitions by the required deadline in order to qualify by the~~  
782 ~~petition process pursuant to s. 99.095 as a candidate for~~  
783 ~~nomination or election and the candidate is notified after the~~  
784 ~~5th day prior to the last day for qualifying that the required~~

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785 ~~number of signatures has been obtained, the candidate is~~  
786 ~~entitled to subscribe to the candidate's oath and file the~~  
787 ~~qualifying papers at any time within 5 days from the date the~~  
788 ~~candidate is notified that the necessary number of signatures~~  
789 ~~has been obtained. Any candidate who qualifies within the time~~  
790 ~~prescribed in this subsection is entitled to have his or her~~  
791 ~~name printed on the ballot.~~

792 (7) (a) In order for a candidate to be qualified, the  
793 following items must be received by the filing officer by the  
794 end of the qualifying period:

795 1. A properly executed check drawn upon the candidate's  
796 campaign account in an amount not less than the fee required by  
797 s. 99.092 or, in lieu thereof, as applicable, the copy of the  
798 notice of obtaining ballot position pursuant to s. 99.095. The  
799 filing fee for a special district candidate is not required to  
800 be drawn upon the candidate's campaign account. If a candidate's  
801 check is returned by the bank for any reason, the filing officer  
802 shall immediately notify the candidate and the candidate shall,  
803 the end of qualifying notwithstanding, have 48 hours from the  
804 time such notification is received, excluding Saturdays,  
805 Sundays, and legal holidays, to pay the fee with a cashier's  
806 check purchased from funds of the campaign account. Failure to  
807 pay the fee as provided in this subparagraph shall disqualify  
808 the candidate.

809 2. The candidate's oath required by s. 99.021, which must  
810 contain the name of the candidate as it is to appear on the  
811 ballot; the office sought, including the district or group  
812 number if applicable; and the signature of the candidate, duly

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813 acknowledged.

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

816 4. If the office sought is partisan, the written statement  
817 of political party affiliation required by s. 99.021(1)(b).

818 5. The completed form for the appointment of campaign  
819 treasurer and designation of campaign depository, as required by  
820 s. 106.021.

821 6. The full and public disclosure or statement of  
822 financial interests required by subsection (5) ~~(4)~~. A public  
823 officer who has filed the full and public disclosure or  
824 statement of financial interests with the Commission on Ethics  
825 or the supervisor of elections prior to qualifying for office  
826 may file a copy of that disclosure at the time of qualifying.

827 (b) If the filing officer receives qualifying papers that  
828 do not include all items as required by paragraph (a) prior to  
829 the last day of qualifying, the filing officer shall make a  
830 reasonable effort to notify the candidate of the missing or  
831 incomplete items and shall inform the candidate that all  
832 required items must be received by the close of qualifying. A  
833 candidate's name as it is to appear on the ballot may not be  
834 changed after the end of qualifying.

835 (8) Notwithstanding the qualifying period prescribed in  
836 this section, a qualifying office may accept and hold qualifying  
837 papers submitted not earlier than 14 days prior to the beginning  
838 of the qualifying period, to be processed and filed during the  
839 qualifying period.

840 (9) Notwithstanding the qualifying period prescribed by

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841 this section, in each year in which the Legislature apportions  
842 the state, the qualifying period for persons seeking to qualify  
843 for nomination or election to federal office shall be between  
844 noon of the 71st ~~57th~~ day prior to the primary election, but not  
845 later than noon of the 67th ~~53rd~~ day prior to the primary  
846 election.

847 (10) The Department of State may prescribe by rule  
848 requirements for filing papers to qualify as a candidate under  
849 this section.

850 Section 17. Subsections (2) and (4) of section 99.095,  
851 Florida Statutes, are amended to read:

852 99.095 Petition process in lieu of a qualifying fee and  
853 party assessment.--

854 (2) (a) Except as provided in paragraph (b), a candidate  
855 must ~~shall~~ obtain the number of signatures of voters in the  
856 geographical area represented by the office sought equal to at  
857 least 1 percent of the total number of registered voters of that  
858 geographical area, as shown by the compilation by the department  
859 for the immediately ~~last~~ preceding general election. Signatures  
860 may not be obtained until the candidate has filed the  
861 appointment of campaign treasurer and designation of campaign  
862 depository pursuant to s. 106.021.

863 (b) A candidate for a special district office shall obtain  
864 25 signatures of voters in the geographical area represented by  
865 the office sought.

866 (c) ~~(b)~~ The format of the petition shall be prescribed by  
867 the division and shall be used by candidates to reproduce  
868 petitions for circulation. If the candidate is running for an

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869 office that requires a group or district designation, the  
 870 petition must indicate that designation and, if it does not, the  
 871 signatures are not valid. A separate petition is required for  
 872 each candidate.

873 (4) (a) Certifications for candidates for federal, state,  
 874 ~~or multicounty district,~~ or multicounty special district office  
 875 shall be submitted to the division no later than the 7th day  
 876 before the first day of the qualifying period for the office  
 877 sought. The division shall determine whether the required number  
 878 of signatures has been obtained and shall notify the candidate.

879 (b) For candidates for county, ~~or district,~~ or special  
 880 district office not covered by paragraph (a), the supervisor  
 881 shall determine whether the required number of signatures has  
 882 been obtained and shall notify the candidate.

883 Section 18. Effective upon this act becoming a law,  
 884 section 99.096, Florida Statutes, is amended to read:

885 99.096 Minor political party candidates; names on ballot.--

886 ~~(1) No later than noon of the third day prior to the first~~  
 887 ~~day of the qualifying period prescribed for federal candidates,~~  
 888 ~~the executive committee of a minor political party shall submit~~  
 889 ~~to the Department of State a list of federal candidates~~  
 890 ~~nominated by the party to be on the general election ballot. No~~  
 891 ~~later than noon of the third day prior to the first day of the~~  
 892 ~~qualifying period for state candidates, the executive committee~~  
 893 ~~of a minor political party shall submit to the filing officer~~  
 894 ~~for each of the candidates the official list of the state,~~  
 895 ~~multicounty, and county candidates nominated by that party to be~~  
 896 ~~on the ballot in the general election. The official list of~~



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897 ~~nominated candidates may not be changed by the party after~~  
 898 ~~having been filed with the filing officers, except that~~  
 899 ~~vacancies in nominations may be filled pursuant to s. 100.111.~~

900       ~~(2)~~ Each person seeking to qualify for election as a  
 901 candidate of a minor political party shall file his or her  
 902 qualifying papers with, and pay the qualifying fee and, if one  
 903 has been levied, the party assessment, or qualify by the  
 904 petition process pursuant to s. 99.095, with the officer and at  
 905 the times and under the circumstances provided in s. 99.061.

906       Section 19. Effective upon this act becoming a law,  
 907 section 99.0965, Florida Statutes, is repealed.

908       Section 20. Paragraph (a) of subsection (2) of section  
 909 100.041, Florida Statutes, is amended to read:

910       100.041 Officers chosen at general election.--

911       (2) (a) Each county commissioner from an odd-numbered  
 912 district shall be elected at the general election in each year  
 913 the number of which is a multiple of 4, for a 4-year term  
 914 commencing on the second Tuesday following such election, and  
 915 each county commissioner from an even-numbered district shall be  
 916 elected at the general election in each even-numbered year the  
 917 number of which is not a multiple of 4, for a 4-year term  
 918 commencing on the second Tuesday following such election. A  
 919 county commissioner is "elected" for purposes of this paragraph  
 920 on the date that the county canvassing board certifies the  
 921 results of the election pursuant to s. 102.151.

922       Section 21. Effective upon this act becoming a law,  
 923 section 100.051, Florida Statutes, is amended to read:

924       100.051 Candidate's name on general election ballot.--The

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925 supervisor of elections of each county shall print on ballots to  
 926 be used in the county at the next general election the names of  
 927 candidates who have been nominated by a political party, ~~other~~  
 928 ~~than a minor political party~~, and the candidates who have  
 929 otherwise obtained a position on the general election ballot in  
 930 compliance with the requirements of this code.

931 Section 22. Section 100.061, Florida Statutes, is amended  
 932 to read:

933 100.061 Primary election.--In each year in which a general  
 934 election is held, a primary election for nomination of  
 935 candidates of political parties shall be held on the Tuesday 10  
 936 9 weeks prior to the general election. The candidate receiving  
 937 the highest number of votes cast in each contest in the primary  
 938 election shall be declared nominated for such office. If two or  
 939 more candidates receive an equal and highest number of votes for  
 940 the same office, such candidates shall draw lots to determine  
 941 which candidate is nominated.

942 Section 23. Effective upon this act becoming a law,  
 943 subsection (3) of section 100.111, Florida Statutes, is amended  
 944 to read:

945 100.111 Filling vacancy.--

946 (3) Whenever there is a vacancy for which a special  
 947 election is required pursuant to s. 100.101, the Governor, after  
 948 consultation with the Secretary of State, shall fix the dates of  
 949 a special primary election and a special election. Nominees of  
 950 political parties ~~other than minor political parties~~ shall be  
 951 chosen under the primary laws of this state in the special  
 952 primary election to become candidates in the special election.

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953 Prior to setting the special election dates, the Governor shall  
954 consider any upcoming elections in the jurisdiction where the  
955 special election will be held. The dates fixed by the Governor  
956 shall be specific days certain and shall not be established by  
957 the happening of a condition or stated in the alternative. The  
958 dates fixed shall provide a minimum of 2 weeks between each  
959 election. In the event a vacancy occurs in the office of state  
960 senator or member of the House of Representatives when the  
961 Legislature is in regular legislative session, the minimum times  
962 prescribed by this subsection may be waived upon concurrence of  
963 the Governor, the Speaker of the House of Representatives, and  
964 the President of the Senate. If a vacancy occurs in the office  
965 of state senator and no session of the Legislature is scheduled  
966 to be held prior to the next general election, the Governor may  
967 fix the dates for the special primary election and for the  
968 special election to coincide with the dates of the primary  
969 election and general election. If a vacancy in office occurs in  
970 any district in the state Senate or House of Representatives or  
971 in any congressional district, and no session of the  
972 Legislature, or session of Congress if the vacancy is in a  
973 congressional district, is scheduled to be held during the  
974 unexpired portion of the term, the Governor is not required to  
975 call a special election to fill such vacancy.

976 (a) The dates for candidates to qualify in such special  
977 election or special primary election shall be fixed by the  
978 Department of State, and candidates shall qualify not later than  
979 noon of the last day so fixed. The dates fixed for qualifying  
980 shall allow a minimum of 14 days between the last day of

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981 qualifying and the special primary election.

982 (b) The filing of campaign expense statements by  
983 candidates in such special elections or special primaries and by  
984 committees making contributions or expenditures to influence the  
985 results of such special primaries or special elections shall be  
986 not later than such dates as shall be fixed by the Department of  
987 State, and in fixing such dates the Department of State shall  
988 take into consideration and be governed by the practical time  
989 limitations.

990 (c) The dates for a candidate to qualify by the petition  
991 process pursuant to s. 99.095 in such special primary or special  
992 election shall be fixed by the Department of State. In fixing  
993 such dates the Department of State shall take into consideration  
994 and be governed by the practical time limitations. Any candidate  
995 seeking to qualify by the petition process in a special primary  
996 election shall obtain 25 percent of the signatures required by  
997 s. 99.095.

998 (d) The qualifying fees and party assessments of such  
999 candidates as may qualify shall be the same as collected for the  
1000 same office at the last previous primary for that office. The  
1001 party assessment shall be paid to the appropriate executive  
1002 committee of the political party to which the candidate belongs.

1003 (e) Each county canvassing board shall make as speedy a  
1004 return of the result of such special primary elections and  
1005 special elections as time will permit, and the Elections  
1006 Canvassing Commission likewise shall make as speedy a canvass  
1007 and declaration of the nominees as time will permit.

1008 Section 24. Section 100.191, Florida Statutes, is amended

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1009 to read:  
 1010 100.191 General election laws applicable to special  
 1011 elections; returns.--All laws that are applicable to general  
 1012 elections are applicable to special elections or special primary  
 1013 elections to fill a vacancy in office or nomination, ~~except that~~  
 1014 ~~the canvass of returns by the county canvassing board of each~~  
 1015 ~~county in which a special election is held shall be made on the~~  
 1016 ~~day following the election, and the certificate of the result of~~  
 1017 ~~the canvass shall be immediately forwarded to the Department of~~  
 1018 State. The Elections Canvassing Commission shall immediately,  
 1019 upon receipt of returns from the county in which a special  
 1020 election is held, proceed to canvass the returns and determine  
 1021 and declare the result thereof.

1022 Section 25. Effective August 1, 2007, subsections (1) and  
 1023 (3) of section 100.371, Florida Statutes, are amended, present  
 1024 subsection (6) of that section is renumbered as subsection (7)  
 1025 and amended, and a new subsection (6) is added to that section,  
 1026 to read:

1027 100.371 Initiatives; procedure for placement on ballot.--  
 1028 (1) Constitutional amendments proposed by initiative shall  
 1029 be placed on the ballot for the general election, provided the  
 1030 initiative petition has been filed with the Secretary of State  
 1031 no later than February 1 of the year the general election is  
 1032 held. A petition shall be deemed to be filed with the Secretary  
 1033 of State upon the date the secretary determines that valid and  
 1034 verified ~~the~~ petition forms have ~~has~~ been signed by the  
 1035 constitutionally required number and distribution of electors  
 1036 under this code, subject to the right of revocation established

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1037 in this section.  
 1038 (3) Each signature shall be dated when made and shall be  
 1039 valid for a period of 4 years following such date, provided all  
 1040 other requirements of law are met. The sponsor shall submit  
 1041 signed and dated forms to the appropriate supervisor of  
 1042 elections for verification as to the number of registered  
 1043 electors whose valid signatures appear thereon. The supervisor  
 1044 shall promptly verify the signatures within 30 days of receipt  
 1045 of the petition forms and ~~upon~~ payment of the fee required by s.  
 1046 99.097. The supervisor shall promptly record ~~each valid~~  
 1047 ~~signature~~ in the statewide voter registration system, in the  
 1048 manner prescribed by the Secretary of State, the date each form  
 1049 is received by the supervisor and the date the signature on the  
 1050 form is verified as valid. The supervisor may verify that the  
 1051 signature on a form is valid only if:

- 1052 (a) The form contains the original signature of the  
 1053 purported elector.
- 1054 (b) The purported elector has accurately recorded on the  
 1055 form the date on which he or she signed the form.
- 1056 (c) The form accurately sets forth the purported elector's  
 1057 name, street address, county, and voter registration number or  
 1058 date of birth.
- 1059 (d) The purported elector is, at the time he or she signs  
 1060 the form, a duly qualified and registered elector authorized to  
 1061 vote in the county in which his or her signature is submitted.

1062  
 1063 The supervisor shall retain the signature forms for at least 1  
 1064 year following the election in which the issue appeared on the

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1065 ballot or until the Division of Elections notifies the  
 1066 supervisors of elections that the committee which circulated the  
 1067 petition is no longer seeking to obtain ballot position.

1068 (6) (a) An elector's signature on a petition form may be  
 1069 revoked within 150 days of the date on which he or she signed  
 1070 the petition form by submitting to the appropriate supervisor of  
 1071 elections a signed petition-revocation form adopted by rule for  
 1072 this purpose by the division.

1073 (b) The petition-revocation form and the manner in which  
 1074 signatures are obtained, submitted, and verified shall be  
 1075 subject to the same relevant requirements and timeframes as the  
 1076 corresponding petition form and processes under this code and  
 1077 shall be approved by the Secretary of State before any signature  
 1078 on a petition-revocation form is obtained.

1079 (c) Supervisors of elections shall provide petition-  
 1080 revocation forms to the public at all main and branch offices.

1081 (d) The petition-revocation form shall be filed with the  
 1082 supervisor of elections by February 1 preceding the next general  
 1083 election or, if the initiative amendment is not certified for  
 1084 ballot position in that election, by February 1 preceding the  
 1085 next successive general election. The supervisor of elections  
 1086 shall promptly verify the signature on the petition-revocation  
 1087 form and process such revocation upon payment, in advance, of a  
 1088 fee of 10 cents or the actual cost of verifying such signature,  
 1089 whichever is less. The supervisor shall promptly record each  
 1090 valid and verified petition-revocation form in the statewide  
 1091 voter registration system in the manner prescribed by the  
 1092 Secretary of State.

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(7)~~(6)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(6) ~~(1)-(5)~~.

Section 26. Subsection (1) of section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.--

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present one of the following current and valid picture identifications:

- (a) Florida driver's license.
- (b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
- (c) United States passport.
- ~~(d) Employee badge or identification.~~
- ~~(e) Buyer's club identification.~~
- (d)~~(f)~~ Debit or credit card.
- (e)~~(g)~~ Military identification.
- (f)~~(h)~~ Student identification.
- (g)~~(i)~~ Retirement center identification.
- (h)~~(j)~~ Neighborhood association identification.
- (i)~~(k)~~ Public assistance identification.

If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his



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1121 or her name in the space provided on the precinct register or on  
 1122 an electronic device provided for recording the voter's  
 1123 signature. The clerk or inspector shall compare the signature  
 1124 with that on the identification provided by the elector and  
 1125 enter his or her initials in the space provided on the precinct  
 1126 register or on an electronic device provided for that purpose  
 1127 and allow the elector to vote if the clerk or inspector is  
 1128 satisfied as to the identity of the elector.

1129 Section 27. Subsection (1) of section 101.048, Florida  
 1130 Statutes, is amended to read:

1131 101.048 Provisional ballots.--

1132 (1) At all elections, a voter claiming to be properly  
 1133 registered in the state and eligible to vote at the precinct in  
 1134 the election but whose eligibility cannot be determined, a  
 1135 person whom an election official asserts is not eligible, and  
 1136 other persons specified in the code shall be entitled to vote a  
 1137 provisional ballot. Once voted, the provisional ballot shall be  
 1138 placed in a secrecy envelope and thereafter sealed in a  
 1139 provisional ballot envelope. The provisional ballot shall be  
 1140 deposited in a ballot box. All provisional ballots shall remain  
 1141 sealed in their envelopes for return to the supervisor of  
 1142 elections. The department shall prescribe the form of the  
 1143 provisional ballot envelope. A person casting a provisional  
 1144 ballot shall have the right to present written evidence  
 1145 supporting his or her eligibility to vote to the supervisor of  
 1146 elections by not later than 5 p.m. on the second ~~third~~ day  
 1147 following the election.

1148 Section 28. Subsection (1) of section 101.573, Florida

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1149 Statutes, is amended to read:

1150 101.573 Record of votes by precinct.--

1151 (1) Within 35 ~~75~~ days after the date of a municipal  
 1152 election or runoff, whichever occurs later, a presidential  
 1153 preference primary, a primary election, a special election, or a  
 1154 general election, the supervisor of elections shall file with  
 1155 the Department of State precinct-level election results, in an  
 1156 electronic format specified by the Department of State, for that  
 1157 election cycle, ~~including any primary elections.~~ Precinct-level  
 1158 election results shall separately record for each precinct all  
 1159 demographic data associated with each precinct at book close for  
 1160 each election, individual vote history, the returns of ballots  
 1161 cast at the precinct location, ~~to which have been added~~ the  
 1162 returns of absentee ballots cast by voters registered in the  
 1163 precinct, and the returns of early ballots cast by voters  
 1164 registered in the precinct. The data are required to be cross  
 1165 referenced by political party and other demographic information  
 1166 as defined by the Department of State. The Department of State  
 1167 shall create a uniform system for the collection and reporting  
 1168 of such precinct-level election results and vote history.

1169 Section 29. Subsections (6) and (8) of section 101.6103,  
 1170 Florida Statutes, are amended to read:

1171 101.6103 Mail ballot election procedure.--

1172 (6) The canvassing board may begin the canvassing of mail  
 1173 ballots at 7 a.m. on the sixth ~~fourth~~ day before the election,  
 1174 including processing the ballots through the tabulating  
 1175 equipment. However, results may not be released until after 7  
 1176 p.m. on election day. Any canvassing board member or election

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1177 employee who releases any result before 7 p.m. on election day  
 1178 commits a felony of the third degree, punishable as provided in  
 1179 s. 775.082, s. 775.083, or s. 775.084.

1180 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise  
 1181 satisfies the requirements of subsection (5) shall be counted  
 1182 even if the elector dies after mailing the ballot but before  
 1183 election day, as long as, prior to the death of the voter, the  
 1184 ballot was:

- 1185 (a) Postmarked by the United States Postal Service;
- 1186 (b) Date-stamped with a verifiable tracking number by  
 1187 common carrier; or
- 1188 (c) Already in the possession of the supervisor of  
 1189 elections.

1190 Section 30. Effective July 1, 2007, subsections (1) and  
 1191 (4) of section 101.62, Florida Statutes, are amended to read:

1192 101.62 Request for absentee ballots.--

1193 (1)(a) The supervisor may accept a request for an absentee  
 1194 ballot from an elector in person or in writing. Except as  
 1195 provided in s. 101.694, one request shall be deemed sufficient  
 1196 to receive an absentee ballot for all elections through the next  
 1197 two regularly scheduled general elections ~~which are held within~~  
 1198 ~~a calendar year~~, unless the elector or the elector's designee  
 1199 indicates at the time the request is made the elections for  
 1200 which the elector desires to receive an absentee ballot. Such  
 1201 request may be considered canceled when any first-class mail  
 1202 sent by the supervisor to the elector is returned as  
 1203 undeliverable.

1204 (b) The supervisor may accept a written or telephonic

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1205 request for an absentee ballot from the elector, or, if directly  
 1206 instructed by the elector, a member of the elector's immediate  
 1207 family, or the elector's legal guardian. For purposes of this  
 1208 section, the term "immediate family" has the same meaning as  
 1209 specified in paragraph (4) (b). The person making the request  
 1210 must disclose:

- 1211 1. The name of the elector for whom the ballot is
- 1212 requested;
- 1213 2. The elector's address;
- 1214 3. The elector's date of birth;
- 1215 4. The requester's name;
- 1216 5. The requester's address;
- 1217 6. The requester's driver's license number, if available;
- 1218 7. The requester's relationship to the elector; and
- 1219 8. The requester's signature (written requests only).

1220 (4) (a) To each absent qualified elector overseas who has  
 1221 requested an absentee ballot, the supervisor of elections shall  
 1222 mail an absentee ballot not less ~~fewer~~ than 35 days before the  
 1223 primary election and not less than 45 days before the ~~or~~ general  
 1224 election.

1225 (b) The supervisor shall provide an absentee ballot to  
 1226 each elector by whom a request for that ballot has been made by  
 1227 one of the following means:

- 1228 1. By nonforwardable, return-if-undeliverable mail to the
- 1229 elector's current mailing address on file with the supervisor,
- 1230 unless the elector specifies in the request that:

- 1231 a. The elector is absent from the county and does not plan
- 1232 to return before the day of the election;

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1233           b. The elector is temporarily unable to occupy the  
 1234 residence because of hurricane, tornado, flood, fire, or other  
 1235 emergency or natural disaster; or

1236           c. The elector is in a hospital, assisted-living facility,  
 1237 nursing home, short-term medical or rehabilitation facility, or  
 1238 correctional facility,

1239  
 1240 in which case the supervisor shall mail the ballot by  
 1241 nonforwardable, return-if-undeliverable mail to any other  
 1242 address the elector specifies in the request.

1243           2. By forwardable mail to voters who are entitled to vote  
 1244 by absentee ballot under the Uniformed and Overseas Citizens  
 1245 Absentee Voting Act.

1246           3. By personal delivery before 7 p.m. on election day to  
 1247 the elector, upon presentation of the identification required in  
 1248 s. 101.043 ~~s. 101.657~~.

1249           4. By delivery to a designee on election day or up to 5 ~~4~~  
 1250 days prior to the day of an election. Any elector may designate  
 1251 in writing a person to pick up the ballot for the elector;  
 1252 however, the person designated may not pick up more than two  
 1253 absentee ballots per election, other than the designee's own  
 1254 ballot, except that additional ballots may be picked up for  
 1255 members of the designee's immediate family. For purposes of this  
 1256 section, "immediate family" means the designee's spouse or the  
 1257 parent, child, grandparent, or sibling of the designee or of the  
 1258 designee's spouse. The designee shall provide to the supervisor  
 1259 the written authorization by the elector and a picture  
 1260 identification of the designee and must complete an affidavit.

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1261 The designee shall state in the affidavit that the designee is  
1262 authorized by the elector to pick up that ballot and shall  
1263 indicate if the elector is a member of the designee's immediate  
1264 family and, if so, the relationship. The department shall  
1265 prescribe the form of the affidavit. If the supervisor is  
1266 satisfied that the designee is authorized to pick up the ballot  
1267 and that the signature of the elector on the written  
1268 authorization matches the signature of the elector on file, the  
1269 supervisor shall give the ballot to that designee for delivery  
1270 to the elector.

1271 Section 31. Subsection (2) of section 101.68, Florida  
1272 Statutes, is amended to read:

1273 101.68 Canvassing of absentee ballot.--

1274 (2) (a) The county canvassing board may begin the  
1275 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~ day  
1276 before the election, but not later than noon on the day  
1277 following the election. In addition, for any county using  
1278 electronic tabulating equipment, the processing of absentee  
1279 ballots through such tabulating equipment may begin at 7 a.m. on  
1280 the sixth ~~fourth~~ day before the election. However,  
1281 notwithstanding any such authorization to begin canvassing or  
1282 otherwise processing absentee ballots early, no result shall be  
1283 released until after the closing of the polls in that county on  
1284 election day. Any supervisor of elections, deputy supervisor of  
1285 elections, canvassing board member, election board member, or  
1286 election employee who releases the results of a canvassing or  
1287 processing of absentee ballots prior to the closing of the polls  
1288 in that county on election day commits a felony of the third

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1289 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1290 775.084.

1291 (b) To ensure that all absentee ballots to be counted by  
1292 the canvassing board are accounted for, the canvassing board  
1293 shall compare the number of ballots in its possession with the  
1294 number of requests for ballots received to be counted according  
1295 to the supervisor's file or list.

1296 (c)1. The canvassing board shall, if the supervisor has  
1297 not already done so, compare the signature of the elector on the  
1298 voter's certificate with the signature of the elector in the  
1299 registration books to see that the elector is duly registered in  
1300 the county and to determine the legality of that absentee  
1301 ballot. ~~Effective July 1, 2005,~~ The ballot of an elector who  
1302 casts an absentee ballot shall be counted even if the elector  
1303 dies on or before election day, as long as, prior to the death  
1304 of the voter, the ballot was postmarked by the United States  
1305 Postal Service, date-stamped with a verifiable tracking number  
1306 by common carrier, or already in the possession of the  
1307 supervisor of elections. An absentee ballot shall be considered  
1308 illegal if it does not include the signature of the elector, as  
1309 shown by the registration records. However, an absentee ballot  
1310 shall not be considered illegal if the signature of the elector  
1311 does not cross the seal of the mailing envelope. If the  
1312 canvassing board determines that any ballot is illegal, a member  
1313 of the board shall, without opening the envelope, mark across  
1314 the face of the envelope: "rejected as illegal." The envelope  
1315 and the ballot contained therein shall be preserved in the  
1316 manner that official ballots voted are preserved.

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1317           2. If any elector or candidate present believes that an  
 1318 absentee ballot is illegal due to a defect apparent on the  
 1319 voter's certificate, he or she may, at any time before the  
 1320 ballot is removed from the envelope, file with the canvassing  
 1321 board a protest against the canvass of that ballot, specifying  
 1322 the precinct, the ballot, and the reason he or she believes the  
 1323 ballot to be illegal. A challenge based upon a defect in the  
 1324 voter's certificate may not be accepted after the ballot has  
 1325 been removed from the mailing envelope.

1326           (d) The canvassing board shall record the ballot upon the  
 1327 proper record, unless the ballot has been previously recorded by  
 1328 the supervisor. The mailing envelopes shall be opened and the  
 1329 secrecy envelopes shall be mixed so as to make it impossible to  
 1330 determine which secrecy envelope came out of which signed  
 1331 mailing envelope; however, in any county in which an electronic  
 1332 or electromechanical voting system is used, the ballots may be  
 1333 sorted by ballot styles and the mailing envelopes may be opened  
 1334 and the secrecy envelopes mixed separately for each ballot  
 1335 style. The votes on absentee ballots shall be included in the  
 1336 total vote of the county.

1337           Section 32. Subsection (2) of section 102.112, Florida  
 1338 Statutes, is amended to read:

1339           102.112 Deadline for submission of county returns to the  
 1340 Department of State.--

1341           (2) Returns must be filed by 5 p.m. on the 7th day  
 1342 following a primary election and by noon ~~5 p.m.~~ on the 12th ~~11th~~  
 1343 day following the general election. However, the Department of  
 1344 State may correct typographical errors, including the



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1345 transposition of numbers, in any returns submitted to the  
 1346 Department of State pursuant to s. 102.111(1).

1347 Section 33. Present subsections (4) through (9) of section  
 1348 102.141, Florida Statutes, are renumbered as subsections (5)  
 1349 through (10), respectively, present subsections (4) and (6) of  
 1350 that section are amended, and a new subsection (4) is added to  
 1351 that section, to read:

1352 102.141 County canvassing board; duties.--

1353 (4) The canvassing board shall submit by 11:59 p.m. on  
 1354 election night the preliminary returns it has received to the  
 1355 Department of State in a format provided by the department.

1356 (5)~~(4)~~ The canvassing board shall submit on forms or in  
 1357 formats provided by the division unofficial returns to the  
 1358 Department of State for each federal, statewide, state, or  
 1359 multicounty office or ballot measure no later than noon on the  
 1360 third day after any primary election and no later than noon on  
 1361 the fourth ~~fifth~~ day after any general or other election. Such  
 1362 returns shall include the canvass of all ballots as required by  
 1363 subsection (2), ~~except for provisional ballots, which returns~~  
 1364 ~~shall be reported at the time required for official returns~~  
 1365 ~~pursuant to s. 102.112(2).~~

1366 (7)~~(6)~~ If the unofficial returns reflect that a candidate  
 1367 for any office was defeated or eliminated by one-half of a  
 1368 percent or less of the votes cast for such office, that a  
 1369 candidate for retention to a judicial office was retained or not  
 1370 retained by one-half of a percent or less of the votes cast on  
 1371 the question of retention, or that a measure appearing on the  
 1372 ballot was approved or rejected by one-half of a percent or less

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1373 of the votes cast on such measure, the board responsible for  
1374 certifying the results of the vote on such race or measure shall  
1375 order a recount of the votes cast with respect to such office or  
1376 measure. The Elections Canvassing Commission is the board  
1377 responsible for ordering federal, state, and multicounty  
1378 recounts. A recount need not be ordered with respect to the  
1379 returns for any office, however, if the candidate or candidates  
1380 defeated or eliminated from contention for such office by one-  
1381 half of a percent or less of the votes cast for such office  
1382 request in writing that a recount not be made.

1383 (a) Each canvassing board responsible for conducting a  
1384 recount shall put each marksense ballot through automatic  
1385 tabulating equipment and determine whether the returns correctly  
1386 reflect the votes cast. If any marksense ballot is physically  
1387 damaged so that it cannot be properly counted by the automatic  
1388 tabulating equipment during the recount, a true duplicate shall  
1389 be made of the damaged ballot pursuant to the procedures in s.  
1390 101.5614(5). Immediately before the start of the recount, a test  
1391 of the tabulating equipment shall be conducted as provided in s.  
1392 101.5612. If the test indicates no error, the recount tabulation  
1393 of the ballots cast shall be presumed correct and such votes  
1394 shall be canvassed accordingly. If an error is detected, the  
1395 cause therefor shall be ascertained and corrected and the  
1396 recount repeated, as necessary. The canvassing board shall  
1397 immediately report the error, along with the cause of the error  
1398 and the corrective measures being taken, to the Department of  
1399 State. No later than 11 days after the election, the canvassing  
1400 board shall file a separate incident report with the Department

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1401 of State, detailing the resolution of the matter and identifying  
1402 any measures that will avoid a future recurrence of the error.

1403 (b) Each canvassing board responsible for conducting a  
1404 recount where touchscreen ballots were used shall examine the  
1405 counters on the precinct tabulators to ensure that the total of  
1406 the returns on the precinct tabulators equals the overall  
1407 election return. If there is a discrepancy between the overall  
1408 election return and the counters of the precinct tabulators, the  
1409 counters of the precinct tabulators shall be presumed correct  
1410 and such votes shall be canvassed accordingly.

1411 (c) The canvassing board shall submit on forms or in  
1412 formats provided by the division a second set of unofficial  
1413 returns to the Department of State for each federal, statewide,  
1414 state, or multicounty office or ballot measure no later than 3  
1415 p.m. on the fifth day after any primary election and no later  
1416 than 3 p.m. on the ninth ~~eighth~~ day after any general election  
1417 in which a recount was conducted pursuant to this subsection. If  
1418 the canvassing board is unable to complete the recount  
1419 prescribed in this subsection by the deadline, the second set of  
1420 unofficial returns submitted by the canvassing board shall be  
1421 identical to the initial unofficial returns and the submission  
1422 shall also include a detailed explanation of why it was unable  
1423 to timely complete the recount. However, the canvassing board  
1424 shall complete the recount prescribed in this subsection, along  
1425 with any manual recount prescribed in s. 102.166, and certify  
1426 election returns in accordance with the requirements of this  
1427 chapter.

1428 (d) The Department of State shall adopt detailed rules

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1429 prescribing additional recount procedures for each certified  
 1430 voting system, which shall be uniform to the extent practicable.

1431 Section 34. Paragraph (b) of subsection (5) of section  
 1432 102.166, Florida Statutes, is amended to read:

1433 102.166 Manual recounts.--

1434 (5) Procedures for a manual recount are as follows:

1435 (b) Each duplicate ballot prepared pursuant to s.  
 1436 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared  
 1437 with the original ballot to ensure the correctness of the  
 1438 duplicate.

1439 Section 35. Subsection (3) is added to section 103.081,  
 1440 Florida Statutes, to read:

1441 103.081 Use of party name; political advertising.--

1442 (3) A political party may file with the Department of  
 1443 State names of groups or committees associated with the  
 1444 political party. Such filed names may not be used without first  
 1445 obtaining the written permission of the chair of the state  
 1446 executive committee of the party.

1447 Section 36. Subsections (1) and (4) and paragraph (b) of  
 1448 subsection (6) of section 103.091, Florida Statutes, are amended  
 1449 to read:

1450 103.091 Political parties.--

1451 (1) Each political party of the state shall be represented  
 1452 by a state executive committee. County executive committees and  
 1453 other committees may be established in accordance with the rules  
 1454 of the state executive committee. A political party may provide  
 1455 for the selection of its national committee and its state and  
 1456 county executive committees in such manner as it deems proper.

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1457 Unless otherwise provided by party rule, the county executive  
 1458 committee of each political party shall consist of at least two  
 1459 members, a man and a woman, from each precinct, who shall be  
 1460 called the precinct committeeman and committeewoman. For  
 1461 counties divided into 40 or more precincts, the state executive  
 1462 committee may adopt a district unit of representation for such  
 1463 county executive committees. Upon adoption of a district unit  
 1464 of representation, the state executive committee shall request  
 1465 the supervisor of elections of that county, with approval of the  
 1466 board of county commissioners, to provide for election districts  
 1467 as nearly equal in number of registered voters as possible.  
 1468 Each county committeeman or committeewoman shall be a resident  
 1469 of the precinct from which he or she is elected. Each state  
 1470 committeeman or committeewoman must be a member in good standing  
 1471 of the county executive committee for the county in which the  
 1472 state committeeman or committeewoman is a registered voter.

1473 (4) Any political party other than a minor political party  
 1474 may by rule provide for the membership of its state or county  
 1475 executive committee to be elected for 4-year terms at the  
 1476 primary election in each year a presidential election is held.  
 1477 The terms shall commence on the first day of the month following  
 1478 each presidential general election; but the names of candidates  
 1479 for political party offices shall not be placed on the ballot at  
 1480 any other election. The results of such election shall be  
 1481 determined by a plurality of the votes cast. In such event,  
 1482 electors seeking to qualify for such office shall do so with the  
 1483 Department of State or supervisor of elections not earlier than  
 1484 noon of the 71st ~~57th~~ day, or later than noon of the 67th ~~53rd~~

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1485 day, preceding the primary election. The outgoing chair of each  
 1486 county executive committee shall, within 30 days after the  
 1487 committee members take office, hold an organizational meeting of  
 1488 all newly elected members for the purpose of electing officers.  
 1489 The chair of each state executive committee shall, within 60  
 1490 days after the committee members take office, hold an  
 1491 organizational meeting of all newly elected members for the  
 1492 purpose of electing officers.

1493 (6)

1494 (b) Each state executive committee shall include, as at-  
 1495 large committeemen and committeewomen, all members of the United  
 1496 States Congress representing the State of Florida who are  
 1497 members of the political party, all statewide elected officials  
 1498 who are members of the party, 10 Florida registered voters who  
 1499 are members of the party as appointed by the Governor if the  
 1500 Governor is a member of the party, and the President of the  
 1501 Senate or the Minority Leader in the Senate, and the Speaker of  
 1502 the House of Representatives or the Minority Leader in the House  
 1503 of Representatives, whichever is a member of the political  
 1504 party, and 20 members of the Legislature who are members of the  
 1505 political party. Ten of the legislators shall be appointed with  
 1506 the concurrence of the state chair of the respective party, as  
 1507 follows: five to be appointed by the President of the Senate;  
 1508 five by the Minority Leader in the Senate; five by the Speaker  
 1509 of the House of Representatives; and five by the Minority Leader  
 1510 in the House.

1511 Section 37. Section 103.141, Florida Statutes, is amended  
 1512 to read:

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1513           103.141 Removal of county executive committee member for  
1514 violation of oath.--

1515           (1) Where the county executive committee by at least a  
1516 two-thirds majority vote of the members of the committee,  
1517 attending a meeting held after due notice has been given and at  
1518 which meeting a quorum is present, determines an incumbent  
1519 county executive committee member to be guilty of an offense  
1520 involving a violation of the member's oath of office, said  
1521 member so violating his or her oath shall be removed from office  
1522 and the office shall be deemed vacant. Provided, however, if  
1523 the county committee wrongfully removes a county committee  
1524 member and the committee member so wrongfully removed files suit  
1525 in the circuit court alleging his or her removal was wrongful  
1526 and wins said suit, the committee member shall be restored to  
1527 office and the county committee shall pay the costs incurred by  
1528 the wrongfully removed committee member in bringing the suit,  
1529 including reasonable attorney's fees.

1530           (2) Any officer, county committeeman, county  
1531 committeewoman, precinct committeeman, precinct committeewoman,  
1532 or member of a county executive committee may be removed from  
1533 office pursuant to s. 103.161. ~~Either the county or state~~  
1534 ~~executive committee is empowered to take judicial action in~~  
1535 ~~chancery against a county committee member for alleged violation~~  
1536 ~~of the member's oath of office in the circuit court of the~~  
1537 ~~county in which that committee member is an elector; provided,~~  
1538 ~~however, that the state committee may take such judicial action~~  
1539 ~~only when a county committee refuses to take such judicial~~  
1540 ~~action within 10 days after a charge is made. Procedure shall be~~

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1541 ~~as in other cases in chancery, and if the court shall find as~~  
 1542 ~~fact that the defendant did violate his or her oath of office,~~  
 1543 ~~it shall enter a decree removing the defendant from the county~~  
 1544 ~~committee. If either such executive committee brings suit in~~  
 1545 ~~the circuit court for the removal of a county committee member~~  
 1546 ~~and loses said suit, such committee shall pay the court costs~~  
 1547 ~~incurred in such suit by the committee member, including~~  
 1548 ~~reasonable attorney's fees.~~

1549 Section 38. Section 103.151, Florida Statutes, is  
 1550 repealed.

1551 Section 39. Section 103.161, Florida Statutes, is created  
 1552 to read:

1553 103.161 Removal or suspension of officers or members of  
 1554 state executive committee or county executive committee.--

1555 (1) The chairman of the state executive committee is  
 1556 empowered to remove or suspend from an office within the  
 1557 chairman's political party any officer, state committeeman,  
 1558 state committeewoman, county committeeman, county  
 1559 committeewoman, precinct committeeman, precinct committeewoman,  
 1560 or other member of a state executive committee, county executive  
 1561 committee, political party club, or other organization using the  
 1562 political party name as provided in s. 103.081 for a violation  
 1563 of the oath of office taken by such individual or for engaging  
 1564 in other activities described in this section.

1565 (2) Such violation may include engaging in activities that  
 1566 have or could have injured the name or status of the political  
 1567 party or interfered with the activities of the political party.  
 1568 The chairman has sole discretion to determine if a violation



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1569 occurred.

1570 (3) Upon the chairman's determination that a violation of  
 1571 the oath of office occurred or that an individual engaged in  
 1572 other activities described in this section, the chairman may  
 1573 remove or suspend the individual from his or her office. If the  
 1574 chairman removes the individual from office, the office shall be  
 1575 deemed vacant upon the delivery of the chairman's written order  
 1576 of removal to the individual. When a vacancy in office is  
 1577 created, the chairman shall appoint an individual to serve  
 1578 through the end of the term of the office. If the chairman  
 1579 suspends the individual, the chairman shall determine the length  
 1580 of the suspension.

1581 (4) An individual removed from office by the chairman  
 1582 shall not be eligible to serve on the state executive committee  
 1583 or any county executive committee of the political party for a  
 1584 period of no less than 4 years from the effective date of the  
 1585 removal.

1586 Section 40. Subsection (1) of section 105.031, Florida  
 1587 Statutes, is amended to read:

1588 105.031 Qualification; filing fee; candidate's oath; items  
 1589 required to be filed.--

1590 (1) TIME OF QUALIFYING.--Except for candidates for  
 1591 judicial office, nonpartisan candidates for multicounty office  
 1592 shall qualify with the Division of Elections of the Department  
 1593 of State and nonpartisan candidates for countywide or less than  
 1594 countywide office shall qualify with the supervisor of  
 1595 elections. Candidates for judicial office other than the office  
 1596 of county court judge shall qualify with the Division of

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1597 Elections of the Department of State, and candidates for the  
 1598 office of county court judge shall qualify with the supervisor  
 1599 of elections of the county. Candidates for judicial office shall  
 1600 qualify no earlier than noon of the 120th day, and no later than  
 1601 noon of the 116th day, before the primary election. Candidates  
 1602 for the office of school board member shall qualify no earlier  
 1603 than noon of the 71st ~~50th~~ day, and no later than noon of the  
 1604 67th ~~46th~~ day, before the primary election. Filing shall be on  
 1605 forms provided for that purpose by the Division of Elections and  
 1606 furnished by the appropriate qualifying officer. ~~Any person~~  
 1607 ~~seeking to qualify by the petition process, as set forth in s.~~  
 1608 ~~105.035, who has submitted the necessary petitions by the~~  
 1609 ~~required deadline and is notified after the fifth day prior to~~  
 1610 ~~the last day for qualifying that the required number of~~  
 1611 ~~signatures has been obtained, shall be entitled to subscribe to~~  
 1612 ~~the candidate's oath and file the qualifying papers at any time~~  
 1613 ~~within 5 days from the date he or she is notified that the~~  
 1614 ~~necessary number of signatures has been obtained.~~ Any person  
 1615 other than a write-in candidate who qualifies within the time  
 1616 prescribed in this subsection shall be entitled to have his or  
 1617 her name printed on the ballot.

1618 Section 41. Paragraph (c) of subsection (1) of section  
 1619 106.021, Florida Statutes, is amended to read:

1620 106.021 Campaign treasurers; deputies; primary and  
 1621 secondary depositories.--

1622 (1)

1623 (c) Any campaign treasurer or deputy treasurer appointed  
 1624 pursuant to this section ~~shall be a registered voter in this~~

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1625 ~~state and~~ shall, before such appointment may become effective,  
 1626 have accepted appointment to such position in writing and filed  
 1627 such acceptance with the officer before whom the candidate is  
 1628 required to qualify or with the officer with whom the political  
 1629 committee is required to file reports. An individual may be  
 1630 appointed and serve as campaign treasurer of a candidate and a  
 1631 political committee or two or more candidates and political  
 1632 committees. A candidate may appoint herself or himself as  
 1633 campaign treasurer.

1634 Section 42. Subsection (1) of section 106.04, Florida  
 1635 Statutes, is amended to read:

1636 106.04 Committees of continuous existence.--

1637 (1) In order to qualify as a committee of continuous  
 1638 existence for the purposes of this chapter, a group,  
 1639 organization, association, or other such entity which is  
 1640 involved in making contributions to candidates, political  
 1641 committees, or political parties, shall meet the following  
 1642 criteria:

1643 (a) It shall be organized and operated in accordance with  
 1644 a written charter or set of bylaws which contains procedures for  
 1645 the election of officers and directors and which clearly defines  
 1646 membership in the organization; and

1647 (b) At least 25 percent of the income of such  
 1648 organization, excluding interest, must be derived from dues or  
 1649 assessments payable on a regular basis by its membership  
 1650 pursuant to provisions contained in the charter or bylaws. Dues  
 1651 may be collected by a group, organization, association, or other  
 1652 such entity from its members and forwarded to the committee of

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1653 continuous existence. The committee of continuous existence  
 1654 shall report such dues as if it had received the dues directly  
 1655 from its members, in the manner prescribed in subsection (4).

1656 Section 43. Section 106.055, Florida Statutes, is amended  
 1657 to read:

1658 106.055 Valuation of in-kind contributions.--Any person  
 1659 who makes an in-kind contribution shall, at the time of making  
 1660 such contribution, place a value on such contribution, which  
 1661 valuation shall be the fair market value of such contribution.  
 1662 Travel conveyed upon private aircraft shall be valued at the  
 1663 actual cost of per person commercial air travel for the same or  
 1664 a substantially similar route.

1665 Section 44. Subsection (10) is added to section 106.08,  
 1666 Florida Statutes, to read:

1667 106.08 Contributions; limitations on.--

1668 (10) Contributions to a political committee or committee  
 1669 of continuous existence may be received by an affiliated  
 1670 organization and transferred to the bank account of the  
 1671 political committee or committee of continuous existence via  
 1672 check written from the affiliated organization if such  
 1673 contributions are specifically identified as intended to be  
 1674 contributed to the political committee or committee of  
 1675 continuous existence. All contributions received in this manner  
 1676 shall be reported pursuant to s. 106.07 by the political  
 1677 committee or committee of continuous existence as having been  
 1678 made by the original contributor.

1679 Section 45. Section 106.09, Florida Statutes, is amended  
 1680 to read:

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1681           106.09 Cash contributions and contribution by cashier's  
 1682 checks.--  
 1683           (1) A person may not make or accept a cash contribution or  
 1684 contribution by means of a cashier's check in excess of \$50  
 1685 ~~\$100~~.  
 1686           (2) (a) Any person who makes or accepts a contribution in  
 1687 excess of \$50 ~~\$100~~ in violation of this section commits a  
 1688 misdemeanor of the first degree, punishable as provided in s.  
 1689 775.082 or s. 775.083.  
 1690           (b) Any person who knowingly and willfully makes or  
 1691 accepts a contribution in excess of \$5,000 in violation of this  
 1692 section commits a felony of the third degree, punishable as  
 1693 provided in s. 775.082, s. 775.083, or s. 775.084.  
 1694           Section 46. Subsection (1) of section 106.143, Florida  
 1695 Statutes, is amended to read:  
 1696           106.143 Political advertisements circulated prior to  
 1697 election; requirements.--  
 1698           (1) (a) Any political advertisement that is paid for by a  
 1699 candidate and that is published, displayed, or circulated prior  
 1700 to, or on the day of, any election must prominently state:  
 1701 "Political advertisement paid for and approved by ...name of  
 1702 candidate)...., ...party affiliation)...., for ...(office  
 1703 sought)...."  
 1704           (b) Any other political advertisement published,  
 1705 displayed, or circulated prior to, or on the day of, any  
 1706 election must prominently:  
 1707           1. Be marked "paid political advertisement" or with the  
 1708 abbreviation "pd. pol. adv."

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

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1709           2. State the name and address of the persons sponsoring  
 1710 the advertisement.

1711           3.a.(I) State whether the advertisement and the cost of  
 1712 production is paid for or provided in kind by or at the expense  
 1713 of the entity publishing, displaying, broadcasting, or  
 1714 circulating the political advertisement; or

1715           (II) State who provided or paid for the advertisement and  
 1716 cost of production, if different from the source of sponsorship.

1717           b. This subparagraph does not apply if the source of the  
 1718 sponsorship is patently clear from the content or format of the  
 1719 political advertisement.

1720           (c) Any political advertisement made pursuant to s.  
 1721 106.021(3)(d) must be marked "paid political advertisement" or  
 1722 with the abbreviation "pd. pol. adv." and must prominently  
 1723 state, "Paid for and sponsored by ... (name of person paying for  
 1724 political advertisement). Approved by ... (names of persons,  
 1725 party affiliation, and offices sought in the political  
 1726 advertisement)."...

1727  
 1728 This subsection does not apply to campaign messages used by a  
 1729 candidate and the candidate's supporters if those messages are  
 1730 designed to be worn by a person.

1731           Section 47. Section 106.17, Florida Statutes, is amended  
 1732 to read:

1733           106.17 Polls and surveys relating to candidacies.--Any  
 1734 candidate, political committee, committee of continuous  
 1735 existence, electioneering communication organization, or state  
 1736 or county executive committee of a political party may authorize

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1737 or conduct a political poll, survey, index, or measurement of  
 1738 any kind relating to candidacy for public office so long as the  
 1739 candidate, political committee, committee of continuous  
 1740 existence, electioneering communication organization, or  
 1741 political party maintains complete jurisdiction over the poll in  
 1742 all its aspects.

1743 Section 48. Section 106.25, Florida Statutes, is amended  
 1744 to read:

1745 106.25 Reports of alleged violations to Florida Elections  
 1746 Commission; disposition of findings.--

1747 (1) Jurisdiction to investigate and determine violations  
 1748 of this chapter and chapter 104 is vested in the Florida  
 1749 Elections Commission; however, nothing in this section limits  
 1750 the jurisdiction of any other officers or agencies of government  
 1751 empowered by law to investigate, act upon, or dispose of alleged  
 1752 violations of this code.

1753 (2) The commission shall investigate all violations of  
 1754 this chapter and chapter 104, but only after having received  
 1755 either a sworn complaint or information reported to it under  
 1756 this subsection by the Division of Elections. Such sworn  
 1757 complaint must be based upon personal information or information  
 1758 other than hearsay. Any person, other than the division, having  
 1759 information of any violation of this chapter or chapter 104  
 1760 shall file a sworn complaint with the commission. The commission  
 1761 shall investigate only those alleged violations specifically  
 1762 contained within the sworn complaint. If any complainant fails  
 1763 to allege all violations that arise from the facts or  
 1764 allegations alleged in a complaint, the commission shall be

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1765 | barred from investigating a subsequent complaint from such  
 1766 | complainant that is based upon such facts or allegations that  
 1767 | were raised or could have been raised in the first complaint. If  
 1768 | the complaint includes allegations of violations relating to  
 1769 | expense items reimbursed by a candidate, committee, or  
 1770 | organization to the campaign account before a sworn complaint is  
 1771 | filed, the commission shall be barred from investigating such  
 1772 | allegations. Such sworn complaint shall state whether a  
 1773 | complaint of the same violation has been made to any state  
 1774 | attorney. Within 5 days after receipt of a sworn complaint, the  
 1775 | commission shall transmit a copy of the complaint to the alleged  
 1776 | violator. If the executive director finds that the complaint is  
 1777 | legally sufficient, the respondent shall be notified of such  
 1778 | finding by letter, which sets forth the statutory provisions  
 1779 | alleged to have been violated and the alleged factual basis that  
 1780 | supports the finding. All sworn complaints alleging violations  
 1781 | of the Florida Election Code over which the commission has  
 1782 | jurisdiction shall be filed with the commission within 2 years  
 1783 | after the alleged violations. The period of limitations is  
 1784 | tolled on the day a sworn complaint is filed with the  
 1785 | commission. The complainant may withdraw the sworn complaint at  
 1786 | any time prior to a probable cause hearing if good cause is  
 1787 | shown. Withdrawal shall be requested in writing, signed by the  
 1788 | complainant, and witnessed by a notary public, stating the facts  
 1789 | and circumstances constituting good cause. The executive  
 1790 | director shall prepare a written recommendation regarding  
 1791 | disposition of the request which shall be given to the  
 1792 | commission together with the request. "Good cause" shall be



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1793 determined based upon the legal sufficiency or insufficiency of  
1794 the complaint to allege a violation and the reasons given by the  
1795 complainant for wishing to withdraw the complaint. If withdrawal  
1796 is permitted, the commission must close the investigation and  
1797 the case. No further action may be taken. The complaint will  
1798 become a public record at the time of withdrawal.

1799 (3) For the purposes of commission jurisdiction, a  
1800 violation shall mean the willful performance of an act  
1801 prohibited by this chapter or chapter 104 or the willful failure  
1802 to perform an act required by this chapter or chapter 104.  
1803 Willfulness is a determination of fact; however, at the request  
1804 of the respondent, willfulness may be considered and determined  
1805 in an informal hearing before the commission.

1806 (4) The commission shall undertake a preliminary  
1807 investigation to determine if the facts alleged in a sworn  
1808 complaint or a matter initiated by the division constitute  
1809 probable cause to believe that a violation has occurred. ~~The~~  
1810 ~~respondent, the complainant, and their respective counsel shall~~  
1811 ~~be permitted to attend the hearing at which the probable cause~~  
1812 ~~determination is made. Notice of the hearing shall be sent to~~  
1813 ~~the respondent and the complainant at least 14 days prior to the~~  
1814 ~~date of the hearing. The respondent and his or her counsel shall~~  
1815 ~~be permitted to make a brief oral statement in the nature of~~  
1816 ~~oral argument to the commission before the probable cause~~  
1817 ~~determination. The commission's determination shall be based~~  
1818 ~~upon the investigator's report, the complaint, and staff~~  
1819 ~~recommendations, as well as any written statements submitted by~~  
1820 ~~the respondent and any oral statements made at the hearing. No~~

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1821 ~~testimony or other evidence shall be accepted at the hearing.~~  
1822 ~~Upon completion of the preliminary investigation, the commission~~  
1823 ~~shall, by written report, find probable cause or no probable~~  
1824 ~~cause to believe that this chapter or chapter 104 has been~~  
1825 ~~violated.~~

1826 (a) When the investigator's report is completed, the  
1827 executive director shall notify the respondent that the report  
1828 is completed and shall send to the respondent a copy of the  
1829 investigator's report. The investigatory file and main complaint  
1830 file shall be open for inspection by the respondent and the  
1831 respondent's counsel at that time, and copies may be obtained at  
1832 no more than cost.

1833 (b) The respondent shall be given not less than 14 days  
1834 from the date of mailing of the investigator's report to file  
1835 with the commission a written response to the investigator's  
1836 report. This time period may be shortened with the consent of  
1837 the respondent, or without the consent of the respondent when  
1838 the passage of time could reasonably be expected to render moot  
1839 the ultimate disposition of the matter by the commission so long  
1840 as reasonable notice under the circumstances is given.

1841 (c) Counsel for the commission shall review the  
1842 investigator's report and shall make a written recommendation to  
1843 the commission for the disposition of the complaint. If the  
1844 counsel for the commission recommends that the commission find  
1845 probable cause, the recommendation shall include a statement of  
1846 what charges shall be at issue. A copy of the recommendation  
1847 shall be furnished to the respondent. The respondent shall be  
1848 given not less than 14 days from the date of mailing of the

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1849 recommendation of counsel for the commission to file with the  
 1850 commission a written response to the recommendation. This time  
 1851 period may be shortened with the consent of the respondent, or  
 1852 without the consent of the respondent when the passage of time  
 1853 could reasonably be expected to render moot the ultimate  
 1854 disposition of the matter by the commission, so long as the  
 1855 recommendation is furnished to the respondent within a  
 1856 reasonable period of time under the circumstances.

1857 (d) The respondent and each complainant, their counsel,  
 1858 and the counsel for the commission shall be permitted to attend  
 1859 the hearing at which the probable cause determination is made.  
 1860 Notice of the hearing shall be sent to the respondent, each  
 1861 complainant, and counsel for the commission at least 14 days  
 1862 before the hearing. This time period may be shortened with the  
 1863 consent of the respondent, or without the consent of the  
 1864 respondent when the passage of time could reasonably be expected  
 1865 to render moot the ultimate disposition of the matter by the  
 1866 commission, so long as the notice is furnished within a  
 1867 reasonable period of time under the circumstances.

1868 (e) The probable cause determination is the conclusion of  
 1869 the preliminary investigation. The respondent and the counsel  
 1870 for the commission shall be permitted to make brief oral  
 1871 statements in the nature of oral argument to the commission,  
 1872 based on the investigator's report, before the probable cause  
 1873 determination. The commission's determination shall be based  
 1874 upon the investigator's report, the recommendation of counsel  
 1875 for the commission, the complaint, and staff recommendations, as  
 1876 well as any written statements submitted by the respondent and

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1877 any oral statements made at the hearing. No testimony or other  
 1878 evidence will be accepted at the hearing.

1879 (f) At its meeting to determine probable cause, the  
 1880 commission may continue its determination to allow further  
 1881 investigation; may order the issuance of a public report of its  
 1882 investigation if it finds no probable cause to believe that  
 1883 there has been a violation of this chapter or chapter 104,  
 1884 concluding the matter before it; may order a final, public  
 1885 hearing of the complaint if it finds probable cause to believe  
 1886 that there has been a violation of this chapter or chapter 104;  
 1887 or may take such other action as it deems necessary to resolve  
 1888 the complaint, consistent with due process of law. In making its  
 1889 determination, the commission may consider:

1890 1. The sufficiency of the evidence against the respondent,  
 1891 as contained in the investigator's report;

1892 2. The admissions and other stipulations of the  
 1893 respondent, if any;

1894 3. The nature and circumstances of the respondent's  
 1895 actions;

1896 4. The expense of further proceedings; and

1897 5. Such other factors as it deems material to its  
 1898 decision.

1900 If the commission finds probable cause, the commission shall  
 1901 determine what charges shall be at issue.

1902 (g) ~~(a)~~ If no probable cause is found, the commission shall  
 1903 dismiss the case and the case shall become a matter of public  
 1904 record, except as otherwise provided in this section, together

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1905 with a written statement of the findings of the preliminary  
 1906 investigation and a summary of the facts which the commission  
 1907 shall send to the complainant and the alleged violator. A  
 1908 finding of no probable cause by the commission is a full  
 1909 adjudication of all such matters. The commission may not charge  
 1910 a respondent in a subsequent complaint alleging violations based  
 1911 upon the same actions, nonactions, or circumstances wherein the  
 1912 commission found no probable cause.

1913 (h) ~~(b)~~ If probable cause is found, the commission shall so  
 1914 notify the complainant and the alleged violator in writing. All  
 1915 documents made or received in the disposition of the complaint  
 1916 shall become public records upon a finding by the commission.

1917 (i)1. Upon a commission finding of probable cause, the  
 1918 counsel for the commission shall attempt to reach a consent  
 1919 agreement with the respondent.

1920 2. A consent agreement is not binding upon either party  
 1921 unless and until it is signed by the respondent and by counsel  
 1922 for the commission upon approval by the commission.

1923 3. Nothing herein shall be construed to prevent the  
 1924 commission from entering into a consent agreement with a  
 1925 respondent prior to a commission finding of probable cause if a  
 1926 respondent indicates in writing a desire to enter into  
 1927 negotiations directed towards reaching such a consent agreement.  
 1928 Any consent agreement reached under this subparagraph is subject  
 1929 to the provisions of subparagraph 2. and shall have the same  
 1930 force and effect as a consent agreement reached after the  
 1931 commission finding of probable cause.

1932 (j) If a consent agreement is reached between the

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1933 commission and the respondent, counsel for the commission shall  
 1934 send a copy of the signed agreement to both complainant and  
 1935 respondent.

1936  
 1937 In a case where probable cause is found, the commission shall  
 1938 make a preliminary determination to consider the matter or to  
 1939 refer the matter to the state attorney for the judicial circuit  
 1940 in which the alleged violation occurred. Notwithstanding any  
 1941 other provisions of this section, the commission may, at its  
 1942 discretion, dismiss any complaint at any stage of disposition if  
 1943 it determines that the public interest would not be served by  
 1944 proceeding further, in which case the commission shall issue a  
 1945 public report stating with particularity its reasons for the  
 1946 dismissal.

1947 (5) Unless ~~When there are disputed issues of material fact~~  
 1948 ~~in a proceeding conducted under ss. 120.569 and 120.57,~~ a person  
 1949 alleged by the Elections Commission to have committed a  
 1950 violation of this chapter or chapter 104 elects ~~may elect,~~  
 1951 within 30 days after the date of the filing of the commission's  
 1952 allegations, to have a formal or informal hearing conducted  
 1953 before the commission, or elects to resolve the complaint by  
 1954 consent order, such person shall be entitled to a formal  
 1955 administrative hearing conducted by an administrative law judge  
 1956 in the Division of Administrative Hearings. The administrative  
 1957 law judge in such proceedings shall enter a final order subject  
 1958 to appeal as provided in s. 120.68.

1959 (6) It is the duty of a state attorney receiving a  
 1960 complaint referred by the commission to investigate the

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1961 | complaint promptly and thoroughly; to undertake such criminal or  
 1962 | civil actions as are justified by law; and to report to the  
 1963 | commission the results of such investigation, the action taken,  
 1964 | and the disposition thereof. The failure or refusal of a state  
 1965 | attorney to prosecute or to initiate action upon a complaint or  
 1966 | a referral by the commission shall not bar further action by the  
 1967 | commission under this chapter.

1968 |         (7) Every sworn complaint filed pursuant to this chapter  
 1969 | with the commission, every investigation and investigative  
 1970 | report or other paper of the commission with respect to a  
 1971 | violation of this chapter or chapter 104, and every proceeding  
 1972 | of the commission with respect to a violation of this chapter or  
 1973 | chapter 104 is confidential, is exempt from the provisions of  
 1974 | ss. 119.07(1) and 286.011, and is exempt from publication in the  
 1975 | Florida Administrative Weekly of any notice or agenda with  
 1976 | respect to any proceeding relating to such violation, except  
 1977 | under the following circumstances:

- 1978 |             (a) As provided in subsection (6);
- 1979 |             (b) Upon a determination of probable cause or no probable  
 1980 | cause by the commission; or
- 1981 |             (c) For proceedings conducted with respect to appeals of  
 1982 | fines levied by filing officers for the late filing of reports  
 1983 | required by this chapter.

1984 |  
 1985 | However, a complainant is not bound by the confidentiality  
 1986 | provisions of this section. In addition, confidentiality may be  
 1987 | waived in writing by the person against whom the complaint has  
 1988 | been filed or the investigation has been initiated. If a

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1989 finding of probable cause in a case is entered within 30 days  
 1990 prior to the date of the election with respect to which the  
 1991 alleged violation occurred, such finding and the proceedings and  
 1992 records relating to such case shall not become public until noon  
 1993 of the day following such election. When two or more persons  
 1994 are being investigated by the commission with respect to an  
 1995 alleged violation of this chapter or chapter 104, the commission  
 1996 may not publicly enter a finding of probable cause or no  
 1997 probable cause in the case until a finding of probable cause or  
 1998 no probable cause for the entire case has been determined.  
 1999 However, once the confidentiality of any case has been breached,  
 2000 the person or persons under investigation have the right to  
 2001 waive the confidentiality of the case, thereby opening up the  
 2002 proceedings and records to the public. Any person who discloses  
 2003 any information or matter made confidential by the provisions of  
 2004 this subsection commits a misdemeanor of the first degree,  
 2005 punishable as provided in s. 775.082 or s. 775.083.

2006 (8) Any person who files a complaint pursuant to this  
 2007 section while knowing that the allegations contained in such  
 2008 complaint are false or without merit commits a misdemeanor of  
 2009 the first degree, punishable as provided in s. 775.082 or s.  
 2010 775.083.

2011 (9) The commission shall maintain a database of all final  
 2012 orders and agency actions. Such database shall be available to  
 2013 the public and shall be maintained in such a manner as to be  
 2014 searchable, at a minimum, by issue, statutes, individuals, or  
 2015 entities referenced.

2016 Section 49. Subsection (4) of section 106.35, Florida



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2017 Statutes, is amended to read:

2018 106.35 Distribution of funds.--

2019 (4) Distribution of funds shall be made beginning on the  
 2020 32nd day prior to the primary ~~within 7 days after the close of~~  
 2021 ~~qualifying~~ and every 7 days thereafter.

2022 Section 50. Section 112.51, Florida Statutes, is amended  
 2023 to read:

2024 112.51 Municipal officers; suspension; removal from  
 2025 office.--

2026 (1) By executive order stating the grounds for the  
 2027 suspension and filed with the Secretary of State, the Governor  
 2028 may suspend from office any elected or appointed municipal  
 2029 official for malfeasance, misfeasance, neglect of duty, habitual  
 2030 drunkenness, incompetence, or permanent inability to perform  
 2031 official duties.

2032 (2) Whenever any elected or appointed municipal official  
 2033 is arrested for a felony or for a misdemeanor related to the  
 2034 duties of office or is indicted or informed against for the  
 2035 commission of a federal felony or misdemeanor or state felony or  
 2036 misdemeanor, the Governor has the power to suspend such  
 2037 municipal official from office.

2038 (3) The suspension of such official by the Governor  
 2039 creates a temporary vacancy in such office during the  
 2040 suspension. Any temporary vacancy in office created by  
 2041 suspension of an official under the provisions of this section  
 2042 shall be filled by a temporary appointment to such office for  
 2043 the period of the suspension. Such temporary appointment shall  
 2044 be made in the same manner and by the same authority by which a

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

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2045 permanent vacancy in such office is filled as provided by law.  
 2046 If no provision for filling a permanent vacancy in such office  
 2047 is provided by law, the temporary appointment shall be made by  
 2048 the Governor.

2049 (4) No municipal official who has been suspended from  
 2050 office under this section may perform any official act, duty, or  
 2051 function during his or her suspension; receive any pay or  
 2052 allowance during his or her suspension; or be entitled to any of  
 2053 the emoluments or privileges of his or her office during  
 2054 suspension.

2055 (5) If the municipal official is convicted of any of the  
 2056 charges contained in the indictment or information by reason of  
 2057 which he or she was suspended under the provisions of this  
 2058 section, the Governor shall remove such municipal official from  
 2059 office. If a person was selected to fill the temporary vacancy  
 2060 pursuant to subsection (3), that person shall serve the  
 2061 remaining balance, if any, of the removed official's term of  
 2062 office. Otherwise, any vacancy created by the removal shall be  
 2063 filled as provided by law. For the purposes of this section, any  
 2064 person who pleads guilty or nolo contendere or who is found  
 2065 guilty shall be deemed to have been convicted, notwithstanding a  
 2066 suspension of sentence or a withholding of adjudication.

2067 (6) If the municipal official is acquitted or found not  
 2068 guilty or is otherwise cleared of the charges which were the  
 2069 basis of the arrest, indictment, or information by reason of  
 2070 which he or she was suspended under the provisions of this  
 2071 section, then the Governor shall forthwith revoke the suspension  
 2072 and restore such municipal official to office; and the official

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2073 shall be entitled to and be paid full back pay and such other  
 2074 emoluments or allowances to which he or she would have been  
 2075 entitled for the full period of time of the suspension. If,  
 2076 during the suspension, the term of office of the municipal  
 2077 official expires and a successor is either appointed or elected,  
 2078 such back pay, emoluments, or allowances shall only be paid for  
 2079 the duration of the term of office during which the municipal  
 2080 official was suspended under the provisions of this section, and  
 2081 he or she shall not be reinstated.

2082 Section 51. Section 106.37, Florida Statutes, is repealed.

2083 Section 52. Subsections (2) and (3) of section 189.405,  
 2084 Florida Statutes, are amended to read:

2085 189.405 Elections; general requirements and procedures;  
 2086 education programs.--

2087 (2)(a) Any independent special district located entirely  
 2088 in a single county may provide for the conduct of district  
 2089 elections by the supervisor of elections for that county. Any  
 2090 independent special district that conducts its elections through  
 2091 the office of the supervisor shall make election procedures  
 2092 consistent with the Florida Election Code.

2093 (b) Any independent special district not conducting  
 2094 district elections through the supervisor of elections shall  
 2095 report to the supervisor in a timely manner the purpose, date,  
 2096 authorization, procedures, and results of each election  
 2097 conducted by the district.

2098 (c) A candidate for a position on a governing board of a  
 2099 single-county special district that has its elections conducted  
 2100 by the supervisor of elections shall qualify for the office with

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2101 the county supervisor of elections in whose jurisdiction the  
 2102 district is located. Elections for governing board members  
 2103 elected by registered electors shall be nonpartisan, except when  
 2104 partisan elections are specified by a district's charter.  
 2105 Candidates shall qualify as directed by chapter 99. ~~by paying a~~  
 2106 ~~filing fee equal to 3 percent of the salary or honorarium paid~~  
 2107 ~~for the office, or a filing fee of \$25, whichever is more.~~  
 2108 ~~Alternatively, candidates may qualify by submitting a petition~~  
 2109 ~~that contains the signatures of at least 3 percent of the~~  
 2110 ~~district's registered electors, or any lesser amount of~~  
 2111 ~~signatures directed by chapter 99, chapter 582, or other general~~  
 2112 ~~or special law. No election or party assessment shall be levied~~  
 2113 ~~if the election is nonpartisan.~~ The qualifying fee shall be  
 2114 remitted to the general revenue fund of the qualifying officer  
 2115 to help defray the cost of the election. ~~The petition form shall~~  
 2116 ~~be submitted and checked in the same manner as those for~~  
 2117 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~

2118 (3) (a) If a multicounty special district has a popularly  
 2119 elected governing board, elections for the purpose of electing  
 2120 members to such board shall conform to the Florida Election  
 2121 Code, chapters 97-106.

2122 (b) With the exception of those districts conducting  
 2123 elections on a one-acre/one-vote basis, qualifying for  
 2124 multicounty special district governing board positions shall be  
 2125 coordinated by the Department of State. Elections for governing  
 2126 board members elected by registered electors shall be  
 2127 nonpartisan, except when partisan elections are specified by a  
 2128 district's charter. Candidates shall qualify as directed by

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2129 ~~chapter 99. by paying a filing fee equal to 3 percent of the~~  
 2130 ~~salary or honorarium paid for the office, or a filing fee of~~  
 2131 ~~\$25, whichever is more. Alternatively, candidates may qualify by~~  
 2132 ~~submitting a petition that contains the signatures of at least 3~~  
 2133 ~~percent of the district's registered electors, or any lesser~~  
 2134 ~~amount of signatures directed by chapter 99, chapter 582, or~~  
 2135 ~~other general or special law. No election or party assessment~~  
 2136 ~~shall be levied if the election is nonpartisan. The qualifying~~  
 2137 ~~fee shall be remitted to the Department of State. The petition~~  
 2138 ~~form shall be submitted and checked in the same manner as those~~  
 2139 ~~for nonpartisan judicial candidates pursuant to s. 105.035.~~

2140 Section 53. Paragraph (a) of subsection (1) of section  
 2141 191.005, Florida Statutes, is amended to read:

2142 191.005 District boards of commissioners; membership,  
 2143 officers, meetings.--

2144 (1) (a) With the exception of districts whose governing  
 2145 boards are appointed collectively by the Governor, the county  
 2146 commission, and any cooperating city within the county, the  
 2147 business affairs of each district shall be conducted and  
 2148 administered by a five-member board. All three-member boards  
 2149 existing on the effective date of this act shall be converted to  
 2150 five-member boards, except those permitted to continue as a  
 2151 three-member board by special act adopted in 1997 or thereafter.  
 2152 The board shall be elected in nonpartisan elections by the  
 2153 electors of the district. Except as provided in this act, such  
 2154 elections shall be held at the time and in the manner prescribed  
 2155 by law for holding general elections in accordance with s.  
 2156 189.405(2)(a) and (3), and each member shall be elected for a

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2157 term of 4 years and serve until the member's successor assumes  
 2158 office. Candidates for the board of a district shall qualify as  
 2159 directed by chapter 99. ~~with the county supervisor of elections~~  
 2160 ~~in whose jurisdiction the district is located. If the district~~  
 2161 ~~is a multicounty district, candidates shall qualify with the~~  
 2162 ~~Department of State. All candidates may qualify by paying a~~  
 2163 ~~filing fee of \$25 or by obtaining the signatures of at least 25~~  
 2164 ~~registered electors of the district on petition forms provided~~  
 2165 ~~by the supervisor of elections which petitions shall be~~  
 2166 ~~submitted and checked in the same manner as petitions filed by~~  
 2167 ~~nonpartisan judicial candidates pursuant to s. 105.035.~~  
 2168 ~~Notwithstanding s. 106.021, a candidate who does not collect~~  
 2169 ~~contributions and whose only expense is the filing fee is not~~  
 2170 ~~required to appoint a campaign treasurer or designate a primary~~  
 2171 ~~campaign depository.~~

2172 Section 54. Paragraph (a) of subsection (1) of section  
 2173 582.18, Florida Statutes, is amended to read:

2174 582.18 Election of supervisors of each district.--

2175 (1) The election of supervisors for each soil and water  
 2176 conservation district shall be held every 2 years. The  
 2177 elections shall be held at the time of the general election  
 2178 provided for by s. 100.041. The office of the supervisor of a  
 2179 soil and water conservation district is a nonpartisan office,  
 2180 and candidates for such office are prohibited from campaigning  
 2181 or qualifying for election based on party affiliation.

2182 (a) Each candidate for supervisor for such district shall  
 2183 qualify as directed by chapter 99. ~~be nominated by nominating~~  
 2184 ~~petition subscribed by 25 or more qualified electors of such~~

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2185 ~~district. Candidates shall obtain signatures on petition forms~~  
 2186 ~~prescribed by the Department of State and furnished by the~~  
 2187 ~~appropriate qualifying officer. In multicounty districts, the~~  
 2188 ~~appropriate qualifying officer is the Secretary of State; in~~  
 2189 ~~single county districts, the appropriate qualifying officer is~~  
 2190 ~~the supervisor of elections. Such forms may be obtained at any~~  
 2191 ~~time after the first Tuesday after the first Monday in January~~  
 2192 ~~preceding the election, but prior to the 21st day preceding the~~  
 2193 ~~first day of the qualifying period for state office. Each~~  
 2194 ~~petition shall be submitted, prior to noon of the 21st day~~  
 2195 ~~preceding the first day of the qualifying period for state~~  
 2196 ~~office, to the supervisor of elections of the county for which~~  
 2197 ~~such petition was circulated. The supervisor of elections shall~~  
 2198 ~~check the signatures on the petition to verify their status as~~  
 2199 ~~electors in the district. Prior to the first date for~~  
 2200 ~~qualifying, the supervisor of elections shall determine whether~~  
 2201 ~~the required single county signatures have been obtained; and~~  
 2202 ~~she or he shall so notify the candidate. In the case of a~~  
 2203 ~~multicounty candidate, the supervisor of elections shall check~~  
 2204 ~~the signatures on petitions and shall, prior to the first date~~  
 2205 ~~for qualifying for office, certify to the Department of State~~  
 2206 ~~the number shown as registered electors of the district. The~~  
 2207 ~~Department of State shall determine if the required number of~~  
 2208 ~~signatures has been obtained for multicounty candidates and~~  
 2209 ~~shall so notify the candidate. If the required number of~~  
 2210 ~~signatures has been obtained for the name of the candidate to be~~  
 2211 ~~placed on the ballot, the candidate shall, during the time~~  
 2212 ~~prescribed for qualifying for office in s. 99.061, submit a copy~~

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2213 ~~of the notice to, and file her or his qualification papers with,~~  
 2214 ~~the qualifying officer and take the oath prescribed in s.~~  
 2215 ~~99.021.~~

2216 Section 55. Subsection (1) of section 876.05, Florida  
 2217 Statutes, is amended to read:

2218 876.05 Public employees; oath.--

2219 (1) All persons who now or hereafter are employed by or  
 2220 who now or hereafter are on the payroll of the state, or any of  
 2221 its departments and agencies, subdivisions, counties, cities,  
 2222 school boards and districts of the free public school system of  
 2223 the state or counties, or institutions of higher learning, and  
 2224 all candidates for public office, except candidates for federal  
 2225 office, are required to take an oath before any person duly  
 2226 authorized to take acknowledgments of instruments for public  
 2227 record in the state in the following form:

2228 I, . . . ., a citizen of the State of Florida and of the  
 2229 United States of America, and being employed by or an officer of  
 2230 . . . .and a recipient of public funds as such employee or  
 2231 officer, do hereby solemnly swear or affirm that I will support  
 2232 the Constitution of the United States and of the State of  
 2233 Florida.

2234 Section 56. At the time of qualification, all write-in  
 2235 candidates must reside within the district represented by the  
 2236 office sought.

2237 Section 57. Except as otherwise expressly provided in this  
 2238 act and except for this section, which shall take effect upon  
 2239 becoming a law, this act shall take effect January 1, 2008.